

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 2, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Thomas P. Diana, Supervisor
Edward A. Lachterman, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Mary Capoccia, Councilwoman

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

TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss litigation and negotiations with the Town Attorney. Upon motion made by Councilwoman Haughwout, seconded by Councilwoman Capoccia, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilman Esposito led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders (EMS, fire, police), and the members of our military both here and overseas who serve to protect our freedoms.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana reported on recent Town events and updates, including the following:

- Read a letter complimenting the Water Department on their process for the installation of the new water meters.
- Pipe relining project will begin on Hanover Street shortly. They are currently in the preparation stage.
- Hydrant flushing for the next couple of weeks – the Water Department website has a schedule of the locations, days, and times that the flushing will occur.
- Yorktown has been named a Tree City USA, once again, for 2022.
- Localized flooding due to the heavy rains of this past weekend – the water will recede eventually. Culverts and streams are being checked to make sure they are cleared.
- FamJam has been rescheduled for Saturday, May 6 from 12:00 p.m. to 8:00 p.m. and Sunday, May 7 from 12:00 p.m. to 5:00 p.m.
- An exhibition of the photos of Robert Capa, noted war photographer, is being held at the Capa Space located at the Amawalk Quaker Church Meeting House at 2467 Quaker Church Road through October 8, 2023. If any veteran has photos of war, the Capa Space would like to display them. Please contact them at www.capaspace.org.

REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent and upcoming Town events and public service announcements.

Councilman Lachterman:

- May 3, Chamber of Commerce is having a networking breakfast at the Mohegan diner
- May 4, Sons of American Legion meeting at the American Legion at 7:00 p.m.
- May 17, Veterans Advisory Committee meeting at 7:00 p.m., Room 104 at the AACCCC
- May 19, Senior Advisory Committee meeting at 1:00 p.m. in Town Hall
- The Teen Center is open on Fridays from 5:30-9:30 for 6-12th graders

Councilman Esposito:

- Complimented Councilman Lachterman on the Holocaust Remembrance ceremony
- Encouraged attendance at FamJam
- Recognized Support Connection for the gala they recently held.

Councilwoman Haughwout:

- May is Mental Health Awareness month. Visit the ASK (Alliance for Safe Kids) website for links to many programs in support of mental health issues.
- Yorktown Heritage Preservation Committee and Yorktown 250 is co-sponsoring an event at the Grange on May 20th from 10 a.m. – 4:00 p.m., “Follow the French: Rochambeau Festival.”
- St. Patrick’s Church is holding a “Blue Mass” sponsored by the Knights of Columbus recognizing police officers, firefighters, and EMS personnel, and honors those who have died in the line of duty.
- Pool passes are available, as well as job openings for camp counselors.

Superintendent of Parks and Recreation James Martorano spoke about the need for camp counselors – right now there are about 80 children on the waiting list. They need about 20 more counselors to meet the 8 to 1 ratio.

Councilman Esposito said that tomorrow evening at 7:00 p.m. the Planning Board is holding a special planning board meeting in Town Hall regarding the Underhill Farm project.

MENTAL HEALTH AWARENESS MONTH

Eugene McGrath, NAMI Westchester Board of Directors, thanked the Town Board for their past support, and he is confident that the current board will do the same. He quoted Dr. Carol Weitzman, spokesperson for the American Academy of Pediatrics who said “we need to shine the light brightly on the mental health needs of children, youth, and adolescents in this country.” Mr. McGrath said that we also need to advocate for better access to mental health care. He said that, according to the Center for Disease Control and Prevention, more than 7% of children ages 3 to 17 have diagnosed anxiety. He said that, undoubtedly, many more people suffer from anxiety but have not received a formal diagnosis. Mr. McGrath said that we owe better mental health care to our children. He spoke of suicide rates among veterans – 22 veterans die by suicide in this country every day. He said we owe better mental health care to our veterans, as well. This support must be available to all members of our communities. He asked for permission to hang a banner at the John C. Hart Memorial Library in recognition of Mental Awareness Month. Mr. McGrath spoke of the register that the YPD has of residents with mental health issues in order to be aware of their conditions when responding to calls at their homes. He spoke of how the community needs to support each other in these endeavors.

Councilwoman Haughwout read the following proclamation:

MENTAL HEALTH AWARENESS MONTH PROCLAMATION

Whereas, Mental Health awareness month is a time to raise awareness of and reduce the stigma surrounding behavioral health issues, as well as highlight the ways how mental illness and addiction can affect all us; and

Whereas, Mental Health awareness month was established in 1949 to increase the awareness of the importance of mental health and wellness in Americans’ lives; and

Whereas, many of our friends, colleagues, and loved ones are battling mental health challenges; and
Whereas, statistics show that one in four American adults experience an episode of mental illness each year and it is estimated four million children and adolescents in America suffer from a serious mental disorder; and

Whereas, the Town of Yorktown urges all members of our community, businesses and civic organizations to assist in increasing awareness and understanding of mental illness; and

Be it resolved, that I, Town Supervisor Thomas P. Diana, along with the Town Board Members of Yorktown do hereby acknowledge and recognize the Month of May as Mental Health Awareness Month in the Town of Yorktown.

The Town Board had no objection to the hanging of the banner at the library.

MILITARY APPRECIATION MONTH

Veterans approached the Town Board to be recognized for their service.

Councilman Lachterman read the following proclamation:

MILITARY APPRECIATION MONTH PROCLAMATION

Whereas, in 1999 United States Senator John McCain introduced the Month of May as Military Appreciation Month and is now honored every year; and

Whereas, Military Appreciation Month encourages Americans to reflect on the sacrifices made by soldiers, sailors, and all current and former military personnel; and

Whereas, the United States Armed Forces is comprised of six branches including the Army, Navy, Air Force, Marines, Coast Guard, and Space Force; and

Whereas, members of the United States Military make tremendous sacrifices to defend our liberties and way of life; and

Whereas, the Town of Yorktown recognizes May as Military appreciation month and offers its heartfelt appreciation to all of the brave individuals who defend our freedoms; and

Whereas, the Town of Yorktown encourages all residents to thank military personnel and veterans for their service; and

Be It Resolved, that I, Town Supervisor Thomas P. Diana, along with the Town Board Members of Yorktown do hereby acknowledge and extend our gratitude to Military personal, and recognize the Month of May as Military Appreciation Month in the Town of Yorktown.

BRIAN J. SLAVIN AQUATIC FACILITY EROSION UPDATE

Town Engineer Dan Ciarcia spoke about the flooding at the aquatic facility. He said the maps that FEMA provides the Town to determine flood elevations are accurate – the flooding in the parking lot at the facility can be expected. He said that the Shrub Oak Brook provides challenges. He said there is a condition between the two pedestrian bridges at Shrub Oak Park. The stream there is a “classified” stream that requires DEC approval and he said they have discussed with them what could be accomplished under the DEC General Permit. He said they put together an application to do a bank stabilization and this project is ready to be put into a bid document. Mr. Ciarcia said the bid document should be ready next week or the week after. He said it does not need to be out too long in order to get bids back, as it is a relatively simple project. He said temporary bank stabilization might be able to be done, if needed.

POET LAUREATE

Poet Laureate John McMullen read an original poem “Two Mass Cards.”

COURTESY OF THE FLOOR

The following members of the public spoke:

- Jane Daniels, resident and member of the Yorktown Trailtown Committee, spoke about the compensation the Town received due to the sinkhole at Legacy Fields. She said she would like to see Parks & Recreation receive at least half of that compensation in order for infrastructure repairs.
- Laurie Noonan, former Secretary of the Ethics Board, spoke about the frustration of not being able to be a decision-making board and how the complaint process should be more transparent. Prior suggestions by the Ethics Board were not adopted. The Ethics Board has presented amended language to the Ethics Code but no conversations have taken place. She asked why have ethics laws if violations are kept secret, why have an ethics law if there are no consequences for violating the law, why have an Ethics Board if the Town Board can choose to ignore its findings and recommendations. Ms. Noonan said the Town Board has consistently said it is committed to transparency and if they are sincere in this and are not just empty words, she asked they take up the Ethics Board challenge and reform the ineffective ethics laws. She suggested the creation of a small working group to draft amendments to the law, made up of current and former Ethics Board members, a Town Board member, and a resident who has had dealings with the Ethics Board. Ms. Noonan

said that Yorktown's Code of Ethics needs fixing; the law needs to be amended so that there is transparency in the ethics complaint process.

- James Mecca, resident, said he was happy to see last week's proclamation to make April 26th Korean War Veterans Day. He said they are looking to make this day a national day of recognition.
- Dan Strauss, resident, gave his thoughts about the Underhill Farm project. He said the developer is going to obliterate 14 acres of an historic property – shrubbery, wildlife habitats, wetlands, etc. He compared this look of this property to the Weyant property, which also obliterated the land. He said 148 housing units are going to be built, including an 11,000 square foot commercial space, a restaurant, an inn, two pools, a clubhouse, a cut through road, a refurbished pond, public access area and trails, parking, plus 30 spaces of additional parking all on an historic 14-acre lot. However, this is all about the density and this has been allowed because of the overlay district, under which the approval for the project has been given over to the Planning Board.
- Susan Siegel, resident and member of the Yorktown Trailtown Committee, spoke of a fundraising event on May 7th that the Yorktown Trailtown Committee and the Support Connection are cohosting. A guided hike is being sponsored at Sylvan Glen to the Mohegan Quarry. She said this is a family friendly event and is approximately 2 hours round trip. Please visit supportconnection.org to register or you can register on site. Ms. Siegel said there is a fee, as this is a fundraiser.
- Jenny Menton, resident and member of the Senior Advisory Committee, thanked the town board for all of the work they do for the Town. She reminded everyone that seniors 70 and over get free pool passes.
- Anthony Pichette, resident, spoke about the proposal for universal pre-k. He said there is definite interest in Yorktown for free daycare, as was spoken about at recent school board meetings. He also spoke about the misunderstanding surrounding affordable housing and wondered if there was a way to have a conversation without it becoming heated.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, Courtesy of the Floor was closed.

Members of the Town Board responded to comments made at Courtesy of the Floor.

Councilman Esposito addressed Ms. Noonan's comments regarding the Ethics Board, on which he served with Ms. Noonan. He agreed that the ethics law is very poorly written. He agreed that it needed to be rewritten.

Supervisor Diana said RFPs (Requests for Proposals) have been done for universal pre-k but it is in the hands of the school districts and it is going to be a lottery system. Yorktown had about 170 spots and Lakeland had about 100. Supervisor Diana said \$5,450 is what the state pays per student per year to attend universal pre-k.

Supervisor Diana said Jim Martorano, Sr. is currently working on rewriting and amending the ethics code. He said it is in the Town Board's purview regarding punitive damages.

APPOINT KRISTIN SCHERRER TO THE POSITION OF SENIOR OFFICE ASSISTANT (AUTO SYSTEMS) IN THE REFUSE AND RECYCLING DEPARTMENT
RESOLUTION #232

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

BE IT RESOLVED, that Kristin Scherrer is hereby appointed promotional as a Senior Office Assistant (auto systems), job class code 0751-01, from Eligible List No. 02-415, effective May 8, 2023, in the Refuse & Recycling Department, to be paid from Yorktown CSEA Salary Schedule A-1, Group 10, Step 5, which is \$75,103.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of 12 weeks, commencing on the first date of appointment on May 8, 2023.

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

Marc Weingarten, attorney for the AMS, spoke about the draft scope that was reviewed by the Town and the process it has gone through. He said that it has been signed off on by all of the boards that reviewed the document and that this will allow them to proceed with a draft environmental impact statement and subsequent public hearing.

ADOPT DRAFT ENVIRONMENTAL IMPACT STATEMENT SCOPE DATED MAY 2, 2023
FOR THE PROPOSED PROJECT LOCATED AT 800 EAST MAIN STREET YORKTOWN DEV
AMS LLC
RESOLUTION #233

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

Whereas, on October 24, 2022, 800 E Main Yorktown Dev AMS LLC (the “Petitioner”) submitted a petition (the “Petition”) to the Town Board for: (i) amendments to the Zoning Code of the Town of Yorktown (the “Zoning Code”) generally affecting the RSP-2 Senior Citizens District of the Town; and (ii) an amendment to the Zoning Map of the Town of Yorktown to re-zone property known as 800 East Main Street and designated on the Tax Map of the Town of Yorktown as Tax ID: 5.19-1-15 (the “Property”) from OB Research Laboratory and Office District to RSP-2 Senior Citizens District of the Town to permit the redevelopment of the Property with an active adult residential community available to adults aged 55 and over, consisting of approximately 250 dwelling units including a mix of rental units and for-sale townhomes, together with amenities, 383 parking spaces and related infrastructure, generally in accordance with the Concept Plan attached as Exhibit A to the Petition (the “Project”); and

Whereas, on November 1, 2023, the Petitioner submitted a Full Environmental Assessment Form (“FEAF”) to the Town Board; and

Whereas, on November 22, 2022, the Town Board declared its intent to act as lead agency for the Petition, the Project and all related actions under SEQRA (the “Proposed Action”), and thereafter circulated a “Notice of Intent to Act as Lead Agency” to the various involved agencies together with the Petition and FEAF; and

Whereas, on March 7, 2023, the Town Board: (i) confirmed lead agency status for review of the Proposed Action under SEQRA; (ii) classified the Proposed Action as a Type I action under SEQRA; (iii) issued a positive declaration of environmental significance under SEQRA and required the Petitioner to prepare a Draft Environmental Impact Statement (“DEIS”) for the Proposed Action; (iv) directed the Petitioner to prepare and submit a draft Scope for the DEIS to the Town Board (the “DEIS Scope”); and (v) set a public scoping session on the DEIS for April 4, 2023; and

Whereas, on April 4, 2023, the Town Board (i) conducted and closed the duly noticed public scoping session, at which all persons in attendance having comments on the DEIS Scope were heard; and (ii) resolved that the written comments on the DEIS Scope would be accepted until the close of business on April 14, 2023; and

Whereas, the Town Board thoroughly reviewed and considered the DEIS Scope, all comments on the DEIS Scope received at the public scoping session, and all subsequently received written comments, including those from Town professional staff and the Town’s consultants, the Planning Board, the Conservation Board, and the Advisory Board on Architecture and Community Appearance (ABACA); and

Whereas, the DEIS Scope has been appropriately revised to incorporate the oral and written comments of the public and of involved and interested agencies; now

Therefore Be It Resolved by the Town Board of the Town of Yorktown as follows:

1. The DEIS Scope dated May 2, 2023 is hereby adopted by the Town Board.
2. The Town Board hereby requests that the adopted DEIS Scope be provided by the Town Clerk to the Petitioner, all involved agencies, and any interested person requesting a copy, as required under 6 NYCRR §617.8(e).

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

AUTHORIZE TOWN CLERK TO REFER OUT AND SET PUBLIC HEARING TO CONSIDER THE WETLAND/STORMWATER MANAGEMENT PERMIT APPLICATION FOR THE INSTALLATION OF AN IN-GROUND POOL ON PROPERTY LOCATED AT 79 SOMERSTON ROAD

RESOLUTION #234

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

NOTICE IS HERE GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, May 16, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York at 7:30 o'clock PM to consider the Wetland/Stormwater Management Permit Application submitted by Frank and Danielle Jennings for the installation of an in-ground pool on property located at 79 Somerston Road, also known on the Tax Map of the Town of Yorktown as Section 17.10, Block 10, Lot 03.

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

AUTHORIZE TOWN CLERK TO REFER OUT TO THE APPROPRIATE AGENCIES THE SIGN PERMIT APPLICATION RECEIVED FROM DIAH HAMED FOR THE GAS STATION LOCATED AT 1530 EAST MAIN STREET

RESOLUTION #235

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

RESOLVED, the Town Clerk is authorized to refer out to the appropriate agencies for their review the sign permit application for the gas station located at 1530 East Main Street, Shrub Oak, New York, submitted by Diah Hamed for a Gulf Gas Station Sign.

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

BUDGET TRANSFER TO MAINTENANCE AND REPAIR – PUMP STATION

RESOLUTION #236

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

Resolved, that the Comptroller is authorized to transfer \$35,000 from YS (GD.9901.0904) to Maintenance and Repair Pump Station (GD.8130.0462), and

Be It Further Resolved, that an emergency repair of the electric motor by GM Pump Repair for an estimated \$20,000 is authorized.

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

ADJOURN

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

DIANA L. QUAST, TOWN CLERK
MASTER MUNICIPAL CLERK