

**TOWN OF EASTCHESTER  
MINUTES OF THE TOWN BOARD  
March 7, 2023**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, March 7, 2023 at 7:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Present: Supervisor Anthony Colavita  
Councilman Joseph Dooley  
Councilwoman Theresa Nicholson  
Councilman Luigi Marcoccia  
Councilwoman Sheila Marcotte

Present: Town Clerk Linda Laird  
Town Attorney Louis Reda  
Comptroller Dawn Donovan

**IV. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS – none**

**V. APPPOINTMENTS**

**A) SENIOR OFFICE ASSISTANT – POLICE DEPARTMENT**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the probationary appointment of Karen Barletta to the position of Sr. Office Assistant- Police.

Karen has successfully passed the civil service exam and her name appears on the Westchester County Civil Service List #69-117.

The appointment will be effective March 8, 2023, Group VII, Step 7A at the annual rate of \$78,736. The probationary period will not run less than twelve weeks and not more than fifty-two weeks. Funds have been provided in the 2023 budget.

**On the roll call, all voted "AYE." Motion carried.**

**B) ASSISTANT BUILDING INSPECTOR - withdrawn**

**VI. APPROVAL OF MINUTES**

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve the Minutes of the February 7, 2023 Town Board Meeting as prepared by Town Clerk Linda Laird.

**On the roll call, all voted "AYE." Motion carried.**

**VII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS**

**A) LAW DEPARTMENT REPORT**

**1. RESOLUTION AUTHORIZING THE APPROVAL OF AN APPLICATION FOR A PARADE PERMIT SUBMITTED BY THE EASTCHESTER ST. PATRICK'S DAY PARADE COMMITTEE FOR THE ST. PATRICK'S DAY PARADE TO BE HELD ON SUNDAY, MARCH 12, 2023**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the approval of an application for a parade permit submitted by the Eastchester St. Patrick's Day Parade Committee for the St. Patrick's Day Parade to be held on Sunday, March 12, 2023. The \$10 fee is waived.

On the roll call, all voted "AYE." Motion carried.

**2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY CONSTANTINE DAKOLIAS & MONIQUE CUSSON – 7 HEMLOCK ROAD, BRONXVILLE, NY**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Constantine Dakolias & Monique Cusson affecting premises known as Section 6.C, Block 2, Lot 16; 7 Hemlock Road, Bronxville, NY as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2019	2020	\$42,700	\$ 38,428	\$ 4,272
2020	2021	\$42,700	\$ 30,510	\$ 12,190
2021	2022	\$42,700	\$ 29,160	\$ 13,540
2022	2023	\$42,700	\$ 28,840	\$ 13,860

No School Approval Needed

TOTAL TOWN TAX REFUND.....\$ 1,135.17

On the roll call, all voted "AYE." Motion carried.

**B) RECEIVER OF TAXES REPORT** for January and February 2023 were received for filing.

**C) TOWN CLERK'S REPORT** for January 2023 was received for filing.

Supervisor Colavita recognized Police Chief Rodriguez for purposes of updating the community on an incident that occurred on March 2<sup>nd</sup> when a vehicle, in which a child remained, was stolen. The Chief explained the entire incident was video recorded and happened within 10 seconds. When the car thief became aware there was a child in the car, the vehicle was abandoned. The suspect entered a second car and drove away. That vehicle, which had been stolen, was identified within three hours and located in NJ. Eastchester Detectives continue to work with law enforcement agencies and the District Attorney's Office, and at least two suspects have been identified.

Police Chief Rodriguez reiterated a plea for residents to lock their cars and homes. Thieves, often from out of town, drive through our neighborhoods looking for 'crimes of opportunity' that allow for a quick grab and escape.

**VIII. CORRESPONDENCE**

**A) MEMORANDUM FROM COMPTROLLER RE: SEASONAL EMPLOYEES**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the following Seasonal Appointments:

Last Name	First Name	Title	Rate	Eff. Date	DEPT.
Ausanio	Anna	Office Assistant	14.00	3/7/2023	Lake Isle
Baldino	Mike	Office Assistant	14.00	3/7/2023	Lake Isle
D'Ippolito	Alyssa	Office Assistant	14.00	3/7/2023	Lake Isle
Marinello	Corinna	Office Assistant	14.00	3/7/2023	Lake Isle
Meade	Emma	Office Assistant	14.00	3/7/2023	Lake Isle
Naclario	Laura	Office Assistant	14.00	3/7/2023	Lake Isle
Syska	Debbie	Office Assistant	14.00	3/7/2023	Lake Isle
Fox	Alexa	Office Assistant	14.00	3/7/2023	Lake Isle
Ayala	Daniela	Office Assistant	14.00	3/7/2023	Lake Isle
Vasami	Melissa	Office Assistant	14.00	3/7/2023	Lake Isle
Farrell	Laura	Office Assistant	14.00	3/7/2023	Lake Isle
Nefesh	Miriam	Office Assistant	14.00	3/7/2023	Lake Isle
Spadaro	Angelo	Security	14.00	3/7/2023	Lake Isle
Carreon	Jeffrey	Recreation Attendant	15.00	3/7/2023	Lake Isle
Castillo	Iris	Recreation Attendant	15.00	3/7/2023	Lake Isle
Pizzuti	Michael	Laborer	15.00	3/8/2023	Hwy.

**On the roll call, all voted "AYE." Motion carried.**

**C) MEMORANDUM FROM SUPERINTENDENT OF HIGHWAYS RE: PROPOSAL-PREPARATION ANNUAL STORMWATER REPORT 2022-2023 & HOURLY RATE SCHEDULE**

Per a request from Superintendent of Highways, Rocco Latella, Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION accepting Dolph Rotfeld Engineering's Proposal for the preparation of the 2022-2023 Annual Stormwater Report for the fee of \$3,250. Any out-of-scope work that is mutually agreed upon will be billed based off the 2023 Hourly Rate Schedule.

**On the roll call, all voted "AYE." Motion carried.**

**C) MEMORANDUM FROM POLICE CHIEF RE: 911 INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER**

Per a request from Police Chief Joseph Rodriguez, Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing the Supervisor to sign the Intermunicipal Agreement with the County of Westchester for the enhanced 911 services. The agreement is for five years commencing on October 1, 2022 and terminating September 30, 2027. The enhanced 911 system has been in Westchester since July 1993 and has been an enormous success.

**On the roll call, all voted "AYE." Motion carried.**

**D) MEMORANDUM FROM SUPERVISOR RE: RESOLUTION REGARDING GOVERNOR HOCHUL'S "NEW YORK HOUSING COMPACT" (TOL/ADU) PROPOSAL**

Per a request from Supervisor Colavita, the Town Councilmembers unanimously supported the following RESOLUTION in objection to Governor Hochul's "New York House Compact" Proposal.

**WHEREAS**, Governor Hochul's FY 2024 Executive Budget included the "New York Housing Compact"; and

**WHEREAS**, the "New York Housing Compact" consists of the "New Homes Targets and Fast-Track Approval Act" and the "Transit-Oriented Development Act of 2023"; and

**WHEREAS**, the aforementioned bills are Article 7 bills in the NYS 2023/2024 budget which due to their inclusion as such eliminates proper legislative process that will make for better legislation; and

**WHEREAS**, the housing issues outlined in the bill are not of *statewide concern* and are focused on New York City and the surrounding suburbs and do not meet the level allowing the State to remove Home Rule of zoning.

**WHEREAS**, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

**WHEREAS**, as proposed the "New Homes Targets and Fast-Track Approval Act" amends General Municipal Law and overrides the Town of Eastchester land use regulations as adopted in the Town's Zoning Code and consistent with the Town's Comprehensive Plan; and

**WHEREAS**, the "New Homes Targets and Fast-Track Approval Act" requires the Town to meet or exceed a Residential Dwelling Growth Target or enact by local law two of five "preferred actions" in order to be considered in "Safe Harbor" status; and

**WHEREAS**, all of the Town of Eastchester services; police, volunteer emergency services and the school community would be grossly impacted; and

**WHEREAS**, Eastchester already addressed accessory apartments and multifamily zoning in its zoning code; and

**WHEREAS**, the majority of the "preferred actions" require extreme and substantial amendments to the Town of

Eastchester's local zoning including but not limited to, no restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review and aesthetic review; and

**WHEREAS**, Appeals can be brought to a new State Housing Review Board usurping the Home Rule authority of local land use boards who understand the local community; and

**WHEREAS**, the "Transit-Oriented Development Act of 2023" would amend Town Law to adopt land use regulations within three years, for higher density development for areas located within one half mile of MTA train stations in the Town of Eastchester and its two Villages; and

**WHEREAS**, the Town of Eastchester would fall into Tier 1 of transit-oriented development, requiring aggregate development of 50 residential dwelling units per acre within a ½ mile of the closest portion of said train station; and

**WHEREAS**, the forced land use regulations would result in the potential for over thousands of new residential units in our communities that must be rezoned within a ½ mile of the Metro North station; and

**WHEREAS**, the new amended Town Law would require the new zoning to be exempt from SEQRA review which would impact the water quality for NYC and local Westchester and would prohibit the study and evaluation of the following impacts for any transit oriented development project in Eastchester, including but not limited to; impacts on traffic and roads, potential impacts on stormwater, impact due to building on steep slopes, impact on volunteer emergency services, impacts on police department staffing, impact of additional school age students and the schools ability to absorb them, increase of sidewalk and mobility connectivity and all standard evaluation criteria in a generic environmental impact statement; and

**WHEREAS**, the new amended Town law would prohibit Municipalities from adopting reasonable and appropriate development regulations to insure the development is compatible with the surrounding uses, such as lot coverage, open space, building height, setbacks, floor area ratios or parking requirements; and

**WHEREAS**, the Town of Eastchester local zoning code provides for multiple types of housing, accessory dwelling units, senior affordable housing units, and other multifamily uses; and

**WHEREAS**, the residents of the Town of Eastchester have had a voice and participated in land use decisions for decades, from the updating of the Town's Comprehensive Plan, participating in public hearings and volunteering on Town Boards and Committees; and

**WHEREAS**, the residents of the Town of Eastchester will be disenfranchised from their local elected officials, local volunteer Boards and render all of the residents input meaningless; and

**WHEREAS**, the bill does not consider mature municipalities that are unable to accommodate larger scale development; and

**WHEREAS**, the creation of hand-picked administrators and judges to hear appeals of denials of applications is inappropriate and lacks transparency; and

**WHEREAS**, the standard of review is "clear and convincing proof" which is a higher standard than usual and customary zoning cases; and

**WHEREAS**, the Town of Eastchester prefers ad valorem tax basis rather than decades long PILOT non-tax payments; and

**WHEREAS**, the requirement of a "commercial component" flies in the face of development in residential zones and creates unwarranted and unnecessary retail competition with existing retail zoning areas that are already struggling; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Eastchester implores the Legislature to remove the

Housing Compact proposal from the FY 2023/2024 Budget, and future budgets, and engage local Governments in dialogue and address our common goals; and

**BE IT FURTHER RESOVED**, that bills of this type be removed from the budget as an “Article 7” bill and follow the regular legislative process which will produce better legislation; and

**BE IT FUTHER RESOLVED**, that NYS Environmental laws including SEQRA and a municipality’s *Home Rule* of zoning as defined in the NYS Constitution and General Municipal law should not be limited by any legislation unless that legislation is truly of State-wide concern.

**BE IT FURTHER RESOLVED**, that the Town of Eastchester opposes the Governor's Housing Compact and urges the State Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.

**On the roll call, all voted "AYE." Motion carried.**

**IX. MISCELLANEOUS BUSINESS - none**

**X. COUNCIL MEMBER REPORTS**

Councilman Marcoccia reported the 2023 Lake Isle Membership Applications will soon be mailed to all residents of Eastchester, Tuckahoe and Bronxville. Registrations can be submitted on-line or at the registration office.

Councilman Dooley announced the 17<sup>th</sup> Annual Eastchester St. Patrick’s Day Parade Grand Marshals are Past and Present Eastchester Irish American Social Club Presidents; John Collins; Liam Deegan; Steve Doherty; Margaret Murtagh; John Murtha; Brenda Nangle-Geraghty and John Phelan, and the 2023 Parade Honorees are Connie Cullen and Elizabeth Schaefer. Mr. Dooley encouraged everyone to attend the parade on March 12<sup>th</sup>.

Councilwoman Nicholson reported the description of the many Library’s monthly activities have been posted to the website, including Tax Aide, films and book clubs.

Councilwoman Marcotte made announcements from the Recreation Department including: Summer Camp registration is available on the Town of Eastchester website and the annual Eastchester Egg Hunt will be held on April 1<sup>st</sup> from 11–1:30.

Mrs. Marcotte announced Tuckahoe is holding a Parking Ticket Amnesty Program during which late fees are waived and individuals can receive a 50% discount on fines. In addition, the Tuckahoe Beautification Committee is currently having their fund-raising drive in support of their annual plantings.

Councilwoman Marcotte congratulated the Bronxville Adult School on their 80<sup>th</sup> year of serving the community.

In closing, Mrs. Marcotte congratulated Councilwoman Nicholson on being presented with The Serviam Award by the Immaculate Heart of Mary Church community. The award distinguishes and honors a lay person through their enduring efforts, willingness to help, kindness to others, promotes the building of a stronger community in faith and provides a sense of unity and purpose. Mrs. Marcotte explained ‘serviam’ is from Latin, for “I will serve” and stated it apply describes Theresa Nicholson.

Supervisor Colavita reported the joint meeting between the Eastchester School Board and the Town Board had been cancelled because of snow and would be rescheduled in the coming weeks.

In closing, the Supervisor reported 75 new orange, white and green flags were purchased to display the parade route in celebration of St. Patrick’s Day.

**XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD - none**

There being no further public business, the meeting was adjourned at 7:40 p.m.

Minutes prepared by

Linda Laird  
Town Clerk