

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
July 18, 2017

PLACE:
TOWN HALL

TIME:
7:30pm

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. SUPERVISOR GRACE'S REPORT TO THE TOWN
4. REPORTS FROM THE TOWN COUNCIL
5. PRESENTATION

- Highway Superintendent Dave Paganelli

6. PERSONNEL

Appointments – Senior Advisory Committee

Be It Resolved, that Maria Fama is hereby appointed as a member of the Senior Advisory Committee.

Be It Resolved, that Daryl Lindholm is hereby appointed as a member of the Senior Advisory Committee.

Be It Resolved, that Barbara Leifels is hereby appointed as an alternate member of the Senior Advisory Committee.

7. PUBLIC HEARINGS

DECISIONS

Amended Special Use Permit Application from Tompkins Garage, Inc.

WHEREAS, James Tompkins (“Tompkins” or the “Applicant”) operates the Tompkins’ Garage, which is located and doing business on certain real property, at 1440 Croton Lake Road (Route 129), also known on the Town Tax Map as Section 58.06, Block 1, and Lot 20 (the “Property”), which is situated within a County Commercial zoning district; and

WHEREAS, in order to facilitate the re-installation of the gasoline dispensers, including underground storage tank replacement (“Proposed Tompkins Station” or the “Action”), Tompkins submitted a letter of application from Albert A. Capellini dated April 25, 2017, to the Town Board of the Town of Yorktown for a Special Use Permit for a Gasoline Filling Station pursuant to Town Code Section §300-46; and

WHEREAS, the gas station would consist of one (1) fuel pump, with a total of two (2) fueling stations, all covered by a new 120 square foot canopy providing cover for customers and a state-of-the-art fire suppression system, and the existing repair garage in the existing building, all of which would be operated by the Applicant; and

WHEREAS, since the original gas station was established in 1932, a gasoline filling station use is permitted pursuant to Town Code §300-170 and §300-177 by special permit; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), a Short Environmental Assessment Form prepared by Joseph C. Riina, P.E. of Site Design Consultants dated April 21, 2017, was submitted together with site plan documents as follows:

1. A drawing, sheet 1 of 4, titled “Site Plan,” prepared by Site Design Consultants, dated April 21, 2017, with no revisions; and
2. A drawing, sheet 2 of 4, titled “Fire Suppression Plan,” prepared by Site Design Consultants, dated April 21, 2017, with no revisions; and
3. A drawing, sheet 3 of 4, titled “Site Details,” prepared by Site Design Consultants, dated April 21, 2017, with no revisions; and
4. A drawing, sheet 4 of 4, titled “Site Plan,” prepared by Site Design Consultants, dated April 21, 2017, with no revisions; and

WHEREAS, at meetings on March 28, 2017 and May 9, 2017, the Applicant and their development team presented the Action to the Town Board, and addressed preliminary questions; and

WHEREAS, on May 22, 2017, the Yorktown Planning Board reviewed the application and issued a Memorandum, which stated no objection to the Proposed Tompkins Station provided the New York State Department of Transportation approved any improvement proposed in the right-of-way; and

WHEREAS, the Town Board has concluded that the EAF and supplemental materials submitted in connection with the Action “has identified, analyzed, and shown mitigation for all possible significant impacts,” and

WHEREAS, the notice and hearing requirements for this Application as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Application was presented to the Town Board at a duly noticed Public Hearing held on said application commencing and closing on June 20, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York; and

WHEREAS, the Town Board has fully considered the Application, including the general “standards applicable to all special uses,” set forth in Section §300-36 of the Town Zoning Code, and adopts the following findings of fact:

1. The location and size of the Proposed Tompkins Station, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it is in harmony with the appropriate and orderly development of the Country Commercial zoning district in which it is located.
2. The location, nature and height of buildings and other associated structures is such that the Proposed Tompkins Station will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. The operations in connection with the Proposed Tompkins Station will not be more objectionable to nearby properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses.
4. The associated parking areas are of adequate size for the Proposed Tompkins Station, and are properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

WHEREAS, the Tompkins Station is being considered by the Town Board pursuant to §300-177 of the Town Zoning Code and therefore all bulk regulations set forth in said code are not applicable to this Action, however the Board has also considered the specific special use permit standards applicable to “gasoline filling stations,” set forth in Section §300-46 of the Town Zoning Code, and adopts the following additional findings of fact:

1. The use of the Proposed Tompkins Station is limited to the existing repair garage and the proposed re-installed gasoline filling station. No sales or rental of new or used motor vehicles is proposed or permitted.
2. The Proposed Tompkins Station is located at least 300 feet from any building or place of public assembly.
3. Approval of the Proposed Tompkins Station would not result in more than two (2) gasoline filling stations within 1,000 feet.
4. The Proposed Tompkins Station complies with the maximum driveway requirement.

5. The canopy is approximately 18 feet in height and complies with the maximum height allowed of 18 feet.
6. The Proposed Tompkins Station proposes no new signs.

NOW, THEREFORE BE IT RESOLVED by the Town Board that, upon review of the EAF and plans and other related materials submitted by the Applicant, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Property, and in accordance with SEQRA, the Town Board declares itself Lead Agency and adopts the attached Negative Declaration dated July 11, 2017; and

RESOLVED, that the application for the Proposed Special Permit is granted, subject to the following conditions:

1. The Applicant obtain variance approval from the Department of State for not having adequate setback of the pump from the property line.
2. The proposed canopy height shall comply with the maximum height allowed of 18 feet and final elevations of the pump island and canopy shall be submitted.
3. All lighting on the proposed canopy shall have a shielded light source so as not to cause glare on the adjacent road. The Applicant shall show all proposed lighting along with specifications for all the lighting fixtures or bulbs on the plans.
4. The Applicant shall provide a final site plan set for signature by the Town Supervisor.
5. All area standards of Section 300-46 are hereby varied, with the exception of the height of the canopy, so as to allow the location of the proposed canopy, pump aisle and tanks shown on the aforesaid site plan documents.

Lead Agency Declaration – Granite Knolls Sports and Recreation Complex Project – Stony Street, Section 26.09, Block 1, Lot 22

WHEREAS, the Town of Yorktown (“the applicant”) is seeking to construct a recreational complex on a fifteen acre site located at the eastern edge of Granite Knolls West Park (“the proposed action”); and

WHEREAS, the proposed action will require Town of Yorktown wetland and stormwater permits; and

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

WHEREAS, on November 22, 2016, the Town of Yorktown Town Board circulated its intent to act as Lead Agency for the proposed action; and

WHEREAS, the declaration of intent to serve as Lead Agency, the long-form Environmental Assessment Form (EAF) and associated documents were circulated in a coordinated review of the proposed action to the following involved and interested agencies:

- US Army Corps of Engineers
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- New York City Department of Environmental Protection
- Westchester County Department of Health
- Westchester County Planning Board
- Westchester County Planning Department
- Lake Mohegan Fire Department
- Yorktown Central School District
- Yorktown Chamber of Commerce
- Town of Yorktown Advisory Board on Architecture and Community Appearance
- Town of Yorktown Building Department
- Town of Yorktown Highway Department
- Town of Yorktown Conservation Board
- Town of Yorktown Environmental Consultant
- Town of Yorktown Planning Board
- Town of Yorktown Planning Department
- Town of Yorktown Police Department
- Town of Yorktown Recreation Commission
- Town of Yorktown Sewer Department
- Town of Yorktown Town Attorney
- Town of Yorktown Town Board
- Town of Yorktown Town Engineer
- Town of Yorktown Water Department

WHEREAS, the applicant has submitted a revised long-form Environmental Assessment Form (EAF) reflecting the comments received during the comment period, dated July 11, 2017 and pursuant to NYSCR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, a public hearing was opened and conducted on July 11, 2017 and after hearing public comment the public hearing was closed on July 11, 2017; and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated November 22, 2016,

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby declares Lead Agency for the proposed action.

Negative Declaration, Wetland Permit Approval, Stormwater Permit Approval Granite Knolls Sports and Recreation Complex Project -Town of Yorktown

WHEREAS, the Town of Yorktown (“the applicant”) proposes to construct a recreational complex consisting of two, full-size multi-purpose fields, a baseball field with dugouts and bleachers, a putting green, pickleball courts, basketball courts, a snack bar, restrooms, parking facilities, road improvements and to install connections to the town water and sewer systems on the westerly side of Stony Street on an approximately fifteen (15) acre section of town owned land known as Granite Knolls Park (“the proposed action”); and

WHEREAS, the proposed action will encroach into Town of Yorktown jurisdictional wetland and wetland buffer areas and as a result, a Town of Yorktown Wetland permit is required; and

WHEREAS, the proposed action will disturb greater than five (5) acres of land and as a result, a Town of Yorktown stormwater permit is required; and

WHEREAS, the Town Board has reviewed engineered plans for the proposed action entitled; “Town of Yorktown-Westchester County, New York Granite Knolls Sports and Recreation Complex prepared by Site Design Consultants, dated May 1, 2017; and

WHEREAS, the applicant has submitted a Town of Yorktown a combined wetland and stormwater permit application dated July 11, 2017 in which information has been provided to mitigate impacts to the wetland buffer area; and

WHEREAS, the Town Board has reviewed and fully considered recommendations found in the following documents relative to the proposed action:

Croton-Highlands Biodiversity Plan prepared by the Metropolitan Conservation Alliance dated 2004.

Biodiversity Conservation Study-Town of Yorktown, Westchester County, New York prepared by Stearns & Wheeler dated March 2010.

Watershed Forestry Management Plan for the Property for the Property of Sylvan Glen and Granite Knolls Park Preserves prepared by Ted Kozlowski, Certified Forester, dated January 28, 2013.

Traffic Impact Analysis of the Proposed Shrub Oak School prepared by H2M Architects and Engineers dated April, 2017.

Town of Yorktown Comprehensive Plan dated adopted by the Town of Yorktown Town Board on June 15, 2010.

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

WHEREAS, the Town Board declared intent to act as Lead Agency on November 22, 2016: and

WHEREAS, the Town Board has conducted a coordinated review and circulated the long-form EAF and relevant documents from the following involved and interested agencies:

- US Army Corps of Engineers
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- New York City Department of Environmental Protection
- Westchester County Department of Health
- Westchester County Planning Board
- Westchester County Planning Department
- Lake Mohegan Fire Department
- Yorktown Central School District
- Yorktown Chamber of Commerce
- Town of Yorktown Advisory Board on Architecture and Community Appearance
- Town of Yorktown Building Department
- Town of Yorktown Highway Department
- Town of Yorktown Conservation Board
- Town of Yorktown Tree Conservation Advisory Commission
- Town of Yorktown Environmental Consultant
- Town of Yorktown Planning Board
- Town of Yorktown Planning Department
- Town of Yorktown Police Department
- Town of Yorktown Recreation Commission
- Town of Yorktown Sewer Department
- Town of Yorktown Town Attorney
- Town of Yorktown Town Board
- Town of Yorktown Town Engineer
- Town of Yorktown Water Department; and

WHEREAS, comments have been received from the following involved and interested agencies and fully considered by the applicant:

- New York City Department of Environmental Protection: 12/20/16.
- Town of Yorktown Conservation Board: 12/12/16.
- Town of Yorktown Tree Conservation Advisory Commission: 7/10/17.
- Town of Yorktown Planning Board: 12/6/16.
- Town of Yorktown Advisory Board on Architecture & Community Appearance: 12/5/16.

Yorktown Parks and Recreation Department (Yorktown Youth Soccer Club): 12/6/16.

WHEREAS, the applicant has submitted a long-form Environmental Assessment Form (EAF) Parts I, II and III, reflecting the comments received during the comment period, dated July 11, 2017; and

WHEREAS, a public hearing on the permit applications was opened and conducted on July 11, 2017 and after hearing public comment the public hearing was closed on July 11, 2017; and

WHEREAS, the Town Board declared lead agency on July 18, 2017; 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

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment and makes a negative declaration which is attached to this document and incorporated by reference and

NOW BE IT RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Town of Yorktown-Westchester County, New York Granite Knolls Sports and Recreation Complex prepared by Site Design Consultants, dated May 1, 2017
- Final Stormwater Pollution Prevention prepared by Site Design Consultants.
- Town of Yorktown Wetland and Stormwater Permit Application dated July 11, 2017.
- Long-form EAF dated July 11, 2017.

BE IT FURTHER RESOLVED THAT, the Wetlands Permit and the Stormwater Permit are granted subject to the signing of the plan by the Town Supervisor. All work shall be conducted in strict compliance with the approved plans and documents. The applicant shall obtain and/all required permits from all regulatory agencies.

CONVENE

Proposed Local Law to eliminate requirement of certified mail on land use matters

The Town Board will convene a public hearing to consider a proposed Local Law amending several sections of the Town Code with regard to the elimination requirement of certified mail on land use matters.

Front Street – Rezoning Request – George Roberta

The Town Board will convene a public hearing to consider the application received from Petitioner, George Roberta, in connection with property known on the Yorktown Tax Rolls as Section 48.07, Block 2, Lot 11, located at Front Street and Edgewood Street, Yorktown Heights, NY seeking a zoning map amendment from R1-20 to a Transitional Zone in order to construct two buildings that will be a mix of commercial space and residential units.

Harwood Place, LLC – Rezoning Request – Angelo Ferri

The Town Board will convene a public hearing to consider the request from Harwood Place LLC, the owners of premises located at 200 Harwood Place, Yorktown Heights, NY, also known as Section 37.19, Block 1, Lot 69 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from an R-2 Zone to an R-3 Zone in order to legalize the two lower apartments.

712 Kitchawan Road – Rezoning Request – Steven Spiro and Michael Katz

The Town Board will convene a public hearing to consider the request from Steven Spiro and Michael Katz, the contract vendees for premises located at 712 Kitchawan Road, Yorktown, NY, also known as Section 70.06, Block 1, Lot 4 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a One-family Residential (R1-200) Zone to a Transitional Zoning District in accordance with Chapter 300 of the Zoning Code of the Town of Yorktown in order to permit the continued use of the existing office building as an office.

Village Traditions, LLC – Rezoning Request – Timothy Mallon

The Town Board will convene a public hearing to consider the request from Village Traditions, LLC, the owners of premises located at 1821 East Main Street, Mohegan Lake, NY, also known as Section 15.16, Block 1, Lot 32 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a C-2/O Zone to C-2R Zone in order to change two structures: one 3,000 square foot 2-story office structure to a 3,000 square foot building with one apartment, and change to C2-R for second building to also have an apartment.

Sober Living Residence – McCrossan and McGoldrick

The Town Board will convene a public hearing pursuant to Town Code §300-33 to ascertain whether the Special Use Permit issued to applicants Thomas McCrossan and Mark McGoldrick to operate Sober Living Residence at 482 Underhill Avenue (Tax Map Designation Section 48.06, Block 1, Lot 25) should be revoked.

8. RESOLUTIONS

Amend Pesticide use Resolutions passed on May 9, 2009 and March 23, 2010

WHEREAS, on May 9, 2009 and March 23, 2010, the Town Board passed resolutions calling for the elimination of all pesticide use, including insecticides and herbicides on all town-owned property as part of its commitment to protecting the health and well-being of all its residents, and

WHEREAS, the Town Board believes that the aforementioned resolutions should be specifically amended to allow herbicide use on walkways, parking lots, sidewalks and curbsides but maintaining the prohibition of herbicide use on playing fields and playground surfaces, and

NOW THEREFORE BE IT RESOLVED that the Town Board amends the May 9, 2009 and March 23, 2010 resolutions only to clarify that herbicides may be used on Town property for the removal of vegetative growth on walkways, parking lots, sidewalks and curbsides but the prohibition of herbicide use on playing fields and playground surfaces remains in effect.

Authorize Request for Proposals to purchase a Pre-Owned Mobile Stage

WHEREAS, the mobile stage currently owned by the Town is old and in need of repair;

WHEREAS, the cost to refurbish the current mobile stage exceeds the value of the stage;

WHEREAS, the Town proposes to purchase a pre-owned mobile stage, the value of which may exceed the limits in the Town’s procurement policy;

NOW THEREFORE BE IT RESOLVED, that the Town is authorized to issue a request for proposals for the purchase of a pre-owned mobile stage.

Authorize Comptroller to payout unused time as of retirement date – Elizabeth Tracy

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

Rate of Pay: \$41.2857

Sick	47.75 hours	@	50%	=	23.88 hours
	23.88 hours	x	\$41.2857	=	\$ 985.91

Vacation	39.75 hours	x	\$41.2857	=	\$1,641.11
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Longevity

\$1,100 / 260 days = \$4.23 per day

07/19/16 to 07/07/17 = 253 days

	253 days	x	\$4.23	=	\$1,070.19
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				=	Total	\$3,697.21
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Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A909.8 General Fund Reserve for Employee Accrued Benefits

\$ 985.91

A1315.101 Finance Salary

\$1,641.11

A1315.106 Finance Longevity

\$1,070.19

To:

A1315.108 Finance Lump Sum Payments

\$3,697.21

Authorize Budget Transfer for Amazon Beach Park District

Be It Resolved, that the Town Board authorizes the following 2017 Budget Transfer for the Amazon Beach Park District to disburse payment for work to be performed to replace the clubhouse roof

From:

AP.909 Fund Balance \$8,240.00

To:

AP7180.454 Property Improvements \$8,240.00

Authorize Supervisor to sign a Construction Work Permit with Algonquin Gas Transmission, LLC through several parcels in the Town of Yorktown

RESOLVED, the Town Supervisor is authorized to sign the Construction Work Permit with Algonquin Gas Transmission, LLC in the amount of \$3,850,000.00 in connection with the replacement of the existing 26 inch diameter natural gas pipeline with a new 42 inch diameter natural gas pipeline through several parcels in the Town of Yorktown as part of the Atlantic Bridge Project;

Authorize Supervisor to sign a Side Agreement with Algonquin Gas Transmission, LLC to provide temporary workspace

RESOLVED, the Town Supervisor is authorized to sign a Side Agreement with Algonquin Gas Transmission, LLC in the amount of \$250,000.00 to provide Algonquin Gas Transmission, LLC with a temporary workspace for the construction of a new 42 inch diameter natural gas pipeline as part of the Atlantic Bridge Project;

Authorize Town Attorney to file the order of taking in the action entitled Algonquin Transmission, LLC

BE IT RESOLVED that the Town Attorney is authorized to file the order of taking in the amount of \$500,000.00 in the action entitled *Algonquin Gas Transmission, LLC v. 3.86 Acres of Land, more or less, in the Town of Yorktown, et al* pending in the United States District Court, Southern District of New York under Docket Number 17-CV-05295.

Authorize Town Supervisor to sign a Professional Services Agreement with WSP USA, Inc. for study and conceptual design services for two culverts – Old Crompond Road and Old Kitchawan Road

WHEREAS,

1. The Town and WSP USA, Inc. have been working together to evaluate the condition of Town-owned bridges and culverts and to prioritize repair and replacement projects.

We identified two (2) culverts, Old Crompond Road & Old Kitchawan as high priority replacement candidates and would like to have WSP USA begin the study and conceptual design for these projects.

2. The Town previously applied for NYSDOT grants for these two projects but received awards for other projects. By undertaking the conceptual design phase at this time, the Town will be in a better position to apply for future grant opportunities since many of the unknown information and construction alternatives can be studied and resolved.
3. The detailed scope of services to be provided by WSP for each culvert:
 - a. Obtain topographical survey information in the field and collect data for approximately 150 feet along both approach roadways. Note: once the project boundaries have been established, we can evaluate whether any access easements or land acquisition will be needed to undertake these projects. Obtain stream cross sections that will be needed for the hydraulic studies.
 - b. Perform a hydraulic analysis to evaluate the different flow conditions that will be needed for the detailed design that would be one under Phase 2.
 - c. Prepare a schematic design report to include: summary of topographic and geotechnical existing conditions, design alternatives and a summary of recommended improvements with conceptual layout plans.
 - d. Cost estimate for the recommended improvement plan.
4. The professional engineering services to be provided by WSP will be on a lump sum basis in the not-to-exceed amount of \$36,900. Note: The Agreement consists of a base agreement in the amount of \$33,900 plus a contingency allowance of \$3,000 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.
5. In the professional opinion of the Town Engineer, WSP USA, Inc. provided a fair and reasonable proposal for the professional services described herein.

We note the firm has previously performed satisfactory work for several projects in the Town, including design and construction of the Croton Heights Bridge Replacement and the Baptist Church Road Culvert Replacement (both completed in 2015). WSP is also working with the Town on the two NYSDOT projects that received funding, the Culvert Replacement at Veterans Road over Hallocks Mill Brook and the Bridge Replacement at Hill Boulevard over Tributary to Barger Brook.

6. The Department will use available funds to pay for this agreement, under cost code A.1440.0479 Special Projects.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with WSP USA, Inc. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$36,900.

9. MONTHLY REPORTS

- Building Department – Cost of Construction Report - June 2017
- Receiver of Taxes - June 2017

10. COURTESY OF THE FLOOR

11. ADJOURN

Dated: July 18, 2017

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN

*** Agendas are Subject to Change***

Courtesy of the Floor Policy

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk (townclerk@yorktownny.org) or Town Supervisor (supervisor@yorktownny.org), 363 Underhill Avenue, Yorktown Heights, NY 10598.