

Meeting of the Town Board, Town of Yorktown held on June 6, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
David Paganelli, Highway Superintendent  
Michael McDermott, Town Attorney

Tardy: Vishnu V. Patel, Councilman

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss the employment of a particular individual and to conduct advisory board interviews. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

#### MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

#### SUPERVISOR GRACE'S REPORT TO THE TOWN

Supervisor Grace mentioned that this Friday, June 9<sup>th</sup> would be the kickoff for Relay for Life. Saturday there is a baseball game between the Yorktown Police Department and a Yorktown Little League at Legacy Fields. Councilman Bernard stated that this is a fundraiser for Camp Sunshine – a camp run for children with life threatening diseases and their families. Sergio Esposito from the Chamber of Commerce will be on Grace Notes this week to talk about the event. Supervisor Grace also mentioned that Saturday, June 17<sup>th</sup> is Community Day at the Jefferson Valley Mall, who is hosting for the third year. Many volunteer and community organizations will have booths set up to inform the public of their services. There will be bands playing, games, a new car show, etc.

Councilman Lachterman also mentioned the upcoming Yorktown Heights Engine Company Annual Carnival beginning on Wednesday, June 21<sup>st</sup>. The Lions Concerts start on June 25<sup>th</sup> with Showtime Dance Band.

Councilman Diana mentioned that zombie law litigation has taken effect on Garden Lane; the house was burned down many years ago and has now been demolished and taken down. It was drawing undesirable activities in the house. He thanked the Town Board and the Town Attorney for enacting this legislation to keep the Town pristine. Supervisor Grace said there are two more houses that they are working on demolishing in Shrub Oak. Councilman Diana also asked that drivers please stay out of fire lanes; there have been several complaints lately about cars parking in fire lanes. Officers will be out there to enforce this and handicapped parking laws.

Councilman Lachterman thanked Town Attorney Michael McDermott for his aggressiveness on the zombie laws by holding banks accountable and making sure the board stays on point regarding this issue. This has been a plight not only here but also across the country and holding the banks accountable is important. Councilman Lachterman mentioned he had the pleasure of attending the presentation for Tom and Liz

Mozer, twins who simultaneously achieved Eagle Scout and the Gold Award and had their ceremonies together. He also wished all fathers a Happy Father's Day.

Supervisor Grace stated he would like to see all zombie homes razed. He asked if there is one in your neighborhood, please let the Board know. These are homes that have fallen into complete disrepair. There has also been a lot of progress made with the removal of the double utility poles – the utility companies have stepped up to the plate in light of the Town's pending legislation. Town Attorney Michael McDermott said he is in contact with the utility companies to make sure they remain diligent in the removal of these poles. He also wanted to clarify that the legislation regarding the razing of zombie homes is being done aggressively so as not to be done at the Town's or any taxpayer's expense; the banks are responsible for these costs.

REAPPOINT ROXANNE VISCONTI TO THE ADVISORY BOARD ON ARCHITECTURAL & COMMUNITY APPEARANCE RESOLUTION #200

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

Roxanne Visconti reappointed as a member of the Advisory Board on Architecture & Community Appearance for a three-year term expiring January 31, 2020.

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

APPOINT SEAN CONNOLLY TO THE ADVISORY BOARD ON ARCHITECTURAL & COMMUNITY APPEARANCE RESOLUTION #201

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

Sean Connolly appointed as a member of the Advisory Board on Architecture & Community Appearance for a three-year term expiring May 31, 2020. Mr. Connolly is registered architect with New York State and is a staff architect at SUNY Purchase.

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

Supervisor Grace and the Town Board commended Mark Connelly of the Advisory Board on Architecture & Community Appearance for his 21 years of dedicated service and presented him with a certificate of appreciation. Mr. Connelly thanked his fellow board members for their hard work and dedication.

REAPPOINT BRIDGET KROWE TO THE LANDMARKS PRESERVATION COMMISSION RESOLUTION #202

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

Bridget Krowe is hereby reappointed as a member of the Landmarks Preservation Commission for a three-year term expiring October 31, 2019.

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

REAPPOINT EDWARD PELL TO THE LANDMARKS PRESERVATION COMMISSION RESOLUTION #203

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

Edwin Pell is hereby reappointed as a member of the Landmarks Preservation Commission for a three-year term expiring October 31, 2019.

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

Supervisor Grace mentioned the interest in pocket graveyards that Dr. Pell has raised, particularly the one across from the Bernstein House on Route 132. He stated that the Town will be making an effort to restore the graveyards and the gravestones.

PRESENTATION:

Police Officer Michael Kahn gave a presentation regarding the 50<sup>th</sup> anniversary of Sgt. Pepper's Lonely Hearts Club Band album and how popular music can be used to understand a generation. He discussed the history and myths surrounding the album and particular points of interest.

PUBLIC HEARING DECISION - MOHEGAN AUTO AND TIRE, INC. REZONING RESOLUTION #204

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

WHEREAS, Diah Hamed (applicant) applied for a transitional zoning designation for an approximately 26,988 sq. ft. (.6196 acre) site located at the intersection of Route 6, East Main Street and Strawberry Road in the Lake Mohegan section of the Town of Yorktown, consisting of two tax lots known as Section 15.12, Parcel 2, Lot 1 and 8 on the Tax Map of the Town of Yorktown. The proposed use and development of the site is to allow for an automobile storage and sales lot (Lot 1) to be primarily used as a dependent and accessory use in connection with the adjacent parcel currently known as Mohegan Auto & Tire, Inc. and formerly known as Hilltop Service Station and operated as an automobile service and gasoline filling station (Lot 8); and

WHEREAS, the Town Board circulated its intent to become lead agency; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, Lot 1 is currently zoned Transitional in an underlying R1-20 zone and has as an allowable use an automobile storage yard for the purpose of storing automobiles in connection with an auto wrecking and towing business and was approved by Town Board Resolutions #178 and #179 dated April 17, 2001; and

WHEREAS, Lot 8 is currently zoned R1-20 zone and has been used as an automobile service and gasoline filling station and is currently operating under legal non-conforming status; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties along the Route 6 corridor and intended to provide a zoning district that affords the Town Board flexibility to rezone specific and unique parcels to a use that is compatible with the surrounding existing uses and allows for viable development; and

Whereas, the transitional zoning designation considers the unique characteristics of these specific parcels and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Applicant's parcel qualifies as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code in that:

- 1) The subject site acts as a buffer between residential uses and a major traffic route;  
and
- 2) The applicant sufficiently demonstrated that the present residential zoning of the subject site is not compatible with the surrounding uses. The site is surrounded by the major thoroughfares of Rte. 6, Strawberry Road and East Main Street.

Residential properties are located to the east of the parcel. A two-family dwelling and a garden center is located west of the subject parcel. Route 6 is located north of the site. To restrict the development of the subject site to the permitted uses of an R1-20 zone would place a residence with frontage on a major regional corridor to its north and frontage on a highly traveled collector street on the south; and

WHEREAS, the Planning Board received the applicant's site plan submittal and recommended the approval of the transitional zone request with conditions by memorandum dated November 30, 2016; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The use of the subject site is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The use is compatible with the environmental constraints of the site.
- iii. The use of the subject site cannot be accommodated by the existing zoning or by an existing zoning classification;
- iv. The subject site is not economically developable under the existing zoning designation; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the request for rezoning of the subject parcel to a transitional zone is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be as follows:

**PERMITTED MAIN USES**

- 1) One automobile service and gasoline filling station; and

**MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD**

- 1) None

**PERMITTED ACCESSORY USES**

- 1) One (1) automobile storage and sales yard, paved and fenced to standards set forth in this approval; and
- 2) Signs as approved on the site plan.

**SCHEDULE OF REGULATIONS**

**TRANSITIONAL ZONE PROPOSED BULK REGULATIONS**

Lot area (sq. ft.)	26,988
Lot width at front yard (ft.)	100.0'
Front yard (ft.)	33.7'
Side yard (ft.)	40.8';
Rear yard (ft.) (to Route 6)	68.0'
Maximum height (ft.)	Existing
Maximum coverage	6.75%
Required off street parking	
Commercial	6
Residential	N/A

ADDITIONAL REGULATIONS

- 1) Storage area must be paved per town standard.
- 2) Storage area must be enclosed by a fence as per Town Board approval.
- 3) Front yard shall be landscaped and properly maintained in accordance with an approved landscape plan.
- 4) Parking or storing of any vehicles or other machinery or equipment other than on prescribed parking areas as shown in site plan is prohibited; and be it hereby

FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws; and be it hereby

FURTHER RESOLVED, that the subject building shall be connected to the Town sewer system; and be it hereby

FURTHER RESOLVED, that the permit submitted pursuant to the Freshwater Wetlands and Watercourse Protection Law of the Town of Yorktown is hereby approved.

Amendments to the rezoning resolution and the site plan resolution were read by Town Attorney Michael McDermott.

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

SITE PLAN APPROVAL – MOHEGAN AUTO AND TIRE, INC.  
RESOLUTION #205

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

WHEREAS, Diah Hamed, as owner, applied to the Town Board of the Town of Yorktown for site plan approval under Article XVII of the Town Code of the Town of Yorktown for conversion of an automobile storage yard to an automobile storage and sales yard and the continuance of an automobile service and gasoline filling station; and

WHEREAS, the subject site is a .6196 acre parcel located at the intersection of Route 6, East Main Street, and Strawberry Road in the Lake Mohegan section of the Town of Yorktown and is transitionally zoned, and known as Section 15.12 Parcel 2 Lots 1 & 8 on the Tax Map of the Town of Yorktown; and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. "Site Plan prepared for Mohegan Auto and Tire Center, Sheet 1 of 1" prepared by Site Design Consultants, dated September 21, 2016, no revisions.

WHEREAS, the applicant also submitted as part of its application an Environmental Assessment Form dated October 4, 2016 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board determined that there are no adverse environmental impacts that will result from this project and adopted a negative declaration pursuant to SEQRA §617.7; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board 10/31/16 and 11/30/16  
Conservation Board 11/01/16  
ABACA 10/13/16  
Town Engineer 1/3/2107

and;

WHEREAS, a duly noticed public hearing was held on November 1, 2016 and reconvened on December 20, 2016, and

WHEREAS, the Town Board, based on the applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration finding the proposed action would not significantly affect the environment; be it hereby

RESOLVED, that site plan approval is hereby granted for an automobile storage and sales yard and automobile service and gasoline filling station on the subject premises. The site shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as shown on the plans and maps enumerated above;
2. The following bulk regulations, as established by the Town Board at the rezoning stage, shall be met by the proposed development:

Lot area (sq. ft.)	26,988
Lot width at front yard (ft.)	100
Front yard (ft.)	33.7
Front Yard (canopy)	11.0
Side yard (ft.)	40.8
Rear yard (ft.)	68.0
Maximum height (service garage) (ft.)	Existing
Maximum height (canopy)(ft.)	18.0
Maximum coverage	6.75%
Required off street parking	
Commercial	6
Residential	N/A

3. Provide zoning table on plan. Indicate all dimensions on all structures and dimensions to property lines. Provide metes and bounds and indicate survey from which information was taken on Plans. Show existing building height and canopy height on plans.
4. Submit survey.
5. Modify fence and shrub screening facing Route 6 to the satisfaction of the Town Board.
6. Show additional parking spaces at eastern property line on Lot 8.
7. Show landscaping in existing islands. Provide Landscape maintenance note for all existing and proposed landscaping on plans.
8. Relocate monument sign and landscaping to the satisfaction of the Town Board.
9. The existing building on the adjacent parcel shall be connected to the town sewer system.

10. Provide erosion control plans and details to the satisfaction of the Town Engineer.
11. The applicant shall pay all requisite Town fees prior to the Town Board's signing of the site plan.

WHEREAS, the required landscaping and plantings are necessary to mitigate the adverse visual impact of the project on adjacent private and public properties; and

WHEREAS, the mitigative purpose of the requisite landscaping and plantings qualifies these improvements as quasi-public, giving the Town a strong interest in assuring that they are satisfactorily completed; be it hereby

FURTHER RESOLVED, to assure the viability of the landscaping after planting, upon completion of the requisite plantings, applicant shall deliver to the Town of Yorktown a letter of credit, cash bond, or maintenance bond in an amount equal to ten (10%) percent of the total cost of the requisite plantings, as estimated by the Town Engineer's office. Said security shall be in a form satisfactory to the Town Attorney. The security shall be held two years from completion of the requisite plantings. Should the applicant fail to replace plantings that do not remain viable within fourteen (14) days of being so instructed by the Town Engineer, the Town Board shall be entitled to draw on the ten (10%) percent to, replace such plantings; and

FURTHER RESOLVED, that this approval is valid for one year from the date of its adoption unless a building permit is issued for the proposed work approved herein.

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

ADOPT LOCAL LAW AMENDING ZONING MAP – MOHEGAN AUTO AND TIRE, INC.

RESOLUTION #206

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

WHEREAS, a public hearing was held on November 1, 2016, pursuant to notice duly published as required by law to amend the Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown.

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to Transitional Zoning District:

Section 15.12, Parcel 2, Lot 8 (15.12-2-8) (approximately 0.220 acre)

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael Grace	Voting Aye
Councilman Vishnu Patel	Voting Aye
Councilman Gregory Bernard	Voting Aye
Councilman Thomas Diana	Voting Aye
Councilman Edward Lachterman	Voting Aye

Local Law #8 of 2017 is hereby duly adopted.

PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING MASTER FEE SCHEDULE

Supervisor Grace convened a public hearing to consider a proposed Local Law amending several sections of the Town Code with regard to the Master Fee Schedule. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace stated that every fee the Town had in the Town Code is now on a Master Fee Schedule which is posted on the Town's website. Town Attorney Michael

McDermott stated that some fees have increased since they haven't been changed in nearly 20 years. The most relevant fee change is the Building Permit Fee which had been based on the estimated cost of construction which is now based on square footage. Supervisor Grace stated that any changes to the fee schedule will now be done by Local Law instead of resolution – this is a matter of transparency.

The following people spoke:

Mrs. Susan Siegel, resident, commended the Board for taking this step. She thanked Town Attorney Michael McDermott for explaining changes to the Building Department fees and asked if the Board would highlight where the fees were changed.

Supervisor Grace stated that the most relevant fee change is the Building Permit Fee which had been based on the estimated cost of construction which is now based on square footage. The old fee left too much wiggle room as to who was doing the estimated cost of construction.

Councilman Bernard said that there were quite a few changes since the Town Board asked each department to come back to them with any changes and feels that many of them are more straight forward now, i.e., wetlands permit, bulk pick up fee, etc. Supervisor Grace explained why a lot of the changes were made to adjust the process of how fees are paid.

Mrs. Siegel asked about fees for storm water permits, erosion control permits, wetlands permits, etc. - if the Board has taken away the escrow portion of the fee, has the basic fee increased? Town Engineer Michael Quinn stated that the overall fee has not changed.

Mr. Paul Moskowitz, resident, said he was confused about something: Several months ago, Supervisor Grace and Senator Murphy placed plans for a development project before the Planning Board. Councilman Bernard stated that it was not Supervisor Grace and Senator Murphy, but a company called Unicorn Development who presented the plans. Mr. Moskowitz stated that both of their names were on the project. He wondered why Supervisor Grace has not withdrawn from the discussion of the fee schedule since changing the fees for construction would directly affect the cost of building the 40,000 square foot building.

Supervisor Grace said he is not building anything or paying any permit fees – it is an unrelated third party that is doing the construction. Mr. Moskowitz stated that Supervisor Grace still owns the land. Supervisor Grace stated that he would not discuss his personal business.

Councilman Lachterman made a motion to waive the pool pass fees for senior citizens who are 70 years and older, seconded by Councilman Bernard.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Bernard, seconded by Councilman Diana and carried.

ADOPT LOCAL LAW # 9 of 2017 AMENDING MASTER FEE SCHEDULE  
RESOLUTION #207

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

WHEREAS, a public hearing was held on June 6, 2017, pursuant to notice duly published as required by law to amend several sections of the Town Code with regard to the Master Fee Schedule.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael Grace	Voting Aye
Councilman Vishnu Patel	Voting Aye
Councilman Gregory Bernard	Voting Aye

Councilman Thomas Diana            Voting Aye  
Councilman Edward Lachterman      Voting Aye

Local Law #9 of 2017 is hereby duly adopted.

PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING CHAPTER 240 - SEWERS AND SEPTIC SYSTEMS (GREASE TRAPS) ADDING NEW SUBSECTION TESTING AND VERIFICATION

Supervisor Grace Convened a public hearing to consider amending Section 240-7 of the Code of the Town of Yorktown entitled “Testing and Verification” by adding new subsections F, G, H, I, J, K and L. Affidavits of Posting and Publication were presented by the Town Clerk.

Town Engineer Michael Quinn explained that a commercial use in Town with a commercial kitchen is required to have a grease trap. This provision requires a yearly report so that the Town knows that cleaning of the trap is done.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Bernard, seconded by Councilman Diana and carried.

ADOPT LOCAL LAW #10 of 2017 AMENDING CHAPTER 240 - SEWERS AND SEPTIC SYSTEMS (GREASE TRAPS) ADDING NEW SUBSECTION TESTING AND VERIFICATION  
RESOLUTION #208

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

WHEREAS, a public hearing was held on June 6, 2017, pursuant to notice duly published as required by law to amend Section 240-7 of the Code of the Town of Yorktown entitled “Testing and Verification” by adding new subsections F, G, H, I, J, K and L.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael Grace            Voting Aye  
Councilman Vishnu Patel              Voting Aye  
Councilman Gregory Bernard        Voting Aye  
Councilman Thomas Diana            Voting Aye  
Councilman Edward Lachterman      Voting Aye

Local Law #10 of 2017 is hereby duly adopted.

WETLAND PERMIT TO CREATE A TRAILWAY EXTENSION THROUGH TOWN PROPERTY -ROUTE 118 AND DOWNING DRIVE THROUGH TO BALDWIN ROAD

Supervisor Grace convened a public hearing to consider the Wetland Permit Application from the Yorktown Trailtown Committee to create a trailway extension through Town property located at Route 118 and Downing Drive through to Baldwin Road, known on the Tax Maps as Section 37.14, Block 1, Lot 43. The activity in the wetland and/or wetland buffer is clearing for an 8-foot wide, approximately 950-foot long Item 4 Path, construction of three 6-foot wide wooden bridges, and construction of approximately 600 feet of 8-foot wide boardwalk. Affidavits of Posting and Publication were presented by the Town Clerk.

Supervisor Grace stated that the Town is actually issuing itself a wetlands permit in this case because it is town-owned property and this is an opportunity to discuss the effects this permit will have on the wetland area along the trail.

Councilman Patel entered the Town Board meeting.

Mrs. Jane Daniels introduced herself to the Town Board as a member of the Yorktown Trailtown Committee. She stated that this project is definitely progress for the Town and preserves something in the town that has laid fallow for over a hundred years when the

spur from what is now the North County Trailway went over to what is now Mohansic Golf Course which is why this is being dubbed the Mohansic Trailway in honor of our past.

Supervisor Grace described the location of the project and the work to be done, including bridges to cross an existing stream, and an 8 foot wide boardwalk.

The Supervisor opened the discussion to the public. The following people spoke:

Mr. David DiNapoli, White Birch Drive, asked if there was a route map. Mrs. Daniels showed the map to him. He said there are young people who now go there to drink and wanted to know about the maintenance of the area. Mrs. Daniels said that people walking on the trail will act as a deterrent to drinking since young people want to drink beer in private. Mrs. Daniels said that the trail going through is a positive thing that will help prevent the young people from drinking. Mr. DiNapoli asked if this trail would be lighted at night or will it be dark? Mrs. Daniels said that it will not be lighted. The trail will close at dusk. Mr. DiNapoli asked if the Yorktown Parks & Recreation Department will be maintaining the trail.

Supervisor Grace stated that if it becomes part of our parcels, yes, it will fall under our Parks Department; however, the Town is hoping to get some consideration from the New York – New Jersey Trailway Commission. The idea was to connect FDR Park with the downtown Heights area. That was the purpose of this trail.

Mr. Bill Kellner, Chairman of the Yorktown Tree Conservation Advisory Commission, spoke before the Board. He stated that the Commission supports this trail. The relatively limited impact on the wetlands is contrasted with the long term benefit to the community. He mentioned a program he saw regarding trail networks that are being built all over New York State. It has been found that communities with these trail systems have shown increased business, increased retail activity, increased visitation. He mentioned trails are a great way to connect people to nature, especially those that are wheel-chair bound and commends the Trailtown Committee.

Mr. Anthony Pilli, has a planning cost review been conducted which details the ongoing cost of maintenance? The useful life of the trail and any increases in liability insurance needed? Supervisor Grace stated that the cost of maintenance, to his knowledge, has not been calculated. The cost of construction has been somewhat calculated and at this point it is between \$7,000 and \$15,000 outlay by the Town, if that much. The Committee has gotten grants from New York State for \$7500 and \$12,500 from other grants. There should not be an impact on liability insurance. Mr. Pilli stated that the trail will run directly behind his property. More than the effect it may have on property value, he is concerned about his young son being able to play in his yard. He is concerned about wrong-doers that who may use the trail. He mentioned a possible fence being erected to add a sense of security for those directly impacted. Supervisor Grace asked Mr. Pilli when he was first contacted on the trail. Mr. Pilli stated that when he received the Notice to Interested Parties a few weeks ago. Supervisor Grace said that this was an idea that was floated a couple of years ago and anyone who had an issue with this project had been contacted so that there wouldn't be an issue. Supervisor Grace said Mr. Pilli's concerns will be addressed.

Ms. Laura Castellano, Baldwin Road, stated the trail will go directly in front of her home. She referred to a statement made by someone in the audience regarding that kids don't go there to drink and said this is incorrect. She sees young people going down there all the time and the next day, some elderly women go with garbage bags to clean up the area. She feels there is a danger there because you don't know who is coming through from the park. There are children present who may be in danger – the police don't go down there because they can't. The young people in town have nowhere to go. Mrs. Castellano stated that the Town doesn't need any more trails – enough exist.

Mr. Richard Castellano, Baldwin Road, stated that when this was proposed a number of years ago by Supervisor Cooper someone on the Town Board came to visit them and they voiced their objections then. He even had his cars broken into right on his property

presumably from people on the trail. Mr. Castellano is in favor of a reasonable fence, if that becomes an option.

Mr. Mark Kopkin, Strang Boulevard, voiced his support of the trail. He appreciates the attention given to trails and recreational facilities. He mentioned that the park near him at the end of Strang doesn't seem to have the issues of young people drinking. He would like to see the day he can take his bike from the FDR Park directly into town.

Mr. Paul Moskowitz, resident, mentioned that he's noticed that people using the North-South County Trailway on the weekends do drop into Town on the weekends – it is one of the few stops on the Trailway in a town. He believes that it brings business and people seem to generally be enjoying themselves on the trail. He feels the proposed trail will draw more people to the area and the business. Yorktown will become a hub for people using the trail because it will now have an east-west route.

Mr. Mark Lieberman, resident, mentioned that when he visited Minnesota he noticed the trailway system they have and how it encourages small shops and businesses. These systems become a way for families to spend time together and make Yorktown a destination. He thinks this project is a minimal investment for the entire family.

Mr. John Flynn, Woods Brooke Lane, spoke about how the trails are very popular with bike riders, dog walkers, and hikers, especially on the weekends. He does a lot of recreational cycling, especially during the week, due to the amount of people on the weekends. He is very interested in the extension because this would allow him to bike to his work on Route 6. He believes that this project is important for the Town because every bicycle on the road means one less car on the road and one more parking space available. There is a recreational component to the trail but also a utility.

Ms. Marcia Stone, Shrub Oak Park area resident, also spoke of how their area also had a problem with teenage drinking. They solved the problem by upgrading the area and making the area open so people driving by could see directly down to the beach. They cleared out the brush and vines, put in benches and tables, and made the area generally more active by making it more accessible. This activity has discouraged the alcohol drinking problem.

Ms. Ann Borsino, LaVoie Court resident, stated that this is the first time she has seen the map of the trail and had no previous knowledge of the project. She came tonight to ask other neighbors about the trail. She said that although she understands that the trail would be nice for people to walk, she also understands the concerns of her neighbors, particularly about the drinking especially in the evening. Ms. Borsino would like to see a copy of the map. She also understands the concerns of Mr. Pilli, not being able to feel comfortable with his child on view in his backyard.

Mr. John Schroeder, Member of the Board of the Yorktown Land Trust, stated his comments this evening reflect those of the Trust. This is a project that they have been excited about since it is an expansion of a wonderful trail system that permeates the entire Town. He stated that the Yorktown Trailtown Committee's (the Land Trust is working with the Committee on the project) principal objective was to promote economic development in the Heights area and then spread out to the rest of the Town. This has also been a goal of the Land Trust for years: to use the infrastructure of the trails and open space to promote economic development for the Town. Mr. Schroeder also stated that since he is a retired 33 year employee of the Parks & Recreation Department, his opinion is that less problems occur with parkland and open space once it is put to use. He mentioned that he lives near the North County Trailway and remembers the fears of what would happen when it became a reality. None of those fears came true. He said that it has made his neighborhood safer and recommends that this project be approved.

Mr. Mel Tanzman, Mohegan Lake, talked about the accessibility of the trail for wheelchairs and how this accessibility is important for people to enjoy a natural habitat. He mentioned the problem of teenagers drinking at the lake and how the community helped solve it by installing motion-sensor lights. He hopes that the traffic due to the trail

will actually help solve the problem of the alcohol. Mr. Tanzman supports the trail project.

Mrs. Maura Gregory, Mohegan Lake, stated that this is a win-win for both Yorktown businesses and recreational users. Any time you increase access to the environment, you increase appreciation for the environment. It is worth whatever minimal disruption to the wetlands to have the project completed. She stated that the concerns of the residents are valid and that if a fence is considered, it should be a see-through fence so that the residents can still see the environment and it can also act as a safety feature to see what's going on the trail.

Mr. Ken Belfer, Amazon Road, stated how much he enjoys the trails and paths in Yorktown. He talked about the alcohol problems near Lake Mohegan and understands the residents' concerns. The problems do exist but he doesn't see where creating this trail will increase the problem. He hopes that if it is an issue, the police would be called. Mr. Belfer supports the trail project.

Mr. Roy Sokol, Baldwin Road, stated that he received a letter about three weeks ago and this was the first he really knew about the project. Supervisor Grace stated that the Board was advised that there was a reach-out to the entire neighborhood about the project. Representations were made to the Board at informational hearings several times that the neighbors had been reached out to about this and there were no objections. Town Attorney Michael McDermott said when he worked on this project last year with Mark Linehan, one of the critical issues the Board had Mr. Linehan do was to track down the owners of the properties along the trail and do mailings (the Town helped create the mailing list). Mr. Linehan advised that several mailings were done including an informational letter. This was a very important issue with the Board. Mr. Sokol asked about a prospective start date and Supervisor Grace stated that they should go back to the drawing board on the project. This is a public hearing for a wetlands permit and all of the commentary this evening is completely off topic. Supervisor Grace thought there was agreement between the neighbors and the Trailtown Committee and that all was okay and now realizes he was mistaken since the neighbors present didn't know anything, if at all, about the project. Informational meetings must occur before this can proceed. Supervisor Grace stated that the trail system is a great idea but more communication must take place and that a certain amount of misrepresentation has taken place.

Mrs. Susan Siegel, resident, stated that last year she served as Secretary to the Yorktown Trailtown Committee and wanted to follow up on what Mr. McDermott said. There was an informational letter sent, of which she has a copy. She has a list of homeowners to whom it was sent. They received one response to their letter and that was someone looking to volunteer on the trail. There were no objections received. When the Town had put their proposal together a few years ago for a more expansive and expensive trail, the Town never asked the residents if they wanted it. She also would like to see Jane Daniels give her slide presentation.

Supervisor Grace reminded everyone that this is all off topic since this was supposed to be a public hearing for a wetlands permit. It has come to light tonight, notwithstanding whatever has come before, the level of communication that occurred before this evening was ineffective. Even if the public hearing proceeded for the wetlands permit, the broader issue if this should go through is being raised. An informational meeting needs to be set. Councilman Bernard stated he thought it would be a good idea to see Ms. Daniels' presentation so the residents could at least see what the trail would look like. Supervisor Grace agreed with Councilman Bernard and stated that he would make a motion to withdraw the wetlands permit application. Mrs. Siegel asked if the meeting could be adjourned instead of closed so that it doesn't have to be re-advertised and notices to interested parties mailed again. Supervisor Grace said no, the meeting would be closed. Mrs. Siegel talked about how this has been on the drawing board for quite some time, with the Town Board's total support. Supervisor Grace stated that the Town Board did support the trail because they were also under the impression that the Committee had the support of the area's residents. Councilman Lachterman interjected that the Town Board was also under the impression that this was followed up on and to

say that the Committee got only one response and no one followed up on this, is not following up.

Supervisor Grace stated he would make a motion to withdraw the application at this time so that the Committee and the Board can go back and revisit the project in total because the nature and the scope of it may be changed considering the area's residents input. There are two exceptions to withdrawing it and stopping the public hearing at this point: a gentleman in the audience who has been waiting since earlier in the evening will be allowed to speak and Mrs. Daniels will give her presentation about the project. Supervisor Grace instructed the audience members to pay attention to the presentation and to give their information to his office so they may be contacted regarding future meetings.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed and the application withdrawn. Upon motion made by Supervisor Grace and seconded by Councilman Diana.

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

Mr. Tom Fegan, Baldwin Road, said he has some of the same concerns as the other residents and has mixed feelings about the trail. He voiced the same concerns regarding teenage drinking and the safety of children, particularly at the daycare center at the French Hill School and the elderly at The Country House. He is happy about having a trail that would possibly give him access to the shopping area but then was told that he may not be able to use his wheelchair on the proposed Item 2 material instead of a tarred pavement. He also raised the issue of a traffic light at Route 118. Mr. Fegan mentioned storm water drains off onto his and other properties. He also brought up the fact that the certified mail was the first notification of the trail that he received. Mr. Fegan obtained more information from the Town Clerk's office the previous Friday. He feels this is an important issue for the neighborhood.

Mrs. Jane Daniels, Yorktown Trailtown Committee, gave her presentation about the trail. She began by stating that she is the President of the Friends of FDR State Park and they have been building a connection between FDR Park and Baldwin Road. Mrs. Daniels said that for those people who are concerned about what is happening on the west side of Baldwin Road, she is very aware of those concerns and is working with the Park and the Park police to clean that up. This is Park property and Park police have to be called for any problems in that area. Mrs. Daniels pointed out there is a huge wetland between homes on White Birch and the trail. It serves as a fence and the trail won't be visible. Mrs. Siegel pointed out that there is about 100 feet between the homes on White Birch and the trail. Mrs. Daniels showed photographs of the trail as it currently exists. She showed slides regarding the funding of the project and the benefits of the trail. Photographs were then showed of what the proposed boardwalk and bridges would look like. Next steps were discussed; she gave her email address [wjdhikes@gmail.com](mailto:wjdhikes@gmail.com) if anyone wishes to contact her. Councilman Patel asked if volunteering on the trail could be done as a Boy Scout project. She would love to have the Boy Scouts and other groups to help.

Supervisor Grace re-stated that the application for the wetlands permit has been withdrawn and, if it is brought up again, will be re-noticed. He directed the residents to give their information to his office. Supervisor Grace stated that he was sorry if this was the first residents were hearing about this project; he didn't feel it was deliberate, just miscommunication.

Mr. Richard Castellano, resident, asked about the parking of cars for the trail. Unless they park at the school or down below Route 118, he is concerned they will be using their neighborhood roads. Supervisor Grace said this is a concern at the Route 118 area and will need to be further addressed. He stated that this is a good illustration when there are competing interests where both parties are passionate about their sides but the most important thing is that both sides work together.

Mr. Dan Strauss, resident, asked if there was a public hearing for the project, itself, not the just the wetlands permit. Supervisor Grace stated no, because it was not required in this case. Mr. Strauss suggested that maybe if there had been, the miscommunication would not have occurred. Supervisor Grace said that he would not start looking at whose fault the miscommunication was; there should be no innuendo.

Mrs. Maura Gregory added that there needs to be something for the young people to do in the Town.

ADVERTISE BID FOR EQUIPMENT RENTAL – HIGHWAY DEPARTMENT  
RESOLUTION #209

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on June 19<sup>th</sup>, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Town of Yorktown Equipment Rental.

All bids must be accompanied by an executed non-collusive bidding certificate.

Specifications may be obtained at the Office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

The bidder assumes the risk of any delay in the mail or in the handling of mail. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Town of Yorktown Equipment Rental."

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

The Bid may also be viewed and printed from the Town website at [www.yorktownny.org](http://www.yorktownny.org).

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

AUTHORIZE EXPENDITURE FROM CAPITAL PROJECT HV – IMPROVEMENTS  
VARIOUS BUILDINGS  
RESOLUTION #210

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

Whereas the Town Board authorizes the following expenditures from Capital Project HV – Improvements to Various Town Buildings:

<u>MCAS Roofing &amp; Contracting, Inc.</u>	\$ 1,550.00
To assist in the installation of an air conditioning unit on the roof over the Town Board room	
	\$10,000.00
To remove and replace the roof membrane, fabricate and install copper flashings on the Crow's Nest roof at Town Hall	
	\$ 3,250.00
To repair leaks by re-flashing ducts and installing a membrane in roof over the Town Board room	
	\$ 3,200.00
Remove and install new wood railing system on Crow's Nest roof at Town Hall	
<u>Peak Performance and Service Inc.</u>	\$12,314.00
To replace air conditioning units at Town Hall as follows:	
Replace air conditioning condensing unit on roof over Town Board room, remove and	

replace three (3) indoor wall mounted evaporators

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH YORKTOWN ANIMAL HOSPITAL FOR HARBORING AND SHELTERING ANIMALS  
RESOLUTION #211

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

Resolved, that the Supervisor is authorized to sign a contract with the Yorktown Animal Hospital for Harboring and Sheltering Animals for the Town of Yorktown.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH FIELDTURF FOR MAINTENANCE AT WOODLANDS LEGACY BALL FIELDS  
RESOLUTION #212

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

WHEREAS, the Department of Parks and Recreation wishes to enter into a maintenance service agreement with FieldTurf to prolong the life and safety of the turf field at Woodlands Legacy Ball Fields,

WHEREAS, the Department wishes to utilize Maintenance Program 1 which includes One (1) Advanced Care Visit and One (1) Standard Care Visit at a combined cost of \$6,075.00.

WHEREAS, monies have been allocated in the 2017 Parks Department budget line A.7110.425 (Contractual) for this service and,

NOW THEREFORE, BE IT RESOLVED, the Supervisor is authorized to sign a maintenance proposal with FieldTurf in the total amount of \$6,075.00.

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

AUTHORIZE TOWN CLERK TO TRANSMIT A HOME RULE REQUEST FORM FOR SUPPORT AND PASSAGE OF ASSEMBLY BILL A7136-A AND SENATE BILL S5315-A  
RESOLUTION #213

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

WHEREAS, on June 16, 2015, the Town Board approved a resolution granting an access and use license to Old St. Georges, LLC to construct a parking area on a 6,227.31 square foot area ("Parcel A") of parkland known as the former Ardizzone parcel ("the park"); and

WHEREAS, as a condition of the license, Old St. Georges, LLC is required to convey to the Town of Yorktown a 6,227.03 square foot parcel ("Parcel B") which is part of a property listed in the Town of Yorktown Tax Rolls as Section 15.12 Block 2 Lot 53 and which is located adjacent to the park; and

WHEREAS, the construction of the parking area on Parcel A will result in access to the park in compliance with the use and license agreement; and

WHEREAS, the conveyance of Parcel B to the Town of Yorktown will result in no reduction in size of the park; and

WHEREAS, as Parcel B is located adjacent to the Lake Mohegan Outlet and the preservation of the Lake Mohegan Outlet will provide greater preservation of

wetlands, riparian corridor habitat and recreational opportunities than what presently exists on Parcel A; and

WHEREAS, as a further condition of the license agreement, Parcel A would be conveyed to Old St. Georges, LLC upon the Town of Yorktown obtaining New York State legislature approval to alienate Parcel A; and

WHEREAS, a public hearing was conducted on June 16, 2015 pertaining to the alienation and public comment was fully considered and the public hearing closed; and

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be a Type I action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature,

NOW, THEREFORE, Be It Resolved, that the Town Board of the Town of Yorktown hereby issues this Home Rule request, effective as of June 6, 2017 in support and passage of Assembly Bill A7136-A and Senate Bill S5315-A.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to transmit a home rule request form and a copy of this resolution to the Home Rule Counsel of the New York State Senate and Assembly.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael J. Grace	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Resolution adopted.

AUTHORIZE RELEASE OF APPLICATION FEE FOR PERMIT #BSWPPP 079-15  
RESOLUTION #214

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

WHEREAS, Joseph & Erica Cosentino, as applicants, posted Check No. 613 in the amount of \$300.00 on May 2, 2017, \$200 of which was deposited into the 2116.1 account and the remaining \$100.00 was deposited into the A2116 account on May 4, 2017, to serve as the application fee for Stormwater Permit #BSWPPP-079-15, for work to be performed at their Jennifer Court residence, and

WHEREAS, the Town Engineer has reviewed the above referenced application and determined that a permit will not be necessary, and that \$300.00 application fee may be released, NOW THEREFORE BE IT

RESOLVED, that the above-referenced fee in the amount of \$300.00 be and is hereby released to Mr. & Mrs. Joseph Cosentino, 120 Jennifer Court, Yorktown Heights, NY 10598.

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

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH GHD FOR HALLOCKS  
MILL SEWER DISTRICT EXTENSION PROJECT  
RESOLUTION #215

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

WHEREAS,

1. The Town and GHD Consulting Engineers have been working together to secure funding from the Northern Westchester Watershed Committee and Westchester County for build-out of the Hallocks Mill Sewer District. The Town has received preliminary approval to apply their allotted share of \$10 million to the project.
2. GHD Consulting Services previously prepared a Wastewater Infrastructure and Pump Station Evaluation Report dated October 2016. The Report recommended sewer extensions for the Sunrise Street Subarea, Sparkle Lake Subarea and Birch Street Subarea, which will allow approximately 436 parcels the ability to connect to Town sewers. The project also includes an upgrade of the Crystal Lake Pump Station. The total estimated project cost is \$18,300,000.
3. There are three (3) additional subareas that the Town wishes to include in the extension project: Ridge Street Subarea, Broadview Subarea and Carolina Road Subarea, which will allow another 232 parcels the ability to connect to Town sewers.
4. The Engineering Department is requesting the ability to work with GHD Consulting Engineering on the various tasks that will be needed for the Town to receive the \$10 million in funding that can then be applied to preparation of engineering plans and paying for construction costs.
5. Currently the funds are in an account being maintained by the Westchester County Planning Department; in order for the Town to obtain their \$10 million allocation we will need to execute an Inter-Municipal Agreement (IMA) with the County, complete the preliminary engineering review via the SEQRA process and obtain approval for disbursement of funds via the County Board of Legislators.
6. The detailed scope of services to be provided by GHD Consulting Services is:
  - a. Obtain topographical survey information using aerial surveys, ground surveys and Westchester County data along the proposed sewer extension route.
  - b. Perform up to ten (10) soil borings to evaluate the geotechnical conditions.
  - c. Identify any wetlands, watercourses or other environmental features that will need to be protected during the work.
  - d. Conduct a condition assessment of the Crystal Lake Pumping Station.
  - e. Prepare a schematic design report to include: summary of topographic and geotechnical existing conditions, conceptual layout of Birch Street subarea, Sunrise Street subarea and Sparkle Lake subarea sewer extension including preliminary layout and sizing, service connection standards, condition assessment of Crystal Lake Pump Station and summary of recommended improvements with conceptual layout plans.
  - f. Cost estimate for the recommended improvement plan.

- g. Assist the Town with SEQR documentation.
  - h. Meet with the Town and representatives of the New York State Department of Environmental Conservation (NYSDEC) to review the planned project and to identify the steps that will be needed for an eventual increase in the permitted discharge limit.
7. Since the construction phasing and overall project cost are conceptual at this time, by undertaking a more detailed study and schematic design as further described above, the Town will have the ability to more clearly define the work limits and details of construction that can be communicated to the Town Board and other Town officials, volunteer boards and affected residents. We also plan to use the results of our detailed engineering evaluation report to apply for additional project funding opportunities.
  8. The professional engineering services to be provided by GHD will be on a lump sum basis in the not-to-exceed amount of \$265,000. Note: The Agreement would also include a contingency allowance of \$50,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm's normal hourly rate schedule that will be included as part of the Agreement.
  9. In the professional opinion of the Town Engineer, GHD Consulting Services, Inc. provided a fair and reasonable proposal for professional services. We note the firm is uniquely qualified in that they have worked on Town sewer evaluations and studies for many years and have institutional knowledge of the Town's sewer infrastructure having successfully completed many previous Town projects.
  10. They also have strong working relationships with the Northern Westchester Watershed Committee, Westchester County Planning, the NYC Department of Environmental Protection and the NYS Department of Environmental Conservation, which should help us quickly move through the approval process.
  11. In order to pay for this project, the Department requests approval to use reserve funds in the (YS) Sewer fund balance for this project; we need the Town Comptroller to make the following budget transfers:
    - a. \$315,000 from Sewer Fund (YS) to YS.8130.479.3 Special Projects Hallocks Mill Sewer Build Out

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Comptroller to make the necessary budget transfer and the Town Supervisor to sign a Professional Services Agreement with GHD Consulting Services, Inc., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$315,000.

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

Supervisor Grace commented that this is a further step to explore the extension of sewer services to those areas that had an informational meeting several weeks ago into the Hallocks Mill Sewer District and possibly the Peekskill Sanitary Sewer District.

DECLARATION OF LEAD AGENCY – GRANITE KNOLLS  
RESOLUTION #216

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

WHEREAS on November 22, 2016, the Town Board declared its intent to act as Lead Agency and circulated to all involved and interested agencies; and  
WHEREAS no agencies challenged the Board's intent to act as Lead Agency; be it therefore now

RESOLVED, that the Town Board hereby declares itself to be the Lead Agency for the Proposed Site Plan for the Granite Knolls Recreation Facility.

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

AUTHORIZE PURCHASE OF VEHICLES FOR THE YORKTOWN POLICE  
DEPARTMENT  
RESOLUTION #217

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

Whereas, the Town Board of the Town of Yorktown has funded the purchase of three police vehicles in the Police Department's 2017 budget; and

Whereas, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Taurus Police Interceptors and Ford Utility Police Interceptors; and

Whereas, the State of New York Office of General Services has received, reviewed and awarded the bids for the Ford Taurus Police Interceptor and Ford Utility Police Interceptors; and

Whereas, Beyer Ford LLC has submitted the lowest bid for the Ford Taurus Police Interceptor and the lowest bid for the Ford Utility Police Interceptors; and

Whereas, the State of New York Office of General Services has awarded contract #66676 to the lowest bidder; and

Now, Therefore, Be It Resolved that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) Ford Taurus Police Interceptor (\$24,360.83) and (2) Ford Utility Police Interceptors from the State of New York Office of General Services (\$54,293.88) contract #66676 from Beyer Ford LLC in the amount of approximately seventy eight thousand six hundred fifty four dollars and seventy one cents (\$78,654.71).

Whereas, the Town Board of the Town of Yorktown has funded the purchase of three police vehicles in the Police Department's 2017 budget; and

Whereas, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Taurus Police Interceptors and Ford Utility Police Interceptors; and

Whereas, the State of New York Office of General Services has received, reviewed and awarded the bids for the Ford Taurus Police Interceptor and Ford Utility Police Interceptors; and

Whereas, Beyer Ford LLC has submitted the lowest bid for the Ford Taurus Police Interceptor and the lowest bid for the Ford Utility Police Interceptors; and

Whereas, the State of New York Office of General Services has awarded contract #66676 to the lowest bidder; and

Now, Therefore, Be It Resolved that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) Ford Taurus Police Interceptor (\$24,360.83) and (2) Ford Utility Police Interceptors from the State of New York Office of General Services (\$54,293.88) contract #66676 from Beyer Ford LLC in the amount of approximately seventy eight thousand six hundred fifty four dollars and seventy one cents (\$78,654.71).

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE TAX PAYMENTS  
RESOLUTION #218

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #3989000 in the amount of \$ 169.78  
Account #1594000 in the amount of \$3,702.56  
Account #2494340 in the amount of \$3,866.05  
Account #1675000 in the amount of \$4,143.22  
Account #2576500 in the amount of \$3,888.55  
Account #0279502 in the amount of \$4,168.59  
Account #3082500 in the amount of \$6,095.26  
Account #2355500 in the amount of \$4,037.63  
Account #1228500 in the amount of \$5,433.58

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

AUTHORIZE COMPTROLLER TO REFUND AN OVERPAYMENT TO WATER  
ACCOUNT #43-14012808  
RESOLUTION #219

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the amount of \$56.45 for an overpayment to Water Account #43-14012808.

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

Councilman Patel asked where the funds will come from for the GHD Consulting Services Professional Agreement for the sewer project. Supervisor Grace stated that the money will come from the sewer district's fund balance. Town Engineer Michael Quinn stated that in order to receive the \$10 million in grant money, the Town has to go through the SEQRA process and this agreement is to hire GHD Consulting to get the Town through the process. This is a grant where the Town will get the money before the project is done, but before the money is granted, the Town has to do couple of steps that are outlined in the resolution. This is the design phase to determine the technical requirements; it is also being called the schematic design. After this step, plans and specs will be prepared for contractors to bid on.

MONTHLY REPORTS

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman the following reports were accepted:

Building Department Cost of Construction Report May 2017  
Receiver of Taxes Deposit Report – May 2017

CHANGE OF PUBLIC HEARING FOR THE WEYANT PROJECT - REZONING  
RESOLUTION #220

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

RESOLVED, the public hearing to consider the application made by John DeVito, the contract vendee for property owned by the Laura F. Weyant Revocable Living Trust, for an amendment to the Zoning Map for property located at 2040 Crompond Road is hereby moved to September 19<sup>th</sup>, 2017.

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

Councilman Patel asked if this project falls under the Planning Board or the Town Board. Supervisor Grace responded that the Planning Board is advisory to the Town Board for an application for rezoning. The Town Board does not have to follow their recommendation. Councilman Bernard stated that under transitional zone, the Town Board approves the site plan; as you approve the rezoning, you approve the site plan at the same time. The Planning Board will review it to technical details and the Town Board will take their recommendations in consideration and then make a decision. Councilman Patel asked who will review the wetlands piece of the request. Councilman Bernard said the Town Engineer will be able to review the storm water issues and other technical details.

ACCEPT FINDING OF ETHICS BOARD RE: COMPLAINT NO. 1-2017  
RESOLUTION #221

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

RESOLVED, the Town Board accepts the findings of the Ethics Board as stated in an advisory opinion dated May 17, 2017 regarding Complaint No. 1-2017 filed by Mark Lieberman. The Ethics Board determined in a unanimous decision the allegations in the complaint failed to set forth an ethical violation.

Bernard, Diana, Lachterman	Voting	Aye
Patel	Voting	Nay
Grace	Recused	Himself

Supervisor Grace stated that the complaint had no merit which had to do with his vote on the 485(b) legislation which had been on the table before the Town Board for years. Supervisor Grace stated that the allegation was political in nature which, he said, seems to be what the Ethics Board is being used for – political swipes. He stated that his votes as a Board Member also affect him as a resident. Supervisor Grace stated that he lives, works, and has a business in the Town – if this decision was considered a conflict of interest issue then there would be a conflict of interest with him even sitting on the Board.

**COURTESY OF THE FLOOR**

The following people spoke:

Ms. Marcia Stone, resident, had questions regarding Mohegan Tire & Auto property: what will be seen from Route 6? She mentioned items 6 & 7 of the resolution. Supervisor Grace stated he can get that information to her. Councilman Bernard stated that it would be fencing and shrubbery. She asked if they would see the cars from their homes; Supervisor Grace said she may see some, not all. Ms. Stone asked if there would be a limit to the number of cars; Supervisor Grace said based on the number of spaces, yes.

Mr. Mark Lieberman, Wells Street, stated that instead of being concerned about the trail, residents should be more concerned with the pipeline. He said he was shocked to find out that the Spectra pipeline passes relatively close to the following Yorktown schools: Thomas Jefferson Elementary School, Copper Beech Middle School, Crompond Elementary School, and Benjamin Franklin Elementary School. It will also pass closer to Legacy Field, the Granite Knolls Recreational Facility when it is built, and the new school for autistic children. The pipe carries times as much gas as the current pipe, resulting from the increase in volume and pressure. The gas in the Spectra pipe is mostly methane, but is mixed with hydrogen sulfide gas, radioactive radon gas, and other chemicals. What is being done to keep this pipeline from being implemented? If nothing, what is being done to divert away from these particular areas? If nothing, then what is being done to implement emergency planning? Mr. Lieberman then quoted the number of accidents involving gas pipelines, as well as fatalities and property damage.

Mr. Dan Strauss, resident, stated that he meant no innuendo when he previously spoke. He then spoke about the Mohegan Lake apartment complex that is being built. He asked about public hearings that were held regarding this and other projects in town (Mohegan Lake Tire and Auto). Mr. Strauss mentioned spot zoning. He pointed out what he felt

were untrue statements in a newspaper article that were made by Mr. Capellini, the attorney for the apartment complex project. He feels the Weyant project is wrong and the Board should stay out of the neighborhoods of Yorktown residents.

Mr. Ed Ciffone, resident, asked if the Courtesy of the Floor be held earlier in the evening because it is too late. He asked about the Sultana Pool. The residents pay the taxes that the property owners don't. Something should be done about this property. He suggested that the Open Space Fund amount of \$400,000 should be used to build a stand-alone Senior Center.

Mr. Walt Daniels, Mohegan Lake, said that there were a few things that didn't come out earlier in the evening during the public hearing regarding the wetlands permit for the trailway. There is only one house on Baldwin Road adjoining the trailway. Supervisor Grace stated that it does affect the people in the neighborhood because it will attract users to the area which is a concern for them. Mr. Daniels stated that the people on White Birch already have a better fence than what the Town can provide: the barberry and multiflora rose bushes already provide an effective barrier. Mr. Daniels stated that the residents need to participate in the discussion.

Ms. Linda Miller, Dunning Drive, said that at the April 18 public hearing for the wetlands ordinance Supervisor Grace asked her to provide the Town Board with information regarding wetlands functional assessments and that she was now ready to produce the information. At the public hearing for the proposed wetlands ordinance, Supervisor Grace said wetlands function or value should be part of a definition of a protected wetland; it is not just size but function involved. She said Supervisor Grace's comments incorrectly conflated the definition of wetland with the size, function, and value of the wetland and these terms are not interchangeable. Wetlands ecological functions are the natural processes associated with wetlands – what they do. Wetland values can be thought of as the goods and services of what they provide to humans and the societal values placed on these services; economic or aesthetic. Ms. Miller said that wetlands are defined by the presence of wetland soils, hydrology, and vegetation. Size is often added in the law to define the wetlands to be protected. While soils, hydrology, and vegetation are physical characteristics that can be measured quickly and objectively, function and value are subjective measures that cannot be part of a legal definition. She proceeded to explain the complications of trying to apply a definition to these functions and values. If the Town Board intends to use function and value in a revised draft of the wetlands ordinance then this goal has to be clearly stated. These two goals are not synonymous – the Town Board needs to think through this policy. Ms. Miller said she will provide more detailed information and scenarios, policies, and several references about wetland functional assessment.

Ms. Miller provided the Town Board and the Town Clerk with copies of her report.

Ms. Susan Siegel asked a question regarding the neighborhoods involved in the new sewer project. She asked what exactly a schematic is and would it show a design of what the sewer lines would look like because the low pressure systems in Sparkle Lake need to be addressed. Will there be an informational meeting for residents off Stony Street regarding Granite Knolls Sports and Recreational Facility since the trailway neighborhood residents will be having one?

Supervisor Grace responded to the issues raised as follows:

Sultana Pool – a letter went out to the neighbors to get together with them to discuss the next steps.

Spectra Pipeline – everything laid up to Stony Street is done and is in place and is operational so that is “water under the bridge.” As far as the next phase of the pipeline, Supervisor Grace said this can be discussed many times, but the fact is that this is not up to the Town Board - it is a federal permit regulated by the Federal Regulatory Energy Commission and is then supervised by the United States Department of Transportation because it is considered a transportation highway. The Town, as a local municipality, has no say in where it will be placed, just as the Town has no say where a highway will be

placed. As far as the accidents reported; most of these are service line accidents not in the transmission lines.

The Lexington Avenue Project – it is in front of the Planning Board. They have been zoned R-3 and they have the site plan. We have restricted the density under the R-3 zone.

The Town did not dissolve the Open Space taxing District – they decided not to collect the tax. Councilman Bernard stated that they are in negotiations for two properties that they are thinking of purchasing with the \$200,000 remaining in the fund. Supervisor Grace said that they are working with the Westchester Land Trust in terms of the purchase of two additional pieces of property that have been high on the priority list with the Open Space Committee. Residents will be hearing shortly regarding these purchases. Supervisor Grace mentioned that the long awaited stand-alone Senior Center is actually very possible to see in the short run.

Supervisor Grace thanked Linda Miller for her information. He said that what needs to be kept in mind regarding her presentation is that the wetlands ordinance is not in place to run roughshod over wetlands and destroy them; the idea is to stay away from them as much as we can so as not to overdevelop. Sometimes this becomes unavoidable and when that happens, a permit is required. When the intrusion or loss is due the economic activity of a property owner, the wetlands ordinance asks what is the unavoidable loss and to look at the mitigation for the intrusion and impact of the activity. This is what should require a functional analysis so that mitigation can be determined.

Councilman Patel stated that wetland value and function cannot just be looked at and measured; wetlands have a cumulative effect on both small and large areas that ends up improving water quality, as well as other benefits. He stated that people should have the same amount of time as the Supervisor to make their points.

Supervisor Grace stated that the only sewer issue in question as to where it will go is whether Birch will go into the Hallocks Mill Sewer District or the Peekskill Sewer District. This has been gone over with Jefferson Park – the buy-in is relatively inexpensive. These questions are why the Town is bringing in a consultant to address them. The Board is trying to get hard numbers to give to the public.

#### ADJOURN

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

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DIANA L. QUAST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN