

Meeting of the Town Board, Town of Yorktown held on March 24, 2015
at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Susan M. Siegel, Councilwoman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman

Also present: Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
John Tegeder, Planning Director
John Winter, Building Inspector
Bruce Barber, Environmental Consultant
Sharon Robinson, Acting Town Engineer

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, the Town Board moved into Executive Session to discuss litigation and personnel matters related to particular people.

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, the Town Board moved out of Executive Session.

YORKTOWN SENIOR LIVING

Mr. Tim Cassidy began the discussion by explaining that there is a tremendous need for a facility that provides memory care in this area. This program which will provide a continuum of care for seniors is different from the program offered by the Field Home because there is no buy-in, it is a pay as you go program. Mr. Cassidy further stated that Tim Miller Associates conducted a Traffic Study, as requested by the Town Board and that their original plan was adjusted based on information from the study.

Members of the Town Board continued to express concern that this project will put additional traffic on Strawberry Road which is already problematic.

The applicant will meet with the New York State Department of Transportation.

GARDEN CLUB

Mrs. Denise Farrell explained that her group was back before the Town Board to request an additional \$4,000.00 in funding.

Supervisor Grace stated that they will have an answer in two weeks.

WATER DEPARTMENT

Mr. David Rambo, the Water Distribution Superintendent explained his request for purchasing a new Backhoe Loader. His department currently has one that is 25 years old. The one he has is better suited for work performed by the Parks and Recreation Department. Mr. Rambo stated that the Highway Superintendent will be able to use this piece of equipment when his department is in the northern section of Yorktown.

APPROVE PURCHASE OF BACKHOE - WATER DEPARTMENT RESOLUTION #108

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

WHEREAS, it is the intention of the Water Distribution Superintendent to purchase one 710K Backhoe Loader as specified in the New York State OGS Contract for Heavy Equipment and,

WHEREAS, Monies have been allocated in the 2015 Water Department budget line SW.8340.0201.0002 (equipment/vehicles) and,

WHEREAS, the 710K Backhoe Loader is listed as part of the New York State Contract #PC66575 awarded to John Deere Shared Services, Inc. d/b/a John Deere construction Retail Sales and,

THEREFORE BE IT RESOLVED, the Town Board authorizes the Yorktown Water Department to purchase a 710K Backhoe Loader off of the New York State Contract for Heavy Equipment from John Deere Construction Retail Sales for a total of \$151,833.83.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

SOLARIS PARKING

Mr. Chris Sciarra renewed his request for additional parking spaces in front of Solaris.

Highway Superintendent David Paganelli expressed concern with the request.

Planning Director John Tegeder stated that this would be a change to their site plan. The request needs to come before the Planning Board.

AFFORDABLE CARE ACT COMPLIANCE

Supervisor Grace explained why a firm of this nature had to be hired. He further stated that the Town does not have personnel that could do this type of work. We also do not want to incur any penalties.

Town Comptroller Patricia Caporale stated that she learned of this company while attending a finance conference

Michael Grinnell and Kirsten Tudman, representatives of CPI-HR handed the Town Board a list of municipalities in Westchester that have signed an agreement with them..

Councilwoman Siegel stated that her objection was that the Procurement Policy was not being followed. She would like to see quotes from other companies.

APPROVE ATTENDANCE FOR SANDRA SERRANO TO ATTEND 2015 KVS SPRINGBROOK CONFERENCE/TRAINING IN PORTLAND, OREGON RESOLUTION #109

Upon motion made by Councilman Bernard, seconded by Councilman Patel,

BE IT RESOLVED, that Sandra Serrano has permission to attend the 2015 KVS / Springbrook Conference / Training to be held in Portland, Oregon May 4, 2015 through May 8, 2015 at no cost to the Town.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

CONSTELLATION NEW ENERGY RESOLUTION #110

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

RESOLVED that the Town Board authorizes the Supervisor to sign an agreement between the Town of Yorktown and Constellation NewEnergy, Inc. so that the Town may participate in a municipal energy program realizing reduced electric and gas utility costs. The contract will be for a two year period commencing April 1, 2015 ending March 31, 2017

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

CHICKEN LAW

Yorktown Building Inspector John Winter explained that the law must be amended because the Town never placed a fee in the law relating to the issuance of a permit.

ADVERTISE PUBLIC HEARING TO AMEND SPECIAL USE PERMIT FEE FOR COOP FOR FOWL IN RESIDENTIAL LOT
RESOLUTION #111

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on Tuesday, April 21, 2015 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to amend Chapter 300 of the Zoning Code of the Town of Yorktown, setting a fee for a Special Use Permit for a coop for fowl on a residential lot.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

UNSAFE STRUCTURE

Yorktown Building Inspector John Winter stated that he would like to initiate an Unsafe Building Procedure at the next Town Board Meeting against 3535 Stoney Street.

STATE SENATE BILL S-03989
RESOLUTION #112

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

WHEREAS State Senator Tom Croci has introduced Bill Number SO3989 to create a Task Force to study and issue findings regarding the feasibility of licensing, regulating, registering or certifying sober living residences in New York State and issuing recommendations for any other program or policy initiative that the Task Force deems relevant.

NOW THEREFORE BE IT RESOLVED that the Town Board supports the passage of Bill Number SO3989 and urges State Senator Murphy to support passage of the bill and urges State Assemblyman Steven Katz to introduce and support a companion bill in the Assembly.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

BROAD STREET

After hearing from Mr. Gregory Kravstov, the Town Board agreed that he could place signs on private property in accordance with the first amendment. He cannot place them on public property and if the sign indicates that there is a fee involved, then he would have to get a commercial sign permit.

FORECLOSURE (2008-2012)

Barbara Korsak, the Receiver of Taxes and Jeannette Koster provided the Town Board with an update on these foreclosures.

HIGHWAY GARAGE RELOCATION
RESOLUTION #113

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

WHEREAS the Town of Yorktown Town Board has determined that relocation of the existing Town Highway Garage would be a benefit to the health, safety, and welfare of the public in terms of economic viability and aesthetic considerations and would offer benefits in efficiency to the operation of the highway department; and

WHEREAS the relocation will present the opportunity to redevelop the current highway garage site on Front Street for its downtown revitalization and economic development benefits; and

Whereas, the Town Board has developed a preliminary concept for the property that anticipates the construction of a mixed use 27,000 SF building with associated parking and enhancements and expansion of the park amenities at Patriot Park and the adjacent North County Trailway; and

WHEREAS in accordance with 6 NYCRR Part 617 State Environmental Quality Review Act, this project is identified as an unlisted action; and

WHEREAS the Town Board declares its intent to act as lead agency under SEQRA for this action; therefore

BE IT NOW RESOLVED that the Town of Yorktown Town Board hereby authorizes the Supervisor to refer the documents describing the project to all involved and interested agencies for the proposed Yorktown Highway Garage and Parks and Recreation Department facilities at the site identified herein.

Grace, Bernard, Diana Voting Aye
Siegel, Patel Voting Nay
Resolution adopted.

HIGHWAY GARAGE RELOCATION
RESOLUTION #114

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

WHEREAS the Town of Yorktown Town Board has determined that relocation of the existing Town Highway Garage would be a benefit to the health, safety, and welfare of the public in terms of economic viability and aesthetic considerations and would offer benefits in efficiency to the operation of the highway department; and

WHEREAS the Town Board has determined, after preliminary evaluation that the Town owned land fronting on Greenwood Street and housing a sewer treatment plant, salt storage sheds, and composting operations is suitable as the new site for the Town Highway Garage; and

WHEREAS the Town Board has determined, that the Town Parks and Recreation Department facilities should be considered to be relocated to the site identified herein; and

WHEREAS in accordance with 6 NYCRR Part 617 State Environmental Quality Review Act, this project is identified as an unlisted action; and

WHEREAS the Town Board declares its intent to act as lead agency under SEQRA for this action; Therefore

BE IT NOW RESOLVED that the Town of Yorktown Town Board hereby authorizes the Supervisor to refer the documents describing the project to all involved and interested agencies for the proposed Yorktown Highway Garage and Parks and Recreation Department facilities at the site identified herein; and

Grace, Bernard, Diana Voting Aye
Siegel, Patel Voting Nay
Resolution adopted.

ADVERTISE TOWN BOARD WILL MEET WITH PLANNING BOARD
RESOLUTION #115

Upon motion made by Councilman Patel, seconded by Councilman Bernard,

RESOLVED, that the Town Board of the Town of Yorktown will meet with the Yorktown Planning Board on April 6, 2015 at 7:00PM. This is a regularly scheduled meeting of

the Yorktown Planning Board to be held at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

APPROVE ATTENDANCE OF PARKS AND RECREATION PERSONNEL - NEW YORK STATE RECREATION AND PARK SOCIETY ANNUAL CONFERENCE IN SARATOGA, NEW YORK
RESOLUTION #116

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

Whereas, the Superintendent of Parks and Recreation has requested permission for three employees to attend the 2015 New York State Recreation and Park Society Annual Conference held in Saratoga, New York on April 26th – 28th, and

Whereas, sufficient funds exist in the Camp, Pool and Parks Training line, and

Whereas, the Department Head has deemed it beneficial to the Town to have these employees attend the training seminars, now,

Therefore, Be It Resolved, the following employees have permission to attend the 2015 New York State Recreation and Park Society Annual Conference held in Saratoga, New York on April 26th – 28th. Expenses, including registration and food, are expected to total approximately \$1,000. Additionally, said employees have permission to take a town vehicle for this conference.

Employees attending:
Brian Gray, Superintendent Parks and Recreation
Todd Orlowski, Assistant Superintendent
Erin Riedel, Assistant Superintendent

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

AUTHORIZE TOWN SUPERVISOR TO SIGN INTER MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR THE PURPOSE OF FACILITATING THE ELECTRONIC TRANSMISSION AND STORAGE OF INTEGRATED CRIMINALISTIC INFORMATION (RICI) SYSTEM
RESOLUTION #117

Upon motion made by Councilwoman Siegel, seconded by Supervisor Grace,

RESOLVED, that the Town Supervisor is authorized to sign an intermunicipal agreement with Westchester County for the purpose of facilitating the electronic transmission and storage of Integrated Criminalistic Information (“RICI”) System.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

AMEND FEE SCHEDULE FOR THE REFUSE AND GARBAGE DISTRICT FOR RESIDENTIAL PROPERTIES ENDED IN 250
RESOLUTION #118

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

WHEREAS, there are 28 residential properties in the Town of Yorktown that are classified on the assessment role as “250” – “residential properties of not less than five acres with a luxurious residence and auxiliary buildings.”

WHEREAS, in an effort to fairly reflect the total number of residential units requiring the Town’s solid waste disposal services,

THEREFORE, for those residential properties classified as “250”, the Refuse District fees shall be adjusted accordingly:

- 1 primary residential unit = 1
- 1 primary residential unit + 1 auxiliary unit = 1.4
- 1 primary residential unit + 2 auxiliary units = 1.8
- 1 primary residential unit + 3 auxiliary units = 2.2

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, the Town Board moved into Executive Session to discuss litigation

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, the Town Board moved back into the open meeting

APPROVE SPECIAL USE PERMIT FOR CONVALESCENT HOME AT 482 UNDERHILL AVENUE

RESOLUTION #119

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel,

Resolution on an Application for a Special Use Permit to operate a Sober Living Residence at 482 Underhill Avenue a/k/a Section 48.06, Block 1, Lot 25 on the Tax Map of the Town of Yorktown, Pursuant to Sections 300-3, 300-21, 300-28 through 300-36 of the Yorktown Town Code.

Nature of the Application

The owners of 482 Underhill Avenue, Tom McCrossan and Mark McGoldrick, d/b/a Compass Westchester, have applied for a special use permit to operate a convalescent home pursuant to the Code of the Town of Yorktown, Section 300-3, Section 300-21 C (1) (b) [3] and Sections 300-28 through 300-36. The property is located in a R1-40 residential zone.

The purpose of the convalescent home, hereinafter referred to either as a “Sober Living Residence” or a “SLR,” is to provide a temporary, transitional short term residential facility for up to a maximum of fourteen persons recovering from alcohol and/or substance abuse immediately after they have successfully completed an in-patient therapeutic alcohol and/or substance abuse program.

The convalescent home will operate in the three buildings currently located on the approximate three acre site as shown on SP-2 Site and Landscaping Plan (JWC) last revised 1/19/15 (Exhibit B) to be updated as per Conditions (Exhibit D) and on two different drawings with the same A101.00 designation (main house, first floor plan and guest cottage and garage existing floor plans) and drawing A102.00 (main house, existing second floor and attic floor plan) last revised 1/19/15. (Exhibit A)

The convalescent home will not provide any on-site therapeutic care other than peer interaction or treatment for alcohol and/or substance abuse or provide any on-site medical, psychiatric or professional counseling services.

The convalescent home will be a private pay facility and the persons residing in the facility will be accepted based on the admissions criteria enumerated in the Conditions (Exhibit D).

Review

The application has been reviewed by the Town Board subsequent to a Memorandum of the Building Inspector dated January 16, 2014 that the proposed SLR use complies with the definition of a convalescent home found in Section 300-3 and Section 300-21 C (1) (b) [3] of the Zoning Code and that a convalescent home is not a nursing home as defined in Section 300-42 of the Town Code. The Memorandum of the Building Inspector was appealed to the Zoning Board of Appeals (ZBA) on February 10, 2014, “French and Gironda Appeal No. 4/14,” for an interpretation.

The ZBA rendered a decision on July 24, 2014 (Exhibit C) upholding the memorandum of the Building Inspector that the proposed SLR is a convalescent home as defined in Section 300-3 and Section 300-21 C (1) (b) [3] of the Zoning Code; that a convalescent home and a nursing home constitute two distinct uses and as such, a convalescent home is not subject to the requirements of Section 300-42 of the Zoning Code; and that in the absence of any specific provisions in the Zoning Code designating the approval authority for special use permits for convalescent homes, it is “reasonable and appropriate” to consider the Town Board the approval authority for special use permits for convalescent homes.

The ZBA also found that there are no “specific or individual special permit requirements” for a convalescent home and as such, the only requirements for a convalescent home that must be met are the very general and minimal standards found in Section 300-36 of the Zoning Code and which apply to all special use permit applications.

The Zoning Board’s determination was upheld by a Decision and Order of the Westchester County Supreme Court dated March 17, 2015, in an Article 78 proceeding entitled French et al. v. Zoning Board of the Town of Yorktown (Index No. 3053-14).

It is an established fact in law that entitlement to a special use permit is not a matter of right and that applications for special use permits must meet applicable standards in the Zoning Code. It is also an established fact in law that approval authorities may impose additional “reasonable conditions” on the special use permit to assure compliance with those standards.

Findings

The Town Board is bound by the ZBA’s July 24, 2014 decision. As such, the only standards by which the Town Board can review the Compass Westchester application for a special use permit for a convalescent home are those found in Sections 300-28 through 300-35 and the following general minimal standards in Section 300-36, subsections A-D.

A. The location and size of the use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

B. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

C. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses.

D. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

After review of the Compass Westchester application by both the Planning Board and the Town Board; the May 19, 2014 Department of Health approval of the property’s septic system for a convalescent home subject to specific required modifications to the system and plumbing facilities in the dwelling units; and after taking into consideration written submissions and input from the general public at a public hearing held on March 4, 2014, April 1, 2014, October 7, 2014, October 21, 2014, and November 18, 2014, and deliberations thereon, the Town Board finds that, subject to the attached Conditions (Exhibit D), the Compass Westchester application meets the standards of Sections 300-28 through 300-35 of the Zoning Code and the general and minimal standards set forth in Section 300-36 of the Zoning Code and that for these reasons the

special use permit is granted for a period of three years from the date of this approval resolution and will be subject to renewal as indicated in the Conditions (Exhibit D).

Annexed and made part of this resolution is a determination under the State Environmental Quality Review Act that the herein action is an unlisted action and a finding that the proposed action presents no adverse environmental impacts.

Exhibit D Permit Conditions

The special use permit to operate a convalescent home at 482 Underhill Avenue, Yorktown Heights, NY, is subject to compliance with the following conditions.

1. The convalescent home shall not be occupied until the following conditions are met:
 - a. The Building Inspector shall assure that the premises are in compliance with the conditions of the Department of Health septic approval requiring the installation of a 2,000 gallon septic tank and the installation of low flow plumbing fixtures throughout the three dwelling units.
 - b. If the Applicants plan to continue use of the indoor swimming pool in the main building, they will provide copies of the Department of Health determination as to what type of pool permit is required and documentation that they have received the necessary permit/s and that they comply with all applicable codes. If the pool use is to be discontinued, it must be closed and protected in a manner approved by the Building Inspector and the Building Inspector shall provide a written report indicating that the pool has been satisfactorily closed.
 - c. The Applicants have submitted revised architectural drawings updating those in Exhibit A showing that the current number of bedrooms shall not exceed: 1) in the main house, four bedrooms on the second floor and one bedroom on the third floor; 2) in the garage, three bedrooms on the second floor; and 3) in the guest cottage, one bedroom on the second floor; and that such drawings shall be reviewed by the Building Inspector for compliance with all New York State building and fire codes.
 - d. In order to comply with the screening, landscaping, buffering and parking requirements of Section 300-36 of the Zoning Code, the Applicants shall update the 10/31/2014 SP-2 Site and Landscaping Plan (Exhibit B) and combine it with SP-1 (separate Exhibit B) in order to consolidate all the information onto one plan, said plan to be reviewed by the Building Inspector who shall provide written comments to the Town Board for its review and approval. The revised SP-2 Plan shall show the following:
 - i. The privet hedge shown on SP-2, dated 10/31/2014 should be moved to align with the stone wall.
 - ii. The plantings in the northeast corner of the parcel are to be four (4) Norway Spruces, 6-8 feet tall along the rear of the property and two (2) Doublefile Viburnum (VP) shrubs along the east side of the garage.
 - iii. Replacement of the existing chain link fence at the rear of the property with a new 6' stockade fence
 - iv. The location of existing outside lighting from the proposed parking spaces adjacent to French Hill Road to the main house, garage and cottage
 - v. The location of 9 existing parking spaces, drawn to scale, and the location of 6 conservation spaces with the notation whether they are for staff or visitors
 - e. Either the Building Inspector or the Environmental Code Inspector shall have inspected the parking, fencing, buffering and other site plan requirements included on the revised SP-2 as noted above and have issued a written report indicating that the site plan requirements have been satisfactorily complied with.
 - f. The Fire Inspector shall have inspected both the interior of the three dwelling units and the exterior of the property and issued a written report that the buildings and the site have been inspected and meet all applicable requirements of the NYS Fire Code and that the parking layout and traffic flow for emergency vehicles has been reviewed and found to be adequate.
2. Pursuant to Section 300-32 of the Zoning Code, this special use permit shall be considered null

and void if all the physical improvements required for this special use permit have not been completed within six months from the date of this resolution, the only exception to the six month period being if the July 24, 2014 Zoning Board of Appeals decision remains the subject of litigation.

3. Six months after the facility accepts its first residents, and annually thereafter, the Applicants shall meet with the Town Board and/or other designated Town Officials to discuss and review the Applicants' performance and adherence to the conditions of the special permit.
4. The Applicants shall adhere to their stated operational plans for the convalescent home as set forth below:
 - a. The following conditions shall apply to all persons applying for and accepted as temporary residents in the convalescent home
 - i. Shall be pre-screened by New York State licensed health care professionals
 - ii. Shall be employed, employable and, if not currently employed, actively seeking employment
 - iii. Shall be 18 years of age or older
 - iv. Shall have no current alcohol or substance abuse, shall agree to abstain from alcohol and/or illicit drugs while residing in the convalescent home and shall consent to random testing for same
 - v. Shall have no serious psychiatric illness
 - vi. Shall be subject to criminal background checks and have no history of violent behavior or crimes and no history of sexual misconduct or crimes
 - vii. Shall participate in off-site counseling and self-help meetings
 - viii. Shall be required to sign the House Rules (Exhibit E) prior to admission and adhere to the House Rules during their stay at the convalescent home
 - ix. Shall be self-pay with no government funding paying for the cost of their stay in the convalescent home
 - x. Shall not have been mandated for admission by the criminal justice system or any diversion program.
 - b. The Applicants will enforce the House Rules (Exhibit E).
 - c. The operation of the convalescent home shall be supervised by a house manager 24 hours a day/7 days a week
 - d. The maximum number of residents at one time shall be 14
 - e. The residents shall not be allowed to bring any motorized vehicles on the property, keep any motorized vehicles off-site, or drive any such vehicles at any time while residing in the convalescent home.
 - f. No changes are to be made in the House Rules without prior notice to the Town Board.
 - g. The Applicants shall perform a criminal background check on all prospective staff members.
 - h. There will be no exterior signage on the premises indicating the name of the facility
 - i. The Applicants will not use commercial vehicles for transporting residents of the convalescent home and there will be no signs on the passenger vans or cars displaying the name of the facility that are used to transport residents.
5. Any changes to the above operational plans shall be subject to prior notice to the Town Board.
6. The applicants shall provide transportation to off-site counseling and self-help sessions and shall provide appropriate transportation to all employed residents and those seeking employment.
7. The Applicants shall provide a staffing plan, indicating the number of type of positions of the people to be hired, on a part time or full time basis, and to provide the names and contact information (phone and email) for the house manager/s so that they can be contacted at any time in the event of an emergency situation. In the event the number of staff persons on premises at any given time exceeds four persons, the applicants will notify the Town Board which will review the existing approved site plan in order to determine if additional parking spaces are needed, and if so, where they should be located.
8. Staff members shall have prior work experience in sober living residences and/or other treatment modalities or other experience relevant to their position.
9. The Applicants shall provide a liaison, initially Thomas McCrossan, to all Town agencies, who will meet as requested to review any issues and concerns.
10. The Applicants shall respond to a request for a meeting with neighbors or town residents within a reasonable time after receiving such request and such meeting shall be held within a reasonable

time thereafter. Copies of such requests shall be sent to the Town Clerk and a representative of the Town may attend such meetings. If an emergency condition exists, the neighbors or town residents shall notify the Town Clerk as soon as practical and a representative of the town shall meet with the Applicants within 48 hours.

11. The Applicants must apply for the renewal of the special permit 90 days prior to the expiration the date of issuance of the permit.
12. Pursuant to Section 300-33 of the Town Code, the Town Board may revoke the special permit if the Board finds and determines, after a public hearing held in the manner provided for by law for that Board, that there has been a failure of compliance with the terms, conditions, limitations and requirements imposed by this permit.
13. The Applicants shall maintain adequate liability and other insurance and shall provide evidence of same to the Town Attorney within one month of the facility accepting its first resident.
14. In the event of a resident's failure to comply with the above-referenced House Rules, the Applicants will remove the resident from the premises.
15. The provisions of Section 300-30 of the Zoning Code notwithstanding, in the event there is a change of ownership in the property, or in the operator of the convalescent home such that neither of the Applicants, Thomas McCrossan or Mark McGoldrick, or a company in which at least one of them is a principal, an owner of the property and/or operator of the convalescent home, this permit shall be considered null and void. However, to assure a smooth transition to the new owner or operator, the new owner and/or operator may apply not less than 90 days before assuming ownership and/or operation for a renewal of this special use permit. Any new owner or operator shall be bound by the conditions of this permit and any additional reasonable conditions that the Town Board deems appropriate after the holding of a public hearing. If the new owner or operator fails to obtain a new special use permit, the convalescent home use shall be discontinued within 30 days from the expiration of the original special use permit and the use of the property shall revert to its present single family residential use.
16. Upon any revocation or expiration of the special permit, the use of the property shall revert to its present single family residential use.
17. The Town's Code Enforcement Officer shall be afforded reasonable access to inspect the property, insofar as relevant to the conditions of the special permit, in order to ensure compliance therewith and to check for compliance with other applicable Town codes.
18. During the duration of this special use permit, with the exception of ordinary repair, maintenance and landscaping operations, the grounds and the exterior of the buildings shall not be altered or modified, and the existing conditions shall be maintained in compliance with the plans approved in conjunction with the issuance of this special use permit. Any future interior changes to the buildings shall be subject to receiving all required permits and, in the event any interior changes are made, the Applicants will submit plans that will be attached to and become part of this special use permit.
19. During duration of this special permit, the Applicants will provide a landscaping performance bond, in an amount specified by the Town Engineer and for a period of three (3) years, to insure the survival of any trees or shrubs that are required to be planted pursuant to the above conditions.

List of Exhibits

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| Exhibit A | Architectural Drawings, as revised 1/19/2015, indication existing conditions <ul style="list-style-type: none">• SP-1.00: Site Plan – Indicating 3 dwelling units• A101.00: Main House Existing First Floor Plan• A102.00 : Main House Existing Second Floor and Attic Floor Plans• A101.00 Existing Cottage and Garage plan. (Note: 2 plans have the same number.) |
| Exhibit B | Exterior Drawings and Site Plans <ul style="list-style-type: none">▪ SP-2 dated 10/31/14 “Site Layout and Landscaping Plan”▪ SP-1 dated 10/31/14 “Existing Site Plan” |

Exhibit C ZBA Determination
Exhibit D Conditions
Exhibit E House Rules

Grace, Siegel, Diana Voting Aye
Patel, Bernard Voting Nay
Resolution adopted.

HIGHWAY DEPARTMENT

Highway Superintendent explained why he would be requesting a budget transfer on the next Town Board Agenda. This should cover the cost of salt for the remainder of the 2015/2016 season.

PROCEDURES AND LIAISON APPOINTMENTS

After a discussion on Courtesy of the Floor, the Board agreed that there would be a three minutes time limit and that the Town Board would not interrupt nor get into a discussion with the speaker until they have returned to their seat.

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel, The Town Board Meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown