

Meeting of the Town Board, Town of Yorktown held on October 18, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for the employment of particular persons. Upon motion made by Councilman Patel, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the American Flag.

MOMENT OF SILENCE

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

DURING REPORTS FROM THE TOWN SUPERVISOR, Michael Grace announced that tomorrow evening at YCCC, Spectra Energy will make a presentation for its FERC (Federal Energy Regulatory Commission) permit requirement for the federal regulatory commission for the Atlantic Bridge Project which is the next leg of the gas pipeline which is a removal and replacement project. A lot of the work has been done between Lexington Avenue and Stoney Street. This leg of the job will be predominantly in Yorktown.

The Yorktown Street Fair was held even though the weather was not good. Turnout was good, nonetheless. The senior luncheon at the YCCC was very well attended and the Supervisor thanked those restaurants and grocery stores who participated. He also noted the wonderful relationship Yorktown has with its businesses for charitable events.

DURING REPORTS FROM TOWN COUNCIL, Councilman Diana said that United for the Troops is looking for some help. They will be having a fundraiser at the St. Elizabeth Ann Seton Church's masses on Sunday, October 23rd. The organization puts together packages for the troops and is looking for monetary donations to pay for the postage of the packages. Yorktown Against Heroin is having a seminar on October 26 entitled "Heroin, the Body Snatcher" which address all ages on the dangers of heroin. It will be held at the Yorktown Elks Club.

Councilman Bernard reported that the Water Department will be flushing hydrants in Sections 6 & 7 in the coming weeks, so residents may see some discoloration coming from their taps. Councilman Bernard thanked Chief Noble and the police officers who participated in the "Coffee with a Cop" morning.

Councilman Patel also congratulated the Chief. The Library Board had a plaque laid in the memory of a previous Board Chairperson, Mrs. Landsberg. He also stated that he is continuously monitoring the progress of a new water tank being built for the town. He mentioned that the Town Engineer said it is almost ready to go. Councilman Patel also asked residents to please conserve water. He mentioned the new Dick's Sporting Goods store was very nice but voiced his objection to their selling guns.

Councilman Lachterman also mentioned that United for the Troops has drop boxes around town (YCCC and Town Hall) where items can be donated. On October 29 the Yorktown Lions, in conjunction with the Department of Parks and Recreation, will sponsor a Halloween Parade to be followed by a carnival. The Yorktown Lions and the American Legion will be co-hosting a pasta night on November 18.

Councilman Diana also mentioned that the fundraiser at St. Elizabeth Ann Seton Church for United for the Troops would also be a good place for scouts to earn community service hours, just bring a parent or guardian.

Supervisor Grace mentioned his appreciation for Councilman Diana's involvement with the Yorktown Against Heroin program. He also mentioned what a wonderful police force Yorktown has. There is nothing more important local government can do than provide safety for its residents and to also have a police force that is so responsive to those residents. He mentioned that the police recently were able to arrest a suspect who may have been responsible for selling heroin to someone who died from an overdose.

POLICE PRESENTATION

Robert Noble, Chief of Police, spoke about the arrest that Supervisor Grace referred to. Due to the work of an outstanding narcotics officer the Town employees, as well as outside agencies, the suspect was convicted of narcotics conspiracy and is going to be sentenced. This is one of the first arrests under a new statute that allows such arrests. Yorktown Police also was responsible for the arrest of two suspects accused of selling narcotics and firearms.

Every five years the Police Department comes up for accreditation with the NYS Division of Criminal Justice Services. The Yorktown Police Department has received their accreditation for 2016 through 2021. Less than 40% of police departments maintain this accreditation. It is a strenuous process - the DCJS goes through all of the department's policies and procedures to make sure that everything is being done appropriately and Yorktown has met or exceeded the DCJS' standards. Chief Noble congratulated his department on this achievement. The PBA will also be having a function at the Navajo fields this coming Sunday for Yorktown children suffering from life-threatening diseases.

Chief Noble announced the following promotions to sergeant:

Sergeant Ken Sgroi attended college at SUNY Plattsburgh and received a Bachelor's Degree in Criminal Justice. He began his career with the Dutchess County Sheriff's Office in 2007. He was hired by Yorktown Police Department in 2009. In 2013 he received a certificate of commendation. He is a certified field training officer.

Sergeant Sgroi thanked the Board and the members of the Police Department as well as his family for their support.

Sergeant Kolkmann was hired 2008. He was recently assigned to the Traffic Safety Department. He attended New York City College of Technology and received a degree in Ophthalmic Dispensing and Allied Professions. Twice he has received meritorious police duty commendations. Sergeant Kolkmann is an asset to the Yorktown Police Department and has earned this promotion.

Sergeant Kolkmann thanked Chief Noble and the Board for the opportunity to serve the community. He also thanked his wife for her support.

Chief Noble announced the following appointment to police officer:

Police Officer Max Ellsworth grew up in Yorktown and attended Syracuse University with a degree in Hospitality Management. In 2013 he began his law enforcement career in New York City by attending their police academy. He was assigned to the 52nd precinct in the Bronx. Max is also part of the Yorktown Volunteer Fire Department since 2003 and is part of the Dive and Rescue Team. He is also a member of the Westchester Police Emerald Society. He just completed the field training officer's program.

Police Officer Ellsworth thanked Supervisor Grace, the Town Board, the Police Department, his wife and family for their support. He is looking forward to being able to give back to his community.

Chief Noble thanked the Town Board for their support and kind words.

PUBLIC HEARING FOR WETLAND/STORMWATER POLLUTION PREVENTION PERMIT FOR 220 SAW MILL RIVER ROAD - MURRAY BRENNAN

Supervisor Grace convened a public hearing to consider the Wetland/Stormwater Pollution Prevention Permit Application for the dredging of a pond located at 2200 Saw Mill River Road in the Town of Yorktown, also known as Section 37.10, Block 2, Lot 65. The request is to perform the following activity: suctioning harvest of 15,000 c.y. of bottom material from existing pond within C (T) stream. Material removed pumped into Geotubes for dewatering. Once dry (2 months), material is spread in 8" lifts across existing site material disposal area, then seeded. Affidavits of Posting and Publication were presented by the Town Clerk.

Peter Scott, architect and engineer, representing the applicant at 2200 Saw Mill River Road. The project consists of a restoration of an existing pond which is within a DEC classified water course. The proposed project will use a suction hydraulic harvesting to remove impounded sediments which have filled in the pond over the last 30 years. The material will be withdrawn through pipes into geo-tubes where it will dewater and the material will be used elsewhere on the site. All reviews have been done and issues addressed. Mr. Scott explained what will be planted on the property and the materials that will be used. Councilman Patel stated that this was a wonderful way to improve the quality of the water and asked Mr. Scott to explain how this method improves the environment and water. He complied with this request and presented how the pond will be brought back to life. Mr. Scott also mentioned that the site will be monitored for 4 years to ensure plant life survival and that the site is stable.

No public comments were received.

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

ADOPT NEGATIVE DECLARATION/SEQRA FOR BRENNAN – 2200 SAW MILL RIVER ROAD - WP-T-FSWPPP-057-16 - SECTION 37.10, BLOCK 2, LOTS 64, 66, 67 RESOLUTION #464

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

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

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

Name of Action: Wetland, Stormwater and Tree Permit for Murray Brennan, Town of Yorktown, New York.

SEQRA Status: ___ Type 1

X Unlisted

Conditioned Negative Declaration: ___ Yes

X No

Description of Action: Application is to dredge 15,000 cubic yards of pond bottom material using suction harvesting. Dredge spoils are to be pumped into a “Geotube” system which when dry, will be spread to a depth of approximately two feet in an approximate 40,000 square foot area (“the proposed action”). Town of Yorktown wetland, stormwater and tree as well as NYSDEC and ACOE permits are required.

Location: 2200 Saw Mill River Road, Town of Yorktown, Westchester County, New York. Parcel is indicated on the Town of Yorktown Tax Rolls as Section 37.10 Block 2 Lots 64, 66, 67.

Correspondence Received:

Town of Yorktown Conservation Board letter dated October 11, 2016
Town of Yorktown Tree Conservation Advisory Commission letter dated October 12, 2016
Town of Yorktown Environmental Consultant letter dated October 13, 2016
New York City Department of Environmental Protection (NYCDEP) letter dated October 13, 2016
New York State Department of Environmental Conservation (NYSDEC) dated September 9, 2016
New York State Department of Transportation (NYSDOT) letter dated October 11, 2016

Reasons Supporting This Determination:

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

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production.

Temporary disturbance to the ground and surface water will occur which shall be confined to the dredging period. The applicant has provided a comprehensive erosion and sediment control and construction sequence plan which has been prepared by a NYS Licensed Professional Engineer. This will isolate the work area and prevent sediment discharge downstream. Dredge spoils will be confined to geotubes to permit controlled drying. When dry, the dredge spoils will be spread on the property and will be seeded and covered with erosion control blankets. There will be a temporary increase in noise during construction however all work will be conducted in compliance with the Town of Yorktown Peace and Good Order ordinance. Traffic, air quality and solid waste production will not be modified.

2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

Trees will be cut to allow deposition of dredge material into the geotubes and ultimately to be spread on the parcels and graded. A mitigation plan consisting of herbaceous material as well as trees and shrubs has been provided by the applicant to restore the impacted wetland buffer, remove invasive species and increase overall function. There are no threatened and endangered species associated with the action. All care will be taken to minimize disruption of wildlife habitat and to maintain an aquatic bench consisting of native aquatic vegetation around the perimeter of the pond to provide refuge for trout and other fish, amphibians and associated wildlife. Screening on the suction harvester will prevent substantial reduction in fish and pond wildlife populations. There will be no substantial long-term adverse impacts to natural resources.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.

The dam is indicated to be constructed in 1895 but does not appear on historical designations. The dredging project will not occur within 15' of the dam structure.

6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.

Pursuant to conditions of approval, the dam will be inspected by a qualified professional prior to the commencement of work.

7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

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

APPROVE WETLAND/STORMWATER POLLUTION PREVENTION/TREE PERMIT
FOR BRENNAN – 2200 SAW MILL RIVER ROAD - WP-T-FSWPPP-057-16
SECTION 37.10, BLOCK 2, LOTS 64, 66, 67
RESOLUTION #465

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

WHEREAS, the applicant proposes to dredge approximately 15,000 cubic yards of material from an existing pond and deposit the dredged material on site and,

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

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

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

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

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

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board serves as approving authority; and

WHEREAS, the applicant has submitted a Town of Yorktown wetland, tree and stormwater permit application WP-T-FSWPP-057-16, dated August 9, 2016; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), Part I dated August 1, 2016; and

WHEREAS, the Town of Yorktown Conservation Board has provided a review letter dated October 11, 2016; and

WHEREAS, the Town of Yorktown Tree Conservation Advisory Commission has provided a review letter dated October 12, 2016; and

WHEREAS, the Town of Yorktown Environmental Consultant has provided a review letter dated October 13, 2016; and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has provided a review letter dated October 13, 2016; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has provided a review letter dated September 9, 2016; and

WHEREAS, the New York State Department of Transportation (NYSDOT) has provided a review letter dated October 11, 2015; and

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

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on September 6, 2016 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held opened on October 18, 2016 in order to solicit comments from the public regarding the proposed action, and

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

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

WHEREAS, the Town Board of the Town of Yorktown has determined that the action will not have a significant adverse impact on the environment, and a Notice of Determination of Non-Significance dated October 18, 2016 is issued and:

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

- Plans entitled; “2200 Saw Mill River Road, 2255 Broad Street” prepared by P.W. Scott Engineering and Architecture dated 08/12/16, 3 sheets: SY1, SY2, SY3.
- Town of Yorktown Stormwater Pollution Prevention, Wetland and Tree Permit Application dated 08/08/16 executed by Peder Scott, P.E.

- Short-form Environmental Assessment Form (Part I) dated 08/01/16 executed by Peder Scott.
- Stormwater Pollution Prevention Plan prepared by Peder W. Scott, P.E., R.A. dated 08/16/16.
- Letter entitled: “Preliminary Statutory Permit Review” dated 08/09/16 executed by Peder Scott, P.E., 2 pages.
- Letter entitled: “Brennan Project” dated 05/20/16 executed by Peder Scott, 1 page.
- Tax Map sheet indicating the subject properties and adjoining properties.

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

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

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

BE IT FURTHER RESOLVED THAT the below-listed conditions must be completed within one (1) year of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said one (1) year period and granted by the Town Board.

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

1. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control and Wetland Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work.
5. Applicant must provide documentation to the satisfaction of the Town Attorney that all parcels that are a part of this application are controlled by a legally acceptable single owner/entity.

Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the stormwater permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Town Engineer.
4. A pre-construction meeting with the applicant’s contractors and the Town Environmental Consultant 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.

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

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

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

PUBLIC HEARING FOR WETLAND/STORMWATER POLLUTION PREVENTION PERMIT FOR RODRIGUEZ RESIDENCE - 2464 HUNTERBROOK ROAD

Supervisor Grace convened a public hearing to consider the Wetland/Stormwater Pollution Prevention Permit Application for property located at 2464 Hunterbrook Road in the Town of Yorktown, also known as Section 36.05, Block 2, Lot 45. The request is to perform the following activity: construction of an attached 1 car garage, adding of second floor over existing residence, removal of existing covered deck, construction of a new smaller uncovered deck, removal of existing 1 story addition at rear of house, widening of existing driveway, as well as construction of Cultec 280 infiltrators to mitigate increase in runoff. Affidavits of Posting and Publication were presented by the Town Clerk.

Bob Waterhouse, neighbor to the property, and wanted to state that he had no problem with the project but wanted to know why the storm drain that transverses the property to the stream behind it isn't on the survey. Supervisor Grace said that a "red flag" would be placed on this, so that when it goes to the Building Department, they will inspect the property. The Town Engineer said that a note will also be made for their pre-construction meeting.

Helena Rodriguez spoke about a conversation with David Paganelli about the drain and if the pipe to the drain is connected. Supervisor Grace said that this will be checked into before construction begins.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion by Councilman Bernard, seconded by Councilman Lachterman and carried, the hearing was closed.

ADOPT ENVIRONMENTAL FINDINGS/SEQRA FOR RODRIQUEZ RESIDENCE – 2464 HUNTERBROOK ROAD - #WPSWPPP-062-16 RESOLUTION #466

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

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

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

Name of Action: Wetland and Stormwater Permit for Rodriquez Residence, Town of Yorktown, New York.

SEQRA Status: ___ Type 1

X Unlisted

Conditioned Negative Declaration: ___ Yes

X No

Description of Action: Application is for a 2-story addition to a single family home. Town of Yorktown wetland and, stormwater permits are required.

Location: 2464 Hunterbrook Road, Town of Yorktown, Westchester County, New York.

Reasons Supporting This Determination:

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

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

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

APPROVE WETLAND/STORMWATER POLLUTION PREVENTION PERMIT
FOR RODRIGUEZ RESIDENCE – 2464 HUNTERBROOK ROAD - #WPSWPPP-062-16
RESOLUTION #467

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

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a Wetlands and a Storm Water Pollution Prevention Plan permit for construction of a two-story addition to a single family house.
2. A Public Hearing was held regarding this application on 10/18/16.
3. The Approval Authority for this permit application is the Town Board.
4. The application fee of \$3,300 was paid by the Applicant.
5. The Applicant submitted engineering plans prepared by Anthony S. Pisarri, P.E. Consulting Engineer, and dated 7/15/16.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. The following conditions are included as part of the Action: All comments listed in the Town Engineer's memo dated 9/22/16 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of a building permit.
 - a. The easement on the north side of the property was not shown correctly. Must maintain a minimum separation distance of 10 feet from the proposed building addition (we believe the current plan maintains this separation but Applicant/Engineer shall confirm).
 - b. A limit of disturbance shall be established in the rear of the house to restrict any work or storage of construction materials within 50-feet of Hunter Brook.
 - c. No erosion or sediment control measures were proposed and must be provided. Applicant shall install a double row of silt fencing in the rear of the house, see attached sketch.
 - d. Provide a sequence of construction for this project. Need to generally describe the work tasks needed to safeguard the site for erosion; i.e. (1) establish silt fence, (2) protect any trees to remain and (3) identify soil stockpile location.
 - e. Provide additional detail on the proposed trench drain, how is the drainage collected and where it is conveyed.
4. The conditions of the Stormwater Water Pollution Prevention Plan permit shall be as indicated in the Town Engineer's memo dated 9/13/16 and repeated below.

Conditions that must be met prior to the commencement of work:

1. An Erosion Control and Wetlands Protection Bond shall be established in the amount of \$750.00 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that a minimum of 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing have been removed, all post-construction controls have been satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. A Town of Yorktown Building Permit must be obtained from the Building Department.

3. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.
4. If fill is to be imported to the site, soil samples must be taken and tested at the Applicant's expense by a certified soil testing laboratory, to ensure there are no contaminants present in the imported soil prior to bringing the fill on site. Copies shall be furnished to the Engineering Department prior to the commencement of work.
5. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Manual of Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered or seeded/mulched with a silt fence around the perimeter. Any disturbed areas that are not worked on for greater than 7 days shall be seeded and mulched.
3. Only those trees marked in the field and on the plan and approved by the Environmental Inspector/Environmental Consultant at the pre-construction meeting are to be cut.
4. Road in front of property must be kept broom clean at all times.
5. All work to be performed in the Town right-of-way must be in accordance with current Town standards regardless of what may be shown or omitted on the plan. No soil storage in the Town right-of-way is permitted. Roadways shall be kept broom clean at all times.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department (ext. 220 for bond release) who will then inspect site and authorize bond release or further stabilization is required.

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

AUTHORIZE BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT
RESOLUTION #468

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

Resolved, as per request of David Paganelli, Highway Superintendent, the Comptroller is hereby authorized to transfer the following:

\$20,000.00 from D5110.810 Highway Medical to D5110.403 Highway Supplies & Materials for additional paving work to be performed.

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

AWARD BID FOR DEWATERED SLUDGE REMOVAL AND DISPOSAL #16-5
RESOLUTION #469

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

WHEREAS:

The Town performs on site dewatering of digested sludge at the Yorktown Wastewater Treatment Plant and needs a means to remove and dispose of dewatered sludge.

The Town had a previous contract in place for dewatered sludge removal and disposal, that contract expires on 10/31/16.

The Town publically advertised this project for bids following all Town procurement policies and procedures.

Bids were received from four (4) firms. Note: A fifth firm submitted a bid package, however they declined to provide a bid price.

The low bidder, Residuals Management Services, LLC (dba EarthCare) offered a bid price of \$99.50 per ton. This price is consistent with previous pricing that was in place and represents an approximate 5 percent reduction from the previous contract.

The Department reviewed the bid packages and confirmed that all requirements have been met and no exceptions to the terms and conditions were taken. We concur that Residuals Management Services, LLC (dba EarthCare) submitted the lowest bid and recommend award to them.

In accordance with the bid requirements, the contract duration will be for two (2) years. Upon mutual consent of the Contractor and the Town, the agreement may be extended for an additional two (2) year term.

RESOLVED, that the bid for Dewatered Sludge Removal & Disposal at the Yorktown Heights Water Pollution Control Plant, Bid #16-5 be awarded to Residuals Management Services, LLC (dba EarthCare) in the amount of \$99.50 per ton. The contract shall commence on 11/1/16 and be in effect for two (2) years, until 10/31/18.

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

AWARD BID FOR VARIOUS CHEMICALS FOR THE YORKTOWN HEIGHTS WATER
POLLUTION CONTROL PLANT #16-6
RESOLUTION #470

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

WHEREAS:

The Town requires the use of various chemicals for on-site operations at the Yorktown Heights Water Pollution Control Plant.

The Town has a current contract in place for the furnishing of chemicals. The contract expires on 10/31/16 at which time the Town will need to put a new contract in place.

The bid documents require the chemical prices be valid for a 1-year term. Upon mutual consent of the Contractor and the Town, the agreement may be extended for an additional one (1) year term.

The Department reviewed the bid prices and confirmed that all requirements have been met and no exceptions to the terms and conditions were taken. The prices were consistent with previous pricing that was in place.

The bid results are summarized in the Table below:

CHEMICAL	BIDDER	AMOUNT
Ferric Chloride	Slack Chemical Co., Inc. PVS Technologies, Inc.	\$499.00 per dry ton \$502.00 per dry ton
Ferric Chloride 37% to 40%	Slack Chemical Co., Inc. Main Pool & Chemical Co. Surpass Chemical Co., Inc. Coyne Chemical Co., Inc.	\$84.32 per drum \$128.70 per drum \$130.20 per drum \$154.42 per drum
Caustic Soda 50%	New Haven Chlor-Alkali Surpass Chemical Co., Inc. Triathlon Industries, Inc. Kuehne Chemical Co., Inc. Main Pool & Chemical Co. Slack Chemical Co., Inc.	\$1.926 per gallon \$1.958 per gallon \$2.14 per gallon \$2.2204 per gallon \$2.24 per gallon \$2.379 per gallon
Caustic Soda 25%	New Haven Chlor- Alkali Main Pool & Chemical Co. Slack Chemical Co., Inc. Surpass Chemical Co., Inc.	\$78.80 per drum \$82.50 per drum \$84.31 per drum \$87.78 per drum
Citric Acid 50%	Shannon Chemical Corp. Coyne Chemical Company Slack Chemical Co., Inc. Surpass Chemical Co, Inc. Main Pool & Chemical Co.	\$287.87 per drum \$294.92 per drum \$298.42 per drum \$306.15 per drum \$349.00 per drum
Sulfuric Acid (not more than 51%)	Slack Chemical Co., Inc. Main Pool & Chemical Co. New Haven Chlor-Alkali Coyne Chemical Co., Inc.	\$136.44 per drum \$151.25 per drum \$158.00 per drum \$363.33 per drum
Sodium Bisulfite 38%	Slack Chemical Co., Inc. Main Pool & Chemical Co. Surpass Chemical Co., Inc. Coyne Chemical Co., Inc.	\$98.94 per drum \$114.95 per drum \$116.10 per drum \$146.45 per drum
Sodium Hypochlorite 15%	Slack Chemical Co., Inc. New Haven Chlor-Alkali Main Pool & Chemical Co. Surpass Chemical Co., Inc. Coyne Chemical Co., Inc.	\$81.95 per drum \$84.00 per drum \$84.70 per drum \$87.45 per drum \$125.63 per drum
Polymer (Calgon Poly-E-Z 6500 or equal)	Clean Waters, Inc. Slack Chemical Co., Inc. Coyne Chemical Co., Inc. Neo Solutions, Inc.	\$9.68 per dry ton \$9.92 per dry ton \$11.36 per dry ton \$11.77 per dry ton

RESOLVED, that the bid to supply Various Chemicals for the Yorktown Heights Water Pollution Control Plant is hereby awarded as follows:

The bid for Ferric Chloride be awarded to Slack Chemical Company, the low bidder, at a cost of \$499.00 per dry ton.

The bid for Ferric Chloride 37% to 40% be awarded to Slack Chemical Co., the low bidder, at a cost of \$84.32 per drum.

The bid for Caustic Soda 50% be awarded to New Haven Chlor-Alkali the low bidder, at a cost of \$1.926 per gallon, and be it further

The bid for Caustic Soda 25% be awarded to New Haven Chlor-Alkali, the low bidder, at a cost of \$78.80 per drum, and be it further

The bid for Citric Acid 50% be awarded to Shannon Chemical Corp., the low bidder, at a cost of \$287.87 per drum, and be it further

The bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$136.44 per drum, and be it further

The bid for Sodium Bisulfite 38% be awarded to Slack Chemical Company, Inc., the low bidder, at a cost of \$98.94 per drum, and be it further

The bid for Sodium Hypochlorite 15% be awarded to Slack Chemical Co., Inc., the low bidder, at a cost of \$81.95 per drum, and be it further

The bid for Polymer be awarded to Clean Waters, Inc., the low bidder, at a cost of \$9.68 per dry ton.

The contract shall commence on 11/1/16 and be in effect for one (1) year, until 10/31/17.

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

AWARD BID FOR ONE UNMARKED VEHICLE PURCHASE FOR THE POLICE DEPARTMENT
RESOLUTION #471

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

WHEREAS, invitation to bid for one (1) Police Department Unmarked Vehicle Purchase (or equivalent) for the Yorktown Police Department was duly advertised, and

WHEREAS, said bid was received and opened at 11:00A.M. on the 4th day of October 2016, and now therefore be it

RESOLVED, that upon the recommendation of the Chief of Police, the bid be and is hereby awarded to Park Ford of Mahopac Inc., located at 276 Rt. Six, Mahopac, NY 10541, the sole bidder of an equivalent vehicle.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (1) vehicle from Park Ford of Mahopac Inc., at a total cost not to exceed sixteen thousand nine hundred eighty nine dollars and no cents (\$16,989.00)

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

APPROVE RELEASE OF BOND #FSWPPP-008-12 – NYC DEP/URS CORP.
RESOLUTION #472

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

WHEREAS:

URS Corporation, as applicant for the NYC DEP, posted check #00294979 in the amount of \$1,500.00 which was deposited into the T33 account on December 5, 2012, to serve as the Erosion Control Bond for permit #FSWPPP-008-12 for the following work activity: reconstruction of an existing access road.

URS Corporation, as applicant for the NYC DEP, posted check #00294980 in the amount of \$750.00 which was deposited into the T76 account on December 5, 2012, to serve as the Construction Monitoring Escrow fee for permit #FSWPPP-008-12 and a balance of \$75 from remains in the escrow account (total \$825),

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 monies totaling \$2,325.00 be released to URS Corporation, One Penn Plaza, Suite 600, New York, NY 10119, Attn: Mr. Ed O'Connor.

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

AUTHORIZE COMPTROLLER TO PAYOUT CASH VALUE OF UNUSED TIME –
JOHN LAPLACA
RESOLUTION #473

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

Be It Resolved that the Town Board hereby authorizes the Town Comptroller to pay John LaPlaca the cash value of unused time and pro-rated longevity as of his date of retirement:

Rate of Pay:	\$ 62.3970 hourly				
	\$499.18 daily				
Compensatory	52.00 hours	x	\$ 62.3970	=	\$3,244.65
Holiday Pay	9.75 days	x	\$499.18	=	\$4,867.01
Longevity					
	\$6,075 / 248 days = \$24.50 per day				
	09/05/16 to 09/28/16 = 18 days			=	\$ 441.00
			Total		\$8,552.66

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
A3120.102 Police Salary \$3,244.65
A3120.107 Police Holiday \$4,867.01
A3120.106 Police Longevity \$ 441.00

To:
A3120.108 Police Lump Sum Payments

Amount: \$8,552.66

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING DUPLICATE TAXES
RESOLUTION #474

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following Duplicate Tax Payments to Wells Fargo Real Estate Tax Services, LLC:

Account #2683375 in the amount of \$5,918.42

Account #2188000 in the amount of \$3,206.52

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to refund the following Duplicate Tax Payments to Corelogic Real Estate Tax Services:

Account #1923000 in the amount of \$2,694.84

Account #1813500 in the amount of \$4,127.54

Account #3983000 in the amount of \$ 10.30

Account #2998001 in the amount of \$4,946.23

Account #4002500 in the amount of \$5,596.91

Account #0268500 in the amount of \$4,860.95

Account #0950500 in the amount of \$2,822.76

Account #0958500 in the amount of \$ 51.17

Account #0958000 in the amount of \$ 76.75

Account #4475500 in the amount of \$2,210.85

Account #2973500 in the amount of \$2,314.61

Account #1545000 in the amount of \$2,799.73

Account #1572500 in the amount of \$3,732.12

Account #3442000 in the amount of \$5,079.10

Account #3082500 in the amount of \$2,505.29

Account #0279617 in the amount of \$ 711.24

Account #1812500 in the amount of \$3,027.43

Account #1421009 in the amount of \$1,253.91

Account #2294500 in the amount of \$3,367.03

Account #2407500 in the amount of \$2,824.25

Account #3532500 in the amount of \$4,517.30

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

AUTHORIZE REFUND FOR DUPLICATE WATER BILL PAYMENT FOR ACCOUNT #42-07152248 IN THE AMOUNT OF \$67.86
RESOLUTION #475

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

Authorize Refund for Account#42-07152248 in the amount of \$67.86 for a duplicate Water Bill Payment.

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

AUTHORIZE TOWN ENGINEER TO ISSUE ALL PERMITS FOR THE APPLICATION OF AMERICAN PETROLEUM EQUIPMENT AND CONSTRUCTION COMPANY SHELL GAS STATION – 214 EAST MAIN STREET
RESOLUTION #476

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

BE IT RESOLVED that the application by American Petroleum Equipment & Construction Company for a storm water permit in connection with the removal and replacement of the underground storage tanks at the Shell Gas Station located at 214 East Main Street, Jefferson Valley is hereby referred to the Town Engineer for issuance of all necessary permits with appropriate conditions.

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

Town Clerk Diana L. Quast voiced her opposition to the approving resolution of the Shell Gas Station's removal and replacement of underground storage tanks stating that the project should be a referral with a subsequent public hearing.

Supervisor Grace stated he did not agree since there were no changes to the site plan.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Gil Kaufman, resident, spoke about the senior luncheon on the day of the fair. He wanted to express his appreciation for all of the work the Board and Mary Capoccia did in putting the luncheon together.

Mr. Jim Heller, resident, spoke regarding the former Hilltop Station (Mohegan Auto & Tire Center). He listed the actions the owner took illegally. The Board told him to remedy the changes and come back to discuss the changes, what he did, according to Mr. Heller, was to put back the same aluminum picket fence and small plantings that the Board initially told him were not good enough. Mr. Heller states that what the owner is doing to that piece of property is not in line with the Comprehensive Plan. Mr. Heller said that Supervisor Grace told him to remove used car sales activity from the property which he did only temporarily. Mr. Heller showed a photograph which he feels displays the activity has begun again. He feels that this is disrespectful of the residents and the Town Board's authority.

Mr. Dan Strauss, resident, also wished to speak about the former Hilltop Station project. He stated that Councilman Bernard had previously stated that he did not have a problem with the owner selling used cars. Mr. Strauss also stated that the property owner didn't have to do enough in order to get what he wanted; something that other applicants have to go through. He said that things need to be done the right way for all projects.

Mr. Strauss also wanted to know if he could get a reasonably accurate figure for the cost of Depot Square. He was told that it could be \$100 per square foot, \$10, or \$50. He feels that the Board can be more accurate but is choosing not to be. Again, he is asking for a reasonably accurate figure based on what they are trying to accomplish.

Mrs. Susan Siegel, resident, wanted to remind everyone that the Hilltop Service Station will have a public hearing and should bring any questions or comments to that. She asked Supervisor Grace about Spectra's FERC meeting at the YCCC and asked to confirm that it is FERC and not DEC's meeting regarding a wetlands issue. She asked if the town submitted any comments and Supervisor Grace said they (the Board) will be attending the meeting. She also asked about a DOT grant that the Yorktown Trail Committee had brought up before the Board which could pay for sidewalks. Supervisor Grace stated that the grant is being worked on; Mr. Quinn stated it is with the Planning Department. Mrs. Siegel also mentioned the \$175,000 grant; Supervisor Grace said that the grant may be used to incorporate some homeowners into sewer districts.

Ms. Rebecca Berlin spoke regarding the Atlantic Bridge project's public hearing that is being held tomorrow evening. She stated that the email address that was given for public comment was incorrect and, therefore, insufficient notice was given to the public. Ms. Berlin felt that it would be in the best interest of the public if an extension was given for comment. Additionally, she noted that another public event is being held at the Hilltop Hanover Farm that was on the Town's calendar; however, Spectra's meeting was not and feels that is problematic. Ms. Berlin felt that there should have been better communication between FERC/DEP and the Town. She also pointed out a conflict with another public hearing nearby regarding anchorages on the Hudson River for oil barges. She would like to see a different date set for another public hearing for the Atlantic Bridge project and an extension for public comment.

Mr. Brian Higbie, resident, wanted to address a concern about the number of empty retail and office space in town and wonders if there is anything in the works to offer incentives to fill these spaces.

Supervisor Grace replied that there is much being done - the Commercial and Industrial Incentive Board was established, the application of 45b tax incentives which will go a long way in reducing the commercial rents. Supervisor Grace said the property he is most familiar with as being vacant is the old Food Emporium property, owned by Oster Realty. Oster Realty leverages their property values as use for loans on other properties, so they keep their

square foot rents at elevated price points. If they did less, they would devalue their portfolio. Supervisor Grace said that once the Heights area is revitalized, which they are looking to do, the area will command the rent prices that Oster charges. Supervisor Grace stated that the vacancy rate is actually low compared to many communities. Supervisor Grace mentioned that real estate taxes are too high and we are over regulated.

Councilman Lachterman stated that it is important to revitalize and make the area more attractive to those businesses that the residents are interested in seeing in town.

Councilman Diana, as liaison to the Chamber of Commerce, stated that the Chamber is actively working with realtors to fill some of these vacant storefronts and office space and is searching for the proper tenants for these spaces.

Supervisor Grace and the Town Board enumerated the many business that are in the works to open in Yorktown and changes that are being made to the area to make it more attractive to businesses.

Councilman Bernard stated that the Planning Board is not approving the former Hilltop Gas Station (Mohegan Tire & Auto Center) so what was mentioned about the size of the site is not relevant; the Town Board is the approving authority. It will be a transitional zone; the Town Board has flexibility that will be specific to the resolution and site plan. Whatever comments come back from the various referrals will be incorporated into the new site plan, if applicable. He stated that although the owner had not followed procedure and law initially, he is now falling in line with the law and due process.

Supervisor Grace also addressed the meeting with Spectra by stating that the Town is not in control of their schedule; it is not within the jurisdiction of the Town.

Supervisor Grace stated that his vow was to try to make Depot Square/Highway Department as cost effective as possible and has applied for various grants to make this so. Councilman Diana said that we will receive tax revenue year after year once Depot Square is completed.

ADJOURN

Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board meeting was adjourned.

DIANA L. QUAST, RMC
Town Clerk
Town of Yorktown