

Meeting of the Town Board, Town of Yorktown held on March 28, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, RMC, Town Clerk
Maura Weissleder, Deputy Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss negotiations and conduct interviews for volunteer boards. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

THE WEYANT PROPERTY – REQUEST TO REZONE PROPERTY TO TRANSITIONAL ZONE

Mr. Al Capellini, attorney for applicant and Mr. John DeVito gave the Town Board an overview of the revised plans for the Weyant property project located on Crompond Road.

Mr. John Tegeder, Planning Director stated that a meeting was held with the applicant regarding this project.

Mr. Capellini stated that an alternate plan was created which shows an entrance/exit onto Crompond Road to address the concerns of the neighbors regarding traffic onto Hamblin Road.

Two concerns to address 1) traffic concern; 2) off street parking - 2.2 parking spaces per unit.

Supervisor Grace stated that traffic issues exist in the area and a formal application has not yet been filed. He directed the applicant to do so and stated that alternative traffic solutions should be presented. The plan itself can stay “as is” but alternatives to the traffic entrances/exits need to be presented. Councilman Patel brought up the new Chase Bank and how that may contribute to traffic on Route 202. Supervisor Grace said that, up to this point, it has more a case of “kicking the tires” to see what would be acceptable and said it is now time to make the formal application. The Planning Board also seems to feel it is feasible. Councilman Diana asked if the Department of Transportation had been vetted and the applicant responded no. Supervisor Grace proceeded to explain the process to a resident in the audience. The application would be made for transitional zoning for 36 units; the site plan would be approved and allow the uses for the particular structure; this would be followed with an environmental review, referral, public hearing(s), and a decision.

Resident asked if transitional zone decision is determined by the Planning Board or the Town Board and was told it is determined by the Town Board. Supervisor Grace explained what transitional zoning does. The Town Board is the lead agent, but the Planning Board does a more in-depth examination of the plan.

TOMPKINS GARAGE – AMENDED SPECIAL USE PERMIT

The Town Board advised Mr. Tompkins that he would have to make an application for an Amended Special Use Permit if he wanted to install Gasoline pumps and a canopy over the pumps at his gas station located on Route 129.

PAVAN – APPLICATION WETLAND PERMIT

Joe Riina, project engineer, came before the Board. Highway Superintendent Dave Paganelli stated that there is a problem with the proposed drainage work. The drainage infrastructure would be the Town's and the Town would pay for materials. Town Engineer Michael Quinn stated that the applicant would do the work. Supervisor said there is a problem on Brookdale that this applicant is looking to help solve. The applicant does not have to maintain the infrastructure. In fact, the applicant could pull out of the entire project and then those that would benefit from the proposed work would get nothing.

The applicant stated that the whole application has been based on filling the wetland. He does not want to change this now, which is what the Town Engineer's memo would do. Town Engineer Michael Quinn said that the corner does not need to be filled in and said that if they don't have to, don't do it. Joe Riina said that the original application is based on filling in this piece and he doesn't want to change at this point. The application has been around since August 2016. A new approving resolution will need to be done.

GREASE TRAP INSPECTIONS – PROPOSED LOCAL LAW

Town Engineer Michael Quinn said that grease traps are in most restaurants to prevent grease from getting into the sewer system. The code allows the Town to do inspections of grease traps and the Town is now going to start doing them. Mr. Quinn said that the Town needs to "beef" up the code a bit – the Town is looking for the right to do an inspection and require the restaurant owners to show a grease trap inspection report on a yearly basis. The owner will fill out the report and attach receipts. Councilman Lachterman suggested a bacterial grease digestant which will eat the grease; the bacteria do not harm the environment. Supervisor Grace suggested that this be added to the proposed local law at the town engineer's discretion since there several problematic businesses in town would benefit from this application. The fines are \$2500, \$5000, \$7500. Mr. Quinn mentioned that there is also a problem with the pitch of the sewer line under Route 6 which may also be contributing to the problem with some restaurants in that area. Changes will be made and brought back to the Board and a public hearing will be set.

MAILING REQUIREMENTS FOR ZONING BOARD NOTIFICATIONS

Zoning Board Chairperson Gordon Fine and Town Attorney Michael McDermott are proposing a change to the mailing requirements for the ZBA Notification from registered mail to first class mail. This change would be done under the Town's Sign Law. The changes will be made and brought back to the Board and a public hearing will be set.

MOHEGAN AVENUE RETAINING WALL

Town Engineer Michael Quinn said that Manganaro was hired last year to design a new wall. They received the plans today and the board should now be brought in on it. Six hundred feet of the wall needs to be replaced. This wall is not in imminent danger of collapsing so Highway Superintendent David Paganelli suggested holding off until next year since there may be some funding available. The existing wall will be left in place and a concrete block wall will be added - \$800,000 ballpark figure. The Town could go out for bids & start this summer but David Paganelli felt this would be unlikely and that this project should be in the capital plan. He also said that the Crompond Project is more necessary since there is more imminent danger.

During the construction one lane of traffic would be controlled by flagmen. A possible staging area could be Faith Bible Church.

PAVE NY program was a 3 year commitment – if the Town gets the money, the Town would pay first and get reimbursed later.

Supervisor Grace asked if the Town can put weight limit restrictions on these 2 areas in order to preserve the roads from collapse and the answer was yes.

PUMP STATION REHABILITATION PROJECT RE-BID

Pump Station Rehabilitation Project Re-Bid – Town Engineer went out for bids, received several, but then decided not to make the award. He has a few suggestions regarding the bid. He stated that, yes, the Town is keeping the pre-fab building for the pump station. He would like to make other modifications and then rebid the job. These pump stations are very old and it is hard to get spare parts. GHD needs more money – up to \$16,000 to make more modifications to the bid. Supervisor Grace mentioned the \$1.9 million for the two stations. This does not include

Jefferson Pump Station going into the Peekskill Sewer District. Supervisor Grace said that this cost has to be looked at universally because if you charge just the houses involved, it makes the project cost to residents prohibitive. May 2nd is the deadline. Eleven pump stations have to be done in order to hold to the DEC permit's allowance of the excess gallons. Michael Quinn stated that The Town will need to move very soon this year. Supervisor Grace stated that the public needs to get good information so their questions can be answered.

AT&T AND VERIZON CELL TOWER

AT&T representatives submitted a building application in December 2016 – swapping out 6 radio heads and adding one and modifying equipment inside the shelter. The Town Board directed to do a referral which was done with no comments or issues. They are only touching ancillary equipment – nothing is being added. There is an existing AT&T shelter there and fence. These applications are meant to increase the clarity of communication. Supervisor Grace said to proceed with the building permit.

The Verizon representative is also requesting the same kind of action: the removal of 6 antennas and installing 9 new radio heads and removing a couple of other antennas according to structural reports. This is all for the same purpose as the AT&T purpose. Supervisor Grace said to proceed with the building permit.

WETLAND ORDINANCE – PROPOSED LOCAL LAW

Town Attorney Michael McDermott stated that the primary difference between Draft 2 and 3 is structural to the law so that there is a better flow of requirements in the law, i.e., issuance of permits. He and the Board also reviewed comments from residents and the Department of Environmental Protection (DEP). Planning Director John Tege4der said they have been working with Michael McDermott on this and have been working this legislation for almost 2 years. DEP comments were nothing of substance. Councilman Patel asked why this does not apply to the land owned by the town. He was told that, as a Town, it should not be required to go through the same process of applying for a permit. If the property in question functions and provides an ecological benefit, then it will be protected in a logical manner by the Town. Councilman Patel said that there are provisions that are not agreeable to him; he said there is no one in an educated position who is overseeing this legislation. He stated that if there is an area defined as wetlands, it is delineated and if a person wishes to disturb it, they must get a permit. You have to do a qualitative analysis of the wetlands. Councilman Patel said that the provisions/standards of the legislation will not be met. Councilman Lachterman said there had been a discussion of bringing in consultants.

Ken Belfer asked that since Mohegan Lake has a special buffer of 150 feet, will that be altered by this proposed legislation. John Tegeder said no because it is stand-alone in another part of the Town Code.

Supervisor Grace stated that the biggest problem with the current law is that it does not require a qualitative analysis. It does not protect what is really vital and, at the same time, creates more problems.

REFER OUT LATEST DRAFT OF WETLANDS ORDINANCE – PROPOSED LOCAL LAW AND SET PUBLIC HEARING DATE

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

RESOLVED, that the Town Clerk is hereby authorized to refer the proposed local law to repeal in its entirety Chapter 178 of the Code of the Town of Yorktown entitled “FRESHWATER WETLANDS” and replace with a new Chapter 178 entitled “FRESHWATER WETLANDS PROTECTION ORDINANCE,” to the agencies listed below for their review and/or recommendations, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and/or recommendations by April 14, 2017, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled to take place on Tuesday, April 18, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard.

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

DEVELOPMENT AND ENVIRONMENTAL ISSUES

Councilman Patel asked who is going to guide department heads regarding environmental issues. The Town Board has spoken to John Tegeder and Michael Quinn about where there might be holes in this coverage and there has been the idea of doing in-house training (ex. wetlands delineation) for some of our employees. Councilman Patel asked who is going to do informed inspections. There was a memo regarding this issue that was discussed in closed session since it involved town personnel.

MASTER FEE SCHEDULE – PROPOSED LOCAL LAW

Town Attorney Michael McDermott has gotten all the fees charged in Town in one place, which is now being maintained by clerk's office. Right now the Town is working under the old law of escrow. The Master Fee Schedule can be updated by resolution. The code can refer to master fee schedule. Flat rates for outside consultants can be used to cover those areas that cannot be covered in house. Local laws need to be created to enforce regulations.

Supervisor Grace felt that changes to the Master Fee Schedule should be done by Local Law, not by resolution. It speaks to transparency and that constituents should know what is being taken out of their pockets. He agrees that a Master Fee Schedule should be adopted. Michael McDermott said a new section of Chapter 168 (which established the Master Fee Schedule) can be reworked. The escrow will be eliminated and the Town will charge a flat fee on a per service basis so that it is not tied to what is found on a job, further work to be done, etc. Michael McDermott said a new section will be added to Chapter 168, according the Supervisor Grace's suggestions and the Town Board's agreement.

WAIVE RENTAL FEE FOR SPARC FOR USE OF CERTAIN ROOMS IN THE YORKTOWN COMMUNITY AND CULTURAL CENTER RESOLUTION #116

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

RESOLVED, that at the request of SPARC Inc., the Town Board hereby waives the rental fee of \$490.00 for the use of rooms located at the Yorktown Community and Cultural Center for seven sessions in June and July, 2017.

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

REFER APPLICATION TO TOWN ENGINEER-TESCA- 3017 CLEARVIEW STREET RESOLUTION #117

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

Be It Resolved that the application made by Gillespie & Stoksa Consulting and Engineering dated 3/11/2017, on behalf of the owner Mr. Joseph Tresca, for a Stormwater Pollution Prevention Permit (#FSWPPP-T-006-17) in connection with the construction of a single-family home located at 3017 Clearview Street, Yorktown Heights, NY 10598 is hereby referred to the Town Engineer for issuance of all necessary permits.

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

ACCEPT BOND AND FEE – BJ'S GAS STATION SITE PLAN RESOLUTION #118

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

WHEREAS, BJ's Wholesale Club Inc., as Applicant, provided the Town with Atlantic Specialty Insurance Company Bond #800027991, in the amount of \$370,257.00 to serve as the

Performance Bond for Stormwater Management & Tree Removal Permit #FSWPPP-T-033-15, for the BJ's Gas Station Improvement Project - Site Plan located on Route 202, and

WHEREAS, BJ's Wholesale Club Inc., as applicant posted Check #0010371429 in the amount of \$29,620.00 to serve as payment for the 8% Engineering Department inspection fee (non-refundable), NOW THEREFORE BE IT

RESOLVED, that the above referenced Performance Bond and inspection fee is hereby accepted by the Town for the above referenced site plan.

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

AUTHORIZE COMPTROLLER TO INCREASE JUSTICE COURT PETTY CASH FUNDS
RESOLUTION #119

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

RESOLVED that authorization be given to the Town Comptroller to increase the Court Petty Cash funds from the current \$450 to \$900, to be used to provide change for cash transactions and not for covering petty cash expenses.

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

AUTHORIZE COMPTROLLER TO PAY LAUREN RACZYNSKY THE CASH VALUE OF
UNUSED TIME AS OF RETIRMENT DATE
RESOLUTION #120

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

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Lauren Raczynsky the cash value of unused time as of her retirement date.

Rate of Pay: \$ 50.0721 hourly
\$400.58 daily

Compensatory	58.13 hours	x	\$ 50.0721	=	\$ 2,910.70
Personal Days	4 days	x	\$400.58	=	\$ 1,602.32
Vacation	23 days	x	\$400.58	=	\$ 9,213.34
Holiday Pay	2.75 days	x	\$400.58	=	\$ 1,101.60

Total \$14,827.96

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
A3120.102 Police Salary \$13,726.36
A3120.107 Police Holiday \$ 1,101.60
To:
A3120.108 Police Lump Sum Payments \$14,827.96

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

AUTHORIZE REBID FOR T-SHIRTS AND UNIFORMS – PARKS AND RECREATION
RESOLUTION #121

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

WHEREAS, invitation to bid for T-Shirt and Uniforms was duly advertised, and

WHEREAS, no bidder appropriately filled out the bid document correctly and left no bids on several items,

THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the T-Shirt and Uniform Bid be rejected and rebid.

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

AUTHORIZE BID FOR PAVEMENT MARKINGS – HIGHWAY DEPARTMENT
RESOLUTION #122

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on April 27, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Pavement Markings Bid, Highway Dept. Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: PAVEMENT MARKINGS - Highway Dept. Bid. The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

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

WAIVE RENTAL FEE FOR THE ENRICHMENT CENTER FOR USE OF CERTAIN
ROOMS IN THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #123

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

RESOLVED, that at the request of The Enrichment Center of Yorktown, the Town Board hereby authorizes the use of Rooms 16, 209, and the gymnasium at the Yorktown Community and Cultural Center for 780 hours of after school care programming for students in the Yorktown Central School District, grades 4-8, which will run according to a set schedule. The rental fee to be charged for the program described (September 2017 and continuing through June 2018) is \$5,000.00.

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

ADJOURN

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

Diana L. Quast, RMC, Town Clerk
Town of Yorktown