

Meeting of the Town Board, Town of Yorktown, held on Tuesday, September 13, 2022, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman

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

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to conduct Interviews for Grant Writing Services, as well as litigation and negotiations. Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember the victims of September 11th, 21 years later. He also asked to remember of frontline workers, police, firefighters, and EMTs, as well as the members of the U.S. Armed Forces.

INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

PLANNING BOARD - ON CALL HISTORICAL CONSULTANT AND AFFORDABLE HOUSING CODE

Rich Fon, Planning Board Chairman, said a few months ago the Town Board took a pro-active approach and brought in consultants for environmental work and traffic engineering. He said that the Board and the Planning Department discussed the need for an historical consultant. Mr. Fon said that it has become clear that this is a very sensitive topic and the Board could use the services of an historical consultant. He said that Yorktown has several historical structures and some have been torn down.

Supervisor Slater directed the Town Attorney to draft a Request for Proposals for an on-call historical consultant. He said that funding would be provided by the applicant.

Planning Director John Tegeder spoke of his past experience with this type of consultant and what they provide. Councilman Lachterman discussed the authority of using an historical consultant to bar an application; Mr. Fon said this is not what the Planning Board would use the consultant for – it would be to make an informed evaluation of a property.

Mr. Fon mentioned a project on Garden Lane that falls back to the old Affordable Housing Code. Mr. Tegeder said many years ago this parcel received a rezoning to R3 for twenty units; the twenty units were by virtue of getting two bonus units if they were affordable. He said the question now is it appropriate to give twenty units without the two being affordable. Mr. Tegeder said the Town is considering removing the section of the Code (300-39) that limits the use of that section of the code in the management of affordable housing units. He said that the Town has not done this yet and if it is lifted, volunteer affordable units that are offered can come into that program. He said that it is not a requirement or set-aside but there would be the ability for the Housing Board to manage those and put them into their program.

Councilman Esposito gave an example for clarification purposes: A builder comes in and wants to put in apartments and voluntarily wants to give two units to affordable housing, the section of the code prevents those two units to be managed by the Community Housing Board. Mr. Tegeder said, yes, because the proposed amendment has a sunset date of 1994 – anything before 1994 but nothing after. Councilman Esposito said that if someone gives us two units of affordable housing, it would be some other agency like Westchester County that would manage them. Mr. Tegeder said or there would be no instance in which an applicant would care to offer those units.

Councilman Diana asked about the current project on Garden Lane. Mr. Tegeder said this project is an approved rezone. The property has the R3 zoning on it and was vetted out with 20 units and 2 of those were expected and required to be affordable units. Mr. Tegeder said that the Town Attorney believes felt this must stand and remain affordable units.

Ken Belfer, Community Housing Board, discussed the language of the proposed amendment with the Town Board.

A discussion took place regarding the removal of the 1994 date from the proposed amendment, which would give a choice as to what agency could manage affordable housing units (the Community Housing Board, Westchester County, Non-Profit Agency, etc.).

Supervisor Slater asked Town Attorney Adam Rodriguez to re-circulate the proposed amendments and bring it back for another discussion.

GUIDING EYES FOR THE BLIND – 3241 CROMPOND ROAD PROPOSED PETITION TO REZONE

Jody Cross from Zarin & Steinmetz (attorney for Guiding Eyes for the Blind) said that they were before the Board on July 12 when the Town Board accepted their rezoning petition, declared its intent to act as Lead Agency, and referred it to the Planning Board for comment. She said that the Planning Board suggested changes to their language at an August 15th meeting that including a minimum reduction in acreage to 12 to 7 acres, soundproofing language, and reducing the number of dogs. Ms. Cross said they are here this evening in hopes of setting a public hearing date.

Supervisor Slater said the Board reviewed a number of responses as a result of the referral (ABACA, Westchester Planning, Conservation Board, DEP, Planning Board).

SET A PUBLIC HEARING FOR GUIDING EYES FOR THE BLIND REZONING REQUEST RESOLUTION #417

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

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on October 25, 2022 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM, or as soon thereafter as the same can be heard, to consider an amendment of Chapter 300 of the Code of the Town of Yorktown entitled “Zoning,” Section 300-3(b), Section 300-21(c)(18)(b)[2], and Section 300-56(c) regarding the addition of “Non-Commercial Dog Kennels.”

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

VOLTA ELECTRIC CHARGING STATIONS SITE PLAN APPLICATION

Kristen Motel, attorney for Volta Electric, said that since they last appeared before the Town Board they have received site plan approval from the Planning Board for the Staples Plaza location and they are back tonight for site plan approval/discussion for 4 charging stations at the Jefferson Valley Mall (2 at each main entrance). She said that they met with the Planning Board last night and they had comments regarding the southern location of the stations and Volta has made some of the modifications, accordingly. Ms. Motel said that the Planning Board requested a curved island; however, this represents a significant increase in cost and request that the bollards that are placed around the stations be sufficient. Volta believes that the bollards provide more protection than a curved island. The request to move the stations one parking space down is not do-able because they have a lease with the mall for the spaces they have. She said that this would take a significant amount of time to accomplish. (*Slides were shown of the locations.*)

The Town Board discussed the bollards versus the curved island. Mr. Tegeder made a recommendation to make one larger pad (instead of two smaller ones) for the stations that would extend out a little further than the bollards so if a car goes out of a lane, they would bump into the extended pad before hitting a bollard. Ms. Motel said this was a good solution and they would revise the plan.

Ms. Motel addressed the ABACA memo regarding an accessible parking space at the station. She said that if they were to do as suggested, the mall ends up losing parking spaces, which impacts their site plan.

Mr. Tegeder said the Town Board can do their next step because he said that he could work with Volta on any changes in a short amount of time.

Supervisor Slater said that the Town Attorney would draft an approving resolution for next week's meeting.

GULF GAS STATION – 3451 CROMPOND ROAD
GAS TANK REPLACEMENT AND CANOPY APPLICATION

Supervisor Slater reviewed the comments received from the referral (ABACA, Conservation Board, Planning Board). Mr. Tyree from Metro Environmental Services said the project is an upgrade to the tanks on the site and a new canopy. He said that 7-Eleven is a new tenant on the site and Gulf is the gasoline distributor. He said that 7-Eleven has indicated that, according to how things go, they would consider a renovation to the building in approximately 5 years. Mr. Tyree said he knows that a main issue is the number of cars on the site and 7-Eleven is willing to do what they can about the cars in order to move the tank replacement and canopy installation forward.

Councilman Esposito said the site is a disaster and is unsafe the way it is now. He said that at the Planning Board last night the main concern was the condition of site – it is not even remotely manicured and there are too many cars. He understands that the tanks need to be replaced. Mr. Tyree said that 7-Eleven would agree to anything that the Town wants them to as far as restricting the site.

Councilman Diana compared this site to another one the Town dealt with and said that Code Enforcement was sent in to remove cars. He suggested using Code Enforcement for this situation.

Councilman Esposito said the Planning Board wants the applicant to replace the tanks and the question is whether or not they could do the canopy. Supervisor Slater said that he did not think it was fair to tell the applicant to wait the four or five years for 7-Eleven to renovate the building in order to install a canopy. Mr. Tegeder suggested that the submitted documents be enhanced to show parking spaces with a limitation of parked cars today as part of the approval for the gas tanks and the canopy. He said this would give Code Enforcement better authority to manage the site. Supervisor Slater said he would like to have the update and more information on the sign before the public hearing.

Town Clerk Diana Quast set a public hearing date of October 18, 2022.

SET PUBLIC HEARING DATE FOR GULF GAS STATION – 3451 CROMPOND ROAD
GAS TANK REPLACEMENT AND CANOPY APPLICATION
RESOLUTION #418

Upon motion made by Councilwoman Haughwout, seconded by Councilman Diana,

RESOLVED, that notice is hereby given that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on October 18, 2022 to consider the Special Use Permit Application filed by 7-Eleven Inc. for the existing gas station located at 3451 Crompond Road, Yorktown, NY. The request is for a proposed installation of a new canopy and removal and replacement of tanks.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

OPPOSE NEW YORK STATE ELECTRIC AND GAS COMPANY (NYSEG) PENDING RATE INCREASE
RESOLUTION #419

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

WHEREAS, New York State Electric & Gas has a pending rate case before the New York State Public Service Commission; and

WHEREAS, this increase is scheduled to go into effect on May 1, 2023; and

WHEREAS, NYSEG has proposed to increase its electric delivery revenues by approximately \$274 million which equates to a 31% increase in base delivery or a 16.8% increase in total revenues; and

WHEREAS, NYSEG has proposed to increase its natural gas delivery revenues by approximately \$43.4 million a 19% increase in base delivery revenues or a 9.8% increase in total revenues; and

WHEREAS, these increases do not consider rising costs of electricity production which has already negatively impacted residents and businesses within our community; and

WHEREAS, the Yorktown Town Board previously opposed the proposed rate increases through a resolution on February 15, 2022; now, therefore be it

RESOLVED, the Town Board of the Town of Yorktown reaffirms its opposition to the proposed rate increases for NYSEG electric and natural gas customers; and

BE IT FURTHER RESOLVED, the Town Board notes its disappointment in not having an in-person public hearing by the Public Service Commission as it did in 2018; and

BE IT FURTHER RESOLVED, the Town Board urges the Public Service Commission to reject the significant increases as proposed by NYSEG.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO REFUND CARLA BONGIORNO SPEZIO FOR OVERPAYMENT OF WATER BILL IN THE AMOUNT OF \$427.83
RESOLUTION #420

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

RESOLVED, the Town Comptroller is authorized to refund Carla Bongiorno Spezio the amount of \$427.83, representing an overpayment of a water bill that was made on September 7, 2022.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

*AUTHORIZE COMPTROLLER TO PROVIDE JERRY PREMUTO APPROPRIATE BACK PAY DIFFERENTIAL DURING MILITARY SERVICE FOR A PERIOD OF 8/14/22 THROUGH 8/26/22
RESOLUTION #421

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

RESOLVED, the Comptroller is authorized to provide Jerry Premuto with appropriate back pay differential during his military service under Military Law § 242(5) for the period of 8/14/22 through 8/26/22.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

* Original Resolution passed by Town Board on September 6, 2022 and amended on September 13, 2022.

*AUTHORIZE COMPTROLLER TO PROVIDE JERRY PREMUTO APPROPRIATE PAY DIFFERENTIAL DURING MILITARY SERVICE
RESOLUTION #422

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

RESOLVED, the Comptroller is authorized to provide Jerry Premuto with appropriate pay differential during his military service under Military Law § 242(5).

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

* Original Resolution passed by Town Board on September 6, 2022 and amended on September 13, 2022.

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR STREET OPENING PERMIT #022-004 IN THE AMOUNT OF \$2,400.00 FOR WORK COMPLETED AT 142 GRANITE SPRINGS ROAD
RESOLUTION #423

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

RESOLVED, that a representative of the Highway Department has inspected the following site and found the work to be completed satisfactorily:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund To</u>
Street Opening	022-004	\$2400.00	142 Granite Springs	Debra E. Farrell 142 Granite Springs Yorktown Hgts, NY 10598

NOW, THEREFORE BE IT RESOLVED, that the Town Comptroller is authorized to release the escrow deposit in the amount of \$2,400 to Debra E. Farrell.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE PARKS DEPARTMENT
RESOLUTION #424

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

RESOLVED, the Town Comptroller is authorized to make the following budget transfer

from: A.7310.0110 Camp Programs Personal Services – Temp Help - \$9,000
to: A.7110.0454 Parks – Park Improvements - \$9,000

for Patriot Skate Park ramp repair project.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO ESTABLISH A TRUST ACCOUNT (TE37.3) ENTITLED PARKS CAPITAL IMPROVEMENT TRUST
RESOLUTION #425

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

RESOLVED, the Town Comptroller is authorized to establish a Trust account (TE37.3) titled Parks Capital Improvement Trust. This trust will be funded by annual payments received from the solar carport constructed at the Granite Knolls Sports facility.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

AUTHORIZE THE TOWN ENGINEER TO FILE AN APPLICATION FOR FUNDS FROM THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT GRANT RESOLUTION #426

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

RESOLVED, that Daniel Ciarcia, as Town Engineer of the Town of Yorktown is hereby authorized and directed to file an application for funds from the NYS Water Infrastructure Improvement Grant Program on behalf of Yorktown in an amount not to exceed \$3,200,000, and upon approval of said request to enter into and execute a State Assistance Contract with the New York State Department of Environmental Conservation for such financial assistance to the Town of Yorktown for the Hallocks Mill Sewer District Extension Phase 1 and, further, to carry out and comply with the terms of such Project agreement.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

AWARD BID FOR THE TOWN HALL ENTRY RENOVATION RESOLUTION #427

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

WHEREAS, the Town of Yorktown solicited bids for the renovation of the Town Hall entrance, and

WHEREAS the bids were opened on August 8, 2022 and only one bid was received from A. DeVito & Son, Inc for \$278,000, now therefore be it

RESOLVED, that the bid for the Town Hall Entry Renovation Bid #22-9 at a total bid price of \$278,000 is awarded to A. DeVito & Son, Inc.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

APPOINT NICHOLAS BURNS TO HEAVY MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT RESOLUTION #428

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

BE IT RESOLVED, that Nicholas Burns is hereby appointed Heavy Motor Equipment Operator, job class code 0429-02, within the Highway Department, effective September 19, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 1 which is \$64,385.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on September 19, 2022.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

CANCELLATION OF OCTOBER 4, 2022 TOWN BOARD MEETING IN OBSERVANCE OF YOM KIPPUR RESOLUTION #429

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

RESOLVED, that the Town Board meeting schedule for October 4, 2022 is cancelled in observance of Yom Kippur.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

CANCELLATION OF SEPTEMBER 27, 2022 TOWN BOARD MEETING IN OBSERVANCE OF ROSH HASHANAH RESOLUTION #430

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

RESOLVED, that the Town Board meeting schedule for September 27, 2022 is cancelled in observance of Rosh Hashanah.

Slater, Diana, Lachterman, Esposito, Haughwout Voting Aye
Resolution adopted.

ADJOURN

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

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