

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/8/98

8:00 P.M.

Present: Supervisor Charles E. Holbrook
Council Members Maloney, Mandia Profenna and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor Holbrook explained why the public hearing regarding child care was canceled. The law that was drafted was premature. It would be up to the Town Planning Board to come up with a law. When the Planning Board comes up with a law pursuant to the comprehensive plan, we will then hold a public hearing.

Supervisor opened the public portion of the meeting.

Appearance: Lamont Adams
Nyack

Spoke about the traffic around the Palisades Mall. There is a lot of traffic on Route 59 from Exit 12 into Nyack. There is no divider that separates the west bound traffic from the east bound traffic. He wants Clarkstown and Orangetown to get together and talk to the Department of Transportation about a divider from the Palisades Mall to the end of Nyack.

Appearance: Martin Bernstein
New City

He spoke regarding the exemptions in the moratorium and day care.

Appearance: John Lodico
New City

He read a letter from Assemblyman Alexander Gromack in reference to the proposal for the Clarkstown Veterans Memorial Park.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Petition for Extension of the Clarkstown Consolidated Water Supply District No. 1: Clarkstown Acres Estates was opened, time: 8:12 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Petition for Extension of the Clarkstown Consolidated Water Supply District No. 1: Clarkstown Acres Estates was closed, time: 8:13 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Application for Abandonment and Discontinuation of Portions of Hutton Avenue and Kemmer Avenue, Nanuet was opened, time: 8:14 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Application for Abandonment and Discontinuation of Portions of Hutton Avenue and Kemmer Avenue, Nanuet was closed, time: 8:19 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law: Exemptions to Local Law #5.

Exempting Certain Categories from the Moratorium Prohibiting Text Changes and the issuance of Special Permits to the Zoning Ordinance for a Period of Twelve Months was opened: time 8:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law: Exemptions to Local Law #5. Exempting Certain Categories from the Moratorium Prohibiting Text Changes and the issuance of Special Permits to the Zoning Ordinance for a Period of Twelve Months was closed, time: 9:25 P.M.

RESOLUTION NO. (939-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of November 24, 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. (940-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Oakwood Realty Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 6, Block B, Lot 4.3, for the year(s) 1993/94, and

WHEREAS, it is desirable to have a preliminary 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 preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (941-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Hardee's Food Systems, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 32. Block B, Lot 96.3, for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99, and

WHEREAS, it is desirable to have a preliminary 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 preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (942-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant:

K#1 - E/S of Lamborn Avenue approximately 750' n/o S. Ward Avenue

Investigation No.:11511,and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (943-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant:

RESOLUTION NO. (943-1998) Continued

H#1 - n/w Corner of Birchwood Ave. & Newly Proposed Road

Investigation No.:11505,and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (944-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, DAVIES FARM, INC. v. TOWN BOARD OF THE TOWN OF CLARKSTOWN, CHARLES E. HOLBROOK, JOHN R. MALONEY, ANN MARIE SMITH, RALPH F. MANDIA, LOUIS J. PROFENNA, as Members of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

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. (945-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, POLICE OFFICER ROBERT BURNS v. NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, NEW YORK STATE COMPTROLLER, NEW YORK STATE ATTORNEY GENERAL, THE TOWN OF CLARKSTOWN and THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding, and be it

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RESOLUTION NO. (945-1998) Continued

FURTHER RESOLVED, that this Resolution is made retroactive to October 26, 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. (946-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, United Computer Specialists has completed the feasibility study on a WEB site for the Town of Clarkstown, and

WHEREAS, the Director of Automated Systems, Robert Stritmater, has recommended that United Computer Specialists be authorized to proceed with the preliminary layout and design portion of the site;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes United Computer Specialists to proceed with the preliminary layout and design portion of the WEB site, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the sum of \$12,800.00 and shall be charged to Account NO. A-1680-409.

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. (947-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 882-1998 adopted by the Town Board on November 10, 1998 is hereby amended by deleting "Item 3". The section of road from Route 303 to the new Thruway bridge is officially known as Snake Hill Road" from said Resolution.-1998)

On roll call the vote was as follows:

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

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RESOLUTION NO. (948-1998)

Co. Maloney offered and Co. Smith seconded

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

BID #10-1999
GROUNDSKEEPING & LANDSCAPE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on January 5, 1999 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 Environmental Control upon payment of the prescribed non-refundable fee per set.

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. (949-1998)

Co. Maloney offered and Co. Smith seconded

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

BID #11-1999
PRINTING OF RECREATIONS BROCHURES
(SPRING/SUMMER, FALL/WINTER)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on January 7, 1999 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. (950-1998)

Co. Maloney offered and Co. Smith seconded

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

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RESOLUTION NO. (950-1998) Continued

BID #12-1999

MAINTENANCE & REPAIR OF TOWN TRAFFIC
SIGNALS AND PEDESTRIAN CONTROL DEVICES

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the 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. (951-1998)

Co. Maloney offered and Co. Smith seconded

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

BID #13-1999
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 JANUARY 11, 1999 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 Environmental Control upon payment of the prescribed non-refundable fee per set.

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. (952-1998)

Co. Maloney offered and Co. Profenna seconded

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

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RESOLUTION NO. (952-1998) Continued

BID #63-1998
CHURCH STREET DRAINAGE IMPROVEMENTS

is hereby awarded to:

ENVIRONMENTAL CONSTRUCTION INC
73 ROUTE 210
STONY POINT NY 10980
PRINCIPAL: SUSAN A RAMOS

as per their low bid proposal of \$58,223.05 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 - two copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability and Property Damage Coverage -
The Town must be named as co-insured party on these liability policies
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

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. (953-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown and unplowed or impassable roads may pose an increased danger to life and poverty as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that if the undedicated streets are part of a development of homes being constructed, that the Superintendent of Highways send a bill to the developer for the cost of snow plowing the undedicated streets in its development. If the bill is unpaid, the amount

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RESOLUTION NO. (953-1998) Continued

of such bill shall be included on the next Town tax bill for the developer's property.

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. (954-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to increase Appropriation Account A-7610-301 (Program for the Aging - Food) by \$1,044.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$1,044.00.

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. (955-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$2,190.00 from Eastern Regional Tournament, and be it

THEREFORE RESOLVED, to increase Estimated Revenue account No. 1 01-3-2001 (General Fund - Parks & Recreation) and Appropriation Account A-7140-424 (Contractual Expenses) by \$2,190.00.

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. (956-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a dangerous condition exists within an existing drainage easement at number 5 Roland Court, Nanuet (Tax Map Lot 30 A 8.3); and

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RESOLUTION NO. (956-1998) Continued

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed the necessary removal of specific trees within said drainage easement to ameliorate said dangerous condition; and

WHEREAS, the Department of Environmental Control has obtained price estimates for said work;

NOW, THEREFORE, be it

RESOLVED that the Director of Environmental Control is hereby authorized to hire Exclusive/Oasis Tree Experts, Inc., to perform the necessary corrective work; and be it

FURTHER RESOLVED that the cost of said work shall not exceed \$3,500.00 and shall be a proper charge to H 7182 409 0 55 59.

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. (957-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, low maintenance landscape screening is required along the top of the new berm for the recently expanded leaf composting facility and;

WHEREAS, the Director of the Department of Environmental Control has obtained competitive proposals to perform said landscaping work and, of these, the proposal from Coral Acres Nursery, 189 Strawtown Road, New City, New York is for the lowest amount;

NOW, THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire

Coral Acres Nursery,
189 Strawtown Road,
New City, New York

to perform the necessary work in accordance with the requirements of the Department of Environmental Control; and be it

RESOLVED, that the cost of the said work shall not exceed \$3,800.00 and shall be a proper charge of SR 8160-413

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. (958-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to hire Comtel Systems, telephone system vendor, on an as-needed basis to provide service and repair to the Focus 960 telephone system of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to November 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. (959-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, it is necessary for the Town of Clarkstown to purchase additional property for the Town of Clarkstown Golf Course;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Ronni A. Tortorello, for the Town of Clarkstown to purchase property in the Town of Ramapo known as Section 3, Lot 10-A, which is approximately 77,000 sq. ft. ±, and be it

FURTHER RESOLVED, that the fee for such property shall be \$250,000.00 and shall be charged to Account No. H 1942-409-58-1, and be it

FURTHER RESOLVED, that this Resolution shall be subject to Permissive Referendum.

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. (960-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 110, Block A, Lot 19.4, and

RESOLUTION NO. (960-1998) Continued

WHEREAS, by Order of the Town Board, the Building Inspector was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$492.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on October 13, 1998, upon the payment of \$492.00 to reimburse the Town for the cost of the proceeding pursuant to the attached statement.

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. (961-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68, and

WHEREAS, by Order of the Town Board, the Building Inspector was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$489.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on October 27, 1998, upon the payment of \$489.00 to reimburse the Town for the cost of the proceeding pursuant to the attached statement.

On roll call the vote was as follows:

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

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RESOLUTION NO. (962-1998)

Co. Smith 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 in the amount of \$9,550.00, secured by Letter of Credit No. 1460, which was furnished to the Town in connection with New Clarkstown Estates Subdivision, is hereby terminated; and the Letter of Credit may be released.

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. (963-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW PROHIBITING THE PROCESSING OF ZONE CHANGE APPLICATIONS FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO REVIEW AND AMEND THE COMPREHENSIVE PLAN”

was introduced by Councilman Maloney at a Town Board meeting held on August 11, 1998, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 11, 1998, directed that a public hearing be held on September 15, 1998, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 3, 1998, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 13, 1998, and

WHEREAS, the County Planning Commissioner has found said local law to be approved subject to local determination, and

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7 - 1998, entitled:

“A LOCAL LAW PROHIBITING THE PROCESSING OF ZONE CHANGE APPLICATIONS FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO REVIEW AND AMEND THE COMPREHENSIVE PLAN”

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

RESOLUTION NO. (963-1998) Continued

On roll call the vote was as follows:

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

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

RESOLUTION NO. (964-1998)

Co. Smith offered and Co. Maloney seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 to include CLARKSTOWN ACRES ESTATES, INC., adopted and signed (Complete Order 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. (965-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an application has been made by FB NANUET, LLC and OTHERS, that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 207 of the Highway Law to declare that certain portions of rights-of-way known as Hutton Avenue and Kemmer Avenue, Nanuet, New York, as described in the metes and bounds description attached as Schedules "A" and "B," upon the ground that same have been found to be unnecessary for highway purposes and, therefore, may be deemed abandoned and discontinued, and

WHEREAS, said roads appear on the Official Map of the Town of Clarkstown and portions of said roads shall be deleted from same, and

WHEREAS, pursuant Resolution No. 470-1998 adopted by the Town Board on May 26, 1998, the Town of Clarkstown and FB Nanuet LLC entered into a Contract of Sale on October 21, 1998, which provided for the sale and transfer to FB Nanuet LLC of portions of the Town roads herein mentioned, which was subject to Permissive Referendum, and

WHEREAS, no Permissive Referendum has been filed, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental

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RESOLUTION NO. (965-1998) Continued

Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw Dated July 6, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment and discontinuance of portions of HUTTON AVENUE and KEMMER AVENUE, Nanuet, New York, 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 portions of HUTTON AVENUE and KEMMER AVENUE, Nanuet, New York, as described in the attached Schedules "A" and "B" are hereby declared abandoned and discontinued by the Town of Clarkstown pursuant to Section 207 of the Highway Law, subject to the following conditions:

- 1. Provide easements for existing utilities to remain with respective owners/operators;
- 2. Provide public access easement or similar for general traffic;
- 3. Execution of a maintenance agreement for the portions of Kemmer Avenue and Hutton Avenue that shall remain as public roads.

and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom portions of the roads known as HUTTON AVENUE and KEMMER AVENUE, Nanuet, New York, as described in the Schedules "A" and "B" attached, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the 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. (966-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the proposed amendments to the Zoning Ordinance have been sent to the Town and County Planning Boards for review, and

WHEREAS, the County Planning Commissioner has replied that the matters are approved as for local determination;

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RESOLUTION NO. (966-1998) Continued

RESOLVED, that the Town Board hereby affirms its adoption of Local Law No. 5-1998 on October 27, 1998, prohibiting any textual changes and the issuance of a special permit to the Zoning Ordinance for a period of twelve months to give the Planning Board ample time to review and amend the comprehensive plan, and be it

FURTHER RESOLVED, that the following categories of Special Permit shall be excepted from the total moratorium of Local Law No. 5-1998:

- (a) Conversion of a single family detached residence into not more than two dwelling units;
- (b) Public utility substations or pumping stations and telephone exchanges;
- (c) Public utility rights of way, towers and lines;
- (d) Home occupations;
- (e) Agency boarding homes, group homes, community residences, and special care homes;
- (f) Restaurants with access to a major road;
- (g) Recycling facility;
- (h) Restaurants associated with indoor tennis club or health club; and
- (i) Family recreation,
- (j) Extension across district boundaries 290-32C 3(a).

and be it

FURTHER RESOLVED, that Local Law No. 8-1998, is hereby adopted and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

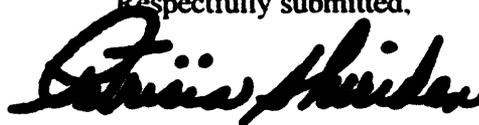
On roll call the vote was as follows:

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

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Profenna, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/8/98

8:12 P.M.

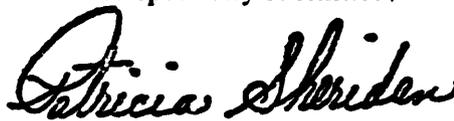
Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed extension of Clarkstown Consolidated Water Supply District No 1 to
include Clarkstown Acres Estates

On motion of Co. Smith, seconded by Co. 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.

There being no one wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney and unanimously adopted the Public Hearing was declared closed, RESOLUTION NO. 964-1998 ADOPTED, 8:13 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO 964-1998 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/8/98

8:14 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Application for Abandonment and Discontinuation of Portions of Hutton Avenue
and Kemmer Avenue, Nanuet

On motion of Co. Maloney, seconded by Co. Mandia 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 wishing to make a comment or ask a question.

Appearance: Joseph Rocco
Kemmer Lane & Rt. 59

Asked why the road was being abandoned; what is the advantage to the Clarkstown people? Who is going to maintain the road? If in the future this outfit goes belly up, what happens to the road? If the road is given away, will taxes go down? It seems the Town is giving away about two acres of free land. He is against this.

Supervisor Holbrook clarified that the land was not being given away, it is being purchased.

Appearance: Bob Jackson
Nanuet

Inquired as to the status of the lawsuit on the discontinuance of the two roads and whether the project that was discussed at the last Planning Board meeting was still being held up subject to the lawsuit.

Supervisor Holbrook said it was and that the lawsuit involves the beer distributor there.. Rudy Yachshycn stated that no permits would be issued until several conditions are met and this litigation is one of the conditions of granting the approval.

Mr. Jackson asked if that would affect the purchase of the roads and inquired as to the price of the roads. Supervisor responded that it just meant the roads would be purchased later rather than sooner and the price of the roads was \$975,000.

Appearance: Russel Trojan
Nanuet

He wanted to reiterate what he had said previously when the Board had sold the roads, that the \$975,000 acquired should be spent in Nanuet on recreation and the Nanuet Ambulance Corp.

Appearance: Martin Bernstein
New City

Asked if individual properties bordered on these roads.

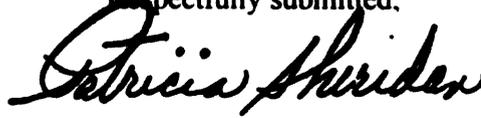
PH: APPLICATION FOR ABANDONMENT AND DISCONTINUATION OF
PORTIONS OF HUTTON AVENUE AND KEMMER AVENUE, NANUET
PAGE 2

12/8/98

Supervisor Holbrook explained that those properties have been acquired and the Highway Superintendant is recommending the abandonment. No one is fighting it.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was declared closed, RESOLUTION NO. 965-1998 ADOPTED, 8:19 P.M.

Respectfully submitted,



Patricia Sheridan
TOWN CLERK

(RESOLUTION NO. 965-1998 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/8/98

8:20 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Local Law: Exemptions to Local Law #5: Exempting Certain Categories from the Moratorium Prohibiting Text Changes and the Issuance of Special Permits to the Zoning Ordinance for a Period of Twelve Months.

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

Town Attorney stated that the County Planning Board determined that this one was for local determination.

Supervisor Holbrook said the Board can vote on this tonight because it is not subject to SECA. He read the following categories that are being considered tonight:

- a) conversion of a single family detached residence into not more than two dwelling units
- b) public utility substations or pumping stations and telephone exchanges;
- c) public utility rights of way, towers and lines;
- d) home occupations;
- e) agency boarding homes, group homes, community residences, and special care homes;
- f) restaurants with access to a major road;
- g) recycling facility;
- h) restaurants associated with indoor tennis club or health club;
- i) family recreation
- j) extension across district boundaries 290-32C 3(a)

Supervisor asked if there was anyone wishing to make a comment or ask a question.

Appearance: Martin Bernstein
New City

Questioned one of the exemptions.

Supervisor explained that it relates specifically to a case where the Zoning Board had a public hearing because the Hard Wok Buffet wanted to extend their parking lot. They wanted direction from the Town Board before voting on it, so we included this as part of the exemption.

Mr. Bernstein questioned whether the Board was going to exempt Child Care temporarily. Supervisor stated they were not going to exempt it. They would only consider exempting it if there is a law developed by the Planning Board and when they are done with it the Town Board then can consider exempting it, if the law makes sense. If the Town Board considers exempting child care from the moratorium, if the law makes sense, we can do that but that will be subject to a public hearing.

Mr. Bernstein stated that it is hard to exempt certain items and not others. He agrees with exemptions b and c but feels the others such as conversion of single family residences and

home occupations are the kinds of items that would be included in a comprehensive plan. Items like this should be discussed with professionals and then opened up to the public to see what they think. Feels the same about agency homes, group homes and community residences. Questioned the exemption having to do with restaurants with access to major roads.

Co. Mandia stated that this means we are allowing these categories to make application. They may be turned down. Most of them especially the group homes and the conversions happen very rarely. With regard to the restaurant it means that if there is a restaurant on a main road and they want to buy a piece of property to extend parking lot or something, they have the ability to come forward and make that request. It is not granting anything, it is giving them the right to make application

Mr. Bernstein stated that the Board should wait until the comprehensive plan is developed before we worry about these additional potential possibilities.

Appearance: Bob Jackson
Nanuet

Questioned whether this local law that we are speaking about now includes Sisters of Charity.

Supervisor responded that they would fall under the special care home, item (e).

Mr. Jackson stated that they have been dealing with the residents of Nanuet for quite a while and have been very open and cooperative in listening to concerns of residents. Asked the Board to grant them their exemption so they can keep the project moving; no one in the community is fighting this project.

Appearance: Ira Emanuel, Esq.

Always thought that when a local law was put before a Town Board and it was published in a particular way, that that is what would be voted on and you couldn't make substitutive changes to it. It seems that changes can be made despite what has been published, despite what people have been told. Does not understand the reason for removing a day care amendment from the exemptions. Understands why there would not be a vote on the actual amendment tonight. Understands that there are issues that need to be resolved with the amendment that was proposed. The amendment was just a proposal, a starting point. It had been sent to the Planning Board for input. Now you are giving it back to the Planning Board for them to craft an ordinance and when they will bring it back maybe the Town will grant an exemption at that time. Concerned with the lack of alacrity of the part of Town Board with respect to this issue. He read the following letter from child care Resources of Rockland:

Dear Clarkstown Board Members,

Child care Resources of Rockland, Inc. is a non-profit agency that promotes quality early care and education programs for children. Our mission is to ensure that all children in Rockland County have equal access to child care and early education programs through advocacy, education and child care resource and referral services. National statistics clearly indicate a need for quality full day licensed/registered programs that meet the needs of working families and their children.

In 1994, 62% of married mothers with children under the age of six were in the work force compared with 30% in 1970. The Cost Quality and Child Outcome study of 1995 found that unregulated care was of lower quality than regulated care. The Carnegie Task Force on Meeting the Needs of Young Children, 1994, found that relationships are best formed and development needs are best met when children can remain in the same program throughout the day and for the first five years.

PH: PROPOSED LOCAL LAW: EXEMPTIONS TO LOCAL LAW #5

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Rockland County statistics as of October 1997 showed that there are over 20,365 children between the ages of 0 and 13 years who need child care while their parents are working. If one half of those, children are being cared for by relatives or are in informal care settings, it means that there are currently only 6,295 slots of regulated care available to serve over 10,000 children. In Clarkstown there are approximately 80 regulated family child care homes and only 3 licensed full child care centers. We estimate that most of the children are served in nursery schools or informal and unregulated homes. During the month of November 1998, 28 families living in Clarkstown called Childcare Resources of Rockland seeking child care.

Clarkstown is in need of high quality full day early childhood centers that can meet the needs of infants as well as toddlers, preschoolers and school age children. I ask that you give this issue serious consideration and grant an exemption from the moratorium on zoning or ensure that child care centers will be included in the zoning plan so that additional child care centers can be opened in Clarkstown.

Sincerely,

Jane Brown, Asst. Executive Director

Mr. Emmanuel stated that there is a crushing need for child care in Rockland County and in Clarkstown. To say that we'll get around to it at some time is a disservice to the children and working parents of Clarkstown. Stated that he would insure that this happens quickly even if that includes having to take action that may cause repercussions to the existing child care centers.

Co. Maloney stated that by referring this to the Planning Board, it will not take undue delay. He is hoping to get an answer from them as expeditiously as possible.

Supervisor Holbrook agreed that this should be acted on expeditiously but also carefully because it does impact the entire Town. The Board does not want to act in an adversarial way. They are not responding to special interest groups but rather citizens of the Town who are asking us to take a look at this carefully and adopt something that makes sense. People on the Planning Board need time to consider the ramifications of making change because when you make change it has a ripple effect throughout the Town. The Town Board is not trying to avoid a controversy here tonight but they feel the law is premature and would like to give our Planning Board time to do something about it.

Appearance: Anthony DiVinceno
Associated with Dream Construction

Doesn't understand why this zoning amendment was submitted to the Planning Board in August and nothing has happened yet. Has tried to arrange meetings with the Planning and Town Boards to see how this zoning amendment can be tailored to please everybody involved and to make sure that the ripple effect is not going to have serious repercussions. The fact still remains that that zoning amendment was submitted in August.

Supervisor Holbrook responded that it was not a sufficient zoning amendment, it was wide open and needed to be tailored and cut down. He asked to let the Board develop the law, have it make sense, have a public hearing so everybody knows what it is and then adopt it. Stated that our Planning Board acts as expeditiously as any other in this County and are more knowledgeable than most in this State.

Appearance: Warren Marshall
Nanuet

With respect to day care centers for children, if people can't raise their own children, there is no way the government is going to do it. Suggests that people who need day care should go somewhere else.

Appearance: Nick DeSantis
President Little Tor Civic Association

In favor of what Town Board is doing. The effect of changes to zoning are long lasting and affect the lives of people. Would like to see legislation developed that meets the needs of the general public and not of a particular interest group.

Appearance: Jim Lawler
New City

Not opposed to day care centers but wonders why there is such a rush to get this settled now. Why not wait until the zoning law is proper. Not opposed to nursing homes or assisted living. Resents the threats of lawsuits that people make if they do not get what they want.

Appearance: William Rauer
Clarkstown

Has no personal or financial interest in the exemptions to the Town Law. Feels the Board is doing the right thing and should not rush into anything without due consideration. Plan should be worked out so that the people who live in this Town and pay taxes should be protected.

Appearance: Russel Trojan
Nanuet

Thanked the Board for their procedural adjustment regarding the child day care, the law should be crafted in the interest of the children, not in the interest of the operators. Agrees with the home occupancy exemption but feels the other items can wait until the moratorium is over. Is concerned about density increase that will result from special care facilities, group home facilities and the fact that these facilities will require services such as fire protection and ambulance. These facilities must be a consideration in the County comprehensive plan. Feels the board needs to hold off on as many exemptions as possible unless there is a very strong justification.

Appearance: Ed Day
President of Little Tor Association

Commended the Town Board for the zoning moratorium. Number one concern of the people in his area is over development. Also supports the common sense approach to exempting certain existing categories. One of the locations being looked at for child care is on Main Street right next door to the proposed Sunrise Assisted Living Complex. This may be too much for that area which is why we need the comprehensive plan. Should stand fast on the moratorium unless there is a compelling need. Does not believe anything discussed here tonight is that compelling that it has to be acted upon immediately.

Appearance: Scott Millich
Davies Lake, New City

My name is Scott Milich. As you probably know, my family and I own the property called Davies Lake. I have been planning to build an independent and assisted living facility for senior citizens called Davies Farm on that property for well over a year.

12/8/98

After I filed a petition to do so in September, the Town Board swiftly enacted a moratorium on special permits. My application for a special permit was the only one pending at that time.

That event led me to suspect the moratorium was aimed solely at blocking the Davies Farm project. This belief would seem to be reinforced by the proposal put forward today. This resolution exempts almost every land use that requires a special permit from the moratorium on special permits but the one required for Davies Farm. Such exemptions include agency boarding homes, group homes, special care homes, and restaurants, despite the fact that these uses are likely to cause problems that are the same or worse than those that have been expressed about building a community for senior citizens. Thus, I can conclude nothing else at this point than that I am being unfairly and needlessly singled out by the Town Board.

I have spent the last several months trying to communicate to the citizens of Clarkstown that it is a matter of fact and hard data that we need more housing options for older residents here. Not just the currently elderly, but those in their 40s, 50s and 60s, in considering their futures, should be in support of this project. For Davies Farm will provide a continuum of care, providing a sociable and pleasant community living space for people in their late 50s and 60s as well as providing services for those who are older than that and need more attention. And it will be right here in Clarkstown, nearby all the people and places we know and love. Moreover, Davies Farm will not cause problems such as increased traffic or greater burdens on public services.

2,000 Clarkstown voters agreed with me that projects like mine should not be blocked and put their names on a petition to oppose the moratorium on special permits. yet despite all of this, the Town Board continues to plow forward.

I urge the Town Board tonight to reconsider the moratorium on special permits. At a minimum the Board should reconsider its arbitrary use of the law to impede the Davies Farm project, and include senior citizen housing among the exceptions to the moratorium. Davies Farm should not be discriminated against and treated in a more negative manner than any of the other projects that will now be allowed to go forward through the exceptions proposed tonight. And perhaps most importantly, Clarkstown's older residents should be allowed to have the housing options they want and need through the development of Davies Farm.

Appearance: Lauren Mikastra
West Haverstraw

Concerned about over development. Can't we rehabilitate what we have now.

Appearance: Carol Jjarjian
New City

Feels the old Waldbaum's store near Bradlees would make an excellent location for day care.

Appearance: Shirley Lasker
West Nyack

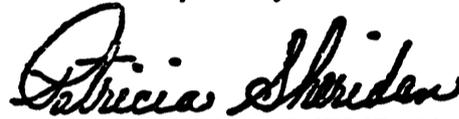
The need for a comprehensive plan is really important. Need to consider what is good for the children and senior citizens not what is good for the builders and clients who happen to have pieces of property. Need to look at the County comprehensive plan and the suggestions they have for best places for senior housing and day care. Need to really study these issues and do the comprehensive plan in the right way.

Appearance: Rosemary McCormack
New City

Feels the area is getting overpopulated and that we should look into using existing empty spaces. Whatever is done the most important consideration is human life, not the amount of money to be made.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was declared closed, RESOLUTION NO. 966-1998 ADOPTED, 9:15 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. 966-1998 ADOPTED)