

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

12/6/88

8:00 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis, Maloney and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: ZONE CHANGE APPLICATION - CLINTON SQUARE PLAZA - LIO TO MRS

Supervisor Holbrook called the meeting to order.
Assemblage saluted the flag.

Supervisor explained the purpose of the meeting which is to make a decision on the Clinton Square Plaza request for a zone change from LIO to MRS. He asked the Town Board members to indicate for the record whether they wish to entertain any public comment this evening.

Councilman Kunis stated that we have had many, many hours of hearings. This is a special meeting called to vote tonight. The Town Board has been more than fair in listening to all sides of this proposed zone change and he said he was here prepared to vote as per the meeting resolution.

Councilwoman Smith said the only people who will speak tonight are the Council people.

Councilman Carey said he still believes in old fashioned democracy and if someone wishes to be heard tonight they should be.

Councilman Maloney said he respects Mr. Carey's feelings but this meeting, like every meeting where we reserve a decision, its just to come back and to vote because we have had public input and he is prepared to vote.

Supervisor Holbrook said he is also prepared to vote but he had no objection to anyone who would wish to make a comment so he would vote for public comment. Note that suggestion failed.

RESOLUTION NO. (1149-1988)(FAILED)

TABLING DECISION RE CLINTON
SQUARE PLAZA, INC. FOR
FURTHER INVESTIGATION BY
BOARD OF ETHICS

Supervisor Holbrook offered the following resolution:

RESOLVED, that decision re: zone change for Clinton Square Plaza be tabled for this evening until the Board of Ethics of the Town of Clarkstown has an opportunity to investigate the various allegations that have come to light in the past week.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Kunis.....No
Councilman Maloney.....No
Councilwoman Smith.....No
Supervisor Holbrook.....Yes

Supervisor said at this time he would like to read the resolution regarding the SEQRA findings. He said as you know before any decision can be made these findings must be addressed. He said he would read a portion of the proposed resolution and then call upon the attorneys hired by Clarkstown in preparing these resolutions to explain the basic contents of the SEQRA resolution.

Continued on Next Page

RESOLUTION NO. (1150-1988)

RESOLUTION REGARDING SEQRA
FINDINGS ON ZONING PETITION
FILED BY CLINTON SQUARE
PLAZA, INC. FOR CHANGE OF
ZONING FROM LIO TO MRS

Co. Maloney offered the following resolution:

WHEREAS, a Petition was filed by Clinton Square Plaza, Inc. (the "Applicant" or "Pyramid") on or about June 12, 1987, requesting the Town Board of the Town of Clarkstown to amend the Zoning Ordinance of the Town of Clarkstown to rezone several parcels of land described with particularity in a Notice of Public Hearing, a copy of which is attached as Exhibit A (on file in the Town Clerk's Office), and on the tax maps of the Town of Clarkstown as Map 89, Block A, Lots 4, 12.02 and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49 from Light Industrial Office ("LIO") to Major Regional Shopping ("MRS") to permit the construction of a regional shopping center to be known as the "Palisades Center" in West Nyack (the "Project" or "Site"), and

WHEREAS, said Petition was appropriately filed along with required environmental assessment forms and all fees paid, and

WHEREAS, the Town Board thereafter circulated the required notice pursuant to the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law ("ECL") Article 8 and implementing regulations contained in 6 NYCRR Part 617, seeking to designate itself as the lead agency in the review of this Type I action and determined that a draft environmental impact statement (hereinafter the "Draft Generic Environmental Impact Statement" or "DGEIS") be prepared by the Applicant, and

WHEREAS, the Town Board retained the services of Manuel S. Emanuel Associates, Inc. (the "Consultant") as environmental and engineering consultants to review the DGEIS on behalf of the Town, and

WHEREAS, the Town Board referred the matter of the requested zone change for recommendations to the Rockland County Planning Department pursuant to General Municipal Law Sections 239-1 and 239-m and the Town of Clarkstown Planning Board pursuant to Section 106-32 of the Code of the Town of Clarkstown, and

WHEREAS, the Town Board by resolution adopted December 22, 1987, scheduled a public scoping session for the DGEIS which was held on January 15, 1988, at which time all interested and involved agencies and members of the public were given an opportunity to be heard with regard to the scope and content of the DGEIS, and

WHEREAS, the Consultant provided an additional opportunity for interested persons to comment on the scope of the DGEIS by providing written comments on or before January 29, 1988, and

WHEREAS, on March 18, 1988, Consultant provided to the Applicant a Final Scoping Report regarding issues to be addressed in the DGEIS, and

WHEREAS, on March 25, 1988, the Applicant submitted a proposed DGEIS, with several Appendices A-H, to the Town Board and the Consultant for their review and in addition provided copies to all interested and involved agencies and the public, and

WHEREAS, the Consultant and Town Board received and carefully reviewed and thoroughly considered numerous comments on the proposed DGEIS, and

Continued on Next Page

STBM - Zone Change - Clinton Square Plaza - 12/6/88
Page 3

Resolution No. (1150-1988) Continued

WHEREAS, on or about May 10, 1988, the Consultant after a thorough review of the DGEIS and comments thereon recommended to the Town Board that the DGEIS be accepted as complete with respect to its scope, content and adequacy, and

WHEREAS, the Town Board, in accordance with Sections 264 and 265 of the Town Law, scheduled a public hearing on the proposed amendment of the Zoning Ordinance for May 25, 1988, and caused a Notice of Public Hearing to be published as required by law, and

WHEREAS, at a Town Board meeting on May 10, 1988, the Town Board determined that the DGEIS was complete with respect to its scope, content and adequacy, and ordered its circulation as required by law and scheduled a public hearing on the DGEIS for May 25, 1988, and

WHEREAS, a combined Notice of Completion of the DGEIS and SEQRA Public Hearing, as well as the DGEIS itself, were filed, published and circulated to the appropriate agencies as required by law, and

WHEREAS, pursuant to the intent of the SEQRA and the regulations promulgated thereunder that the environmental review process be integrated into existing agency review processes to the maximum degree feasible and occur at the same time as other agency reviews are being undertaken, the Town Board scheduled a SEQRA public hearing on the DGEIS and a public hearing on the proposed rezoning of the Site, and

WHEREAS, notices of the said public hearings were published and posted in accordance with applicable provisions of the Zoning Ordinance of the Town of Clarkstown and the SEQRA regulations, and

WHEREAS, public hearings were held on May 25, 1988, May 31, 1988, and June 21, 1988, at which time all persons attending who wished to be heard with respect to the proposed Project were given an opportunity to be heard, and

WHEREAS, in accordance with the SEQRA regulations, on June 28, 1988, the Town Board voted to extend the written comment period until July 8, 1988, and

WHEREAS, in response to the request of the New York State Department of Transportation ("NYSDOT") for an extension of the written public comment period on the DGEIS until September 1, 1988, in order to coordinate its review of the DGEIS traffic analyses and proposed roadway improvements with the U.S. Federal Highway Administration, the request of the Rockland County Department of Planning to delay the submission of its recommendations pursuant to Sections 239-1 and 239-m of the General Municipal Law, until after receipt of the NYSDOT submitted comments and the similar request of Town of Clarkstown Planning Board to delay submission of its recommendations on the rezoning, the Town Board granted the requested extensions of time for these agencies, and

WHEREAS, a majority of the Town of Clarkstown Planning Board recommended against approval of the proposed rezoning application on November 2, 1988, and made substantive comments thereon, including a minority report, which have been examined and carefully considered by the Town Board, and

WHEREAS, the Rockland County Department of Planning initially recommended disapproval of the proposed rezoning application on July 9, 1988, without prejudice to the reconsideration of the matter upon receipt of the comments of the

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

NYS DOT, and thereafter on October 26, 1988, recommended approval of the proposed rezoning application with conditions and made substantive comments thereon, which have been thoroughly examined and carefully considered by the Town Board, and

WHEREAS, at Town Board meetings on August 11, 1987, October 13, 1987, November 24, 1987, December 8, 1987, December 22, 1987, March 8, 1988, April 12, 1988, April 19, 1988, April 26, 1988, May 10, 1988, June 2, 1988, June 7, 1988, June 14, 1988, June 28, 1988, and October 25, 1988, comments and discussion were received and considered relating to the zone change, the DGEIS or the Final Generic Environmental Impact Statement ("FGEIS"), which comments have been examined and considered by the Town Board in addition to the comments received at the public hearings held on May 25, 1988, May 31, 1988, and June 21, 1988, and

WHEREAS, the Town's environmental Consultant submitted memoranda to the Town Board presenting its views and comments with respect to both the DGEIS and the FGEIS, which comments have been examined and considered by the Town Board, and

WHEREAS, the Applicant proceeded with the preparation of a FGEIS for the consideration of and review by the Consultant and Town Board, and

WHEREAS, the Applicant filed the proposed FGEIS with the Town Board and its Consultant in the Town of Clarkstown on October 14, 1988, and

WHEREAS, members of the Town Board carefully reviewed and thoroughly considered the proposed FGEIS and the recommendations of the Consultant with regard to the adequacy and completeness of the FGEIS, and

WHEREAS, on October 25, 1988, the Town Board voted to issue the FGEIS and cause the FGEIS, along with a Notice of completion of FGEIS, to be filed and circulated in accordance with the SEQRA regulations, including the filing of the FGEIS in four public libraries in the Town of Clarkstown, and

WHEREAS, the Town Board requested that comments on the FGEIS be provided to it in written form, to be received by the Town Board on or before November 4, 1988, and the Town Board granted to the NYS DOT an extension of the period to submit its comments until November 15, 1988, and

WHEREAS, the Town Board has allowed public consideration of the FGEIS to a greater extent than required by laws, and

WHEREAS, the Town Board had received additional comments during this public consideration period, which comments have been carefully considered by the Town Board, and

WHEREAS, the Town Board has reviewed and carefully considered the FGEIS, as well as all written and oral comments received with respect to the rezoning application, the DGEIS and the FGEIS;

NOW, THEREFORE, BE IT

RESOLVED, that in connection with the proposed zone change the Town Board has fully considered its impact not only upon the Town of Clarkstown but also areas outside the Town and in connection therewith has carefully reconsidered its comprehensive planning objectives for the West Nyack shopping area and the Nanuet

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

Shopping Area as well as their surroundings, in the context of the Master Plan for the entire Town, and on the basis of such reconsideration the Town Board hereby accepts both the clarifying statement of comprehensive planning goals set forth in Part XVI and the analysis of growth inducing aspects set forth in Part XVII of the SEQRA Findings Statement set forth below in this resolution, and by copy of this Resolution the Town Planning Board is requested to amend the Town Master Plan in accordance with these goals and the Rockland County Commissioner of Planning is requested to amend the County Land Use Plan accordingly, and be it

FURTHER RESOLVED, that the Supervisor is hereby directed to request the County Office of Emergency Services to prepare a comprehensive emergency service and response plan for the West Nyack area in accordance with specific references to Exhibits Nos. 8 and 12 of the Rockland County Planning Commissioner's recommendation of October 26, 1988, and be it

FURTHER RESOLVED, that at the time of site plan submission the Applicant's site plan shall indicate a site for a rail station with the supporting parking and access road for restored passenger service on the West Shore Line and that the Supervisor of the Town is hereby directed to request a meeting with Metro North, New Jersey Transit and County Transportation to determine in conjunction with the Town Board the advisability of reserving a rail yard on the site, and be it

FURTHER RESOLVED, that the Town Board hereby determines that the requirements of Part 617, New York Code of Rules and Regulations, Volume 6, have been met and

i. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the rezoning action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS, and

ii. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FGEIS process will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

In making its findings and determinations under SEQRA, the Town Board has relied upon the facts and conclusions in the FGEIS and the environmental record upon which it is based and, without intending to limit the foregoing, in particular, upon the environmental, social, economic and other factors set forth below, all of which form the basis of the Town Board's rezoning action:

SEQRA FINDINGS

PART I: INTRODUCTION

1. A Petition was filed by Clinton Square Plaza, Inc. on or about June 12, 1987, requesting the Town Board of the Town of Clarkstown to amend the Zoning Ordinance of the Town of Clarkstown to rezone several parcels of land and more particularly described in a Notice of Public Hearing published May 13, 1988, and on the tax maps of the Town of Clarkstown as Map 89, Block A, Lots 4, 12.02 and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49 from LIO to MRS to permit the construction of a regional shopping center to be known as the Palisades Center in West Nyack, Clarkstown, New York.

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

2. The Town Board of the Town of Clarkstown was designated lead agency under SEQRA and held a public scoping meeting on January 15, 1988. A DGEIS for the rezoning application was prepared for the Town Board by the Applicant, analyzing both broad land use considerations and trends, as well as specific impacts of the proposed Project to the extent detailed information was available. The DGEIS was reviewed by the Town's environmental Consultant; and was determined complete by the Town Board on May 10, 1988. Public hearings were held on May 25, 1988, May 31, 1988 and June 21, 1988, and comments were received from the public prior to, at and following the public hearings. The public comment period closed on July 8, 1988, except that the NYSDOT, Rockland County Planning Department and Town of Clarkstown Planning Board were granted several extensions of time through October 27, 1988, to provide additional comments and recommendations.

3. A FGEIS was subsequently prepared by the Applicant for consideration and review by the Consultant and the Town Board. Following this careful review and analysis, the FGEIS was revised and issued by the Town Board on October 25, 1988, and circulated to the involved agencies and the public. Comments on the FGEIS were received from the public through November 4, 1988 and from NYSDOT through November 15, 1988.

4. The Town Board has carefully and thoroughly reviewed the information contained in the FGEIS, including the DGEIS and its appendices A-H and the three other volumes which constitute the FGEIS, and comments thereon and found it to be an adequate examination of all important potential impacts which would result from affirmative action on the subject rezoning application. In particular, a broad review of land use, physical and biological, drainage, existing landfills, roadway and traffic, socio-economic, and community service considerations was undertaken and included in the DGEIS, comments were received on that information and responses to that commentary were included in the FGEIS, which responses this Board has carefully and thoroughly reviewed and determined to be adequate.

5. Since receipt of the FGEIS, the Town Board has received additional comments. The Town Board has carefully and thoroughly considered these additional comments and has determined that the issues raised by such comments were adequately treated in the FGEIS.

6. The proceedings relating to the Palisades Center FGEIS and this rezoning application have occurred over a period of approximately 16 months. During this period, the Town Board has reviewed hundreds of pages of written submissions, received hours of oral comments and carefully reviewed, questioned and analyzed, with the Town's environmental consultants, the various impacts of, alternatives to, and potential mitigative measures for this proposed rezoning.

7. The Town Board recognizes that qualified experts on any topic may differ in their conclusions and, in particular, may differ in the judgments employed during analysis. The Town Board acknowledges that the review of this rezoning proposal could lead to the development of the Palisades Center and the debate over various benefits and impacts of the Project could go on forever. Nevertheless, the Town Board has carefully reviewed many hundreds of pages of documentation on the various issues that have been submitted by government agencies, other experts and the general public that reflect hundreds of hours of examination of the project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this project as a basis for considering the requested rezoning of the Site.

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

8. SEQRA was designed to foster a careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequence has the most meaning. This review is conducted prior to any agency decision regarding permits or approvals and when the proposed project is still in its conceptual and formative stages. This early environmental analysis of a proposal is particularly appropriate in the case where a rezoning of land is also required for project development. The filing of conceptual plans for a major project is common and affords important opportunities to obtain information and help shape the ultimate project which will be presented for more detailed review by the Town Planning Board at its site plan review stage. The environmental review of this rezoning action has afforded the Town Board and other involved agencies a clear understanding of the potential environmental impacts that might arise from the actual construction and operation of the Palisades Center. To the extent possible, the Applicant presented detailed information regarding certain impacts, most notably traffic, which can be reasonably anticipated and analyzed at an early stage of review. Analysis of other impacts, such as the storm water management controls, could only be performed in a conceptual manner and must await the preparation of a detailed site plan, the review of which is under the explicit jurisdiction of the Town of Clarkstown Planning Board which, in turn must consider the potential environmental effects of the Palisades Center in reaching its determinations on the approvability of the site plan to be presented to it. The environmental review process has provided the Town Board with a clearer understanding of the nature and potential impacts associated with the Dexter and Old Nyack Landfills which are within the boundaries of the Site. The New York State Department of Environmental Conservation ("NYSDEC") has exclusive jurisdiction over the investigation and appropriate remediation of these two landfills. The Applicant has been working cooperatively with the NYSDEC for over three years regarding the investigation and cleanup of the Site, notwithstanding the fact that it was not responsible for creating the landfills. The Town Board and other agencies of the Town will seek to work closely with the NYSDEC to ensure that all appropriate steps are taken to minimize any risk to public health or the environment that might arise from the proposed construction and operation of the Palisades Center.

PART II: THE SITE

9. The members of the Town Board are familiar with the Site, the area surrounding the Site and the retail opportunities in the Town of Clarkstown and Rockland County.

10. The proposed action seeks to rezone five contiguous parcels constituting approximately 108 acres of land. The land is largely undeveloped at the present time.

11. The land owned or under the control of the Applicant comprises approximately 124 acres and includes parcels adjoining or contiguous to the Site. The Site is an irregularly shaped parcel, that is generally bounded by New York State Route 59 on the south, New York State Route 303 on the east, the New York State Thruway (I-287) to the north, and the Conrail right-of-way to the west. The Site contains a 110 foot rock outcrop, two inactive landfills, wetland areas and portions of a flood plain.

12. Property to the south of the project area, adjacent to New York Route 59 and east along New York Route 303, is zoned for regional shopping (RS)

13. Property to the north of the project area across the New York State Thruway is zoned for manufacturing (M)

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

14. Property to the east which is an area zoned for Medium Density Residential (R-15) is separated from the project site by a narrow corridor of land along New York Route 303 which is zoned for regional shopping (RS).

15. The property west of the project site which is contiguous along the north-south access of the Conrail easement is zoned R-15 (Medium Density Residential). Homes in this residential area are located greater than 1,000 feet from the project and are separated by the Orange-Rockland Utility easement, the Conrail easement and a large freshwater wetland area.

PART III: PROPOSED DEVELOPMENT

16. Applicant plans to construct and operate the Palisades Center, an enclosed major regional shopping and community center, which will be comprised of approximately 875,000 square feet of gross leasable area, consisting of four major bi-level department stores, over 150 mall stores and community facilities such as an ice skating rink, civic and wellness center, amphitheater, commuter parking, a transportation hub, child care center and a nature conservancy area.

17. Applicant is required to obtain Town Planning Board site plan approval prior to constructing the Palisades Center. Site plan approval will allow the Town to further control the development of the Site to assure that the scope of development is consistent with that analyzed in the FGEIS. The Planning Board site plan approval considers, among other issues: ground coverage, setbacks, parking spaces, ingress and egress to state highways, sewer, water, drainage, lighting, signage, screening and landscaping.

18. The Town Board of Clarkstown, as lead agency, reviewed a conceptual site plan for the Palisades Center set forth in the DGEIS and FGEIS. The detailed site plan to be prepared will have to take into account the comments of the involved agencies, in particular, the NYSDOT regarding roadway improvements and the NYSDEC regarding construction in and around the landfills.

19. As demonstrated by the FGEIS, the proposed 875,000 square foot development would cover approximately 65 acres (building, parking and roadways) of the 108 acre site, while providing adequate parking and setbacks, storm water retention facilities to mitigate any increase in storm water runoff and leaving approximately 42 acres of the site landscaped and/or as open space.

20. The scope of development proposed by the Applicant meets the requirements of the zoning ordinance with respect to a reduction in the bulk requirements for portions of the site with steep slopes or within wetland areas.

21. Subsequent to the rezoning of the site to MRS, detailed site plans must be prepared and submitted to the Town Planning Board for review and approval. A landscaping plan must be reviewed by the Town Shade Tree Commission and plans for the building facade reviewed by the Town Board of Architectural Review.

22. Other agencies which must approve various aspects of the proposed development include the Rockland County Sewer District No. 1, the Rockland County Drainage Agency, the New York State Department of Transportation, the New York State Thruway Authority, the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers and the U.S. Federal Highway Administration.

23. The Applicant must also comply with the conditions of approval of the Rockland County Department of Planning as set

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

forth in the Department's October 26, 1988, conditional approval of the rezoning application pursuant to New York General Municipal Law Sections 239-1 and 239-m.

PART IV: TRAFFIC AND ROADWAY IMPROVEMENTS

24. The principal roadways to be affected by the construction and operation of Palisades Center are New York Route 303 and New York Route 59 which fall under the jurisdiction of the NYSDOT and the New York State Thruway which falls under the authority of the New York State Thruway Authority.

25. While a consultant for the Nanuet Mall has questioned the reliability of the Applicant's traffic projections, the NYSDOT has accepted the Applicant's traffic studies as being accurate and adequate for review of the project.

26. Applicant has agreed to make the following roadway improvements which will maintain or improve existing Levels of Service:

- a. Construct a new four-lane bridge over the New York State Thruway providing access to and from the Palisades Center from Snake Hill Road;
- b. Construct the intersection of Snake Hill Road and the Palisades Center/New York State Thruway Bridge with two lanes on Snake Hill Road westbound providing free-flow through movements to both Snake Hill Road and the new New York State Thruway Bridge, one lane on Snake Hill Road eastbound providing through movements only, and two lanes on the new New York State Thruway Bridge northbound providing only through movements onto Snake Hill Road eastbound. This intersection should be unsignalized with "Stop" sign control facing the Snake Hill Road eastbound approach;
- c. Relocate the present terminus of the New York State westbound on-ramps from New York Route 303 to Snake Hill Road to provide two left turn lanes and a single through lane on the Snake Hill Road westbound approach, two through lanes and a separate free-flow right turn lane on Snake Hill Road eastbound approach, and two left turn lanes and a separate free-flow right turn lane on the New York State Thruway westbound ramp approach. The New York State Thruway westbound on-ramp will be constructed to provide two lanes. In addition, the storage capacity of the New York State Thruway off-ramp will be increased by providing a two lane section beginning at the existing ramp gore area;
- d. Reconstruct the intersection of Snake Hill Road and New York Route 303 to provide two left turn lanes and a separate right turn lane on the Snake Hill Road eastbound approach, two left turn lanes and two through lanes on the New York Route 303 northbound approach and two through lanes and a separate right turn lane on the New York Route 303 southbound approach;
- e. Relocate the termini of the New York State Thruway eastbound ramps with New York Route 303 to a location approximately 75 yards south of the existing intersection. Construct a widened two lane New York State Thruway eastbound off-ramp beginning east of the Conrail Bridge over the New York State Thruway (this will require rock excavation in this location) and terminating at New York Route 303;

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

- f. Construct the intersection of eastbound ramp of the New York State Thruway with New York Route 303 to provide two left turn lanes and a separate right turn lane on the eastbound approach, two left turn lanes and two through lanes on the northbound approach and three through lanes with a separate right turn lane on the southbound approach. The intersection would be signalized with three-phase operation. In addition, at this intersection a new municipal road would be constructed to provide an entrance to Palisades Center from New York Route 303 northbound by way of a grade separation over the New York State Thruway eastbound off-ramp, thereby eliminating the need for a signalized intersection between this new municipal road and the New York State Thruway ramp.
- g. Construct a new municipal road from the New York State Thruway eastbound off-ramp (approximately 1000 feet west of its intersection with New York Route 303) to provide a separate free-flow right turn lane from the eastbound off-ramp into the new municipal road leading to Palisades Center and a free-flow right turn lane from the new municipal road onto the New York State Thruway off-ramp, thereby providing access to New York Route 303.
- h. Construct a loop and bridge over New York Route 59 between its intersections with Dexter Avenue and Besso Street to provide ingress to Palisades Center from the west and egress to the east.

In addition, the Applicant will undertake the following work if requested to by the New York State Department of Transportation:

- i. Widen New York Route 59 eastbound at the intersection of New York Route 59 and Broome Boulevard to provide a separate left turn lane. This would be subject to the construction by others of a left turn lane into the Hub Shopping Center from New York Route 59 eastbound.
- j. Improve the northwest connector road between New York Route 59 and New York Route 303 (Bobby Lane) with curbing and defined curb cuts to improve safety conditions.
- k. Eliminate all curb cuts along New York Route 303 southbound between the intersection of New York Route 303 and New York State Thruway eastbound ramps and Virginia Avenue, including Joe Raso Street.

27. The extensive roadway improvements will substantially mitigate the effects of increased traffic on New York Route 303 and will provide safe and efficient traffic operations for through traffic, as well as traffic destined for the Palisades Center.

28. Applicant will bear the cost for design and construction of roadway improvements. In addition, the Applicant will conduct traffic studies within one year after issuance of a Certificate of Occupancy to confirm that its improvements are working in accordance with projections. To the extent the improvements are not functioning in such manner, Applicant, at its own expense, will correct them.

29. Applicant will guarantee completion of the traffic improvements by depositing a letter of credit with the Town of

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

Clarkstown in an amount to be determined by the Town of Clarkstown Planning Board, Rockland County Highway Department, NYSDOT and New York State Thruway Authority in a form to be approved by the Town Attorney, which letter of credit will guarantee construction in accordance with a timetable for the road improvements contemplated. The letter of credit will be deposited with the Town prior to final site plan approval. The substantial completion of improvements to New York State Thruway Interchange 12, New York Route 303 and New York Route 59 described in Paragraph 26 shall occur prior to the issuance of a building permit for the shell any building on the Site. Full completion of traffic improvements shall be conditions precedent to issuance of a preliminary Certificate of Occupancy for Palisades Center.

30. In addition to the improvements at those locations adjacent to the Palisades Center, Applicant has proposed the following improvements at several key intersections on New York Route 303 in an effort to address concerns about traffic impact at a considerable distance from the Site (the "Route 303 Corridor Improvements"):

- a. Close the median along New York Route 303 at Casper Hill Road to eliminate left turn conflicts, or, alternatively, eliminate all access at Casper Hill Road;
- b. Widen the intersection of New York Route 303 and Storms Road/Morris Road to provide left turn lanes on all four approaches and install a traffic signal, or, alternatively, prohibit northbound left turn lanes;
- c. Widen New York Route 303 at Lake Road (Congers) to provide left turn lanes on both approaches and widen the eastbound approach to provide a separate right turn lane. Also, realign Lakewood Drive (located immediately north of the intersection) to improve sight distance to the north.
- d. Widen intersections to provide left turn lanes northbound and southbound on New York Route 303 at Bradley Parkway, Erie Street and Mountainview Avenue.

Implementation of these improvements is subject to the discretion of the Town, as these improvements may not be technically required to handle traffic generated by Palisades Center and will be decided upon by the Town of Clarkstown Planning Board at the time of site plan review. Prior to final site plan approval, the Applicant will deposit with the Town a letter of credit to guarantee implementation of these improvements along with those discussed in paragraph 34, *infra*. The amount of the letter of credit shall be determined by the Town of Clarkstown Planning Board, the Rockland County Highway Department and NYSDOT. In the event these road improvements are determined to be necessary, the Applicant shall substantially complete such improvements prior to the issuance of a building permit for the shell of any building on the Site. Full completion of such road improvements shall be a condition precedent to issuance of a preliminary Certificate of Occupancy.

31. Once the off-site roadway improvements have been constructed by Applicant and accepted by the governmental agencies having jurisdiction thereof (i.e., NYSDOT, New York State Thruway Authority, County of Rockland and/or Town of Clarkstown), maintenance will be performed by each such governmental agency over its roadways.

32. The roadway improvements proposed by Applicant will encourage use of major roadways to access the Palisades Center. The primary roads around the site should provide an efficient and safe

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

pathway to the Palisades Center to encourage shoppers to use them instead of burdening secondary roads.

33. The results of a review of the local roadway network indicate that only a small portion of the local population may use other local roads to travel to Palisades Center. There is no way to reasonably restrict the use of some local roads by local traffic beyond the measures proposed by the Applicant.

34. The Applicant will also commit to bearing the cost of measures to help improve traffic on secondary roads if so desired by the Town Board, as follows:

- a. Widen intersection of Lake Road and Kings Highway in Congers to provide left turn lanes;
- b. Install a traffic signal at the intersection known as Pye's Corners (Germonds, Strawtown and Old Mill Road);
- c. Widen the intersection of West Nyack Road and Strawtown Road to provide turn lanes; and
- d. Provide signalization at the intersections of Brewery Road and Congers (New City) Road.

In the event the Town Planning Board determines such improvements to be desirable, Applicant shall complete such improvements prior to the issuance of a building permit for the shell of any building on the Site.

35. The operation of the Palisades Center will unavoidably generate a traffic impact. However, with the improvements proposed, traffic conditions will fall within acceptable limits during all hours and will be significantly improved during the peak a.m. hours. The Exit 12 Interchange of the New York State Thruway at New York Route 303 currently operates at unacceptable levels at various times of the day. The Applicant's proposed traffic improvements will substantially improve the operation of this intersection with limited expenditure of public funds. If the Site could be developed under the existing zoning classification, traffic impacts potentially could be worse because the extensive traffic improvements proposed by the Applicant would unlikely be constructed. Thus, despite the increase in traffic volumes which will result from the operation of the Palisades Center, the proposed improvements to the existing road system will generally sustain the existing levels of service and provide for safe and efficient access and departure for the Palisades Center and, most importantly, through traffic.

36. The traffic studies contained in the FGEIS, prepared at the request of the NYSDOT, establish that with normal projected increases in traffic, the highway capacity for the main State highways (New York State Thruway, New York Route 303 and New York Route 59) will be more than adequate for a period through the 1990's. However, if regional growth continues, highway capacity may be impacted by the year 2000.

37. The NYSDOT will make the final determination on the signal timings at all intersections on the State roadways including the proposed improvements to Thruway Exit 12.

PART V: LANDFILLS

38. The eastern portion of the Site contains two 12-acre inactive landfills, the Dexter and Old Nyack landfills, which are currently listed on the New York State Department of Environmental Conservation Registry of Inactive Hazardous Waste

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

Disposal sites. Both landfills are classified as "Class 3", a classification assigned to sites that "do not present a significant threat to the public health or the environment". The investigation and remediation of these landfills is subject to the enforcement authority of the NYSDEC pursuant to ECL Article 27, Title 13.

39. The actual development of the Site, regardless of its zoning classification, would have to take into account the presence of the landfills and the need to perform such remediation as determined necessary by the NYSDEC.

40. The Applicant has executed Orders on Consent with the NYSDEC which govern the investigation of the landfills and has retained the services of Malcolm Pirnie, Inc., environmental engineers, to investigate and prepare reports of their findings. A "Report of Site Investigations" (the "Report") prepared by Malcolm Pirnie, Inc. was approved by the NYSDEC in July 1986 (see DGEIS, Appendix F) and after additional testing, the Dexter and Old Nyack Landfills were reclassified to a lower hazard classification on the New York State Registry, that is, Class "3", "does not present a significant threat to public health or the environment-action may be deferred". Further site investigations have been undertaken at the request of the NYSDEC in order to resolve any remaining questions regarding the characteristic of the wastes buried on site.

41. The SEQRA statues and regulations (ECL Section 8-105.5(i) and 6 NYCRR Section 617.2(q)(1) specifically exempt enforcement activities from the SEQRA process. Nevertheless, the DGEIS and FGEIS do provide pertinent information concerning the landfills including the Report itself, which found that there is no significant evidence of hazardous waste having been deposited in either landfill and that neither landfill poses a significant threat to public health or the environment. The actions to be taken to remediate the landfills are within the exclusive jurisdiction of the NYSDEC.

42. In addition to the investigations ordered by NYSDEC, other tests have been performed at the request of the Town of Clarkstown to reconfirm findings of previous investigations. These tests include installation and sampling of two monitoring wells, resampling of seven existing monitoring wells, and collection of three additional surface water samples. The results of these tests are "generally in conformance with the previous results reported by MPI (Malcolm Pirnie, Inc.)". (See FGEIS Volume III, Report of Leggett, Brashears and Graham, Inc.)

43. The Applicant has taken appropriate steps to dispose of barrels discovered on the surface of the Site, some of which contained hazardous waste material. All of the hazardous and other wastes contained in these barrels have been removed from the site for destruction by thermal incineration.

44. Based upon the Conceptual Site Plan, portions of the building and the parking areas for the proposed shopping center may be located over portions of the landfills, unless otherwise modified by the requirements of the NYSDEC. Specific consideration of a final site plan will occur subsequent to rezoning. The DGEIS and FGEIS outline a number of measures being contemplated to minimize any impact of the landfills (see DGEIS and FGEIS Section 8.6). The placement of paved areas over the landfills should further insulate them from intrusion of surface runoff, thereby further reducing the potential for leachate generation. Site grading and construction plans as well as final development plans will be integrated with landfill closure measures to eliminate any adverse effect on the surrounding environment. Applicant has agreed to close the landfills, construct a leachate collection system, treat the leachate and conduct groundwater monitoring. Surface waters would be directed away from the landfills.

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

45. Sampling of existing surface drainage water indicates the presence of lead, however, tests also show surface water entering the Site has a higher lead concentration than surface water leaving the Site.

46. The Applicant expects to enter into an Order on Consent with the NYSDEC regarding development in and around the landfills and will include provisions for the NYSDEC review and approval of site development plans that will incorporate appropriate closure requirements and health and safety requirements governing all construction activities. A Remedial Investigation/Feasibility Study addressing the landfills must be completed to the satisfaction of the New York Department of Health and New York Department of Environmental Conservation prior to any development of the Site.

47. The presence of the landfills on the Site is viewed as ancillary to the consideration of rezoning of the Site. Regardless of the zoning of the Site, the presence of the landfills must be taken into account when an actual site plan is proposed. The development constraints posed by the Landfills is an issue which can best be considered once a specific site plan for the proposed Palisades Center is submitted to the Town of Clarkstown Planning Board and after the NYSDEC has an opportunity to review the Applicant's specific plans.

PART VI: DRAINAGE

48. The Palisades Center will provide a storm water management system which is designed to limit peak rates of storm water flow from the site for a 100-year storm to flow no greater than the existing conditions. This system will ensure that the project will not adversely affect existing drainage patterns and ensures that there will be no exacerbation of flooding as a result of development.

49. All surface water, groundwater, and intermittent streams on the project site will be conveyed and managed by the site storm drainage and water management systems to be included in site plans presented to the Town Planning Board.

50. Final storm water drainage design will be based on the existing condition of the Hackensack River. Analysis of backwater, flood plain encroachment, etc., will allow for possible improvements to area flooding that may result from future flood control projects.

51. Applicant will reconstruct the drainage culvert under New York State Route 59 and the Route 59 service road in the vicinity of Hogan's Diner, to improve the flow of water through the culvert if determined necessary by the Town of Clarkstown Planning Board in its site plan approval. The culvert will have adequate capacity to meet the criteria of the NYSDOT and the Town of Clarkstown.

52. Applicant recognizes the sensitivity of the area in terms of drainage and is committed to work with the Town, County and State to assure that the development of the Palisades Center provides a positive impact on the surrounding area. To this end, Applicant will contribute the sum of \$2,000,000 to the Town of Clarkstown to be used for the study and construction of improvements to the Hackensack River drainage system to alleviate flooding along New York State Route 59 south of the Palisades Center site.

53. A Protection of Waters permit, if required, for the proposed detention basins will be sought from NYSDEC concurrent with site plan approval. This additional storage will reduce peak runoff from existing peak runoff levels. The design of the

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

detention basins will incorporate features to control sediments and road oil generated on the site. It is anticipated that this control system will be similar to that required by the State of New Jersey referred to as the "36 hour first flush system." In addition, a cleaning program for the parking lots and site roadways to control not only oils and sediments, but salts as well, will be implemented.

54. Compensatory flood storage will be provided and will offset the loss of flood storage that is eliminated as a result of the placement of fill within the 100-year flood plain of the Hackensack River.

55. A permit under the Rockland County Stream Control Act will be obtained since the project construction involves encroachment on the 100-year flood plain.

56. All Palisades Center buildings will be constructed such that they will be well above the 100-year flood elevation of 64 feet.

PART VII: WETLANDS

57. There are several wetland areas on the site as detailed in the FGEIS. The larger wetlands areas on the northern and western portions of the Site are not likely to be disturbed by the proposed Palisades Center and will be preserved as open space and enhanced for wildlife utilization. The 11-acres wetland in the western portion of the Site will be cleared of rubbish and dedicated as a nature conservancy area. Development of Palisades Center and the NYDEC-mandated closure of the Dexter and Old Nyack landfills could result in the filling of small, isolated low-quality wetlands in the eastern portion of the site. Prior to engaging in any filling or disturbance of on-site wetlands, necessary permit approvals will be sought from the New York District of the U.S. Army Corps of Engineers. To compensate for the habitat losses resulting from the filling of wetlands in the eastern portion of the Site (of primarily low functional and habitat value), a wetland mitigation plan will be developed in consultation and coordination with the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, NYSDEC and the U.S. Army Corps of Engineers.

PART VIII: TERRESTRIAL BIOTA

58. The project site does not represent significant or unique habitat value for the wildlife communities present. The several areas east and west of the project site will be able to support any species displaced as a result of construction of the project. No endangered or threatened species inhabit the Site.

59. The construction phase of the project will require the removal of approximately 55 to 75 percent of the existing vegetation. Landscaping and tree planting plans will be submitted during final site plan review.

60. A vegetated buffer between the project and the New York State Thruway will be maintained to the extent possible.

PART IX: AQUATIC BIOTA

61. The surface waters on the project site do not represent significant or sensitive aquatic habitat for the associated fauna.

62. The Hackensack River and aquatic communities will not be impacted by the development in any significant respect other than temporary impacts associated with siltation and turbidity during the site construction phase. Surface water quality may be

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

improved as a result of remediation of the Dexter and Old Nyack Landfills.

PART X: AIR QUALITY

63. An air quality analysis was presented in the DGEIS for ten intersections in the vicinity of the Site that might be impacted as a result of projected increases of traffic. The analysis revealed that four of the ten intersections will require detailed air quality modeling to be performed once final roadway configurations have been agreed upon with the NYSDOT and submitted as part of the site plan review by the Town of Clarkstown Planning Board. The Applicant's air quality expert has consulted with the NYSDEC which has concurred in the methodology to be employed.

64. Concerns were raised by several members of the public regarding the impact of the project on ozone pollution and the need for additional testing. The NYSDEC has responded that ozone pollution is a regional problem of the New York metropolitan area and that "traffic generated by the mall is insignificant when compared to regional vehicle miles traveled; therefore, it will have little impact on the ozone problem". (See FGEIS Volume 3, Krawitzky).

65. Construction of the proposed Palisades Center Project will result in Minor short-term impacts to local ambient air quality during construction. These impacts will be caused by temporary generation of fugitive dust from construction operations and the emissions from construction vehicles. Much of the fugitive dust is expected to settle within the Site boundaries, but in any event, can be controlled to a great degree by use of proper sequencing and monitoring of all construction activity and through state-of-the-art construction techniques.

PART XI: RETAIL IMPACTS

66. The Rockland County retail trading area is significantly under served both in quantitative and qualitative terms resulting in a substantial sales export to retail facilities outside the County. (See Appendix E to the DGEIS.)

67. The only shopping district in the Town of Clarkstown which is like to be affected by competition with the Palisades Center is the Nanuet Mall and adjacent New York State Route 59 strip centers. This shopping district will temporarily experience a moderate loss in sales of approximately 12 to 13.5 percent in the aggregate. The retailers in this shopping district should be able to return to pre-Palisades Center sales levels within approximately two years. These projected impacts are considered to be insignificant and short-term.

68. The Palisades Center will fill a void in the County's service base, providing lines of better quality merchandise for area residents that are not locally available at present. Competition can be expected to provide consumers with greater choice of goods and maintain competitive prices.

69. Inadequate retail support results in significant lost sales tax revenues to the local area. The Palisades Center will provide for added sales tax benefits for the County and indirectly the Town and will enhance the local shopping alternatives available to Clarkstown and Rockland County citizens. The Town Board reaffirms its zoning and development goals for the Nanuet Shopping area and will continue to review carefully development in this area especially in light of traffic considerations. In light of the commercial zones (RS, LIO and M) which surround the Palisades Center site, the Town Board reaffirms its zoning and development

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

goals as a commercial district for the area surrounding the Palisades Center site.

PART XII: EMPLOYMENT

70. Palisades Center will add approximately 2,100 employment positions to the area's economy, approximately 700 of which will be full-time positions and approximately 1,400 of which will be part-time positions. The first full year value of this payroll is estimated to be \$30.1 million.

71. Most jobs in a regional shopping center involve pay levels substantially above the minimum wage. Additionally, sales personnel at most chain stores, as well as major department stores, receive valuable fringe benefits including discounts of personal purchases and health insurance and are eligible for bonus incentives and training programs. Competition among Rockland retailers for labor will increase and employers may be faced with having to offer improved wages, benefits or working conditions.

72. Construction of the Palisades Center will involve the generation of 1,800 construction jobs during the 12 to 18 months needed to build the project

PART XIII: TAXES

73. In total, the Palisades Center is expected to generate approximately between \$4.1 and \$6.6 million in new annual revenues to Clarkstown and Rockland County in Sales taxes, real property taxes, school district taxes and other special district revenues. (See Table 3-8.1 in the DGEIS). Sales taxes payable to New York State represent additional revenues of between \$4.2 and \$6.4 million.

74. The existing Site, subject to this rezoning, currently generates approximately \$55,000 in real property tax revenues to these taxing districts; however, it does not now or under existing zoning generate sales taxes.

75. Palisades Center proposes to enter into an agreement with the Town for payments in lieu of taxes (PILOT Agreement), whereby the Applicant would pay to the Town each year an amount equal to the amount of any Town and County property taxes which may be abated under Section 485-b of the Real Property Tax Law.

76. If any such abatement is provided, a similar PILOT Agreement would be entered into with the Clarkstown Central School District No. 1.

77. The Palisades Center will provide approximately \$2 million in new sales tax revenues to Rockland County. Approximately 31% of this amount will benefit the Town of Clarkstown.

78. The Palisades Center should not increase school district costs, but rather will increase school district tax revenues by between approximately \$1.4 and \$2.4 million per year even after taking into account any potential loss of State aid that may result from an increase in the assessed valuation resulting from the construction of the Palisades Center.

79. Rezoning of the Site and operation of the Palisades Center would produce larger net tax benefits than the LIO alternatives considered.

80. Palisades Center will pay real estate taxes, sales taxes or user fees to the following municipal jurisdictions: the Town of Clarkstown, Rockland County, Clarkstown Central School

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

District No. 1 and Library, the West Nyack Fire District, West Nyack Water District No. 3, Consolidated Light District, Clarkstown MBSIA No. 1 and the Rockland County Sewer District No. 1.

81. The municipal revenues generated by the Palisades Center will more than offset any municipal costs associated with the Project. In addition, the Project will result in the expenditure of millions of dollars for public capital improvements which will be funded solely by Applicant. Annual tax revenues to be generated by the Palisades Center will more than offset any maintenance costs associated with these capital improvements. Specifically, sales tax revenue received by New York State is estimated to be between \$4.2 and \$6.4 million.

PART XIV: COMMUNITY SERVICES

82. The Palisades Center will have its own professional security force and will be privately policed inside and out. Mutual aid agreements between the Clarkstown Police Department and other police departments in the County ensure that there would be full police coverage in the event of any special incidents.

83. Additional police coverage may become necessary when the Palisades Center is in full operation. The DGEIS estimates that the annual cost incurred as a result of this additional coverage would be approximately \$61,200. This cost is more than offset by the increase in real property taxes to be realized by the Town of Clarkstown.

84 While the Applicant believes that existing facilities are sufficient to service the Palisades Center, the Applicant has offered the West Nyack Fire Engine Company a parcel of land, building shell and utilities at no cost to construct a substation at the project site should the Fire District determine that a need exists for a new substation.

85. The West Nyack Fire District will not incur additional fire protection costs as a result of the Palisades Center. Various volunteer fire departments in the area have agreements with each other, or could enter into additional agreements, thereby assuring the ability to timely respond to two separate accidents occurring simultaneously. These mutual aid agreements and the proposed road network improvements will ensure that emergency vehicles will be able to provide timely response such that public safety will be maintained. Moreover, Palisades Center personnel will be fully trained in fire prevention and fire control techniques.

86. The Village of Nyack Water Company has stated that existing water facilities in the area of the site can provide adequate service for the Palisades Center's domestic and fire protection demands. Emergency backup will be provided to the Nyack Water Company pursuant to an agreement between the Spring Valley Water Company and the Nyack Water Company for a cross connection between their respective systems.

87. According to Clarkstown public transportation officials, there will be no need for additional mass-transit routes to serve the Palisades Center. The Palisades Center will include a transportation hub for buses (both local and commuter), commuter parking and potential commuter rail station.

88. The Palisades Center will provide the Town of Clarkstown with a town center area that combines retail facilities and recreational and cultural facilities. The Applicant intends to construct an ice rink, wellness and civic center, child care facility and amphitheater on the site.

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

89. The Applicant will create a nature preservation area in the location of an eleven acre wetland on the west side of the site. The habitat value of this area will be enhanced and walking trails will be created around the perimeter of the area.

90. Applicant has agreed to landscape and fence the Mount Moor Cemetery located adjacent to the Palisades Center site in accordance with a plan to be agreed upon by Applicant and the owners of the cemetery, to be submitted with the proposed site plan for the Palisades Center.

PART XV: WATER SUPPLY, SANITARY SEWERS AND UTILITIES

91. The projected average annual water supply for the Palisades Center will range from 61,250 to 87,500 gallons per day. The Nyack Water Company and the Nyack Board of Water Commissioners have confirmed that adequate capacity exists to supply the potable water supply demands of the Palisades Center.

92. The Palisades Center will generate sanitary sewer flows of between 61,250 to 87,500 gallons per day. The Rockland County Sewer District No. 1 has indicated that public sewers are available to the project and that Applicant will be required to obtain a waiver that would permit a sewer hookup within this environmentally sensitive area (flood plain) which is also located within an older portion of the sewer district and is already sewered. The Rockland County Sewer District No. 1 has indicated that adequate sewer service presently exists to supply the treatment demands of the Palisades Center.

93. Gas and electric service will be installed underground by the utility. The determination of the costs that will be shared between the utility and the developer will be negotiated when further details are submitted during site plan review. The Town will not incur any additional cost or any relocation and/or maintenance of services.

PART XVI: MASTER PLAN

94. The Town of Clarkstown Master Plan, as amended, provides for LIO zoning of the Site. The 1966 Master Plan in relevant part declares the following SPECIFIC POLICIES for future guidance:

" The locations of Regional shopping centers and complexes are generally planned near intersections of major through highways to facilitate the anticipated movements to those types of land uses. Areas along Route 59 in Nanuet and West Nyack...are highly recommended."

In subsequent discussions regarding the amount and location of specific land proposed for COMMERCIAL DEVELOPMENT, in addition to the foregoing principles and objectives, the Town Planning Board used four separate land use categories. Of particular interest to the present rezoning application is the one described as HIGHWAY COMMERCE AND REGIONAL SHOPPING:

"This category combines the uses normally permitted in the above two commercial categories (i.e. LOCAL SHOPPING AND SERVICES and GENERAL RETAIL SERVICES AND OFFICES) together with those customarily along highways and in regional shopping centers. The largest of the areas shown on the proposed plan is confined to the Route 59 section of the New York State Thruway on the west and the location of the new Route 304 on the east. A second large area in this category is shown

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

straddling Route 59 just west of the interchange with Route 303 in the West Nyack area."

The Site is well located in respect to traffic access being adjacent to the New York State Thruway Exit 12 Interchanges and New York Routes 303 and 59. It is also well located for commercial use since it is physically separated from inhabited residential areas by major transportation corridors on all sides of the Site. Notwithstanding these positive factors, the Site has remained vacant since the adoption of the Master Plan in 1966 and has failed to attract meaningful LIO development.

95. The Site conforms to physical requirements for MRS zoning set forth in the Zoning Ordinance (Section 106-6(M) and Table 16) in that the Site consists of at least 30 acres on one or more lots, is immediately adjacent to major highways and would permit a rectangle measuring 1,000 feet by 1,200 feet, to fit entirely within the property.

96. The Site is physically well buffered from residential areas in the vicinity of the Site. Zoning of the Site as MRS will not impair the use of any adjacent properties as envisioned by the Master Plan.

97. Some members of the public and Town officials view the proposed rezoning to MRS as significant loss of economic opportunity provided by LIO zoned land. However, expert real estate development and planning consultants have thoroughly investigated the feasibility of development of the Site under the existing LIO zoning category, and have concluded that the peculiar conditions of this Site, including a 110 foot rock outcrop, two inactive landfills, large peat deposits and wetlands require extraordinary site development costs. In view of these conditions, and future market conditions for LIO (see DGEIS, Appendix D and FGEIS Volume I, Summary of Comments and Responses p. 28, Subsection X, Land Use and Zoning), any prospects for development under the LIO appear limited, and any loss of economic opportunity resulting from the rezoning of this LIO-zoned site will not be significant.

98. Other zoning classifications under the Town of Clarkstown Zoning ordinance permit uses which are comparable to LIO zoning uses. These include Professional Office (PO), Laboratory Office (LO), Manufacturing (M) and Planned Economic Development (PED). Based on available information from the Rockland County Planning Department, approximately 960 acres of other undeveloped land in Clarkstown is available after the rezoning of the Site to MRS, for either LIO or similar uses. The rezoning of the Site to MRS will reduce the land available for such LIO type uses by approximately 10%.

99. When the Master Plan was initially adopted and later amended, the Site specific physical and economic factors were not known or understood and therefore not considered by Town officials involved in the review of the Master Plan. Thus, while the objectives of the Master Plan to provide for light industrial and office employment and business opportunities in the Town are still valid, we find that with respect to this site, other comprehensive planning objectives, including those described in Paragraph 69 and 94 above and Paragraph 100 below, are more realistically attainable. Accordingly, the Master Plan should be changed in this regard.

100. Rezoning of the Site to MRS and the development of the Palisades Center will provide a realistic opportunity to maximize the environmentally sound use of the Site, take advantage of its excellent location and to realize significant tax revenues, employment opportunities and community uses associated with the

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

Palisades Center. The FGEIS carefully considers the environmental significance together with general as well as specific impacts of this entire rezoning action not only upon the Town of Clarkstown, but also upon areas outside the Town (including the Town of Orangetown Route 303 Corridor; see, for example, FGEIS, Vol. I, Comments and Responses 10.13 and 20.10) and all adverse effects revealed in the FGEIS process will be minimized or voided by imposing as conditions of approval the mitigative measures which this Town Board has identified as practicable.

PART XVII: INDUCED GROWTH

101. Estimates of potential future development permitted under current zoning indicate that approximately 300,000 square feet of additional commercial space might be ultimately developed in the vicinity of the Site. Traffic projections utilized in the DGEIS assumed the presence of such induced growth as "retail" development in order to project worst case conditions. The Palisades Center is likely to encourage upgrading of existing "strip" development to take advantage of new market opportunities. As the possibility of future rezoning applications the FGEIS properly noted:

Because of the unique characteristics of the site and of the proposed use, the granting of the zone change will not be precedent setting. The development of a regional mall will stimulate related development that is permitted within the zoning districts surrounding the proposed mall. The Town of Clarkstown and the adjacent Town of Orangetown, have the ability and the technical expertise through the respective Planning Boards and Town Board, to plan for the future development of their respective municipalities. All applications for zone changes, are reviewed and addressed on a case by case basis and are judged on their uniquely specific aspects. Any attempt to estimate the number of zone change requests that may result from the development of the proposed mall, would be highly speculative at best. (FGEIS, Vol. I, Response 10.13).

PART XVIII: ALTERNATIVES

102. In accordance with the SEQRA regulations, the DGEIS contains a discussion of alternatives to the requested rezoning of the Site to MRS. Alternatives considered include the "no build" alternative and the "no action" alternative (leaving the LIO zoning intact.) No other reasonable alternatives have been identified during the SEQRA process.

103. Three representative site development plans were prepared in order to evaluate the possible environmental, social and economic impacts of prospective LIO developments, as well as to access the overall economic feasibility of development of the Site under LIO zoning. These included a 723,000 square feet mixed light industrial and office campus, a 457,000 square feet light industrial campus and a 927,000 square feet office park development. The DGEIS contains a comparative analysis of the environmental, social and economic effects of each of the alternatives evaluated, including all three LIO development scenarios. (See DGEIS, Section 9.2, Table 9-2 and Appendix D to the DGEIS.)

104. The proposed change of zone to MRS and development of the Palisades Center will result in the highest tax revenues to all taxing districts of all the alternatives considered. While generated traffic will be high, the proposed roadway improvements detailed in the FGEIS will satisfactorily

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

mitigate adverse impacts to local roadways and provide improved traffic conditions for morning commuters over existing conditions. While development of the Site as a major regional shopping center was not contemplated by the Master Plan, commercial development of the Site, taking advantage of its excellent location adjacent to major roadways, was envisioned. Rezoning to MRS and development of the Palisades Center as proposed in the FGEIS will permit the Town to maximize the benefits of the Site's location for commercial uses.

PART XIX: MITIGATION MEASURES

105. In its conceptual design of the Palisades Center, the Applicant has incorporated as design features a number of measures designed to mitigate to eliminate any potential for a significant impact on the environment as a result of either the construction or operation of the Palisades Center. These mitigation measures are summarized in Section 8 of the DGEIS and addressed the following subject areas: surface water runoff, wetlands, traffic, construction, aesthetics and visual impacts, inactive landfills and taxes.

106. In order to ensure that the Applicant fulfills its commitments to perform these mitigation measures and miscellaneous commitments identified in the FGEIS, the Town Board will in its rezoning action make many of these mitigation measures a condition of the rezoning and/or a requirement of site plan approval by the Town of Clarkstown Planning Board.

PART XX: MISCELLANEOUS

107. The Town Board has issued the DGEIS and FGEIS, as lead agency, in connection with the requested change of zone from LIO to MRS. This rezoning action, however, is the first of a series of regulatory approvals required for development of the proposed Palisades Center. In order to assess the potential environmental, social and economic impacts of the requested change of zone, as well as to reasonably anticipate and assess site specific environmental issues, a conceptual site plan for the proposed Palisades Center was prepared. This conceptual site plan has enabled involved agencies and the public to alert the Town and the Applicant to potential impacts that must be addressed in the actual detailed site plan to be prepared following rezoning. At the time a specific site plan for the actual development being proposed is submitted to the Town Planning Board, the Planning Board will determine whether any further proceedings under SEQRA are required.

Seconded by Co. Smith

At this point Supervisor called upon the following to explain, for the edification of the public present and for those who will read about it, the contents of the SEQRA application that is presently before the Town Board.

Appearance: Richard Katzive, Esq.
Cuddy and Feder

Mr. Katzive said his firm was engaged by the Town of Clarkstown to advise on the drafting of resolutions necessary for the completion of the SEQRA procedures and necessary for the adoption of the zoning change which is the subject of tonight's meeting. As to the zoning change resolution he said they were asked as well to consider how best to carry into effect in the resolution certain conditions that were important from the Town's perspective to embody in those resolutions.

He said we are first looking at the SEQRA resolution which has the effect of bringing to a conclusion the SEQRA process

Continued on Next Page

RESOLUTION NO. (1150-1988) Continued

for the proposed rezoning. It is a very lengthy document, over 55 pages long, and what it does is summarize the findings that the Town Board, as lead agency under SEQRA, would make about the environmental impact of the proposed rezoning and the resulting new development of the site on the community and on the environment. The findings, once made, clear the way for the Town Board to take action on the proposed rezoning.

The findings go into questions of impact on traffic, on storm water conditions, sanitary sewer conditions, the entire range of infrastructure on the market for retail services in the Clarkstown area and just every issue that was covered in the voluminous environmental record previously prepared and accepted by the Town Board is summarized in these 55 pages.

In addition, the resolution sets forth certain proposed mitigating measures which the Town Board has decided are necessary to accommodate the environmental impact of the proposed rezoning and, as you will see, these measures have been carried forward into the rezoning resolution in large measure in the form of conditions to the rezoning.

Mr. Katzive said you will also find in the findings resolution a statement of the comprehensive planning principles upon which the rezoning is based. The findings will conclude the process and include in the body of the resolution certain additional matters that relate to the environmental concerns but are not findings as such.

Mr. Katzive said in the findings resolution there is a resolution which directs the Town to request the Town Planning Board to revise the comprehensive plan of the Town. He said in the second resolution included along with the findings is a direction to approach County transportation planning agencies and MTA about the possible restoration of West Shore service and a reservation of a part of the site as a rail facility. Mr. Katzive said the third resolution which is included along with the findings is a direction to approach the Office of Emergency Services of the County about certain consequences of the construction and development of the project. Mr. Katzive said that summarizes the contents of the Findings resolution.

Supervisor asked if any of the Town Board Members had any questions of the attorneys with regard to any points that need clarification. Supervisor said that Mr. Katzive had made a comment about the comprehensive plan. He asked what page that was on. Mr. Katzive said there are several pages - part XVI which begins on Page 45.

Supervisor asked if the Town Board members had any additional questions? No one did.

On roll call the vote was as follows:

Councilman Carey.....	No
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	No

At this point Supervisor Holbrook called upon the attorneys who drafted the resolution to make comment in terms of the conditions which are included in the zone change approval resolution.

Mr. Katzive said the way they have prepared this rezoning resolution it makes the change of zone conditional upon the

Continued on Next Page

assurance that the developer, the applicant here, will either provide or pay for, certain important improvements designed to compensate for the effects that the project might have on the environment. These include highway improvements, flood control improvements, fire protection improvements, sanitary sewer improvements and other improvements such as certain types of nature conservancy reservations, all of which have been offered from time to time by the developer are in the environmental process. In addition, the resolution requires that these conditions be recorded in a covenant that will go on the land records so that they will run with the land and be binding permanently upon the site.

Mr. Katzive said in certain cases, the resolution also requires financial security to be provided by the applicant to make sure that funds are available for completion of public improvements. The range of conditions and the improvements which they require is broad. There are other amenities that the developer has from time to time offered the community and they are set forth in the environmental package and they are dealt with in a somewhat different way. He said he would like to mention them briefly. They include a skating rink, an amphitheatre, a community meeting room, a wellness center, a commuter parking facility and a child care center for employees at the Mall. He said they have received a letter confirming the applicant's commitment to provide these facilities. The appropriate place to lock these facilities in for the project is at the site plan approval procedure that must still happen under the zoning ordinance.

Mr. Katzive stated that they have suggested that the Town Board consider amending the text of the MRS zoning in order to better equip the site plan process to handle the review of these special types of amenities and really put the Town in a position to require them formally at that time. The site plan process will commence some months from now and prior to that point we would like to see these text changes done.

Mr. Katzive stated that he thought he had summarized the resolution and the amenities that are offered by the developer.

Supervisor asked if any of the Town Board members had any specific questions?

Councilman Maloney said it is all handled in the information they received and in the attorney's comments.

Councilman Kunis said he met with the attorneys for several hours and they have answered many of the questions that he had.

Co. Maloney offered the following resolution:

RESOLUTION NO. (1151-1988)

AMENDING AN ORDINANCE KNOWN AS "CHAPTER 106, ZONING, CODE OF THE TOWN OF CLARKSTOWN" IN RELATION TO THE CHANGE OF ZONE DISTRICT CLASSIFICATION OF MAP 89, BLOCK A, LOTS 4, 12.02 AND 13; MAP 106, BLOCK A, LOTS 25, 45, 45.0101, 46, 47.01, 48 AND 49 FROM LIO (LIGHT INDUSTRIAL OFFICE) TO MRS (MAJOR REGIONAL SHOPPING)

Co. Maloney offered the following resolution:

WHEREAS, a Petition was filed by Clinton Square Plaza, Inc. on or about June 12, 1987, requesting the Town Board of the Town of Clarkstown to amend the Zoning Ordinance and Zoning Map of

RESOLUTION NO. (1151-1988) Continued

the Town of Clarkstown to rezone several parcels of land situated in the Hamlet of West Nyack, in the Town of Clarkstown, designated on the tax maps of the Town of Clarkstown as Map 89, Block A, Lots 4, 12.02 and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49 from LIO (Light Industrial Office) to MRS (Major Regional Shopping) to permit the construction of a regional shopping center to be known as the "Palisades Center" in West Nyack (the "Project"); and

WHEREAS, said Petition was appropriately filed together with required environmental assessment forms, and all Town fees required in connection with such filings were paid; and

WHEREAS, the Town Board thereafter circulated the required notice pursuant to the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law ("ECL") Article 8 and implementing regulations contained in 6 NYCRR Part 617, seeking to designate itself as the lead agency for environmental review of this Type I action, and thereafter as lead agency performed all required responsibilities under SEQRA, including the preparation of a Draft Generic Environmental Impact Statement accepted by the Town Board as complete on May 10, 1988 (the "DGEIS"); and

WHEREAS, the Town Board referred the matter of the requested zone change for recommendations to the Rockland County Planning Department pursuant to General Municipal Law Sections 239-1 and 239-m and to the Town of Clarkstown Planning Board pursuant to Section 106-32 of the Code of the Town of Clarkstown; and

WHEREAS, on May 25, 1988, May 31, 1988 and June 21, 1988 concurrent public hearings were held, on due notice, under Sections 264 and 265 of the Town Law and under the SEQRA regulations, with respect to the proposed rezoning and the DGEIS, respectively, at which hearings all persons attending who wished to be heard were given an opportunity to be heard; and

WHEREAS, in accordance with the SEQRA regulations, the Town Board voted on June 28, 1988 to extend the written comment period on the DGEIS until July 8, 1988; and

WHEREAS, in response to the request of the New York State Department of Transportation ("NYSDOT") for an extension of the written public comment period on the DGEIS until September 1, 1988, in order to coordinate its review of the DGEIS traffic analyses and proposed roadway improvements with the U.S. Federal Highway Administration, and the request of the Rockland County Department of Planning to delay the submission of its recommendations pursuant to Sections 239-1 and 239-m of the General Municipal Law, until after receipt of comments from NYSDOT, and the similar request of Town of Clarkstown Planning Board to delay submission of its recommendations on the rezoning, the Town Board granted further extensions of time for submission of comments; and

WHEREAS, a majority of the Town of Clarkstown Planning Board recommended against approval of the proposed rezoning on November 2, 1988, and made substantive comments thereon, including a minority report, which have been examined and considered by the Town Board; and

WHEREAS, the Rockland County Department of Planning initially recommended disapproval of the proposed rezoning on July 9, 1988, without prejudice to the reconsideration of the matter upon receipt of the comments of the NYSDOT, and thereafter on October 26, 1988, recommended approval of the proposed rezoning application with conditions and made general comments and suggestions thereon, all of which have been thoroughly examined and carefully considered by the Town Board; and

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

WHEREAS, the Town Board is adopting, as conditions of the proposed rezoning, the Rockland County Planning Department's conditions of approval, together with other conditions of such rezoning set forth hereinbelow, deemed necessary and appropriate by the Town Board, and the Town Board also has taken under advisement the general comments and suggestions made by such Rockland County Planning Department; and

WHEREAS, the aforesaid conditions of the proposed rezoning are imposed by the Town Board for the benefit and protection of the area of the Town in the vicinity of the lands to be rezoned, and are imposed in order to burden the rezoned lands for such purpose; and

WHEREAS, the Town Board specifically acknowledges the August 26, 1988, comments of the Rockland County Environmental Management Council ("RCEMC") and has carefully considered their views and believes that the FGEIS together with the mitigative conditions imposed by this Town Board responds to the substantive comments raised by the RCEMC; and

WHEREAS, on October 25, 1988 the Town Board accepted as complete a Final Generic Environmental Impact Statement (the "FGEIS") prepared and submitted by Clinton Square Plaza, Inc. and on such date the Town Board authorized the filing and circulation of the FGEIS, and a notice of completion thereof, in accordance with the SEQRA regulations, including the filing of the FGEIS in four public libraries in the Town of Clarkstown; and

WHEREAS, at Town Board meetings on August 11, 1987, October 13, 1987, November 24, 1987, December 8, 1987, December 22, 1987, March 8, 1988, April 12, 1988, April 19, 1988, April 26, 1988, May 10, 1988, June 2, 1988, June 7, 1988, June 14, 1988, June 28, 1988, and October 25, 1988, comments and discussion were received and considered relating to the zone change, the DGEIS or the FGEIS, which comments have been examined and considered by the Town Board in addition to the comments received at the public hearings held on May 25, 1988, May 31, 1988, and June 21, 1988; and

WHEREAS, the Town Board has thoroughly considered the FGEIS, as well as all written and oral comments received with respect to the rezoning application, the DGEIS and the FGEIS; and

WHEREAS, earlier at this meeting the Town Board adopted a resolution making environmental and other determinations and findings, pursuant to Section 617.9 of the SEQRA regulations and the conditional approval of the Rockland County Department of Planning in connection with this rezoning; and

WHEREAS, the proposed MRS zoning classification for the lands hereinabove described is reasonable in relation to neighboring uses, and is in furtherance of the comprehensive planning goals of the Town of Clarkstown, in view of the comprehensive planning considerations set forth in the aforesaid SEQRA Findings Statement, including without limitation Article XVI thereof, and the resolution adopted by the Town Board earlier at this meeting pertaining to such considerations.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CLARKSTOWN HEREBY ORDAINS AND ENACTS AS FOLLOWS:

Section 1. The Zoning Ordinance of the Town of Clarkstown, New York, adopted April 4, 1939, amended in its entirety on June 30, 1967, and as thereafter amended, and the Zoning Map accompanying and incorporated in such Zoning Ordinance, are hereby amended by changing the zone district classification of the property situated in the Hamlet of West Nyack, in the Town of Clarkstown

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

consisting of all of the several lots designated on the Tax Map of the Town as Map 89, Block A, Lots 4, 12.02 and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49, as more fully described in the property description submitted at this meeting and ordered to be filed with the minutes thereof (the "Site") from LIO (Light Industrial Office) to MRS (Major Regional Shopping Center), provided, that such amendment of the Zoning Ordinance and Zoning Map are subject to and contingent upon the satisfaction of each of the conditions set forth below:

- (a) In order to prevent traffic generated by the development of the Site from intensifying existing traffic problems at the New York State Thruway Exit 12 Interchange with New York State Route 303, and on Route 59 in the vicinity of the Site, and to assure proper ingress and egress to and from the Site, with limited impact on adjacent or surrounding properties, applicant will reconstruct the New York State Thruway Exit 12 Interchange (the "Exit 12 Improvements") and will construct improvements to New York Route 59 in the vicinity of the Site (the "Route 59 Improvements") as follows:
- i. Construction of a new four-lane bridge over the New York State Thruway providing access to and from Palisades Center from Snake Hill Road.
 - ii. Construction of the intersection of Snake Hill Road and the Palisades Center/New York State Thruway Bridge with two lanes on Snake Hill Road westbound providing free-flow through movements to both Snake Hill Road and the new New York State Thruway Bridge, one lane on Snake Hill Road eastbound providing through movements only, and two lanes on the new New York State Thruway Bridge northbound providing through movements only onto Snake Hill Road eastbound. This intersection should be unsignalized with "Stop" sign control facing the Snake Hill Road eastbound approach.
 - iii. Relocation of the present terminus of the New York State Thruway westbound on-ramps from New York Route 303 to Snake Hill Road. This intersection would be constructed to provide two left turn lanes and a single through lane on the Snake Hill Road westbound approach, two through lanes and a separate free-flow right turn lane on the Snake Hill Road eastbound approach, and two left turn lanes and a separate free-flow right turn lane on the New York State Thruway westbound ramp approach. The New York State Thruway westbound on-ramp will be constructed to provide two lanes (this was originally reflected in the DGEIS, but not clearly stated). In addition, the storage capacity of the New York State Thruway westbound off-ramp will be increased by providing a two lane section beginning at the existing ramp gore area.
 - iv. Reconstruction of the intersection of Snake Hill Road and New York Route 303 to provide two left turn lanes and a separate right turn lane on the Snake Hill Road eastbound approach, two left turn lanes and two through lanes on the New York Route 303 northbound approach, and two through lanes and a separate right turn lane on the New York Route 303 southbound approach.
 - v. Relocation of the termini of the New York State Thruway eastbound ramps with New York Route 303 to a location approximately 75 yards south of the existing intersection. Construction of a widened two lane New

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

York State Thruway eastbound off-ramp beginning east of the Conrail Bridge over the New York State Thruway (this will require rock excavation in this location) and terminating at New York Route 303.

- vi. Construction of the intersection of eastbound ramp of the New York State Thruway with New York Route 303 to provide two left turn lanes and a separate right turn lane on the eastbound approach, two left turn lanes and two through lanes on the northbound approach and three through lanes with a separate right turn lane on the southbound approach. The intersection would be signalized with three-phase operation. In addition, at this intersection a new municipal road would be constructed to provide an entrance to Palisades Center from New York Route 303 northbound by way of a grade separation over the New York State Thruway eastbound off-ramp, thereby eliminating the need for a signalized intersection between this new municipal road and the New York State Thruway ramp.
- vii. Construction of a new municipal road from the New York State Thruway eastbound off-ramp (approximately 1,000 feet west of its intersection with New York Route 303) to provide a separate free-flow right turn lane from the eastbound off-ramp into the new municipal road leading to Palisades Center and a free-flow right turn lane from the new municipal road onto the New York State Thruway off-ramp, thereby providing access to New York Route 303.
- viii. Construction of a loop and bridge over New York Route 59 between its intersections with Dexter Avenue and Besso Street to provide ingress to Palisades Center from the west and egress to the east.
- ix. Widening of New York Route 59 eastbound at Dexter Avenue to provide three through lanes. In addition, the construction and signalization of a two-lane exit driveway from the service road from Palisades Center to westbound New York Route 59 at a point approximately 250 feet west of Dexter Avenue. This signal will be interconnected and coordinated with the traffic signal located at Dexter Avenue and New York Route 59.

(b) In order to achieve the purposes set forth in paragraph (a) above with respect to Route 59, Applicant shall perform the following additional work:

- i. Widen New York Route 59 eastbound at the intersection of New York Route 59 and Broome Boulevard to provide a separate left turn lane, subject to the construction by others of a left turn lane into the Hub Shopping Center from New York Route 59 eastbound;
- ii. Improve the northwest connector road between New York Route 59 and New York Route 303 (Bobby Lane) with curbing and defined curb cuts to improve safety conditions; and
- iii. Eliminate all curb cuts along New York Route 303 southbound between the intersection of New York Route 303 and New York State Thruway eastbound ramps and Virginia Avenue, including Joe Raso Street.

(c) Prior to the issuance of final site plan approval by the Town of Clarkstown Planning Board for the development of the Site, applicant shall (A) own in fee all lands near or adjacent to the Site, and not in public highway

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

rights-of-way, upon which the Exit 12 Improvements and the Route 59 Improvements are to be constructed; and (B) obtain all approvals necessary for the Exit 12 Improvements and Route 59 Improvements and the improvements described above in paragraphs (a) and (b), or necessary for the implementation of alternative plans acceptable to the NYSDOT and the New York State Thruway Authority, intended to achieve the purposes identified above. Prior to the issuance of a building permit for construction of the shell of any building on the Site, the foregoing road improvements shall be substantially completed. Full completion of all such improvements described and referred to in paragraphs (a) and (b) shall be a condition precedent to the issuance of a preliminary Certificate of Occupancy for any such building. Performance and completion of all such work shall be secured by an irrevocable letter of credit for the full estimated cost of such roadway improvements, to be delivered to the Town prior to the issuance of final site plan approval. The amount of the letter of credit will be determined by the Town Planning Board, the Rockland County Highway Department, NYSDOT and NYS Thruway Authority and the form and substance of the letter of credit shall be subject to the approval of the Town Attorney.

(d) On the basis of information and analysis set forth in the FGEIS, the Town Board has determined that certain improvements along Route 303 and in other locations may be necessary in order to safely and efficiently accommodate the increased traffic flows which the Project will generate, and in order to protect adjacent properties. Such improvements are listed below:

- i. Close the median along New York Route 303 at Casper Hill Road to eliminate left turn conflicts, or alternatively, eliminate all access at Casper Hill Road;
- ii. Widen the intersection of New York Route 303 at Storms Road/Morris Road to provide left turn lanes on all four approaches and install a traffic signal, or alternatively, prohibit northbound left turns;
- iii. Widen New York Route 303 at Lake Road (Congers) to provide left turn lanes on both approaches and widen the eastbound approach to provide a separate right turn lane. In addition, Lakewood Drive, located immediately north of the intersection, will be realigned to improve sight distance to the north;
- iv. Widen intersections to provide left turn lanes northbound and southbound on New York Route 303 at Bradley Parkway, Erie Street and Mountainview Avenue;
- v. Widen the intersection of Lake Road and Kings Highway in Congers to provide left turn lanes;
- vi. Install a traffic signal at the intersection known as Pye's Corners (Germonds, Strawtown and Old Mill Roads);
- vii. Widen the intersection of West Nyack Road and Strawtown Road to provide turn lanes; and
- viii. Provide signalization at the intersection of Brewery Road and Congers (New City) Road.

Additional information and analysis hereafter submitted to the Town Planning Board in connection with site plan approval proceedings for the project may indicate that certain of such improvements referred

Continued on Next Page

RESOLUTION NO. (1131-1988) Continued

to in subparagraphs "i" through "viii" above are not necessary. Such improvements (1) through (viii) as are found necessary by the Town Planning Board, on the basis of such additional information and analysis, shall, as a condition of the change of zoning district classification set forth above in this Section 1, be installed and constructed at applicant's sole cost and expense, and shall be substantially completed prior to the issuance of a building permit for construction of the shell of any building on the Site and full completion of such improvements shall be a condition precedent to the issuance of a preliminary Certificate of Occupancy for any such buildings. Applicant shall deliver to the Town prior to the final site plan approval an irrevocable letter of credit upon which the Town shall be entitled to draw to obtain funds for such improvements. The amount of such letter of credit shall be determined by the Town Planning Board, the Rockland County Highway Department and NYSDOT, in the form and substance of a letter of credit shall be subject to approval by the Town Attorney.

(e) In order to avoid intensification of traffic delays and to prevent dangers to health and safety resulting from the increased traffic which the Project will generate in the vicinity of existing flooding problems near the Site, Applicant shall:

- i. reconstruct the drainage culvert running under New York Route 59 and the Route 59 Service Road in the vicinity of Hogan's Diner, to improve the flow of water through the culvert, which reconstruction shall be completed prior to the commencement of construction of the shell of any building on the Site. Performance and completion of all reconstruction work shall be secured by an irrevocable letter of credit for the full estimated cost of such culvert reconstruction, to be delivered to the Town prior to the issuance of final site plan approval. The amount of the letter of credit will be determined by the Town Planning Board, and the form and substance of the letter of credit shall be subject to the approval of the Town Attorney;
- ii. Donate Two Million Dollars (\$2,000,000.00) to the Town of Clarkstown to be used solely for the study and construction of improvements associated with the Hackensack River Flood Control Project, which sum shall be paid to the Town of Clarkstown at the time of the issuance of a building permit for the commencement of any clearing, excavation, site work or building construction on the site.

(f) Prior to the commencement of construction of the shell of any building on the Site, applicant shall landscape and fence the Mount Moor Cemetery located adjacent to the Site, in accordance with a plan approved by the Mount Moor Cemetery Association, which plan shall be included in applicant's site plan approval application.

(g) Prior to the commencement of any building shell construction on the Site, applicant shall complete, to the satisfaction of the New York State Department of Environmental Conservation ("NYSDEC"), any and all remediation work required by NYSDEC with respect to the two 12-acre landfills on the Site. The remediation or closure plan shall be approved by NYSDEC with respect to the landfills prior to the issuance of a building permit for any clearing, excavation, site work or building construction on the Site.

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

(h) Applicant shall conduct traffic surveys and analysis within one year of issuance of a Certificate of Occupancy for the first building to be completed on the Site, of such scope and duration as determined necessary by the Town of Clarkstown Planning Board in its final site plan approval, in order to confirm the continued correctness of the traffic studies included in the FGEIS, and as a condition of such final site plan approval, applicant shall take appropriate corrective actions in order to resolve any discrepancies between its traffic studies and actual conditions and shall provide to the Town, at the time of such site plan approval, an irrevocable letter of credit in the amount of \$1,000,000.00 to guarantee the performance of corrective measures.

(i) The site plan approval by the Town Planning Board shall include conditions requiring an on-site stormwater management system which is designed to limit peak rates of stormwater flow from the site for a 100-year storm to flows no greater than the existing conditions.

(j) The site plan approval by the Town Planning Board shall designate a transportation area on the Site to be reserved for use by residents of the Town of Clarkstown for commuter parking and commuter bus transportation, and to serve as the site of a future commuter rail station for passenger service hereafter restored on the West Shore Line.

(k) Prior to the commencement of construction of the shell of any building on the Site, the West Nyack Pumping Station at Besso Street will be upgraded by applicant or at applicant's expense to sufficiently handle the anticipated flow from the development of the Site, as determined by the County of Rockland Sewer District No. 1. Performance and completion of the Pumping Station upgrade work shall be secured by an irrevocable letter of credit for the full estimated cost of such upgrade work and materials, which letter of credit shall be delivered to the Town prior to the issuance of final site plan approval. The amount of the letter of credit will be determined by the Town Planning Board, and the form and substance of the letter of credit shall be subject to the approval of the Town Attorney.

(l) Applicant shall construct on the Site the building shell of a fire station, and the utilities necessary therefor, to be dedicated, together with the underlying land, to the West Nyack Fire District, in order to protect nearby properties and assure that additional demands on the District resulting from the development of the Site will be met. Prior to the commencement of shell construction of any building on the Site applicant shall deliver to the Town an irrevocable letter of credit, in an amount necessary for completion of the shell, which amount shall be determined by the Town Planning Board, and in form and substance satisfactory to the Town Attorney, as security for the construction and dedication of such fire station.

(m) Prior to the commencement of any building construction on the Site, an 11-acre wetlands area in the western portion of the site, identified in the FGEIS, shall be cleared of rubbish by applicant and dedicated to the Town as a nature conservancy area, and prior to such dedication such area shall be tested by applicant for the presence of hazardous or toxic waste or other chemical contamination, and any such waste or contamination shall be remediated by applicant to the satisfaction of NYSDEC and in accordance with NYSDEC standards.

Continued on Next Page

RESOLUTION NO. (1131-1988) Continued

(n) In addition to the conditions set forth above, applicant shall comply with all other conditions of the foregoing change of zone district classification imposed by the Rockland County Department of Planning as set forth in Paragraphs numbered 1 through 14 of the addendum attached to the conditional approval of such change, dated October 26, 1988, issued by such Department pursuant to Section 239(1) and (m) of the General Municipal Law of the State of New York, and in the event of any inconsistency between the conditions imposed by such Department and those set forth above, the more restrictive or stringent condition shall control.

Section 2. In order to enable the Town, or other governmental agency having jurisdiction, to enter the Site or any other property owned or acquired by applicant for the Project, for the purpose of completing any improvements required in this resolution, the site plan approval by the Town Planning Board and the Declaration hereinbelow required shall include easements or (if deemed acceptable by the Town Attorney) irrevocable licenses sufficient for such purpose.

Section 3. As used in this resolution, the term "applicant" shall mean and refer to Clinton Square Plaza, Inc., and any person, firm or other entity which now or hereafter owns the Site or any interest therein or which controls, is controlled by, or is under common control with Clinton Square Plaza, Inc., and any successor or assign of Clinton Square Plaza, Inc. or of any such person, firm or other entity.

Section 4. The conditions set forth in Section 1 above in this resolution shall run with the land and shall be set forth, together with provisions effectuating the purposes of Sections 2 and 3 above and Section 5 below, in a recorded declaration of covenants and restrictions imposing such conditions as burdens and restrictions on the use, occupation and enjoyment of the Site, enforceable by the Town of Clarkstown, which Declaration shall be in form and substance satisfactory to the Town Attorney and shall be delivered to the Town Attorney, duly executed by applicant and in proper form for recording in the land record office of the Rockland County Clerk, at the time of Town Planning Board approval of a site plan for the development of the Site.

Section 5. The Town Attorney is hereby authorized and directed to prepare a notice of the foregoing amendment to the Zoning Ordinance and the Zoning Map and that the Town Clerk shall cause the same to be published in the official newspaper of the Town and file proof of such publication in the office of the Town Clerk.

EXHIBIT A

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Route 59-Service Road where the same is intersected by the westerly line of Cemetery Lane - Dexter Avenue, said point also being the southeasterly corner of lands now or formerly of Charles Cayot and running thence:

- 1) NO7-09-48E along the easterly line of lands now or formerly of Charles Cayot, a distance of 189.93 feet to a point; thence
- 2) N84-06-39W along the northerly line of lands now or formerly of Cayot a distance of 84.44 feet to a point; thence

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

- 3) Northwesterly along the easterly side of lands now or formerly of Nanuet National Bank on a curve to the right having a radius of 148.00 feet, an arc distance of 147.91 feet to a point; thence
- 4) N26-51-04W along lands now or formerly of Nanuet National Bank a distance of 147.19 feet to a point; thence
- 5) N84-06-39W still along the northerly line of lands now or formerly of Nanuet National Bank, a distance of 273.88 feet to a point; thence
- 6) N02-31-51E along the easterly line of lands now or formerly of the village of Nyack Water Department, a distance of 252.50 feet to a point; thence
- 7) N81-47-21W along the northerly line of lands now or formerly of the Village of Nyack Water Department a distance of 416.17 feet to a point; thence
- 8) N16-18-47E a distance of 140.00 feet to a point; thence
- 9) N73-41-13W a distance of 325.00 feet to a point; thence
- 10) N02-26-13W a distance of 72.15 feet to a point on the easterly line of lands now or formerly of New York Central Railroad; thence
- 11) N17-03-47E along the easterly side of lands now or formerly of the New York Central Railroad a distance of 783.07 feet to a point; thence
- 12) Northerly continuing along the easterly side of the last mentioned lands on a curve to the left having a radius of 1956.58 feet an arc distance of 497.28 feet to a point on the southerly side of the New York State Thruway; thence
- 13) S74-41-25E along the southerly side of the New York State Thruway a distance of 1779.84 feet to a point; thence
- 14) Southerly still along the same on a curve to the right having a radius of 700.00 feet an arc distance of 643.23 feet to a point; thence
- 15) S22-02-28E still along the same a distance of 426.84 feet to a point; thence
- 16) Southerly still along the same on a curve to the left having a radius of 500.00 feet an arc distance of 629.48 feet to a point; thence
- 17) N85-49-35E still along the same a distance of 358.07 feet to a point; thence
- 18) Southerly still along the same on a curve to the right having a radius of 75.00 feet an arc distance of 118.84 feet to a point on the westerly side of the N.Y.S. Route 303; thence
- 19) Southerly along the westerly side of the N.Y.S. Route 303 on a curve to the right having a radius of 1835.00 feet an arc distance of 371.52 feet to a point in the northerly line of lands now or formerly of Dominick and Joseph F. Raso; thence
- 20) N81-10-00W along the northerly line of lands now or formerly of Dominick and Joseph F. Raso a distance of 60.00 feet to a point; thence

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

- 21) N53-18-18W still along the same a distance of 112.07 feet to a point; thence
- 22) N67-07-52W still along the same a distance of 86.11 feet to a point; thence
- 23) S81-10-00E along the southerly line of lands now or formerly of Dominick and Joseph F. Raso a distance of 180.28 feet to a point; thence
- 24) Northerly along the easterly line of lands now or formerly of Dominick and Joseph F. Raso on a curve to the left having a radius of 1775.00 feet an arc distance of 20.04 feet to a point; thence
- 25) N81-10-00W along the northerly line of lands now or formerly of Dominick and Joseph F. Raso a distance of 497.08 feet to a point; thence
- 26) S8-53-50W partially along the westerly line of lands now or formerly of Dominick and Joseph Raso and partially along the westerly line of lands now or formerly of Barvan Corp. a distance of 424.90 feet to a point; thence
- 27) S13-48-57W along the westerly line of lands now or formerly of Barvan Corp. a distance of 164.00 feet to a point on the northerly side of Virginia Avenue; thence
- 28) N81-10-00W along the northerly side of Virginia Avenue a distance of 379.85 feet to a point; thence
- 29) S11-08-00W along the westerly line of lands now or formerly of Ned A. Besso a distance of 50.09 feet to a point, thence
- 30) S83-52-00E along the southerly line of lands now or formerly of Ned A. Besso a distance of 1.00 foot to a point; thence
- 31) S33-26-30W along the westerly side of Besso Street a distance of 131.47 feet to a point; thence
- 32) S23-02-30W along the westerly side of Besso Street a distance of 32.73 feet to a point; thence
- 33) N09-27-28E along the easterly line of lands now or formerly of F. Benda and J. Mester a distance of 148.38 feet to a point; thence
- 34) N78-49-04W along the northerly line of lands now or formerly of F. Benda, J. Mester, Guy Garrubbo, Ringold Realty, Inc. and 303 Erie Street Realty Corp. a distance of 853.56 feet to a point; thence
- 35) N67-18-05W along the northerly line of lands now or formerly of 303 Erie Street Realty Corp., George D. Hogan and Pargas of Nyack, Inc., a distance of 402.31 feet; thence
- 36) S52-36-48W along the easterly side of Cemetery Lane-Dexter Avenue and the westerly line of lands now or formerly of Pargas of Nyack, Inc., a distance of 12.17 feet; thence
- 37) S07-09-48W along the easterly line of Cemetery Lane and also along the westerly line of lands now or formerly of Pargas, Inc., and also along the westerly line of lands now or formerly of Debbie Blankfort a distance of 229.80 feet to a point on the northerly side of Route 59 - Service Road; thence

Continued on Next Page

RESOLUTION NO. (1151-1988) Continued

38) N67-12-12W along the northerly side of Route 59 - Service Road a distance of 51.92 feet to the point or place of BEGINNING.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....	No
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	No

Before his vote, Councilman Carey read the following statement:

"Traditionally, the Boards in the Town have respected the wishes of area residents in the zoning and development of their areas. For almost three years, the residents of West Nyack, Valley Cottage and Congers have made it very clear to me that they are opposed to a mega mall center in West Nyack.

If they had been given even a portion of the resources of the Pyramid Corporation to get across their message about the pitfalls of this zone change, this petition would not even be before us tonight.

Instead, they have been all but shut out by the media and ignored by the very government agencies that should be most responsive and receptive to them. Lacking the financial resources of a multi-million dollar adversary, they have had to resort to sacrificing their personal lives to do the research that should have been done for them by a truly representative and protective Town government.

This very zone change petition was denied in 1986 for reasons that are, I believe, still valid:

1. The negative impact on every aspect of life in the community.
2. Trying to turn two-lane rural roads and paved cowpaths into main arteries cannot be done.
3. The increased traffic will destroy our already inadequate infrastructure.
4. The tranquility that brought people TO Clarkstown will be lost. Clarkstown will be another Paramus, or Yonkers, or White Plains, having as much traffic as any large metropolitan downtown area.
5. It is a myth that taxes are reduced by this or by any shopping center. As an example, I give you Paramus, as opposed to the surrounding communities, and ask why Paramus's taxes are higher than its neighbors' taxes? The demand for INCREASED services WILL cause taxes to rise.

I cannot understand why the issue of a sales tax now imposed in Rockland County does not dominate this discussion. This sales tax was levied on all of us to pay for the Brinks Trial, an outgrowth of the infamous Brinks robbery at the Nanuet Mall. That was the ultimate in increased services. Moreover, a shopping center requires ongoing police, fire and ambulance services, continuing drainage management, road maintenance and traffic monitoring. All these cost the taxpayers a great deal of money.

Continued on Next Page

Furthermore, in a fact filled article entitled, "Communities Rethink Growth Policies as Gridlock Snarls the Suburbs" in Governing magazine of December, 1987, the author Bob Gurwitt asserts that, "The significance of the gridlock problem is that it makes it virtually impossible to attract future development because no one wants to develop where the capacity to move goods and people from one place to another is non-existent." In other words, Pyramid builds and that slams the lid on future, more desirable professional office parks and other clean ratables that will not produce 30 to 40 thousand cars a day.

Walnut Creek, California passed an initiative that halted development until traffic at 75 key intersections flowed at reasonable levels. They discovered that 48% of the trips that help congest their roads begin and end outside their boundaries. It is reasonable to extrapolate from such data that not only Clarkstown's roads will be affected but the roads of every community in this small county.

Are all these facts, detrimental to the zone change, to be ignored?

Is the will of the citizens of this Town to be dismissed?

My initiation into community service was via a civic group fighting a shopping center in Bardonia. Twenty-two years later I can tell you that we did the right thing then. We see what has happened to Nanuet because the shopping center did go there.

Not one voice now speaks in favor of the benefits of that mall.

You are choosing tonight, in supporting the Mall, to change Clarkstown forever from a suburban to a dense urban community.

This Mall will bring not quality shopping, but volume shopping. There will be no escape from traffic or the increase in crime. Volunteer services, as you now know them, will give way to paid departments.

I do not want the legacy that I leave this Town to be its destruction.

This proposed shopping center may enrich the Pyramid Corporation, but it will impoverish the quality of our lives forever.

Therefore, I will cast a NO vote, and I urge my fellow Board members to do the same."

Before his vote Councilman Kunis said:

"First of all I would like to say "Thank You" to the many people who have called me over the past week and encouraged me to stand fast and not be bullied by intimating here say, rumors, and inuendos. I have been a member of this Board for the past 11 months. In that time the overriding issue has been the Palisades Center Project. I have given thought to many items relating to this issue that I would like to publicly discuss tonight.

First and foremost is the polarization of our community by citizens groups and public officials. There has been no end to the public character assassination of public officials who only seek to serve the public interests to the best of their ability. Act one was the alleged Ann Marie Smith conflict of interest charge. Act 2 was Cuncy Planning Commissioner William Chase being chastised for

Continued on Next Page

allegedly changing draft recommendations. Act 3 being County Executive John Grant being dragged through the mud. The latest incident being the attempt to impugn my integrity.

Prior to my voting I want to make it very clear that Councilman Steven Kunis has and always will stand for the highest code of ethics in government. It is rather unfortunate that I stepped on several people's toes last week when I called for the resignation of 2 members of our Board of Ethics. Both of these members of this Ethics Board are Republican Committeemen (sic), one serves as a member of the Republican Executive Committee, and this individual also serves on our Town Planning Board. Is there anything wrong with this? I say yes. It became apparent that the powers that be didn't approve of my request so a disgusting story was leaked to the press that I allegedly initiated a vote swap regarding the Palisades Center and MF-4. Who are these people who went running to the press?? What was their motive?? Both are registered Republican(sic), with one serving as a Republican Committeeman. Both are staunch anti mall advocates. I being a mall supporter does it make any sense that I would involve myself with such individuals in such a delicate political deal. And isn't strange that the very next day the Republican Party Chairman, Vincent Reda, is calling for my resignation and requesting the District Attorney investigate. Mr. Reda remember one thing, people who live in glass houses had better not throw stones. It has become quite apparent that the sole purpose of this grand scheme was to once again stall the mall, and embarrass those public officials whose position has been in favor of the mall. I volunteered to appear before the District Attorney and have since been exonerated of any wrong doing. As I have consistently said & I'll say it again. I never told or authorized (sic) anyone to act on my behalf.

Ladies and Gentleman (sic) no one group or person will ever intimidate me. I will continue to work for all of the people who elected me to this position. I will continue to speak out on any issue, whether it be fiscal responsibility or a zone change. That was my campaign platform. That is my style, no one individual on this board is going to stop me. The people of Clarkstown have a right to be duly represented and they will be by a majority of this Town Board. Certain citizens will go to any length to smear me because of my position on the mall. I am proud to live in Clarkstown & I am proud to own a business in Clarkstown. I have a vested stake in our community. I earn my living here. I am judging this zone change solely on its merits.

Furthermore as I vote for this mall let me also state that I have not and will not be swayed by disgusting cartoons being passed out throughout our community, or threatening letters. Furthermore let me state that I will not be intimidated by the individual who called by wife up one afternoon and promised to kill my children if I vote for the mall. I didn't go to the press and sensationalize. I immediately went to the proper law enforcement authorities and reported this disgusting act. And isn't it rather odd that nobody had the guts to place their name on any of this correspondence. Are these the same group of people who call the media to attack Ann Marie Smith, William Chase, John Grant and myself. Are these the same people who call for an Ethics Board investigation. I wonder.

Now to the real issue at hand. What will Palisades Center do for the Town of Clarkstown. As an elected representative of all the people of Clarkstown I am very conscious of my responsibility to cast my vote solely in Clarkstown's best interest. No issue in this town has stirred more controversy nor received greater study and attention then(sic) the rezoning issue of Palisades Center.

Every decision which will result in a change in the status quo necessarily involves balancing future risks against probable rewards

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-- that is, foreseeable costs against likely benefits. At the same time, one must always consider the alternatives. Do we want a garbage to energy burn facility on this site? I say no. Do we want light industrial development on this site. I say Yes. During the past 15 months I have given much thought to developing this site as zoned. During my campaign for election to the council, I met with representatives of the Robert Martin Company, in Elmsford, N.Y. It then became quite apparent to me that this parcel of land zoned LIO could not be built on as zoned by any developer. It would just be to (sic) expensive. Several months later this fact was again reinforced, when Supervisor Holbrook, and I met with a representative of NYNEX looking to relocate in the county. This site was mentioned to him. His answer was that it would just be to(sic) cost prohibitive, the cleanup of the site makes it impossible for him to build at anywhere near a break even point. It has been 3 years since a previous Town Board pledged to bring in a suitable LIO ratable to this site. The hard fact is that LIO development is not feasible on this location.

What's the answer? The answers lie in the Final Environmental Impact Statement coupled with the Findings Statement this Board earlier adopted. We can upgrade the applicable zoning with all of the safeguards we have insisted upon. We can properly plan for a modern, enclosed regional shopping center in this area - with all of many the (sic) benefits it will provide our entire community. A site surrounded on the north by the New York State Thruway, on the south by Route 59, on the West by railines, and to the east by Route 303. 16 Potential lanes of highway leading into and out of the site, as opposed to 6 lanes on Route 59 in Nanuet. Volumes of study and years of expert analysis all confirm that this is the prudent route to take. The Palisades Center wil provide a whole host of benefits and most importantly with all of the various safeguards or precautions which this Board has insisted upon, every problem has been addressed and all benefits analyzed among which are the following.

1. Substantial net increases to the tax base of the Town, school district, county and state, to the tune of anywhere between \$8.5 to over \$13 million each and every year.
2. The Palisades Center will provide immediate employment for a broad range of construction trades and more than 2,000 new jobs in the sales, purchasing, clerical, management, security, and maintenance areas which will result in at least a \$30 million increase in the personal incomes of our residents.
3. The Board has required the developers to build or reconstruct, at their own expense, those portions of the N.Y. State Thruway, Route 303 and Rt. 59 which lead to and border the shopping center site.
4. The developer will contribute up to \$2 million toward the Hackensack River flood control project which payment will be made before any building permit will be issued.
5. The developer will vastly improve the nature of the large, unregulated wetland on the site and dedicate title of it to a nature conservancy group after cleaning it up, increasing its water storage capacity, and planting a heartier variety of wetland vegetation.
6. Most importantly, the inactive former Dexter & Village of Nyack Landfills will be properly closed and fully remediated under te(sic) continuing and watchful supervision of the Department of Environmental Conservation.

In addition, the developer has proposed the following amenities.

In closing, I have tried to keep an open mind on this matter. Unfortunately for some, I have found no viable alternative to the

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Palisades Project. This choice is clear to me and I would not trade my affirmative rezoning vote on the Palisades Center for any other rezoning vote. Because this project will be most beneficial to the entire Town of Clarkstown.

I vote Yes.

Before his vote Councilman Maloney said:

"On a cold, gray day on November 19, 1863 at precisely 2 p.m. a tall, gaunt figure spoke for two minutes at the dedication ceremony of a national cemetery and when he sat down there was very little applause and some say no applause at all. There was one sentence in that speech that bears repeating and I quote 'The world will very little note nor long remember what we say here but it can never forget what they did here.' President Lincoln was wrong. The world did remember and still remembers his Gettysburg address.

All of us for years to come whether we are pro mall or anti mall will remember the trials, the tribulations, the endless dialogue, the meetings, the emotions, newspaper articles, letters, PR overkill, the accusations and yes, the genuine questions and concerns that all of us have endured over this single zone change.

It is not important for anyone to remember what I or any other Board member might say here. What is important is that we not forget what the applicant has promised to do here. What the Town Board and the community at large through your concerns, insist that he do here to the satisfaction of all.

No zone change has aroused so much attention or caused so much controversy or so polarized many segments of our community as has this one. I would hazard a guess that the 5 volumes of the FGEIS contains more words than all the plays and sonnets of William Shakespeare. I feel for all my fellow Board members. I know the tensions and stress they have been under for these past long months.

Some of us have been vilified in the press, been the subjects of salacious cartoons, the recipients of threatening letters and abusive phone calls. However, I have appreciated the sincere concern and comments for those for and against the mall. The phone calls, the letters, signed and unsigned and cards from all segments of the community. It pained me to read letters from dear friends of mine whose opinions I respect urging me to vote against the zone change and then the next day or late(sic) to get an equal number of letters from friends I hold in great esteem asking me to hold fast and vote for the mall for the good of Clarkstown. Senior citizens have been especially concerned that I vote for the mall because the tax revenues that it will generate to help them survive in Rockland County.

I have survived 15 years and 4 terms on this Board not because I have all the right answers or did all the correct things or used my vote in an arrogant way but because I have always tried to be fair, objective, to listen and to do what I felt was best for all the people of Clarkstown. No elected official can see into the future. We are not gods. We are not infallible. We vote based on the best information available to us.

During my 15 years as an elected official I have never sought to demean anyone for his opinion or his position on an

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issue. I may differ with them but I respect their right to be different. I refuse to infer sinister motives as to why a person feels the way he does. I have no quarrel with the legitimate concerns of the various civic leaders and civic organizations who for many varied reasons are opposed to this zone change. I thank them for their concern, for their tireless effort, their research and their desire to do what they feel is best for Clarkstown. I thank all the members of the Planning Board.

I have lived in Nanuet for 28 years and I love this Town. I do not intend to retire to Florida or to Arizona. I too must live with what eventually is built in West Nyack.

If the opponents are concerned about quality of life so too am I.

If the opponents are concerned about traffic and air pollution, so too am I.

If the opponents are concerned about toxic wastes, so too am I.

If they are concerned about the health and welfare of their children, so too am I.

If they are concerned about morality and ethics, so too am I.

And if they are concerned about the future of Clarkstown, so too am I.

I too must live with what happens tonight. A letter to the editor yesterday referred to me and others as a "puppet of Pyramid." No sir, I am not a puppet of Pyramid but a conscientious Clarkstown Councilman who is only trying to do the job he was elected to do.

That is why all the members of the Town Board have been very insistent that every iota of what was promised and what was legally demanded by so many state, county and local agencies, will be done to the satisfaction of all.

I am voting for the zone change because I believe in the future of Clarkstown. I believe that this development will be in the best interests of all the people of Clarkstown. In 1986, I was the lone vote on the Town Board in favor of the mall. Recently the cry has been raised "Listen to your Planning Board. The majority does not want the mall." 2 1/2 years ago, no one said "Listen to the Planning Board, when the majority wanted the mall" Since then this eyesore has sat there for 2 1/2 years with no applicant showing any interest to improve it and it will remain fallow for perhaps another twenty years because no one but this applicant has been willing to change things.

The advantages of the zone change, in my estimation, far outweigh the disadvantages. Mr. Nest, the Vice Chairman of the Planning Board summed it up very well when he said in his report that we have requested 10 - 20 million dollars of off site improvement from this applicant and that in the 3 billion dollar bond issue passed by the voters in November, that Rockland County for all its bridge and roads was to receive less than 25 million dollars. Clarkstown alone will get almost that amount from Pyramid.

I have confidence in our Planning Board, our consultants, our State and County departments and regulatory agencies that our intentions will be followed to the letter!

Continued on Next Page

As one letter writer remarked: Turning down Pyramid would be like chasing Santa Claus out of town. Ironically, today is the feast day of Saint Nicholas, the original Santa Clause.

The time for division is over. We must move forward. Let all of us, the town board, planning board, consultants, State and local agencies and yes, the civic leaders and concerned civic organizations, work together for a better Clarkstown. Let all of us, in our own way, act as vigilant overseers to guarantee that the dream hoped for becomes the dream fulfilled and that we ensure that the bag that Santa carries contains only good things for all the people of Clarkstown and I vote yes."

Councilwoman Smith said the following:

"In May 1986, after months of deliberations as a Planning Board member, I voted favorably on the first application of Palisades Center. At that time, they were going to take down the mountain to build a shopping center; they were going to improve the Thruway intersection, the Route 59 and 303 intersection and make only four other intersection improvements on Route 303.

In the current submission, the projected site plan will involve much less blasting; the Thruway intersection will be significantly changed and simpler to navigate; and they will improve several intersections.

There will be a community center; a child care center; preservation of a community cemetery; construction of a regulation ice hockey rink; a fitness center; commuter parking lots for the commuter bus passengers and, with the strong support of our Senator, parking for future passenger service of the West Shore railroad.

I have received many opinions, pro and con, on this application, as have all the Town Board members. I understand the fears of the people; I understand their concerns; I understand the desires of those who would like to maintain the status quo.

Sincere residents, like Mr. Wertheimer and Mr. Salaun of Congers and Mr. Campbell of Valley Cottage would request that I keep an "open mind" and carefully review all the submissions.

Other, less than sincere, opponents had only "open mouths." They have personally attacked and harrassed me because I have announced support of this application. In one of the letters reference was made to the "good guys" and the "bad guys." The premise being that everyone supporting the applications were "bad guys" and all those opposing the application were the "good guys." Let me tell you about some of the so called "good guys."

* I have been politically threatened. I have been told that "they will get me";

* They have personally attacked my character by circulating defaming cartoons which my friend found posted in a convenient store in the hamlet of Congers, where I live;

* They have sent hate mail - letters by writers too cowardly to sign - which have been forwarded to the District Attorney;

* The Secretary of one of the civic associations felt justified in sending a letter alluding to the possibility that future physical harm could come to me because of my position - this is in the possession of the Town Attorney;

Continued on Next Page

* They have phoned me at all hours. If you have ever experienced sudden, unexpected early morning calls - they are frightening; I didn't quickly conclude that mall opponents would be calling, but rather, that I would be hearing "bad news." Not only were the calls frightening, but if you have a close family member who has been very ill -- the calls are cruel. I hope none of you ever has this nightmare. Since the Chief of Police has had a trap put on my phone, and I have let it be known that it is on my phone, the number of calls have lessened.

* Corporate giants, intent on maintaining their monopoly, the Nanuet Mall, have dragged me through the courts; I have been vindicated three times; they are still appealing, do you think they may have a conflict?

* Another civic association is party to the lawsuit. A very successful business owner in Congers maintains that business will suffer if the Mall is built; it's funny . . . the United States of America says "come, with open arms, we welcome you, come and make your fortune here" -- They United States doesn't place any restrictions such as saying you must become a citizen to enjoy the benefits of our country; yet, that same successful benefactor attempts to restrict others from a similar business opportunity. The Board of the Congers Civic Association does not represent the vast majority of Congers residents on this application.

Those are just some of the actions of the so called "good guys."

We have been told to be careful of the slick operators from Syracuse, yet in the much publicized history of this company one thing is remarkable - all municipalities in which they have settled, regardless of how hard they fought their coming in - say, that they are a good neighbor and a benefit to the community.

The application also has involved the reputation of local businessmen. Messrs. Raso and Besso have lived nicely in Rockland County; they have also made living nice for others in Rockland County. Their charitable contributions, their support of our hospitals, their giving back to the community shows me, that they care about us and about our town and that a safe and attractive site will be constructed.

I have researched the credentials of Mr. Keyes. He is well respected in his profession. He knows that traffic is a paramount concern to all of us. He, as a resident of Rockland County, living in S. Nyack close to the site, makes me confident that his professional and even greater personal interest in this site will be evident in its completion.

It is said that it is "popular" to be an environmentalist. It is not popular -- it is "proper" to be concerned about our environment. And, all of us favoring this application are very much concerned. We will work with the DEC in setting firm conditions and making sure the applicant carries them out completely.

And to our political colleagues, who have become public in the last three weeks of this three year application, we welcome you and encourage you to . . . stay visible, be there. If this site cannot be cleaned up or cannot be built on - we don't need 15 more years of talking about the environment and road improvements; and we certainly don't need 15 more years of commissioning studies about the environment and road improvements; stay visible, political colleagues, be there . . . for we need a safe, clean environment and road improvements and we need them now.

Much professional experience and time have been spent on this application. We have engaged outside, objective counsel to put all the proper safeguards in place, and in addition, to perfect text changes to the ordinance which will become effective long before a spade enters the ground.

Much personal investigation and time has also been spent on this application. After weighing all the evidence, and disregarding all the threats, I firmly believe that Palisades Center will benefit all 86,000 residents of Clarkstown and, therefore, on the motion for the applicant's request of zone change from LIO to MRS. -- I vote yes.

Supervisor Holbrook said the following:

I am voting against the rezoning for Clinton Square Plaza, more familiarly known as Palisades Center, primarily for three reasons. Each of these reasons I consider to be of equal importance.

The first involves the traffic situation. The improvements that the Pyramid Company has proposed for the site primarily address traffic entering and leaving the Palisades Center. Virtually nothing is planned to deal with the problem of the secondary roads and the need for the widening of Route 303. It is my belief that the secondary roads in Clarkstown, primarily Kings Highway, Casper Hill Road and Brewery/Strawtown Road will suffer the burden of becoming major conduits for Palisades Center. It also must be remembered that, with a shopping center of this magnitude, there will be 38,000 to 40,000 cars a day, starting at day one and continuing virtually every day, forever. Traffic is a problem in Clarkstown today. It will only be made worse by this project.

The second issue is the environmental issue. It is known that the site in question is the location of two former landfills which have been listed by the State Department of Environmental Conservation as hazardous waste sites. With all the testing that has gone on, it still has not been concluded that the construction of an 875,000 square foot shopping mall is compatible with the cleanup of these sites. Additionally, with at least five other potentially dangerous sites located in the West Nyack area, it seems foolish to run headlong into a massive development until some master plan has been outlined for the cleanup of the West Nyack/Hackensack Valley.

Finally, I oppose this project based on the fact that the conditions set forth in the report submitted by William Chase on October 26, 1988 have not been complied with. I refer specifically to condition one, which calls for an adoption by the Town Board of a comprehensive plan for the West Nyack and Nanuet shopping areas, to be adopted by the Town Board at the same time that the zone change is approved.

In all the material I have viewed, I have not seen any steps taken toward addressing this condition in an appropriate fashion. It is my opinion that, if adopted, this zone change resolution will not meet the threshold of condition one in Mr. Chase's report.

There is one other issue that I feel should be mentioned, and that involves the various drafts which were prepared prior to this meeting of the resolution that will be adopted tonight. It is interesting to note that the first draft, on page 6 and 7, mentions a limitation of the size of Palisades Center to 875,000 square feet. In the most recent version, that condition has been eliminated. I think, in light of the traffic concerns, the Board members approving the zone change should keep that limitation at 875,000 square feet.

I could go on to discuss the other fears and concerns I have about the past history that the Palisades Corp. has had in other parts of the northeast, but I will spare the public the gruesome details.

Continued on Next Page

I vote "no" for the reasons enumerated above!

There being no further business to come before the Town Board on motion of Councilman Maloney, seconded by Councilman Kunis, and unanimously adopted the Special Town Board Meeting was closed, 9:02 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk