

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/11/12

8:00 PM

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli,  
George Hoehmann & Stephanie Hausner  
Dan Kraushaar, Deputy Town Attorney  
Justin Sweet, Town Clerk

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

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SPECIAL PRESENTATION: Clarkstown Youth Court Graduation

The following graduates of the Clarkstown Youth Police Academy were congratulated and recognized for their achievements:

Anastasia Acocella	Cole Johns	Antonio Perito
Thomas Antonello	Tajai Kirkland	Gina Sablich
Kris Blaine	Tiana Kirkland	Frank Schiavone
Aashika Dhivakarababu	Richard Marchese	Justin Selsky
Taylor Dobbo	Kevin Martinez	Vincent Skokos
Liam Flanagan	Evan Mateo	Alex Slaybaugh
Joe Gonzalez	Kyle O'Grady	Andre Torigian
Roman Grudinin	Matthew Pereira	Sydney Vasquez

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On motion of Co. Hoehmann seconded by Co. Lasker the Public Hearing Re: Proposed Local Law entitled "Amendment to Chapter 290 (Zoning) and the Town Zoning Map with respect to Neighborhood Shopping" was opened time: 8:25 pm, closed 8:57 pm.

RESOLUTION NO. (583-2012) ADOPTED

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The Supervisor opened the meeting for comments on the agenda items.

Amy Durbin, Congers  
She asked for clarification on Item #3.

The Purchasing Agent explained that this was for uniforms.

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RESOLUTION NO. (583-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

was introduced by Councilperson Hoehmann, at a Town Board meeting held on November 8, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 8, 2012, directed that a public hearing be held on December 11, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 11, 2012, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on December 4, 2012, and

RESOLUTION NO. (583-2012) continued

WHEREAS, by resolution adopted September 4, 2012, 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 copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 29, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by Jose Simoes, Principal Planner for the Town of Clarkstown, 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 October 16, 2012 recommending the following modifications:

1. Re-lettering of the subsections under Section 290-6.
2. Revision of the LEED certification levels in Section 290-7.4.D.1.ii.to reflect the correct terminology for green building standards.
3. Under Section 290-7.4.G.(1)i., if the site is located on a State or County road, then appropriate highway agency must review and approve the location of the proposed shelter to ensure safety issues are addressed, and Rockland County Department of Public Transportation should also review the proposed shelter to ensure the location is suitable for embarking and disembarking from the bus, safe for the bus to pull over and stop, is handicapped accessible and connects to a sidewalk, and

WHEREAS, Jose Simoes, Town Planner, by memo dated December 5, 2012, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Comprehensive Plan in that it encouraged creating commercial and mixed-use developments that compliment their surrounding neighborhoods, and

WHEREAS, by resolution dated November 14, 2012, the Town of Clarkstown Planning Board recommended in favor of the proposed local law subject to the Town Board requesting that NYSDOT consider reducing the speed limit on Route 304 in the vicinity of Germonds Road, and modification of the proposed local law to eliminate the option of the special permit for mixed use on Route 304, and

WHEREAS, the proposed local law has been revised to address the Clarkstown Planning Board's concerns and the Rockland County Planning Department's modifications;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is an unlisted action under SEQRA, and (2) the proposed action shall not have any significant impact on the environment, 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

FURTHER RESOLVED, that the Town Board hereby directs the Planning Board to request that the NYSDOT consider reducing the speed limit on Route 304 in the vicinity of Germonds Road, and be it

FURTHER RESOLVED, that Local Law No. – 2012 entitled:  
"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (583-2012) continued

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

RESOLUTION NO. (584-2012)  
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 8, 2012 and November 20, 2012 are hereby accepted, as submitted by the Town Clerk.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (585-2012)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Joseph Berry, 82 Massachusetts Avenue, Congers, New York – Motor Equipment Operator II – Highway Department – is hereby granted an extended Sick Leave of Absence – at one-half pay – effective and retroactive to December 8, 2012 thru January 9, 2013

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (586-2012)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Laura A. Gilroy, 40 Pine Street, New City, New York – is hereby appointed to the (promotional) (provisional) position of Principal Account Clerk – Office of the Town Comptroller – at the current 2012 annual salary of \$45,955., - effective and retroactive to December 10, 2012.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (587-2012)  
Co. Lasker offered and Co Borelli seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:

BID#43-2012 – WORK CLOTHING

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (588-2012)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program, and

WHEREAS, the Town of Clarkstown has been notified by letter dated November 16, 2012, that funds have been reserved for the Town of Clarkstown’s sobriety checkpoint held on November 21, 2012 in the amount of \$1,000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement, dated November 16, 2012, with the County of Rockland for the STOP-DWI Program, to accept funds in the amount of \$1,000 for the November 21, 2012 sobriety checkpoint, subject to the conditions stated in the agreement.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (589-2012)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Rockland MHA Holding, Inc. site plan (52.19-2-15), Rockland MHA Holding, Inc. has provided a stormwater control facility maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLUTION NO. (589-2012) continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Rockland MHA Holding, Inc. in connection with the Rockland MHA Holding, Inc. site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (590-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, as part of the sale of the Clarkstown Transfer Facility to the Rockland County Solid Waste Management Authority, a Host Community Agreement was negotiated and one of the provisions allowed the Town to conduct an oversight program of the RCSWMA operation for a period of seven (7) years and

WHEREAS, by Resolution Nos. 634-2009, 655-2010 and 676-2011 the Town Board authorized H2M Group to perform said services for the years 2010, 2011, and 2012, and

WHEREAS, H2M has submitted a proposal, dated December 3, 2012, to continue to perform oversight services at the three facilities for the year 2013, and

WHEREAS, the Director of the Department of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an extension agreement with H2M, in a form approved by the Town Attorney, to perform professional engineering services regarding the oversight program of the RCSWMA operation at three facilities for the year 2013, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$70,000.00 for the year 2013, and shall constitute a proper charge to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that pursuant to the Host Community Agreement, the Rockland County Solid Waste Management Authority shall reimburse the Town of Clarkstown for H2M's services.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (591-2012)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage including Commercial General and Automobile Liability, Excess Liability, Property, and Excess Workers Compensation, for a period of one year, commencing on January 1, 2013 and expiring December 31, 2013, and be it

RESOLUTION NO. (591-2012) continued

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$1,280,000 and be it

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to enter into a claims-administration agreement with PMA Management Corporation, for a period of one year, commencing on January 1, 2013 and expiring December 31, 2013, and be it

FURTHER RESOLVED, that the cost of said agreement shall not exceed \$80,000.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (592-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, due to extreme run-of over the constructed embankment, the rip-rap bank stabilization at the Lake Lucille Dam has been eroded, and

WHEREAS, the staff of the Department of Environmental Control have inspected the existing condition and determined that the rip-rap must be reset and supplemented, and a curb be installed to direct run-off into the street catch basins, and

WHEREAS, proposals were solicited from four Contractors to perform the necessary work, and

WHEREAS, three Contractors responded with proposals to perform said work, and

WHEREAS, the lowest qualified proposal was received from Pinebrook Industries, in the amount of \$8,500.00 for base work and \$1,500 for added alternate work, for a total price of \$10,000.00;

NOW THEREFORE, BE IT RESOLVED that RESETTING AND INSTALLATION OF RIP-RAP -LAKE LUCILLE DAM is hereby awarded to:

***Pinebrook Industries***  
***49 Rolling Ridge Road***  
***New City, New York 10956***

for the proposed cost of ***\$10,000.00***, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8765-409-0-88-26, and

BE IT FURTHER RESOLVED that this work and amount are a proper charge to the Lake Lucille Aquatic Improvement District, and shall be apportioned among the benefitted properties of that District.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (593-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

Pearl River Plumbing d/b/a/ Bertussi's  
60-70 Dexter Plaza  
Pearl River, New York 10965  
Louis Bertussi, Vice President

Vito's Plumbing & Heating, Inc. d/b/a Mr. Plumber  
39 South Main Street  
New City, New York 10956  
Vito Martorana, President

NOW, THEREFORE, be it  
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate  
of Registration to:

- 12-38 PEARL RIVER PLUMBING d/b/a BERTUSSI'S
- 12-39 VITO'S PLUMBING & HEATING INC. d/b/a MR. PLUMBER

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (594-2012)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, John F. Gillespie, President of jfg & associates, Inc., has advised the Town by letter dated December 4, 2012, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that City Line Family Restaurant has applied for an on-premises liquor license at 254 S. Main Street, New City, New York, and

WHEREAS, to expedite processing said corporation's license application, John F. Gillespie has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;  
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of City Line Family Restaurant for a license at premises located at 254 S. Main Street, New City, New York.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (595-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 198-2011, the Town Board authorized an agreement with H2M Group to investigate the periodic flooding which occurred into the vicinity of the Lake Nanuet Pool Complex by evaluating the drainage system along Lake Nanuet Drive and the State Route 304, and

WHEREAS, H2M discovered that the existing drainage pipe was undersized and a major contributor to flooding of the pool and recommended replacing the existing pipe with a larger capacity box culvert, and

WHEREAS, by Resolution No. 589-2011, the Town Board authorized the Supervisor to enter into an agreement with H2M Group to provide engineering services in connection with the replacement of the piping system in the vicinity of the Lake Nanuet Pool Complex for a fee not to exceed \$49,500.00, and

WHEREAS, during the construction of the new culvert under Lake Nanuet Drive, H2M Group encountered several unanticipated issues that impacted the project schedule and resulted in additional construction observation and management time, and

WHEREAS, H2M Group has submitted a proposal, dated November 6, 2012, to provide additional necessary construction observation and administration services,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the agreement with H2M to increase the construction administrations/observation budget as per the proposal, and be it

FURTHER RESOLVED, that the fee for these additional services shall not exceed the sum of \$9,000, and shall constitute a proper charge to Account No. H-8759-409-0-83-27.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (596-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and

WHEREAS, John W. Coyle, Safety Manager, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2013 and terminating on December 31, 2013, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for the year 2013, for such services, shall be \$3,798.50, with additional hourly fees in accordance with said proposal dated November 2012, which fees shall be charged to Account No. A 9000-409.

RESOLUTION NO. (596-2012) continued

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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The Supervisor opened the meeting for general public comments.

Tom Nimick, New City

He inquired about a resolution from the last Town Board meeting regarding recommended security improvements. He thought this resolution should be reconsidered before we add this to our debt.

Stephen Levine, Congers

Spoke about a fictional kingdom where subjects were treated unfairly by the prince and princess.

Amy Durbin, Congers

She asked about a certiorari filed by Co. Borelli.

Co. Borelli informed her that the certiorari was for property owned by his father and not him.

The Code Enforcer gave a brief history of the Teaberry Port House. While everyone laments the demise of this property, he explained that it was a complicated process over the last 20 to 30 years. United Water provided an engineering report showing a rehab would cost between five hundred thousand and one million dollars. The house was not salvageable and at the October 31 Historical Review Board meeting the board voted unanimously to grant a demolition permit. The focus tonight is redirected toward the Vanderbilt House on Germonds Road, property the Town acquired late last year. He explained that we are beginning to formulate a plan for restoration. Funding is something that everyone has to pay attention to because we do not want what happened to the Teaberry House to happen to the Vanderbilt House. We have met with the Historical Review Board and we need to be more proactive in lobbying for funding, donations and contributions. He stated that we are on the road to a very positive outcome with this property.

Claire Sheridan, President, Rockland County Historical Society

They are concerned that sites that have been designated historical in Clarkstown are at risk. Teaberry Port House was left unmanaged by United Water. She stated that United Water, in their environmental impact statement regarding the desalinization project, used the Teaberry House as a reason why they needed an alternate plan. So it's interesting that they were concerned about vibration of construction equipment and yet they still let it be demolished. She spoke about Clarkstown's commitment to preserve the Vanderbilt Budke House and explained that George H. Budke, Jr. was Rockland's premier historian. She inquired about the short and long term plans for this property. She suggested we seek community support, and if there is not reasonable public use, perhaps return the house to the public with conservation easements. She stated they would support Clarkstown wherever they could.

Dorice Madronero, Rockland County Historical Society, Board Member

Spoke about United Water's reference to the Teaberry House in their proposed desalinization plan. Now that this property has been demolished, she asked if that makes a difference in their proposal.

Jim Cropsey, Historical Society Trustee

He supports the views expressed by Ms. Sheridan and hopes some worthwhile public use can be found for the Vanderbilt House.

Rich Anderson, Executive Director, Rockland County Historical Society

He finds it upsetting to see many beautiful old homes destroyed. He is excited and optimistic about finding a use for the Vanderbilt House, even if it ends up in private hands again.

Winston Perry, Historical Society Trustee

Spoke of his family's history in Rockland since 1910. The George Budke house is very important to him and he is glad that plans are being made for the immediate and long term care of it. He suggested that part of the West Nyack revitalization funds be used for this.

Dr. Chris Sorenson, West Nyack,

Upset and very disappointed that the destruction of the Teaberry Port House was allowed. He feels United Water has robbed this town of a part of its history.

Supervisor Gromack stated that the Vanderbilt house is a different situation from the Teaberry House because it's on Town property. Regarding the Vanderbilt House the first line of communication should be with our Historical Review Board. They will explore short and long term plans and also seek out State and Federal grants as well as any philanthropic organizations that might want to contribute to the preservation. He encouraged the County Historical Society to work closely with our Historical Review Board on this.

Co. Hausner suggested that perhaps at the February workshop there could be a joint presentation between the Historical Review Board and any residents who would like to offer input.

There being no one further wishing to be heard on motion of Co. Borelli seconded by Co. Lasker, the Town Board meeting was closed, time: 9:29 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/11/12

8:25 PM

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli,  
George Hoehmann & Stephanie Hausner  
Daniel Kraushaar, Deputy Town Attorney  
Justin Sweet, Town Clerk

**Proposed Local Entitled: “Amendment to Chapter 290 (Zoning) of the Town Code and the  
Town Zoning Map with respect to Neighborhood Shopping”**

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The Town Clerk read the notice of public hearing. On motion of Co. Hausner seconded by Co. Lasker, the public hearing was declared open.

The Deputy Town Attorney explained that some of the areas covered in this law include flooding mitigation, green building standards and regulations, outdoor seating for restaurants by special permit and limits on development coverage as far as how much of the lot you can build upon.

Town Planner, Joe Simoes stated the following:

As directed by the Town Board, I have prepared the State Environmental Quality Review Act (SEQRA) materials for the Neighborhood Shopping (NS) Zoning District. Pursuant to the provisions of SEQRA, on November 8, 2012 the Town Board declared itself Lead Agency, as it is the only involved agency that can undertake the passage of the proposed legislation. It is my opinion that the enactment of this legislation is an Unlisted Action that will not have the potential to adversely affect the environment. Being an unlisted action I prepared a full Environmental Assessment Form and I have a proposed negative declaration. The reasons for supporting that negative declaration are as follows: \_ District development standards will promote attractive development, an open street appearance, and compatibility with adjacent residential areas. Development is intended to compliment the aesthetics of the neighborhood. In addition, regulations will be placed on outdoor seating to prevent disturbance to the surrounding neighborhoods. Current facilities and infrastructure exists to accommodate the development of these areas under the provisions of the NS zone. The NS zone has the same floor area ratio (FAR) (0.5) as that of the non-residential districts that it is replacing but it goes further than the current zoning to reduce the impacts of impervious surfaces by limiting total development coverage to 0.6. The NS zone only allows for a slight increase in FAR if the developer agrees to mitigate stormwater runoff to an extent greater than currently required, or agrees to increase building energy efficiency and obtain LEED certification. The overall maximum build-out potential for the NS zone is very similar to that of the current zoning, except that it permits mixed-use residential development by special permit. The Town will continue to enhance coordination with both public and private transportation services to ensure these area’s transportation needs are met. Traffic, air quality, stormwater, sewage generation, water use and construction impacts will be analyzed and mitigated on a per project basis, as required by the State Environmental Quality Review Act (SEQRA), as development occurs within the NS zone. The NS zoning is in compliance with the Comprehensive Plan, as it expands commercial zoning while offering new housing options within the Town by permitting apartments over business. The requirements of the NS zone are designed to scale this growth appropriately, creating commercial and mixed-use developments that compliment their surrounding neighborhoods.

The Supervisor opened the meeting for public comment.

Steven Levine, Congers

He asked for clarification as to the residences in the Neighborhood Shopping District. He asked how many stories would be permitted. He expressed concern about this resulting in a lot of multi-family units in this area. He suggested we take another look at this before voting on it.

The Town Planner clarified that residences would be allowed under Special Permit along the Route 9W corridor. He also stated the maximum number of stories permitted would be 2 if it's commercial and 3 if it's mixed use. He stated the residential component is only in the northern 9W corridor and allowable only by special permit. This is very limited in scope and is not something that will create any unintended consequences.

Frank Grandel, New City

He also expressed concern about multi-family development and asked for an explanation on the special permit process.

The Deputy Town Attorney explained the special procedure process and stated that an applicant would have to show that they meet certain standards and criteria.

John Hanchar, Congers

He is in favor of this change regarding the 9W corridor because it is very industrial and commercial and he feels that anything anyone invested along that corridor would be an improvement. This area needs sprucing up and this may be the impetus needed for that.

Richard Sena, Bardonia

He feels that the zone change is the right thing for the 9W corridor and it will also help the tax ratables.

Marge Hook New City

She asked about the residences, would these be apartments, how many rooms in each, did this require HUD money, would this cause an increase in town services and would they be monitored to insure they remain only one-family residences?

The Supervisor stated these were not HUD and as far as monitoring they would have to follow the laws of the Town.

The Town Planner explained that the maximum build out would be 158 units. The maximum number of rooms was 2 bedrooms and the Planning Board did put a maximum on the number of 2 bedrooms units allowed at 25%. This is very limited in scope.

Jerry Lott, Resident & Real Estate Broker

He is in favor of this proposal as a way to upgrade Route 9W and also for ratables to defray the cost of taxes and attract industry to the Town.

There being no one further wishing to speak, on motion of Co. Hoehmann seconded by Co. Lasker the Public Hearing was closed, time: 8:57 p.m.

RESOLUTION NO. (583-2012) ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk