

TOWN BOARD AGENDA  
TOWN OF YORKTOWN  
APRIL 5, 2016

PLACE:  
TOWN HALL

TIME:  
7:30pm

- I. PLEDGE OF ALLEGIANCE
- II. MOMENT OF SILENCE
- III. REPORT FROM SUPERVISOR MICHAEL GRACE
- IV. REPORTS FROM TOWN COUNCIL
- V. PRESENTATIONS
  - Yorktown Police Department
    - Traffic Safety Officer-Police Officer Justin Foley
  - The Battle of Yorktown
    - Kim Angliss Gage, Coordinator Refuse & Recycling
- VI. PERSONNEL
  - Accept the resignation of Brian Gray, Superintendent of Parks and Recreation effective April 15, 2016.

VII. PUBLIC HEARINGS

**Public Hearing to consider Revisions to the Yorktown Housing Choice Voucher Program**

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 5<sup>th</sup> day of April, 2016 at 7:30 o'clock PM or as soon thereafter, as the same can be heard to consider revisions to Yorktown's Housing Choice Voucher Program.

**Public Hearing to consider a proposed local law adding a new Article IX to Chapter 10 entitled Industrial and Commercial Incentive Board**

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 5<sup>th</sup> day of April, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider adding a new Article IX to Chapter 10 of the Code of the Town of Yorktown entitled "INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD."

**Public Hearing to consider a proposed local law amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER" by amending Section 280-19 (E)(1)**

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 on the 5<sup>th</sup> day of April, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER" by amending Section 280-19 (E)(1) to include a \$275.00 fee payable to the Water Department for replacement of old or worn out water meters upon a change of ownership of property.

**VIII. ADVERTISEMENTS**

**Advertise Bid for Laboratory Services for the Water Pollution Control Plant**

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on Thursday, April 21, 2016, for Laboratory Services for the Yorktown Heights Sewage Treatment Plant, Bid #16-1.

**Advertise Public Hearing for Increase and Improvement of Facilities Northern Westchester Joint Waterworks**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Yorktown, Westchester County, New York, will meet at the Town Hall, in Yorktown Heights, New York, on May 3, 2016, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Consolidated Water District, in said Town, consisting of the replacement and enlargement of the Catskill water tank at the Northern Westchester Joint Water Works, at a maximum estimated cost to the District of \$3,000,000.

**Advertise Public Hearing to consider a proposed Local Law to amend Chapter 15, Building Construction Administration**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 3<sup>rd</sup> day of May, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" by amending Section 15-4 (A) to modify the circumstances when a building permit is required.

**IX. RESOLUTIONS**

**Accept a Conveyance of Real Property consisting of 10.417 acres**

WHEREAS, the Town of Yorktown promotes the preservation of existing open and/or natural conditions as undeveloped wooded land without improvements as dedicated public parkland; and

WHEREAS, on March 29, 2016, 708 Underhill Avenue Corp. donated to the Town a parcel of property shown and described on Filed Map #29848 filed 3/29/2016

known as Lot 6.5 (Tax map ID number of 48.13-1-11.4) consisting of 10.417 acres for the purpose of dedicating the property as public parkland in the memory of the O'Keefe Family.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown accepts the conveyance of the property for the purpose of dedicating the property as public parkland in the memory of the O'Keefe Family.

RESOLVED, the Town Supervisor is hereby authorized to sign any required documents or forms and to take such further acts as may be necessary to finalize the conveyance of the donated property.

**Accept a Conveyance of Real Property consisting of 5 acres**

WHEREAS, the Town of Yorktown promotes the preservation of existing open and/or natural conditions as undeveloped wooded land without improvements as dedicated public parkland; and

WHEREAS, on March 29, 2016, 708 Underhill Avenue Corp. donated to the Town a parcel of property shown and described on Filed Map #29848 filed 3/29/2016 known as Lot 6.6 (Tax map ID number 48.13-1-11.5) consisting of 5 acres for the purpose of dedicating the property as public parkland.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown accepts the conveyance of the property for the purpose of dedicating the property as public parkland.

RESOLVED, the Town Supervisor is hereby authorized to sign any required documents or forms and to take such further acts as may be necessary to finalize the conveyance of the donated property.

**Grant a Conservation Easement and Declaration of Restrictive Covenants**

WHEREAS, the Town of Yorktown promotes the preservation of existing open and/or natural conditions as undeveloped wooded land without improvements; and

WHEREAS, on March 29, 2016, 708 Underhill Avenue Corp., which owns a parcel of property shown and described on Filed Map #29848 filed 3/29/2016 (tax map ID number part of 48.13-1-6), granted to the Town a conservation easement and a declaration of restrictive covenants for the purpose of maintaining and preserving the existing open and/or natural conditions as undeveloped wooded land without improvements as more fully stated in the Grant of Conservation Easement and Declaration of Restrictive Covenants.

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Yorktown accepts the Grant of Conservation Easement and Declaration of Restrictive Covenants over a parcel of property shown and described on Filed Map #29848 filed

3/29/2016 (tax map ID number part of 48.13-1-6) for the purpose of open space conservation; and be it further

RESOLVED, the Town Supervisor is hereby authorized to sign the Grant of Conservation Easement and Declaration of Restrictive Covenants together with any required documents or forms and to take such further acts as may be necessary to accept the Conservation Easement and Declaration of Restrictive Covenants.

**Amend Contract expiration date for Automated Control Logic, Inc.**

Whereas, Resolution #127 of 2015 authorizing the Supervisor to sign a contract with Automated Control Logic, Inc. for alarm monitoring of the HVAC Systems in the John C. Hart Memorial Library originally stated the contract date to be for one year from April 8, 2015 to April 7, 2016, and

Whereas, the contract was a two year contract that should expire on April 13, 2017, now

Therefore Be It Resolved, that Resolution #127 of 2015 is hereby amended to correct the expiration date of the contract to be April 13, 2017.

**Amend resolution granting use of Flexibility Standards for Fieldstone Manor Subdivision**

WHEREAS, the Yorktown Planning Board is currently reviewing the application of Lake Mohegan Mansion, L.L.C., (hereinafter the "Applicant") for approval of the proposed Fieldstone Manor subdivision, known on the Town of Yorktown tax map as Section 15.11 Block 1 lot 17; and

WHEREAS, on September 18, 2012, by resolution number 412, the Yorktown Town Board granted the request of the Planning Board for permission to use Flexibility Standards pursuant to Chapter 300, Article V, Section §300-22, and said resolution allowed the Applicant to partition the Field Mansion into two units, each having about 5,000 square feet, thereby preserving the building, which is cited in the 2010 Yorktown Comprehensive Plan as a historic resource; and

WHEREAS, on August 6, 2013, by resolution number 341, the Yorktown Town Board granted the applicant's request to amend the allowable number of units in the Field Mansion from two units to a maximum of seven units for a total maximum of twenty-one units allowable on the property; and

WHEREAS, the Planning Board is the lead agency with respect to SEQRA; and

WHEREAS, the Applicant now seeks to clarify the housing types allowable within the Field Mansion to include rental units; and

WHEREAS, after review and evaluation of this request, the Planning Board has determined that there are no significant impacts associated with allowing rental units as

compared with ownership units in the Field Mansion and therefore has no objection to The Town Board affirming that the allowable housing types in the Field Mansion include rental units; and now therefore,

BE IT HEREBY RESOLVED, Resolution 412 and 341 of September 18, 2012 and August 6, 2013, respectively, are deemed to include rental units as an allowable housing type in the Field Mansion; and

WHEREAS, this resolution shall not be considered to alter or affect the remaining proposed 14 single family units.

**Approve Memorandum of Agreement between Town and Yorktown PBA**

BE IT RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board hereby approves the Memorandum of Agreement between the Town of Yorktown and the Yorktown Police Benevolent Association covering the period January 1, 2015 through December 31, 2017 and authorizes the expenditure of funds consistent therewith; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute a collective bargaining agreement that is consistent with the terms of the Memorandum of Agreement.

**Approve Partial Refund for an Overpayment of a Sign Permit**

RESOLVED, that upon recommendation of the Building Inspector, a partial refund be given to Lite Brite Signs, Inc., 51 Montgomery Street, Middletown, NY 10940 in the amount of \$112.00 for an overpayment of a sign permit.

**Authorize extension of Temporary Sales Building Permit – Field Home**

Whereas, pursuant to Section 300-19 of the Code of the Town of Yorktown, good cause having been shown by the applicant, Field Home-Holy Comforter, the Town Board hereby approves an extension of its July 17, 2012 approval to construct and maintain a temporary sales building in connection with construction for a senior living residence located at 2300 Catherine Street, and

Whereas, the original extension approval was retroactive from July 17, 2013, and expires on July 16, 2016, and

Whereas, the applicant is requesting another extension approval from July 17, 2016, to expire on July 16, 2018, and

Whereas, this approval is subject to the \$1,000 cash bond posted to the Town Clerk in 2012 and continuing to be held by the Town, and to the applicant's compliance with all applicable laws and rules, now

Therefore Be It Resolved, that this extension is approved by the Town Board and may be renewed by the applicant by application to the Town Board within forty-five days before its expiration date.

**Authorize Police Vehicle Purchase off State of New York Office of General Services Contract**

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of four police vehicles in the Police Department's 2016 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Taurus Police Interceptors; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for Ford Taurus Police Interceptors; and

WHEREAS, Van Bortel Ford, Inc of East Rochester, New York has submitted the lowest bid for Ford Taurus Police Interceptors; and

WHEREAS, the State of New York Office of General Services has awarded contract # PC66688 to the lowest bidder, Van Bortel Ford; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase four (4) Ford Taurus Police Interceptors from the State of New York Office of General Services contract #PC66688 from Van Bortel Ford in the amount of approximately one hundred one thousand dollars and no cents (\$101,000.00).

**Authorize JCPC Holdings, LLC to submit a wetland, tree and stormwater permit application to Planning Board and off-site wetland mitigation on Town property**

WHEREAS, JCPC Holdings LLC ("the applicant") has applied to construct a building and associated improvements and fill approximately 12,000 +/- square feet of on-site wetlands on 1550 Front Street in the Town of Yorktown ("the action"); and

WHEREAS, the applicant cannot practically mitigate for the loss of wetlands on the subject property and seeks to construct wetlands off-site, and

WHEREAS, the Town of Yorktown owns a parcel of land located on Front Street known in the Town Assessor's tax rolls as Section 48.06 Block 1 Lot 36 which has been identified as a potential location for off-site wetland mitigation;

NOW THEREFORE BE IT RESOLVED THAT, the Town Board of the Town of Yorktown authorizes JCPC Holdings. LLC to submit a wetland, tree and stormwater permit application to the Planning Board with the following condition:

Any permit that is granted to conduct work on this site is subject to final review and approval by the Town Board.

**Award Bid for Leak Noise Correlator – Water Department**

WHEREAS, on or about February 24, 2016, a Notice to Bidders was sent to nine (9) water equipment supply companies for the purchase of a new LC-2500 leak noise correlator; and

WHEREAS, on the March 14, 2016 bid opening date three proposals were received from the following companies:

1. Matchpoint Water Asset Management, Inc. - \$18,995.00
2. Pollardwater - \$22,850.00
3. HD Supply Facilities Maintenance - \$25,850.00

WHEREAS, bidder #1 did not meet the specifications as outlined with the bidding document; and

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Water Distribution Superintendent to purchase one (1) LC-2500 Leak Noise Correlator from bidder #2 Pollardwater, the next lowest bidder, for \$22,850.00 from 2016 Water Department Equipment line SW.8340.0201.

**Award Bid for Towing Services License Agreement – Highway Department**

Resolved, that upon recommendation of Dave Paganelli, Highway Superintendent the bid for the Towing Services License Agreement in the amount of \$95,000.00 is hereby awarded to Yorktown Auto Bodyworks, Inc., the sole bidder located at 1798 Front Street, Yorktown Heights, New York.

**Release Escrow Permit #DR1185 – Parmly Road**

Resolved, that the Town Board authorizes the release of an escrow deposit in the amount of \$500.00 to 16 Lake Road, Inc. POB 508, Bedford, NY 10506. Driveway Permit No. DR1185.

**Release Escrow Permit #014-008 – 1719 Parmly Road**

Resolved, that the Town Board authorizes the release of an escrow deposit in the amount of \$2,000.00 to 16 Lake Road, Inc. POB 508, Bedford, NY 10506. Street Opening Permit No. 014-008.

X. COURTESY OF THE FLOOR

XI. MONTHLY REPORTS  
Building Permit Construction Report – February 2016, March 2016

XII. ADJOURN

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Diana L. Quast, Town Clerk  
Town of Yorktown

Dated: April 5, 2016

**\*\*AGENDAS ARE SUBJECT TO CHANGE\*\***

**Courtesy of the Floor Policy**

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

**Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk ([townclerk@yorktownny.org](mailto:townclerk@yorktownny.org)) or Town Supervisor ([supervisor@yorktownny.org](mailto:supervisor@yorktownny.org)), 363 Underhill Avenue, Yorktown Heights, NY 10598.**

**PUBLIC HEARINGS SCHEDULED – MAY 3, 2016**

A public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 3<sup>rd</sup> day of May, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider a proposed local law amending Chapter 15 of the Code of the Town of Yorktown entitled "BUILDING CONSTRUCTION ADMINISTRATION" by amending Section 15-4 (A) to modify the circumstances when a building permit is required.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Yorktown, Westchester County, New York, will meet at the Town Hall, in Yorktown Heights, New York, on May 3, 2016, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Consolidated Water District, in said Town, consisting of the replacement and enlargement of the Catskill water tank at the Northern Westchester Joint Water Works, at a maximum estimated cost to the District of \$3,000,000.

A public hearing will be held by the Town Board of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 3<sup>rd</sup> day of May, 2016, at 7:30 o'clock P.M., or as soon thereafter as the same can be heard to consider an Extension to the Hunterbrook Sewer District – Orchard View Subdivision.



A public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 3<sup>rd</sup> day of May, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard for the purpose of repealing Chapter 102 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING."

**PUBLIC HEARINGS ADJOURNED**

**Amend Special Use Permit – Mobil Gas Station:**

To demolish the existing 1000 square foot convenience store and construct a new 3000 square foot convenience store at the Mobil Gasoline Station located at 2035 Saw Mill River Road also known as Section 37.14, Parcel 2, Lot 51 on the Tax Map.

**Request for Rezoning – 3574 Lexington Avenue**

To consider a petition filed by RPG Properties, Inc. seeking a zoning map amendment and a proposed local law to amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows: The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to the R-3 zoning district:

Section 15.15, Parcel 1, Lot 22 (15.15-1-22) (approximately one acre)