

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, November 23, 2021 held in Yorktown Heights, New York 10598.

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

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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked if everyone would join him in a moment of silence to remember the victims of the tragedy in Wisconsin, as well as a good friend of the Town of Yorktown and former employee, Tom Travis, who passed away yesterday. He said we should also give thanks for living in a great community and recognizing that we should live a life focused on joy and gratitude this Thanksgiving.

INTRODUCTIONS

Supervisor Slater introduced the Town Board, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater announced the following:

- Happy Thanksgiving to all.
- Dr. Sherlita Amler, Westchester County Department of Health Commissioner, reminds all that COVID is still an issue within the county and the Town of Yorktown, as well as New York State and the country. There is an increase in active cases – today’s number is 123. There has been an anticipated bump in active cases since Halloween; another bump is anticipated with the coming holidays. Dr. Amler emphasized the importance of vaccines, as well as the booster, especially for those who received the J&J one-dose vaccine.
- There will be another booster clinic on Thursday, December 2, from 3:00 to 5:00 p.m. at the Albert A. Capellini Community & Cultural Center.
- Thursday garbage pickup will be on Wednesday this week due to the Thanksgiving holiday.
- The Turkey Trot, organized by Yorktown resident and former senator Terrence Murphy and the Taconic Roadrunners, will be held on Thanksgiving morning. All proceeds will go to local food pantries, as well as United for the Troops. It is a 5K run and will begin on Front Street.
- The menorah lighting, thanks to Rabbi Haber, will be held on Sunday at 4:30 p.m. at Veterans Field.
- The Holiday Lights Parade will be held Saturday, December 4.
- Supervisor Slater asked everyone to acknowledge our first responders and thanked them for their service and sacrifice.

FINAL DRAFT OF ENVIRONMENTAL ASSESSMENT FORM FOR THE PROPOSED
OVERLAY DISTRICTS LAW

Supervisor Slater introduced the final draft of the Environmental Assessment Form (EAF) for the proposed Overlay Districts presented by Frank Fish and Taylor Palmer, as well as Director of Planning John Tegeder, and Town Planner Robyn Steinberg. Also present was Scott LeVine, traffic consultant from Transpo.

Mr. Tegeder said there were two EAFs – one for each district, Yorktown Heights and Lake Osceola. The draft of the law has slight modifications and was distributed to the Board – the modifications did not change the process of the law, only some of the wording was changed, which surrounded the process by which the Town Board sees a project and determines that it is able to be processed under the Overlay District Law.

Frank Fish, BFJ Planning, gave an overview of the organization of the EAF. They started each EAF for both sections (Yorktown Heights and Lake Osceola) with the state environmental assessment form, which is a mandated form. These forms are generic forms, and are set up as site-specific forms. Since this is an area-wide issue, there are sections that they were directed to not answer. Mr. Fish said they added attachments to show how many units they felt could be developed within each district (Lake Osceola includes numbers with sewers and without sewers). They also looked at the impact of school-age children being added into the districts due to potential development. School superintendents for both districts have been apprised of these numbers. The traffic consultant also produced a traffic attachment to the forms. A water and sewer attachment was developed, in conjunction with Town Engineer Dan Ciarcia. Mr. Fish highlighted that in the Yorktown Heights district, there is a potential for the development of 400 units over the next ten years. His firm projected approximately 40-50 more public school children. The same was done for Lake Osceola; the numbers were smaller based on fewer units developed. These numbers were shared with the school districts. Mr. Fish said the growth in traffic in Yorktown Heights District may be slightly less over the next ten years because it allows residential and commercial would not be developed. Commercial development generates a little more per thousand square feet than residential. Mr. LeVine did two options in Lake Osceola – with a sewer system and without a sewer system – the one without sewer is about 1-1.5% increase and the one with sewer is about a 3% increase in traffic. Basically, it is a manageable traffic impact, particularly where you have four lane Route 6. Mr. Fish said there is water and sewer capacity the basic system in the Yorktown Heights District, for which you would need permission from NYS DEC and NYC DEP. The Lake Osceola District has properties on septic and the Town's Master Plan calls for sewer in Lake Osceola to help improve the water quality in the lake. He repeated that studies were done with both options and said he hoped the Town Board was in a position to make a Negative Declaration – no significant adverse impact on the environment. There are some impacts but they are not large and significantly adverse.

Supervisor Slater asked Scott LeVine to comment on the traffic impacts. Supervisor Slater mentioned that Mr. LeVine worked with the Yorktown Police Department to obtain data on traffic accidents in both sections.

Scott LeVine said they worked with both the YPD and the NYS DOT. He said the Triangle Shopping Center in the Heights district has the largest number of crashes. It has also been the most crashes with injuries over the past three years. He said none of the intersections they looked at had any fatalities. Lake Osceola has roughly twice as much traffic on Route 6 going east-west, as you do on East Main Street going east-west. There are approximately 10,000 vehicles per day on East Main Street, which is a lot because it has some poor features and poor geometry; there are several intersections that may be in need of traffic signals at some point in the coming years. Route 6 and Hill Boulevard and Route 6 and Lee Boulevard dominated the crash records in that area. The largest number of injuries occurred at Route 6 and Hill Boulevard. He said that, if this (the overlay district) works, Hill Boulevard will end up looking more like a main street rather than a suburban feel. In Lake Osceola, the traffic generation number is approximately a 1% increase of traffic in the area. Mr. LeVine said there are a series of mechanisms regarding parking in overlay zones that would provide flexibility, such as shared parking and conservation parking spaces – you provide the ability to build parking spaces in the future if they prove to be needed, but you don't have the developer initially build them. The physical space required to do so remains in the site plan. Shared parking spaces is the ability to share spaces that have different characteristics in terms of when they are the most needed. The example they used in their report was a church, which is busiest on Sunday, sharing with a commercial business that is busiest during the week.

Another example given was restaurants that are busiest in the evening sharing with businesses that peak during the daytime hours.

Councilwoman Roker said the Kmart parking area is designated commercial and there has not been a lot of commercial traffic there in many years. Is there a way to look at that as mixed-use?

Scott LeVine said they think about this in terms of where we are today and two future scenarios: where the zoning is left the way it is (commercial), which would generate much higher traffic and where overlay zoning is being used. He said that the increase in traffic under the overlay zoning would be looked at as individual applications come in, just like any other part of Yorktown.

Supervisor Slater asked him to repeat the part regarding individual applications.

Mr. LeVine said to look at Yorktown Green, for example. The Green comes in with an application after the overlay zoning is in place. They would look at what the need would be for a turn lane, a traffic signal, a sidewalk, parking, etc. – all of this would be looked at on a site-specific basis. He said the process they are going through right now relates to changing the zoning; there would be a separate process when individual applications come before the Planning Board.

John Tegeder asked if the overlay district is built out close to what has been projected, it will produce less traffic than if the zoning was left in place and the existing commercial space was filled by a big box store or cut up into smaller commercial entities. Nevertheless, the traffic generation would be similar to what Mr. LeVine's company has projected. The overlay district, as it is built out, will be less traffic than the existing zoning. Mr. LeVine said this is correct.

Councilman Patel said he is worried about what traffic is today because of the Amazon impact and jumbo trucks. This kind of traffic has created hazardous conditions for the residents and the motorists. He asked if these numbers were added into the current calculations. Mr. LeVine said they know there are serious traffic and congestion issues in both areas, particularly in the Heights. He said this is a separate question from the overlay zoning impact questions, which is really the focus of the SEQRA process. He said delivery trucks are all over the place and they are badly parked. COVID and the Amazon effect have made that impactful on many streets in northern Westchester. Mr. LeVine said they did not look at this, per se; however, crashes associated with that behavior would have been picked up in the crash analysis. He said, as he understands it, a big motivation for these overlay zones is that the economy is changing and the Amazon effect is impacting traffic and impacting the highest and best use of these areas.

Councilman Diana, also a member of the Traffic Advisory Board, said that in the area of East Main Street in Jefferson Valley, they have some ideas for short-term and long-term relief (stop signs, traffic lights, traffic circles) at certain intersections. He said this area is frequently used as a cut-through for people coming in from Putnam Valley. He spoke about other areas in the Lake Osceola District that need attention in terms of traffic issues. Mr. LeVine said "complete streets" make sure that particularly in hamlet-like locations streets both serve their traffic moving capacity and provide a sense of place that is convenient for pedestrians, cyclists, etc. and these are the things that should be considered in the area of East Main Street. Councilman Diana asked if the Town were to allow housing units up on the Hill property (150), was that the 1% percent they took into consideration in the study or was that existing excess travel. Mr. LeVine said the Hill property was not looked at – it would have to be looked at separately. He said he is aware of the property but it is not included in the numbers here because the question for the overlay zoning from a SEQRA perspective is what does the overlay zoning itself do to traffic?

Supervisor Slater said that the Planning Board is currently examining a proposal for solar energy on the Hill property – there is no proposal for 150 units. This is why it was not included in the study.

Councilman Lachterman added that they were already very far into the process for the Hill property project for solar energy.

Supervisor Slater said one of the things that was discussed with the Board and Scott LeVine is that a lot of the infrastructure improvements that they have seen in Town came about because of projects because otherwise the Town just simply could not afford them. Supervisor Slater asked

Mr. LeVine to provide an example of how an application in either Osceola or the Heights gets turned into a traffic improvement based on the application.

Mr. LeVine said there are two possibilities. One possibility is to be in reactive mode and the other possibility is to be in proactive mode. Reactive mode means that when an application comes in, you look at it, the boards are empowered to impose reasonable conditions and to mitigate any impacts (i.e., turn lane, traffic light) – those would be conditions of site plan approval, subdivision approval, etc. Mr. LeVine used an example of the Town of Clarkstown (Rockland County) as an example of a proactive mode. They have set up a system where they study ahead of time; they study the potential for individual property to come in and list specific road and pedestrian improvements that they would like to have happen concurrent with a development so the infrastructure is aligned in sync with the building of a development. If a development comes in, if it is going to be 50 units or 100 units, a table exists that says for every unit it is this many hundreds of thousands of dollars of mitigation fees.

Supervisor Slater said they had a conversation with John Tegeder regarding a fair share mitigation plan for potential development coming in and to make sure necessary funding is there to make improvements.

Councilwoman Roker said one of the biggest headaches in Town in terms of traffic is in the Heights at the Route 202 and Route 35 intersection and asked Mr. LeVine if it would be smart for the Town to have him do a study of what improvements would be needed in that area so that when a development came to be, the Town would have the mitigation money. Mr. LeVine said he would recommend this. The cost of the study would be rolled into the mitigation fee so it would be covered by the developer.

Councilman Lachterman asked how to charge the first guy in versus the last guy in. Mr. Levine said they come up with a reasonable scenario of how much development would come in over time. He said the point that Councilman Lachterman made is a very important one because a municipality can get into trouble when they treat different applicants differently. You do need to make sure when setting this up that everyone is treated fairly, whether they come in six months from now or six years from now.

Councilwoman Roker said that if the Town is going to look at this fee, which she thinks that should, they will need them to do a study done. Supervisor Slater said that in conversations with property owners and developers, they would appreciate this because they would know up front what they are getting into.

Mr. LeVine said another piece of this is that a developer can only do so much because many of the existing problems are due to development that happened decades ago. The Town also needs to interact with the county and the state. He said that performing the kind of study that Councilwoman Roker is referring to has the additional benefit of giving the data and the evidence to go to the state and say why a particular area like the Triangle Shopping Center needs to be done for specific reasons.

Supervisor Slater asked Mr. Fish to explain how he got to the projections of a potential build out and what the projection is versus what actually could be built. Mr. Fish said they met with the Planning Department and took the existing proposals and what kind of units they were (mostly multi-family) and then went through the overlay area to try to determine “soft sites” – vacant land or buildings, unstable tenants, etc. and tried to project if the owner would benefit from the overlay district. They added an estimate of the soft sites into their projections (approximately 25%) over ten years because not all soft sites will be developed. All proposals that they were aware of were added in and the number of units proposed in each. That becomes the basis for doing both the public school student projections and for Mr. LeVine doing the trip generation projections from the expected build out over the next ten years. He said from a SEQRA perspective, it is considered a reasonable worst-case scenario so that you can really look at the potential impacts.

Councilman Patel asked about the formula used to determine how many units are acceptable versus commercial properties. Mr. Fish said most of the units that make up the 405 number are units that are taken from exact proposals that have already been submitted. So they do know the huge majority are residential with some commercial component. Councilman Patel said many people come here because they want less density, especially since COVID. Mr. Fish said a lot of the

attraction in the northern suburbs is single-family homes, parks, open space, but not everyone. There are young people with no children who are looking to live where they grew up or empty nesters who do not want to maintain single-family homes. He also mentioned those who cannot afford single-family homes.

Councilwoman Roker asked Mr. Fish, at what point, do they go from a Negative Declaration to a Positive Declaration. Mr. Fish said there is no hard and fast rule on this. It is the decision of the Lead Agency (the Town Board) who knows the Town the best. A Positive Declaration has to be significant and adverse. He said their sense right now is that given the Yorktown school district's internal projection is that they are stable and do not anticipate a significant increase and the overlay would not create a significant impact. You then need to look at this the same way from a traffic standpoint and ask yourself if the level of service changes. Does the road system fail because of this action?

Councilwoman Roker said she is concerned about how the sewer issue was looked at because it is an issue for the Town. Taylor Young from BFJ said he spoke with Town Engineer Dan Ciarcia regarding the projected number of units and the number of gallons per day used and went with approximately 75,000 gallons per day and asked if there was significant capacity to handle the additional gallons per day and the waste treatment plant has the capacity for 1.5 million gallons per day. Mr. Ciarcia told him that right now Yorktown is at about 1.2 million gallons per day. Mr. Taylor said that right now there is a projected increase of about 75,000 gallons per day over the ten years and is well within the capacity. Councilwoman Roker said that right now the Town has about 1,000 residents waiting to go on sewer and that will increase the projection. Mr. Young said Mr. Ciarcia raised this issue and said the good news is that the sewer plant was constructed for a larger number than for that it is currently permitted. He said there are improvements the Town could make and then coordinate with NYC and NYS to allow the Town to use its full capacity, which is much larger than what is permitted now.

Councilman Patel said there are people in the Town who have lived here for thirty years who have not been able to have sewer. He said there may not be enough money to get everybody sewered, especially those who have been waiting.

Supervisor Slater asked Mr. Tegeder if, when approving subdivisions, are the homes hooked to sewers and Mr. Tegeder said yes, for those who are in the area and can avail themselves of the sewer system. Supervisor Slater said that they are not trying to put people in front of others who have been patiently waiting but there have been approvals and there have already been other residential homes that have been built that if they are able to connect to sewer have done so. He agreed with Councilman Patel that the properties he is referring to have been well documented and the Board is working very diligently to avail the property owners in the Hallocks Mill Sewer District of sewers. He reminded everyone that this is a potential projection for the overlay districts over a ten-year span. He said the Hallocks Mill Sewer District is also waiting to get the necessary funding from the county release to move the first phase forward. HMSD is a multi-phase, multi-year project, as well.

Councilwoman Roker said this is something that people know that the Town Board is aware of. She said it is always important to let people know. She asked Mr. LeVine to repeat what he said last week about the traffic study for Yorktown Heights regarding the Kmart area. Mr. LeVine said that from the 150 apartments at Yorktown Green 15-acre site, it would be approximately 680 trips over a 24-hour period. The number during the morning rush hour would be 56 trips per hour and in the weekday evenings it would be 59. Mr. Tegeder asked for the numbers for the time when the Kmart commercial entity existed.

Mr. Fish then discussed the site-specific review process that each proposal would have to go through under the overlay process. He said the developer would be presenting more specific EAFs, landscaping plans, lighting plans, etc. He said the Planning Board would most likely be overseeing these plans.

Mr. LeVine said from the 400 new residential units, and leaving aside the Kmart and Food Emporium area, there would be approximately 2,500 trips on a typical weekend day over a 24-hour period. This works out to be, during the morning and afternoon rush hours, about 165 in the morning and about 200 in the afternoon – this is strictly on the increase side. He said to keep this in perspective; this is not just from the Yorktown Green site but everything in the overlay zone.

He said the Kmart and Food Emporium area shows a decrease in approximately 90,000 square feet of commercial space. This amount of space would generate about 6,000 trips per day, or 150 trips during the morning peak hours and a lot more in the evening – about 470. Mr. Tegeder said it would be a reduction to about 3,000 under the overlay district. There was a discussion about commercial versus residential zoning in the Kmart/Food Emporium area.

Councilman Patel asked Mr. Tegeder about correspondence from a resident, Mr. Jim Glatthaar. Mr. Tegeder said there was a verbal discussion at a Town Board meeting with Mr. Glatthaar that Rich Fon was a part of and Mr. Glatthaar provided written suggestions that he gave Councilman Patel when he came in to his office. Mr. Tegeder said that language has been put into the latest version of the Overlay District Law. Mr. Tegeder pointed out that these were very minor wording changes as to what the Town Board was going to do when they were receiving requests from developers – they were clarifying language and did not change the Town Board's process.

Mr. Tegeder said that after last week's presentation they decided to be a little more conservative with the build out, especially with the Lake Osceola area. So rather than using 15% per the non-sewer situation, they used 20% so it actually makes the projection for more units. He said they felt that was more conservative and a safer way to do in terms of doing the projection of potential development. He and Councilwoman Roker had a brief discussion about sewers in the Lake Osceola area. Mr. Tegeder said that it is possible with the overlay zoning in Lake Osceola that developers could work together with each other and neighbors to get sewers established.

Supervisor Slater mentioned the public hearing for this proposed law on December 14 at the Albert A. Capellini Cultural & Community Center and thanked BJB for their presentation.

DESTINATION Y CAMPAIGN SHOP LOCAL CAMPAIGN

Supervisor Slater introduced Geoff Thompson and Elizabeth Thompson from Thomas and Bender, as well as Sergio Esposito, President of the Yorktown Chamber of Commerce.

Mr. Thompson said they were going to talk about an extension of the Destination Y Campaign that will focus on businesses and restaurants and all that is going on in Yorktown during the holiday time. They have developed a plan with Supervisor Slater's and Mr. Esposito's input to come ways of promoting businesses and the community theater and would like to kick it off this Friday, November 26.

Supervisor Slater said that if the Board is in favor of moving this campaign forward, then he can mention this during his press conference during the upcoming weekend to announce Small Business Saturday and how the Town is rallying behind the small businesses of Yorktown.

Elizabeth Bender presented a slide presentation of the Yorktown Holiday Promotion campaign. Valerie Hovasapian, also from Thompson and Bender, assisted with the technical aspects of the presentation. Ms. Bender explained that the campaign will build awareness while also extending the Destination Y campaign to make the Town of Yorktown the destination for all things "holiday." The budget for the campaign is \$18,500. It is a 100% hyper-local focused media plan, including paid social media activation, partnership with established Westchester media companies to deliver targeted and premium positioning. She discussed all of the platforms they will be using – social media, paid social media, digital sponsorships, etc. – and the audience they are targeting (millennials, families, seniors).

Supervisor Slater asked Mr. Esposito about funding for this and how the Chamber of Commerce may be able to help. Mr. Esposito said he reached out to Halston Media who they have a barter sponsorship with and they are happy to accommodate the Yorktown ads; therefore, between the Chamber and Halston, the ad campaign will be covered, which will be a considerable savings for the Town. He said the campaign is fantastic and requested that the New Year's Eve ball drop be added since it brings people into the businesses and restaurants.

Supervisor Slater said this would trim the budget.

Councilman Lachterman said he was a little concerned that the businesses being advertised were concentrated in the Heights district and Ms. Bender said other businesses will be added, as more information is received.

Supervisor Slater confirmed with Ms. Hovasapian that the links on the webpage also includes the YSBA (Yorktown Small Business Association) and she confirmed that it is listed. Mr. Esposito said all businesses would benefit from this campaign.

THOMPSON & BENDER DESTINATION Y HOLIDAY CAMPAIGN

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

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

From: A1990.499.1	General Fund – Contingency	\$12,000.00
To: A1220.442.1	Communication	\$12,000.00

for payment to Thompson and Bender for holiday destination program.

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

RECREATIONAL FIELD USE PROPOSED FEE STRUCTURE

Supervisor Slater welcomed Parks and Recreation Commissioner Matt Talbert and Parks and Recreation Superintendent James Martorano to discuss a rate fee change. Mr. Talbert said that right now they have two rate fees: a sponsored club rate fee and a for-profit organization rate fee. He said they are looking for Granite Knolls only – rate fees are not changing for Legacy because they are still held under the bonds until 2026 so they can only go 50% lower than the sponsor club fee, which is our lowest fee. For Granite Knolls they are looking to do a sponsor club fee, an in-town for-profit organization fee, both of which already exist, and an out of town for-profit organization fee. Right now they have a \$50 per hour fee, with \$45 of the \$50 going to the turf replacement fund and a \$150 per hour fee with \$45 going to the turf replacement fund; \$5 on the \$50 go to revenue and \$105 on the \$150 go to revenue. Lights for the sponsor clubs are \$30; for the for profit organizations they are \$60. He said they are not looking for changes in the light fees. Mr. Talbert said that for 2022 they are looking to add a third tier for out of town for-profit organizations; they are looking to bring their rate to \$225 per hour. Mr. Talbert said research done around the county shows that this is very reasonable. He said the only thing they would like to do is change the turf replacement structure – where it was \$45 to turf replacement, they would like to change to \$40 and for the in-town for-profit organizations, \$80 to turf replacement, and out of town for-profits, \$120 to turf replacement. Mr. Talbert said right now they are at \$331,000 in the turf replacement fund and are not making the mark they need to get to in order to replace turf at Legacy Field for their goal of turf replacement in 2025.

Mr. Talbert said they would like to change the pickleball and tennis fees. Currently, the fee is \$20 per year for a resident pass; non-residents pay \$100 per year. They have sold approximately 430 passes over the year and the split is about 50-50 – out of towners and residents. Mr. Talbert said they would like to raise the resident fee to \$40 per year and non-residents to \$120 per year and requesting that 50% go into a court maintenance trust fund. He said they are finding that they do not have money at the end of the year to cover the cost to do minor repairs. Mr. Talbert said Jim (Martorano) had reached out to get prices and repairs that need to be made will cost approximately \$5,800. Instead of increasing the budget, they are hoping to get Town Board approval to have the users of the facility cover it in the trust funds.

Councilman Diana asked how much money was generated from the use of the field during the year and Mr. Talbert said they are working on getting the exact number for next month’s Commission meeting. Councilman Diana said would the fees for the lights pay for the electricity used and Mr. Talbert said that he tried to get a handle on the electrical use and cost during the winter but an estimated bill was done because the gates were locked and the meter reader could not get in and this was an astronomical cost. He said the idea of getting a real base of what it would cost to run the lights with having the field lights on did not work out. Supervisor Slater said that it costs \$5,000 a month for the lights at Granite Knolls.

Councilwoman Roker asked Town Comptroller Pat Caporale for the projection and the reality for the revenue lines. Supervisor Slater replied they are projecting \$75,000 for Granite Knolls and the collected to date is \$28,900. Projected revenue for adult program fees was \$65,000, collected to date is \$38,900; he said this is obviously COVID related. Youth program fees projected \$175,000;

collected to date \$188,000. Pool fees projected \$350,000; collected to date \$275,000. Camp fees projected \$485,000; collected to date \$170,000 (also COVID related). Legacy Field projected \$20,000; collected to date \$10,000. Recreation fees (this includes pickleball and tennis) projected \$65,000; collected to date \$52,500.

Councilwoman Roker said that obviously for some of these lines, the projections do not match the revenue and that is a problem for the Board.

Superintendent Martorano said that what Mr. Talbert is presenting is actually bringing in more revenue in – he is asking for less money for the turf replacement from the clubs and more money from the out of town for-profit organizations and is trying to get more revenue going forward.

Councilwoman Roker said what has to be considered is, out of the new fee schedule, how much money the Town would receive in revenue.

John Campobasso, Parks and Recreation Commissioner, said they did a comparison of ten municipalities in Westchester and our current lighting prices fall in the middle. Mr. Campobasso discussed with the Board the increase in fee schedule and where Yorktown falls within the county. Mr. Campobasso said this schedule change would be for the next two years. He also discussed the potential for the fields, marketing opportunities, etc.

Councilman Diana asked if the Commission had reached out for sponsorship for the signs for the fences. Superintendent Martorano said they are creating a form for businesses to complete. It is \$250 to purchase the sign from Signs Ink and an additional \$250 that goes to the turf replacement fund each year.

A discussion of the various fees and how they are processed and scheduled took place between the Commission, the Superintendent, and the Board in order to ascertain cost and revenue. Mr. Talbert mentioned that this is the first fully operational year and discussed where they have found problems.

Supervisor Slater said that in order for the rate fee schedules to move forward with Board support, the Parks and Recreation Superintendent would have to add it to the Master Fee Schedule, which can be included in the final budget. He said there should also be a resolution memorializing how these fees are going to be split up so there is no confusion. A resolution would also be needed for the creation of the pickleball and tennis maintenance trust and a resolution memorializing the split for said trust. Supervisor Slater recommended to Superintendent Martorano sitting with the Town Comptroller to tighten up the reconciliation aspects (when they get payments and receipts); he said there has to be a way to expedite that process so that it is more timely so that they have a better sense of the numbers involved. Superintendent Martorano agreed.

PROPOSED AMENDMENTS TO SOLAR LAW

Supervisor Slater said he felt it was important for the Board to have some concrete and specific amendments. He said he had circulated to the Board some ideas and suggestions based on conversations with department heads that may help direct the conversation in a more focused way. Supervisor Slater listed the proposed changes:

- increase the minimum size of the residential lot from 2 acres to 5 acres for large-scale ground mounts, which according to the Code, is greater than 25 kilowatts.
- increase the minimum size of a lot in a residential zone from 1 to 2 acres for an accessory ground mounted solar, which according to the Code, is less than 25 kilowatts.
- increase in the setback in residential zones from 50 feet to 100 feet for large-scale ground mounted solar.
- for residential accessory ground mounted solar (less than 25 kilowatts) a decrease in the allowed maximum height from 15 feet to 10 feet.
- work with the Assessor to codify the requirement for a pilot on all solar systems
- codify a requirement for an annual inspection of screening by the property owner and submit said report to the Town for large-scale systems (those larger than 25 kilowatts, per the Code), those reports would be submitted to the Planning Board and the Engineering Department; accessory ground mount sites with less than 25 kilowatts will submit their report to the Building Department.

- the following suggestions from the Fire Prevention Board are items the Planning Board has been including as part of their approval process so the Town might as well codify them:
 1. Emergency vehicle access roads for solar farm facilities shall meet Section 503, Appendix D of the Fire Code of New York State, which covers road length, wide, turn around dimensions, etc.
 2. The operators of the facility shall provide training to the local fire department and other first responders prior to the facility going online.
 3. Lock boxes shall be provided by the facilities to allow fire department access and for storage of vital information.
 4. The facility shall be designed to meet all New York State codes.

Supervisor Slater said these are the proposed amendments that help provide focus and direction for their discussions.

Councilman Diana said he liked the idea of 5 acres for large-scale facilities in residential zones and increasing the size in residential zones for less than 25 kilowatts. He said increasing the minimum size in residential zones for less than 25 kilowatts was 2 acres for an accessory structure and wondered if it could be made to 3 acres. Supervisor Slater said it was pointed out by Building Inspector John Landi that treating them as an accessory structure on residential property already exists and you do not limit accessory structures in residential property. Mr. Tegeder said this is only for residential use to offset the property owner's electricity costs, going to 3 acres may hamper this effort for the homeowner.

Councilman Diana and Supervisor Slater discussed the pilot for solar systems and its importance in making sure applicants come before the Town Board. Supervisor Slater stressed that the property owners still pay the taxes on the property; this is simply a pilot on the equipment that is going on top of the property.

Supervisor Slater said, for clarity, the Planning Board has included these points in the approvals they have given (i.e., IBM solar carport, Hemlock Hills Solar Farm.) He said that Mr. Tegeder would look into the height on the accessory structure ground mounts, per Councilman Diana's request. Supervisor Slater said another issue that may need to be considered was the residential ground mount proposals that remain behind the meter, meaning not being fed back into the grid, and the size of the lot in the residential zone. Councilman Diana mentioned that many of these are on a case-by-case basis that are already in the law. Supervisor Slater said that he believes they need to get a handle on the height for the residential accessory ground mounted solar (less than 25 kilowatt system) to see if the height can be decreased from 15 feet down to 12 or 10 feet.

Town Engineer Dan Ciarcia mentioned that NYSERDA has a new guidebook dated November 2021 and they have a unified solar permit for simple systems and the permit is for 25 kilowatts. Supervisor Slater said that this is why they made the change in the proposed amendment. Mr. Tegeder said the guidebooks can change significantly, which is what happened when the Town was writing the solar law.

Supervisor Slater said Mr. Tegeder will do additional research and Mr. Rodriguez can begin a draft of the proposed law with the amendments.

GRANITE KNOLLS INCLUSIVE PLAYGROUND

Supervisor Slater brought Superintendent Martorano back to update the Town Board on the Granite Knolls inclusive playground and the discussions between the Parks and Recreation Commission and the community advocates. Superintendent Martorano said the original discussion included planters around the inclusive playground that would have sensory plants inside them; they expanded this idea to a full sensory garden in a location that the Commission was leaning towards installing a fitness court. A meeting was held after the September 28th Town Board meeting to discuss the possibilities of a fence with planters combination. There was also the possibility, if this did not work out, to go with a fence if the Commission was willing to open and honestly consider and execute the sensory garden down in the sand dust area in between where the playground is going and the basketball court. Superintendent Martorano said it seems that they came to an agreement on that. He said his research on the planter/fence combination showed contractors did not like this idea because planters would need to be created and put in place first before they could do a job like this. The cost would be the same, if not a little more, because the

labor would have to be so accurate to incorporate the planters. There is going to be a 10-foot grassy area within the fenced area so planters could be placed in that area.

Supervisor Slater said the Board was interested in the type of fence they were considering. Superintendent Martorano was able to share his screen to show one type of fence. He said he obtained two quotes on this type of fence, ranging from \$23,000 to \$26,000; one of the companies is on the Buy Board system. The Town could either reach out to them or go out to bid. Supervisor Slater asked if the planter/fence combination was no longer an option and Superintendent Martorano said it is no longer an option given the time sensitivity of the project. He said the planters would have to be fabricated and up prior to the fence installation and with Ray Michael soon to be delivering the playground by early spring, at the latest.

Supervisor Slater said what makes him very uncomfortable is that the playground, theoretically, could show up tomorrow and this issue is still trying to be resolved. Superintendent Martorano said that is why the Buy Board option is the best option.

Councilwoman Roker asked Superintendent Martorano to explain the compromise the community advocates were willing to consider. He said they would allow for the fence without the planters and John Campobasso compromised that they would do the fence and would seriously get working on the sensory garden in the sand dust area. Supervisor Slater said this has to be looked at as two separate projects because the sensory garden is more of a long-term piece that still needs to be developed. The playground is coming soon and the fence issue needs to be resolved.

Councilman Diana said he likes the planters with benches and thinks it is an important part of not only the children going into the sensory garden but the parents being able to be there with them. He said these parents are probably at a higher level of observation of their children than most other parents because of the different types of disabilities and the risk of eloping. He said if the Town is going to pay for the fence anyway, why not get it done the way they want it done.

Councilwoman Roker said if it was not for this playground, she probably would not vote for a fence because she believes the situation has gone badly. However, she does not want to hamper the children's ability to use this playground and hopes in the future the Board will keep an eye on when residents come in to express what they would like to see in the Town and how those suggestions are met. She referenced the skateboard park and said there are some children that cannot use what we build and when people come forward to say something is good for children who are disabled, the Town needs to listen.

Supervisor Slater wondered if this would be similar to the gazebo where the Town purchases the material and the community advocates can bring in people to install it. Councilwoman Roker said they have already begun to fundraise for this.

Councilman Patel suggested more publicity on what they intend to do. In response to Supervisor Slater's question, Councilman Patel said he is comfortable with the planter/fence combination. Councilman Lachterman agreed with the planter/fence combination, as well. Superintendent Martorano reminded the Board that he did introduce the idea of planters being installed, not with the fence, but within a 10-foot grassy area within the fenced area. He believes the planter/fence combination does not make a lot of sense and to execute the plan would be very hard and likely not to happen.

A discussion took place regarding the size of the planters, fence, and general design of the structure.

Supervisor Slater said in order to get the fence, the Town Board is going to have to authorize the allocation of dollars so he did not think it unfair for the Town Board to understand what they are buying and to also have some input in what it is going to be.

Superintendent Martorano said his suggestion is an aluminum fence around the area.

Supervisor Slater repeated his frustration with not having a delivery date for the playground.

Superintendent Martorano made some suggestions as to the types of fences – the addition of hanging planters, etc. – in order to soften the look.

Councilwoman Roker suggested the community advocates meet with Superintendent Martorano to review the types of fences.

PROPOSED AMENDMENTS TO ALLOW MODIFICATION BY RESOLUTION TO THE MASTER FEE SCHEDULE

Supervisor Slater asked Town Attorney Adam Rodriguez to review the proposed amendment to the Master Fee Schedule. Mr. Rodriguez this is an amendment to Section 168-1 to allow the Town Board to amend the master fee schedule by resolution rather than by local law to provide efficiency and the ability to do that by short notice, if needed.

Councilwoman Roker asked for a definition of an administrative fee. If they are not collecting the fee now to cover administration, what is the separate new fee? Councilman Diana said he was wondering the same thing. He discussed a fee in a separate municipality in comparison to one of Yorktown's fees.

Supervisor Slater said he thought it was important to note that the Town is still going to make sure that it is included as part of the budgetary process so that the Town does not have the issues where fees are not updated for years and the Town finds itself in a disadvantaged position. He said when they pass the budget, it will include the master fee schedule and if there are any amendments to the master fee schedule, the Board can take them up at a later point in time prior to the budgetary process. As part of the budgetary process, the master fee schedule will continue to be reviewed on an annual basis to make sure that if there is anything that needs to be updated, it will be done in a timely fashion.

REFERRAL OF PROPOSED LOCAL LAW AMENDING CHAPTER 168-1 TO ALLOW MODIFICATION BY RESOLUTION TO THE MASTER FEE SCHEDULE RESOLUTION #465

Upon motion made by Supervisor Slater, seconded by Councilman Lachterman,

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies a proposed local law amending Chapter 168-1 of the Town Code of the Town of Yorktown to allow modification by resolution to the Master Fee Schedule.

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

Town Clerk Quast said that the earliest a public hearing could be set would be December 21, 2021.

APPROVE STORMWATER PERMIT FOR 3110 RADCLIFF DRIVE – URBAN RESOLUTION #466

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS, Amber Urban (“Applicant”) applied to the Town Board of the Town of Yorktown for a MS4 Stormwater Management Permit pursuant to Chapter 248 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to place approximately 425 cubic yards of fill to level back yard and construct a shed (the action) on a parcel currently improved with a single family residence situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 200 cubic yards of fill, 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 applicant has submitted a Town of Yorktown stormwater permit application FSWPP-049-21, dated August 30, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated August 30, 2021, and

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

Conservation Board, September 3, 2021
Planning Board, September 14, 2021

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); 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 following plans and documents are approved subject to the below-listed conditions;

- A drawing entitled: “Backyard Fill Plan Prepared for Amber & Michael Urban, Grading Plan Sections Details”, prepared by Putnam Engineering, PLLC., dated July 16, 2021, Sheet S-1);
- A drawing entitled: “Backyard Fill Plan Prepared for Amber & Michael Urban, Details”, prepared by Putnam Engineering, PLLC., dated July 23, 2021, Sheet D-1);

BE IT FURTHER RESOLVED THAT, the 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 and that all work associated with the Permit shall be conducted in strict compliance with the approved plans; and

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

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within twelve (12) 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. Prepare a Notice of Intent (NOI) to obtain coverage under the Stormwater General Permit for Construction Activity due to location of the property within the New York City Croton Watershed.
2. A construction monitoring fee in the amount of \$500 must be submitted to the Engineering Department Clerk.
3. 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 \$250 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.

Conditions of the Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
3. 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.

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

1. The Town Engineer and 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.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND FOR WORK DONE AT 3379 CROMPOND ROAD – CNB CONTRACTING CORP., IN THE AMOUNT OF \$500.00 RESOLUTION #467

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS, CNB Contracting Corp, as applicant, posted \$500 cash to serve as the Performance Bond which was deposited to the T33 account on October 25, 2018 for Permit #WP-BSWPPP-062-18, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, the above referenced bond be released to CNB Contracting Corp., P.O. Box 97 New Rochelle, NY 10804, Attn: William Lougheed and Elizabeth Dominguez.

WHEREAS, CNB Contracting Corp, as applicant, posted \$500 cash to serve as the Performance Bond which was deposited to the T33 account on October 25, 2018 for Permit #WP-BSWPPP-062-18, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced bond be released to CNB Contracting Corp., P.O. Box 97 New Rochelle, NY 10804, Attn: William Lougheed and Elizabeth Dominguez.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND FOR STORMWATER PERMIT #BSWPPP-049-19 FOR WORK DONE AT 3150 MOSS LANE – IN THE AMOUNT OF \$250.00 RESOLUTION #468

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS, Edmond Mezini as applicant, posted \$250 cash to serve as the Performance Bond which was deposited to the T33 account in August 23, 2019 for Stormwater Permit #BSWPPP-049-19, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced bond be released to Mr. Edmond Mezini, 3150 Moss Lane, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO PAY OUT MARTIN MCGANNON THE CASH VALUE OF UNUSED TIME AS OF HIS DATE OF RETIREMENT
RESOLUTION #469

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Martin McGannon the cash value of unused time as of his date of retirement:

Rate of Pay: \$38.1344

Sick	1471.88 hours @	50%	=	735.94 hours
	735.94 hours x	\$38.1344	=	\$28,064.63

Longevity
\$1,600 / 261 days = \$6.13 per day

03/23/21-11/152/21 =	169 days	
169 days x	\$6.13	= \$ 1,035.97

Total	\$29,100.60
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BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: YS909.8	Sewer Reserve Employee Accrued Benefits	\$28,064.63
YS8130.101	Sewer Salary	\$ 1,035.97
To: T905.1	Medical, Dental, Vision Premium Trust	\$28,064.63
YS8130.108	Sewer Lump Sum Payments	\$ 1,035.97

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

AUTHORIZE COMPTROLLER TO PROCESS A BUDGET TRANSFER FOR THE POLICE DEPARTMENT
RESOLUTION #470

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

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

From: A3120.102	Police Salary Uniform	\$170,000.00
To: A3120.111	Police Overtime	\$170,000.00

to cover overtime for 2021 Payrolls #23 through #26 (November 6, 2021 through December 31, 2021)

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW FOR DRIVEWAY PERMIT DR1218 IN THE AMOUNT OF \$500.00
RESOLUTION #471

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS, a representative of the Highway Department has inspected the premises at 1447 Delaware Road and found the work to be completed satisfactorily, now, therefore, be it

RESOLVED that the Town Comptroller is authorized to release the escrow for Driveway Permit, #DR1218 in, the amount of \$500.00.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
EQUIPMENT TO INSTALL SPEED DISPLAY SIGNS
RESOLUTION #472

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

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

From: A1002	General Fund – Fund Balance	\$66,847.00
To: A.3310.429	Street Sign Marking	\$66,847.00

for purchases from Kustom Signals, Inc and Stalker Radar Applied Concepts, Inc for equipment to install speed display signs. Purchases to be reimbursed through DASNY grant

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

AUTHORIZE POLICE CHIEF TO SIGN A MAINTENANCE AGREEMENT WITH
BUSINESS ELECTRONICS
RESOLUTION #473

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, the Chief of Police or his designee is authorized to sign a maintenance agreement with BUSINESS ELECTRONICS, INC. for servicing the Yorktown Police Department’s voice recorder equipment for the period December 15, 2021 through December 14, 2022. The annual contract amount is \$3,840.00.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY
FOR EXPANDED IN-HOME SERVICES FOR EDERLY PROGRAM
RESOLUTION #474

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, the Supervisor is authorized to enter into an agreement with the County of Westchester for the provision of expanded in-home services for the elderly program (EISEP) services, whereby the Town will be reimbursed a not to exceed amount of \$61,635; the term of the agreement is retroactive to April 1, 2021 through December 31, 2021.

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

APPROVE RIZZO LAWSUIT SETTLEMENT
RESOLUTION #475

Upon motion by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, the Town Attorney is authorized to settle the lawsuit entitled “Rizzo, et al vs. Town of Yorktown” for \$4,000.00.

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

ADJOURN

Upon motion made by Councilwoman Roker, seconded by Councilman Patel, the Town Board meeting was adjourned.

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