

Meeting of the Town Board, Town of Yorktown held on May 27, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Vishnu V. Patel, Councilman

Tardy: Terrence P. Murphy, Councilman

Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
John Tegeder, Planning Director
John Winter, Building Inspector

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Patel, the Town Board moved into Executive Session for Advice of Counsel and a discussion with the Ethics Commission.

Upon motion made by Councilman Bianco, seconded by Councilman Patel, the Town Board moved out of Executive Session.

CANCEL TOWN BOARD MEETING

RESOLUTION #237

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

RESOLVED, the Town Board cancels its meeting scheduled to take place on June 17, 2014.

Grace, Bianco, Patel Voting Aye
Resolution adopted.

STORMWATER ANNUAL REPORT

Environmental Consultant Bruce Barber gave his annual presentation on the Town's MS4 Compliance Report. Mr. Barber explained that the Town of Yorktown has met all of the six criteria required by New York State including the distribution of nearly six hundred pieces of literature from two kiosks, a mailing of stormwater related material to more than 14,000 people and training sessions for 19 construction site operators.

ILLINGTON ROAD

Mrs. Diana Saunders explained that she has lived on Illington Road for fifty years. There is a six acre parcel, contiguous to her property that she would like to purchase. Her family has worked to keep the property from becoming a dump and has restored some of the tombstones on the site which had been a cemetery.

Councilman Bianco explained that the Town of Yorktown dedicated this property as parkland several years ago. He is not in favor of selling parkland.

Mr. John Schroeder, President of the Yorktown Land Trust thanked the Saunders for their stewardship of the property, but believes it should not be sold.

Supervisor suggested sending a referral on this request to the Open Space Committee, the Conservation Board and the Recreation Commission.

The vote will take place upon Councilman Murphy's arrival.

CLUB FIT SIGN

A representative of Club Fit asked the Town Board for permission to replace a sign which is currently on Town property.

APPROVE CLUB FIT SIGN

RESOLUTION #238

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

The Town Board of the Town of Yorktown hereby grants permission to Club Fit to replace an existing sign which is currently on Town property.

Grace, Bianco, Patel Voting Aye
Resolution adopted

738 E. MAIN STREET

Mr. Patrick Fahey, contractor for the Richmond Group explained that his client, a Group Home needs to add two additional parking spaces to the site.

RICHMOND COMMUNITY CENTER - REVISIONS TO WETLAND PERMIT

RESOLUTION #239

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

WHEREAS, The Richmond Community Center has applied for a Town Board Wetland Permit, and

WHEREAS, the Town Board determined on May 27, 2014 that the changes to the plan are minor to the extent that a public hearing is waived, and

WHEREAS, The Town's Wetland Consultant and Engineering Departments has reviewed the amended plan, NOW, THEREFORE BE IT
RESOLVED, that the Town Board authorizes the revisions to the existing permit now be handled via an administrative permit.

Grace, Bianco, Patel Voting Aye
Resolution adopted

JEFFERSON VALLEY MALL – REAL ESTATE DEVELOPMENT SIGN APPROVAL

Mr. Robert Luciano, a representative of Simon Property, LLC explained that his company would like to begin its renovation marketing campaign by adding two real estate signs on their property at the intersection of Route 6 and Lee Boulevard.

APPROVE JEFFERSON VALLEY MALL – REAL ESTATE DEVELOPMENT SIGN

RESOLUTION #240

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

RESOLVED, the Town Board hereby grants Simon Properties, LLC permission to erect two real estate development signs on the site of the Jefferson Valley Mall pursuant to Chapter 193 of the Yorktown Town Code.

Grace, Bianco, Patel Voting Aye
Resolution adopted

RAISING AND KEEPING FOWL IN R DISTRICTS

The Board agreed to place Draft #3.1 on the next agenda. A public hearing will be advertised at the July 1, 2014 meeting at Teatown Lake Reservation.

ALGONQUIN/MUNICIPAL ALIENATION CHECKLIST

RESOLUTION #241

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

WHEREAS, Algonquin Gas Transmission Company, now known as Algonquin Gas Transmission, LLC, ("AGT"), is seeking approval from the Federal Energy Regulatory

Commission (“FERC”) under the Federal Natural Gas Act to replace an existing 26-inch diameter natural gas pipeline with a new 42-inch diameter natural gas pipeline along portions of its existing pipeline right-of-way from Rockland County, New York to southern New England (the “Algonquin Incremental Market Project” or “Project”); and

WHEREAS, the existing 26-inch diameter natural gas pipeline is located in a Town-owned park known as Sylvan Glen Park Preserve and Granite Knolls (referred to hereinafter as “Granite Knolls Park West”) (Sylvan Glen and Granite Knolls Park West referred to collectively as the “Park”); and

WHEREAS, the portions of the Park that would be impacted by the Project include areas having tax map identification numbers 25.20-1-8 (“Parcel A”), 25.16-1-25 (“Parcel B”), 26.13-1-1 (“Parcel C”); 26.13-1-1.1 (“Parcel D”) in Sylvan Glen Park Preserve, and 26.09-1-22 (Parcel “E”) in Granite Knolls Park West; and

WHEREAS, the Town Board of the Town of Yorktown approved Resolution No. 204/2014 on May 6, 2014, as a preliminary step with respect to the Project, requesting the New York State Legislature to enact legislation granting permission to the Town to alienate portions of the Park for the Project; and

WHEREAS, the State Legislature introduced such legislation in the Assembly as A. 9673A and the Senate as S.7484A; and

WHEREAS, the Project will require AGT to construct certain new permanent above-grade facilities on up to one acre of the Park on and adjacent to the existing easement area in Parcel E; temporarily utilize 15.4 acres of Parcel E for a contractor ware yard; and require approximately a total of eight acres of temporary work space adjacent to the existing easement upon Parcels A, B, C, D, and E to facilitate construction work along the existing pipeline right-of-way (the temporary contractor ware yard and temporary work space collectively referred to hereinafter as the “Staging Areas”); and

WHEREAS, AGT seeks a permanent easement on Parcel E for the above-grade facility and a temporary, three-year license and construction permit on Parcels A, B, C, D, and E for the Staging Areas (hereinafter, “License”); and

WHEREAS, the above-described alienations would be subject to the requirement that AGT implement specific mitigation measures including (1) constructing a new access road to the Park from Stoney Street and a new gravel parking lot with approximately 114 spaces; (2) creating the basic framework for a new ball field in the Park; (3) reconditioning and restoring the practice fields; and (4) providing funding for use of the Staging Areas; and

WHEREAS, the Town has concluded that the mitigation measures will result in long-term improvements to the Park and amenities for residents of the Town; and

WHEREAS, the Town Board has caused the *Municipal Information Form Lands Being Alienated or Discontinued* for the Sylvan Glen Park Preserve and Granite Knolls Park West (referred to hereinafter as the “Alienation Checklist”) to be prepared pursuant to the Handbook on the Alienation and Conversion of Municipal Parkland in New York as issued by the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) that further describes the proposed alienations; and

WHEREAS, the proceeding before FERC requires FERC to conduct a thorough assessment of environmental impacts under the National Environmental Policy Act (“NEPA”); and

WHEREAS, the Town and AGT would not enter into the final easement agreement and License until FERC completes its environmental review under NEPA and the Town Board acts by separate resolution to approve the alienation; and

NOW, THEREFORE, be it Resolved that the Town Board of the Town of Yorktown hereby issues this Home Rule request in support and passage of Assembly Bill No.9673A and Senate Bill No.7484A; and be it

Further Resolved, that the Town Board approves the Alienation Checklist for distribution to the State Legislature and OPRHP; and be it

Further Resolved, that the Town Board requests the Town Clerk to forward a copy of this Home Rule Request to the State Legislature requesting passage of the above-cited bills.

Grace, Bianco, Patel Voting Aye
Resolution adopted

AUCTION OF TOWN-OWNED PROPERTY

The Town Clerk explained that after a discussion between the Town Attorney and Bob Killeen, the auction of town owned parcels will now include additional properties and will not take place until Fall. She also explained that due to the amount of additional work, we will have

to amend the resolution for Bob Killeen.

AUTHORIZE BUILDING INSPECTOR TO ISSUE TEMPORARY CERTIFICATE OF
OCCUPANCY TO QB FRONT STREET LLC
RESOLUTION #242

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

BE IT HEREBY RESOLVED, that the Building Inspector is hereby authorized to issue a temporary certificate of occupancy to QB Front Street LLC (Yorktown Auto Body) located at 1798 Front Street for building permit # 20120366 upon completion of all building code issues required by the building department.

Grace, Bianco, Patel Voting Aye
Resolution adopted

AUTHORIZE BUILDING INSPECTOR TO ISSUE TEMPORARY CERTIFICATE OF
OCCUPANCY TO MOUNT KISCO MEDICAL GROUP
RESOLUTION #243

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

BE IT HEREBY RESOLVED, that the Building Inspector is hereby authorized to issue a temporary certificate of occupancy to Mount Kisco Medical Group located at 3680 Hill Blvd. for building permit # 20130347 upon completion of all building code issues required by the building department.

Grace, Bianco, Patel Voting Aye
Resolution adopted

APPROVE BUDGET TRANSFER – WATER DEPARTMENT
SW.8340.0483.0000
RESOLUTION #244

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

Transfer \$111,325.18 from the Water Department Meter Projects Line (SW.8340.0483.0000) to the Water Department Infrastructure Line (SW.8340.0483.0002) for completed repairs (“betterment work”) as outlined in the April 15, 2014 resolution.

Grace, Bianco, Patel Voting Aye
Resolution adopted

AUTHORIZE SUPPORT TO TEATOWN LAKE RESERVATION TO CREATE AN
ENVIRONMENTAL STEWARDSHIP TRAINING CENTER
RESOLUTION #245

Upon motion made by Councilman Bianco, seconded by Councilman Patel,

WHEREAS, Teatown Lake Reservation, an environmental education center in Westchester County, is proposing to build on its 50 years of experience in environmental education and land stewardship by creating an Environmental Stewardship Training Center (ESTC) on its main campus. The ESTC will provide hands-on and classroom-based training to a variety of stakeholders including teens, professionals, and adult learners. This training will focus on building tangible skills such as trail design, construction, and maintenance, cartography, habitat management, and leadership. and

WHEREAS, Teatown Lake Reservation anticipatea that participants in the ESTC will become highly sought after in the job market through the intensive training they will receive. The target groups for receiving training at the ESTC include: interns from local high schools; adult learners/career changers; and managers of parks and preserves. and

WHEREAS, Teatown Lake Reservation already has strong ties to all of these groups that they are confident that they will have a large and sustainable pool of participants to draw from. and

WHEREAS, The Environmental Stewardship Training Center (ESTC) will function by providing training at Teatown and then working with local parks and preserves to place the skilled volunteers. This will extend the impact of this program to State and County Parks, as well as parks and preserves owned by NGOs and municipalities. Due to limited staffing at many

of these sites, there is a need for trained volunteers to steward these facilities. Moreover, as many parks in the lower Hudson Valley suffer from intense usage and environmental degradation (e.g., invasive plants), stewardship support will enhance the accessibility and sustainability of these areas from both a recreational and ecological perspective. As volunteers work at these preserves gaining experience, we anticipate that they will become highly marketable for paid positions either in the parks where they volunteer or at other organizations.

BE IT HEREBY RESOLVED, that the Town Board of the Town of Yorktown supports Teatown Lake Reservation in its efforts to create an Environmental Stewardship Training Center.

Grace, Bianco, Patel Voting Aye
Resolution adopted

Councilman Murphy enters the meeting.

ILLINGTON ROAD – REQUEST TO PURCHASE TOWN PROPERTY

SAUNDERS

RESOLUTION #246

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

RESOLVED, that the Town Clerk is hereby authorized to refer the request made by Diana N. Saunders to purchase property known on the Yorktown Tax Map as 69.08-1-11, dedicated by the Yorktown Town Board as parkland on May 19, 2009.

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by June 23, 2014.

Town of Yorktown Agencies:
Conservation Board,
Open Space Committee
Recreation Commission, Diana Quast
Yorktown Land Trust, John Schroeder

Grace, Muphy, Patel Voting Aye
Bianco Voting Nay
Resolution adopted

OLD CROMPOND ROAD (MANDALAY)

REFERRAL – CROMPOND ROAD DEVELOPMENT

PETITION FOR REZONING

RESOLUTION #247

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: Mandalay Builders. in connection with property known on the Yorktown Tax Rolls as Section Change of Zone from to the agencies listed below for their review and/or recommendation, and

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 recommendation by July 1, 2014

Town of Yorktown Agencies:
Acting Town Engineer, Sharon Robinson
Conservation Board, Phyllis Bock, Diane Dreier, Co-Chairs
Environmental Consultant, Bruce Barber
Planning Department, John Tegeder, Planning Director
Town Attorney, Jeannette Koster
Highway Department, Dave Paganelli
Yorktown Water District, David Rambo

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Patel, the Town Board moved into Executive Session for a further discussion with the Ethics Commission.

Upon motion made by Councilman Bianco, seconded by Councilman Patel, the Town Board moved out of Executive Session.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, the Town Board meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown