

TOWN BOARD MEETING

Town Hall

6/22/99

8:00 P.M.

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

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

Supervisor Holbrook on behalf of the Town Board presented a Certificate of Award to Scott Foran for achieving the rank of Eagle Scout.

Supervisor opened the Public Portion of the meeting.

Appearance: Edward J. Graybow
 27 Oriole Road, New City

Spoke regarding Item #19. He is concerned about the Sunrise Assisted Living development. The floor area ratio should be .20. This building's floor area ratio is .41.

Appearance: Shirley Lasker
 West Nyack

Spoke regarding Item #19, Sunrise Assisted Living. She stated the building is two times the size it should be.

Appearance: Bob Jackson
 Nanuet

Spoke on Item #2, Pelham West Subdivision. There are some items that have not been taken care of on the site.

Appearance; Martin Bernstein
 New City

He asked what the agenda would be on Item #3. He asked what the purpose of Item #11 was. On Item #19, he spoke regarding Sunrise Assisted Living.

Appearance: Patrick Healy
 Prospect St., Nanuet

Regarding Item #11, he asked if the change in the code definition of special care homes was for the purpose of assisted living buildings being classified as one and the same as senior housing. The new definition indicates that five or more adults can be housed in such a development. It leaves a wide open range and is vastly different than the current definition that is limited to no more than fifteen people. He asked if the Sisters of Charity would need two Special Permits.

Appearance: Shirley Lasker
 West Nyack

Asked about the 1,854,206 GLA regarding the Palisades Center.

Appearance: Thomas Valenti
Palisades Center

Presented a letter by Richard Hoffman, Esq. who handled the Whitten case. This case reviewed the definition of gross leasable area.

Appearance: Adolph Milich
Building Inspector

Presented to the Town Board a Tenant Permit Spreadsheet.

Appearance: John Lodico
New City

Stated that the Town Board should pass a Local Law regarding Freedom of Information where a developer would be required to supply all records on construction of one million dollars or more.

Appearance: Scott Romer
West Nyack

Asked why Mr. Valenti does not pay at least partial taxes.

COMPREHENSIVE PLAN

Rudy Yacyshyn, Chairman of the Planning Board - presentation and discussion of proposed Comprehensive Plan.

Robert Geneslaw, Planning Consultant, stated that he went over the proposals being considered for the Comprehensive Plan. The Planning Board will be prepared to adopt the Comprehensive Plan by July 30, 1999 and the Town Board should be prepared to eliminate what it does not wish to adopt and add anything it wishes to add before the July 13, 1999 meeting. Proposals are on file in Town Clerk's Office.

Mr. Yacyshyn stated that the Planning Board reached out to the community, this included the school boards, the fire and ambulance departments, etc.

Martin Bernstein, Ad Hoc Committee, suggested that the Comprehensive Plan and the zoning map be combined in order to be effective.

John Lodico discussed the Comprehensive Plan and suggested that the Town not let the County take over the Town's prerogatives. He is in favor of a heliport.

Rudy Yacyshyn spoke regarding the SEQRA and GLM. He gave a summation of the Comprehensive Plan proposals.

Supervisor Holbrook spoke regarding the adoption of the Comprehensive Plan and reflect the changes to the zoning map. He will move to do that after adopting. The map will reflect what is in the Comprehensive Plan. The Town Board will provide more time if needed

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding - Sappah was opened, time: 8:45 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding - Sappah was closed, time: 8:47 P.M.

RESOLUTION NO. (490-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of June 8, 1999 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. (491-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Briarwoods Farm, Inc. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. 97-0528 in the amount of \$250,000, to cover the improvements and other facilities as shown on the final plat of Pelham West, which was filed in the Rockland County Clerk's Office on June 16, 1997, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$100,000.00 contingent upon certain conditions being met:

NOW THEREFORE, be it

RESOLVED, that the Town Board authorizes reduction of said Performance Bond to \$100,000.00 contingent upon the following conditions being met:

1. Remove the wood chips and plant grass in place of the wood chips.
2. Extend the open pipe so that the run-off goes into the Pascack Stream and fix the erosion related to this.
3. Developer shall pay for the installation of a street light on Blue Heron at Pascack Road.
4. This reduction be reviewed by Wayne Ballard, Superintendent of Highways to assure that any road improvement that is needed to bring the roads into compliance with the Town Code, be made.

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. (492-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board meeting for July 1, 1999, at 7:00 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

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. (493-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to institute the following traffic sign modifications on Joan Drive, New City:

<u>Location</u>	<u>Legend</u>	<u>Sign #</u>	<u>Comment</u>
WB W/O Little Tor Road	Left Turn 20 MPH	W1-1C W9-1X	New "
NB 125 Ft. N/O Lynne Drive	(Right Turn (20 MPH	W1-2C W9-1X	New "
SB at Driveway for House #24	(Right Curve (20MPH	W1-4C	Remove "
SB S/O Lynne Drive	(Reverse Turn (R) 15 MPH	W1-6C) W9-1X	Relocate from near turn
NB N/O Greenwood Drive	(Reverse Turn (R) (15 MPH	W1-6C) W9-1X	Relocate from near Angus La
SB N/O Driveway for House #88	(Reverse Turn (L) (20 MPH	W1-5C W-9-1X	New "
NB N/O New Hempstead Road	(Reverse Turn (L) (20 MPH	W1-5C W9-1X	New "

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information.

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. (494-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, a STOP SIGN that stood at the northeast corner of Waldberg Avenue at South Conger Avenue, Congers was recently discovered missing, and

WHEREAS, a Town Board resolution authorizing its original installation could not be found,

NOW THEREFORE be it

RESOLVED, that the Superintendent of Highways is hereby authorized to re-install a STOP SIGN at this location, based upon the prior written approval of the Supervisor, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information, and be it

FURTHER RESOLVED, that this resolution be retroactive to June 11, 1999.

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. (495-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes a settlement in the lawsuits entitled, Segall v. Rapkin, et al (Index No. 6223/94) and Silverman v. Rapkin, et al (Index No. 8006/94), and be it

FURTHER RESOLVED, that the Town of Clarkstown shall accept the sum of \$7,500.00 in full settlement from the parties.

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. (496-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted in the Supreme Court entitled, MARK WILLIAMS v. HAROLD Y. MacCARTNEY;

RESOLUTION NO. (496-1999) Continued

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution is hereby made retroactive to June 9, 1999.

RESOLVED, to increase Appropriation Account A-7140-382 (Stone/Sand) by \$750.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$750.00.

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. (497-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted in the United State District Court against the Town of Clarkstown entitled, ANDRE FRANCOIS PAUL v. TOWN OF CLARKSTOWN, CLARKSTOWN MINI-TRANS;

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. (498-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Spring Hill Community Ambulance Corps, Inc. has requested a donation from the Town of Clarkstown to purchase body armor for the Ambulance Corps, and

WHEREAS, the Ambulance Corps is applying for a federal grant to help offset the cost of the body armor, and will reimburse the Town of Clarkstown if they obtain such grant;

NOW, THEREFORE, be it

RESOLUTION NO. (498-1999) Continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Spring Hill Community Ambulance Corps, in a form approved by the Town Attorney, to appropriate funds in the amount of \$2,234.50 for the Spring Hill Community Ambulance Corps, to purchase body armor.

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. (499-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 for the calendar year 1999.

Valley Cottage Library

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. (500-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into agreements, in a form approved by the Town Attorney, with the following non-profit 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 economic assistance for 1999 to the following non-profit organizations in the following amounts:

Friends of the Nyacks	\$1,000
Clarkstown Baseball Association	\$2,000
(American Legion Team)	
Rockland Youth Philharmonic	\$1,500
Rockland YM-YWHA	\$1,500

and be it

RESOLUTION NO. (500-1999) Continued

FURTHER RESOLVED, that the total amount of \$6,000.00 be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1999, and are to be charged against Account No. A 8840-424.

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. (501-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board believes it is desirable to purchase property owned by Joel Honig, which is 50% of the property designated on the Clarkstown Tax Map as Map 89, Block C, Lot 45.04, and which is located at 721 West Nyack Road, West Nyack, New York, for the purposes of using it as a passive park;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to purchase property owned by Joel Honig, which is 50% of the property designated on the Clarkstown Tax Map as Map 89, Block C, Lot 45.04, and which is located at 721 West Nyack Road, West Nyack, New York, for the sum of \$32,500.00 plus \$130.00 transfer tax, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$32,630.00 from the money-in-lieu-of-land account to the Parkland and Improvements Account, to pay for the purchase of said 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. (502-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a supplemental agreement with H.T.E. PUBLIC SAFETY-ILLINOIS, INC., in a form satisfactory to the Town Attorney and the Director of Automated Systems, to provide licensed data programs, maintenance and any related services to the Town of Clarkstown Police Department.

RESOLUTION NO. (502-1999) 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. (503-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement in the 1999 Rockland Community Guide section of the Journal News on June 27, 1999 for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$2,145.00, which shall be charged to Account No. A 6410-405.

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. (504-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement in the 1999 Rockland Economic Development Corporation Connections '99 Journal on November 18, 1999 for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$750.00, which shall be charged to Account No. A 6410-405.

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. (505-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Supt of Highways and the Director of Purchasing that

RESOLUTION NO. (505-1999) Continued

BID #44-1999
COVERALL RENTAL SERVICES

is hereby awarded to:

AMERIPRIDE LINEN & APPAREL SERVICE
14 INDUSTRIAL AVE
FLORIDA NY 10921
PRINCIPALS: LARRY STEINER
BRUCE STEINER

as per their proposed cost of \$.42 per garment per week

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. (506-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to increase Appropriation Account A-7140-382 (Stone/Sand) by \$750.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$750.00

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. (507-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, \$3,648 from Nanuet Mall and \$2,048 from EklecCo (Palisades Center) and \$671.50 from Dare Donations

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942 409 58 2 (Golf Course-Plans, Specs) by \$2,000 and increase Revenue Account No. A 01 3 2705 3 (Donations-Nanuet Mall) and Budgetary Account No. A 3120 111 (Police-Overtime) by \$3,648 and increase Revenue Account No. A 01 3 2705 2 (Donations-Palisades Center Mall) and Budgetary Account A 3120 113 (Police-Overtime) by \$2,048 and increase Revenue Account No. A 01 9 2705 0 (Donations-Dare) and Budgetary Account No. A 3230 409 (Dare-Fees for Services) by \$671.50 and

RESOLUTION NO. (507-1999) Continued

WHEREAS, various Budgetary accounts need additional funding

THEREFORE BE IT,

RESOLVED, to increase Budgetary Account No. A 7020 402 (Parks & Recreation-Rental of Equipment) by \$5,800 and decrease Budgetary Accounts A 7020 438 (Parks & Recreation-Maintenance Agreements) by \$4,000 and A 7210 438 (Refreshment Stands-Maintenance Agreements) by \$1,000 and A 7141 438 (Community Centers-Maintenance Agreements) by \$800 and to increase Budgetary Account A 1680 314 (Data Processing-Supplies & Materials) and decrease Budgetary Account No. A 1680 225 (Data Processing-Computer Hardware) by \$544.78.

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. (508-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, various accounts need additional funding

THEREFORE BE IT,

RESOLVED, to increase Budgetary Account No. A 1355 111 (Assessor-Overtime) and decrease Budgetary Account No. A 1355 370 (Assessor-Data Processing Supplies) by \$225.63 and increase Budgetary Account No. A 1330 204 (Receiver of Taxes-Office Machines) and decrease Budgetary Account No. A 1330 402 (Receiver of Taxes-Rental of Equipment) by \$300.

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. (509-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

“AMENDMENT TO CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

NOW, THEREFORE, be it

RESOLUTION NO. (509-1999) Continued

RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board, the Ad Hoc Committee, and the Rockland County Commissioner of Planning for their recommendation and report, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (510-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Rockhill Building Corp., dated November 23, 1998, conveying the following road(s):

Samantha Way 1160 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Clarksville Corners is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bond dated January 7, 1999, secured by Letter of Credit No. 1646 in the amount of \$12,315.00 is hereby accepted.

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. (511-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install the following No Parking signs on the entire south side and west end of Samantha Way, West Nyack:

"No Parking from 4:00 p.m. to 8:00 p.m. Monday thru Friday and from 8:00 a.m. to 12 noon on Saturday", and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for

RESOLUTION NO. (511-1999) Continued

implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (512-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 427-1999, granting a leave of absence without pay to Fritz Ernest, 16 Park Avenue, Spring Valley, New York - Bus Driver (Part-Time) Mini Trans Department, adopted by the Town Board on May 25, 1999, is hereby rescinded effective and retroactive to June 14, 1999, at the request of Fritz Ernest.

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. (513-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on June 11, 1999 that the position of Data Entry Operator I, #500113, can be reclassified to the position of Senior Clerk Typist - Receiver of Taxes Office,

Now, therefore, be it

RESOLVED, that the position of Data Entry Operator I, #500113 - Receiver of Taxes office - is hereby reclassified to the position of Senior Clerk Typist effective and retroactive to June 21, 1999.

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. (514-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Loretta H. Raimone, 4 Tor Terrace, New City, New York, is hereby appointed to the position of (Provisional) (Promotional) - Senior Clerk Typist - Receiver of Taxes Office - at the current 1999 salary of \$35,893.00, effective and retroactive to June 21, 1999.

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. (515-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Beth Ann Malone, 15 Pine Avenue, Congers, New York - (temporary) Data Entry Operator I - Assessor's Office - is hereby accepted - effective and retroactive to June 18, 1999, at the close of the business day.

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. (516-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Town Board authorized improvements to Maple Avenue, New City, New York, and

WHEREAS, transplanting of existing ornamental plantings is required in order to construct the curbing and sidewalk improvements, and

WHEREAS, the affected plantings will be replanted upon completion of the project.

NOW THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York to perform the required landscaping services, and be it

FURTHER RESOLVED, that the cost for the additional plantings shall not exceed \$1,000.00 and shall be a proper charge to account H 8736 409 0 67 7

RESOLUTION NO. (516-1999) 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. (517-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the erosion of the banks of the stream located at 99 Bardonia Road, Bardonia and the deterioration of the existing headwall on the north side of Bardonia Road at the same location has resulted in a potentially hazardous condition; and

WHEREAS, the Department of Environmental Control has formulated a plan to restore the stream banks and remove and reconstruct the existing headwall; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform this work in accordance with said plan; and

WHEREAS, the Department of Environmental Control has received and reviewed proposals from these three (3) qualified contractors and found them to be acceptable;

NOW, THEREFORE, be it

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

Environmental Construction, Inc.
P.O. Box 363
Stony Point, New York 10980

to perform said remedial stream work and headwall reconstruction in concrete as per their proposal for an amount not to exceed \$19,000.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account # H 8743 409 68-6.

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. (518-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a new home was recently constructed at Map 110, Block A, Lot 50.74 on Gateway, Valley Cottage, and

RESOLUTION NO. (518-1999) Continued

WHEREAS, the preexisting neighboring home at Map 110, Block A, Lot 50.8 and known as the Garrison residence at 603 Gateway, Valley Cottage had its address erroneously changed,

NOW THEREFORE be it

RESOLVED, that the Garrison residence shall retain its address as 603 Gateway, Valley Cottage, and that the new house (110-A-50.74) shall use 605A Gateway, Valley Cottage as its address, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to the Chief of the Clarkstown Police Department, the Rockland County Office of Fire and Emergency Services, and to the Clarkstown Offices of the Assessor and the Receiver of Taxes.

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. (519-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the paving of Muller Court, New City via resolution 407-1999 following completion of the installation of the new storm drain system; and

WHEREAS, upon completion of the installation of the new storm drain system, the Department of Environmental Control determined that it was necessary to mill some of the existing pavement from Muller Court to better facilitate surface runoff; and

WHEREAS, the cost for this milling work was not included in the proposal submitted by County Asphalt, Inc., the contractor retained to perform the paving operation; and

WHEREAS, County Asphalt, Inc. submitted a price for this milling work to the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control reviewed this price and found it to be acceptable;

NOW, THEREFORE, be it

RESOLVED, that the amount for this project be amended to reflect the cost of this milling work to a total of \$18,654.40; and be it

FURTHER RESOLVED, that this shall be a proper charge to account # H 7182 409 0 55-58.

RESOLUTION NO. (519-1999) 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. (520-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Bid No. 47-1998 was awarded to Yonkers Contracting Company, Inc. for the 1998 roadway resurfacing program, and

WHEREAS, said contractor had submitted a claim for final payment in the amount of \$98,552.69, part of which was disputed by the Superintendent of Highways, and

WHEREAS, upon analysis of said claim by the Town's Consulting Traffic Engineer, Town Attorney and Superintendent of Highways and several conferences with the claimant;

NOW, THEREFORE, be it

RESOLVED, upon the recommendation of the Town Attorney, Traffic Engineer Howard Lampert, consent of the Superintendent of Highways, and acceptance by Yonkers Contracting Company, Inc., it is hereby ordered that final payment of \$82,250.00 may be made to Yonkers Contracting Company, Inc. with respect to Bid No. 47-1998 in full satisfaction of any and all claims with respect to said bid award and upon exchange of General Releases in a form approved by the Town Attorney.

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. (521-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town Attorney has determined that the plans for Sunrise Assisted Living Development, Inc. provide for a floor area ratio of .41, whereas a floor area ratio of .20 is the maximum floor area ratio permitted;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector be and is hereby requested to issue a Stop Work Order for the above mentioned project to remain in effect until the plans are corrected, the size of the structure is reduced, and/or variance is obtained, and be it

RESOLUTION NO. (521-1999) Continued

FURTHER RESOLVED, that in the event the Building Inspector fails to issue such stop work order on/or before June 24, 1999, the Town Attorney be and is hereby authorized to take whatever steps that are necessary to enforce the above mentioned requirements of the Code of the Town of Clarkstown.

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. (522-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as ROSEMARY JOURDAN, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Greenbush Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated April 21, 1999 from Rosemary Jourdan to the Town of Clarkstown, gratuitously conveying a strip of land along Greenbush Road, West Nyack , New York, is hereby accepted and ordered recorded in the Rockland County 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. (523-1999)

Co. Maloney offered and Co. Profenna seconded

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

**BID #54-1999
COMPUTER & WORD PROCESSING SUPPLIES**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: JULY 14, 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.

RESOLUTION NO. (523-1999) 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. (524-1999)

Co. Maloney offered and Co. Profenna seconded

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

**BID #55-1999
COMBUSTIBLE GAS DETECTION SYSTEM AT SOLID WASTE FACILITY**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.on: JULY 21, 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. (525-1999)

Co. Maloney offered and Co.Profenna seconded

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

**BID #56-1999
ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS
BARRY LANE, BARDONIA**

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: July 12, 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 prescribed non-refundable fee per set.

RESOLUTION NO. (525-1999) 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. (526-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #57-1999
 CUL-DE-SAC RECONSTRUCTION - CONTINENTAL DRIVE

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the 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. (527-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #58-1999
 WORK CLOTHING AND RELATED SAFETY ACCESSORIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: JULY 26, 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

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RESOLUTION NO. (528-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, an adverse condition exists in a Town drainage easement at Spruce Court, Nanuet, and

WHEREAS, the Town of Clarkstown has received proposals from several contractors qualified to perform corrective work in this easement as specified by the Department of Environmental Control

NOW THEREFORE be it

RESOLVED, that the Town Board hereby authorizes the Department of Environmental Control to hire the firm of Cal-Mart Enterprises Inc. to perform the installation of low flow channel and channel bank reconstruction in accordance with their proposal, for the amount of \$9,696.00, and be it

FURTHER RESOLVED THAT the cost of said work is a proper charge to H 8743 - 409 0 Project #68 - 7

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. (529-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Congers Lake Earth Dam Reconstruction Project

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. (530-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by 519 57th Street Associates, Inc. in the Town of Clarkstown, more

RESOLUTION NO. (530-1999) Continued

particularly described on the Tax Map of the Town of Clarkstown as Map 43, Block E, Lot 8.05, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of July, 1999, at 8:25 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 28th day of June, 1999.

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. (531-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Paul Tornoe in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 141, Block B, Lot 36.2, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of July, 1999, at 8:20 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 28th day of June, 1999.

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. (532-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town Board" and the "Town," respectively) has caused the Department of Environmental Control of the Town to prepare a plan, report, map and cost estimate for the construction of sewer improvements, consisting of the design and reconstruction of certain pump stations, construction and reconstruction of the sewer line, including original furnishings, equipment, machinery, apparatus and appurtenances required in connection therewith (all of the foregoing being referred to herein as the "Sewer Improvement"), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, and which map,

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RESOLUTION NO. (532-1999) Continued

plan and report have been heretofore duly filed in the office of the Town Clerk for public inspection, and

WHEREAS, such Sewer Improvement will benefit the entire Benefited Area, said area having been designated as the Benefited Area pursuant to the Town Law, and

WHEREAS, the Benefited Area within the Town, situate wholly outside of any village or city, is more particularly bounded as shown on Exhibit No. "I" annexed hereto, and

WHEREAS, the plan and cost estimate are set forth in the memorandum dated June 11., 1999, prepared by the Department of Environmental Control of the Town of Clarkstown, and

WHEREAS, the maximum amount to be expended for the construction of such Sewer Improvement is estimated to be \$1,615,000.00, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby, and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, if applicable, a duly executed Short Environmental Assessment For has been filed with the Town Clerk;

NOW, THEREFORE, be it

ORDERED, that the Town Board of the Town of Clarkstown shall meet at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, on July 13, 1999, at 8:10 P.M., for the purpose of conducting a public hearing on the construction of the proposed Sewer Improvement within the Benefited Area as specified in the report of the Department of Environmental Control of the Town of Clarkstown, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order in the Town's official newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

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. (533-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town Board" and the "Town," respectively) has caused the Department of Environmental Control of the Town to prepare a plan, report, map and cost estimate for the construction of sewer improvements, consisting of the design and reconstruction of certain pump stations, construction and reconstruction of the sewer line, including original furnishings, equipment, machinery, apparatus and appurtenances required in connection therewith (all of the foregoing being referred to herein as the "Sewer Improvement"), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, and which map, plan and report have been heretofore duly filed in the office of the Town Clerk for public inspection, and

WHEREAS, such Sewer Improvement will benefit the entire Benefited Area, said area having been designated as the Benefited Area pursuant to the Town Law, and

WHEREAS, the Benefited Area within the Town, situate wholly outside of any village or city, is more particularly bounded as shown on Exhibit No. "I" annexed hereto, and

WHEREAS, the plan and cost estimate are set forth in the memorandum dated June 11., 1999, prepared by the Department of Environmental Control of the Town of Clarkstown, and

WHEREAS, the maximum amount to be expended for the construction of such Sewer Improvement is estimated to be \$915,000.00, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby, and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, if applicable, a duly executed Short Environmental Assessment For has been filed with the Town Clerk;

NOW, THEREFORE, be it

ORDERED, that the Town Board of the Town of Clarkstown shall meet at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, on July 13, 1999, at 8:15 P.M., for the purpose of conducting a public hearing on the construction of the proposed Sewer Improvement within the Benefited Area as specified in the report of the Department of Environmental Control of the Town of Clarkstown, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order in the Town's official

RESOLUTION NO. (533-1999) Continued

newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

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. (534-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town Board has mandated a maximum 1,854,206 square feet GLA for the Palisades Mall, and

WHEREAS, the Clarkstown Building Department has issued building permits for approximately 1,529,298 square feet of GLA and approximately 1,873,551 square feet of tenant area space;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby directs that all future building permits shall be sent to the Town Board reaffirming that no building permit shall be issued for any tenant GLA which exceeds 1,854,206 square feet.

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. (535-1999)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, that the conditions complained of in the Order and Notice dated March 24, 1999 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 13, Block D, Lot 22 have been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to calculate the total costs incurred by the Town for this proceeding and public hearing, and a bill shall be sent to the property owner, and be it

RESOLUTION NO. (535-1999) Continued

FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town, a lien shall be assessed against the property to cover the costs of such proceeding.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the Town Board Meeting was declared closed, time:10:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town hall

6/22/99

8:45 P.M.

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

Re: Chapter 216 Proceeding: Sappah (13-D-22) Continued from May 11, 1999

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open.

Adolph Milich, Building Inspector read the following memo dated June 15, 1999:

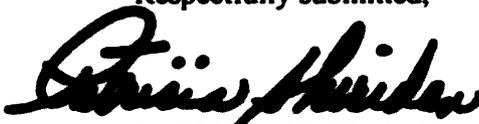
Please be advised that the above mentioned property is now in compliance with all zoning requirements of the code. In an L.I.O. Zone, the zoning ordinance permits out door storage areas of supplies and equipment provided that such areas are adequately screened.

The owners have installed a 6' stockade fence along the adjacent road of their property and have removed all debris and unusable supplies from the site. The appearance of the existing structure has been enhanced by applying a uniform coat of stucco that is in the process of being completed.

It is my opinion that based upon the reorganization of the storage areas on the property as well as installing adequate screening, the property meets the code and the Chapter 216 proceeding is no longer necessary.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, ADOPTED, Time: 8:47 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 535-1999 ADOPTED)

RESOLUTION NO. (533-1999) Continued

newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

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. (534-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town Board has mandated a maximum 1,854,206 square feet GLA for the Palisades Mall, and

WHEREAS, the Clarkstown Building Department has issued building permits for approximately 1,529,298 square feet of GLA and approximately 1,873,551 square feet of tenant area space;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby directs that all future building permits shall be sent to the Town Board reaffirming that no building permit shall be issued for any tenant GLA which exceeds 1,854,206 square feet.

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. (535-1999)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, that the conditions complained of in the Order and Notice dated March 24, 1999 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 13, Block D, Lot 22 have been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to calculate the total costs incurred by the Town for this proceeding and public hearing, and a bill shall be sent to the property owner, and be it

RESOLUTION NO. (535-1999) Continued

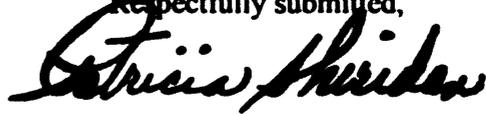
FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town, a lien shall be assessed against the property to cover the costs of such proceeding.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the Town Board Meeting was declared closed, time:10:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town hall

6/22/99

8:45 P.M.

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

Re: Chapter 216 Proceeding: Sappah (13-D-22) Continued from May 11, 1999

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open.

Adolph Milich, Building Inspector read the following memo dated June 15, 1999:

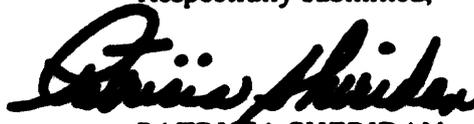
Please be advised that the above mentioned property is now in compliance with all zoning requirements of the code. In an L.I.O. Zone, the zoning ordinance permits out door storage areas of supplies and equipment provided that such areas are adequately screened.

The owners have installed a 6' stockade fence along the adjacent road of their property and have removed all debris and unusable supplies from the site. The appearance of the existing structure has been enhanced by applying a uniform coat of stucco that is in the process of being completed.

It is my opinion that based upon the reorganization of the storage areas on the property as well as installing adequate screening, the property meets the code and the Chapter 216 proceeding is no longer necessary.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, ADOPTED, Time: 8:47 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 535-1999 ADOPTED)