

Meeting of the Town Board, Town of Yorktown held on June 16, 2015 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Susan M. Siegel, Councilwoman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman

Also present: Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order

PLEDGE OF ALLEGIANCE

Members of the Police Department led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

PRESENTATIONS

Police Chief Daniel McMahon introduced Thomas Gentner who was promoted to the rank of Lieutenant in February. He is a graduate of Fordham University and joined the Yorktown Police Department in 1981.

Chief McMahon introduced Mark Rapisarda who is being promoted to the rank of sergeant. He is also a graduate of Fordham University. He joined the New York City Police Department in 1998 and the Yorktown Police Department in 2005.

Chief McMahon introduced Michael Tillstrand who was appointed to the Yorktown Police Department last October. He is a graduate of the University of North Carolina at Chapel Hill and a veteran of the United States Army.

Chief McMahon introduced Robert Rohr who was appointed to the Yorktown Police Department in April of this year. He is a graduate of Mercy College and began his law enforcement career with New York City in 2013.

Chief McMahon handed out the following awards:

Yorktown Police Department's Excellent Police Duty Commendation to Michael Pietraniello.

Yorktown Police Department's Certificate of Commendation to Police Officer Keith Fortunato

Yorktown Police Department's Life Saving Award to Police Officers Michael Kahn, Paul Dillon and Officer Anthony DiPietrantonio.

SUPERVISOR GRACE and the members of the Town Board handed out Certificates of Appreciation and congratulated the following employees:

Mary DeSilva has served the Town of Yorktown for 30 years, she is currently the Director of the Nutrition Center and Senior Services.

Patricia Barresi has been the Director of the John C. Hart Library in Shrub Oak since her appointment 21 years ago.

Mr. Peter Reyes has worked for the Highway Department for twenty five years.

APPOINTMENT

NOREEN O'DRISCOLL – PROVISIONAL NUTRITION SITE MANAGER

RESOLUTION #232

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

BE IT RESOLVED, that Noreen O'Driscoll of Yorktown Heights, NY is hereby appointed Provisional Nutrition Site Manager, job class code 0306-01, in the Nutritional/Senior Services Department, effective June 29th, 2015 to be paid an annual salary of \$71,457.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

APPOINMENT

LORI J. ROTUNNO – ASSESSMENT/TAX AIDE

RESOLUTION #233

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

BE IT RESOLVED, that Lori J. Rotunno of Yorktown Heights, NY is hereby appointed Assessment/Tax Aide, job class code 0097-01, from Eligible List No. 64-016, within the Tax Department, effective June 17th, 2015 to be paid from Yorktown CSEA Salary Schedule A1, Group 6, Step 2 which is \$48,518.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 17th, 2015.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

OUTSIDE MEETING - JULY 7, 2015 AT DOWNING PARK

The Town Board will hold its first outdoor meeting for 2015 at Downing Park on July 7, 2015. The meeting will begin at 6:00 P.M. This meeting will be recorded for broadcast.

DURING REPORTS FROM TOWN SUPERVISOR, Supervisor Grace announced that for the first time in 27 years, the Town of Yorktown has issued a Sewer Permit. He thanked Sharon Robinson, the Acting Town Engineer, Edward Mahoney who works at the Yorktown Waste Water Treatment Plant and Dan Ciarcia, the former Town Engineer for their help in discussions with New York City's Department of Environmental Protection and New York State Department of Environmental Conservation.

REPORTS FROM THE TOWN COUNCIL

Councilman Vishnu Patel congratulated the Yorktown High School students who successfully built the latest Rube Goldberg machine.

Councilman Gregory Bernard stated that the Public Safety Committee made site visits on Friday. He read the Committee's recommendations.

ACCEPT PUBLIC SAFETY REPORT

RESOLUTION # 234

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

RESOLVED, the Town Board accepts the Public Safety Report dated June 16, 2015.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

Councilman Thomas Diana announced that the next meeting of the Yorktown Task Force on Heroin will be on June 22, 2015 at the Yorktown Elks Lodge.

Councilwoman Siegel said the news about the Town of Yorktown issuing sewer permits is great news. The Board will now have to work together to determine the next steps. She also spoke about the Advisory Boards and Commissions that need volunteers.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Paul Moskowitz, a member of the Advisory Committee on Open Space spoke about the Committee's most recent recommendation to turn down the request made by the Winery. They are against giving the Winery a license and/or land swap.

Mr. Gary Ajello asked questions concerning the next steps with the Hallocks Mill Sewer District.

Ms Lisa Morales- spoke about an on-line survey she initiated regarding the Town of Yorktown and the results of that survey.

Mr. Howard Frank spoke about the most recent Water Quality Report and the water metering project

Mr. William Primavera disagreed with "the dire picture" painted by the survey conducted by Ms. Morales.

Mr. William LaScala objected to what he calls were the "negative comments" made by Ms. Morales.

Mrs. Dorothy LaScala spoke about the full page story written in the Wall Street Journal two weeks ago which cited Yorktown as a great place to live.

COURTESY OF THE FLOOR CLOSED

PUBLIC HEARING TO AMEND A SPECIAL USE PERMIT FOR THE CHESTNUT PETROLEUM DISTRIBUTORS/MOBIL GAS STATION

Supervisor Grace called to order a public hearing to consider the application received from Chestnut Petroleum Distributors, Inc. for an amendment to their Special Use Permit. The request is to approve a sign at the Mobil Gasoline Station located at 2035 Saw Mill River Road., also known as Section 37, Parcel 1, Lot 2 on the Tax Map of the Town of Yorktown. Town Clerk Alice E. Roker presented affidavits of posting and publication.

Ms. Jillian Martin, Construction Manager for Chestnut Petroleum Distributors stated that the sign they are asking to be approved is already up.

Supervisor Grace stated that the Planning Department, Building Department and ABACA responded to the Board's request for a recommendation stating that they had no objections to the amended special permit.

Mr. Howard Frank asked if the cost of gas for credit will be as brightly lit as the cost for cash.

Ms. Michaels explained that both prices are lighted.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Supervisor Grace motioned, seconded by Councilman Patel.

APPROVE AMENDED SPECIAL USE PERMIT FOR THE CHESTNUT PETROLEUM DISTRIBUTORS/MOBIL GAS STATION
RESOLUTION #235

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

WHEREAS, Mobil Oil Company (Chestnut Petroleum Distributors) with property at Rte. 202 filed an application for a special permit to change an existing freestanding sign, and

WHEREAS, the required application fee has been paid, and

WHEREAS, notice was given that a public hearing would be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue,

Yorktown Heights, New York on the 16th day of June, 2015, at 7:30 P.M., or as soon thereafter as the same can be heard, to consider the said application, and

WHEREAS, the matter was referred to the Planning Department, Planning Board, ABACA and the Building Inspector,

WHEREAS, responses were received from the Planning Board, Planning Department, ABACA, and the Building Inspector, and

WHEREAS, the applicant has filed a short form EAF pursuant to SEQR, it is

DETERMINED, that the proposed project will not result in any large or important impacts, and therefore, is one which will not have a significant effect on the environment, and it is therefore

RESOLVED, that with respect to this application and after review of the EAF and record in this matter, this Board hereby adopts a negative declaration, and it is further

RESOLVED, that the Supervisor sign a Notice of Determination of Non-Significance in accordance with such determination, and it is

FURTHER RESOLVED, that the application is granted as shown in the following plans and drawings:

1. Survey by Jack Shoemaker dated 5/6/10
2. Sign drawing by Everbrite dated 11/17/14

Further resolved, that the Building Inspector is authorized to issue a permit for the freestanding sign as depicted in the Everbrite drawing.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

PUBLIC HEARING

APPLICATION FOR A WETLANDS PERMIT FROM ALGONQUIN GAS TRANSMISSION FOR OFFSET IMPACTS TO WETLANDS AFFECTED BY AIM PROJECT FACILITIES – JUNIOR LAKE MEMORIAL PARK

Supervisor Grace called to order a public hearing to consider the application for a wetlands permit from Algonquin Gas Transmission. The project will provide ecological enhancement of seasonally flooded habitats and riparian buffers within and adjacent to a 2.4 acre portion of Junior Lake. The objective of this project is to offset impacts to wetlands affected by the AIM Project Facilities located in the State of New York. Town Clerk Alice E. Roker presented affidavits of posting and publication.

The Environmental Scientist for Algonquin Gas Company explained that the objective of this work is to offset impacts to wetlands affected by the AIM Project facilities. He further stated that no permanent loss of wetlands will result from this project, but that some wetland will be temporarily impacted. The Junior Lake Project is an offsite wetland, riparian and upland buffer enhancement project designed to create a forested habitat in a wetland in a former manmade pond and reduce competition for native tree and shrub species through invasive plant species removal.

Mr. Brian Amico, who has grown up in that area expressed concern about this project stating that every time the Town has done something in the area, the work has contributed to the reduction of the nearby homes visibility of the lake.

Mr. Bruce Barber, Yorktown's Environmental Consultant explained the overall project to the Board.

Mr. Michael Faio, a nearby resident stated that this project is a good start, but he asked that the Town makes sure a follow up is done.

Mr. Sal Farone, stated that this project represents a tremendous opportunity for the Town and he asked that the Town not stop until there is a full restoration of Junior Lake.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Supervisor Grace motioned, seconded by Councilman Patel.

APPROVE WETLANDS PERMIT FROM ALGONQUIN GAS TRANSMISSION FOR
OFFSET IMPACTS TO WETLANDS AFFECTED BY AIM PROJECT FACILITIES –
JUNIOR LAKE MEMORIAL PARK
RESOLUTION # 236

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

WHEREAS, the applicant proposes ecological enhancement of seasonally flooded habitats and riparian buffers within and adjacent to a 2.4 acre portion of Junior Lake. This area is not mapped as a jurisdictional wetland by the New York State Department of Environmental Conservation (NYSDEC). Enhancement will take place via the removal of invasive plant species and installation of native trees and shrubs. No motorized equipment will enter the wetland and no trees or other materials will be removed from the wetlands. Installed plants will be potted nursery stock and bare root, and consist of approximately 350 trees, 250 shrubs and 50 willow wattles. The total footprint of all plant material will be less than 1,960 square feet with associated potting soil and plant materials total less than 49 cubic yards. The work will be conducted entirely within the Junior Lake dedicated parkland owned by the Town of Yorktown as off-site mitigation required by the United States Army Corps of Engineers (ACOE) for wetland modification due to the installation of the Algonquin Incremental Market Pipeline project (AIM project). In addition to a Town of Yorktown wetland permit, the applicant is required to obtain a wetland permit from ACOE. Included in the requirements of the ACOE permit is a restrictive covenant which will regulate future cutting/removal of the installed mitigation plantings (the action), and

WHEREAS, the action is located in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb Town of Yorktown jurisdictional wetland and wetland buffer in order to install the proposed mitigation, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown wetland permit application WP-038-15, dated May 11, 2015, and

WHEREAS, a public hearing was held opened on June 16, 2015 order to solicit comments from the public regarding the proposed action, and

WHEREAS, the Town Board fully considered the public comments and therefore closed the public hearing on June 16, 2015, and

WHEREAS, the Town Attorney has indicated that the Algonquin Pipeline Expansion (AIM) project is a federally regulated and reviewed project under the NEPA process and as a result the SEQRA process is not applicable and a determination of significance shall not be made by the Town Board, and

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

- Report and plans entitled: “Spectra Energy Partners, Algonquin Incremental Market Project, Appendix A. Proposed Mitigation Plan for AIM Project Facilities in New York, Junior Lake Enhancement Project, Yorktown, New York” revised January 2015.
- Town of Yorktown Combined Stormwater Pollution Prevention Permit Application, Wetland Permit Application and/or Tree Permit Application

executed by Mike Tyrrell dated 04/27/15. Authorization for Mike Tyrrell to apply for the wetland permit provided via Michael Grace, Town Supervisor dated 05/11/15.

BE IT FURTHER RESOLVED THAT, the Wetland Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
2. A construction monitoring fee in the amount of \$2,500.00 must be submitted to the Engineering Department Clerk.
3. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$25,000.00 which shall be released at the end of the five year period as measured from the date of planting when the Town of Yorktown confirms that a minimum of 85% of the planted species are viable.
4. The applicant shall provide a current ACOE wetland permit for the proposed action.
5. The applicant shall provide ACOE restrictive covenant documents which shall be reviewed to the satisfaction of the Town Attorney and approved by the Town Supervisor.

Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Modifications to the approved plans shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.

2. Prior to the issuance of a Notice of Satisfactory Completion, all conditions of this permit must be completed to the satisfaction of the Acting Town Engineer and Town Environmental Consultant.
3. The applicant must comply with all conditions of the ACOE permit.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

ADVERTISE BID FOR COMPUTER EQUIPMENT
RESOLUTION #237

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

Be it resolved, for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of section 103 of the General Municipal Law, it is determined by the Town Board that there is a need for standardization in the purchase of computer and networking equipment for use by all Town Departments, and the Town's officials are authorized to seek competitive bids and to contract for the purchase of computer and networking equipment from the following manufacturers:

Server Software
Microsoft
Symantec

Rack & UPS Equipment
APC
Aten

Server Equipment
Hewlett-Packard
Cables to Go

Computer / Printer Hardware
Panasonic
Hewlett-Packard

Desktop Software
Microsoft

Optional Items
Hewlett-Packard (Hot Swap Drive / Processor Kit)

Grace, Siegel, Bernard, Diana Voting Aye
Patel Voting Nay
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH SULLIVAN DATA
RESOLUTION #238

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

Resolved, that the Supervisor is authorized to enter into an agreement with Sullivan Data for the installation of IT infrastructure and department specific computer system upgrades for 2015 and the Comptroller is authorized to pay \$33,825.00 for said services in calendar year 2015.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

EXTEND BID FOR PREVENTIVE MAINTENANCE GENERATOR SYSTEMS #14-2
RESOLUTION #239

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

WHEREAS, the Town Board at its meeting of June 18, 2014, awarded the Preventative Maintenance Generator Systems Bid #14-2 for various Town facilities to Peak Power Systems, Inc., and

WHEREAS, the Town has the contractual option to extend the bid in one-year increments, up to a maximum contract term of two (2) years, and

WHEREAS, the Town intends to extend this bid for the first renewal, NOW, THEREFORE, BE IT,

RESOLVED, that the Preventative Maintenance Generator Systems bid is hereby extended for the one-year extension period (July 1, 2015 through June 30, 2016).

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

RELEASE BOND – WP-039-14 IBM
RESOLUTION #240

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

WHEREAS, IBM, as applicant, posted check #0004195617 into the T33 account on July 30, 2014, in the amount of \$300.00 covering Wetland Permit #039-14, for work performed at the Kitchawan Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of the Engineering Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for Wetlands Permit may be released to the applicant, NOW THEREFORE BE IT,

RESOLVED, that the above-described monies be and is hereby released to I.B.M., 1101 Kitchawan Road, Yorktown Heights, NY 10598, Attn: Mr. Don Demouth.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

RELEASE BOND WP-020-15 IBM
RESOLUTION #241

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

WHEREAS, IBM, as applicant, posted check #0004246746 which was deposited into the T33 account on May 5, 2015, in the amount of \$300.00 covering Wetland Permit #020-15, for work performed at the Kitchawan Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of the Engineering Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for Wetlands Permit may be released to the applicant, NOW THEREFORE BE IT,

RESOLVED, that the above-described monies be and is hereby released to I.B.M., 1101 Kitchawan Road, Yorktown Heights, NY 10598, Attn: Mr. Don Demouth.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

RELEASE BOND WP-028-15 CECILE DRIVE
RESOLUTION #242

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

WHEREAS, Michael & Susan Sammarco, as applicant, posted check #9061 which was deposited into the T33 account on May 15, 2015, in the amount of \$300.00 covering Wetland Permit #028-15, for work performed at their Cecile Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be released to the applicant.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

RELEASE BOND BSWPPP-067-14
RESOLUTION #243

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

WHEREAS, Mongero Properties LLC, as applicant, posted check #1059 in the amount of \$1,500 which was deposited into the T33 account on November 14, 2014, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-067-14, for work performed at the Saw Mill River Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced Erosion Control Bond be released to Mongero Properties LLC, 114 Turnberry Court, Poughkeepsie, NY 12603.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

RELEASE BOND WP-026-14 FLORIDA ROAD
RESOLUTION #244

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

WHEREAS, John Gilmore/JDG Builders, Inc., as applicant, posted check #1368 in the amount of \$750 which was deposited into the T33 account on May 30, 2014, to serve as the Erosion Control Bond for Wetland Permit #WP-026-14, for work performed at the Florida Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced Erosion Control Bond be released to Mr. John Gilmore, J.D.G. Builders, Inc., 40 Shallow Stream Road, Carmel, NY 10512.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN ADDITIONAL AGREEMENT WITH THE RYAN GROUP
RESOLUTION #245

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

WHEREAS, the Planning Board seeks to have continued legal counsel during the site plan approval process for the Costco project, and has requested the Town Board to authorize the law firm of Ryan Law Group LLC to provide legal services;

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with the law firm Ryan Law Group LLC to provide legal consultation services on an as-needed basis to the Planning Board during the site plan approval process for the Costco project.

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

CANCEL UNCOLLECTABLE TAXES AND PENALTIES FROM TAX ROLL
RESOLUTION #246

Upon motion made by Councilwoman Siegel, seconded by Councilman Bernard,

WHEREAS, the Town's tax records contain eighty-nine unpaid liens for taxes levied between 2005 and 2015, which are uncollectible either because the Town acquired the parcels by dedication, in rem foreclosure or deed in lieu of foreclosure, or the parcels were removed from the Town's tax maps and ceased to exist as taxable lots; and

WHEREAS, it is in the Town's best interest to cancel such liens for record-keeping purposes;

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes and directs the Receiver of Taxes to cancel all unpaid and uncollectible taxes and penalties, and remove from the Town's electronic tax records, any and all "liens" and "open taxes" linked to the following parcels in such records:

PROPERTY LOCATION	TAX ID	FORMER OWNER
1721 CLOVER RD.	15.15-1-9	CHARNEY, CRAIG
1725 CLOVER RD.	15.15-1-10	CHARNEY, CRAIG
1717 CLOVER RD.	15.16-1-35	CHARNEY, CRAIG
1719 CLOVER RD.	15.16-1-36	CHARNEY, CRAIG
3560 FENIMORE AVE.	16.9-1-5	CATUCCI, WILLIAM &
1448 CROSSWAYS RD.	16.9-1-6	CATUCCI, WILLIAM &
DELAWARE RD.	16.9-1-12	CATUCCI, WILLIAM &
JAMES ST.	16.14-1-24	DUBOVSKY, MICHAEL ETAL
DUNNING DR.	27.18-2-1	MARX, ALBERTINE
81 UPLAND RD.	37.15-2-14	PHELAN, ROBERT
FRONT ST.	48.7-1-12	J B FRONT STRTEET, INC
DORCHESTER DR. (ROAD)	48.7-3-87.11	NORTH RIVER
STONY ST.	700.-1-1./0010	ASSOCIATES
STONY ST.	700.-1-1./0011	DEER HOLLOW ESTATES
3320 LAKE SHORE DR.	15.20-2-7	LLC
		DEER HOLLOW ESTATES
		LLC
		37 CROTON DAM RD.
		CORP

Grace, Patel, Siegel, Bernard, Diana Voting Aye
Resolution adopted.

STATE ENVIRONMENTAL QUALITY REVIEW – NEGATIVE DECLARATION – NOTICE
OF DETERMINATION OF NON-SIGNIFICANCE – OLD ST. GEORGES, LLC
RESOLUTION #247

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

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Yorktown Wetland, Stormwater and Tree Permit, NYSDEC wetland permit for the Thomas DeChiaro, Old St. Georges, LLC, Town of Yorktown, New York.

SEQRA Status: X Type 1

Unlisted

Conditioned Negative Declaration: ___ Yes

X No

Description of Action: The applicant proposes to improve certain property adjacent to his existing premises known as the Winery at St. George the use of which was approved by the Town Board upon granting the applicant a zone change to Transitional Zone, wherein the allowable improved site and uses are approved with the rezoning approval. The Transitional Zone was approved on or about June 5, 2012 and the approved plan was as set forth in the "Proposed Parking Plan for Thomas DeChiaro Old St. Georges LLC dated June 10, 2012. Said plan proposed parking areas in lands owned by the New York State Department of Transportation and the Town of Yorktown. The plans called in part for the removal of existing debris from land owned by the Town of Yorktown of approximately 6,227.03 square feet and under the jurisdiction of the by New York State Department of Environmental Conservation (NYSDEC) as a wetland buffer area. Said area to be improved by a gravel surface parking area, lighting, stormwater management structures and associated site improvements in conjunction with the adjoining parcel previously improved as per the Transitional Zone approval. The parking area proposed will be used by both the Town of Yorktown for access to the adjoining open space area and overflow parking for the Old. St. Georges, LLC commercial establishment. The Town of Yorktown and the applicant have agreed to enter into a temporary license agreement to allow development of the approved plans as last revised June 5, 2015

The applicant proposes to permanently acquire from the Town of Yorktown the 6,227.03 square foot parcel in exchange for a 6,227.31 square foot parcel adjacent to the Ardizzone Wetlands and Mohegan Lake outlet upon New York State legislature approval to allow alienation of the Town owned piece presently designated as parkland.

Additional improvements are proposed on the NYSDOT parcel which in part is situated within a Town of Yorktown and NYSDEC wetland buffer area.

The applicant has already obtained permission from NYSDOT to use and develop the property in accordance with the submitted plans and has obtained a NYSDEC wetlands permit.

Location: 1715 East Main Street, Town of Yorktown, Westchester County, New York. Parcels are indicated on the Town of Yorktown Tax Rolls as Section 15.12 Block 2 Lots 52, 53.

Reasons Supporting This Determination:

The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production.

The applicant has provided a stormwater plan prepared by a NYS Licensed Professional Engineer which includes an erosion and sediment control plan and also a plan for post-construction stormwater treatment. The parking area is proposed to be constructed entirely of pervious material. In addition, existing debris which has been dumped in the wetland buffer shall be removed and wetland mitigation plantings shall be installed. There will be a temporary increase in noise during construction however all work will be conducted in compliance with the Town of Yorktown Peace and Good Order ordinance. Traffic and solid waste production will not be appreciably modified from existing conditions and the proposed parking area will increase public safety as current overflow parking on Route 6 is hazardous.

New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland buffer area and construct a gravel surface parking area, lighting, stormwater management structures and associated site improvements on two parcels of land located in a Transition Zone. The parking area will be used by both the Town of Yorktown for access to the adjoining open space area and overflow parking for the Old. St. Georges, LLC commercial establishment. Under

a temporary license agreement with the Town of Yorktown, twelve of the parking spaces are proposed to be located on a 6227.31 square foot area of land (Parcel A) which is owned by the Town of Yorktown and is dedicated parkland. The applicant proposes to permanently acquire Parcel A from the Town through a mutually agreed alienation process. As compensation for the acquisition of Parcel A, the applicant has offered to the Town a parcel of land which is 6,227.03 square foot in size (Parcel B) which is immediately adjacent to the Town dedicated parkland and consists of wetlands which include the Mohegan Lake outlet (the Action), and

The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

The overflow parking will be constructed of pervious material in a previously degraded wetland buffer which presently contains a substantial amount of debris and fill. The debris and fill will be removed by the applicant in accordance with all applicable regulatory requirements. Some trees will be cut to allow construction of the parking area in the wetland buffer and a mitigation planting plan, which has been reviewed by the Town Conservation Board will be implemented. In addition the applicant proposes to take title to the wetland buffer area through partnership with the Town of Yorktown and as compensation will deed a similar area of wetlands which includes the Lake Mohegan outlet to the Town of Yorktown. This will improve natural resource protection of Mohegan Lake and the outlet due to improved maintenance and management opportunities. This deeded parcel will become part of the adjoining dedicated parkland owned by the Town of Yorktown.

2. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
3. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
4. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.

The Winery at St. Georges building is listed on the National Registry of Historic Places. The proposed improvements will not result in any change to the building.

5. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
6. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The applicant proposes to acquire, through an alienation process, Parcel A which is presently dedicated parkland owned by the Town of Yorktown. As compensation, the applicant proposes to deed Parcel B which is of similar size and of superior wetland functional value to the Town which shall be annexed to the dedicated parkland resulting in no net loss of parkland area.

7. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
8. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

9. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
10. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
11. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

Grace, Bernard, Diana Voting Aye
Siegel, Patel Voting Nay
Resolution adopted.

APPROVE WETLANDS PERMIT FOR THOMAS DECHIARO OLD ST. GEORGES, LLC.
1715 EAST MAIN STREET STORMWATER, WETLAND AND TREE PERMIT WP-T-
BSWPPP-29-15 TOWN OF YORKTOWN, NEW YORK
RESOLUTION #248

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

LOCATION: 1715 East Main Street, Town of Yorktown, NY

Town of Yorktown Tax Identification: Section 15.12 Block 2 Lots 52, 53

WHEREAS, the applicant proposes to remove existing debris from a Town of Yorktown and New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland buffer area and construct a gravel surface parking area, lighting, stormwater management structures and associated site improvements on two parcels of land located in a Transition Zone. As per the “Proposed Parking Plan for Thomas DeChiaro Old ST. Georges LLC” last revised June 5, 2015. The parking area will be used by both the Town of Yorktown for access to the adjoining open space area and overflow parking for the Old. St. Georges, LLC commercial establishment. Under a license agreement with the Town of Yorktown, twelve of the parking spaces are proposed to be located on a 6,227.03 square foot area of land (Parcel A) which is owned by the Town of Yorktown and is dedicated parkland. The applicant proposes to permanently acquire Parcel A from the Town through a mutually agreed alienation process. As compensation for the acquisition of Parcel A, the applicant has offered to the Town a parcel of land which is 6,227.31 square foot in size (Parcel B) which is immediately adjacent to the Town dedicated parkland and consists of wetlands which include the Mohegan Lake outlet (the Action), and

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional buffer in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland, tree and stormwater permit application WP-T-BSWPP-029-15, dated April 7, 2015, and

WHEREAS, the applicant has submitted a long-form Environmental Assessment Form (EAF) dated April 17, 2015, and

WHEREAS, the Town of Yorktown Conservation Board has provided a review letter dated May 11, 2015 in support of the action, and

WHEREAS, the Town of Yorktown Planning Board has provided a review letter dated May 21, 2015 in support of the action, and

WHEREAS, the Town of Yorktown Advisory Committee on Open Space has provided a letter dated May 15, 2015 which reiterated their position that the proposal to create the parking area should be subject to an alienation proceeding which has now become part of the action, and

WHEREAS, the NYSDEC has previously issued a wetland permit for the proposed action, and

WHEREAS, the Town of Yorktown Planning Board previously issued site plan approval for the proposed parking plan, and

WHEREAS, the applicant has indicated that there is authorization to apply for permits and construct the proposed improvements to be located on Lands of the State of New York, New York State Dept. of Transportation, and

WHEREAS, the proposed action is substantially contiguous to a building that is listed on the National Registry of Historic Places and therefore it has been determined to be a Type I Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to act as Lead Agency on April 28, 2015, and has conducted a coordinated review and having received no objection is therefore Lead Agency for this action, and

WHEREAS, a public hearing was held opened on June 2, 2015 order to solicit comments from the public regarding the proposed action, and

WHEREAS, public comments at the hearing were supportive of the action and questions were answered at that time, and

WHEREAS, the Town Board received 27 (twenty-seven) letters and emails which indicated support of the action, and

WHEREAS, the Town Board did not receive any comments, letters or emails from the public that were not in support of the application and therefore the Town Board closed the public hearing on June 2, 2015, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the Town Board of the Town of Yorktown has determined that the action will not have a significant adverse impact on the environment, and a Notice of Determination of Non-Significance dated June 16, 2015 is issued and:

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

- Plans entitled: “Thomas DeChairo, Old St. Georges, LLC” prepared by Jeffrey A. Econom, P.E., originally dated 09/26/10 with the most recent revision date of

06/05/15, 3 total sheets: 1 of 3, 2 of 3 and 3 of 3.

- Long-form Environmental Assessment Form executed by Jeffrey A. Econom for Thomas DeChiaro dated 04/17/15.
- Town of Yorktown Combined Stormwater Pollution Prevention Permit Application, Wetland Permit Application and/or Tree Permit Application executed by Thomas Dechairo for Old St Georges, LLC dated 04/07/15.1/11.

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Tree and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland, Tree and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Engineering Department. Said security shall be in the amount of \$5,000.00 which shall be released upon required documentation of satisfactory completion of all work and when the Town confirms that a minimum of 85% of the site is stabilized and all temporary erosion controls have been removed.
5. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$3,000.00 which shall be released at the end of the five year period as measured from the date of planting when the Town of Yorktown confirms that a minimum of 85% of the planted species are viable.
6. The applicant shall provide a current NYSDEC wetland permit for the proposed action.
7. The applicant shall provide documentation which from the New York State Department of Transportation which authorizes permit application and construction of the action on the parcel identified on the approved plans as Lands of the State of New York.
8. The applicant shall execute a license agreement with Town Board to construct improvements on Parcel A and shall complete all applicable conditions/terms.
9. The applicant shall execute a contract with the Town Board in which Parcel A shall be acquired by the applicant through alienation and Parcel B shall be acquired by the Town and shall complete all applicable conditions/terms. The Town Board shall immediately take the necessary steps to obtain alienation approval and the license agreement shall remain in full force and effect until the alienation process is complete.
10. Plan shall be modified to include recommendations included in the letter of the Town of Yorktown Conservation Board dated May 11, 2015.

11. The applicant must apply for a Flood Plain Administrative Permit from the Building Department

Conditions of the Wetland, Tree and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Inspection reports shall be provided on a weekly basis and shall be prepared by a qualified inspector and furnished to the Acting Town Engineer with 3 calendar days of the date of inspection. Modifications to the approved plans shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.
6. Written certification must be provided to the Town Engineer that all debris and stockpiled material have been removed in accordance with any/all applicable regulatory requirements.
7. Any/all conditions and terms of the license agreement shall be complied with.
8. Any/all conditions and terms of the alienation and contract shall be complied with.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Notice of Satisfactory Completion, all conditions of this permit must be completed to the satisfaction of the Acting Town Engineer and Town Environmental Consultant.

Grace, Bernard, Diana	Voting Aye
Siegel, Patel	Voting Nay
Resolution adopted.	

AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS RELATING TO THE WINERY AT ST. GEORGE, LLC
RESOLUTION #249

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

RESOLVED, the Town Supervisor is authorized to sign a revocable license agreement with Old St. George's, LLC, authorizing entry upon, improvement of, and use of, a portion of the Town's park parcel (Section 15.12 Block 2 Lot 52) ("Park Parcel") adjacent to the parcel owned by Old St. George's, LLC, (Section 15.12 Block 2 Lot 53) ("Winery Parcel") for the purposes of adding a parking area thereon to provide general public access to the Park Parcel and additional parking for the Winery Parcel as required by the Town's 2012 rezoning of the Winery Parcel, in accordance with the terms of the wetland permit issued to Old St. George's, LLC on June 16, 2015.

Grace, Bernard, Diana	Voting Aye
Siegel, Patel	Voting Nay
Resolution adopted.	

AUTHORIZE CONTRACT OF SALE WITH OLD ST. GEORGES, LLC
RESOLUTION #250

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

RESOLVED, the Town Supervisor is authorized to enter into a contract of sale for two

simultaneous transactions, to close at a future date upon satisfaction of all standard conditions as well as successful alienation of a portion of the Town’s park parcel (Section 15.12 Block 2 Lot 52) (“Park Parcel”) adjacent to the parcel owned by Old St. George’s, LLC, (Section 15.12 Block 2 Lot 53) (“Winery Parcel”), by which the Town will convey said portion of the Park Parcel to Old St. George’s, LLC, and Old St. George’s, LLC will convey a portion of the Winery Parcel to the Town for use as parkland, in accordance with the terms of the wetland permit issued to Old St. George’s, LLC on June 16, 2015.

Grace, Bernard, Diana

Voting Aye

Siegel, Patel

Voting Nay

Resolution adopted.

APPROVE CERTIORARI SETTLEMENT
OSTER YORKTOWN PROPERTIES, LLC
RESOLUTION #251

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.18, Block 2, Lot 56, located at Downing Drive, Yorktown Heights, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.18 Block 2 Lot 56, Account Number 3640000, owned by Oster Yorktown Properties LLC, for assessment roll years 2011, 2012, 2013 and 2014 be settled as set forth in the proposed stipulation as follows:

<u>Roll</u> <u>Year</u>	<u>AV</u> <u>From</u>	<u>AV</u> <u>To</u>	<u>Proposed</u> <u>Reduction</u>
2011	423,100	401,450	21,650
2012	423,100	412,300	10,800
2013	423,100	415,500	7,600
2014	423,100	382,775	40,325

Grace, Patel, Siegel, Bernard, Diana

Voting Aye

Resolution adopted.

MONTHLY REPORTS

Receiver of Taxes – June Report

ADJOURN

Upon motion made by Supervisor Grace, seconded by Councilman Bernard
The Town Board Meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown