Town of Yorktown
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Town Board Minutes 07/18/2006

Regular meeting held by the Town Board,
Town of Yorktown on July 18, 2006 held at
the Town Hall, Yorktown Heights, NY

Present: Linda G. Cooper, Supervisor
James Martorano, Councilman
Nicholas Bianco, Councilman
Matthew Metz, Councilman
Louis Campisi, Councilman
Alice E. Roker, Town Clerk

TOWN BOARD MEETING

Supervisor Cooper called the meeting to order.

PRESENTATION

LEO'S PRESENT CHECK TO YORKTOWN'S FOOD PANTRY

Amanda Kilmer, a member of the Yorktown Leo's presented a check to the Yorktown Pantry.

Mrs. Joan Seaboldt, accepted the donation on behalf of Yorktown Community Help. She said the pantry supplies food to sixty families on a monthly basis, and to more than one hundred families during the holidays.

DURING REPORTS FROM THE SUPERVISOR, Supervisor Cooper spoke about the free concerts every other Sunday. She spoke Amy Patel, a Yorktown resident who is the subject of an article in today's newspaper. Ms. Patel is an officer in Iraq who has been asked to write a blog about what its like being at war.

Mr. Bruce Apar, a resident of Yorktown spoke about the King and His Court baseball tournament this weekend.

Supervisor Cooper also spoke about her recent trip to Washington DC where she met with the Chiefs of Staffs for Senator Charles Schumer, Congresswoman Nita Lowey and Congresswoman Sue Kelly.

DURING REPORTS FROM THE STATE CAPITOL, Assemblyman Willis Stephens gave an overview of his final session in Albany. The State of New York ended its fiscal year with a surplus of $5 billion. Both houses of the legislature agreed that $1.8 will be returned to the taxpayers. There will be a new Empire State Tax Credit. The marriage penalty has been eliminated. We have established an organized militia (for the New York Guard which has been called into war) tax credit as well as a conservation easement tax credit. There will be a personal income tax credit for volunteer firefighters and ambulance workers. He also spoke about gas tax relief. The state tax on the sale of gasoline will be capped at $2.00. The legislators also voted to eliminate sales tax on clothing and shoes under $110.00

Councilman Bianco asked the Legislator where his proposal for making it mandatory for pet shops to have smoke alarms?

Mr. Stephens stated that the bill came as the session was ended and is still in committee. He will continue his co-sponsorship of the bill when the legislature returns in the fall.

Speaking on behalf of Police Chief Daniel McMahon, Sergeant Richard Malan stated that his latest opening in the Police Department was a result of the retirement of Clarence (Artie) Landers who retired earlier this month. Michael Madaus served as a dispatcher in the Ossining Police Department. He was raised in the Town of Mount Pleasant. He attended Westchester Community College and received a degree in Business from Mercy College.

APPOINT POLICE OFFICER

MICHAEL MADAUS
RESOLUTION #350
Upon motion by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED that Michael Madaus is hereby appointed Police Officer in the Yorktown Police Department from Eligible List No. 67-782 effective July 28, 2006 to be paid $31,055 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 78 weeks.

Officer Madaus thanked the Town Board for this appointment. He also thanked his former colleagues at the Ossining Police Department who encouraged him to pursue this appointment.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

APPOINT SENIOR LIBRARY CLERK
SHIRLEY MCCORD
RESOLUTION #351
Upon motion by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED that Shirley McCord is hereby appointed Senior Library Clerk from Eligible List No. 66-080 effective July 19, 2006 to be paid from Yorktown CSEA Salary Schedule A, Group 8, Step 3 which is $43,540 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mr. Nick DiTomasso asked with the exception of Councilman Bianco and Martorano, if the other three legislators plan to sign the United Taxpayer's People's Pledge not to use its power of imminent domain with respect to a private developer.

Supervisor Cooper stated that she will schedule a work session and will invite members of a State-wide tax force looking into this issue.

DECISION - OLD STONE CHURCH
LANDMARK STATUS
RESOLUTION #352
Upon motion by Councilman Bianco, seconded by Supervisor Cooper,

WHEREAS, the Landmark Preservation Commission has recommended to the Town Board that it designate that certain property commonly referred to as the "Old Stone Church" as an historic landmark; and

WHEREAS, the Old Stone Church, *a/k/a* St. George's Church, is located at 1715 East Main Street, in Mohegan Lake and is identified on the Tax Map of the Town of Yorktown as Section 15.12, Block 2, Lot 53; and

WHEREAS, Commission Chairman Garrison Corwin, on behalf of the Commission, submitted substantial documentation discussing the unique characteristics of the Old Stone Church and the arguments supporting its designation as an historic landmark; and

WHEREAS, a public hearing was convened on January 17, 2006, and thereafter adjourned to and reconvened on February 21, 2006 to discuss the landmark designation; and

WHEREAS, at the public hearing, Garrison Corwin, presented the Commission's arguments in support of its recommendation that the Old Stone Church be designated as a landmark; and

WHEREAS, at the public hearing, the owner of the Old Stone Church, Thomas DeChiaro, appeared and was represented by legal counsel, Marc S. Oxman, who stated that there would be no objection to landmark designation of the structure so long as the designation clearly specifies that, although it applies without exception to the exterior stonework, it applies only to specifically enumerated elements of the interior of the church building; and

WHEREAS, by letter dated February 10, 2006, Garrison Corwin, on behalf of the Commission, notified the Town Board that, at its February 8, 2006 meeting, the Commission determined that the landmark designation should apply to the entire exterior of the church building, the site on which it stands and the elements of the interior of the structure having historical significance, namely, "(1) the mosaics in the floor as they currently exist and (2) the beams in the ceiling, which are at least in part and may be in their entirety, original laminated beams, from the original construction"; and

WHEREAS, by letter dated March 10, 2006, the Commission also expressed its particular concern that ". . . the chandeliers' [be added] to the interior elements which have historic designation."; now, therefore, be it

RESOLVED, that the Town Board of the Town of Yorktown hereby designates the Old Stone Church, *a/k/a* St. George's Church, as a landmark pursuant to Chapter 198 of the Town Code of the Town of Yorktown; and be it further

RESOLVED, that the landmark designation made by this resolution applies to:

(1) the exterior stonework and roof of the church building; and

the elements of the interior of the structure having historical significance, namely, the mosaics in the floor as they currently exist.

Councilman Bianco stated that the Town Board recently passed a law which states that the Town Board does not need a property owner's consent to landmark a structure. He believes this structure should be landmark due to its historic value to the community. It is more than one hundred years old.

Councilman Martorano stated that he appreciated the good intentions of the Landmark Commission in wanting to preserve this structure. But, we must honor the rights of property owners.

Councilman Campisi stated that he voted against the Landmark Preservation Law because owner consent was not required. He considers this a taking of someone's property. He further questioned the need to landmark all of this building because very little with the exception of the outside stone is original to the building.

Councilman Metz agreed with Councilman Martorano that this is a balancing act, weighing the right of a property owner and the town's desire to have this structure land marked. He would like to see the property land marked

Supervisor Cooper stated that she believes the building should be land marked. She further stated that she does not believe that just because you landmark a building, you cannot adapt new uses.

Cooper, Bianco, voting aye
Martorano, Campisi, Metz voting nay
Resolution denied.

Supervisor Cooper called to order a public hearing on the question of the increase and improvement of the facilities of the said Hallock's Mill Sewer District. The Town Clerk presented affidavits of posting and publication.

Supervisor Cooper explained the need to upgrade the Yorktown Heights Water Pollution Control Plant to meet New York State DEC requirements, including replacement of various facilities and the construction of ammonia removal facilities. The total cost of the plant upgrade will be $41.7 million. The Town is responsible for $12.8 million. The thirty year bond will be paid for only by the parcel owners in the Hallocks Mill Sewer District who have sewers. The average cost of this upgrade to a property owner is $205. Property owners without sewers will not pay the added expense. She further explained that this upgrade is mandatory, we have no choice.

Mr. Steven Kaplan submitted written questions and comments. The Town Engineer will provide a written response.

Mr. Nick DiTomasso asked if the cost of the upgrade has changed over the past three years?

Acting Town Engineer Sharon Robinson stated that the cost has gone down.

Mr. Howard Frank stated that he hopes prior to any catastrophe occurring, he hopes a number of issues including the back up equipment will be addressed. He also suggested the Town contact NYSEG which has a nearby sub-station to work on things that are mutually beneficial. Mr. Frank also asked about sludge disposal and stated that the odor system should be upgraded.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed.

PUBLIC HEARING
PROPOSED LOCAL LAW AMENDING CHAPTER 115

ADDING NEW ARTICLE VI ENTITLED WATERFOWL

Supervisor Cooper called to order a public hearing to amend Chapter 115 of the Code of the Town of Yorktown with adding a new article VI entitled Waterfowl. The Town Clerk presented affidavits of printing and publication.

Supervisor Cooper stated that members of the Yorktown Lake Council were the catalyst for this proposal. The proposal states that no person shall feed, cause to be fed or provide food to waterfowl on public lands within the Town of Yorktown. The Lake Council believes the prohibition should extend to all properties.

Councilman Bianco asked if the Board agreed that feeding seagulls should also be banned.

Mr. Howard Frank raised the issue of people feeding pigeons.

Jennifer Fava, Superintendent of the Parks and Recreation Department stated that she was here to represent the Yorktown Lake Council. Ms. Fava urged the Town Board to adopt the proposal.

The Board members discussed whether seagulls and pigeons could be added to this proposal without necessitating a new public hearing notice.

The Board concluded that they will adopt the current proposal. If either of these birds are waterfowl, then their feeding is covered by this legislation. If the birds are not waterfowl, the Town Board will again seek to amend the law.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed.

NOTICE TO BID
BIODEGRADABLE PAPER REFUSE SACKS
RESOLUTION #354

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

NOTICE IS HEREBY GIVEN that the Environmental Conservation Department of the Town of Yorktown is going out to bid for the purchase of 80,000 biodegradable paper refuse sacks.

Bids will be received until 2:00 PM on Monday, August 15, 2005 at the Office of the Town Clerk, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

APPROVE SUPERVISOR TO SIGN
STEARNS & WHELER ENGINEERING SERVICES AGREEMENT
RESOLUTION #355

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an Engineering Services Agreement with Stearns & Wheler, for the Ammonia Removal and Equipment Maintenance Upgrade Project for the Water Pollution Control Plant, for a lump sum fee of $375,000.00.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

RELEASE EROSION CONTROL BOND
MAJORIE REDA - EP 039-06
RESOLUTION #356

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, Marjorie Reda, as applicant, heretofore filed an Erosion Control Bond in the sum of $300.00, which was deposited into the T33 Account on June 29, 2006, covering Excavation Permit #039-06, for work performed at 1495 Pine Brook Court, 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 erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of $300.00 be and is hereby released to Mrs.

Marjorie Reda, 1495 Pine Book Court, Yorktown Heights, NY 10598.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

ACCEPT WETLANDS BOND
MICHAEL LINAHAN
HANOVER STREET RESIDENCE
RESOLUTION #357

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, Michael Linahan, as applicant, provided the Town with Check No. 1065, in the amount of $5,000.00, to serve as the Wetland Bond for Wetland Permit #WP-045-06, for work being performed at their Hanover Street residence, NOW, THEREFORE BE IT

RESOLVED, that Check No.1065, in the amount of $5,000.00, is hereby accepted to serve as the Wetland Bond for the above referenced Wetland Permit.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

ACCEPT WETLAND BOND
EDWARD MANA
GREGORY STREET
RESOLUTION #358

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, Edward Mana, as applicant, provided the Town with Check No.1107, in the amount of $5,000.00, to serve as the Wetland Bond for Wetland Permit #WP-027-06, for work being performed at his Gregory Street residence, NOW, THEREFORE BE IT

RESOLVED, that Check No.1107, in the amount of $5,000.00, is hereby accepted to serve as the Wetland Bond for the above referenced Wetland Permit.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

ACCEPT EROSION CONTROL BOND
KURT WIEBKE - HUNTERBROOK ROAD RESIDENCE
RESOLUTION #359

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, Kurt Wiebke, as applicant, heretofore filed an Erosion Control Bond in the sum of $500.00, which was deposited into the T33 Account on December 3, 2004, covering Wetland Permit #117-04, for work performed at their Hunterbrook Road 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 $500.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of $500.00 be and is hereby released to Mr. Kurt Wiebke, 2416 Hunterbrook Road, Yorktown Heights, NY 10598.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

ESCROW DEPOSIT RELEASE
DRIVEWAY PERMIT - GIANNASCA
RESOLUTION #360

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

RESOLVED, that the Town Board approves the release of the escrow deposit in the amount of $500.00 to Athena & Richard Giannasca, 25 Stillwell Avenue, Yonkers, NY 10704 for Driveway Permit #1143.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN
PILOT AGREEMENT
CATHERINE FIELD HOME
RESOLUTION #361

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

RESOLVED, the Supervisor and Assessor are authorized to enter into an agreement amending the PILOT Agreement between the Catherine Field Home and the Town of Yorktown.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

APPROVE SIGN PERMIT
JP MORGAN CHASE
RESOLUTION #362

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, Philadelphia Sign Co., as agent for JP Morgan Chase, has submitted an Application for a Sign Permit to allow for the replacement of several existing signs at the Jefferson Valley Mall Chase Bank branch; and

WHEREAS, Simon Property Group, Inc., the owner of the Jefferson Valley Mall, has consented to the proposed signage changes; and

WHEREAS, the Town Board has reviewed the proposed new signage; and

WHEREAS, the Town Board is the sole approval authority; and

WHEREAS, the proposed signage changes present no potential significant adverse environmental impacts; now therefore be it hereby

RESOLVED, that the Application for a Sign Permit is approved, subject to compliance with the recommendations set forth in the ABACA memorandum dated July 12, 2006.

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

REFUND DUPLICATE
TAX PAYMENTS
RESOLUTION#363

Upon motion by Councilman Bianco, seconded by Councilman Martorano,

RESOLVED, that records of the Receiver of Taxes indicate that the following duplicate payments were made:

Tax & Year	Property	Amount	Refund to:
2005 Sch. 22	Sec. 58.29 Par. 1 Lot 9	$3,587.71	
2005 Sch. 21	Sec. 16.06 Par. 2 Lot 38	$1,902.83	
2005 Sch. 21	Sec. 26.05 Par. 1 Lot 38	$2,721.67	Chase Home Finance P.O. Box 961227 Fort Worth, TX 76161-9933

2005 Sch. 21	Sec. 17.17	$3,189.58	Countrywide Tax Services Corp.
Par. 1			7105 Corporate Drive
Lot 53			Plano, TX 75024-9927
2005 Sch. 21	Sec. 17.10	$2,468.23	Countrywide Tax Services Corp.
Par. 1			7105 Corporate Drive
Lot 22			Plano, TX 75024-9927
2005 Sch. 21	Sec. 15.16	$ 857.84	Countrywide Tax Services Corp.
Par. 2			7105 Corporate Drive
Lot 11			Plano, TX 75024-9927
2005 Sch. 21	Sec. 15.16	$ 401.63	Countrywide Tax Services Corp.
Par. 1			7105 Corporate Drive
Lot 28-2108			Plano, TX 75024-9927
2005 Sch. 21	Sec. 16.11	$3,189.58	Countrywide Tax Services Corp.
Par. 2			7105 Corporate Drive
Lot 88			Plano, TX 75024-9927
2005 Sch. 21	Sec. 17.18	$2,838.66	Countrywide Tax Services Corp.
Par. 3			7105 Corporate Drive
Lot 29			Plano, TX 75024-9927
2005 Sch. 21	Sec. 16.10	$3,961.64	Countrywide Tax Services Corp.
Par. 2			7105 Corporate Drive
Lot 16			Plano, TX 75024-9927
2006 Twn/Cty	Sec. 15.16	$ 461.13	Countrywide Tax Services Corp.
Par. 2			7105 Corporate Drive
Lot 11			Plano, TX 75024-9927
2005 Sch. 22	Sec. 37.18	$1,884.68	First Amer. R.E. Tax Service
Par. 2			6053 Fashion Square Drive
Lot 2.18			Murray, UT 84107
2005 Sch. 21	Sec. 48.07	$1,127.78	Flagstar Bank
Par. 2			P.O. Box 961232
Lot 72			Fort Worth, TX 76161-0232
2005 Sch. 21	Sec. 25.08	$ 304.14	Flagstar Bank
Par. 1			P.O. Box 961232
Lot 95			Fort Worth, TX 76161-0232
2005 Sch. 21	Sec. 17.17	$2,663.19	GMAC Mortgage Corp.
Par. 1			P.O. Box 780
Lot 59			Waterloo, IA 50704
2005 Sch. 21	Sec. 15.20	$1,844.34	IndyMac Bank
Par. 2			6900 Beatrice Drive
Lot 34			Kalamazoo, MI 49009
2005 Sch. 21	Sec. 16.10	$2,748.97	LSI Tax Service
Par. 2			c/o New Century Mortgage Corp.
Lot 57			3100 New York Drive, Ste 100
			Pasadena, CA 91107
2005 Sch. 21	Sec. 6.17	$ 616.08	Washington Mutual Home Loans,Inc.

	Par. 2 Lot 2		P.O. Box 100573 Florence, SC 29501-0573
2005 Sch. 21	Sec.16.14 Par. 1 Lot 48	$1,844.34	Washington Mutual Home Loans,Inc. P.O. Box 100573 Florence, SC 29501-0573

Cooper, Bianco, Martorano, Campisi, Metz voting aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following residents addressed the Town Board.

Mr. Al Gordon expressed his displeasure over the fact that the Town Board did not landmark the Old Stone Church. He stated that this amounted to burying one of the last historic sites in Mohegan Lake.

Mr. John Tegeder, Director of Planning told the Town Board that he was not here to chide the Board, but was worried about the historic landmarking. He believes there is a flaw in the process. He didn't believe the Town Board had sufficient data to build a case for landmarking this structure.

Supervisor Cooper stated that she too was concerned, one of the strongest chapters in the Comprehensive Plan concerns Historic Preservation.

Mrs. Judy Gordon, a proponent for landmarking the Stone Church asked the Town Board how many landmarks there were in Mohegan Lake?

She was told that there are no landmarks in Mohegan Lake.

ADJOURN

Upon motion by Councilman Campisi, seconded by Councilman Metz and carried, the meeting was adjourned.

Alice E. Roker
Town Clerk
Town of Yorktown

http://www.yorktownny.org/public_documents/yorktownny_boardmin/2006/07-18-06/