

Meeting of the Town Board, Town of Yorktown held on Tuesday, July 19, 2022 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Sergio Esposito, Councilman  
Luciana Haughwout, Councilwoman

Absent: Edward Lachterman, Councilman

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 Diana, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilwoman Haughwout, seconded by Councilman Diana, 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 for a moment of silence to remember our first responders, police, firefighters, EMTs, and teachers. He also asked to remember and give thanks for our veterans and those serving in the United States Armed Forces who protect our freedoms here and overseas.

### INTRODUCTIONS

Members of the Town Board introduced themselves, 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 reported on recent Town events and updates, including the following:

- Cooling centers are open during the heat wave at the J.C. Hart Memorial Library and the Jefferson Valley Mall.
- Thank you to the Mohegan Lake Improvement District for organizing a wonderful Lake Day this past weekend.
- Thank you to Senator Harckham for announcing a \$100,000 grant for the Mohegan Lake Improvement District to improve their aeration system to combat algae blooms.
- Thank you to the CSC Task Force and Yorktown 100 for the EV Car Show
- CSC Task Force has announced that Yorktown has been designated a Bronze Climate Smart Community by the State of New York.
- The opening of Trader Joe's is this Thursday. Traffic mitigation will be in place.
- If a late tax payment letter is received, please contact the Tax Receiver.
- Water main relining project for Hanover Street and Strawberry Road will begin this Friday.
- Core and Main will be attending next week's meeting to discuss the water meter project.
- The Town received the second installment of the ARPA money; the Town has now received \$3.7 million. The ARPA Committee has met twice to go through the survey results and the Board should hear from the committee next week.
- The Westchester County Suicide Hotline number has changed to 988.
- Westchester County is offering Monkey pox vaccinations this month and next month in White Plains.

### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

## REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said his department is done with paving and is happy with the results, although not the amount he would like to have done. He said that the cost of paving has risen; asphalt laid-in-place is now \$188.65. He said that they did 9 miles of road this year. Superintendent Paganelli said many roads now needed to be milled. He said they milled about 60% of Town roads. He said that they are very focused on trees and sight lines (sight lines are signs or intersections that are obfuscated by brush).

Supervisor Slater mentioned that he had a meeting with NYSEG regarding their Smart Meter Installation project that is expected to be here in Yorktown by the end of the second quarter of 2023. He said that NYSEG has a rate case before the Public Service Commission they are negotiating regarding a one-year rate increase of 22.5%. The Town will be advocating for public hearings on this either here in Town or nearby so that residents may voice their opinions. The increase is on the delivery cost NYSEG charges – they do not produce the energy.

## COURTESY OF THE FLOOR

The following members of the public spoke:

- Jay Kopstein, resident, commended the Police Department on a recent vandalism incident. He read postings that appeared on a local organization's Facebook page. He said this organization prides itself on justice, equity, inclusion, diversity, and nonviolence. The postings concerned actions of hate and discrimination in Yorktown. Mr. Kopstein refuted this statements.
- Susan Siegel, resident, said that there is access to Lake Osceola through the Caremount parking lot. She also asked for an update on the fluoride project. Ms. Siegel asked if the podium during Town Board meetings could be moved to a different position so that a speaker or presenter's back is not to the audience.
- Dan Strauss, resident, agreed with Ms. Siegel about the podium. He asked Councilman Esposito to explain his comment about the Toll Brothers project being a "little far." He said that he was very happy about Uncle Giuseppe's and Trader Joe's coming to Town. He said that it is an example of Yorktown not having to be a walkable Town – it has enclaves of shopping.
- Anthony Pichette, a new resident, commented on how wonderful the J.C. Hart Library is; the refuse and recyclable pickup is great, as well as the parks in Town. He spoke about how accommodating the Parks & Recreation Department was in helping him to get a pool pass. Mr. Pichette spoke about speeding in his neighborhood and wanted to know if something could be done.

Upon motion made by Councilman Diana, seconded by Councilman Esposito, Courtesy of the Floor was closed.

Councilman Esposito said he did not remember the comment that Mr. Strauss mentioned but would go back to the video to see in what context he made it. He said that his main concern with the Toll Brothers project is the loss of the soccer field.

Superintendent Paganelli said he would raise the speeding issue in Mr. Pichette's neighborhood at the next Traffic & Safety Committee meeting.

Councilman Diana stated that Mr. Strauss is correct in that many people do not walk in Yorktown and the Town is thriving with commerce in several areas.

Councilwoman Haughwout addressed Mr. Kopstein's comments and said the hateful comments he read were very hurtful. She also agreed that Yorktown does not have to be walkable to flourish; keeping a community affordable helps it to flourish.

Councilman Diana addressed Ms. Siegel's comment about the fluoride project and contractor problems. Supervisor Slater said that the Town Attorney has been instructed to engage the contractor from a legal standpoint.

Supervisor Slater also addressed the comments that Mr. Kopstein read. He said it is disappointing to hear them. He said that social media has become the great divider in society and in our world.

Supervisor Slater also addressed Ms. Siegel's comment on the position of the podium. He said he does recognize the comments but those who come to Courtesy of the Floor or to do a presentation are there to address the Town Board. It gives the speaker the full attention of the Town Board. Town Clerk Diana Quast spoke about changes that are upcoming to the audio and visual effects in the boardroom.

ACCEPT RESIGNATION RECEIVED FROM ASSISTANT SUPERINTENDENT DAN WALCZEWSKI FROM THE PARKS AND RECREATION DEPARTMENT EFFECTIVE JULY 25, 2022

RESOLUTION #337

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

Resolved, that the Town Board accepts the resignation received from Assistant Superintendent Dan Walczewski from the Parks and Recreation Department.

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

APPOINT KENNETH SGROI TO THE POSITION OF POLICE LIEUTENANT IN THE YORKTOWN POLICE DEPARTMENT

RESOLUTION #338

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

Be It Resolved, that Kenneth R. Sgroi is hereby appointed promotional permanent as a Police Lieutenant, job class code 0132-01, from Eligible List No. 73-569, effective July 25th, 2022 to be paid from Yorktown SOA Salary Schedule, which is \$156,500.00 annually;

Be It 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 July 25th, 2022.

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

APPOINT ANTHONY DIPIETRANTONIO TO THE POSITION OF POLICE SERGEANT IN THE YORKTOWN POLICE DEPARTMENT

RESOLUTION #339

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

Be It Resolved, that Anthony Dipietrantonio is hereby appointed contingent-permanent as a Police Sergeant, job class code 0133-01, from Eligible List No. 78-655, effective July 25<sup>th</sup>, 2022 to be paid from Yorktown PBA Salary Schedule, which is \$133,324.00 annually;

Be It 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 July 25<sup>th</sup>, 2022.

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

APPOINT BRIANNA MARJI TO THE POSITION OF INTERMEDIATE CLERK IN THE BUILDING DEPARTMENT

RESOLUTION #340

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

Be It Resolved, that Brianna Marji, of Yorktown Heights, NY, is hereby appointed to the civil service title, Intermediate Clerk, job class code 0187-01, from Eligible List No. 02-100, to be paid from Yorktown CSEA Salary Schedule A-1, Group 3, Step 2 which is \$46,007.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

Be It Resolved, that Brianna Marji will report to work at the Building Department on July 20th, 2022 and this date will be used as the first date of appointment;

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 July 20th, 2022.

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

PUBLIC HEARING - CONSIDER AUTHORIZING THE PLANNING BOARD TO PROCESS DORCHESTER GLEN SUBDIVISION UTILIZING FLEXIBILITY STANDARDS

Supervisor Matthew Slater convened a public hearing to consider the application received from John and Elaine Kincart for Dorchester Glen Subdivision, 1643 Maxwell Drive, a 24.2644 acre site - Section 15.20, Block 3, Lot 6 to authorize the Planning Board to process subdivision utilizing Flexibility Standards.

Town Clerk Diana Quast presented the Affidavit of Publication for the public hearing.

Supervisor Slater introduced Director of Planning John Tegeder and Project Manager for the project, Joe Riina (Site Design Consultants).

Mr. Riina gave a description of the location and size of the Dorchester Glen Subdivision, owned by resident John Kincart. The project is to subdivide the property into five lots and one lot would include the existing resident. A cul-de-sac would be created to service the four other lots. He said that the request that is before the Town Board this evening is to authorize the Planning Board to use the Flexibility Standards that would allow them to develop a subdivision that has lower impact on the slopes and environment by reducing the roadway. The roadway would be privately owned. The flexibility allows the Planning Board to change the standards to better position the homes and driveways to lessen the environmental impact.

Supervisor Slater read comments from the Conservation Board who were in favor of using the flexibility standards. He also read comments from Westchester County Planning, ABACA, and DEP. Mr. Riina said that this project is subject to DEP review and issuance of a stormwater permit.

Superintendent Paganelli and Mr. Riina discussed the construction of the road.

Director of Planning John Tegeder said the lot lines would possibly be modified and this plan would be refined somewhat to be even less impactful. He said that using flexibility is what would allow the Planning Board to make those suggestions and changes.

No members of the public spoke.

All those present having been given the opportunity to be heard and there being no further discussion, the public hearing was closed. Upon motion made by Councilman Diana, seconded by Councilman Esposito and carried.

AUTHORIZATION FOR PLANNING BOARD TO USE FLEXIBILITY STANDARDS TO PROCESS DORCHESTER GLEN SUBDIVISION  
RESOLUTION #341

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

WHEREAS, the Yorktown Planning Board is currently reviewing the application of John and Elaine Kincart, (hereinafter the "Applicant") for approval of the proposed Dorchester Glen subdivision; and

WHEREAS the property owned by the Applicant consists of 24.26 acres in the R1-20 zoning district and is located at 1643 Maxwell Drive, also known as Section 15.20, Block 3, Lot 6 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"),

WHEREAS, the applicant proposes five (5) lots to build four (4) new residential dwellings and one existing dwelling has demonstrated that five (5) lots can be reasonably accommodated by conventional subdivision complying with the requirements of the R1-20 zoning district; and

WHEREAS, the conventional subdivision would require significant clearing and excavation in order to comply with the requirements of the R1-20 zoning district; and

WHEREAS, the Yorktown Planning Board is the lead agency with respect to SEQRA; and

WHEREAS, after review and evaluation, the Yorktown Planning Board has determined that it would be beneficial to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Code of the Town of Yorktown, which would reduce the proposed grading disturbance of the subdivision, including a significant reduction in the regrading of steep slopes, preserve more trees and protected woodlands; and

WHEREAS, the Yorktown Planning Board has requested authorization from the Town Board to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 in order to promote development that is sensitive to the land by means of modifying the application of the zoning code's bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and

WHEREAS, the proposed layout on which the Yorktown Planning Board is basing this request is shown on two sheets entitled, "Site Plan" and "Conventional Subdivision Plan," prepared by Site Design Consultants, dated July 6, 2022 and March 30, 2022 respectively with no revisions and is for a maximum of five (5) lots for single family dwellings; and

WHEREAS, the proposed subdivision will be accessed by a private road from Dorchester Drive; and

WHEREAS, the Yorktown Planning Board is proposing that the width of the private road be reduced from the required 24 feet to approximately 16 feet in order to minimize disturbance and reduce impervious surfaces with various reductions in required lot frontages; and

WHEREAS, a public hearing to consider these requests was convened on the 19th day of July, 2022, at 7:00 o'clock PM; during which public hearing the applicant presented information and arguments in favor of granting the authorization and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express their views concerning the application; and

WHEREAS, the Applicant has advised the Town Board that the subdivision plan will have no more than five (5) lots for five (5) single family dwellings; now therefore be it hereby

RESOLVED, that the request of the Yorktown Planning Board for authorization to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, is granted in order to promote development that is sensitive to the land by means of modifying the application of the zoning code's bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and be it further

RESOLVED, that the request of the Yorktown Planning Board for authorization to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, to eliminate the requirement that the proposed building lots have frontage on a public street is granted; and be it further

RESOLVED, that the request of the Yorktown Planning Board for authorization to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, to modify the requirement for 24 foot wide road pavement to not less than 16 feet for the private road is granted; and be it further

RESOLVED, the maximum density of the 24.26 acre property shall be five (5) residential lots.

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

CONSIDER THE ABANDONMENT OF AN EXISTING PAPER ROAD AT THE INTERSECTION OF SUMMIT STREET AND MONTROSS ROAD ("SUMMIT STREET PAPER ROAD")

Supervisor Matthew Slater convened a public hearing to consider the abandonment of an existing paper road at the intersection of Summit Street and Montross Road ("Summit Street Paper Road").

Town Clerk Diana Quast presented the Affidavit of Publication for the public hearing.

Michael Grace, attorney for the applicants, gave the location of the road in question. He said that Mr. Lachterman is on one side of the road and Mr. Schmitt is on the other. The property is currently owned by West-Put Realty. Mr. Grace said the Town has a right to develop it as a town road and since this is not going to happen, the applicants would like the Town to abandon its right to accept the offer of dedication by having the road on a filed map. He said that this would allow the Lachterman's and Schmitt's to put the property to good use.

Supervisor Slater read the comments resulting from the referral (Conservation, Highway, County Planning, DEP, Planning Board) and all had no objections.

The following members of the public spoke:

- Howard Frank, resident, spoke about other "paper" roads in Town and wondered if there were any tax liens against this specific property.

Mr. Grace addressed Mr. Frank's questions about the property.

- Mr. Schmitt spoke on his own behalf as to his wishes for the property. He spoke about the maintenance he has already done to keep the property clean and safe.

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

Town Attorney Adam Rodriguez said he would draft a resolution for next Tuesday and reminded the Town Board this action is subject to a permissive referendum.

APPROVE STORMWATER MANAGEMENT PERMIT FSWPP-013-22  
2823 HICKORY STREET  
RESOLUTION #342

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

WHEREAS, Vincent Leto of Westchester Modular Homes, applied to the Town Board of the Town of Yorktown for a permit pursuant to Chapter 178 of the Town of Yorktown Town Code entitled "Stormwater Management and Erosion and Sediment Control" for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, plans prepared by Anthony S. Pisarri, P.E., P.C. dated April 4, 2022, last revised April 18, 2022 have been provided to the Town; and

WHEREAS, the applicant proposes to demolish an existing residence and construct a new single-family home; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater permit application-FSWPP-013-22; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF); and

WHEREAS, the proposed action has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA); 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 determined that the action will not have a significant adverse impact on the environment; now

THEREFORE, BE IT RESOLVED, that the proposed demolition of an existing residence and construction of a new single family home on a lot located at 2823 Hickory Street is hereby approved; and

BE IT FURTHER RESOLVED, that the Stormwater Management 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 and that all work associated with the Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED, that the Applicant 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 below-listed conditions must be completed within six months of the date of this Resolution or 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. A construction monitoring fee in the amount of \$750 must be submitted to the Engineering Department.
2. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provide rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector and sent to the Engineering Department for our records.
3. 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 to the Engineering Department. Said security shall be in the amount of \$500 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.
4. Indicate the number of bedrooms within the existing and proposed house.
5. The property contains an existing On-Site Wastewater Treatment System (OWTS). Site plan must indicate the location of the system and verify acceptable setbacks as per Westchester County Department of Health (WCDOH) regulations.
6. Site plan shall include a note stating that the Applicant/Contractor shall mark the OWTS area boundary in field and prevent any construction activity or storage in the OWTS area.
7. A complete teardown of an existing residence that does not have WCDH approval for the existing OWTS, will require a permit for a new OWTS to be installed, even if the same number of bedrooms will be kept. Submit proof of the WCDH permit. Provide documentation from the WCDOH that the existing OWTS have sufficient capacity to treat wastewater from the proposed residence.

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

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

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

APPROVE STORMWATER MANAGEMENT PERMIT FSWPP-014-22  
3628 FLANDERS DRIVE RESOLUTION  
RESOLUTION #343

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

WHEREAS, Vincent Leto of Westchester Modular Homes, applied to the Town Board of the Town of Yorktown for a permit pursuant to Chapter 178 of the Town of Yorktown Town Code entitled "Stormwater Management and Erosion and Sediment Control" for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and  
WHEREAS, the property was previously improved with a single-family residence that was demolished; and

WHEREAS, the following plans were provided to the Town:

- Existing Conditions/Demo Plan for LaCalamito Residence, prepared by Anthony S. Pisarri P.E., P.C., dated November 15, 2021, last revised April 29, 2022 (Sheet 2021-51-01).
- Existing Conditions Plan for LaCalamito Residence, prepared by Anthony S. Pisarri P.E., P.C., dated November 15, 2021, last revised April 29, 2022 (Sheet 2021-21-02).

WHEREAS, the applicant has submitted a Town of Yorktown stormwater permit application - FSWPP-014-22; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF) dated April 29, 2022; and

WHEREAS, the proposed action has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA); 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 determined that the action will not have a significant adverse impact on the environment; and now

THEREFORE, BE IT RESOLVED, that the proposed construction of a new single-family home on a lot located at 3628 Flanders Drive is hereby approved; and

BE IT FURTHER RESOLVED, that the Stormwater Management 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 and that all work associated with the Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED, that the Applicant 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 below-listed conditions must be completed within six months of the date of this Resolution or 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. A construction monitoring fee in the amount of \$750 must be submitted to the Engineering Department.
2. A note shall be provided added to the plans stating that a twice-weekly inspection will be performed to verify compliance with the erosion and sediment control plan. Inspections shall also be done following any storm events that provide rainfall in excess of 1-inch. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector and sent to the Engineering Department for our records.
3. The Proposed house shall require the installation of a new Sewer Service/Lateral Connection. The connection will require the issuance of a Sanitary Sewer Connection Permit

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

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

Slater, Diana, Esposito, Haughwout Voting Aye  
Resolution adopted.

MONTHLY REPORTS

The Town Board accepted Monthly Reports from the following departments:

Finance Department  
Receiver of Taxes  
Town Clerk

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss litigation and will adjourn thereafter.

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