

Meeting of the Town Board, Town of Yorktown held on November 28, 2017 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 Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

CON EDISON PROPOSED LOCAL LAW

The Town Board met with representatives from Con Edison to discuss a proposed local law that will require more information and additional fees from utility companies doing work in the Town. Con Edison stated that they were against a percentage fee based on overall cost of the project because they would then have to pass that fee down to its users. They would like the fee to be based on what the Town oversight of the project would be. The Town Board asked Con Edison to meet with the Highway Superintendent, Town Attorney and Town Engineer to come up with a reasonable fee structure that would be agreeable to both the Town and Con Edison.

REQUEST FOR PROPOSALS GRANITE KNOLLS RECREATION AND SPORTS COMPLEX

The Town Board met with the Parks and Recreation Superintendent and a representative from Shaw to discuss the turf that would be placed at the Granite Knolls Recreation and Sports Complex. The Town Board decided that the higher quality turf would be more beneficial to the project.

Supervisor Grace stated that the Yorktown Athletic Club would like to have lines included on the Multi-purpose fields for baseball. There will be a meeting with the athletic clubs tomorrow night to discuss this issue.

HYATT BURIAL GROUND

Mr. Lester Rosenbaum was present to discuss with the Town Board the Hyatt Burial Ground which is located on property owned by the Bernstein Estate. He is the Executor and would like the Town to purchase the property from them. The Town Board agreed to look into this option.

2715 & 2723 HICKORY STREET REQUEST FOR A WETLANDS PERMIT

The Engineer for the property was present to discuss with the Town Board its plans to construct two homes on property located on Hickory Street. Because the work would be done in the wetlands buffer a wetlands permit will need to be issued by the Town Board. The Town Engineer stated that more information is needed so that he can review the plan. The applicant stated that they would run a sewer line up to Hickory Street. The Town Engineer would like to review the plans and see how it coincides with the Town's plans for sewers in this area. Supervisor Grace asked the applicant to give the Town its updated plans so that they can be reviewed before the scheduled public hearing on December 19, 2017.

GRANT EMERGENCY PERMIT FOR PLACEMENT OF ABOVEGROUND PROPANE TANK – PARACO GAS, 1731 EAST MAIN STREET, MOHEGAN LAKE RESOLUTION #458

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

WHEREAS:

1. Paraco Gas, Peekskill, NY, as Applicant for the property located at 1731 East Main Street, Mohegan Lake, requested the Town Board issue an emergency permit to temporarily place an aboveground propane tank in a wetland area.
2. The Proposed Action, installation of an aboveground propane tank in a New York State-designated wetland area, requires issuance of a Wetland Permit and the Approval Authority is the Town Board.
3. The propane service to the property provides fuel for cooking and heating of commercial establishments. Currently an underground tank serves the property; however, the tank is approaching the end of its useful life and needs repair and/or replacement. Disruption of this service will likely force temporary closure of the affected businesses so the Applicant requested an emergency permit be granted so that the work may proceed without delay.
4. Requirements for emergency permits are specifically addressed under the Town Code, Chapter 178, Subchapter 178-10.C.
5. The emergency permit was requested for a duration of 6 weeks so that the necessary repair can be done to the existing tank. An aboveground tank will be placed in the wetland area and put in service while repair work is done to the existing tank. Applicant stated that no ground disturbance will be needed to place the aboveground tank in the wetland area. It is understood that should a replacement tank (aboveground or underground) be necessary a wetland permit will need to be obtained by the Applicant, following the normal Town procedures.
6. It is further understood that the Applicant will obtain all necessary building permits from the Town of Yorktown for the Proposed Action. Applicant is also responsible for any NYSDEC approvals and/or permits that may be required.

NOW THEREFORE BE IT RESOLVED THAT the Town Board of the Town of Yorktown does hereby grant an emergency permit for placement of an aboveground propane tank in a wetland area for a duration not to exceed 6 weeks.

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

GRANT A VARIANCE TO ADRIAN AUTO BODY REGARDING TEMPORARY SIGNAGE RESOLUTION #459

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

WHEREAS, Adrian Family Partners I, LP owns and operates Adrian Auto Body located at 3330 Old Crompond Road in Yorktown;

WHEREAS, in connection with its operation Embridge has erected a sign that obscures the sign for Adrian Auto Body;

WHEREAS, pursuant to Town Code Section 300-193.18 the Town Board determines that a hardship exists in connection with Adrian Auto Body's sign being obscured;

WHEREAS, the Town Board determines that a variance should be issued for the erection of a temporary sign for Adrian's Auto Body;

BE IT RESOLVED, the Town Board issues a variance to Adrian Auto Body for the erection of a temporary sign and refers Adrian Auto Body to the Building Inspector for the issuance of the necessary permit for the temporary signage.

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

QUINLAN STREET RADIO STATION

Police Sergeant Scatola and Dennis Palumbo explained that there is a ham radio club in Yorktown and there is an antenna on the Quinlan Street water tower that they recently did repairs on. They would like to enter into a license agreement with the Town so that its equipment can be there and it will be made available for Town use when necessary. The Town Board agreed and asked that the Town Attorney draft a license agreement.

WAIVER OF PENALTY FEE – MOHEGAN AUTO TIRE CENTER
RESOLUTION #460

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

BE IT RESOLVED that the \$1,500.00 penalty fee for Mohegan Auto Tire Center for failing to obtain a building permit in advance of performing the work is waived but all other permit fees will be required to be paid.

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

FRONT STREET REZONING APPLICATION – GEORGE ROBERTA

The Town Board agreed to reconvene the public hearing on December 19, 2017.

NOTICE OF PUBLIC HEARING FOR PROPOSED LOCAL LAW AMENDING CHAPTER
260-38 ENTITLED “COLD WAR VETERANS TAX EXEMPTION” - DURATION
RESOLUTION #461

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on Tuesday, December 19, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to amend Chapter 260-38 of the Code of the Town of Yorktown entitled “Cold War Veterans Tax Exemption” - Duration.

Chapter 260 of the Code of the Town of Yorktown entitled “TAXATION” is hereby amended as follows:

Section 260-38 entitled Duration is hereby repealed.

A copy of the proposed local law is on file in the Office of the Town Clerk at the said Town Hall, where the same may be inspected during regular office hours. It can also be viewed at www.yorktownny.org

All persons in interest and citizens shall be heard at the public hearing as aforesaid.

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

AUTHORIZATION TO TRANSFER MONEY FROM OPEN SPACE FUND BALANCE TO
OPEN SPACE LAND PURCHASE – SULLIVAN PROPERTIES
RESOLUTION #462

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

BE IT RESOLVED that the Comptroller is hereby authorized to transfer \$125,000.00 from Open Space Fund Balance to Open Space Land Purchase C1940.208 for the purchase of the Sullivan Properties.

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

AUTHORIZATION TO SIGN AGREEMENT WITH YORKTOWN POLICE DEPARTMENT
BENEVOLENT ASSOCIATION
RESOLUTION #463

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

BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement with the Yorktown Police Department Benevolent Association for 2018 and 2019.

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

AUTHORIZATION TO SIGN AGREEMENT WITH YORKTOWN POLICE DEPARTMENT
SUPERIOR OFFICERS ASSOCIATION
RESOLUTION #464

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

BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement with the Yorktown Police Department Superior Officers Association for 2018 and 2019.

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

AUTHORIZATION TO SIGN AGREEMENT WITH CHIEF OF POLICE ROBERT NOBLE
RESOLUTION #465

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

BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement with Chief of Police Robert Noble for 2018 and 2019.

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

AUTHORIZATION TO SIGN AGREEMENT WITH SHRUB OAK INTERNATIONAL
SCHOOL, LLC
RESOLUTION #466

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

BE IT RESOLVED that the Town Supervisor and the Town Assessor is authorized to sign an amended agreement with Shrub Oak International School, LLC in connection with the assessment schedule of the property located at 3151 Stony Street, Yorktown, NY.

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

AUTHORIZATION TO SIGN AGREEMENT WITH GALLAGHER BASSETT
RESOLUTION #467

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

BE IT RESOLVED that the Town Supervisor is authorize to sign an agreement with Gallagher Bassett to provide insurance coverage to the Town for 2018.

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

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