



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD MEETING AGENDA

February 7, 2023

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

6:00 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

- Nutrition Senior Services
- Highway Department
- Parks & Recreation Department
- Refuse & Recycling Department
- Water Department

Litigation and Negotiations

- Town Attorney

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR THOMAS DIANA
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATION - BLACK HISTORY MONTH
WHEREAS, Black History Month was first celebrated as Negro History Week on February 1, 1926; and

WHEREAS, it became a nationally recognized month in 1976 to pay tribute to African-Americans who struggled through an oppressive society; and

WHEREAS, the Town of Yorktown recognizes and acknowledges that Black History is in fact American History; and

WHEREAS, Black History Month gives our community time to reflect on the struggles and triumphs of African-Americans throughout our national society; and

WHEREAS, African-Americans have made invaluable contributions to the American cause, including protecting our liberties and democratic society; and

WHEREAS, the Town of Yorktown acknowledges and applauds the many contributions that African American members of society have made including but not limited to John Sweat Rock, Frederick Douglass, W. E. B. Du Bois, Martin Luther King Jr., Thurgood Marshall, Duke Ellington, Maya Angelou, Guion Bluford, and Jackie Robinson, now

THEREFORE BE IT RESOLVED, the Town of Yorktown recognizes February as Black History Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture or orientation.

8. PRESENTATION

Yorktown Community Emergency Response Team

9. POET LAUREATE

John McMullen

10. COURTESY OF THE FLOOR

11. RESOLUTIONS

From the Finance Department:

Authorize Comptroller to payout the cash value of unused time for Jessica Bambach as of her date of retirement:

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Jessica Bambach the cash value of unused time as of her date of retirement:

2023 Rate of Pay:	\$41.2654			
Sick	80.50 hours	@	50% = 40.25 hours	
	40.25 hours	x	\$41.2654	=\$ 1,660.94
Vacation	247.50 hours	x	\$41.2654	=\$10,213.19
Personal	21.00 hours	x	\$41.2654	=\$ 866.58
Floating Holiday	14.00 hours	x	\$41.2654	=\$ 577.72

Longevity

\$1,750 / 260 days = \$6.73 per day

04/24/22-01/27/-23 = 222 days
 222 days x \$6.73 = \$ 1,494.06

Total \$14,812.49

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A.1002.8	General Fund Reserve Employee Accrued Benefits	\$ 4,504.01
A7020.101	Recreation Salary	\$ 8,814.42
A7020.106	Recreation Longevity	\$ 1,494.06
To: A.7020.108	Recreation Lump Sum Payments	\$13,151.55
T905.1	Medical, Dental, Vision Trust	\$ 1,660.94

Authorize Comptroller to payout the cash value of unused time for Barry Gelbman as of his date of retirement:

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Barry Gelbman the cash value of unused time as of his date of retirement:

2023 Rate of Pay:	\$46.5933			
1996 Rate of Pay:	\$14.05			
Sick	677.625 hours @	50% = 338.82 hours		
	338.82 hours	x	\$46.5933	=\$15,786.75
Vacation				
2023	450.00 hours	x	\$46.5933	=\$20,966.99
1996	48.75 hours	x	\$14.05	=\$ 684.91
Personal	22.50 hours	x	\$46.5933	=\$ 1,048.35
Floating Holiday	15.00 hours	x	\$46.5933	=\$ 698.90
Longevity				
	\$1,750 / 260 days = \$6.73 per day			
	7/3/22-1/13/-23 = 140 days			
	140 days x \$6.73 =			\$ 942.20
Total				\$40,128.10

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A.1002.8	General Fund Reserve Employee Accrued Benefits	\$16,471.66
A7110.101	Parks Salary	\$22,714.24
A7110.106	Parks Longevity	\$ 942.20
To: A.7110.108	Parks Lump Sum Payments	\$24,341.35
T905.1	Medical, Dental, Vision Trust	\$15,786.75

Authorize Comptroller to process the following payment to Garland/DBS, Inc.

Resolved, that Comptroller is authorized to process payments to Garland / DBS Inc as follows:

for roof repair and air conditioning replacement at the Police Department and Court facilities:

App #4 \$100,000.00

for roof repair at the Albert A Capellini Community and Cultural Center:

Draw #1 \$648,052.09

Draw #2 \$329,895.33

as per February 19, 2019, May 10, 2022 and June 14, 2022 Town Board Resolutions.

From the Nutrition Center

Authorization to Execute Documents Necessary to Effectuate the Transfer of the Totaled Nutrition Center Van

Resolved, the Supervisor is authorized to execute all documents necessary to effectuate the transfer of the totaled 2017 Ford Econoline E350 Super Van (VIN# 1FDEE3FSXHDC19033) to Zurich American Insurance Company.

From the Parks Department:

Amend Resolution #57 of 2023 for the purchase of (1) Ford F350 Crew Cab Pickup for the Parks Department

Whereas, Westchester County Bureau of Purchase and Supplies has published a LIGHT DUTY TRUCKS Bid for Model Year 2023; and

Whereas, the Westchester County Bureau of Purchase and Supplies has received and reviewed the bids; and

Whereas, Hempstead Ford – Lincoln of Hempstead, New York has submitted the lowest bid that meets the Town’s Specifications for a Ford F350 Crew Cab Pickup; and

Be It Resolved, that the Parks Department is hereby authorized to purchase (1) Ford F350 Crew Cab Pickup, meeting the Town’s specifications, be purchased from Hempstead Ford – Lincoln at a total cost of \$53,581.65 per Westchester County Bureau of Purchase and Supplies File Price No. RFB-WC-22038 LIGHT DUTY TRUCKS.

Authorize Bid Advertisement for the Pool Pump and Motor Rebuild at the Junior Lake Pool

NOTICE IS HERE GIVEN, that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on Thursday, February 23, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Pool Pump and Motor Rebuild at the Junior Lake Aquatic Facility.

From the Planning Department:

Authorize Initial Support from by Transpo Group USA, Inc. for the Scoping of a Traffic Analysis for the 800 E Main Street Yorktown Dev AMS LLC Rezoning Petition

WHEREAS, the Town Board of the Town of Yorktown desires to study the traffic impact of the petitioned rezone of property located at 800 East Main Street, Jefferson Valley also known as the former Contractors Register site; and

WHEREAS, Transpo Group USA, Inc., a traffic consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 6, 2021; and

WHEREAS, Transpo Group USA, Inc. has submitted a proposal to provide initial support for the scoping of a traffic analysis for the rezone pursuant to said on-call agreement for an amount not to exceed \$470.00 for the work; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Transpo Group USA, Inc. under the on-call agreement with the Town of Yorktown for the purpose of the initial support for the scoping of a traffic analysis, in an amount not to exceed \$470.00 for this work, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

Authorize Supervisor to execute a contract with Historical Perspectives, Inc. and Thaler Reilly Wilson Architecture & Preservation, LLP for the purpose of providing historic & cultural resource planning services

WHEREAS, the Town Board of the Town of Yorktown has solicited proposals for historic & cultural resource planning services for the Town; and

WHEREAS, the Town received proposals from the following prospective consultants:

Gregory Dietrich Preservation Consulting
New York, N.Y.

Historical Perspectives, Inc.
Westport, Conn.

Thaler Reilly Wilson Architecture & Preservation, LLP
Albany, N.Y.

WHEREAS, the proposals of all of the respondents were reviewed to determine the qualifications of each respondent, their understanding of the scope of work, the appropriateness of their proposed schedules, and the adequacy of their proposed cost proposals for the required services; and

WHEREAS, the Town Board determined that Historical Perspectives, Inc. and Thaler Reilly Wilson Architecture & Preservation, LLP demonstrated the most appropriate understanding of the required services and needs of the Town and have distinct expertise in aspects of cultural resource planning; and

WHEREAS, the Town Board desires to enter into an agreement with Historical Perspectives, Inc. to perform historic & cultural resource planning services on individual project proposals, on an as needed basis, and

WHEREAS, the Town Board desires to enter into an agreement with Thaler Reilly Wilson Architecture & Preservation, LLP to perform historic & cultural resource planning services on individual project proposals, on an as needed basis; now therefore

BE IT HEREBY RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute a contract with Historical Perspectives, Inc and Thaler Reilly Wilson Architecture & Preservation, LLP for the purpose of providing historic & cultural resource planning services on an as needed basis for individual project proposals, the costs thereof to be determined for each project pursuant to a schedule of hourly rates provided within each agreement; and be it further

RESOLVED, that the costs, where applicable, shall be charged to, and borne by, each individual projects' applicant or sponsor.

Authorize Town Supervisor to sign final site plans for 3451 Crompond Road and owned by 7-Eleven, Inc.

Whereas, the Town Board of the Town of Yorktown adopted a resolution granting an amended special permit to operate a gasoline filling station for certain real property, located at 3451 Crompond Road and owned by 7-Eleven, Inc., Irving, Texas, also known on the Town Tax Map as Section 36.06, Block 1, and Lot 25 on November 22, 2023; and

Whereas, said resolution was approved with certain conditions which were required to be completed or fulfilled prior to endorsement of the final site plans by the Town Supervisor; and

Whereas, the project applicant has completed those conditions as required by the approving resolution; and

Therefore Be It Resolved, that the final site plans amended pursuant to the Town Board's approving resolution dated November 22, 2023 are complete and that the Town Supervisor is authorized to endorse the final site plans which shall serve as the official record copy representing the parameters of the special permit to operate the gasoline filling station.

From Section 8 Housing:

Authorize Comptroller to pay MRI Software, LLC for the Happy Software Multi-Year (5 years) license and support agreement

RESOLVED, that the Town Comptroller is authorized to pay MRI Software, LLC for the Happy Software Multi-Year (5 years) license and support for computer software provided to the Section 8 Office at the following rates:

- \$8,192.07 From February 1, 2023 through January 31, 2024.
- \$8,519.75 From February 1, 2024 through January 31, 2025.
- \$8,860.54 From February 1, 2025 through January 31, 2026.
- \$9,214.96 From February 1, 2026 through January 31, 2027.
- \$9,583.56 From February 1, 2027 through January 31, 2028.

The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”).

From the Town Board

Authorization to execute an agreement with J. O’Connell Associates, Inc. for Grant Consulting Services

Resolved the Supervisor is authorized to execute an agreement with J. O’Connell Associates, Inc., for the provision of grant consulting services in conformance with its proposal dated August 3, 2022, in an amount not to exceed \$35,000 for calendar year 2023.

Be it further resolved the Comptroller is authorized to transfer funds for payment as follows:

from		
A1990.499	General Fund Contingency	\$35,000.00
to		
A1220.490	Supervisor Professional Services	\$35,000.00

From the Town Clerk:

Set Public Hearing for proposed Local Law to consider an amendment to Chapter 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, February 14, 2023 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 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

Renew Oak Ridge Hauling, LLC Commercial Garbage License for 2023

RESOLVED, that Oak Ridge Hauling, LLC be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2023.

Refer Amended Special Use Permit Application for 930 East Main Street to the Appropriate Agencies

RESOLVED, the Town Clerk is authorized to refer the amended Special Use Permit Application submitted by Island Pump and Tank Corporation for property located at 930 East Main Street, Shrub Oak, NY.

Authorize Town Clerk to apply for a New York State Archives Grant

RESOLVED, that the Town Clerk is authorized to apply to the New York State Archives for a Local Government Records Management Improvement Fund Grant.

From the Town Engineer

Award Bid for Laboratory Services for the Water Pollution Control Plant

Whereas, bids were received on Friday, January 13, 2023 for the Laboratory Services for the Water Pollution Control Plant, Bid #22-11, and are summarized below.

TESTS	BIDDER	BIDDER
	PACE ENVIRONMENTAL	AG ENVIRONMENTAL
WEEKLY	\$10,181	\$10,465
WET TEST	\$14,048	\$6,700
SLUDGE	\$3,900	\$3,384
TOTAL	\$28,129	\$20,549

Resolved, that the bid for Laboratory Services for the Water Pollution Control Plant – bid #22-11 - be awarded to AG Environmental, at a total bid price of \$20,549.00.

**Authorize Release of Bond #T-WP-FSWPPP-025-18 for JV Mall Site Plan
Washington Prime – Provident Engineering in the amount of \$7,500.00**

WHEREAS, Provident Design Engineering as applicant, posted check #7045 to serve as a Stormwater Bond in the amount of \$5,000, which was deposited into the T90 account on 12/11/17 for the Jefferson Valley Mall Site Plan, and

WHEREAS, Provident Design Engineering as applicant, posted check #7046 to serve as a Tree Bond in the amount of \$2,500, which was deposited into the T90 account on 12/11/17, and

WHEREAS, Provident Design Engineering has requested their money be released as the project never moved forward, and

WHEREAS, Provident Design Engineering merged with Divney, Tung and Schwalbe (DTS), thus changing the payee, and

WHEREAS, the Town Engineer has informed this Board that the monies may be released,
NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies be released to DTS Provident Design Engineering, One North Broadway, White Plains, NY 10601, Attn: Angela Parodi.

Reapprove Negative Declaration for Wetland Permit, Home Rule Request, Parkland Alienation and Lease To Homeland Towers, LLC

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number / Agenda Item: Wetland Permit, Home Rule Request and Parkland Alienation, and Lease to Homeland Towers, LLC

Date: January 17, 2023

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 (the “Town”) by its Town Board, acting as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Proposed Wetland Permit, Home Rule Request and Parkland Alienation, and Lease of Town land (the “Lease”) to Homeland Towers, LLC which action contemplates the construction and operation of an antenna support structure.

Status: Unlisted

Conditioned Negative Declaration: Yes _____
No X

Description of Action: The Proposed Action consists of approval of a wetland permit, making a home rule request to the New York State Legislature for the alienation of parkland and entering into a lease of approximately 11,317 square feet of ground space of property for equipment, wetland mitigation and landscaping located at Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31 to Homeland Towers, LLC (“Tenant”) to construct, maintain and operate a communications tower and related ancillary facilities and improvements for the transmission and reception of communication signals and to accommodate the installations of wireless carriers and Town and local emergency service antennas and equipment, including without limitation, radio equipment cabinets, antennas and related equipment and utilities.

Location: Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31.

Reasons Supporting This Determination:

Based upon a review of the Environmental Assessment Form, the Exhibits and Site Plan, the Lease terms, the RF Exposure Report, the RF Justification Report, the wetlands report, Alternative Site Analysis, FAA opinion letter, SHPO concurrence, Visual Resource Evaluation, referral responses from Westchester County Department of Planning, NYC DEP, New York State Historic Preservation Office (“SHPO”), Advisory Board on Architecture & Community Appearance, the Planning Board, Tree Conservation Advisory Commission , Telecommunications Advisory Committee, Conservation Board, NYSDEC, and the Town Engineer, and other documents submitted, in connection with the project, the Town Board classifies the project as an Unlisted Action, declares itself Lead Agency in a coordinated review, and as Lead Agency, makes the within negative declaration of environmental significance based upon the following findings:

The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the leasehold site. The area of the project site where the facility is to be located has been reduced to the minimum size practicable to support the facility and access thereto and account for landscaping and wetland mitigation efforts. The lease area itself is a small approximately 11, 317 square foot area for equipment, wetland mitigation and landscaping.

The Proposed Action will not have a significant adverse environmental impact on unique or unusual land forms found on the site. The site is a vacant parcel adjacent to 2 main roads and Con Edison transmission towers.

The Proposed Action will not have a significant adverse environmental impact on any water

body designated as protected. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity. All necessary erosion and sediment control measures will be implemented subject to approval by the Town Engineer.

The Proposed Action will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff. The plans include stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on air quality. Other than a generator for each carrier there will be no air emissions from the facility.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on non-threatened or non-endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources. The design of the facility as a monopole to support collocation is necessary and will avoid the proliferation of towers in the area. Use of a Town property adjacent to two main roads and Con Edison transmission lines will minimize visibility and potential impact.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance as confirmed by SHPO.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities as the property is small in size, adjacent to transmission lines and encumbered with wetlands.

The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise, or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety. The facility will comply with all FCC regulations pertaining to radio frequency exposure

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community for the reasons described above in relation to the aesthetic impact and safety impact. The ACABA, Conservation Board TCAC, Telecommunications Advisory Committee and Planning Board had no significant comments against the proposal and all requests by the planning board have been addressed.

There are no potential adverse environmental impacts related to the proposed Lease, wetland permit or parkland alienation.

The Lead Agency has relied upon the Environmental Assessment Form, the Exhibits and Site Plan, the Lease terms, the RF Exposure Report, the RF Justification Report, the Visual Resource Evaluation, SHPO concurrence, FAA opinion letter, Alternative Site Analysis and other documents and testimony.

If conditioned Negative Declaration: N/A

Lead Agency: Town Board
Town of Yorktown

Supervisor: Town of Yorktown

Address: Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

Telephone Number: 914 962 5722

For Type 1 Actions and Conditioned Negative Declarations, a copy of this notice has been filed with: N/A

For Unlisted Actions, a copy of this notice has been filed with:

A copy of this negative declaration is on file in the office of the Town Board of the Town together with copies of all reports and documents referenced herein. These documents are available for review by the public.

For Type 1 Actions and Conditioned Negative Declarations, notice of this determination has been provided to the following organization for publication in the ENB: N/A

Reapprove Wetland Permit Application for Homeland Towers, LLC for the Proposed Construction of a Telecommunications Facility located at Route 6 and Hill Blvd.

WHEREAS, the Town of Yorktown owns a parcel of real property located at Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31 (hereinafter referred to as the “subject premises”); and

WHEREAS, the Town Board of the Town desires to lease a portion of the subject premises to Homeland Towers, LLC for the purpose of constructing, establishing, and maintaining a radio transmission tower facility for its use and that of its subtenants, licensees and customers, which facility includes a tower and associated facilities, including radio transmitting and receiving antennas, communications equipment, and related cables, wires, conduits, air conditioning equipment and other appurtenances, as shown on a certain plan for said purpose as submitted to the Town Board; and

WHEREAS, the Town Board of the Town finds that it is in the best interest of the Town to lease a portion of the subject premises with access, as set forth in a certain Lease, a copy of which is annexed hereto as Exhibit A, and as shown on the aforementioned plan, (hereinafter referred to as the “Lease Area”) to Homeland Towers, LLC, a New York limited liability company having a place of business at 9 Harmony Road, 2ND Floor, Danbury, Connecticut 06810. As shown by the Town’s consultant, CityScape, and the Radio Frequency Justification report submitted by Homeland Towers there is a gap in wireless communications in the area of Jefferson Valley. The proposed facility will remedy that gap in service and provide support for at least four wireless carriers and the Town’s public service entities as detailed in the Lease and on the Site Plan; and

WHEREAS, the construction of the facility and access and utilities also requires a Town wetland permit from the Town Board and an act of the New York State Legislature to alienate parkland based on a Home Rule request from the Town Board; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the Town Board declared its intention to be lead agency and circulated its intention to all Involved Agencies, including the New York State Department of Conservation, which did not object to the Town Board acting as Lead Agency. Thereafter, the Town Board declared itself Lead Agency in a coordinated review and classified the action to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town has reviewed the Environmental Assessment Form submitted for the project and all supporting documentation and comments; and

WHEREAS, the Town Board of the Town hereby issues a negative declaration of significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, in that it has determined that the proposed action, namely entering into the aforementioned Lease, the wetland permit and the Home Rule request and parkland alienation will not have a significant environmental impact and that a Draft Environmental Impact Statement will not be prepared. A copy of the Negative Declaration is attached hereto as Exhibit B; and

WHEREAS, a duly noticed public hearing was held and continued on January 17, 2023. All persons interested were given an opportunity to speak. The County Department of Planning and the New York City Department of Environmental Protection confirmed that neither has jurisdiction over this project. The project was referred to the New York State

Department of Environmental Conservation, which did not object to the project. The project was referred to and extensively reviewed by the Town Planning Board, Advisory Board on Architecture & Community Appearance, Conservation Board, the Town Engineer, and the Tree Conservation Advisory Commission, which provided comments that have been addressed by Homeland Towers.

WHEREAS, the agreement between the parties is for Town property not presently being utilized by the Town and not anticipated to be needed by the Town over the term of the agreement and the agreement is for fair market value based on an appraisal commissioned by the Town, and in the best interests of the Town and its residents. The subject premises is not feasible to be used as parkland given its location adjacent to Con Edison transmission lines, its small size and the fact that the vast majority is encumbered with wetlands. No further Town permits or approvals are required other than the wetland permit being granted herein, and a stormwater, excavation and building permit. Pursuant to Section 300-59.C.2 of the Town Code, “wireless telecommunications facilities located on property owned or leased by the Town of Yorktown shall be exempt from the requirements of this section [Section 300-59]”. See also Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702. Accordingly, no other zoning approvals are required; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town hereby authorizes and approves the wetland permit and the lease of the subject premises with access to Homeland Towers, LLC, upon the terms and conditions contained in the Lease (subject to the approval of the Town Attorney) annexed hereto as Exhibit “A” and incorporated herein by reference thereto;

BE IT FURTHER RESOLVED, that pursuant to Section 64(2) of the Town Law of the State of New York, this Resolution is adopted by the Town Board of the Town subject to a permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to post and publish notice of this Resolution in accordance with Article 7, Section 90 of the Town Law of the State of New York within 10 days of the date hereof; and

BE IT FURTHER RESOLVED, the Town Board, in accordance with Chapter 178 of the Town Code, hereby grants the necessary wetland permit based upon the following findings and conditions:

- 1) The proposed regulated activity is consistent with the policy of Chapter 178 of the Town Code and measures have been put in place to preserve, protect and conserve wetland functions and the benefits they provide, by preventing the despoliation and destruction of wetlands identified on, and within vicinity of, the Property;
- 2) The Facility is consistent with the land use regulations governing wetlands application in the Town of Yorktown and the local legislation is at least as restrictive as the laws of New York State regarding wetlands protection;
- 3) The Facility is compatible with the public health and general welfare, and does not require the use of water nor does it produce any odors, fumes, wastewater and is an unmanned facility requiring only infrequent service visits by a single technician;
- 4) The Facility cannot practically be relocated on the site so as to eliminate or reduce the intrusion into the wetland and associated wetland buffer as the entire Property is

- encompassed by wetlands or associated wetland buffer areas;
- 5) Measures have been put in place, to minimize the degradation to or loss of any part of the wetlands and the wetland buffer and minimizes any adverse impacts on the functions and benefits that the identified wetlands provide, such as:
 - The Facility and associated access drive have been strategically located within the upland portion of the site.
 - All driveways, turnaround areas, facility compound area, and equipment pads will consist of pervious surfaces.
 - A retaining wall will be installed to prevent grading into the wetland proper.
 - Tree removal has been reduced and represents the minimum required. While 62 caliper inches of trees will be removed, a total of 78 caliper inches will be installed through installation of replacement trees.
 - There will be a wetland creation area and wetland buffer restoration in the form of grading and installation of native plantings, including 21 trees, 22 shrubs, 300 perennials, and over 4,000 s.f. of native seed mix.
 - Any runoff from the gravel compound area will sheet flow through the wetland creation area before discharging to the Town and NYSDEC regulated wetland; and
 - 6) The proposed construction of the Facility is in compliance with the standards set forth in 6 NYCRR 665.7(e) and 66S.7(g), as amended.
 - 7) The permit shall be conditioned on the following requests by the Town Engineer:
 - a. Provide a detail of the proposed retaining wall.
 - b. Post a \$2,000 erosion control bond.
 - c. Pay the 8% engineering inspection fee.
 - d. Provide stormwater calculations, and at a minimum provide a stormwater management system to capture and treat the runoff as determined by the water quality volume calculation (WQv).

BE IT FURTHER RESOLVED, that the Town Board of the Town hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution, including authority to sign the Lease, Request a Bill Number and a Home Rule request with regard to same.

Authorize G.A. Fleet to Perform a Sole Source Repair on the Flygt Pump at the Water Pollution Treatment Plant

RESOLVED, that the Town Engineer is authorized to have G.A. Fleet perform a sole source repair on the Flygt Pump Model #3170-180-9680054 in the amount of \$23,406.00.

12. **ADJOURN MEETING**

A motion will be made to adjourn the Town Board meeting.

Dated: February 7, 2023

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

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

Americans with Disabilities Act: If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.