

Meeting of the Town Board, Town of Yorktown held on February 27, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Alice E. Roker, Deputy Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Richard Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

DISCUSSION ITEMS

TAX MAP MAINTENANCE

Sole Assessor Kim Penner came before the Town Board to discuss maintenance of the Town's Tax Maps. She stated that the money is in the budget for this maintenance for this year. The Town Board agreed to the maintenance and a resolution will be presented at the next Town Board Meeting.

ARBOR DAY – TREE CONSERVATION ADVISORY COMMISSION

Mr. Bill Kellner and Mrs. Ann Kutter of the Tree Conservation Advisory Commission came before the Board to discuss their plans for Arbor Day this year. They gave a recap of what was done last year. Similar events will take place this year, including the poster contest and the hanging of banners. Arbor Day is Friday, April 27th (the fourth Friday of April) and the theme this year is "Trees and Medicine." The Town Board will judge the finalists.

There will be an Invasive Species Removal Program held on April 14th at Turkey Mountain. Volunteers will be provided with tools and certain invasive species will be removed from a few small areas that have been identified. Experts will work with teams for the removal. They will be working in conjunction with the Recreation Commission on this project.

Ms. Kutter said that they were approached by first and fifth grade teachers regarding their "buddy" program where older, fifth grade students pair up with younger, first grade students to work on projects. This year they would like to work on a sapling program where the children will care for saplings and then plant them at the school and Patriot Garden for Arbor Day. Ultimately, Mrs. Kutter explained, they would like to see a "Start-A-Tree Nursery" in Yorktown. They would need to find a host for the nursery and it would be an intermunicipal project.

A draft program and their budget were presented to the Board. Con Edison will reimburse up to \$250 for their Arbor Day expenses. The Commission will look to the community for donations (Rotary, Lions, etc.).

PROPOSED REVISIONS TO THE TREE LAW

Ms. Linda Miller, Mr. Paul Moskowitz, Mr. Bill Kellner, and Mr. Tim Glass, members of Advocates for a Better Yorktown, came before the Board to explain the focus of their committee. Linda Miller explained that they study different issues and will present their findings to the Town Board in hopes of bettering the community. They have been studying the tree law and feel that certain areas need to be strengthened. The last amendment to the law was to bring town-owned land under the purview of the law; most were in favor of this amendment but it was never done and the public hearing was closed. There has been much feedback to the 2016 law asking for significant changes and/or amendments. Ms. Miller presented policy issues that the committee feels are important for the Town Board to address and would like to see textual changes made to the law. She would like to schedule an additional meeting early next month to go through the details of these policy issues. Their redline version is not ready for referral because the Town Board has yet to make any policy decisions and she asked, that once they do, to please have a draft of the new changes available to the public in advance of the public hearing so the public has a chance to make comments well before the hearing is settled.

Ms. Miller stated that the 2010 tree law was science based, far reaching, and innovative. It was replaced with the 2016 which left out many critical provisions in an effort to streamline itself.

Some of the issues:

- Woodlands – will Yorktown protect woodlands (a living community as opposed to a certain number of trees). This needs to be entered into the law.
- Two-tiered permit process. If a homeowner is looking to remove a small amount of trees with little impact, should he be subject to the same requirements as a developer? This would simplify the law for an individual homeowner.
- Mitigation – it is recognized that trees have to be cut but how do you minimize it – this is mitigation. Right now, mitigation is inadequate.

Councilwoman Roker asked if this was addressed in the 2010 law and was told by Ms. Miller that, yes, it was.

- Applicability – should trees on town-owned property be subject to the law? The amendment to do so was withdrawn in 2016.
- When is a permit needed? (this section has a lot of detail) Should all trees be considered equal in all different kinds of environments? They may all have different functions so maybe they should be given different protections, as well.
- Referrals to advisory boards. The advisory boards provide great expertise that should be considered.
- Approval process
- Corrections of errors, inconsistencies, compatibility
- Addition of definitions

Ms. Miller asked for a date for another meeting, knows it is a long process, but would like to feel this is a kick off to a change.

Supervisor Gilbert agrees. Councilwoman Roker said they will bring in the Tree Committee to weigh in, as well. Supervisor Gilbert stated that the former administration was correct in trying to streamline things but they now need to make it as comprehensive as possible.

1515 JOURNEYS END ROAD – WETLAND PERMIT FOR UNAUTHORIZED TREE REMOVAL

Victor Conte came before the Board as applicant for this permit. Town Engineer Michael Quinn explained that 25 trees were removed within the wetland buffer on the property which included some trees that were already dead. A review was made of Chapter 178 Wetlands Ordinance and the 2016 Tree Law. He recommends the approach that was done previously – having the applicant remediate the violation. He stated that the Town probably would not have allowed this in the first place, but the applicant is agreeable to replacing the trees. Mr. Quinn recommended referring this out and setting a public hearing.

Mr. Conte said he was careful not to disturb the soil and create erosion. He did not clear cut trees; it was a matter of leaving room for the trees left and he also left underbrush.

WETLAND PERMIT APPLICATION – 1775 DARBY STREET

Town Engineer Michael Quinn explained the builder is constructing a single-family home and septic system at 1775 Darby Street and there was a question of whether or not a wetland existing on the property. The builder, John Barile, stated that when he obtained Health Department approval, there was no wetland; however, when Mr. Quinn had Environmental Design Consulting take a look at the property, they determined a wetland existed according to the Town's code. Therefore, Mr. Barile needs to obtain a wetland permit.

The hydrology of the property was not considered at the time the approval was obtained, i.e., at certain times of the year there may be no water body, but at other times there may be. The builder said that their property is at least 10 feet below the wetland area.

It was determined that this project be referred out and a public hearing set.

REFERRAL OF 1775 DARBY STREET – WETLAND PERMIT RESOLUTION #74

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town Clerk is hereby authorized to refer out to the agencies listed below for their review and/or recommendation the Wetland Permit Application received from John Barile for property located at 1775 Darby Street, Yorktown, NY 10598 also known as Section 48.05, Block 1, Lot 38. The request is for the construction of a single-family house and septic system within 100 feet of a reported wetland; work to be done is within an up gradient wetland buffer.

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and/or recommendations back before March 23, 2018, and

BE IT FURTHER RESOLVED that a Public Hearing is scheduled to take place on Tuesday, April 3, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

Town of Yorktown:
Conservation Board
Highway Superintendent
Planning Board
Planning Department
Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AGRICULTURAL ISSUES

Greg Brown, board member of Hilltop Hanover Farm, member of the Grange, and supporter of the Westchester Farm Trail, came before the Board to advocate for the economic benefit of farms in Yorktown. He presented his notes and research to the Board. He stated:

- Agricultural activity promotes local economic activity
- The number of small farms has increased 20% in the last 6 years; he would like to see Yorktown capture this wave and turn it into a cultural and economic benefit
- Ecotourism is supported

He stated that farms need to be recognized as a businesses, as well as a way of life. However, this way of life needs to make money.

Mr. Brown would like to create a more farm-friendly atmosphere in Yorktown: support for the farm trail; promoting agricultural activities (event tapestry) – wants to have more activities in the summer.

- More awareness on the behalf of the schools; invite them to visit farms.
- Buying local should be narrowed down and focused on Yorktown.
- Farm to table initiatives: talk to local restaurants and eateries and what can our local farms supply to their businesses.
- Promote Maple Week.
- Asks that Yorktown adopt Hilltop Hanover as a community farm, so that it becomes a better asset of Yorktown, not just the county.
- Wants June 2 proclaimed Yorktown Farm Day. Hilltop has Farmfest on June 2nd.
- Would also like to see road signage that promotes farm friendly area by designating farms.

Councilman Lachterman suggested a local cooking competition using local ingredients during FarmFest. He also said that the schools could take a historical or anthropological perspective of food to study. He stated that choosing Hilltop Hanover as Yorktown's Farm may be prejudicial and that other farms would need to be considered.

Councilman Diana suggested making the first Saturday of June Yorktown Farm Day.

HEARING ASSISTED SYSTEM FOR TOWN BOARD ROOM

Mel Tanzman and Maura Gregory came before the Board to discuss using a reasonable accommodation for the hearing impaired. Prior attempts at these accommodations were not successful – the system that the last administration purchased was not sufficient. Ms. Gregory asked for a “loop” system that prevents other noise from coming through.

Mr. Tanzman, who is the Executive Director of Westchester Disabled on the Move, said the Town never consulted with an audio expert and what was purchased caused more of a listening problem for those who are hearing impaired; including the amplification of rustling of papers, wrappers, etc. The person making the request should have been consulted as to what system works best for those with the impairment. Mr. Tanzman said there are a few options that could be considered under the Loop system. The Loop system is compatible with not only hearing aids but they directly connect the sound to the hearing aids; there are also receivers that people can wear and connect to headphones.

He presented estimates – Loop Transmitter under \$400, receivers with headphones for non-hearing aid people are about \$100. The installation of the wire loop would have to be obtained from an audio professional.

Councilwoman Roker said that they are doing a review of the cable room in the back of the boardroom. She said that John Micewicz, the Town’s audio/visual consultant, knew about the Loop and she wanted Mr. Tanzman and Ms. Gregory to know that she is working towards getting them what they need. She stated that it is the law. Mr. Tanzman said he appreciated her acknowledging that this is the law.

MINI MASTER PLAN – WEYANT PROPERTY AND ROMA BUILDING

John Tegeder, Planning Director came before the Town Board to discuss if creating a mini master plan would be too time consuming. Mr. Tegeder stated that a time frame is what you set and they will put in as much effort in as little time as they possibly can; approximately 6 months.

Councilman Lachterman stated that in order to do the plan the Town would not have true data from the Roma Building since they don’t really know what they want.

Supervisor Gilbert said that both projects have the same planner and according to what they told him, they would like to proceed with the mini master plan.

Councilman Lachterman said that he is concerned with making assumptions where NYS DOT considerations need to be taken into account.

Mr. Tegeder said that they should have a meeting with one of the people on the permit team and that as you go through the process of site planning, you fine tune the process as to what is right for all of those involved, including residents.

Councilman Diana stated that one project goes out onto a residential street and the other goes out onto a major route. He feels it is not fair to hold up a project because of another.

Supervisor Gilbert stated that Mr. DeVito did not balk at the idea of a global determination, especially since it is the same planner for both projects and the close proximity of the two properties.

A resolution will be drafted for the next Town Board meeting.

REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES TO THE TOWN

Councilman Lachterman asked if this is to look and see if it is more feasible to use a firm as opposed to hiring a town attorney, are all services being lumped together?

Supervisor Gilbert stated that it will be the bidder’s option as to what they bid on.

Councilman Lachterman cautioned that the best price isn’t always the best service.

Town Clerk Diana Quast explained how the document was broken down into sections of services and valuation.

MISCELLANEOUS

A review was done of the resolutions coming before the Board at the next Town Board meeting.

Supervisor Gilbert asked Town Clerk Diana Quast about the idea of having a Town Hall meeting on March 7th regarding the resolution proposed by Councilmen Lachterman and Diana on February 20th. Ms. Quast said that the Town would be able to use the Yorktown Stage. It was then suggested that she look into the Senior Nutrition Center, which she agreed to do.

Supervisor Gilbert stated that Westchester County Legislators John Testa and Michael Kaplowitz will be present, as well, and that there should be a question and answer session. Councilman Lachterman also suggested that Mercy College might be considered as a location. Ms. Quast said that she would check them out as well as the Senior Nutrition Center.

Councilman Diana asked to hold off on blasting resolution for DCIS scheduled for the next Board meeting due to a payment of permits. Supervisor Gilbert said that he would be checking into the issue.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved to go into closed session to discuss a legal issue. Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved out of closed session and returned to the meeting.

REFERRAL OF 1515 JOURNEY’S END ROAD – WETLAND PERMIT RESOLUTION #75

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Town Clerk is hereby authorized to refer out to the agencies listed below for their review and/or recommendation the Wetland Permit Application received from Victor Conte for property located at 1515 Journeys End Road, Croton-on-Hudson, NY 10520, Town of Yorktown, also known as Section 69.10, Block 1, Lot 22. The request is to remedy a Notice of Violation for unauthorized tree removal.

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and/or recommendations back before March 16, 2018, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled to take place on Tuesday, March 20, 2018 at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o’clock or as soon thereafter can be heard.

- Town of Yorktown:
- Conservation Board
- Highway Superintendent
- Planning Board
- Planning Department
- Town Engineer

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN