

Work Session held by the Town Board, Town of Yorktown on
February 12, 2013, held at 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Patricia Caporale, Town Comptroller
Jeannette Koster, Town Attorney
Eric DiBartolo, Highway Superintendent
John Tegeder, Planning Director
John Winter, Building Inspector
Sharon Robinson, Acting Town Engineer
Bruce Barber, Environmental Consultant
Margaret Gspurning, Human Resource Specialist

Absent: Nicholas J. Bianco, Councilman

WORK SESSION

Supervisor Michael Grace called the meeting to order.

JOHN C. HART MEMORIAL LIBRARY BOARD OF TRUSTEES

Members of the John C. Hart Memorial Library Trustees were present to discuss staffing issues with the Town Board.

TREE CONSERVATION ADVISORY COMMISSION

Members of the Tree Conservation Advisory Commission were present to discuss with the Town Board a request to apply to the Westchester Agricultural Council Management Assistance Program for a grant in the amount of \$850.00 to build a fenced-off deer enclosure at Turkey Mountain Nature Preserve.

AUTHORIZE SUPERVISOR TO SIGN GRANT APPLICATION TO WESTCHESTER AGRICULTURAL COUNCIL MANAGEMENT ASSISTANCE PROGRAM FOR FENCING TO BUILD A DEER ENCLOSURE IN TURKEY MOUNTAIN NATURE PRESERVE RESOLUTION #75

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

WHEREAS, the Town of Yorktown Town Board authorized the 2011 Turkey Mountain Forest Management Plan: and

WHEREAS The 2011 Turkey Mountain Forest Management Plan noted significant negative impacts to the health of the woodlands in the park from over-browsing by deer: and

WHEREAS the plan suggested building one or more fenced-off enclosures to assess the possible positive effects on forest regeneration of excluding deer from a part of the forest; and

WHEREAS a demonstration deer enclosure will begin the process of educating the public about the serious impacts related to the over-population of deer in our woodlands. Signs to the enclosure will explain the project to the public; and therefore

RESOLVED that the Town of Yorktown Town Board authorizes the Tree Conservation Advisory Commission to prepare the grant application and submit this to Supervisor Grace for review, and Supervisor Grace is authorized to sign the application for a Westchester Agricultural Council Management Assistance Program grant in the amount of \$850.00 for fencing to cover approximately 400' fencing at \$2.12 linear foot (reimbursable upon completion). Building and maintaining the fence will be completed by volunteers coordinated by the Tree Conservation Advisory Commission.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ARBOR DAY – PRELIMINARY AGENDA

Mrs. Ann Kutter and William Kellner, Chair, Tree Conservation Advisory Commission were present to discuss with the Town Board the preliminary agenda for the Annual Arbor Day Celebration which will be held on April 26, 2013 at 4:00 P.M. at the Patriot Garden located next to Town Hall. Banners displaying the winners of the Arbor Day Contest will be displayed in various locations around town.

FRANZOSO COMMUNITY SIGN – 3147 OLD YORKTOWN ROAD

Mr. William Primavera was present to request that the Town Board approve a sign that is currently in the Town's Right of Way on Old Yorktown Road in front of the former Bernstein House. Mr. Primavera explained that the sign is slightly oversized and complaints regarding the sign have been received.

Supervisor Grace stated that this request should be refer out to ABACA, the Building Department and the Planning Department/Board.

REFER OUT FRANZOSO COMMUNITY SIGN REQUEST
RESOLUTION #76

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

RESOLVED, that the Town Clerk is hereby authorize to refer a request to erect a sign in the Town Right of Way located in front of the former Bernstein House located at 3147 Old Yorktown Road. The Board would like your comments sent or emailed to me at alice@yorktownny.org before February 25, 2013. May I also request that you respond even if you have no comments or opinions, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

To: ABACA
Building Inspector
Highway Department
Planning Department/Board
Town Attorney
Town Board
File

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

CREATIVE LIVING DEVELOPMENT

Mr. Joseph Riina, Engineer for applicant was present to discuss with the Town Board a request to amend the Wetland's Permit for Creative Living Development located on Navajo Street. Also present were CJ Diven, applicant and Steve Marino, consultant for applicant.

The Town Board reviewed plans submitted by Creative Living Development to amend its site plan to reflect changes already made to the property.

Supervisor Grace stated that once the plans are signed the applicant must complete the items immediately and no other changes can be made other than what is on the plan unless it is amended in advance by the Town Board.

Acting Town Engineer Sharon Robinson stated that the applicant must supply updated reports to the Engineering Department on a weekly basis so that their progress can be monitored.

CREATIVE LIVING DEVELOPMENT – AMENDED WETLANDS PERMIT
RESOLUTION #77

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

CREATIVE LIVING DEVELOPMENT, INC.

WETLANDS AND STORMWATER PERMIT: 095-12, amending WP-E-010-10 and T-020-11

**TOWN OF YORKTOWN, NEW YORK
TAX MAP: SECTION 6.14 BLOCK 1 LOT 2**

WHEREAS, Creative Living Development, Inc (“the applicant”) is the owner of record of a 49.75 +/- acre parcel in the Town of Yorktown identified on the Town of Yorktown tax maps as Section 6.14 Block 1 Lot 2 situated on Mahopac Street and accessible from Navajo Road and situated in an R1-80 single-family zone and;

WHEREAS, the Town Board of the Town of Yorktown issued a wetland permit, excavation (stormwater) permit and tree permit (WP-E-010-10 and T-020-11, respectively) by resolution dated April 5, 2011 permitting with conditions the construction of a temporary private park complex which is a main permitted use in the R1-80 zoning classification under the Town of Yorktown zoning code; and

WHEREAS, Town of Yorktown Town Board amended the wetland, excavation and tree permit by resolution dated February 21, 2012, permitting with conditions the construction of four (4) dugouts; and

WHEREAS, Town of Yorktown Town Board amended the wetland, excavation and tree permit by resolution dated March 21, 2012, permitting with conditions the construction of a climbing wall, two volleyball courts, a basketball court and sixteen (16) batting/pitching cages (as so amended, the “Permit”); and

WHEREAS, the applicant has submitted a Town of Yorktown Wetland and Full Stormwater Permit Application number FSWPP-WP-095-12 seeking to amend the Permit to allow the applicant to: (1) construct 2 cold frame greenhouse structures, (2) modify two of the dugouts by adding two storage areas and expanding two observation decks, (3) installing propane storage tanks and associated protection, anchoring and piping used for heating the greenhouses, (4) install 5 timber bridge stream crossings with connecting wood chip paths and, (5) install a fire access road (“proposed improvements”), and;

WHEREAS, the applicant submitted the following plans in support of the instant application:

Plans entitled; “Proposed Temporary Ball fields prepared for Creative Living Development Inc a.k.a. Navajo Fields” prepared by Site Design Consultants, originally dated March 17, 2010, revised February 12, 2013, 3 total sheets: 1 of 3, 2 of 3 and 3 of 3 (the “Amended Plans”);

NOW THEREFORE, BE IT RESOLVED, the Amended Plans are incorporated into the amended wetland and stormwater permit by reference; and be it further

RESOLVED, the Town Board has determined that the proposed work does not represent a substantial amendment to a previously approved, unexpired non-administrative permit and in accordance with Section 178-11(E)(5) of the Town Code of the Town of Yorktown a public hearing is not required; and be it further

RESOLVED, application FSWPP-WP-095-12 is granted; the Permit is hereby amended; and the Amended Plans are approved, subject to the signing of the Amended Plans by the Town Supervisor; and be it further

RESOLVED, all work associated with the amended Permit shall be conducted and all conditions set forth on the Amended Plans shall be met in strict compliance with the Amended Plans; and be it further

RESOLVED, all prior conditions and additional requirements of the Permit remain in full effect except as modified herein; and be it further

RESOLVED, the applicant shall return to the Town Board for a compliance review within 180 days from the date of this resolution unless an extension is requested by the applicant in writing within said 180 day period and approved by the Town Board; and be it further

RESOLVED, the amended Permit shall automatically expire upon completion of the work.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

PROPOSED LOCAL LAW – RAISING FOWL IN RESIDENTIAL DISTRICTS

Town Attorney Jeannette Koster discussed a proposed local law with the Town Board regarding raising fowl in residential districts. The Town Board made some revisions to the proposed local law and agreed to refer it out for comment.

REFER OUT PROPOSED LOCAL LAW – RAISING FOWL IN RESIDENTIAL DISTRICTS
RESOLUTION #78

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

RESOLVED, that the Town Clerk is hereby authorize to refer a Proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” concerning the keeping of fowl in residential districts.

The Board would like your comments sent or emailed to me at alice@yorktownny.org before March 12, 2013. May I also request that you respond even if you have no comments or opinions, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

To: Ed Buroughs, Commissioner, Westchester County Planning Commissioner
Cheryl Winter Lewy, Chair Westchester County Planning Board
Dr. Sherlita Amler, Westchester County Health Commissioner

William Janeway, Regional Director, New York State Department of Environmental Conservation

Cynthia Garcia - New York City Department of Environmental Protection

JoAnn Dyckman, Town Clerk - Town of Cortlandt
Kathleen Pacella, Town Clerk - Town of Somers
Town of Putnam Valley – Town Clerk
Jill Shapiro, Town Clerk - Town of New Castle
Mary Ann Roberts, Town Clerk - Town of Ossining

Town of Yorktown Agencies

Building Inspector
Conservation Board
Planning Department/Board
Zoning Board of Appeals
Town Attorney
Town Board
File

Grace, Patel, Paganelli Voting Aye
Murphy Voting Nay
Resolution adopted.

2013 BUDGET TRANSFER
RESOLUTION #79

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

Be It Resolved, upon the request of the Town Comptroller, the following 2013 budget transfers are requested:

From: A1315.101	Comptroller Salary	
To: A1330.101	Receiver of Taxes Salary	\$8,475.00
(for the increase in salary of Assessment Clerk)		
From: A1345.418	Equipment Maintenance	
To: A1345.418.1	Equipment Maintenance Software	\$38,748.50
From: A8030.0418	Section 8 Equipment Maintenance	
To: A8030.0418.1	Section 8 Equipment Maintenance Software	\$750.00
From: A3120.421.1	PD Software Maintenance	
To: A3120.0418.1	PD Equipment Maintenance Software	\$5,750.00
(for continuity in the payment of the computer maintenance contract)		
From: A2001.3	Legacy Revenue	
To: TE37.2	Legacy Turf Field Replacement	\$7,597.50
(transfer 2012 funds earmarked for field replacement)		

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

BUDGET TRANSFER – ENGINEERING DEPARTMENT
RESOLUTION #80

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

Be It Resolved, upon the request of the Engineering/Sewer Department, the following 2013 budget transfer is approved:

Decrease:	YS 8130.456.0001 Chemicals NYCDEP	(\$60,000.00)
Increase:	YS 8130.456.0000 Chemicals	\$60,000.00

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

TOWN BOARD AGENDA
FEBRUARY 19, 2013

The Town Board discussed the February 19, 2013 Town Board meeting agenda which will be held at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598. The televised meeting will begin at 7:30 P.M.

IBM DISCONTINUE FIBER CABLE ROW AGREEMENT

Supervisor Grace stated that the Town received a notice from IBM Research that it would be vacating their rental property in Hawthorne, NY and will no longer require a private Fiber Cable which was used between the Yorktown and Hawthorne sites. So they will not be renewing their current Fiber ROW Agreement beyond the end of December 31, 2014.

REQUEST FOR REIMBURSEMENT FOR TREE REMOVAL DURING HURRICANE SANDY STORM

Councilman Paganelli read a letter from a Town resident who had a tree removed during Hurricane Sandy that was on Town Property which came down in the storm and blocked the road. The Tree Company charged the resident over \$400.00 dollars to remove the tree and she would like the Town to reimburse her the money.

Supervisor Grace stated that legally the Town can not pay for something without prior approval.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Patel, to adjourn the Town Board meeting.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown