

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Upper Nyack
Elementary School

11/13/97

7:30 PM

RESOLUTION NO. (833-1997)

Co. Maloney offered and Co. Mandia seconded

**ORDER CALLING PUBLIC HEARING IN THE MATTER
OF THE ESTABLISHMENT OF THE NYACK JOINT FIRE DISTRICT
IN THE TOWNS OF CLARKSTOWN AND ORANGETOWN, AND
THE VILLAGES OF NYACK, UPPER NYACK AND SOUTH NYACK,
AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

At a special meeting of the Town Board of the Town of Clarkstown held at the Upper Nyack Elementary School, North Broadway, Upper Nyack, New York, on the 13th day of November, 1997 at 7:30 p.m.

The meeting was called to order by Supervisor Charles E. Holbrook, and upon the roll being called, the following were:

PRESENT:

Charles E. Holbrook, Supervisor
John R. Maloney, Councilperson
Ralph F. Mandia, Councilperson
Louis J. Profenna, Councilperson
Ann Marie Smith, Councilperson Absent

The following resolution was moved for adoption by Councilperson Maloney and seconded by Councilperson Mandia:

WHEREAS the Nyack Fire Department has heretofore provided fire protection to the Villages of Nyack, Upper Nyack and South Nyack in the Towns of Orangetown and Clarkstown; and

WHEREAS the Nyack Fire Department has heretofore provided fire protection to the Upper Grandview Fire District, in the Town of Orangetown, pursuant to contract between the Nyack Fire Department, the Village of Nyack and the Upper Grandview Fire District; and

WHEREAS, the Nyack Fire Department has heretofore requested that the municipal officials of the Towns of Orangetown and Clarkstown and the Villages of Nyack, Upper Nyack and South Nyack take such action as is necessary to establish a Joint Fire District to comprise all the property presently afforded fire protection by the said Nyack Fire Department, being all the territory presently afforded such protection within the Village of Nyack, Village of Upper Nyack, Village of South Nyack and the Upper Grandview Fire District, pursuant to Article 11-A of the Town Law and Article 22-A of the Village Law; and

WHEREAS, all the territory in the proposed Nyack Joint Fire District is contiguous; and

WHEREAS, it is hereby determined to be in the public interest that the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Nyack, Upper Nyack and South Nyack jointly hold a public hearing on the establishment of the proposed Nyack Joint Fire District; and

WHEREAS, the aforesaid Nyack Joint Fire District, as proposed, shall commence its operations (excluding fire protection) on June 1, 1998 by and under a Board of Fire Commissioners to be initially appointed by the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Nyack, Upper Nyack and South Nyack and thereafter elected pursuant to the applicable provisions of the Town Law; and

WHEREAS, the aforesaid Nyack Joint Fire District, as proposed, shall commencing January 1, 1999, assume all responsibility for fire protection within its boundaries; and

WHEREAS, the Nyack Fire Department has heretofore requested that the municipal officials of the Towns of Orangetown and Clarkstown and the Villages of Nyack, Upper Nyack and South Nyack take such action as is necessary to establish a Joint Fire District to comprise all the property presently afforded fire protection by the said Nyack Fire Department, being all the territory presently afforded such protection within the Village of Nyack, Village of Upper Nyack, Village of South Nyack and the Upper Grandview Fire District, pursuant to Article 11-A of the Town Law and Article 22-A of the Village Law; and

WHEREAS, all the territory in the proposed Nyack Joint Fire District is contiguous; and

WHEREAS, it is hereby determined to be in the public interest that the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Nyack, Upper Nyack and South Nyack jointly hold a public hearing on the establishment of the proposed Nyack Joint Fire District; and

WHEREAS, the aforesaid Nyack Joint Fire District, as proposed, shall commence its operations (excluding fire protection) on June 1, 1998 by and under a Board of Fire Commissioners to be initially appointed by the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Nyack, Upper Nyack and South Nyack and thereafter elected pursuant to the applicable provisions of the Town Law; and

WHEREAS, the aforesaid Nyack Joint Fire District, as proposed, shall commencing January 1, 1999, assume all responsibility for fire protection within its boundaries; and

WHEREAS, the aforesaid Nyack Joint Fire District, as proposed, fully bounded and described as hereafter set forth in the Notice of Public Hearing, includes all of the properties presently served by the Nyack Fire Department; and

WHEREAS, the Town Board of the Town of Clarkstown has determined that the Town Board of the Town of Orangetown shall be the lead agency in connection with the proposed establishment of the Nyack Joint Fire District, for the purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of the Nyack Joint Fire District;

NOW THEREFORE, IT IS HEREBY ORDERED by Town Board of the Town of Clarkstown, Rockland County, New York as follows:

SECTION ONE

This Board designates and hereby appoints the Town Board of the Town of Orangetown to act as "Lead Agency" in connection with the proposed establishment of the Nyack Joint Fire District, for purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder;

SECTION TWO

A public hearing will be held on December 4, 1997 commencing at 7:30 P.M. at the Upper Nyack Elementary School located on North Broadway, in the Village of Upper Nyack, which is

located within the proposed Joint Fire District, before the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Nyack, Upper Nyack and South Nyack on the question of the establishment of a Joint Fire District to be known as the Nyack Joint Fire District in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof concerning the same, and to take such further action thereon as is required or authorized by law.

SECTION THREE

The Village Clerk of the Village of Nyack is hereby authorized to act in the following capacity on behalf of this Board and directed to cause a copy of the notice of public hearing hereinafter provided to be published in the Rockland Journal News, not less than ten (10) days before the date of the hearing.

SECTION FOUR

Said notice of public hearing shall be posted not less than ten (10) days before said public hearing in five (5) public conspicuous places in the Town of Clarkstown, within the proposed boundaries of the Nyack Joint Fire District and the Village of Upper Nyack, there being no territory of the proposed Nyack Joint Fire District in the Town of Clarkstown that is outside the boundaries of the Village of Upper Nyack. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Orangetown and the Town Board of the Town of Clarkstown in the County of Rockland, State of New York and the Village Board of Trustees of the Village of Nyack and the Village Board of Trustees of the Village of Upper Nyack and the Village Board of Trustees of the Village of South Nyack in the County of Rockland, State of New York, will hold a public hearing for the purpose of jointly proposing the establishment of a joint fire district. The public hearing will be held on the 4th day of December, 1997 at 7:30 P.M. at the Upper Nyack Elementary School, located on North Broadway, Upper Nyack, New York for the purpose of considering the proposed establishment of a joint fire district and to hear all persons interested in the establishment of said district.

The objects and purposes for which it is proposed that the Nyack Joint Fire District be established are for the assumption of all responsibility for fire protection within its boundaries commencing January 1, 1999, with the operations of the Nyack Joint Fire District (excluding fire protection) to commence June 1, 1998 by and under a five (5) person Board of Fire Commissioners, to be initially appointed by the Town Board of the Town of Orangetown and the Town Board of the Town of Clarkstown and the Village Board of Trustees of the Village of Nyack, the Village Board of Trustees of the Village of Upper Nyack and the Village Board of Trustees of the Village of South Nyack and thereafter elected pursuant to the applicable provisions of the Town Law.

PLEASE TAKE FURTHER NOTICE that the territory to be included within the Nyack Joint Fire District, as proposed, is contained within the following boundaries:

BEGINNING at a point at a bend on the boundary line of the Village of Upper Nyack, and the Town of Clarkstown, said point being approximately 370 feet easterly from the center line of U.S. Route 9W, also known as North Highland Avenue and running thence,

1. on a course through several properties and roadways located within the Village of Upper Nyack South 14°-02' West 4,594.08 feet to a point at a bend in the boundary line of the Village of Upper Nyack and the Town of Clarkstown as follows:
 - a. Tax Map 60.05, Block 2: Lots 1,2,57,56,50,47,35 and 34 Radcliff Drive and Palmer Drive
 - b. Tax Map 60.09, Block 1: Lots 2,3,4,5,53,52,51 and 50
 - c. Tax Map 60.09, Block 2: Lots 1,92,91 and 84 Christian Herald Road and U.S. Route 9W
 - d. Tax Map 59.16, Block 2: Lot 1

Said course is shown on the Tax Map of the Village of Upper Nyack, dated November 1, 1966, as prepared by William J.

Richards Company, Cornwall, New York.

Said point at bend in boundary line is located approximately 310 feet west of the centerline of U.S. Route 9W and 1170 feet southerly of the centerline of Christian Herald Road; thence,

2. on a southerly course along said boundary line South 12°-36' West 1874.40 feet to a point at the intersection of said boundary line with the boundary line of the Town of Orangetown, which is also the northerly limit of the Village of Nyack; thence,
3. on a southerly course along the boundary line of the Town of Clarkstown and the Village of Nyack (also Town of Orangetown) on a bearing of south 14°-09'-15" west approximately 2,330 feet to a point on the northerly side of the New York State Thruway Right-of-Way; thence,
4. on a southwesterly course along said boundary line and crossing the New York State Thruway South 13°-55' West 585.24 feet to a point on the southerly side of said Thruway; thence,
5. on a southwesterly course along said boundary line which line also includes the Village of Nyack, South 14°-06' west 839.36 feet to a point on said boundary line, and said point being at the intersection with the boundary line of the Village of Nyack and the Village of South Nyack; thence,
6. on the same course along said boundary of the Town of Clarkstown and the Town of Orangetown which includes the Village of South Nyack South 14°-06' West 250.00 feet to a point where the Town of Clarkstown - Town of Orangetown boundary line will separate from the Town of Orangetown - Village of South Nyack boundary line; thence,
7. on a southeasterly course along the boundary line of the Town of Orangetown and the Village of South Nyack on a bearing of South 17°-12' East approximately 2116.80 feet to a point at a bend in said boundary line; thence,
8. on a course along said boundary line South 0°-31' West 1626.48 feet to a point at a bend in said boundary line; thence,
9. on a southeasterly course along said boundary line and crossing County Roadway Route 5, known as Park Road, and also known as Highland Avenue South 73°-00' East 556.20 feet to a point at the rear property corners of Lot 1, lands of the Palisades Interstate Park Commission and Lot 2, Block 1 of Map 65.20, which is in the Fire District, and which lot fronts on South Boulevard in the Town of Orangetown; thence,
10. on a course along the rear property lines of the following lots, which are in the Fire District in the Town of Orangetown, but is also commonly known as the unincorporated

hamlet of Upper Grandview:

Map 65.20 Block 1: Lots 2,,5,6,7,9,10,11 and 14 to a point on the easterly side of County Route 5. The metes and bounds for this course is as follows:

- a. South 27°-33' -44" West 120.48 feet
 - b. South 10°-12' West 419.76 feet
 - c. on a curve to the right with radius = 813.24 feet Δ = 26°-38' -43" and L = 378.24 feet
 - d. South 18°-48' East 341.52 feet to the above point; thence,
11. on a course along the easterly right-of-way of County Route #5 South 13°-16' -11" East 154.68 feet to a point; thence,
 12. on a course along the rear property lines of the following lots in the Fire District and in the unincorporated hamlet of Upper Grandview in the Town of Orangetown:

Tax Map 70.08 Block 1: Lots 1,4,5,6,7,8 and 9

to a point in the centerline of County Roadway Route 28, known as South Boulevard. The metes and bounds for this course is as follows:

- a. South 14°-15' East 232.44 feet
 - b. on a curve to the right with radius = 601.08 feet Δ = 25°-17' -08" and L = 265.32 feet
 - c. South 9°-22' East 58.32 feet
 - d. South 78°-45' East 398.40 feet
 - e. South 9°-34' -32" East 1025.40 to the above point in said centerline; thence,
13. on a southerly course along the centerline of South Boulevard South 21°-08' West 281.28 feet to a point at the intersection of centerlines of County Route 28 and County Route 5; thence,
 14. on a southerly course along the centerline of County Route 5, known as Highland Avenue and more commonly known as South Tweed Boulevard approximately 7,400 feet to a point in the centerline of said road approximately 68 feet from the boundary line of the Town of Orangetown with the northwesterly corner of the Village of Piermont; thence,
 15. on an easterly course between Lot 10 (located in the Fire District), and Lot 11 (out of the Fire District), Block 1 Tax Map 75.05 North 88°-10' -11" East, 68 feet to the above boundary, and the northwesterly corner of the Village of Piermont; thence,
 16. on an easterly course along the boundary line of the Town of Orangetown and the Village of Piermont and crossing U.S. Route 9W the following metes and bounds to the centerline of an abandoned railroad:

- a. North 88°-10' -11" East 115.00 feet
 - b. North 57°-04' East 398.04 feet
 - c. North 86°-35' East 122.64 feet to the above point; thence,
17. on a northerly course along the centerline of the abandoned railroad and said boundary line approximately 50 feet to a point which intersects the boundary line of the Village of Piermont and the Village of Grandview-On-Hudson; thence,
18. on a northerly course along the centerline of the abandoned railroad which is the boundary line between the Town of Orangetown and the Village of Grandview-On-Hudson approximately 7,640 feet to a point; thence,
19. on several courses along said boundary along the rear property lines of the following lots which are in the Fire District and in the unincorporated hamlet of Upper Grandview in the Town of Orangetown:
- Tax Map 71.05, Block 2:
 Lots 9,10,12.2,12.1,13,14.1,14.2,14.3,15,16,18 & 19 and across the New York State Thruway, also known as Interstate Route 87 and 287 to a point intersecting the boundary line with the Village of South Nyack; thence,
20. on a southeasterly course along the boundary line of the Village of South Nyack and the Village of Grandview-On-Hudson South 40°-39' East 1150 feet to a point in the bend of said boundary, said point being in the Hudson River approximately 650 feet from the shoreline as measured along the boundary line and approximately 330 feet northerly from the nearest point on the Tappan Zee Bridge; thence,
21. on an easterly course along said boundary South 77°-38' East 503.40 feet to a point in the Hudson River; thence,
22. on a course due east approximately 5,600 feet to the centerline of the Hudson River denoting the boundary line of Rockland County and Westchester County; thence,
23. on several courses northerly along the above boundary to a point in the centerline of the Hudson River located approximately 4,700 feet due east from the most easterly point of the boundary line between the Village of Upper Nyack and the Town of Clarkstown as follows:
- a. North 20°-40' East 836.76 feet
 - b. North 9°-06' East 6282.60 feet
 - c. North 0°-00' 9254.88 feet
 - d. North 14°-42' East 3205.08 feet
 - e. North 7°-37' East 2410.08 feet
 - f. North 3°-57' West 708.84 feet to the above said point; thence,

24. on a course due west approximately 4700 feet to a point in the Hudson River being the most easterly point of the boundary line between the Village of Upper Nyack, and the Town of Clarkstown, said point being approximately 500 feet from the shoreline; thence,
25. on several courses along said boundary line to a point on said boundary as follows:
- a. South 82°-50' West 1199.64 feet
 - b. South 4°-50' -54" West 226.44 feet
 - c. South 11°-44' West 2778.72 feet
 - d. South 11°-50' West 1350.24 feet
 - e. South 51°-10' West 1466.88 feet
 - f. South 69°-12' West 786.72 feet
 - g. South 53°-58' West 1439.16 feet
 - h. North 74°-14' West 302.28 feet to the point of BEGINNING.

Dated: November 13, 1997

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF ORANGETOWN AND THE TOWN BOARD OF THE
TOWN OF CLARKSTOWN AND THE VILLAGE BOARD
OF TRUSTEES OF THE VILLAGE OF NYACK AND
THE VILLAGE BOARD OF TRUSTEES OF THE
VILLAGE OF UPPER NYACK AND THE VILLAGE
BOARD OF TRUSTEES OF THE VILLAGE OF
SOUTH NYACK

SECTION FIVE

Said notice of public hearing shall be served upon the members of the Town Board of the Town of Clarkstown by mail addressed to their last known post office addresses at least ten (10) days before the date of said hearing.

SECTION SIX

This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

<u>Supervisor Holbrook</u>	voting	<u>Yes</u>
<u>Councilperson Maloney</u>	voting	<u>Yes</u>
<u>Councilperson Mandia</u>	voting	<u>Yes</u>
<u>Councilperson Profenna</u>	voting	<u>Yes</u>
<u>Councilperson Smith</u>	voting	<u>Absent</u>

The resolution was thereupon declared duly adopted.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the Town Board Meeting was declared closed, time: 7:40 PM

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk