

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, January 19, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu Patel, Councilman
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Superintendent of Highways
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for facilities assessment, the employment of a particular person and Litigation. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked if everyone would join him in a moment of silence to remember the 400,000 Americans who lost their lives due to COVID-19. He also asked for a special prayer for a peaceful transition of power tomorrow for our nation to begin healing. He also asked to remember our frontline workers, police, and our brave men and women serving in the military who protect our freedoms every day.

INTRODUCTIONS

Supervisor Slater introduced himself and the Town Board members, as well as Town Clerk Diana Quast, Highway Superintendent Dave Paganelli, and Town Attorney Adam Rodriguez.

DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater began by sharing the numbers of COVID cases in the Town of Yorktown. He mentioned the Town's website as having the latest information and using the Community Impact Dashboard as linking to an interactive map. Numbers have begun to drop after the holiday spike. There are 23 new cases, bringing active cases to 461 in Yorktown. Supervisor Slater spoke of where the county is regarding vaccination rates and that we are still in Phase 1A and 1B. He is hoping for more vaccines to arrive in the next few weeks and is very optimistic. Patients must stay vigilant and continue to practice those COVID-19 parameters. I do want to thank the Town Clerk - the two of us signed a letter to our State and County Officials requesting that Yorktown be considered for a Northern Westchester Regional vaccination point. It is a great challenge for seniors to register and drive to the County Center. So if the vaccine could be made readily available in Northern Westchester, our community would be very appreciative. Supervisor Slater thanked the Town Clerk for her partnership and advocacy.

Supervisor Slater reported that residents received a mailed update from the Water Department regarding a water pipe testing done in May for a pipe that feeds three municipal buildings (none are residential) that showed results that exceeded the allowable limits for a certain byproduct. The test was performed immediately the next day and came back perfectly normal and has remained at normal levels ever since. However, the Department of Health continues to use a rolling average so the Town does not anticipate meeting the allowable rolling average because of that one test, which at this point we do believe is an outlier. The Town does not expect to reach that rolling average until May so one more notification to the Yorktown residents is anticipated. He said that, to be very clear, there are no issues with the Town's drinking water. This is a mandate by the Department of Health because of one outlier test.

Supervisor Slater reported that one of the new items the Parks and Recreation Department wanted to be able to evaluate is the safety of our playgrounds. They have begun the process and have evaluated three playgrounds to date. They are going to be continuing to do that for all playgrounds to make sure our children are playing on safe equipment.

Supervisor Slater acknowledged and congratulated the Shrub Oak International School. They were the first in the Town to utilize the Commercial Property Assess Clean Energy Agreement, or C-PACE Deal, which the Town Board approved last year. Thanks for our opt-in to this program, the Shrub Oak International School has agreed and will be permitted to borrow \$7 million in energy efficiency upgrades. These energy upgrades will save the property owner an estimated \$62,662 in the first year. This is one initiative to help our homeowners and businesses “green” their businesses.

Supervisor Slater reported that Veterans Road remains closed. There is ongoing work over by Veterans and Greenwood Street.

Supervisor Slater said he spoke with the US Postal Service, as he has received over 100 reports of disruption of service from residents. He sent a letter to the regional manager and said the Postal Service is very appreciative of the feedback that our Town is giving. There is a link on the website for anyone experiencing Postal Service disruption. He said our postal deliverymen and women do a phenomenal job; they worked through the pandemic and are on the frontline. The volume has increased dramatically due to COVID and especially because of the election’s mail in ballots. Supervisor Slater said they have reported that there is a light at the end of the tunnel and they do believe that we will be seeing a more dependable service in the coming days.

Supervisor Slater thanked and congratulated the Yorktown Police Department. Yorktown was recognized by Money Geek as one of the safest Cities in America. Yorktown was number five on the crime cost per capita. So thank you for that.

Supervisor Slater announced the annual Eagle Fest on January 30 through February 7, 2021 at Teatown Reservation. He said there are some volunteer opportunities available for people looking to get involved in the Town. There are alternate positions open for Planning Board and the Parks and Recreation Commission, and volunteers for ABACA, which is Architectural Review Board. These positions all play a pivotal role in how Town Government operates.

Supervisor Slater acknowledged and thanked the Yorktown Interfaith Council and Frank Williams for a special evening last night to honor Martin Luther King, Jr.’s vision and sacrifice for our country. This was a virtual day of service ceremony. He also thanked Rabbi Robby Weiner of Temple Beth Am and all the members of Interfaith Council.

Supervisor Slater thanked the volunteers who came to Willow Park on Sunday as part of the Monarch Butterfly Committee. There were quite a few people who came out to help plant milkweed seeds to establish the monarch butterfly sanctuary in Willow Park. Greg Brown has been a wonderful advocate for the Monarch Butterfly Committee.

Supervisor Slater gave credit to the Building Department for doubling the amount of transactions they processed between 2019 and 2020, despite COVID and being closed for about 8 weeks. In 2019 there were 2245 transactions and in 2020 there were 4223 transactions. Supervisor Slater said there were many residents installing generators.

REPORTS FROM TOWN COUNCIL

Councilman Patel reported that he had two groups from Cub Scouts who wanted to know how Town Government works and he explained how they could help the community. He said he was very happy to speak to them.

Councilman Diana thanked Dave Paganelli for installing the stops signs on East Main Street. He thanked the Interfaith Council for the Martin Luther King, Jr. tribute. He mentioned that he is seeing a number of personal protective equipment littering our area and reminded everyone there is \$1,000 littering fine. Councilman Diana asked the public to make sure they dispose of masks and gloves properly.

Councilwoman Roker said she would be very happy to get the COVID vaccine in Yorktown because she is currently socially distancing. She reported that there have been some interesting board meetings over the last couple of weeks, particularly on the flex (overlay) districts, which she feels will be good for the Town. She also thanked Mr. Williams for the inspirational discussion on Dr. King and hopes the Town will work on a project for next year, as this is the purpose of the holiday.

Supervisor Slater said there have been conversations with the Interfaith Council about establishing a Martin Luther King Committee.

Councilman Lachterman gave a shout out to the Police Department and their involvement in a NARCON save. He also announced that the Veterans Administration is also offering the COVID vaccine and gave the contact information. He reported that the Sons of the American Legion cancelled their upcoming breakfast.

Councilman Patel mentioned donations are needed at the Food Pantry.

Supervisor Slater thanked Kathryn Fraise of First Presbyterian Church and Cindy Smith of St. Mary's food pantry's for leading the Food Security Task Force. Both food pantries saw the volume of need quadruple during COVID. Supervisor Slater said monetary donations may also be made to support them.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Paganelli reported on efforts made to eliminate perennial icing situations. He reported that Con Edison is doing a tremendous amount of tree work and any logs left on the side of the road should be there no longer than a week to a week and a half, at most.

PROCLAMATION - OBSERVANCE OF MARTIN LUTHER KING, JR. DAY

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

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to strengthening the American character and called on our nation to live to up its foundational principles of equality, freedom, and justice; and

WHEREAS, through his determination, spirit, and resolve, Dr. King led several iconic and nonviolent movements in the name of equality, freedom, and justice; and

WHEREAS, the Yorktown Interfaith Council and the Town of Yorktown honored Dr. King's legacy of community action by hosting its first annual Day of Service Ceremony; and

WHEREAS, the Town of Yorktown established the Food Security Task Force to combat hunger within our community, which was also a focus of Dr. King's vision; and

WHEREAS, the Town of Yorktown Town Board finds it is fit and proper to acknowledge and celebrate the legacy of this great American and remember the ideals for which he fought;

NOW, THEREFORE, BE IT RESOLVED, that the Yorktown Town Board pauses in its deliberations to honor and remember the life and teachings of Dr. Martin Luther King Jr.; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board encourages all residents of the Town to perform acts of kindness and service to others in the name of Dr. King.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

POET LAUREATE

John McMullen, Poet Laureate, read his original poem, "Onward."

COURTESY OF THE FLOOR

The following members of the public spoke:

Dr. Regina Kaishian, resident, said she was speaking on behalf of a group of citizens of Yorktown who disagree with the inclusion of the Soundview Property in an overlay district. She stated that they are very appreciative of the Board's efforts to respond both flexibly and with innovation to a rapidly changing landscape and that an overlay district, as a concept, does address the goals of the people and the elected officials. She stated her group does not believe that the Soundview Property belongs in an overlay district. She said the process of land use decisions needs to be transparent and the public input opportunities need to be plentiful.

Elise Graham, resident, opposed the inclusion of the Soundview Property in the overlay district. She said she would like the property to be rezoned through the existing process of going through the Town Board. This would be too dramatic a change of use for the property. She questioned what kind of density would be proposed for these 13 acres. As it is zoned now, 13 one-family homes would be allowed on one-acre lots. In an overlay district, 165 residential units would be allowed and she feels this is unacceptable. Even with compromise, a reduced number would be unacceptable.

Jenny Menton, resident, said she was happy to read about Underhill Farms but understands there are people who are against it but disagrees with some of them. She said that many Beaver Ridge seniors would be able to walk to the shopping areas.

Anthony Grasso, resident, said he is familiar with the overlay system and agrees that it is good for the Town.

Jenna Jaramillo, resident, said the Soundview Property should be taken out of the Yorktown Heights overlay district map and the new owner should come before the Town Board to request a rezoning for multifamily and possible mixed use in order to, hopefully, save the main building and its historic integrity and beauty. The overlay district map will allow the property to be rezoned without going through the traditional rezoning process. She believes it should follow the standard Town Board protocol. At the very least, the developer needs to do a comprehensive traffic density study.

John Flynn, resident, said he has served two terms on the Zoning and Planning Board and is basing his critique of the proposed overlay zones on this experience. He said the overlay zone has a number of features. One is to promote economic development and the other is to build a walkable-style hamlet in the Heights. Mr. Flynn said he not sure that an overlay district is necessary to promote economic development. He cited an action by the Zoning Board in the 1990s regarding BJs Wholesale that revitalized the area, without the need for an overlay district. He said efforts to restrict parking in Yorktown are pretty futile and cited several examples. The restricted parking envisioned for the overlay district will cause future issues.

Jenny Sunshine, resident, said she does not understand why the Soundview Property is included in the Yorktown Heights Overlay District, and would like to see it taken out. She said that it does make sense to include commercially zoned properties in the hamlet but questioned the rationale for including a large one-acre single-family zoned parcel. If the goal is to have more people live closer to the hamlet so there might be more customers living closer to the businesses, there are other parcels on the fringe of the hamlet that could also be included. She asked why they were not included in the overlay district.

Rosemary Panio, resident, stated that she has been an advocate for senior housing for years. She said we have a duty to our seniors and want them to maintain their quality of life. Including the Soundview Property in the overlay district could be great, as the Town would gain a senior center and have added tax revenue. This is not an opportunity to pass up. The project provides market rate housing for seniors, walking distance to food stores, public transportation, and a medical building right across the street. My advocacy is for seniors but will be objective in working with any board.

Susan Siegel, resident, said that in October she supported the proposed overlay law and agrees that the existing code could be too rigid, but this was just to do framework and the public was not aware of any major development within the proposed Yorktown Heights District. She asked when did the developer knew that the Soundview Parcel would be included in the overlay district and what the allowed density in the district would be. Ms. Siegel also asked if the developer has any input in developing the standards, as well as specifically asking the Soundview Site be included in the

Yorktown Heights overlay district. She wanted to know if there was a reason why the developer is being given special treatment and thinks Yorktown residents are entitled to answers.

Patricia Sullivan-Rothberg, resident, said she feels strongly that the Underhill (Soundview) property does not belong in the overlay district and should be taken out. She said that it seems like an accommodation to the developer and serves no benefit to the residents of Yorktown. Many seniors are concerned with traffic. Residents including herself are passionate about Yorktown and its history. She asked that the Town Board publish on the website the SEQRA process that the developer will follow, including milestones and environmental impact assessments. It should follow the traditional process.

Sergio Esposito, president of the Yorktown Chamber of Congress, said he would like to talk about the Arts and Culture Committee. He said they have chosen their five committee members and two appointees and are excited for the Town to choose their three. He said they will then have Co-Chairs as we stated.

Councilwoman Roker said she has someone that she would like the Town Board to interview.

Sergio Esposito said they are ready to go. He announced the Chamber is going to be hosting a business social in late February, with April Francis who will be talking about diversity in business, and if anybody wants to be part of the Business Diversity Team to please let him know. Mr. Esposito stated that as far as the Soundview Property, it needs a lot of investment for it to come back to what it once was and does not think it is being fast tracked. He said we should reserve judgment and hold off on nefarious undertones. He suggested that perhaps shuttle buses will help with the traffic.

Jay Kopstein, resident, said that he resents the implication that people on the Town Board are giving this property special privilege. If that is the case, he would like to see the evidence.

Ilan Gilbert, resident, said the difference between the Planning Board and the Town Board is that the Planning Board is confined to act within the law. They have no discretion in allowing the project to go forward if it is within the law. The Town Board has some discretion based upon all the factors and has more discretion than the Planning Board, which is why he would hesitate in putting this project in the overlay district because he thinks it is a significant enough project that it should be determined by the Town Board. He said there should not be a situation where a particular applicant should be treated any differently and is not saying that is what is happening, but there should not be a situation where a particular applicant should have any advantage.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, Courtesy of the Floor was closed.

Councilman Lachterman and the Board looked to see if the Town could purchase the Soundview Property and utilize the building for Town use and thinks the assumptions being made is very inappropriate.

Councilwoman Roker said that she does not know why this property was included in the overlay district, but will find out why. She said she had asked the Town Planner if there were any applications for the Board for the overlay district and he said no, so she will be talking to him.

Supervisor Slater said, as a reminder, the overlay district is not a new concept; talks began back in January of last year and they have talked about it immensely for eight months. Any accusations of wrongdoing are unacceptable. He said everyone is going through a transparent process to make sure that it is a fit for the Town and that it adheres to the law. Supervisor Slater said our community has a history of turning away or reacting negatively to proposals. He said he appreciated the comments from the public but will also ask for a certain level of respect because some of those comments were borderline disrespectful.

Councilman Diana said there is nothing nefarious that they are bringing forward.

Councilwoman Roker said there will have to be a public hearing so there will be more information.

Councilman Lachterman said if there was something nefarious, why would the Board remove itself and give it to Planning. There are no shortcuts. Respect for the process is being followed.

Supervisor Slater said one speaker made a comment about Planning Board versus Town Board. With the Planning Board you are taking the politics out of it and following the letter of the law and that is where you want these things to go. Making sure it follows the confines of the law. He said that maybe they should have the Planning Board back to educate people on the process they go through.

Councilman Patel said the key to survival is response to change. Not all change is gain and not all movement is forward. He said they need to listen to the Planning Board on this new overlay district. and to hear from everybody.

Councilman Diana said Yorktown was short changed years ago when IBM was going to come into Town where the mall is now and the Town was going to have a hotel on the corner of Route 6. He said the Town cannot be shortsighted and look into everything and to follow the process.

Councilwoman Roker agreed with Councilman Diana but thinks the world is at an intersection where everyone is questioning everything and how can we blame them. However, the process still has to go to public hearing.

PROPOSED LOCAL LAW AMENDING CHAPTER 275, VEHICLES AND TRAFFIC BY ADDING A NEW SECTION 275-17 (F) – DRAG RACING LAW

Supervisor Matt Slater convened a public hearing to consider a proposed Local Law amending Chapter 275 of the Town Code entitled “VEHICLES AND TRAFFIC” by adding a new Section 275-17(F) “Yorktown Drag Racing Law.” (Town Clerk Diana Quast displayed the Public Hearing Advertisement.) Supervisor Slater asked the Town Attorney to give a brief explanation of the proposed law.

Mr. Rodriguez stated that the proposed local law would amend Chapter 275 of the code, now called Vehicles and Traffic, specifically Section 17, which is entitled Speed of Motor Vehicles. It is going to add a new subsection 17(F), entitled “Unlawful Speed Contest,” which effectively would institute monetary penalties for those engaging in a drag race. The penalty would be \$1000-\$5,000 per violation, which is much harsher than the penalties from other speeding laws under the code.

The following members of the public spoke:

Jay Kopstein, resident, stated that he thinks this is consistent with the Section 1182 of the Vehicle and Traffic Law; the difference being the fine that may be assessed upon a finding of guilty. He believes there is no reason why this legislation could not be enacted as written.

Councilman Lachterman said there were concerns by Mr. LaScala of the Planning Board that the law was not penalizing those that could not afford it and it was made quite clear that the law was for drag racing and excessive speeds.

Councilwoman Roker stated that their intent was to save lives.

Rosemary Panio, resident, said that drag racing has been an issue in many areas of Town and she is happy to hear about this law.

Councilman Diana said this would, hopefully, put a damper on this activity and help our police officers in curbing it.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the public hearing was closed.

ADOPTION OF LOCAL LAW NO. 1 AMENDING CHAPTER 275, VEHICLES AND TRAFFIC BY ADDING A NEW SECTION 275-17 (F) – DRAG RACING LAW
RESOLUTION #31

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

RESOLVED, Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic” is hereby amended by adding a new section 275-17(F) to read as follows:

F. Unlawful Speed Contest.

1. This subsection shall be known and may be cited as the "Yorktown Drag Racing Law."
2. No person shall participate in an unlawful speed contest in or upon any public street, highway, or place within the Town of Yorktown. An unlawful speed contest is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side, either at speeds in excess of permitted speeds on any public street, highway or place within the Town or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds, shall be prima facie evidence of an unlawful speed contest.
3. Notwithstanding anything to the contrary in this chapter, a violation of any of the provisions of this section shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Local Law No. 1 of 2021 was hereby adopted.

PROPOSED LOCAL LAW AMENDING CHAPTER 275, VEHICLES AND TRAFFIC BY
ADDING A PART IV – FORFEITURE OF VEHICLES IN CONNECTION WITH DRAG
RACING LAW

Supervisor Matt Slater convened a public hearing to consider a proposed Local Law amending Chapter 275 of the Town Code entitled “VEHICLES AND TRAFFIC” by adding a Part IV “Yorktown Forfeiture of Vehicles in Connection with Drag Racing Law.” (Town Clerk Diana Quast displayed the Public Hearing Advertisement.)

Town Attorney Adam Rodriguez said this proposed local law will add a new part 4 to Chapter 275. Part IV will have sections 41-51 and, effectively, the law provides for the forfeiture of vehicles that are used in drag racing or unlawful speed contests. So in the event a drag race occurs and someone is arrested and/or pleads guilty, the Town Board has the authority to authorize the Town Attorney to initiate an action for forfeiture in the Supreme Court. It provides for all sorts of notice mechanisms and also provides for an innocent owner and hardship defense. In extreme cases there can be some leniency.

Supervisor Matt Slater: Any commentary or discussion from the Board?

Councilman Tom Diana: This is a worst-case scenario. This is on an extreme level where death was involved or personal injury occurs. It does not mean that if you are stopped for drag racing, your car would be immediately impounded. There are extreme circumstances where this mechanism engages and goes into effect.

The following members of the public spoke:

Jay Kopstein, resident, said that he ran several drag racing enforcement programs in New York City. He said on this law, he would like to focus in on 275-44 (A). He said if you read it you will see only Section 1182 of the Vehicle and Traffic Law is mentioned. So if you have a conviction under the new section 275-17(F), you could not do a forfeiture because this paragraph does not site it but only sites a conviction under Section 1182 of the Vehicle and Traffic law and that would have to be amended to include the new Section 17(F).

Town Attorney Rodriguez disagreed with Mr. Kopstein’s interpretation. He said the proposed law says, if you are convicted or plead guilty to any offense arising out of such arrest or summons. So if you were to plead guilty or be convicted under Section 17(F), that will authorize a forfeiture.

Jay Kopstein, resident, said his personal opinion is that Section 17(F) should be cited as well and let there be no doubt.

Town Attorney Rodriguez said there would be no harm in adding it.

Supervisor Slater said he did not think there would be any harm in adding it if it provides clarity and there is no substantial change. It is just referencing that part of the law to make sure that it is clear.

Town Attorney Adam Rodriguez stated that it is fine.

Mr. Kopstein said that if you look at the last sentence, the last two lines say “exhibition of speed on a highway if prohibited by Section 1182 of the Vehicle and Traffic law. He believes the Town has to include Section 17(F) to make is viable.

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the public hearing was closed with the one amendment to 17(F).

ADOPTION OF LOCAL LAW NO. 2 AMENDING CHAPTER 275, VEHICLES AND TRAFFIC BY ADDING PART IV – FORFEITURE OF VEHICLES IN CONNECTION WITH DRAG RACING LAW
RESOLUTION #32

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

RESOLVED, Chapter 275 of the Code of the Town of Yorktown entitled “Vehicles and Traffic” is hereby amended by adding a Part IV entitled “Forfeiture of Vehicles in Connection with Drag Racing Law.”

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Local Law No. 2 of 2021 was hereby adopted and is annexed hereto.

RESOLUTIONS
CREATE A WATERFRONT REVITALIZATION COMMITTEE
RESOLUTION #33

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

WHEREAS, the Town Board is desirous of supporting the Town’s natural waterfronts and waterways; and

WHEREAS, in recent years the State of New York has added several lakes and waterways to Inland Waterway List; and

WHEREAS, the Town Board recognizes the importance of enhancing our natural attributes including environmental rehabilitation, economic development and recreational expansion opportunities; and

WHEREAS, the Town Board has been advised by its grant consultants that the establishment of the Local Waterfront Revitalization Committee will enhance previous and future LWRP applications;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby creates a Local Waterfront Revitalization Committee for the purpose of advising the Town Board on how best to support the waterfronts and waterways in the Town; and

BE IT FURTHER RESOLVED, that the Committee shall consist of no less than five (5) volunteer members; and

BE IT FURTHER RESOLVED, that there shall be a Committee Chairperson, which shall be appointed and serve at the discretion of the Town Board; and

BE IT FURTHER RESOLVED, the remaining members of the Committee shall also be appointed by and serve at the discretion of the Town Board; and

BE IT FURTHER RESOLVED, that all Committee meetings will be open to the public, the public will be permitted to participate in the Committee's discussions, and the Committee's meeting dates are to be posted on the Town's website; and

BE IT FURTHER RESOLVED, that detailed minutes will be prepared of all Committee meetings; and

BE IT FURTHER RESOLVED, that the Committee shall submit a report, on or before the 31st day of January, setting forth for the prior calendar year: (1) the dates the Committee met, (2) all votes taken by the Committee, (3) all memoranda prepared by the Committee and submitted to the Town Board, (4) all activities undertaken by the Committee, and (5) all minutes of the Committee's meetings.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINT THOMAS TRAVIS AS A CONSULTANT IN THE TOWN CLERK'S OFFICE
RESOLUTION #34

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

Resolved, that Thomas M. Travis is hereby appointed to serve as a consultant in the Yorktown Town Clerk's Office at a rate of \$30.90 per hour not to exceed 17 hours per week.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPROVE GARBAGE LICENSE FOR OAK RIDGE HAULING, LLC TO SERVICE
COMMERCIAL PROPERTIES IN THE TOWN OF YORKTOWN FOR THE YEAR 2021
RESOLUTION #35

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

RESOLVED, that Oak Ridge Hauling, LLC be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2021.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

Supervisor Matt Slater stated that there is a resolution calling for an amendment to the transitional zoning of the George Roberta property located at 1600 Front Street. This will amend Resolution #486 of 2017. Supervisor Slater said the Board has heard from Mr. Hoyt, a neighbor of the subject property. He asked Director of Planning John Tegeder to provide some insight to questions that were raised. Councilwoman Roker said Mr. Hoyt feels the new company at the location will have a greater impact than the previous.

Mr. Tegeder said Mr. Hoyt feels the new company will be some type of light manufacturing that will have more of an intense use than what was anticipated. Mr. Tegeder said his understanding of this R&D is going to be, as stated in the resolution, for renewable energy. Mr. Tegeder read from the Code that governs this area, which is I-2 zoning. I-2 zoning allows for light industrial or manufacturing uses, including fabrication processing converting altering assembly, etc., which is not normally cause or result in any dissemination of dust, smoke, observable gas or fumes, odor, noise or vibration, excessive light beyond the immediate side of the building where the use is conducted, nor menaced by reason of fire, explosion, or other physical hazard, nor harmful discharge of waste material or unusual traffic hazard or congestion. Mr. Tegeder said the Board was made aware that this type of use does not do that; however, they could certainly add in that language that this use cannot exceed any of the limitations of what he just read and if it does, it needs to come back to the Board and not allowed.

Councilwoman Roker asked what section was quoted and Mr. Tegeder said it was Section 300-21, Paragraph 17, Section 3A.

Supervisor Slater asked to add to the resolution: “WHEREAS, any use that exceeds those listed in Section 300-21, Paragraph 17, Section 3A must be approved by a Town Board resolution.” Mr. Tegeder and the Town Board agreed to this addition. Mr. Tegeder said this could be prohibited instead of approved by resolution. If the applicant’s use changed in the future, they could come back to the Board for consideration. The Town Board agreed to the first suggestion that the Town Board must approve any use that exceeds those listed in Section 300-21, Paragraph 17, Section 3A.

Motion from Councilman Diana and a second from Councilwoman Roker. All in Favor? Aye.
Motion carries

AMENDMENT TO TRANSITIONAL REZONING OF GEORGE ROBERTA PROPERTY -
FRONT STREET AND EDGEWOOD STREET - RESOLUTION #486 OF 2017
RESOLUTION #36

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

WHEREAS, on December 19, 2017 the Town Board adopted Resolution #486 granting George Roberta a transitional zoning designation for an approximately 0.80 acre parcel located on Front Street in the Town of Yorktown, also known as Section 48.07, Parcel 2, Lot 11 on the Tax Map of the Town of Yorktown (the “Property”) with the proposed use and development of the site as a for-profit office and flex space including but not limited to, use for a digital printing/cutting/laminating business; and

WHEREAS, Resolution #486 further specifies the permitted main uses shall be (1) Commercial uses as found in 300-21(c)(9)(a) and (2) Second floor residential apartments; and

WHEREAS, Keith Holmes, representing SK 1600 Front, LLC, the contract vendee to purchase the property, has requested to use the approximately 2,000 SF building for office and flex space to conduct research and development in renewable energy; and

WHEREAS, this proposed use is consistent with the permitted uses allowed in the I-2 zone that is the predominant zone on Front Street, is similar to the existing uses on Front Street, and would cause no significant adverse impacts that were not already reviewed as part of the original Transitional zone approval; and

WHEREAS, any use that exceeds those listed in Section 300-21, Paragraph 17, Section 3A of the Town Code must be approved by Town Board resolution.

BE IT THEREFORE RESOLVED, the Town Board hereby amends Resolution #486 to add Research & Development to the permitted main uses allowed on the subject Property.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPROVE PURCHASE OF ONE FORD F350 FOR THE REFUSE & RECYCLING
DEPARTMENT
RESOLUTION #37

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

WHEREAS,

1. Westchester County Department of Purchase & Supplies has awarded contract #RFB-WC-20395 to be utilized by municipalities for vehicle purchases for the 2021 model year.
2. The Refuse & Recycling Department will be purchasing a 2020 Ford F350 pick-up in the amount of \$50,447.00, from Hempstead Ford Lincoln in Hempstead, NY, as they are an approved vendor from the bid.

NOW, THEREFORE BE IT RESOLVED, the Town Board hereby approves the purchase of the Ford F350 for the Refuse & Recycling Department from Hempstead Ford Lincoln from the Westchester County bid.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

RESTORE 96 HOURS OF 2018 VACATION TO MICHAEL ECHEVERRIA
RESOLUTION #38

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

RESOLVED, the Comptroller is hereby authorized to restore 96 hours of 2018 vacation to Michael Echeverria's benefit bank. This time should have been charged to Worker's Compensation in 2018.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

ADJOURN

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

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK