

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

03/22/16

7:30 PM

Present: Supervisor George Hoehmann
Council Members Frank Borelli, Stephanie Hausner,
John Noto & Valerie Moldow
Lino Sciarretta , Town Attorney
Justin Sweet, Town Clerk

The Supervisor declared the Town Board meeting opened. Assemblage saluted the flag. Town Clerk read the roll call.

SPECIAL PRESENTATION:

The Town Board recognized Rudolph J. Yacyshyn for his 50 years of service to the Town of Clarkstown.

On motion of Co. Hausner seconded by Co. Borelli the Public Hearing re: Proposed Local Law entitled: "A Local Law amending Chapter 278 (Vehicles and Traffic) of the code of the Town of Clarkstown" was opened, time: 7:57 pm, closed 7:58 pm.

RESOLUTION NO. 127-2016 ADOPTED

On motion of Co. Borelli seconded by Co. Noto the Public Hearing re: Proposed Local Law entitled: "A Local Law amending Chapter 4 , Chapter 109, Chapter 126, Chapter 153, Chapter 173, Chapter 240 and Chapter 290 was opened, time: 8:00 pm, closed 8:07 pm.

RESOLUTION NO. 128-2016 ADOPTED

On motion of Co. Hausner seconded by Co. Borelli the Public Hearing re: Proposed Local Law entitled: "A Local Law amending Zoning Map and Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to regulating non-residential uses in residential zoning districts was continued, time: 8:07 pm, closed 9:15 pm.

RESOLUTION NO. 129-2016 ADOPTED

The Supervisor went through the agenda and he, the Town Attorney and various department heads gave a brief synopsis of each.

The Supervisor asked if there was anyone wishing to speak on agenda items.

Marge Hook, New City
Regarding Item 8, she asked how much the legal counsel for the Ethics Board was costing.

The Town Attorney stated she would be paid hourly at a rate of \$300 per hour

RESOLUTION NO. (127-2016)
Co. Borelli offered and Co. Moldow seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Noto at a Town Board meeting held on March 8, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on March 8, 2016, directed that a public hearing be held on March 22, 2016 immediately following the 7:30 p.m. Workshop meeting, or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on March 15, 2016, and

WHEREAS, a pdf copy of the proposed local law was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 11, 2016, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on March 22, 2016;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. – 2016 entitled:

"A LOCAL LAW AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

The Clerk of the Town of Clarkstown is hereby directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (128-2016)
Co. Borelli offered and Co. Noto seconded

WHEREAS, a proposed local law entitled,

"A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

was introduced by Councilperson Noto at a Town Board meeting held on February 9, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on February 9, 2016, directed that a public hearing be held on March 22, 2016 immediately following the 7:30 p.m. Workshop, or as soon thereafter as possible, relative to such proposed local law, and

RESOLUTION NO. (128-2016) continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on March 22, 2016, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on March 15, 2016, and

WHEREAS, by resolution adopted February 9, 2016, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, a pdf copy of the proposed local law was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 11, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the March 9, 2016 memorandum prepared by the Jose Simoes, Principal Town Planner, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on March 10, 2016, which remanded the matter for local determination, and

WHEREAS, by resolution dated March 9, 2016, the Town of Clarkstown Planning Board found that the proposed local law is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and the Board recommends in favor of the proposed local law;

NOW, THEREFORE, be it

RESOLVED, that based upon the report prepared by Jose Simoes, Principal Town Planner, acting as agent to the Town Board as lead agency, the Town Board hereby determines that the amendments to Chapters 4, 109, 126, 153, 173, 240 and 290 of the Town Code with regard to eliminating the Zoning Administrator position are Type II actions, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. – 2016 entitled:
"A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

- Co. Borelli Yes
 - Co. Hausner Yes
 - Co. Moldow Yes
 - Co. Noto. Yes
 - Supervisor Hoehmann. Yes
- *****

The Clerk of the Town of Clarkstown is directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (129-2016)
Co. Hausner offered and Co. Noto seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING THE ZONING MAP AND CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO REGULATING NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS"

RESOLUTION NO. (129-2016) continued

was introduced by Councilperson Borelli at a Town Board meeting held on December 17, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on December 17, 2015, directed that a public hearing be held on March 8, 2016 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on February 29, 2016, and

WHEREAS, by resolution adopted December 17, 2015, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, a pdf copy of the proposed local law in final form was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 29, 2016, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on March 8, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by the Jose Simoes, Principal Town Planner, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, by resolution dated February 10, 2016, the Town of Clarkstown Planning Board found that the current draft of the proposed local law, as amended with changes recommended by the Special Board for the Implementation of the Comprehensive Plan and some modifications recommended by the Planning Board and which said changes and modifications were also reviewed and accepted by the Rockland County Department of Planning, is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and the Planning Board, therefore, recommends in favor of the proposed final version of the local law, and

WHEREAS, the Town Board has clarified and addressed the majority of the recommendations of the Rockland County Department of Planning, dated February 19, 2016, in the current draft of the local law, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code in accordance with the recommendations outlined in the memorandum from Jose Simoes, Principal Town Planner, dated February 26, 2016, except for the following numbered items which require a supermajority (majority plus one) affirmative vote:

No. 3 – Section 290-21D(1) is not proposed to be amended and should be amended to include all utility/drainage easements.

Reason: Underground utilities and drainage easements should not be deducted from the gross lot area as they do not pose the potential hazards or impediments to development as overhead utilities. An unrelated inconsistency in this section was corrected.

No. 9 – The definition for dormitories should be amended to also include that the sleeping facility is associated with an educational or public institution, including religious institutions, as well as camps.

Reason: The requirement that Dormitories be associated with educational institutions or camps is a Special Permit subject to specified conditions in residential zoning districts and should not be added to the definition of Dormitories, as Dormitories may or may not be associated with these uses in certain zones or circumstances;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Town Planner, acting as agent to the Town Board as lead agency, it is hereby determined that the proposed action is a Type I action under SEQRA that will not have the potential to adversely affect the environment, (2) that will protect the Town's residential neighborhoods from out of character uses, (3) that overall development potential will be slightly lowered, and (4) is consistent with the Town's Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

RESOLUTION NO. (129-2016) continued

FURTHER RESOLVED, that a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. – 2016 entitled:

"A LOCAL LAW AMENDING THE ZONING MAP AND CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO REGULATING NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS"

is hereby ADOPTED and passed by a majority plus one affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

The Clerk of the Town of Clarkstown is directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law, and be it

FURTHER RESOLVED, that the GIS Coordinator for the Town of Clarkstown is hereby authorized and directed to amend the Zoning Map as set forth herein.

RESOLUTION NO. (130-2016) continued

Co. Borelli offered and Co. Noto seconded

WHEREAS, a resident of Fulle Drive, Valley Cottage, NY 10989 in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #60374/40665;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

1. Install one 5,800 lumen 70 watt sodium vapor streetlight on Pole #60374/40665 located south west of house #346 Fulle Drive, Valley Cottage.

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$14.07 per month (\$168.84 per year) for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (131-2016)

Co. Moldow offered and Co. Hausner seconded

WHEREAS, SolarCity Corporation has requested a refund of Building Permit Fee (#16-127) paid in the amount of \$438.00 for property located at 9 Woodglen Drive, New City, New York, more particularly described as Tax Map No. 34.14-1-13, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$288.00 to SolarCity Corporation, 203 Ridgewood Drive, Elmsford, New York 10523 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (132-2016)

Co. Moldow offered and Co. Hausner seconded

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#15-1303) paid in the amount of \$348.00 for property located at 4 Timothy Court, West Nyack, New York, more particularly described as Tax Map No. 64.12-1-37, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$198.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (133-2016)

Co. Moldow offered and Co. Hausner seconded

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#15-1270) paid in the amount of \$456.00 for property located at 5 Timothy Court, West Nyack, New York, more particularly described as Tax Map No. 64.12-1-36, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$306.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

RESOLUTION NO. (133-2016) continued

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (134-2016) continued
Co. Moldow offered and Co. Hausner seconded

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#14-1156) paid in the amount of \$744.00 for property located at 180 Quaspeck Boulevard, Valley Cottage, New York, more particularly described as Tax Map No. 52.16-2-46, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$594.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (135-2016)
Co. Moldow offered and Co. Hausner seconded

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#15-1348) paid in the amount of \$348.00 for property located at 35 Albacon Road, Nanuet, New York, more particularly described as Tax Map No. 57.11-1-8, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$198.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (136-2016)
Co. Hausner offered and Co. Moldow seconded

WHEREAS, by Resolution No. 562-2014, adopted December 18, 2014, as amended by Resolution No. 406-2015, adopted November 17, 2015, the Town Board of the Town of Clarkstown appropriated funds to make certain improvements, including asbestos removal and clean-up work in the basement, to the Traphagen House located at 131 Germonds Road, West Nyack, and

WHEREAS, additional funds will be required for the asbestos removal and clean-up and for completion of said improvements, and

WHEREAS, Par Environmental and Quest Environmental Solutions & Technologies, Inc. have submitted proposals, which the Town Attorney has reviewed and found acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 406-2015 is hereby amended to authorize Par Environmental and Quest Environmental Solutions & Technologies, Inc. to perform the improvements and additional required work and asbestos removal and clean-up work at 131 Germonds Road, West Nyack in an amount not to exceed \$70,000, and be it

FURTHER RESOLVED, that the Town Board hereby appropriates up to \$70,000.00 for completion of said improvements to the Traphagen House and such cost shall be a proper charge to Account No. H 8768-409-0-91-10.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (137-2016)
Co. Borelli offered and Co. Moldow seconded

RESOLVED, that the resignation of James Timmings, – Assessor – Assessor’s Office – is hereby accepted effective and retroactive to March 4, 2016 at the close of the work day.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (138-2016)
Co. Borelli offered and Co. Moldow seconded

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016, that the position of Code Enforcement Officer I, can be created,

NOW, therefore, be it

RESOLVED, that the position of Code Enforcement Officer I – Building Department – is hereby created – effective March 22, 2016, and be it

FURTHER RESOLVED, that the position of Code Enforcement Officer I – Town Attorney’s Office – is hereby abolished – effective March 22, 2016.

RESOLUTION NO. (138-2016) continued

On roll call the vote was as follows:

Co. Borelli Yes
 Co. Hausner Yes
 Co. Moldow Yes
 Co. Noto. Yes
 Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (139-2016)

Co. Borelli offered and Co. Moldow seconded

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016 that the position of Code Enforcement Officer I (PT), can be created,

NOW, therefore, be it

RESOLVED, that the position of Code Enforcement Officer I (PT) - Building Department – is hereby created – effective March 22, 2016.

On roll call the vote was as follows:

Co. Borelli Yes
 Co. Hausner Yes
 Co. Moldow Yes
 Co. Noto. Yes
 Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (140-2016)

Co. Borelli offered and Co. Moldow seconded

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016 that the position of Clerk-Typist (PT), can be created,

NOW, therefore, be it

RESOLVED, that the position of Clerk-Typist (PT) – Town Justice Court – is hereby created – effective March 22, 2016.

On roll call the vote was as follows:

Co. Borelli Yes
 Co. Hausner Yes
 Co. Moldow Yes
 Co. Noto. Yes
 Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (141-2016)

Co. Borelli offered and Co. Moldow seconded

RESOLVED, that Mary Maloney – Comptroller’s Office – is hereby appointed Deputy Comptroller – effective April 1, 2016 through December 31, 2016.

On roll call the vote was as follows:

Co. Borelli Yes
 Co. Hausner Yes
 Co. Moldow Yes
 Co. Noto. Yes
 Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (142-2016)

Co. Borelli offered and Co. Moldow seconded

RESOLVED, that Nicholas Szkodzinsky – is hereby appointed (permanent) to the position of Assistant Automotive Mechanic – Town Garage – at the current 2016 annual salary of \$51,945 – effective March 23, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (143-2016)

Co. Borelli offered and Co. Moldow seconded

RESOLVED, that Charles Corletta – is hereby appointed (provisionally) to the position of Maintenance Supervisor (Sewerage Systems) – Department of Sewers – at the current 2016 annual salary of \$98,683 – effective March 23, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (144-2016)

Co. Borelli offered and Co. Moldow seconded

RESOLVED, that the change of assignment of John Fay, – Motor Equipment Operator II – Highway Department – to Department of Solid Waste - is hereby accepted – effective March 23, 2016, and be it,

FURTHER RESOLVED, that the change of assignment of Christopher Hughes – Motor Equipment Operator II – Department of Solid Waste - to Highway Department – is accepted effective March 23, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (145-2016)
Co. Borelli offered and Co. Moldow seconded

RESOLVED, that Bernard Louisthelmy – is hereby appointed to the position of (part time) Municipal Bus Driver – Clarkstown Mini Transportation at the 2016 hourly rate of \$21.82, effective March 23, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (146-2016)
Co. Borelli offered and Co. Moldow seconded

RESOLVED, that the resignation of Paul P. Greenblath, Crossing Guard (FT) – Police Department – is hereby accepted effective and retroactive to March 17, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (147-2016)
Co. Borelli offered and Co. Moldow seconded

RESOLVED, that Rosa Plata – Crossing Guard (substitute) – is hereby appointed to the position Crossing Guard (full time) – Police Department at the current 2016 rate of \$20.20 per crossing – effective March 23, 2016.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (148-2016)
Co. Borelli offered and Co. Hausner seconded

WHEREAS, by Resolution No. 256-2001, adopted March 27, 2001, and amended by Resolution No. 287-2002, adopted April 2, 2002, the Town Board authorized a license agreement with the Rockland County Radio Control Club for the use of a described portion of the capped Clarkstown Sanitary Landfill for the installation of a radio controlled model airplane airdrome, provided that said license may be revoked at any time upon 30 days’ notice to the licensee, and provided further that the licensee permit all residents of the Town of Clarkstown the opportunity to participate in the club’s activities on a non-discriminatory basis, and

RESOLUTION NO. (148-2016) continued

WHEREAS, the Town granted said license to the Club for the fee of One Dollar (\$1.00) per year, beginning March 27, 2001, and

WHEREAS, by Resolutions Nos. 282-2004, 295-2005, 244-2006, 232-2007, 219-2008, 199-2009, 205-2010, 189-2011, 221-2012, 167-2013, 173-2014, and 111-2015, adopted March 23, 2004, April 12, 2005, April 4, 2006, April 17, 2007, April 15, 2008, April 21, 2009, April 13, 2010, April 12, 2011, May 5, 2012, May 9, 2013, April 8, 2014 and March 24, 2015 respectively, the Town Board has extended the license agreement on an annual basis, and

WHEREAS, since the license was granted, there have been changes in the FAA’s rules and regulations governing drones and model aircraft, and

WHEREAS, the County of Rockland has adopted Local Law No. 2 of 2015, known as “the Drone Regulation Law,” and

WHEREAS, the Town Board wishes to continue the license agreement with the Club, but wishes to amend said agreement to reflect the changing laws and regulations,

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into an amendment to the license agreement, in a form approved by the Town Attorney, with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, for a period of one year commencing March 31, 2016 and ending on March 31, 2017, for the purpose of recognizing

current laws and regulations for the use of drones and model aircraft, and be it

FURTHER RESOLVED that the fee for said license shall be the nominal fee of \$1.00 per year.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (149-2016)

Co. Borelli offered and Co. Noto seconded

WHEREAS, the Town has received \$346,338.33 from the Rockland County Sewer District #1 and \$90,000 from the New York Department of State,

NOW, THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Station Improvement Project) by \$346,338.33 and be it,

FURTHER RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-State Aid/Community Projects) and Expense Account H-8766-409-0-89-8 (Capital Projects-Town Clerk/Receiver of Taxes Consolidation) by \$90,000.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (150-2016)
Co. Moldow offered and Co. Hausner seconded

WHEREAS, the Rockland County Industrial Development Agency (“Agency”) is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the Agency has undertaken a project consisting of the construction of 70,000 sq. ft. medical facility and administrative offices located at 2 Centerock Road, West Nyack, New York (“The Project Realty”), and

WHEREAS, to facilitate the Project, the Agency has entered into a “straight lease transaction” pursuant to the Agency’s uniform tax exemption policy by which the Agency has acquired a leasehold interest in the Project Realty under a Head Lease and the Agency has leased back to CRH Realty IX, LLC, as Lessee, the Agency’s interest in the Project (the “Lease Agreement”), and

WHEREAS, Lessee is a limited liability company formed for the purposes of acting, among other things, as an entity to hold the Project Realty as lessee to the Agency’s interest in the Project, and

WHEREAS, Lessee has simultaneously entered into a sublease agreement with Crystal Run Healthcare, LLP (the Sublessee”), which shall lease from Lessee some of Lessee’s interest in the Project, and

WHEREAS, Lessee and Sublessee agree that the amount payable by them or on their behalf as payment in lieu of taxes (“PILOT”) payments for each year of the PILOT period, of fifteen (15) consecutive years from the PILOT commencement date to the PILOT termination date, shall be determined by multiplying the tax rate for the then current tax levy by the assessed improvements valuation of the Project Realty as reduced pursuant to the formulae set forth in the PILOT Agreement. The land value of \$343,000.00 shall not be reduced by the formulae in the PILOT Agreement and the full tax shall be due for the land assessment value of \$343,000.00, and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a PILOT Agreement, in a form acceptable to the Town Attorney, to be executed by all parties;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with CRH REALTY IX, LLC, CRYSTAL RUN HEALTHCARE, LLP, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 64.08-3-7.3, located at 2 Centerock Road, West Nyack, New York.

On roll call the vote was as follows:

Co. Borelli Yes
Co. Hausner Yes
Co. Moldow Yes
Co. Noto. Yes
Supervisor Hoehmann. Yes

RESOLUTION NO. (151-2016)
Co. Moldow offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown posted a Request for Proposals from qualified law firms to serve as the Town Ethics Counsel, and

WHEREAS, the Town Attorney found the proposal from Suzanne Dugan, Esq. of Cohen Milstein acceptable in terms of scope and price and recommends accepting said proposal;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney, the Town Board hereby accepts the proposal from Suzanne Dugan, Esq. of Cohen Milstein to serve as the Town Ethics Counsel, and be it

RESOLUTION NO. (151-2016) continued

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an engagement letter, in a form approved by the Town Attorney, with Suzanne Dugan, Esq. of Cohen Milstein, 49 Spruce Street, Clifton Park, New York 12065 and be it

FURTHER RESOLVED, that the fee for said services shall be a proper charge to Account No. A-1420-409.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (152-2016)

Co. Borelli offered and Co. Noto seconded

WHEREAS, the Town of Clarkstown was established by an act of the New York State Legislature on March 18, 1791, during President George Washington’s first term of office, and

WHEREAS, in the decades and centuries since, people and events connected to the Town of Clarkstown have had a significant effect on the history of our county, state and country, and

WHEREAS, during the past 225 years, the Town has been home to many residents, well-known and not, who have each made, and continue to make, contributions to the vibrant culture and rich heritage enjoyed by the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to celebrate the Town’s 225th Anniversary by making everyone aware of the important history of the Town,

NOW, THEREFORE, the Town Board hereby declares October, 2016 as Town of Clarkstown History Month and calls upon all the people of Clarkstown to observe this month by learning and appreciating the history of the Town through appropriate programs, ceremonies, and activities.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

RESOLUTION NO. (153-2016)

Co. Noto offered and Co. Hausner seconded

WHEREAS, Wolfe Landing, LLC obtained approval for the site plan/subdivision known as "Wolfe Landing, LLC" and as a condition of site plan/subdivision approval Wolfe Landing, LLC, as developer and obligor, provided the Town of Clarkstown with a Letter of Credit No. 130 from Greater Hudson Bank in the principal amount of \$1,178,202.00, together with its Developer's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, Greater Hudson Bank amended said Letter of Credit on March 23, 2015 to reflect a firm expiration date of April 1, 2016, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations during the two (2) year time period pursuant to the terms of the Developer’s Performance Bond and that the letter of credit is still required to secure completion of said obligations, and

RESOLUTION NO. (153-2016) continued

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended that the developer be declared in default of its Developer's Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. 130 the full amount of \$1,178,202.00 to be held pending completion of the remaining items by the developer or, if necessary, by the Town's contractors in the discretion of the Town Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that unless Wolfe Landing, LLC provides a renewal of Letter of Credit No. 130 by March 25, 2016, Wolfe Landing, LLC, as developer and obligor, is hereby declared in default of its Developer's Performance Bond to complete the public and other required improvements in the Wolfe Landing, LLC Site Plan/Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 130 in the principal amount of \$1,178,202.00, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and, if necessary, to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

On roll call the vote was as follows:

- Co. Borelli Yes
- Co. Hausner Yes
- Co. Moldow Yes
- Co. Noto. Yes
- Supervisor Hoehmann. Yes

George Rumelt, New City

He inquired about employment policies dealing with conflict of interests. He asked if the Board had looked into his previous questions about compensatory time in the Town Garage.

Marge Hook, New City

She remembered Rudy Damonti who passed away 3 years ago today. She asked about plans to enforce attendance at the Boards and Commission meetings. She asked why the Board took away the stipend for the Ethics Board when some members of other boards are receiving increased compensation.

Shirley Thormann, Valley Cottage

Defended her right to take sick time from Planning Board meetings.

The Supervisor stated the issues brought up by Mr. Rumelt and Ms. Hook are under review and will be for the rest of the year. Regarding the Ethics Board, under NYS Law, these board members are not to be compensated so we eliminated a practice that was illegal.

There being no one further wishing to be heard, on motion of Co. Moldow seconded by Co. Noto the Town Board moved into Executive Session, to discuss legal and personnel matters time: 9:45 p.m.

On motion of Co. Borelli seconded by Co. Hausner the Town Board moved out of Executive Session, time 10:30 pm. On motion of Co. Borelli seconded by Co. Hausner the Town Board meeting was adjourned in memory of the victims of today's bombing in Brussels.

Respectfully submitted

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/22/2016

7:57 pm

Present: Supervisor George Hoehmann
Council Members Frank Borelli, Stephanie Hausner,
John Noto & Valerie Moldow
Lino Sciarretta , Town Attorney
Justin Sweet, Town Clerk

RE: Proposed Local Law entitled: “A Local Law amending Chapter 278 (Vehicles and Traffic))
of the Code of the Town of Clarkstown ”

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Hausner
seconded by Co. Borelli the public hearing was opened.

The Town Attorney explained that this amendment was in response to complaints received about
people parking in loading zones and other places where there should be no parking and it allows
the police to issue fines up to \$250 for doing so.

The Supervisor asked if there was anyone wishing to speak on this matter.

Mark Adelson, New City
Regarding the fine, he thought it was excessive.

The Town Attorney stated that it is consistent with State law. The maximum fine is \$250.
however, the Judge can reduce it at his or her discretion.

There being no one further wishing to speak, on motion of Co. Borelli seconded by Co. Moldow
the Public Hearing was closed, RESOLUTION NO. 127-2016 ADOPTED, time: 7:58 pm

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/22/2016

8:00 pm

Present: Supervisor George Hoehmann
Council Members Frank Borelli, Stephanie Hausner,
John Noto & Valerie Moldow
Lino Sciarretta , Town Attorney
Justin Sweet, Town Clerk

RE: Proposed Local Law entitled: "A Local Law amending Chapter 4(Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering & Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown "

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Borelli seconded by Co. Hausner the public hearing was opened.

The Town Attorney explained that the position of Zoning Administrator was created in 1999 and it was basically a deputy from the Town Attorney's office who served as another step in the building approval process. Prior to 1999, this was the Building Inspector's function. At times this has caused conflict when the Town Attorney's office had to prosecute violations on projects that someone from their office had previously approved. This law would abolish the Zoning Administrator position and revert to the way it used to be.

Co. Hausner suggested that, in the interest of checks and balances, we look into maintaining additional step in the approval process, just not necessarily at the Town Attorney's office.

The Town Attorney feels that is not necessary due to more transparency ie, social media, cell phone videos, etc.

The Building Inspector commented that we have very good checks and balances in place.

Carol Jigarjian, New City
Expressed concern at eliminating Code Enforcers.

The Supervisor explained that the Zoning Administrator was not the same job and assured her that we are not eliminating Code Enforcers.

There being no one further wishing to be heard, on motion of Co. Moldow seconded by Co. Borelli the Public Hearing was closed, RESOLUTION NO. 128-2016 ADOPTED, time: 8:07 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/22/2016

8:07 pm

Present: Supervisor George Hoehmann
Council Members Frank Borelli, Stephanie Hausner,
John Noto & Valerie Moldow
Lino Sciarretta , Town Attorney
Justin Sweet, Town Clerk

RE: CONTINUATION Proposed Local Law entitled: "A Local Law amending the Zoning Map and Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to regulating non-residential uses in residential zoning districts"

On motion of Co. Borelli seconded by Co. Hausner the public hearing was continued.

The Town Attorney explained that this was a continuation of a public hearing on this local law which addresses non residential uses in residential zones. We have modified the law in light of some of the comments we have received.

The Town Planner spoke about the process for developing the local law. In response to comments at the last Town Board meeting regarding he gave a synopsis of the process and he went over all of the modifications that were done in response to input. He gave the history behind Senior Housing and, in response to many comments about the modifications proposed with this local law, he gave an explanation of those modifications such as buffers, special permit renewals, driveways, roads, unit size and required percentage of affordable units.

Mark Adelson, New City

He asked how the Middlewood housing compares to these proposed senior complexes and how many of these complexes are being proposed.

The Town Planner explained the differences and stated there are two proposals at this time.

Brian Quinn, Esq., on behalf of O & R & Jawonio

He spoke about concerns his clients had had with certain aspects of the proposed law. However, after further discussions about the impact on existing facilities, he thanked the Planning, Environmental and Town Attorney offices for their reassurances.

Jan Dageshein, Architect

Spoke about the demand for senior housing and the type of housing that today's seniors are looking for when downsizing from their homes ; he feels one-bedroom Middlewood type apartments are not appropriate for many seniors. He also spoke about the redesign costs that will be incurred for having to reduce unit sizes on his client's project.

John McCue, West Nyack

Lives behind Schimpf Farm and had questions on rent and affordability on proposed Senior Housing.

The Supervisor and the Town Planner explained the percentage of required affordable units and what the income requirements are for those affordable units.

The Supervisor thanked all of the staff and Planning Board members who worked on this so long and so well over the past year.

There being no one further wishing to be heard on motion of Co. Borelli seconded by

Co. Moldow the Town Board adopted a Negative Declaration under SEQRA and on motion of Co. Borelli seconded by Co. Moldow the public hearing was closed, RESOLUTION NO. (129-2016) ADOPTED, time: 9:15 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk