

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 27, 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
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to conduct interviews and discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Matthew Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember NYPD Officer Tsakos who was killed last night by a drunk driver. He also asked to keep in our thoughts all of our first responders and emergency workers who are still dealing with COVID, as well as our friends and families who are also battling the COVID virus. Supervisor Slater asked to keep in our thoughts all of the members of our armed forces who are serving overseas.

Councilman Diana raised an issue of inappropriate comments made on social media regarding a veteran's banner in Town.

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater announced that COVID numbers in Town are on the decline, but the public still needs to take precautions. He said that according to the Department of Health there are 146 active cases in Yorktown, with 7 new cases. He said that, in comparison to other towns, this number is quite high. Supervisor Slater also announced upcoming vaccination clinics.

Supervisor Slater announced that the Westchester County Mobile Shredder is going to be in Town this Friday, beginning at 11:00 a.m., at Shrub Oak Park.

Supervisor Slater reminded residents that the local and county tax deadline is this Friday. There are several methods of payment available: dropbox in front of Town Hall, mail (postmarked April 30), in person, or online.

Councilman Patel began a discussion with Supervisor Slater regarding the age requirements for the different vaccinations available.

SONS OF THE AMERICAN LEGION

Paul Martin, on behalf of the Sons of the American Legion, said they are embarking on a new patriotic and Town beautification fundraising program that is called "Fields of Honor." He said it is an opportunity for townspeople to sponsor an American Flag in honor/support/memory of an organization or loved one throughout the Town. All proceeds would go to the American Legion/Sons of the American Legion, and other veterans' services within Yorktown. The Town has agreed to locations in Yorktown (Downing Field, Veterans Field, Railroad Park, Granite Knolls, and the JC Hart Memorial Library). They are seeking to add two locations – one along Route 118 and one along Route 6 – but they need permission from the Department of Transportation. The display period would be from Memorial Day to just after Veterans' Day. He asked the Town Board to prepare a letter of support for this effort.

Supervisor Slater proposed the following resolution:

REQUEST PERMISSION FROM NY STATE DEPARTMENT OF TRANSPORTATION TO ALLOW AMERICAN HONOR FLAGS OFF STATE ROUTE 118 AND STATE ROUTE 6 RESOLUTION #174

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

RESOLVED, the Supervisor is authorized to request permission from the NYS Department of Transportation to allow the Sons of the American Legion to install American Honor Flags in the designated corridors off State Route 118 and State Route 6.

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

NAMI MENTAL HEALTH AWARENESS MONTH

Eugene McGrath – proposal for ribbons throughout Yorktown

Eugene McGrath (NAMI Westchester) came before the Board to discuss Mental Health Awareness Month that begins May 1. He said that NAMI (National Alliance on Mental Illness) is the nation’s largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. He said two years ago they hung ribbons around Yorktown to raise awareness for mental health awareness month; however, last year due to COVID-19 their plan to hang ribbons was cancelled. He is seeking permission from the Board to hang the ribbons and a banner this year. He proposed to hang ribbons at the Jack DeVito Memorial Park’s gazebo, along Commerce Street, East Main Street, and at the library. They are asking to hang a banner at the library, or Town Hall, or anywhere the Board deems appropriate. He also asked if the electronic sign in front of the police department could be used to display a message.

Supervisor Slater said he would put Mr. McGrath in touch with Chief Noble regarding the electronic sign at the police department, as well as the Yorktown Chamber of Commerce for use of their electronic sign. He said he would welcome the banner at Town Hall and a second one could be placed at the library. He said the Board would pass a resolution declaring the month of May as National Mental Health Awareness Month.

HALLOCKS MILL SEWER DISTRICT

Supervisor Slater introduced Dan Ciarcia (Acting Town Engineer), Tom Myers (Bond Counsel), and Sharon Robinson (Engineering Consultant) to give a status update and next steps for the Hallocks Mill Sewer District Extension.

Mr. Ciarcia displayed a PowerPoint presentation that gave an overview of where the project began and where it is now. The amount of unsewered parcels began at 1,024 and has been reduced to three subareas (Sunrise Street, Sparkle Lake, and Birch Street) with a total of 315 parcels. These areas were selected based on the projects having a lower capital cost per household ration; not located adjacent to a potentially restrictive sewer; total new flow of less than 0.14 MGD. Mr. Ciarcia presented and spoke to the following:

Project Summary:

- Total Number of Parcels 315
- Estimated Project Cost \$14,300,000
- NYCDEP East of Hudson Fund \$10,000,000
- Amount to be bonded \$4,300,000
- Typical property annual tax \$732
- Number of years 30

Tax Summary:

- HM Capital Cost \$782
- Sewage Treatment Tax \$572
- Sewer Rent (\$1.20/1,000 gallon) \$140
- Total \$1494

OSC 2018 Threshold for Approval - \$995

OSC 2021 Threshold for Approval - \$696

Next Steps:

- Circulate for SEQRA lead agency (30 days)
- Call a public hearing to consider application
- Town Board adopt SEQRA Negative Declaration
- Adopt resolution establishing Hallocks Mill Sewer District
- Submit application to State Comptroller
- State Comptroller approval
- Prepare final design drawings and specs
- Bid project
- Begin construction

Supervisor Slater asked Bond Counsel Tom Myers if he had anything to add and he said the obvious next step is to get the SEQRA process going and call for the public hearing. The SEQRA should be completed at least by the date of the public hearing. He said once this is done the final SEQRA determination may be made and the establishment of the district could be done. He also said work on the application to the State Comptroller could also be started while this process is taking place.

Councilwoman Roker thanked Sharon Robinson and Dan Ciarcia for their work.

Ms. Robinson said that she and Dan Ciarcia have both established sewer districts with the State Comptroller over several years and have followed the steps to make them successful. She said the best thing about this district is having so much potential funding from East of Hudson Fund through Westchester County. She said the next steps have a timetable that has to be followed. The review process from the State needs to insure that the residents involved are taxed properly.

Councilwoman Roker asked Mr. Myers why this has to go through the State Comptroller's office. He said that each year the State Comptroller establishes a threshold of debt service/O&M when you form a district. They are supposed to average out the applications they receive throughout the year. He said, as the presentation shows, the threshold can change dramatically throughout the years. If you come in above the threshold, you must ask the State Comptroller and ask for approval. Mr. Ciarcia spoke about future opportunities for future federal money and grant money.

Councilman Patel asked if the Town had to do any kind of improvement or increase capacity for this project. Mr. Ciarcia said the capacity would be fine.

Councilwoman Roker interjected that Ms. Robinson and Mr. Ciarcia are also working on other projects that will help to get a higher rate at the plant. Ms. Robinson agreed and said the second phase of the pump station upgrades is ongoing, as well as an infiltration inflow study for the Hallocks Mill District. She said that DEP has a "laundry list" of issues for Yorktown to address.

Mr. Ciarcia said they laid the groundwork with all of the studies that were done for what needs to be done so that if money does start to become available, the Town can do something. Mr. Ciarcia displayed a slide of all of the other streets and areas that did not make it into this sewer extension that would be candidates for future funding.

Councilman Lachterman asked if the existing infrastructure that the Town is doing now would pay dividends if money becomes available in the future – would it bring down the cost of the job since many of the main runs would be there already? Mr. Ciarcia said not really. He said they are doing projects for the overall district project, i.e., the pump station upgrades. Mr. Ciarcia said, in theory, if the Town gets more customers, it helps bring everybody's rate down.

Supervisor Slater reviewed the next steps portion of the project with Tom Myers. Councilman Patel asked if this information would be published and the supervisor said informational meetings would be held as the Town gets through some of the next steps.

Councilman Lachterman asked that since the East of Hudson money has grown because of interest, does that give the Town a bigger pot to dip into in the future. Supervisor Slater said that it was learned that the DEP would not be refilling the coffers until the money that they already allocated is spent. He said the money did build interest but that interest already went to other projects.

MEADOWCREST COURT

Mr. Stephen Walling came before the Town Board regarding his property on Meadowcrest Court. He shared his screen in order display the map of the property and the portion he wishes to purchase from the Town in between his house and Meadowcrest Court. The original Town plans were to build a cul de sac at the site, which never happened. His house is the only one facing Meadowcrest Court. He said the property is mostly overgrown grass and trees and does not believe the Town has any use for the property. Mr. Walling said he has cleared some of the property in order to clean up the piece of property. He said it has become a dumping ground for landscapers. His intention is to keep the property green and maintained. He said it would also enable him to move his mailbox closer to the road so deliveries can be made easily. He said he is able to propose an amount for purchase if the Town agrees.

John Tegeder, Director of Planning, said he understands Mr. Walling's reasoning for wanting to purchase the property but the complicating factor is that it is on a filed plat approved by the Planning Board and in order to dispose of it, it actually has to be abandoned as a right of way. It must come off the plat as an irrevocable dedication, which the Planning Board as to do. He asked if the Wallings were proposing to purchase the entire cul de sac right of way. Mr. Tegeder said it is a funny-shaped piece of property and wondered if the Town should not look at how it might be apportioned off in a more regular fashion, while at the same time accommodating what Mr. Walling wants to do.

Councilwoman Roker said there are many steps that have to be gone through before Mr. Walling's request could be considered. She asked how to make the abandonment happen and Supervisor Slater said it would have to be referred to the Planning Board. Mr. Tegeder said they would have to, essentially, form a new lot. A discussion took place as to the intent of the Planning Board and how it was not developed by the subsequent subdivisions in the area.

Supervisor Slater said the next step would be to refer this to the Planning Board.

Kim Penner, Assessor, said if Mr. & Mrs. Walling wish to take all of Meadowcrest Court, she suggests that the lot that is created should be combined with their current lot.

Mr. Tegeder said including the cul de sac, Mr. Walling's property would approach the 40,000 square feet mark, which would create a potential for a further subdivision. He said, however, that is not Mr. Walling's stated intent. Councilwoman Roker said a stipulation could be added to the resolution.

REFERRAL OF POTENTIAL PURCHASE OF TOWN-OWNED PROPERTY LOCATED ON MEADOWCREST COURT

RESOLUTION #175

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

RESOLVED, the Town Board authorizes the referral of the potential purchase of town-owned property located on Meadowcrest Court by Mr. and Mrs. Stephen Walling to the Planning Board for their recommendation.

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

1760 WILEY ROAD

Michael Grace, Attorney came before the Town Board to discuss a rezone petition for 1760 Wiley Road. He said it is an 11,000 square foot lot that is currently zoned commercial and the applicant (Mr. & Mrs. Cozzi) is looking to construct a two-family house on the lot. He said it was originally zoned residential and then went to commercial. He said the issue, from a zoning point of view, is that the code for a two family is an R-2 but the R-2 requires 10,000 square feet per unit, which require this to have 20,000 square feet to be a two family residence. Mr.

Grace said it does not work as a single family because the lowest required acreage for a single-family residence is 20,000 square feet. He said R-3 does not work because of the setback requirements. He said the two-family would fit perfectly with the R-2 setbacks.

A map was displayed showing the property.

Councilwoman Roker said, based on the square footage of the lot, a variance would be required. Mr. Grace said the zoning code is out of date and this project would contribute to diverse housing opportunity that the Town needs. He said the abutting neighbor also owns the lot – it is in separate ownership – and is in favor of this petition. Ms. Cozzi displayed a drawing of the house plans. Councilwoman Roker asked if this would be affordable housing and Mr. Grace said that, by de facto, it would be.

REFERRAL OF 1760 WILEY ROAD REZONING PETITION
RESOLUTION #176

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

Resolved, the Town Clerk is authorized to refer to the agencies listed below the Rezoning Petition submitted by Michael Grace, Esq. on behalf of his client, Ben Cozzi, contract vendee, for property located at 1760 Wiley Road also known on the Town of Yorktown Tax Map as Section 15.19, Block 1, Lot 10. The request is to rezone from C-2 Commercial designation to either R-2 or Transitional Zone.

Be It Further Resolved, the Town Board declares its intent to act as Lead Agency.

New York State: Army Corps of Engineers
Department of Environmental Conservation
Department of Transportation

New York City: Department of Environmental Protection

Westchester County: Planning Department/Board

Municipalities: Town of Cortlandt
Town of Somers
Town of Putnam Valley

Yorktown: ABACA
Assessor
Building Inspector
Community Housing Board
Conservation
Fire Department – Lake Mohegan
Highway Department
Planning Department/Board
Police Department
School District – Lakeland
Town Engineer
Tree Conservation Advisory Committee
Water Department Superintendent
Yorktown Town Board
Zoning Board of Appeals

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

OVERLAY DISTRICT

Supervisor Slater said, as evidenced by the previous discussion, a brief discussion should take place regarding the need for overlay districts, citing the Town’s zoning code is at least 50-60 years old. He said if the Town is to compete in today’s market as a community, updates need to be made.

Director of Planning John Tegeder said the immense growth and development in the Town has not been addressed through its zoning. He cited the history of population growth and how the

zoning code guided a growth situation in the past but does not address the population and demographics the Town has now.

Councilwoman Roker said the law is a good law and that the intent of the law is not to create a city. She said the Heights area, in particular, is aging. She also said that the Town relied on builders to develop the road system, which has led to problems. Councilwoman Roker said the Town is looking to attract new businesses in Town and the one thing that new businesses look at is the demographics of an area. They specifically look at the ages of 18 to 40 because that is the group that buys. She said some of the projects the Town Board has are affordable housing for young people. She said she sees the overlay districts as progress for the Town. The comments received from the overlay district referral were positive and helpful.

Supervisor Slater said that we talk about our business hamlets, we see vacancies, we hear that it looks like the 1970's, and hear all of the negative comments; and this is the Town Board's attempt to address the comments and actually do something.

Councilwoman Roker talked about how people are doing online shopping and not shopping at brick and mortar stores. She said this is about being able to reinvent yourself but staying true to yourself. She said she thought that is what the Board is doing.

Supervisor Slater said when he read the comments from the agencies who responded, he felt they were accomplishing that. He read and reviewed the ABACA comment.

Councilwoman Roker said all of the applications that are received in an overlay district would have to conform to the laws (wetlands, tree, environmental, etc.).

Mr. Tegeder said the stormwater law and the lighting law would have to be followed. The overlay law does not segregate any other law. The Town laws are in full force and effect and need to be complied with.

Supervisor Slater said they are moving forward with a traffic consultant and an environmental consultant in order to take the steps to protect the Town's interest that are not being paid for by a developer or builder but by the Town.

Councilman Patel said this issue of the overlay districts and associated costs is confusing to many of the residents. Councilwoman Roker agreed and said it is up to the Town Board to lessen the confusion by speaking in plain English. She said the proposal has been out there for review, our agencies have gotten back to the Town, and she is looking forward to the public hearing to hear what the residents have to say.

Supervisor Slater said he attended the Planning Board meeting last night and it was well articulated by the members that none of the individual projects before them are being considered for this particular part of the overlay process. This process is to enable the legislation. There is no specific application that is before the Town Board under the overlay legislation. This legislation addresses the hamlets of Yorktown Heights and Lake Osceola.

Councilman Patel raised the issue of confusion again, citing specific incidents of lack of information about the boundaries of the overlay districts. Supervisor Slater said the Town Board worked with the Planning Department on creating the boundary maps of the Heights and Osceola. The maps are online and available to the public.

Councilwoman Roker said that, as evidenced by Councilman Patel's comments, the Town Board knows the work ahead of them regarding informing the public. Supervisor Slater said more digestible information is needed so the residents know exactly where the overlay districts apply.

Supervisor Slater said the comments were overall very positive. He quoted "the Board believes that the districts can be used as a protective measure of certain resources while also promoting the economic health of the Town." He said this is exactly what the Town Board is trying to accomplish.

Responding to comments made by Councilman Patel, Councilwoman Roker said there were two main points to make: a) the overlay districts do not affect every area of Yorktown, and b) whatever projects come into these specific areas will have to be looked at just as they would be looked at today. A discussion took place regarding the process a project would have to go through under the overlay district legislation.

Mr. Tegeder said it would be a good idea if his department took the comment letters, break them apart, and respond to any suggestions or concerns that were made prior to a public hearing.

The Board discussed the timeline for notification of the various components of the legislation (SEQRA, public hearing, etc.).

SUPPORT OF SUSTAINABLE WESTCHESTER'S JOINT PETITION TO THE PUBLIC SERVICE COMMITTEE

RESOLUTION #177

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

WHEREAS, community solar is very important to Westchester County and to the Town of Yorktown;

WHEREAS, community solar is especially beneficial in extending the environmental benefits and savings of solar to the tens of thousands of households in Westchester who are renters, on limited income, or otherwise unable to install their own solar;

RESOLVED, that the Town supports the recommendations of the Sustainable Westchester's Joint Petition to the Public Service Committee, which made two recommendations to the Public Service Commission: (1) Create an additional 180 megawatts of new Community Credit capacity at \$0.12 per kilowatt hour for Con Edison community solar customers for the immediate term; and (2) Work with stakeholders to identify future solutions that support solar jobs and bill discounts for Con Edison customers, while reducing any negative impacts on downstate customers that are not subscribed to community solar.

RESOLVED, that the Supervisor is authorized to execute a letter in support of the Petition.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE YORKTOWN LIONS CLUB

RESOLUTION #178

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

RESOLVED, that the Parks Superintendent is authorized to execute whatever documentation is necessary, as approved by the Town Attorney, for the Yorktown Lions Club to host six concerts at the Jack DeVito Veterans' Memorial Field & Track during the Summer of 2021, for an amount of \$1,000 per concert, or a total not-to-exceed amount of \$6,000.

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

APPOINT SONIA IDELSOHN AS A MEMBER OF THE ADVISORY BOARD ON ARCHITECTURE AND COMMUNITY APPEARANCE

RESOLUTION # 179

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

RESOLVED, that Sonia Idelsohn is hereby appointed to a three-year term as a Member on the Advisory Board on Architecture & Community Appearance to expire on April 26, 2024.

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

AUTHORIZE THE TOWN SUPERVISOR TO SIGN AN AGREEMENT WITH THE COUNTY OF WESTCHESTER
RESOLUTION #180

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

Resolved, that the Town Board authorizes the Town Supervisor to sign an agreement with the County of Westchester to receive funding in the amount of \$10,113 for nutrition site transportation and support services. This is for the period of January 1, 2021 through December 31, 2021. The Town shall provide \$7,028 in matching funds for said services.

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

APPOINTMENT OF DEANNA M. PETERSON AS PROVISIONAL SENIOR RECREATION LEADER – PARKS & RECREATION DEPARTMENT
RESOLUTION #181

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

BE IT RESOLVED, that Deanna M. Peterson is hereby appointed Provisional Senior Recreation Leader, job class code 0267-01, in the Parks & Recreation Department, effective May 3rd, 2021, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 11, Step 1, which is \$63,683.00 annually.

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

ADJOURN

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

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