

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall 7/14/98 8:00 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia Profenna and Smith  
Harold MacCartney, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board meeting open. Assemblage saluted the Flag.

Supervisor opened the public portion of the meeting.

Appearance: John Lodico  
New City

On behalf of himself and the Village of Upper Nyack, he commended and thanked the Board for their support of the tall ships.

Appearance: Marie Brouchard  
Congers

She spoke regarding the condition of the cemetery across the street from Town Hall.

\*\*\*\*\*

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for Zone Change (R-40 to R-22) Stowbridge, New City Alliance Church was opened, time: 8:03 PM

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition for Zone Change (R-40 to R-22) Stowbridge, New City Alliance Church was closed, RESOLUTION NO. 556-1998 ADOPTED, time: 8:20 PM

\*\*\*\*\*

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for Special Permit - Sunrise Assisted Living Development, Inc. was opened, time: 8:20 PM.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for Special Permit - Sunrise Assisted Living Development, Inc. was closed, RESOLUTION NO. 557-1998 ADOPTED, time: 8:55 PM

\*\*\*\*\*

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for Zone Change (PED to MF-3): Avalon Properties Inc. was opened, time: 9:00 PM.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for Zone Change (PED to MF-3): Avalon Properties Inc. was closed, RESOLUTION NO. 558-1998 ADOPTED, time: 11:10 PM.

\*\*\*\*\*

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Petition for Abandonment of a Portion of Grant Avenue, Congers (Diaz) was opened, time: 11:11 PM.

TBM 7/14/98

Page 2

On motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the Petition for Abandonment of a Portion of Grant Avenue, Congers (Diaz) was closed, DECISION RESERVED, time: 11:15 PM.

\*\*\*\*\*

RESOLUTION NO. (555-1998)

Co. Maloney offered and Supervisor Holbrook seconded

WHEREAS, the Town Board of the Town of Clarkstown has heretofore proposed the establishment of the Lake Lucille Aquatic Plant Growth Control District in the unincorporated area of the Town of Clarkstown, and

WHEREAS, by Final Order dated June 28, 1994, the aforesaid district was established by the Clarkstown Town Board, a copy of which is herewith annexed, and

WHEREAS, an application to the State Comptroller for the establishment of the Lake Lucille Aquatic Plant Growth Control District was approved by the Department of Audit and Control on June 13, 1994, and

WHEREAS, Corddry, Carpenter, Dietz and Zack, consulting engineers, made an on-site inspection of the Lake Lucille Dam on or about June 24, 1997 and determined that the dam was in need of repair and remediation, as more fully set forth in their Dam Inspection Report, dated July, 1997, and

WHEREAS, the estimated cost for such repairs is in the sum of \$250,000, and

WHEREAS, pursuant to the provisions of 2 NYCRR, Part 85, Chapter III, § 85.4, an application for permission to increase the amount of money to be expended in remediating the dam for the Lake Lucille Aquatic Plant Growth Control District is required, and

WHEREAS, the boundaries of the proposed Aquatic Plant Growth Control District for Lake Lucille are as follows:

Lake Lucille - Clarkstown Tax Map 43

BLOCK A: LOT # 1, 2, 3, 4, 5.01, 6.01, 6.02, 7, 8, 9

BLOCK B: LOT # 1, 2, 3, 3.01, 3.02, 4, 5, 6, 7, 8, 9, 10, 13.01, 14, 15.01, 17, 18, 19, 20, 21, 22

BLOCK C: LOT # 1, 2.01, 4, 5, 6, 7, 7.01, 8, 9, 10, 11, 11.01, 12, 13, 13.01, 14, 15, 16

BLOCK D: LOT # 2, 2.01, 3, 4, 4.01, 4.02, 5, 6, 7, 10, 11, 13, 14

BLOCK E: LOT # 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 8.04, 8.05, 8.08, 8.09, 8.10, 8.16,  
8.17, 8.18, 8.19

BLOCK F: LOT # 1.01, 4, 5, 7, 8, 10, 12, 13, 14, 15, 16.01, 18, 19, 20, 21, 22, 23, 25, 26, 30

BLOCK G: LOT # 1, 2, 2.01, 3.01, 7, 8, 9, 10, 11, 12

NOW, THEREFORE, be it

RESOLVED, that an application for permission to increase the amount of indebtedness for the Lake Lucille Aquatic Plant Growth Control District be submitted to the State Comptroller of the State of New York:

Continued on next page

TBM 7/14/98

Page 3

RESOLUTION NO. (555-1998) CONTINUED

(a) Order establishing the Lake Lucille Aquatic Plant Growth Control District, dated June 28, 1994, and Order approving the establishment of the aforesaid district by the Department of Audit and Control of the State of New York, dated June 13, 1994, are on file in the Town Clerk's office;

(b) The proposed improvements consist of:

1. Concrete Repairs - Spalls in the vicinity of the main spillway weir and the sluice gate should be repaired by removing the unsound concrete and applying a polymer modified repair concrete to the prepared surface until the repair is flush with the surrounding concrete. Deteriorated concrete at the downstream edge of the weir should be removed and replaced.

2. Sluice Gate Replacement - Because the sluice cannot be operated over its entire range and because the gate is operated frequently during storm events, it is recommended that the gate assembly be replaced entirely. The operator for the replacement gate should be motor-driven with manual override.

3. Reinstallation of Auxiliary Spillway - In order to improve the operation of the dam, the Auxiliary Spillway conduit segment from the entrance to the first junction box would have to be reinstalled at its design invert elevation and the wall supporting it would have to be replaced at an estimated cost of \$6,200. This work should be scheduled after a complete evaluation of the dam's structural stability and spillway capacity is performed, because the evaluation may reveal that the Auxiliary Spillway contributes little to the dam's ability to withstand the required design storm and could, therefore, be abandoned at some cost savings relative to reinstallation of the conduit.

4. Bridge Deck Repairs - Rust should be removed from the exposed portions of the steel flanges of the beams supporting the bridge deck and the flanges should be repainted with a cementitious corrosion control coating, such as Sika's Armatec 110. Because no coatings (except rust) were observed on the exposed flanges, lead abatement measures are not anticipated to be required for this work.

5. Hazard Reclassification - Because failure of the dam could cause loss of life to persons living downstream of the dam, the dam's hazard classification should be changed from "substantial" to "high" (NYSDEC Class C). No construction would be required because of hazard reclassification exclusively, but NYSDEC regulations require an Emergency Action Plan to be prepared for high hazard dams.

6. Improve Spillway Capacity and/or Dam Stability - It is recommended that the services of a professional engineer be engaged to perform a conceptual study to determine the most cost-effective method to modify the dam to withstand the design storm as required by NYSDEC. The study should include a complete hydrologic and hydraulic analysis related to spillway capacity, conceptual design and cost estimates for spillway capacity improvements, an analysis of the dam's structural stability under design storm conditions and other conditions as required by NYSDEC regulations, and conceptual design and cost estimates for improvements required to provide structural ability in accordance with NYSDEC criteria. If it is decided to perform the recommended study, the repairs described in "1", "2", "3" and "4" above should be delayed pending conclusions and recommendations of the conceptual study.

(c) The maximum cost of the proposed improvements is \$250,000. The original application for approval was in the sum of \$1,500,000. The amount of the increase and the circumstances which have made the increase necessary are as a result of an on-site inspection conducted by the consulting engineers who found the deterioration of the dam, as more fully set forth in Item "(b)" above. The anticipated cost of the increase is the sum of \$250,000.

Continued on next page

## RESOLUTION NO. (555-1998) CONTINUED

(d) The Town Board's determination that the proposed improvements are in the public interest is contained in the report of Corddry, Carpenter, Dietz and Zack in which it is stated "the dam is currently classified by the State of New York as a substantial hazardous small-size structure." Accordingly, it is believed that the public health, safety and welfare mandates repairs to the dam in that the dam when classified as a substantial hazardous structure could result in the failure of the dam; and further, based on a preliminary hydraulic analysis, it appears that the spillway capacity of the dam is insufficient when compared to NYSDEC dam safety standards. [See report of Corddry, Carpenter, Dietz and Zack attached herewith]. The cost of the proposed improvements is to be assessed in whole against the benefited properties. No benefited property has been excluded, and all properties upon which the assessments are to be imposed will be benefited by the improvements.

(e) The proposed manner of financing the improvements will be with a serial bond. The anticipated amount of the serial bond is \$250,000 for a term of 20 years; interest at the rate of 5% per annum. It is not known at the present time whether State or Federal aid is available for the proposed project.

(f) Once constructed, it is not estimated that there will be any significant cost of operating and maintaining the improvements.

(g) The proposed manner in which to raise the cost of debt service is by assessment upon the benefited properties. The real property owners of the Lake Lucille Aquatic Plant Growth Control District shall be assessed by the Town of Clarkstown in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom. The formula is based upon a 60% benefit to real property owners situated on lake fronts (primary beneficiaries) and 40% benefit to all other real property owners within the district (secondary beneficiaries).

(h) The aggregate assessed valuation of the taxable real property for the proposed extension, as shown on the latest completed assessment roll, is \$12,353,500.

(i) This is not an application for permission to provide an improvement as set forth in Town Law §§ 54 or 209 (q) or to increase the amount to be expended for such improvement.

(j) The application is not made pursuant to §§ 258, 268, 269, 280-i, 280-t, 299-o or 299-r of the County Law.

(k) The average full valuation of the real property of the Town making the application is \$5,860,743,864.

(l) The total outstanding indebtedness of the Town of Clarkstown is \$48,173,712 as of March 10, 1998, arrived at as follows:

## Inclusions:

Outstanding Bonds:	
General Purposes	\$34,045,100
Excluded Sewer	<u>8,279,900</u>
Sub-Total	42,325,000
Bond Anticipation Notes ("BANs")	<u>14,770,412</u>
 Total Inclusions	 <u>57,095,412</u>

Continued on next page

TBM 7/14/98

Page 5

## RESOLUTION NO. (555-1998) CONTINUED

Exclusions:	
Excluded Sewer Debt	8,279,900
Appropriations	<u>4,171,800</u>
Total Exclusions	12,451,700
Total Net Indebtedness Before	
Issuing the Bonds	<u>44,643,712</u>
The Bonds	4,950,000
Less: BANs to be Paid from Proceeds	<u>1,450,000</u>
Net Effect of Issuing the Bonds	3,500,000
Total Net Indebtedness After Issuing	
the Bonds	<u>48,143,712</u>

(m) All appropriations for the fiscal year 1998 is \$5,255,000. No Federal or State aid is available for the reduction of debt for the year 1998.

(n) See "l" and "m" above.

(o) Tax Rates - Lake Lucille Aquatic District:

1997 Clarkstown School and Library	26.424570
1998 County	4.054420
Town	10.130282
New City Ambulance	0.121142
New City Fire	0.795541
Consolidated Light	0.189127
Rockland County Sewer	1.187965
Clarkstown Master Benefited Sewer #2	0.226367
Sanitation and Leaf	0.002192
Solid Waste	0.260551

(p) The assessed value of a typical property is \$110,000.

(q) The maximum amount that a typical one-family home will be required to pay in the first year following approval of the application is \$355 for a primarily benefited residence and \$147 for a secondarily benefited property. The anticipated debt service is \$20,061, and it is allocated on a proportional basis to the total assessed values of the primarily benefited properties and the secondarily benefited properties at a ratio of 60% to the primarily benefited properties and 40% to the secondarily benefited properties. It is arrived at by determining the number of primarily benefited properties, to wit, 37 and the number of secondarily benefited properties, to wit, 70. The primarily benefited properties have an assessed valuation of \$5,756,900, and the secondarily benefited properties have an assessed valuation of \$6,596,600, not including some miscellaneous vacant lots. There are five vacant lots.

(r) The maximum amount any real property owner will be required to pay in the first year following approval of this application for debt service and other charges related to the proposed improvements is \$689 for a primarily benefited property and \$257 for a secondarily benefited property, and it is allocated on a proportional basis to the total assessed values of the primarily benefited properties and the secondarily benefited properties at a ratio of 60% to the primarily benefited properties and 40% to the secondarily benefited properties.

Continued on Next Page

RESOLUTION NO. (555-1998) CONTINUED

(s) No State lands are included in the proposed benefited area.

(t) The proposed improvements are not located in an agricultural district.

(u) The entire benefited area consists primarily of one-family homes. Upon information and belief, there are no non-residential areas. The assessed valuation of a typical one-family home is \$110,000.

(v) The proposed extension of the district will not benefit any vacant land, except for miscellaneous single-family building lots scattered within the proposed district.

(w) It is not contemplated that the service will be sold to outside users.

(x) Not applicable.

(y) Charles E. Holbrook, Supervisor of the Town of Clarkstown, has held a hearing with members of the Board of Directors of the Lake Lucille Homeowners' Association on May 12, 1998 at 7:00 P.M. The Board was represented by a Mr. Wren, its President, and several additional members of the Board of Directors. No minutes of the meeting were taken. No objections were made to the proposed Order increasing the maximum amount to be expended for the Lake Lucille Aquatic Plant Growth Control District. and be it.

FURTHER RESOLVED, that this Resolution is subject to a Negative Declaration pursuant to SEQRA, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum in the manner provided in Article Seven of the Town Law and Subdivision 3 of Section 209-e of the Town Law.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	No
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	No
Supervisor Holbrook . . . . .	Yes
*****	

RESOLUTION NO. (556-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on May 12, 1998, provided for a public hearing on June 23, 1998, at 8:00 P.M., to consider the application of VIVIAN STOWBRIDGE, NEW CITY ALLIANCE CHURCH, and MICHAEL FINELLI to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners described on the Clarkstown Tax Map as Map 21, Block A, Lots 6, 8 and 9, from an R-40 District to an R-22 District, and

WHEREAS, notice of the public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice. and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from our consultant Robert Geneslaw dated July 13, 1998, which the Board has discussed and considered such report in making their decision herein;

Continued on Next Page

RESOLUTION NO. (556-1998)

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that the proposed amendment would have no significant adverse affect upon the environment and no further processing under SEQRA is necessary, and be it

FURTHER RESOLVED, that based upon the recommendations of the Clarkstown Planning Board dated July 10, 1998; based upon the objections of property owners that own over 50% of the total area adjacent to the proposed zone change extending 100 feet; and for the reasons of public health, safety and welfare, the Town Board hereby DENIES an amendment to the Zoning Ordinance for VIVIAN STOWBRIDGE, NEW CITY ALLIANCE CHURCH, and MICHAEL FINELLI.

On roll call the vote was as follows:

- Co. Maloney ..... Yes
- Co. Mandia ..... Yes
- Co. Profenna ..... Yes
- Co. Smith ..... Yes
- Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (557-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, SUNRISE ASSISTED LIVING DEVELOPMENT, INC., contract purchaser, has petitioned the Town Board of the Town of Clarkstown for a Special Permit in order to construct an Elder Care Facility pursuant to the provisions of Section 290-11A, General Use Regulations for an R-15 District, Table 4, Column 3, Item B(2) of the Zoning Ordinance of the Town of Clarkstown for property located at the west side of North Main Street and Heritage Drive, New City, New York, designated on the Clarkstown Tax Map as: Map 59, Block A, Lot 17.14, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on July 14, 1998, at 8:00 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report, pursuant to SEQRA, from our consultant Robert Geneslaw dated July 13, 1998, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;

Continued on Next Page

TBM 7/14/98

Page 8

RESOLUTION NO. (557-1998) CONTINUED

4. Will not adversely affect the character of/or property values in the area;

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;

6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that a Special Permit to construct an elder care facility by SUNRISE ASSISTED LIVING DEVELOPMENT, INC. shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a Special Permit to construct an Elder Care Facility on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11C of the Zoning Ordinance of the Town of Clarkstown;

2. Petitioner shall be allowed to reduce the buffer area on the North side of the site by 25 ft. provided Petitioner substitutes appropriate protection to the neighboring properties by including additional screening as shown on the rendering presented to the Town Board at the public hearing;

3. Petitioner shall secure a variance from the ZBA with respect to the 100 ft. set back which is not in compliance with the Zoning Ordinance of the Town of Clarkstown;

4. Petitioner shall secure site plan approval from the Clarkstown Planning Board of the Town of Clarkstown, and a Building Permit from the Office of the Building Inspector of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

- Co. Maloney ..... Yes
- Co. Mandia ..... Yes
- Co. Profenna ..... Yes
- Co. Smith ..... Yes
- Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (558-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on May 26, 1998, provided for a public hearing on July 14, 1998, at 8:05 P.M., to consider the application of AVALON PROPERTIES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner

Continued on Next Page

RESOLUTION NO. (558-1998) CONTINUED

described on the Clarkstown Tax Map as Map 164, Block A, Lots 1.01 and 1.04, from a PED District to an MF-3 District, and

WHEREAS, notice of the public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report to SEQRA, from our consultant George Raymond, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that the proposed amendment would have no significant adverse affect upon the environment and no further processing under SEQRA is necessary, and be it

FURTHER RESOLVED, that based upon the recommendations of the Clarkstown Planning Board dated July 10, 1998, and for the reasons of public health, safety and welfare, the Town Board hereby DENIES an amendment to the Zoning Ordinance for AVALON PROPERTIES, INC.

On roll call the vote was as follows:

- Co. Maloney ..... Yes
  - Co. Mandia ..... Yes
  - Co. Profenna ..... Yes
  - Co. Smith ..... Yes
  - Supervisor Holbrook ..... Yes
- \*\*\*\*\*

RESOLUTION NO. (559-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of June 23 and July 6, 1998 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
  - Councilman Mandia.....Yes
  - Councilman Profenna.....Yes
  - Councilwoman Smith.....Yes
  - Supervisor Holbrook .....Yes
- \*\*\*\*\*

RESOLUTION NO. (560-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Eugene Albert, Esq., to defend a Tax Certiorari proceeding against the Town of Clarkstown entitled, EKLECCO (Formerly known as PYRAMID COMPANY OF ROCKLAND) v. TOWN OF CLARKSTOWN, et al, which relates to the 1998 Tax Assessment protest filed by EklecCo, and be it

RESOLUTION NO. (560-1998) CONTINUED

FURTHER RESOLVED, that compensation to Eugene Albert, Esq. shall be as set forth in letters of June 11, 1998 and July 9, 1998 attached, and said sums shall be charged to Account No. A-1420-409-21.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (561-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to investigate the impacts that would result from the proposed tax reduction for volunteers of the Ambulance Corps and Fire Companies in the Town of Clarkstown.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (562-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a Project for the Signalization of Roads in the Town of Clarkstown, identified as PIN 8755.32, is eligible for funding under Title 23, US Code, as amended, calls for the costs for such project to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Town of Clarkstown desires to advance the above-subject project not on the State Highway System by making a commitment of 100% of the non-federal share of the costs of preliminary engineering, right-of-way incidental, right-of-way acquisition, and construction, construction supervision, and construction contingency work of the project, with the federal share of such costs to be applied directly by the New York State Department of Transportation pursuant to agreement; and it is further.

NOW, THEREFORE, the Town of Clarkstown Town Council duly convened, does hereby

RESOLVE, that the Town of Clarkstown approves of the above-subject project; and it is hereby further

RESOLVED, that Town of Clarkstown shall contribute the non-Federal share of the total project costs of preliminary engineering, right-of-way incidental, right-of-way acquisition, and construction, construction supervision, and construction contingency for

RESOLUTION NO. (562-1998) CONTINUED

the subject project not on the State Highway System, estimated to be \$30,500.00 before such work can be authorized, and it is further;

RESOLVED, that the Town of Clarkstown Town Council hereby authorizes Town of Clarkstown to pay the non-federal share of the cost for Construction, Construction supervision, and construction contingency work for the project or portions thereof; and it is further;

RESOLVED, that the sum of \$19,100.00 is hereby appropriated and made available to cover the cost of participation in the Construction, construction supervision, and Construction contingency phase of the Project; and it is further

RESOLVED, that in the event the non-federal share costs of the project exceeds the amount appropriated above, the Town of Clarkstown Town Council will convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor hereof, and it is further,

RESOLVED, that the Town Supervisor be and hereby authorized to execute all necessary AGREEMENTS on behalf of Town of Clarkstown with the New York State Department of Transportation in connection with the advancement or approval of the Project providing for the administration of the Project and the permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

RESOLVED, this Resolution shall take effect immediately.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (563-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for the street lights at the following locations:

RESOLUTION NO. (563-1998) CONTINUED

On the western end of Rinne Road, Nanuet

- 1) Pole number 58934/40720 - Install one (1) 70 Watt High Pressure Sodium Vapor Street Light on a 15 foot arm
- 2) Pole number 58951/40721 - Install one (1) 70 Watt High Pressure Sodium Vapor Street Light on a 8 foot arm

On roll call the vote was as follows:

Councilman Maloney.....Yes  
 Councilman Mandia.....Yes  
 Councilman Profenna.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook .....Yes  
 \*\*\*\*\*

RESOLUTION NO. (564-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Friends of the Nyacks, a nonprofit organization, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$1,000.00 in economic assistance to the Friends of the Nyacks for "First Night Nyack 1999," an alcohol and drug free celebration for the people of Rockland County, and be it

FURTHER RESOLVED, that these funds are to be charged against Account No. A 8840-424.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook .....Yes  
 \*\*\*\*\*

RESOLUTION NO. (565-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with Big Brothers/Big Sisters of Rockland County, a nonprofit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the total amount of \$1,000.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1998 and are to be charged against Account # A 8840 424.

RESOLUTION NO. (565-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

RESOLUTION NO. (566-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into agreements, in a form approved by the Town Attorney, with the following nonprofit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1998 to:

Martin Luther King Center	\$ 7,000.00
Rockland Meals on Wheels	12,000.00
Rockland YM-YWMA	1,500.00

FURTHER RESOLVED, that the total amount of \$20,500.00 be transferred from Account # A 1990-505 to Account # A 8840 424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1998 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

RESOLUTION NO. (567-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization, to provide services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board hereby allocates the following sum in economic assistance to:

ROCKLAND ASSOCIATION FOR RETARDED CITIZENS (ARC) - \$200 and be it

FURTHER RESOLVED, that the funds shall be charged to Account No. A-8840-424.

Continued on Next Page

RESOLUTION NO. (567-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (568-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, W.L.D. Group, Inc. assigned to the Town of Clarkstown Passbook No. 475626222 containing the sum of \$4,000.00 to secure the installation of the public improvements in the D.L.W. Corp. Subdivision, and

WHEREAS, by letter dated December 23, 1997, Thomas Winn, President of W.L.D. Group, Inc., assigned all rights with regard to said subdivision to Danli Realty, Inc., and

WHEREAS, Danli Realty, Inc. has furnished to the Town of Clarkstown an assignment of Passbook No. 6872584194 containing the sum of \$4,000.00 which is intended to replace Passbook No. 475626222;

NOW, THEREFORE, be it

RESOLVED, that Passbook No. 6872584194 furnished to the Town by Danli Realty, Inc. is hereby accepted in place of Passbook No. 475626222 furnished to the Town by W.L.D. Group, Inc.; and Passbook No. 475626222 may be released to Danli Realty, Inc.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (569-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Performance Bond secured by Letter of Credit No. 1584 dated April 3, 1997 in the amount of \$35,000, furnished to the Town to secure site restoration in a site plan known as Nanuet Hebrew Center, is hereby terminated; and Letter of Credit No. 1584 may be released to the guarantor.

RESOLUTION NO. (569-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (570-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, the Town of Clarkstown wishes to accept conveyance of sewer easements concerning the Rte 9W West Sewer Construction project, and

WHEREAS, the Town Attorney recommends acceptance of said conveyances;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept the said permanent easements on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said permanent easements are hereby ordered recorded in the Office of the Rockland County Clerk for the following properties:

Map 138, Block H, Lot 16

DEL GENOVESE  
722 Route 9W  
Valley Cottage, NY 10989

Map 138, Block H, Lot 22

SUMINER/GREENE/STERNGASS  
744 Route 9W  
Valley Cottage, NY 10989

Map 138, Block H, Lot 12.01

ANDRIELLO  
694 Route 9W  
Valley Cottage, NY 10989

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (571-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, GABRIEL & HARRY PRESSER have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 13, Block D, Lot 16, for the year(s) 1995/96, 1996/97 and 1997/98, and

Continued on Next Page

RESOLUTION NO. (571-1998) CONTINUED

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$3,000.00 per appraisal.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

RESOLUTION NO. (572-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PASCACK INDUSTRIES v. TOWN OF CLARKSTOWN, its ASSESSOR, and BOARD OF ASSESSMENT REVIEW, Index No(s). 5673/93, 5372/96 and 5794/97, affecting parcel(s) designated as Map 6, Block A, Lot 2, for the year(s) 1993/94, 1996/97 and 1997/98, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the following terms and conditions:

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 2 be reduced for the year(s) 1993/94 from \$3,357,100 to \$3,220,000 at a cost to the Town of \$474;
2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 2 be reduced for the year(s) 1996/97 from \$4,349,600 to \$3,151,500 at a cost to the Town of \$6,077;
3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 2 be reduced for the year(s) 1997/98 from \$4,349,600 to \$3,076,000 at a cost to the Town of \$6,962;
4. That reimbursement for the year(s) 1993/94, 1996/97 and 1997/98 on the parcel described as Map 6, Block A, Lot 2 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged; and
5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

Continued on Next Page

RESOLUTION NO. (572-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Profenna . . . . . Yes  
 Co. Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (573-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NEW PLAN REALTY TRUST and NEWTON ASSOCIATES, As Successor, Index No(s). 5321/93, 4372/94, 4276/95 and 4925/96, affecting parcel(s) designated as Map 58, Block G, Lots 22, 37, 37.01, 42, 43 and 45, for the year(s) 1993/94, 1994/95, 1995/96 and 1996/97, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the following terms and conditions:

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 22 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$30,200 to \$27,500 at a cost to the Town of \$156.44;
2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 37 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$3,089,200 to \$2,811,200 at a cost to the Town of \$16,106.49;
3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 37.01 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$373,700 to \$340,100 at a cost to the Town of \$1,946.68;
4. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 42 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$677,700 to \$616,700 at a cost to the Town of \$3,534.16;
5. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 43 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$559,100 to \$508,800 at a cost to the Town of \$2,914.23;
6. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 45 be reduced for the year(s) 1993, 1994, 1995 and 1996 from \$581,700 to \$529,300 at a cost to the Town of \$3,035.90;
7. That reimbursement for the year(s) 1993, 1994, 1995 and 1996 on the parcels described as Map 58, Block G, Lots 22, 37, 37.01, 42, 43 and 45 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged; and
8. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorney for the Clarkstown Central School District has consented to such settlement.

NOW, THEREFORE, be it

Continued on Next Page

TBM 7/14/98

Page 18

RESOLUTION NO. (573-1998) CONTINUED

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Profenna . . . . . Yes  
 Co. Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes  
 \*\*\*\*\*

RESOLUTION NO. (574-1998)

Co. Profenna offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$9,216.00 from Eklec Company, \$4,104.00 from Corporate Property Investors, \$1,500.00 from American Cyanamid Co. and \$1,072.50 from Lovinger/Cohn and Associates for donations and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 by \$2,572.50; A 01 3 2705 3 by \$4,404.00 and A 01 3 2705 2 (Gifts & Donations) by \$9,216.00 and increase the following Appropriation Account Numbers:

A 3120 113 (Police Overtime).....\$ 9,216.00  
 A 3120 111 (Police Overtime)..... 5,176.50  
 A 3120 293 (Police Equipment)..... 1,500.00

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease A 3320 409 (Installation Traffic Signals - Fees for Services ) and increase A 3320 219 (Misc. Equipment) by \$14,750.00; decrease A 9000 806 (Hospitalization) and increase A 9000 409 (Fees for Services) by \$500.00 and increase Estimated Revenue Account No. B 02 14 2999 (Unexpended Balance) and B 8112 435 (Sewer Intergovernmental Charges) by \$24,000.00 and be it

FURTHER RESOLVED, to transfer \$2,948.00 from Reserve for Seized Property and increase A 3120 225 (Police-Computer Hardware) by \$2,948.00.

On roll call the vote was as follows:

Councilman Maloney..... Yes  
 Councilman Mandia..... Yes  
 Councilman Profenna..... Yes  
 Councilwoman Smith..... Yes  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

RESOLUTION NO. (575-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #98025A Police Chief (Promotional) which contains the name of Kevin A. Kilduff.

TBM 7/14/98

Page 19

RESOLUTION NO. (575-1998) CONTINUED

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Kevin A. Kilduff, 15 Corners Road, Congers, New York to the (Permanent) position of Police Chief, Police Department, at the current salary of \$145,175.00, effective and retroactive to July 2, 1998.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (576-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Lieutenant (Promotional) #97134A which contains the name of Thomas M. Purtill.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Thomas M. Purtill, 69 Rose Ann Lane, Chester, New York, to the position of (Permanent) Police Department, at the current 1998 salary of \$99,133.00 effective and retroactive to June 19, 1998.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (577-1998)

Co Smith. offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #97061A Police Sergeant (Promotional) which contains the name of Joseph C. Reiter.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joseph C. Reiter, 7 Brenda Lane, Bardonia, New York, to the Contingent Permanent position of Police Sergeant, Police Department, at the current 1998 salary of \$83,637.00, effective and retroactive to July 3, 1998.

Continued on Next Page

TBM 7/14/98

Page 20

RESOLUTION NO. (577-1998) CONTINUED

On roll call the vote was as follows:

Councilman Maloney.....Yes  
 Councilman Mandia.....Yes  
 Councilman Profenna.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (578-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 22, 1998 that the position of Assistant Automotive Mechanic #0010, Mini Trans Department can be reclassified to the position of Automotive Mechanic I.

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Automotive Mechanic, Mini Trans Department, is hereby reclassified to the position of Automotive Mechanic I, effective and retroactive to July 13, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
 Councilman Mandia.....Yes  
 Councilman Profenna.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (579-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Andrew McDonagh, 1 Harding Street, Pearl River, New York is hereby appointed to the position of Automotive Mechanic I, Mini Trans Department, at the current salary of \$35,559.00, effective and retroactive to July 13, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
 Councilman Mandia.....Yes  
 Councilman Profenna.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (580-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that David Secor, 6 New Lake Road, Valley Cottage, New York is

Continued on Next Page

TBM 7/14/98  
Page 21

RESOLUTION NO. (580-1998) CONTINUED

hereby appointed to the position of (Provisional) Principal Engineering Technician, Department of Environmental Control, at the current 1998 salary of \$50,203.00, effective July 20, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (581-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Gary J. Landro, 575 Millburn Court, Valley Cottage, New York is hereby appointed to the position of (temporary) Senior Engineering Technician, Department of Environmental Control, at the current salary of \$43,285.00, effective July 20, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (582-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Christopher M. Romanisin, 14 Tena Place, Valley Cottage, New York to the position of (Provisional) Senior Recreation Leader, Parks Board and Recreation Commission at the current salary of \$30,595.00, effective July 28, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (583-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95048 Senior Clerk Stenographer (Contingent Permanent) which contains the name of Helena M. Walsh.

Continued on Next Page

TBM 7/14/98

Page 22

RESOLUTION NO. (583-1998) CONTINUED

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission Helena M. Walsh, 1 Morningside Road, New City, New York, to the position of (Contingent Permanent) Senior clerk Stenographer, Parks Board and Recreation Commission at the current salary of \$24,647.00, effective August 3, 1998.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (584-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Supervisor (NCP/T&E) #98097 (Promotional) which contains the name of Kathleen Kline.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Kathleen Kline, 11 West Street, Central Nyack, New York to the (Permanent) position of Recreation supervisor, Parks Board and Recreation Commission, at the current salary of \$48,086.00, effective and retroactive to July 13, 1998.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (585-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Supervisor (NCP/T&E) #98097 (Promotional) which contains the name of Patricia Smith.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Patricia Smith, 332 Strawtown Road, New

RESOLUTION NO. (585-1998)

City, New York to the (Permanent) position of Recreation Supervisor, Parks Board and Recreation Commission, at the current salary of \$48,086.00, effective and retroactive to July 13, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (586-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Supervisor (NCP/T&E) #98097 (Promotional) which contains the name of John Yaciuk.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of John Yaciuk, P.O. Box 431, Congers, New York to the (Permanent) position of Recreation Supervisor, Parks Board and Recreation Commission, at the current salary of \$48,986.00, effective and retroactive to July 13, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (587-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Recreation Supervisor (NCP/T&E) #98096 (Promotional) which contains the name of Vincent Walker.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Vincent Walker, 7 Anoroc Court, Congers, New York to the (Permanent) position of Senior Recreation Leader, Parks Board and Recreation Commission, at the current salary of \$34,071.00, effective and retroactive to July 13, 1998.

Continued on Next Page

RESOLUTION NO. (587-1998) CONTINUED

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (588-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Daniel Coyne has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a leave of absence without pay.

NOW, THEREFORE, be it

RESOLVED, that Daniel Coyne, 6 Brookside Avenue, New City, New York, Court Attendant, Town Justice Department, is hereby granted a leave of absence without pay, effective and retroactive to June 1, 1998 to October 1, 1998.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (589-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Tony Schiero, 536 Sierra Vista Lane, Valley Cottage, New York is hereby appointed to the position of (temporary) Court Attendant, Town Justice Department at the current salary of \$20,788.00, effective July 15, 1998 to October 1, 1998 to cover the leave of absence of Daniel Coyne.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

TBM 7/14/98  
Page 25

RESOLUTION NO. (590-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County personnel Office has certified on June 30, 1998 that the position of Senior Clerk Typist #0245 - Planning Department - can be reclassified to the position of Principal Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist #0245 is hereby reclassified to the position of principal Clerk Typist effective July 20, 1998.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (591-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Bridget McNamara, 119 Laurel Road, New City, New York to the position of (Provisional) Principal Clerk Typist - Planning Board - at the current salary of \$39,041., effective July 20, 1998.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (592-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the salaries of all Town Officials and employees be fixed as per the attached Town of Clarkstown July 1, 1998 to December 31, 1998 Salary Schedule, in accordance with the Budget adopted for the year 1998, subject only to contract negotiations and be it

FURTHER RESOLVED, that all Town employees be paid on a bi-weekly basis to commence July 1, 1998, the fires payroll to be paid on July 9, 1998, and be it

FURTHER RESOLVED, that the salary schedule hereby adopted as amended may be changed in accordance with law as determined to be appropriate by the Town Board.

Continued on Next Page

RESOLUTION NO. (592-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (593-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #46-1998  
CARGO VAN FOR CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on AUGUST 3, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

Councilman Maloney..... Yes  
Councilman Mandia..... Yes  
Councilman Profenna..... Yes  
Councilwoman Smith..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (594-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #47-1998  
1998 ROADWAY RESURFACING PROGRAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on AUGUST 4, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

RESOLUTION NO. (594-1998) CONTINUED

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (595-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #48-1998  
1998 - CONCRETE CURB & SIDEWALK REPLACEMENT PROGRAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on AUGUST 5, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (596-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #49-1998  
UNIFORMS FOR HIGHWAY DEPARTMENT PERSONNEL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by date and time to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Continued on Next Page

RESOLUTION NO. (596-1998) CONTINUED

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (597-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #50-1998  
UNDERGROUND FUEL STORAGE TANKS AT HIGHWAY DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by date and time to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook .....Yes

\*\*\*\*\*

RESOLUTION NO. (598-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #51-1998  
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on AUGUST 7, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Continued on Next Page

RESOLUTION NO. (598-1998) CONTINUED

On roll call the vote was as follows:

Councilman Maloney..... Yes  
Councilman Mandia..... Yes  
Councilman Profenna..... Yes  
Councilwoman Smith..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

RESOLUTION NO. (599-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Director of Purchasing that

BID #40-1998  
WORK CLOTHING/SAFETY ACCESSORIES

is hereby awarded to:

ASSOCIATED SUPPLY  
810-6TH STREET  
BREMERTON, WA 98337  
PRINCIPALS: RON FRANK  
JOHN CARY

BUSH CLEANERS  
88 FAUNCE CORNER RD. #245  
NO DARTMOUTH, MA 02747  
PRINCIPAL: HARRY JACOBVITZ

EASTCO INDUSTRIAL SAFETY CORP.  
130 W. 10TH STREET  
HUNTINGTON STATION, NY 11746  
PRINCIPAL: PUBLIC CORPORATION

H. TEXIER GLOVE COMPANY  
HWY 22 AT MOUNTAIN AVENUE  
NORTH PLAINFIELD, NJ 07061  
PRINCIPALS: EDGAR L. STAUFFER  
W. RANDALL STAUFFER  
JEFREY R. STAUFFER

TRI-COUNTY POLICE SUPPLY CO, INC.  
76-78 S. FRANKLIN STREET-BOX 830  
NYACK, NY 10960-0830  
PRINCIPAL: HAROLD R. HILL

SOME'S UNIFORMS, INC.  
65 ROUTE 17 SOUTH  
PARAMUS, NJ  
PRINCIPALS: JEROME SOME  
ALFRED ALTERMANN  
MARVIN SOME

(Price Schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

Councilman Maloney..... Yes  
Councilman Mandia..... Yes  
Councilman Profenna..... Yes  
Councilwoman Smith..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

RESOLUTION NO. (600-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control,

Continued on Next Page

RESOLUTION NO. (600-1998) CONTINUED

BID NO. 41-1998  
DRAINAGE IMPROVEMENTS - STREAM NJ 1-12-6 - NEW CITY

is hereby awarded to

Cal-Mart Enterprises, Inc.  
357A Route 59  
West Nyack, New York 10994

As per their base bid proposal of \$137,000.00 and alternate bid unit prices as submitted, and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Signed contract documents - 2 copies.
- b) Performance Bond - 100% of proposed project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Insurance Coverage.
- e) Certificate of Worker's Compensation and Worker's Disability Insurance Coverage.

The Town of Clarkstown shall be named as co-insured on liability insurance policies.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

RESOLUTION NO. (601-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Director of Department of Environmental Control

BID #43-1998  
HUB SHOPPING CENTER/RT.59 INTERSECTION IMPROVEMENTS  
CENTRAL NYACK

is hereby awarded to

Hudson Canyon Construction, Inc.  
16 Schuman Road  
Millwood, New York 10546  
Principals: Theodore J. Muldoon, President  
Mark C. Landow, Vice President  
Mitchell G. Berkey, Asst. Vice President

As per their base bid proposal of \$167,798.25 and be it,

FURTHER RESOLVED, that successful contractor shall, as a condition of this award, supply the Director of Purchasing with

Continued on Next Page

RESOLUTION NO. (601-1998) CONTINUED

- A) Performance Bond - 100% of Base Bid
- B) Labor & Material Payment Bond - 100% of Base Bid
- C) Certificate of Contractors General Liability Insurance including a Save Harmless clause.
- D) Certificate of Contractors Automobile Liability Insurance
- E) Certificate of Worker's Compensation Insurance
- F) Certificate of Worker's Disability Insurance coverage

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (602-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and the Director of Purchasing that

BID #45-1998

REPLACEMENT OF AIR CONDITIONING UNIT AT CONGERS COMMUNITY CENTER

is hereby awarded to

Design Air Inc.  
 331 Spook Rock Road  
 Suffern, NY 10901  
 Principal: Eric Buchalter

As per their base bid proposal of \$11,730.00 and be it,

FURTHER RESOLVED, that said award is subject to the receipt of the following by the Director of Purchasing prior to commencing work on the project:

- 1) Certificate of Contractors Liability Insurance and Property Damage Coverage
- 2) Certificate of Contractor's Automobile Liability Insurance  
(The Town shall be named as a co-insured party on the above liability policies.)
- 3) Certificate of Worker's Compensation Insurance
- 4) Certificate of Worker's Disability Insurance coverage

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes

\*\*\*\*\*

TBM 7/14/98

Page 32

RESOLUTION NO. (603-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby waives the Building Permit fees that would be associated with construction of St. Augustine's Parish Center and Church.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

RESOLUTION NO. (604-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Gaetano U. Massa, 4 Germonds Road, New City, new York, is hereby appointed to the position of member - Zoning Board of Appeals - at the current salary of \$2,750. - term effective and retroactive to July 13, 1998 and to expire on July 12, 2003.

On roll call the vote was as follows:

Co. Maloney ..... Abstained  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Abstained  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

RESOLUTION NO. (605-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby establishes a committee to make recommendations relative to the possible purchase of the property known as Map 57, Block M, Lot 13.1, which is located adjacent to the Police/Court Facility. This property is owned by John DeBevoise, but is presently being occupied by Epic Pools, and be it

FURTHER RESOLVED, that this committee shall be chaired by Philip Fogel, First Deputy Town Attorney, and its members shall consist of Peter Noonan, Lieutenant of the Clarkstown Police Department; Edward Lettre, Clerk of the Works; and Wayne Ballard, Superintendent of Highways. The first step the committee will take is to determine whether the site is usable for the Town's needs, and be it

FURTHER RESOLVED, that Councilwoman Smith and Councilman Mandia shall act as liaisons to the committee.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Profenna ..... Yes  
 Co. Smith ..... Yes  
 Supervisor Holbrook ..... Yes  
 \*\*\*\*\*

TBM 7/14/98  
Page 33

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 11:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/14/98

8:03 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia Profenna and Smith  
Harold MacCartney, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Petition for Zone Change (R-40 to R-22) Stowbridge, New City Alliance Church  
Continued from 6/23/98

---

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor asked if there was anyone present wishing to make a comment relative to this meeting.

Appearance: Jerry Johnson, Esq.  
Attorney for Vivian Stowbridge

He gave the Town Board an amended petition removing New City Alliance Church from the petition.

Appearance: Henry Horowitz  
New City

He stated that there was talk about a zone change requiring to be comprehensive in nature. It was also mentioned that the total impact of the zone change when New City Alliance Church was included was about fifteen or sixteen acres. With New City Alliance Church now omitted, you have about five or six acres surrounded on three sides by R-40 and across the street by R-15. No R-22 is near this particular location. If anyone wants to know what spot zoning is, this is it. It is a zone of a very restrictive size which does not relate in size to anything within the area.

Appearance: Martin Bernstein  
New City

He read in the newspaper that this zone change was supported by Temple Beth Sholom. He has been a charter member of Temple Beth Sholom for forty years. When he heard this, he checked around. It was not approved by the membership. He checked with the board and there was never a resolution passed to approve this. It is possible that the executive committee decided to approve this. It is not the consensus of Temple Beth Sholom that they support this resolution. He thinks the concept of changing the zoning should be coming to an end until we revise and reevaluate the zoning and planning of Clarkstown. We had a master plan created in 1967. It was updated maybe three or four times since. There is a new law that was created in the State of New York which is not a master plan. The master plan is usually approved by the Planning Board. Under the new law, the Town Board is suppose to do a comprehensive plan and they would be the ones to approve or disapprove. However, if the Town Board approved this, then there would be a better possibility that they would follow the comprehensive plan. At the present time while we do have a master plan created by the Planning Board, the Town Board can always say, 'well that is so, but it is not our final decision'. The new law has put more responsibility on the Town Board to do better planning and better zoning. Mr. Bernstein would like to see the Town Board consider that particular possibility. At the Planning Board meeting, the chairman of the Planning Board said he was involved with Albany in

helping to create this kind of law. Our town planner agrees with it and he has suggested that he wanted to recommend to the Town Board that they do a comprehensive plan so that we would have better planning. The way to do it is to do a one year moratorium on zone changes so we can evaluate what is going on. As you look around the Town, it is starting to fill in. We have higher and higher density.

Appearance: Rudy Yacyshyn  
Chairman, Planning Board

This matter was continued until a report was received from our Board. You are now in receipt of same. Supervisor asked what the report said. Mr. Yacyshyn replied, from a planning prospective, the Planning Board cannot favor the zone request for Stowbridge for the following reasons: One, the request is inconsistent with this master plan. Two, the example of transitional and spot zoning. Three, the Planning Board has a responsibility to protect the zone that exists and the community that resides in the R-40 zone. The vote on the Planning Board was four to three.

Appearance: Jerry Johnson, Esq.  
Attorney for Vivian Stowbridge

He has had the privilege of practicing law in Rockland County for some forty years. Prior to that he practiced in Illinois for about twenty-four years. During his forty years in Rockland, he has had opportunity sometimes a pleasure of working with Mr. Horowitz on matters of this kind. He is amused with the efforts and vigor which Mr. Horowitz has opposed this petition. He is a member of the famous family called Nimby (not in my back yard). Henry lives a block or two away from this. This is not spot zoning. The County Planning Board has termed this a proper transition from R-15 to R-40. There is no reason to call this spot zoning. We did not isolate a piece out of a larger parcel. We have taken one piece which adjoins both sections. The Church withdrew its petition because of the overwhelming feeling of the people that this was going to be a complete subdivision. It is not. We are talking about three to five houses at the most. He requested that the Board approve this petition.

There being no one further wishing to speak, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was closed, RESOLUTION ADOPTED time: 8:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (556-1998) ADOPTED)

## TOWN OF CLARKSTOWN

## PUBLIC HEARING

Town Hall

7/14/98

8:20 P.M.

Present: Supervisor Charles E. Holbrook  
 Council Members Maloney, Mandia Profenna and Smith  
 Harold MacCartney, Deputy Town Attorney  
 Patricia Sheridan, Town Clerk

Re: Petition for Special Permit - Sunrise Assisted Living Development, Inc. (59-A-17.14)

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor asked Mr. Yacyshyn to recount the recommendations of the Town Planning Board and the County Planning Board.

Rudolph Yacyshyn, Chairman of the Town Planning Board, stated that at the May 20, 1998 Planning Board Meeting, the above subject was discussed at length. There were concerns as to the buffer area on the north property line and the site plan showing fifty feet. The Special Permit requirement is seventy-five feet. The attorney for the applicant indicated that they would petition the Town Board for a reduction of twenty-five feet on the northerly property line only. That would be the property line that abuts the Post Office. The rest of the site would adhere to the seventy-five foot buffer requirement. That is crucial because that is a requirement of the Board and would require the Board's vote to reduce the buffer requirement by twenty-five feet. Based on a motion of Ness, seconded by Paris and carried five to nothing, a recommendation to the honorable Town Board is that the Planning Board has no objection in granting the request for this Special Permit for Sunrise Elder Care facility. A variance will be required by the Town Board for the buffer area at the north portion of the site. The County Planning Board has no objection and they remand this matter for local determination..

Supervisor asked the applicant to make his presentation.

Appearance: Donald Tracy, Esq.  
 Attorney for the applicant

Sunrise Elder Care facility is a convalescent and nursing home use which is subject to a permit for the Town Board rather than the Zone Board of Appeals. Sunrise proposes to construct a seventy-six unit facility for the frail elderly on north Main Street adjacent to the US Post Office facility. A residential, Victorian, grand manner building, incidentally one of which is already located in Tappan, will be located on approximately three point four acres. It will provide thirty-six parking spaces with an ability to construct two to four spaces if needed. It will be professional designed to replicate a grand manor with residential characteristics. In addition the site will provide a network of walkways and gardens for therapeutic and leisure areas for the residents. In their initial approach to the Planning Board, some of the residents complained about the height of the building. This particular building and the height which was first demonstrated can comply in all respect to the Special Permit requirements of the Town Zoning Ordinance, however, they went back to the drawing board and revised the building to a height of thirty-five feet. This height is permitted for residential homes in this zone. We will require a variance and if the Board sees fit to grant the Special Permit, they would have to grant it subject to authorizing the Zoning Board of Appeals to consider the variance. If this Board feels it does not wish to do that, the original plan as submitted will comply in all respects to the zoning. Mr. Tracy introduced James Ryan of John Meyer Consulting to explain the project.

Appearance: James Ryan  
John Meyer Consulting

They are professional engineers, landscape architects, traffic engineers and planners representing Sunrise Development, Inc. They have worked the site plan to conform with all the zoning requirements with the exception of the side yard. The building height has been brought down to thirty-five feet which is a residential height. They have reviewed all aspects of the impact of this development. They have looked at the traffic. The traffic for these types of facilities are negligible. They have looked at storm water quality and quantity and determined that the impact is negligible. They have extensively landscaped this facility. They took advantage of the terrain to some extent although it is very flat and created buffers to the north and south. The north side being the side of the parking area. There is a natural rise in elevation on the side where the Post Office exists. On the other side there is extensive vegetation which we look to retain. They went the extra length on the landscaping to make a first rate facility. They have a residential character lighting. It is a low height lighting. It is a small lamp, no higher than six and a half to seven feet. The facility has an interior trash accommodation. There is no exterior dumpsters which might create problems. It is a low traffic generator. This type of facility caters to the frail elderly primarily. The impacts are negligible because the people in this facility don't drive. We have impacts associated with individuals who are there as providers. The site is provided with direct access to North Main Street. The North Main Street access has been designed with the future road widening in mind. Rockland County has proposed some road widening there and they have worked closely with Rockland County to insure that this is an appropriate access point for the property. The site is provided with public sewer and public water. The set backs on this property are at minimal one hundred feet all the way around including North Main Street into the rear of the property which is to the east where it abuts residential uses. They are also adding some extensive berming and landscaping to further reduce any impact.

Supervisor asked how many people this facility would handle. Mr. Ryan replied seventy-six. Supervisor asked if this was taxable. Mr. Ryan replied yes, it would be fully taxable. Co. Mandia asked if the rooms had kitchens. Mr. Ryan said no. There is a central dining area.

Appearance: John Noone, Vice President  
Sunrise Development

The building is the easy part. Anyone can build a building, but what is important is who is going to be owning, operating, maintaining and being responsible to the community. They were founded in 1981 and are considered the nations oldest and largest providers of assisted living care services. They have experienced building, owning, operating, managing independent housing, nursing homes, and assisted living care for seniors. They have almost seventeen years of experience. They are catering to the men and women in their early eighties. The average age of their residents is eighty-three years old. Historically, they would have went right into a nursing home with skilled facilities where there is intensive twenty-four hour care. Seniors are living longer and they are more active. The industry has been created to meet the needs of those residents. Eighty percent of women and twenty percent of men do not drive. They have seventy facilities nationwide. The industry standard is that at that age they are here because they need assistance with bathing, dressing, grooming, and being reminded to take their medication. The units range in size from about three hundred and fifty square feet to about seven hundred square feet. They all have a private bathroom and what we call a kitchenette with a dorm refrigerator, some kitchen cabinets and a small sink. Three meals a day are served in a common dining facility. There are numerous recreation and social activities.

Re: Petition for Special Permit - Sunrise Assisted Living Development, Inc. (59-A-17.14)

Page 3

7/14/98

Almost forty-five percent of this building will be common area for the residents enjoyment. They will have a twelve passenger van to take the seniors to their doctors, the hospital and to outings.

Appearance: Donald Tracy, Esq.  
New City

In order to perfect the requirements set forth in §290.15 of the Zoning Ordinance for a Special Permit, Mr. Tracy asked Mr. Ryan to go through this with him.

Mr. Ryan was sworn in by Supervisor Holbrook.

Mr. Tracy asked Mr. Ryan if this proposed use was appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other facilities.

Mr. Ryan replied, yes.

Mr. Tracy asked if it would not cause undo traffic congestion or create a traffic hazard.

Mr. Ryan stated that it would not.

Mr. Tracy asked would it not create any point of determination as set forth in §290.13 FG&H which is performance standards, noxious fumes and the like. Any more dangerous and objectionable elements that is characteristic of the use permitted by right.

Mr. Ryan said that it will not.

Mr. Tracy asked if it would adversely affect the character or property values of the area.

Mr. Ryan replied, it will not.

Mr. Tracy asked if it would not other wise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.

Mr. Ryan replied, it will not.

Mr. Tracy asked if it would comply with all regulations applicable to such use.

Mr. Ryan stated that the side yard requirement is for one hundred feet and we are asking for a variance to allow that to be seventy-five feet. It would be a twenty-five foot variance on one side yard.

Mr. Tracy said that they were requesting the Town Board waiver of the buffer area which they are authorized under the Zoning Ordinance to give.

Mr. Tracy stated that this particular parcel of land is adjacent to the Postal facility. It is located on Main Street. It is an attractive Victorian manor type development run and operated and constructed by a NASDAQ company with resources and in this business throughout the United States. It is a project that will not cause any undo traffic. It will not impact on the quality of life and will otherwise, in their opinion, be beneficial to the community.

Supervisor asked if anyone from the public would like to make a comment or ask a question

Present: Jim Collins  
New City Condos

He thinks it will have an impact on the quality of life. The entrance to the facility being right next to the exit from the Post Office was discussed at the Planning Board meeting. Anyone driving up and down Main Street and tries to enter or exit New City Condos and anyone going into the professional offices will be adversely impacted. When he was at the Planning Board meeting two months ago, a number of the residents were driving and now they are not driving. In terms of representation, they change everything

slightly to make everything sound so nice. Maybe I misheard. Putting this facility so close to the Post Office with that entrance and exit is the real issue in his mind. That is something the Town Board has to look at very closely. Ever since the Post Office came, the quality of life has deteriorated.

Appearance: Warren Kosin, Esq.  
Represents the Board of Managers  
New City Condos, one, two, three and four

The condominiums as a group are not adverse to having the senior residence in New City. Not even located on North Main Street. It may not be the best location for it, but you always come down to the question of where is the best location. The New City condominiums which consists of well over three hundred families have had an extreme problem in the last number of years as a result of the construction and maintenance of the Post Office on North Main Street. Even the Post Office in and of itself is not the worst thing that could have had happened there, but somebody in their great wisdom decided that putting the exit from the Post Office directly opposite the exit from the condominiums was the sensible thing to do. Many people leaving the Post Office parking lot make right and left turns. Many people leaving the condominiums try to make left turns and find it almost impossible to do so because of the traffic coming opposite them. This development is going to put their driveway on the northern part of the property and close to the exit from the condominiums which is going to add more traffic on to Main Street where the people in the condominiums are trying to exit. One of the things that the condominiums would request is that the driveway be relocated farther south and away from the condominium exit. He does not know anything about Sunrise or how their places run. He does know that they have one in New Jersey south of the Rockland/New Jersey border near Charlie Browns. It is a very nice two story development. That development fits into that neighborhood very well and would probably fit into any residential neighborhood, but it is a two story building. If you look at North Main Street once you leave the office building at Congers Road, all of the structures are no more than two stories. It would be nice to have construction that fits in with the rest of North Main Street. Instead of being an eye sore, it will be a good addition to the area. They are requesting that the building be down sized to two stories and the driveway be relocated as far away as possible from the condominiums' exit. There could be a fair amount of traffic that comes in and out because there will be people who live there who drive. There is also a number of staff people who drive. To say that there will only be thirty-five spaces and the people won't be driving is really not a recognition of what the facility is. The Town really has to take that usage into consideration in order to accommodate the people living there as well as the people who use the Post Office. Otherwise you have an extreme situation of an accident more than ready to happen. Hopefully, by moving the driveway and with the expansion of Main Street most of that problem will go away and Sunrise will become a good neighbor.

Appearance: Rudolph Yacyshyn  
Chairman, Planning Board

He conferred with Highway Superintendent, Wayne Ballard. North Main Street is a County road and it is in the process of being redeveloped and reconstructed. The contracts will be out later this year so that the project will be undertaken in due time. There is a situation that may be a factor and that is, this Board took an action at Phillips Hill Road and North Main Street in inserting a light before the County completed their designs. That has become a point in traffic control. The fact is that the driveway of this site has already been fixed by the County as part of their design, however, once the site plan goes forward, that can be addressed at that time in conjunction with the County. In helping to mitigate the traffic situation, it would be prudent and incumbent on this Board

Re: Petition for Special Permit - Sunrise Assisted Living Development, Inc. (59-A-17.14)

Page 5

7/14/98

to consider requesting that some contribution be made towards a traffic signalization at Squardron Blvd. and North Main Street.

Appearance: Donald Tracy, Esq.  
Attorney for Applicant

This driveway was set by the County who is going to do the road improvement. It is one hundred and thirty feet from the driveway of the New City Condominiums. Mr. Kossin was a little bit unseen when he said we don't have buildings of this height along Main Street. If we start off on North Main Street, we start at the Bank of New York Building and, across the street to 151 North Main Street, both are four stories. We pass the Post Office and get to Phillips Hill Road and we have another building much higher than this building. This building with its thirty-five foot height is the same height that is permitted for a single family residence. This property lies adjacent to the New City Post Office with buildings much higher and perhaps with one of the less traffic intense uses that we could put on the site. It is taxpayer ratable. I would not like to come before this Board and say that I want to put this site in the middle of a residential area. If the Town Board approves and authorizes it to go to the Zoning Board of Appeals for the lower building rather than approve the Special Permit, in that event we will have to go back to the Clarkstown Planning Board for site plan review. If we do so, we will consider a municipal exaction. We will consider any site plan requirements that will be foisted upon us by the honorable Planning Board.

Supervisor asked if the height of the lower building was thirty-five feet. Mr. Tracy said, no, the height of the whole building is thirty-five feet.

Co. Maloney said this is still subject to the ZBA and the Planning Board for a site review. Mr. Tracy stated that this Town Board has not authorized the ZBA to grant variances from Special Permits. If there is going to be a favorable resolution granting this Special Permit, hopefully the Town Board will authorize the matter be sent to the Zoning Board of Appeals to pursue a variance giving the Zoning Board of Appeals the authority to rule on the variance.

Co. Mandia stated that the driveway is situated in a place where the County demanded it to be based upon their plan. If this is approved and prior to construction, would it be a problem for the developer if the County works with us to move it. Mr. Tracy said that it would not be a problem for the developer. We have no objection to what might be considered better planning.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 557-1998 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/14/98

9:00 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia Profenna and Smith  
Harold Mac Cartney, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor Holbrook asked Mr. Yacyshyn to give the report from the Clarkstown Planning Board.

Rudolph Yacyshyn stated that from a planning prospective, the Planning Board cannot recommend in favor of the proposed zone change for Avalon Properties and makes the following statutory findings in accordance with §290-33B subsection 2.

Whereas, in 1975, pursuant to the said development plan of the Town of Clarkstown, known as the master plan, the area was zoned in a planned Economic Development District known as PED.

Whereas, the multi-family residential use that would be permitted by the proposed change would be inappropriate in this area; and

Whereas adequate public school facilities, police and ambulance services are adequate, but an additional fire sub-station appears to be necessary in the area, regardless of future use of this site and

Whereas, the public water supply is adequate, but the sanitary sewer system may be overloaded to the extent of any development of the site in excess of 98 sewer units; and

Whereas, vacant land zoned for the construction of several hundred multi-family units is available in the general area; and

Whereas, development in the district of the Town in which the amendment is being proposed has been taking place at a rapid rate; and

Whereas, the proposed amendment will increase the amount of multi-family development envisaged by the Comprehensive plan in this area; and

Whereas, the proposed amendment will increase the total zoned residential capacity in the Town and may affect cost of providing public services; and

Whereas, the proposed amendment would not affect the development of other areas in the Town.

Therefore, be it resolved that the Planning Board recommends that the proposed amendment to change the zone to MF-3 be denied.

Supervisor asked Mr. MacCartney for the County's recommendation.

Mr. MacCartney read the County recommendations as follow:

1. Since this zone change, if granted, will add to the already large number of multi-family units in the area, we are concerned about the cumulative traffic impacts to Smith and New Clarkstown Roads. Therefore, a traffic study should be done and approved by the Rockland County Highway Department that indicates that either a sufficient roadway infrastructure exists to accommodate these additional units or specifies what improvements the applicant needs to implement to mitigate the traffic impacts generated.. The following additional comments are offered strictly as suggestions or observations and are not part of our required General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote required under GML process. If approved, an expanded Avalon Gardens, together with the Hamlets could total approximately 2,300 townhouse units in this

Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)

Page 2

7/14/98

neighborhood. The Town may want to revise its master plan to recognize this use of land. If the master plan is revised, the town should use the opportunity to insure that the proper balance exists between residential and supporting retail areas. Given this high residential density, are there enough existing retail services between the Spring Valley Marketplace, the Rt. 59 corridor and the small shopping center at the intersection of Smith and New Clarkstown Roads to support this new community or should the Town designate more areas for local neighborhood shopping?

Supervisor asked the applicant to make his presentation.

Appearance: Donald Tracy, Esq.  
Attorney for Applicant

Mr. Tracy gave the Town Clerk a petition which he read into the record as follows: We, the residents of the Town of Clarkstown overwhelmingly support the up zoning of 22 acres of property (formerly Ramapo Valley Airport property) to MF-3 to permit a continuation of the Avalon Bay community which in our opinion is esthetic, safe, provides a necessary housing type and is of overall benefit to the Town of Clarkstown. There are 127 citizens and voters who signed this petition. Mr. Tracy stated that never has he seen a project so misinterpreted. The first thing he read about this project was in a local weekly newspaper that predicted disastrous consequences for the Nanuet School District. The reporter who wrote it did not bother to research and find out that it is not in the Nanuet School District. He heard the Planning Board state that this was not consistent with the character of the area when the County Planning Board indicated there would be 2,300 multiple units in the area. He heard various reports about the traffic. Mostly he has heard an anti development theory about density. The density only impacts quality of life. When you have density that does not impact quality of life, but enhances quality of life, then density is not bad. The project that presently exists was build by Avalon, known as Avalon Gardens now Avalon Bay. It has rented with extreme speed. He was informed by the Vice President that it rented faster than any project Avalon had ever built and Avalon has built all over the United States. That is an indication of quality and excellence, but it is also an indication of need. Mr. Tracy introduced Mr. Gary Steinfield.

Appearance: Gary Steinfield  
Development Director for Avalon Bay Communities

They focus exclusively on building first rate, high quality, residential rental communities throughout the Country. They generally build to the up market. They currently have either acquired or developed about 40,000 of these apartments in the United States. Their company has been recognized this year by the National Association of Home Builders as a development company of the year. This is a national competition. They build quality apartment homes. Their properties in addition to being an asset to their company are an asset to the community that they build in. They have excellent curb appeal that is not only attractive to our residents, but to the community at large. The interiors of the apartments have nice features. They put lofts in the majority of their second floor apartments. They have beautiful floor plans and modern kitchens. They do great things with walk-in closet space. Residents have access to club rooms for recreation. There are pools, tennis courts, jogging trails, fitness facilities and so forth. These are communities that people make conscious life style decisions to live in. We provide liquidity in the housing market place that give people the opportunity to get their first house. The kids that grow up in the community can stay in the community. We transition into home ownership opportunities within the communities. A woman who is a resident at Avalon Gardens has been a resident of Rockland County for thirty years. She made the decision to get out of the maintenance and headaches of home ownership. They are a New York State stock exchange company. They hope to replicate the success they have had at Avalon Gardens with a new community directly adjacent to Avalon

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)

Page 3

7/14/98

Gardens. One of the most significant issues about their properties is that they are fiscally a revenue generator for the community . Based on the assessment of Avalon Gardens currently, they will probably pay over \$1,500,000 in taxes. With the second phase, they will pay close to an additional \$900,000 in property taxes. Into the East Ramapo School District, they expect to be net positive in revenue to the tune of about \$363,000. Last month, they did an analysis of each of the bedroom types within Avalon Gardens. They had 418 of their apartments leased. They essentially analyzed in each apartment how many school children were generated throughout the community and they average out that each apartment generates .17 school children. That translates into at 418 leased apartments. At that point, they generated 71 school children. They are projecting to develop 272 apartments in the second phase. Assuming a 95 stabilized occupancy in applying the same ratios across because our apartment mix will differ slightly, they would expect to generate about 42 school children in the East Ramapo School District. Based on national averages, about 85% of the students will attend East Ramapo public schools. We pay property taxes to the town regardless of whether each apartment has a school child in it and by virtue of that they come up with the figures that this will be about \$363,00 net positive revenue to the east Ramapo school district and the Superintendent of the district, Jason Friedman wrote a letter of support confirming the fact that that school district can accommodate the children that would be generated by the second phase. In addition, there is a significant need for housing of this type in the community as demonstrated by the fact that we had one of the fastest lease ups of any of our communities that we have done to date. They are 100% leased at this point and quality rent residential communities of this type have not been built in any quantities for many years. People do not have the choice to trade down from an existing home or move into their first home. This causes a drain of kids in the area because people can't find affordable starter houses and empty nesters are unable to get out of their existing homes because there are no decent trade down opportunities. He also felt it was relevant for the audience members to consider that this proposed use is a support for the values in the area, as it will provide a pool of qualified buyers that will hopefully become buyers of condominiums in the area in the future. It will also help the shopping centers in the immediate areas who have been having business drained by larger stores such as those in the Palisades Center. By bringing additional consuming households into they area, they will support local stores and shopping centers. This is opposed to, if the rezoning isn't granted, the alternative which could be retail use which would exacerbate the situation by bringing in more stores and undermining local merchants. With regard to traffic, their traffic consultant did a study which shows that they will generate about 75% less traffic than the most likely use of this property by right which is some form of retail use. They plan to mitigate any impact they have with regard to traffic by doing traffic improvements much the same way as they did during the first phase of their community. They expect to contribute money in lieu of lands. They will support local retailers and homeowners in the area. We will generate less traffic. They believe that these are common concerns and interests that would benefit a large majority of people.

Appearance:            John Collins, President  
                              John Collins Engineers

In November of 1997, they prepared a detailed traffic impact study for the same parcel of land. When the property was under consideration for rezoning to retail. The Board at that time granted the approval and the comparisons are based upon the information contained in that report which considered some ten other projects in the area including the complete build out of then unfinished Avalon Gardens. The proposed action here is to rezone a piece of the property to allow for residential units as well as a potential use under existing zoning of what is a business hotel. The comparison volumes they are talking about is for the entire parcel of land even though we are only considering tonight the residential portion. The study in 1997 indicated that under the retail use the site would generate during the evening rush hour some 900 vehicles. If he compares that to the residential trips that would be generated by the exact same project, there would be

about 140 trips. They conducted traffic counts at the two existing driveways to Avalon Gardens over a period of time. At the time they did that count, there were 485 units occupied. They extrapolated that particular rate based upon observed information at peak hour trips. The use of the property would generate less traffic. There are some improvements required in the area that were identified in the 1997 study. The extent of those improvements would have be determined under a site plan approval process if the Board grants this application.

Donald Tracy stated that this PED zone came into existence about twenty-five years ago. In it there were two office buildings developed and Coseo. The PED seem to be envisioned as office, campus type zoning district that will have class A office space and should be preserved. That is belied when one reads the uses permitted by right in the PED zone. The uses permitted by right include: laundry and dry cleaning plants, automobile dealerships, motels, hotels, gasoline stations, bowling alleys, movie theaters, retail establishments consisting of at least 10,000 feet and building supply establishments. Home Depot type of places without storage. That is not in Mr. Tracy's opinion any longer consistent with the quality condominium developments in the area nor the residential apartment community which presently exists. Mr. Tracy introduced John Lynch from Tim Miller Associates, the planner on this development.

Appearance: John Lynch  
Tim Miller Associates

He worked on this property for approximately eleven years. Nobody has pointed out the amount of commercial space that could go on the property. The current PED zoning allows up to 390,000 square feet of commercial space if you follow the formula in the code.. A more realistic number would be 260,00 square feet of retail and perhaps 300,000 square feet of office. Not both, but both taken separately. 260,000 square feet of retail approximated to two Walmarts. This is two separate parcels. They are both rectangular in nature and in an area that is very desirable near main roads. It is very likely that a retail development would go on the property sometime soon if the zone change were not to occur. The 260,000 square feet of retail would generate approximately 600 employees coming to and from the property each day. This compares to a projected population of 482 under the MS-3 zone including 42 school age children. Their research indicated that there is adequate water and sewer utilities. They had consultations with the Ramapo School District. They indicated that 42 school children could be readily absorbed into the school system. The Police Department has indicated no problem. The Fire Department has indicated that they can serve the property. They have a concern about this Nanuet area and hope to have a new sub-station. This property is a little closer to the facilities of the Fire Department which are in the Village of Spring Valley than the neighboring residential condominiums to the north. The response time for this particular property is not a problem. They estimated 14 EMS calls from the property if it were rezoned and 17 fire calls per year. A residential population would offer one benefit to the fire district. There would be a population pool to draw volunteers from. If you put more retail there, you will not have a pool of volunteers. The completion of New Clarkstown Road and Overlook Blvd. have brought a lot of development to the area.

Donald Tracy read a letter from the Spring Valley Fire Department which stated that they have the man power and equipment to adequately service the area within its fire protection district. The addition of a fire station or a fire truck would be beneficial in several ways. It would cut down on response time, it would open up membership in the Department to persons in the area who would not normally join the Fire Department and lastly, it could possible give a lower Insurance Service Organization rating. That in turn would lower homeowners premiums. Two of the Avalon residents are members of the volunteer Fire Department

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)  
Page 5

7/14/98

Appearance: Mr. Comer  
11 Forest Brook Rd., Nanuet

You have Amber Field, Timberline, Treetops, Eagle Ridge. That is 1,117 condos. That doubled over is 2,234 cars. You have about 300 kids of driving age. You are looking at 2,534 cars. The residents in the area are about 700 with two cars to each house. You have almost 4,000 cars in that area plus they have just developed 500 homes in Avalon. That is another 1,000 cars. You are talking 5,000 cars in less than a mile. On Smith Road you have a home for the deaf. That is more cars. There are two collision places. You got the Russian Orthodox place. That is more cars. Between Pascack Road and the by-pass, you have a bar, a Chinese take out, a pizza place, a cleaning place and deli. There is a dog kennel on Smith Road and Northern Manor. Airport Executive Park, Cosco and Spring Valley Market Place are more cars. They are being choked. A whole line of Treetops burnt down. Two houses burnt in Amber Field The Fire Department cannot handle it. It took the Fire Department fifteen minutes to get to a burning car in front of his house. We are strangled in that area with traffic. What about their quality of life. If an ambulance responded and Smith Rd. is tied up, you can't get into Spring Valley Market Place and you can't get into the tunnel, how are you going to get in. Their quality of life is going down the tubes. He has heard of land lock. This is traffic lock. There is a strain on the Police Department. You need more police officers. Clarkstown people pay school taxes to Clarkstown and then it is shipped over to East Ramapo which is top dollar. East Ramapo does not pay the same amount as they pay. They are the goose that laid the golden egg. The end result is over crowding, more pollution from cars, Smith Rd. cannot take the traffic.

Appearance: Kevin Kilduff, Police Chief  
Clarkstown

In the only correspondence he has had with Mr. Tracy, he never said on the part of the Police Department, that there was no problems. His major concern is Police services on the Southwest side of Town. We probably can service the area, but we do have reservations. We have run into problems as to poorly labeled buildings. If you are on a police emergency run, you need to see that right away. The parking accessibility gives a bit of a hassle. They need accessibility to get to some of the seniors. Our staffing is being stretched. These things will be discussed with the Police Commission and the Town Board. We do have concerns about response time and calls for services. There are a lot of burglar alarms being installed. A lot of times when units first go in, we have major problem with burglar alarms before a lot of things get ironed out. It is not accurate to say at this time that there are no problems for the Police Department.

Appearance: Robert Greco  
94 Avalon Garden Drive, Nanuet

He has owned the Broadway Hair Salon in New City for the past ten years. He also owns Rojo Hair Care. A couple of years ago, fifteen people picked-up and left his salon. He lost his house because he could not afford it and he had no where to go. The apartments complexes had waiting lists. At that time, Avalon opened and they were able to accommodate him. He gets a little bit angry when everybody is throwing statistics. What about the people who don't have the money to buy something. We need more apartments that are luxury apartment and well maintained. The people at Avalon have been very good to him. They make everyone feel comfortable and welcome. He has lived in this County all of his life and he does not see any kind of traffic change. Sometimes he has to wait few minutes for a red light and that is all.

Appearance : Robert Jackson  
President, Nanuet Civic Association

He requested that the Town Board says no to this MF-3 proposal. He understands that the apartments are nice, but the applicant has been trying to scare the people in the community about big box. He was told, if you don't build this, they are going to build a dry cleaner with a big smoke stack or a big box store like Home Depot. The amendment that allows these box stores was just approved recently by the Town Board. Is that why the applicant pushed for that amendment? They would have this scare tactic to use on you tonight as they used at the Planning Board Meeting. The Planning Board voted seven to zero - no. The meeting was well attended by the residents of Nanuet. The County sounded like they said yes, but it sounded like a left handed compliment. They had quite a few attachments. They mentioned 2,300 units. We don't need 272 more. He asked Mr. Yacyshyn if the special amendment was going to be referred back to the Committee to be rescinded.

Mr. Yacyshyn stated that it is part of the recommendations. Since it is not part of the specific application, it was not proper for him to bring it up.

Mr. Jackson stated that the people in the community want you to refer it back to the Planning Board. It seems that it is being used as a scare tactic. Traffic in the area - Smith and Middletown Road level the service F. Quite a few people who attend the Nanuet Civic Association meetings mentioned that they have difficulty leaving Treetops in the area of Smith and Overlook. There is a traffic light with a left turn signal, but they are still having trouble getting out. Between the apartments and the condos there are too many. We are dealing with people from Sisters of Charity for a large development in Nanuet. The Civic Association does not come out against all development in the area. Turning PED, a business zoned area, to a residential is a bad idea. He can see changing residential to some other form of residential, but this is a business district that our planners made. They had a reason with the master plan to use this. Avalon wants to protect their interests. They are afraid if you put a big box store next to them their property values will go down. The Nanuet Civic Association will support any motion in the area to help them fight that. With regard to the Fire Department, response time is critical. If you have a fire in that area, usually by the time the volunteers get there, it takes fifteen to twenty minutes to put water on the fire. You usually lose the whole row of apartments. You do need a fire house in that area.

Appearance: Henry Horowitz, Esq.

He showed a section of the tax map upon which he superimposed the existing and the proposed zoning. He came to the meeting on behalf of the Airport Executive Park who takes no position for or against the zone change. Your PED requires 50 acres. Once this change is granted, if it is granted, they no longer have the 50 acres. Your PED required a 100 foot buffer around its perimeter. If we were to put 100 foot buffer around what we have, that would take up 60% of the site. The 100 foot buffer was fine when there was 50 acres. It does not work when it is scaled down. If the Board decides to grant this zone change, they must do something with the PED as it exists today. Every zone change impacts adjoining property. The effect of this zone change is just an absolute disaster. It jeopardizes any future financing because those buildings are not conforming. If you want to add another parking spot or loading berth, you must go back to the Board of Appeals. If you read the PED, there is a limit as to how much commercial you can have. That retail was to come after the industrial buildings were built. If the Board is determined to grant the MF-3, you must do something for the people who own the PED now so that they can live with what they have. It is one thing to take away industrial and commercial land to put in residential, but to take existing commercial and industrial and sterilize that so that they can do absolutely nothing would be disastrous.

Appearance: Sara Orlic  
Treetops resident

She lived in New City for twenty-one years. When she divorced, her economic

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)

Page 7

7/14/98

situation changed. It was very difficult for her to find transitional housing. She would have welcomed a place like Avalon Gardens. She is a school teacher and owns Rojo Hair Care. She has not found a great deal of difficulty going to and from work. The traffic has not impacted on her life. She has found that the families who have moved to Avalon Gardens, have up-graded the quality of life. They have afforded her children with wonderful friends. She feels that in her area they do not need an empty lot full of empty stores as is the case of what is going on in the Spring Valley Market Place.

Appearance: Edward Duffy  
Grandview Ave., Nanuet

He was at the Planning Board Meeting two weeks ago and heard the traffic report that was given at that time by Mr. John Collins. The traffic report that was giving at the Planning Board Meeting is entirely different from the one given tonight. For the first time in his life he was unable to understand or comprehend a statement that was said. That is, even though there would be more automobiles in this development, there would be less traffic. We should look away from their traffic reports and use a little bit of common sense. Common sense will tell you that anyone using Smith Road or West Clarkstown may as well be on the Long Island Expressway during rush hour.

Appearance: John Lodico  
Birch Lane, New City

There was a question as to whether the Planning Board or the Town Board should have the authority for the master plan. For all practical purposes, there is no such thing as a master plan because it is changed at will depending on the pressures. In this particular case you are dealing with a PED zone which took approximately four and a half to five years to get into progress and to be approved. Unfortunately, the planner was representing the Town at that time under the firm name of Raymond Parish & Pine. At that time they indicated that it was the greatest proposal to come to the Town since sliced rye bread. The areas concerned were of fifty acres. You just can't carve out fifty acres and develop a planning situation. Planned economic development is basically in the interests of the overall town, not a developer, not a lawyer, not a planner. When the PED was conceived, there was two potential areas that were concerned. The PED first section was where there was no housing or condominiums up in an area which was zoned to the highest potential, M, LIO, LO. The money that keeps the budget going, comes from commercial ratables. You have to pay school taxes. It does not necessarily pay the total number of kids coming out of your house. When it cost something like \$12,000 to educate a child and if a house has two or five kids, it does not pay its way. The first proposed PED was 110 acres in Congers on the west side of Route 303. There was 110 acres of LIO zoned land. On the west side, 95 % was railroad siting. PED is supposed to be for the community of Clarkstown, not individual speculators. The Town of Clarkstown's government failed in some areas. They gave away Christmas presents to popular lawyers, builders and/or speculators.

Appearance: Edward Cordova  
Avalon

He feels that this development will benefit the economy in the local area. There are increased residential bases to boost the sluggish commercial zone. In particular, the Spring Valley Market Place. The taxes that Avalon are paying are very encouraging. He rather come home and see a luxury apartment with good landscaping than a box with a smoke stack.

Appearance: George Remult  
New City

So often when a proposed zone change comes up there is always that implied

7/14/98

threat that if you do not give me what I want, then I will beat the hell out of you with something else that you will like less. Whatever they built in amenities is strictly for the members of that community. The road to Cosco is a very busy road and adding additional cars to it isn't going to help. The reason why the Market Place is so empty is quite simple. It is called Pyramid. Most of the people who went there are now at the Palisades Mall. When you talk about revitalizing down-town and bringing the Market Place back to full capacity as far as rental of the stores, you have a tough nut to crack. He asked the Board to not approve this zone change because it is spot zoning. It is going to destroy areas that were set up in a specific manner.

Appearance: Malcome Markwith  
 Treetops

He has had to wait at off hours for two lights to make a left turn from the Hamlets on to Smith Road. He does not want Avalon to build anymore. The people coming from Overlook Terrace make right turns and they keep making right turns car after car. If he wants to make a left turn from the Hamlets, he can't. He has seen peoples lose their tempers and make left turns from the right hand lane. This is an accident waiting to happen. It is a dangerous situation.

Appearance: Barbara Zarroff  
 Avalon

She has lived in Rockland County for thirty years and for the last three days has lived at Avalon. She sold her townhouse in Treetops. There is very little rental facilities in Rockland County. There is a tremendous need for rental facilities in Rockland. She pays \$1,150 a month. She found the staff to be marvelous. It is a beautiful place. She has had no problems from Treetops or Avalon getting out on to Smith Road. She has had no traffic problems. She does not want to see anymore commercial developments in the area. She would like to see the zone change happen.

Appearance: Nell Ann Berg  
 Nanuet

She is a life long resident of Nanuet. The panorama of Nanuet has changed. The traffic is horrendous especially in the last ten to fifteen years. Anyone who has traveled from Nyack to Suffern knows what they are encountering. Anyone who travels south to north knows what they are encountering. She is concerned with the manner in which Nanuet has expanded. There is nothing that we can do about what has transpired, but we can speak about what is going to happen in the future. We need a moratorium now on what is happening in terms of building and development. It is time that we reevaluate. Avalon is nice, but we have enough affordable and luxury housing right now in terms of condos and apartments in Nanuet. She asked the Board to vote no on the expansion of Avalon. If there is a sizable fire, the Spring Valley Fire Department has to get aid. The Nanuet Ambulance Corps put out \$100,000 of their own money to pay for paid services because they could not find enough volunteer worker. We are going to have to go to a paid fire and ambulance. You can't expect people to keep leaving their jobs to fight fires. Her quality of life has declined. We lost sight of what it means to have a community. Nanuet has turned into concrete city. It is time to reevaluate before you vote and not let this slip through.

Appearance: Brenda Cordova  
 Comity Manager of Avalon Gardens

There is definitely a need for housing. When they first opened their doors, they could not fit everyone inside the Club House who wanted to secure an apartment. These were people coming from Rockland County. They are 100% leased. They have a

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)

Page 9

7/14/98

waiting list. There is no traffic. She has never waited for more than one light.

Appearance: Martin Bernstein  
New City

It is time that we had a new comprehensive plan that looks into what is going on. There is a need for apartments. That does not mean we have to turn the Town of Clarkstown or the County into an apartment County. We have some apartments, condos, commercial and industrial property. That is what a comprehensive plan is suppose to be. It is suppose to look at a community to see how we can create a balance between the various needs. To take something that is good and increase it does not mean you are going to make it better. It is going to make it a lot worse. This problem has been created not just in Nanuet. There has been quite a bit of down zoning in Congers by this Town Board. This Town Board down zoned property in Bardonia to build condos. If you do this in Nanuet, people will asked for it in other areas. Clarkstown is turning from Clarkstown to Clark City and he would like it to stop.

Appearance: David Geller  
Birchwood Terrace, Nanuet

He is a thirty-seven year resident of Nanuet. He is not against luxury rentals, but against luxury rentals in that area which seems to be so densely populated that it is very very difficult to get around. People use Birchwood Terrace as a cut through instead of using the traffic light at the corner of Smith Road and Middletown Road. They go through Birchwood Terrace at 40 and 50 miles an hour. Sometimes there are little kids playing on the street. When the new project at Normandy Village is completed, there is going to be approximately 140 new rental units. He wanted to have his wife and kids brought up in a community with an element of sanity. A lot of that sanity seems to be lost. He was against this two years ago when the initial phase of Avalon was going in. Bad decision making has got to stop. The Board was elected to serve in the best interest of the current residents of Rockland County, not the future residents. He asked the Board to vote against the zone change.

Appearance: Jim Jackowsky  
341 Avalon Gardens Drive, Nanuet

Every resident in the Spring Valley Market Place signed his petition in favor of the zone change. He comes from Bergen County and loves this area. He works for Avalon. Rockland County is a growing area and is the future for a lot of people. The largest retail mall per retail space is here in Rockland County.

Appearance: Bill Ryan  
Freemont Ave., Nanuet

He works for an insurance company and investigates accidents. Three years ago, he covered Westchester County and sometimes Rockland County. Now he just covers Rockland County. Traffic has picked up. Accidents have picked up. If you take the area and box it, from Route 59 to Pascack Road to Smith Road, he has handled at least twelve to fifteen accidents in the last two years. He is getting them more and more frequently. Any additional number of apartments, any additional businesses and anything else you are going to put there, is going to bring more cars and more accidents.

Appearance: Joe Oberman  
165 Treetops Circle, Nanuet

Several years when they wanted to put up 400 condominiums, the Board turned it down because of the high density. Overlook and Smith Roads takes all the traffic from

the NYS Thruway and the Garden State Parkway in the mornings and at night. You can't move out there if you go out in the morning or the evening. The first day Overlook Road opened, there were three accidents on that corner. Avalon Gardens put out flyers about dry cleaning establishments and gas stations to scare people. Last winter there was a fire in Treetops and it knocked out units. They went in there with a bulldozer and took it right down to the pavement. They had meetings with the Fire Department and discussed having another station put it somewhere close by. There is no point in building one because they cannot get the volunteers. We don't have the coverage. After a meeting one night, there were five fire vehicles standing in the street and they could not find the building to go to. Clarkstown Police do a good job, but the Hamlets have their own private patrol cars.

Appearance: Shirley Lasker, President  
Rockland County Civic Association

She agrees with Mr. Yacyshyn when he said that Nanuet has been saturated. That area cannot take any more condos, apartments or anything else, it is unfair to the area. The traffic is horrendous. She agrees with the people who say, you need to look at the master plan. It has been twenty-five years since anything has been done. The spot zoning keeps going on. Apartments are need in Rockland County, but you have to plan as to where the best place for them would be. Nanuet is not the best place.

Appearance: Warren Marshall  
Nanuet

The formula for problems is if the density expresses a number greater than one, raise to a power greater than one. That is on one side of the equation. On the other side, if you have something going a little high, something has to go a little less. This why the crucial problem is density. Every time the density goes up, his property values basically go down and his taxes go up. If anyone thinks they can beat this equation, please let him know. Pyramid said that they have 3,000 jobs. Three thousand people came looking for jobs. The big problem really was 3,000 jobs don't support 3,000 people. For almost all of the employees, it is their first, second and/or third job. What do we do with two thousand people left over looking for jobs.

Appearance: Nancy Fuchs, President  
Nanuet Community Ambulance Corps

The Ambulance Corps takes no position for or against the development. We do have a few issues with the current development and with any proposed additions to that development. The distance from the parking lot to the units is quite long. She responded to an ambulance call in the Avalon Gardens where they had to park the ambulance quite a distance away, hike down a row of stairs that was not very well constructed for their use. It was a concrete set of stairs, a very long flight with no landing and the steps themselves did not have much depth for your foot so that carrying a stretcher up and down those stairs was hazardous to the patient and the crew responding to the call. They had the assistance of the para medics and the Police Department, however it was a difficult job to get to the person. After they got through the stairs, they had to find the building some place down in the back where it was poorly labeled. Response time is affected by traffic flow. With the current situation on Smith Road with the width of the road, passing cars in a siren situation on a two lane highway is a hazard both for the motorist on the road and the ambulance responding to the call. When it is icy, that road is dangerous. Any other access to that facility through some of the lower streets is also going to be dangerous in icy conditions. It is too far for us to go. We need the developer to address some issues and we need the Board to put some pressure on the developer to address these issues so that we can property service them. On June 30, she was contacted by Mr. George Raymond, a consultant for the Clarkstown Planning Board. He asked, if the

Re: Zone Change Petition (PED to MF-3) - Avalon Properties, Inc. (164-A-1.01 & 1.04)  
 Page 11 7/14/98

Ambulance Corps had to respond to additional calls at Avalon Gardens for the additional 272 proposed units, would they be able to handle it? It was difficult to make a decision. This consultant informed her that it would materialize to approximately fourteen call per year. If it were fourteen calls a year, yes, we would be able to absorb it. We are a very busy ambulance corps and absorbing the fourteen calls could mean calling in mutual aid from other ambulance corps. Before the Board makes a decision, she would like to have the developer address some of their concerns. so they don't wind up with any number of problems at this facility.

Appearance:           Russell Trojan  
                               Nanuet

He was at the Planning Board Meeting when Avalon was before them. One of the issues was whether Avalon would be opened up to Alice Drive. The Planning Board was concerned with giving another alternative to get to Middletown Road besides Smith Road which was recognized then to have a congestion problem. Mr. Fuller was speaking to the Planning Board at that time in opposition to opening up Alice Drive to Avalon. The developers of Avalon have not always acted in the interest of the residents who are now renting the units. One of the Town of Clarkstown requirements is for parkland. There is a formula. There can either be a donation for parkland or there can be money in lieu of land. Avalon chose the money in lieu of land and then went to the Courts to negotiate a lower sum than what the Town formula required. Now Avalon is asking for another section. What would the formula have required in the form of parkland to serve the residents of Avalon, the residents of the Hamlets, the Nanuet residents and the East Spring Valley Fire District and the residents of Clarkstown. All parks are open to all residents of the Town of Clarkstown. The SEQRA requirements would have provided for the entire complex to be considered at once. Now we considered one piece and made decisions and now we consider another piece. How many residents of Nanuet have to seek employment across the Tappan Zee Bridge or head into New York City to find employment. Here we have vacant land. We should be trying to attract a corporate headquarters so that more people in Clarkstown can work in Clarkstown. There is a railroad located here. If there is a warehouse that needs rail freight service, where else can you put it, but next to the railroad. If you were to take MTA proposal and put the rail stop at New Clarkstown Road and the railroad tracks, you would have a disaster because it would block the traffic flow. However, if you put the rail stop at Lot 104, you would be further away and less likely to interfere with the flow of traffic on the road while the train is unloading or loading. Overlook is a high density area. This is where we should be thinking of a down town area of services. That means recreation facilities. The high density in this area deserves to have more services and a park in their area. There is a major sewer trunk line parallel to the railroad tracks. This trunk line is going to have to drain Sloatsburg sewer as the Rockland County sewer district is working on plans to add them to the system. They did not originally plan for Sloatsburg in the system. We are going to add to that load by local development and that trunk line has to handle whatever development may occur in other parts of Ramapo. He does not think the pipe is big enough. It has already overflowed. We let Avalon in because we recognized the need for rental housing. We have now filled that need for Nanuet. It is time for other communities to provide rental properties for their own.

Appearance:           Isha Leek Saunders  
                               Avalon Gardens

The discussion should be about the need for additional rental housing in Rockland County. There would be an impact regardless as to what goes on this land. There needs to be housing for those who cannot afford a 20% down payment on a home or for those homeowners who want to sell, but want to stay in the community that they raised their children in. Growth is something that we are all resistant to, growth is something that is difficult for us to get use to and to accept, but it is something that happens. The issue of

7/14/98

numbering the buildings is an issue that Avalon would be more than willing to accommodate to have access provided to the emergency services. There are few parcels of land that are available. At Avalon Gardens, the demand has been such that there is obviously a need. Nanuet provides a location that is both accessible to the commuters and to the northern Bergen County area. It provides convenience for workers who work in Westchester County, Rockland and Orange County. The residents are satisfied. Avalon wants the opportunity to provide the community with an option. We are discussing giving 272 more homes to people who cannot afford to buy, that want to sell, that want to stay, that want to contribute.

Appearance: Donald Tracy, Esq.  
 Attorney for Petitioner

There were nine speakers from Nanuet. Three of those speakers were from the immediate area. The rest of them were from the other side of the Thruway, off Old Nyack Turnpike, on Sherwood Street and Cherry Ave. Far removed from this immediate neighborhood. Chief Kilduff submitted a letter which they took under advisement. His comments and Ms. Fuchs comments were essentially the same. We became aware of this problem one day before the Planning Board hearing. We immediately called the Chief to schedule an appointment. Fortunately for the Chief, unfortunately for us, he went on vacation. We fully intend to meet with him and address a problem we were not aware of. Both those problems will not be caused by a zone change. They will not be changed by changing two letters on a map. They are site plan issues which need to be addressed and will be addressed. He agrees with Mr. Horowitz's comments. It could be handled very simply by a simple statement added to the zoning ordinance that says, no use first introduced in the PED zone shall be deemed non conforming by the fact that less acreage than was originally planned. Harold MacCartney could figure that out in ten seconds. We made a \$350,000 voluntary contribution to the Town of Clarkstown. for general municipal purposes. We intend to build the same kind of recreational facilities in connection with the new community. We also intend to benefit the Town of Clarkstown's general fund. With respect to the Fire Department and the need for facilities, I am authorized by the Vice President, Sam Fuller, to state that we will make a contribution to the Fire Department. We will give them matching funds. He submitted a petition with 127 names. This rezoning enhances property values in the area by adding potential condominium purchases and retail customers. It is new households or it could be big box retail. It is projected to net in annual tax benefits to the Town \$850,000. In the most likely case it is projected to generate 75% less traffic than use is permitted of right. In most cases it is projected to create nearly 50% less pavement and building coverage. According to the local police, they expect few calls than the most likely uses permitted by right. It will provide people for area retailers. Avalon Bay is among the most financially sound apartment developers in the US and have already demonstrated its commitment to the community.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 11:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
 Town Clerk

(RESOLUTION NO. (558-1998) ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/14/98

11:11 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia Profenna and Smith  
Harold MacCartney, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Petition for Abandonment of a Portion of Grant Avenue, Congers (Diaz)

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor stated that the purpose of this public hearing is a petition for the abandonment of a portion of Grant Avenue in the Hamlet of Congers, New York. Supervisor asked Mr. Yacyshyn for his comments. Mr. Yacyshyn stated that the Town Planning Board would be hearing his matter tomorrow night and he asked the Town Board to reserve decision..

Supervisor asked the applicant to make his presentation.

Appearance: Victor Diaz  
Congers

Mr. Diaz stated that the paper road is at the rear of his property which is on Grant Avenue. It is an unimproved paper Town road. He wants to improve the rear of his property. There is forty feet of paper road and he is looking to get twenty feet. They are not going to build a house on that paper road. They just want to improve the rear portion of their property. About two or three years ago, they made an improvement. They build a rock wall because there was water being drained into the rear portion of a neighbor's property. Since then they have not had any problems, therefore, he is asking the Town Board to petition a portion of twenty feet.

Supervisor asked if there was anyone further wishing to make a comment. No one appeared. Supervisor said that based on what Mr. Yacyshyn said, the Planning Board has not reviewed this yet.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 11:15 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk