

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

7/01/99

7:00 PM

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia and Profenna  
Councilwoman Smith, Absent  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor opened the public portion of the meeting.

Appearance: Donald Tracy, Esq.  
New City

Spoke on Item #5 and 6, Sunrise Assisted Living. They followed Section 290-11A. Revisions were made to reduce the height of the building which required a variance from the Zoning Board of Appeals and a waiver by the Town Board. The Town Board issued the Special Permit based upon that plan and referred the matter to the ZBA with a recommendation that the ZBA issue a variance. The matter was returned to the Planning Board for site plan review, then to the Town Attorney's office to determine technical compliance. and the Director of Environmental Control to determine compliance. Upon their signing off, the Chairman of the Planning Board signed the plan and then a Building Permit was issued. The Building Permit was issued with complete compliance with the law. Six point five million dollars has been expended in construction.

Appearance: Martin Bernstein  
New City

Asked for an explanations of Items #13, and 9. He spoke regarding Item #6, Sunrise Assisted Living.

Appearance: Arlene Wittacker  
16 Renee Lane, Bardonia

Spoke regarding Item #13A, Amendment to Chapter 290 (Zoning Administrator) and the Nanuet Fire Substation. She stated that the Building Department needs to be held accountable for Town Zoning. It is suggested that a Substation be built in Spring Valley and she asked if there is any discussion among the Town agencies. .

Appearance: James Coleman  
President of Forest Brook Homeowners Association

Spoke regarding the need for a Substation in Spring Valley. They want a fire station there.

Appearance: Bob Jackson  
Nanuet

Spoke regarding Sunrise Assisted Living and asked for an explanation of Item 13A.

Appearance: Jessica Hauser, Esq.  
Forest Glen Civic Association

She would endorse the creation of a Zoning Administrator.

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RESOLUTION NO. (536-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of June 22, 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 . . . . . Absent  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (537-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Karl F. Kirchner, appraiser, to prepare an appraisal of property designated on the Clarkstown Tax Map as Map 109, Block D, Lot 9.03, and owned by Louis Senatore, 306 Old Mill Road, Valley Cottage, New York, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A-1420-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (538-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, SLEEPY'S OF NANUET has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 163, Block D, Lot 1, 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 per appraisal.

On roll call the vote was as follows:

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

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RESOLUTION NO. (539-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, FRED BLISS AND BARBARA BLISS v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index No(s). 4632/98, affecting parcel(s) designated as Map 136, Block C, Lot 1.1/02, for the year(s) 1998/99, and

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

- 1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 136, Block C, Lot 1.1/02 be reduced for the year(s) 1998/99 from \$200,000 to \$172,000 at a cost to the Town of \$325.80;
- 2. That reimbursement for the year(s) 1998/99 on the parcel described as Map 136, Block C, Lot 1.1/02 be made through the Office of the Commissioner of Finance;
- 3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (540-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, COMMERCIAL CENTER @ 59, LLP v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index No(s). 4527/98, affecting parcel(s) designated as Map 163, Block A, Lots 11.5 and 11.6, for the year(s) 1998/99, and

RESOLUTION NO. (540-1999) Continued

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

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 11.6 be reduced for the year(s) 1998/99 from \$241,700 to \$231,700 at a cost to the Town of \$144.83;

2. That reimbursement for the year(s) 1998/99 on the parcel described as Map 163, Block A, Lot 11.6 be made through the Office of the Commissioner of Finance;

3. That the proceedings commenced by the petitioner respecting Map 163, Block A, Lot 11.5 be discontinued for the year(s) 1998/99;

4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (541-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a 3 column by 7" advertisement in the Journal News special pull-out section for Worldfest on Sunday, July 11, 1999 for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$672.00, 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 . . . . . Absent
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (542-1999) (FAILED)

Co. Holbrook offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 557-1998 was adopted on July 16, 1998, granting a Special Permit to Sunrise Assisted Living Development Inc. for the construction of an elder care facility, and

WHEREAS, due to a typographic error said resolution imposed conditions by reference to Section 290-11C, instead of Section 290-11B, of the Town Code, which the Building Department has noted, by memo dated June 16, 1999, is not applicable to said Special Permit, and

WHEREAS, the Town Board intended to impose bulk requirement conditions for Special Permit uses contained in Section 290-11B since 290-11C was inappropriate because it identifies three other uses and not the one for which the Special Permit was sought, and

WHEREAS, the Town Board wishes to correct the record and refer to the appropriate limiting section,

NOW, THEREFORE, BE IT

RESOLVED, that Resolution No. 557-1998 is hereby rescinded, and be it

FURTHER RESOLVED that Resolution No. 557-1998 is hereby readopted as follows:

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

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

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

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

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

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

RESOLUTION NO. (542-1999) Continued

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

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

NOW, THEREFORE, be it

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

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

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

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

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

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

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (543-1999) (FAILED)

Co. Holbrook offered and Co. Mandia seconded

WHEREAS, it has come to the attention of the Town Board that Resolution No. 557-1998, adopted on July 16, 1998, contained a reference to an inappropriate limiting condition with respect to a Special Permit issued by the Town Board, and

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RESOLUTION NO. (543-1999) Continued

WHEREAS, the Building Department was aware of the erroneous reference, ignored same, and issued Building Permit No. 98-1811, and

WHEREAS, the Town Board believes the Building Department should not have ignored the error in the resolution, but instead should have referred same back to the Town Board for correction, and

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby requests the Building Department to rescind said Building Permit No. 98-1811, as it was issued in error because it does not apply the relevant bulk requirement criteria.

On roll call the vote was as follows:

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

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RESOLUTION NO. (544-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town Board commissioned the Planning Board and an AdHoc Committee to prepare recommendations toward a Comprehensive Plan for the Town of Clarkstown, and

WHEREAS, the Planning Board and AdHoc Committee are completing their assignment, and

WHEREAS, it is necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA),

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates itself as lead agency for purposes of compliance with requirements of SEQRA dealing with the Comprehensive Plan for the Town of Clarkstown, and be it

FURTHER RESOLVED that the Planning Board and AdHoc Committee be available to assist in the preparation of material necessary to comply with SEQRA; and be it

FURTHER RESOLVED, that the Town Board determines that the adoption of a Comprehensive Plan is a Type I action under SEQRA; and be it

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

FURTHER RESOLVED, that the appropriate publications of notices be made in accordance with SEQRA regulations.

RESOLUTION NO. (544-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (545-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the American Legion-Spring Valley is planning a carnival fund raiser on Labor Day weekend at the Caldors Shopping Center in Nanuet, and

WHEREAS, the Legion is requesting that the Town Board waive the required fee, pursuant to Section 117-4 of the Town Code, for such event;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the total fee of \$150.00 for the period of such event.

On roll call the vote was as follows:

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

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RESOLUTION NO. (546-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Chanin Techopichetwongsa, 30 Foxwood Road, West Nyack , New York, is requesting that the Town of Clarkstown sell a fifty (50') foot piece of land which abuts his property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers this matter to the Clarkstown Planning Board for review and recommendations.

On roll call the vote was as follows:

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

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RESOLUTION NO. (547-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

“No Parking Anytime” signs on the westside of Sheridan Avenue from the southerly end of the ball field to Wells Avenue, Congers.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (548-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

The following Stop signs:

On the southside of Badger at Colonial Drive.  
On the northside of Shady Lane at Colonial Drive  
On the southside of Pinetree Lane at Colonial Drive and  
On the westside of Colonial Drive at Short Hill Road, New City.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (549-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

RESOLUTION NO. (549-1999) Continued

A double arrow sign (see Sec. 232.7 a W2-18 sign per the NYS DOT Manual of Uniform Traffic Control Devices) on the southside of West Nyack Rd. at an appropriate distance from Demarest Avenue, West Nyack.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (550 -1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A Stop sign on Blauvelt Street at Middletown Road, Nanuet.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (551 -1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "No Left Turn" on Blauvelt Street at Middletown Rd., Nanuet.  
A "No Left Turn" on Old Middletown Rd. at Middletown Rd., Nanuet.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

RESOLUTION NO. (551-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (552-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

“No Parking From Here to Corner” signs on the East and West sides of Marten Drive, two (2) car lengths from McCarthy Way, West Nyack.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (553 -1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a resident has reported a problem with neighbors neglecting to pick up after their dogs on Tucker Avenue, New City, as required by Section 125-4-F of the Clarkstown Town Code,

NOW THEREFORE BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install to the following sign on Tucker Avenue, New City:

“Curb Your Dog - Pursuant to Section 125-4-F of the Town Code of the Town of Clarkstown”

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to Wayne Ballard, PE, CSP, Superintendent of Highways for implementation and to the Chief of the Clarkstown Police Department and to the Animal Control Officer for enforcement purposes.

RESOLUTION NO. (553-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (554-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, nutrient loading and sedimentation has resulted in aquatic plant growth engulfing a pond on tax lots 98-B-4.20 (n/f Boyarski) and 98-B-4.21 (n/f Kryszuk) in New City; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of improving the water quality and aesthetics of the pond; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having the Department of Environmental Control complete a SEQRA form, secure right of entry agreements from the two property owners, apply for the necessary permits, and solicit proposals from qualified contractors to perform the recommended improvements;

NOW, THEREFORE, BE IT RESOLVED that, 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 that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Boyarski/Kryszuk Pond Remediation; and

BE IT FURTHER RESOLVED that the Department of Environmental Control shall complete and submit the necessary permit applications to the appropriate agencies and/or parties as required, secure right-of-entry agreements from the respective property owners and solicit proposals from qualified contractors to perform the recommended improvements.

On roll call the vote was as follows:

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

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RESOLUTION NO. (555-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps on behalf of the Town of Clarkstown, including commencing litigation, to collect funds due the Town of Clarkstown by Joseph Celano, Inc. for its use of the Town Solid Waste Facility.

RESOLUTION NO. (555-1999) Continued

On roll call the vote was as follows:

Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilman Profenna . . . . . Yes  
Councilwoman Smith . . . . . Absent  
Supervisor Holbrook . . . . . Yes  
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Co. Maloney made a motion to table Item 13 A & 13 B because he felt he needed more information. There being no second, there was no resolution.

RESOLUTION NO. (556-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, Councilman Mandia, 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 CODE OF THE TOWN OF CLARKSTOWN”

NOW, THEREFORE, be it

RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 14th day of September, 1999 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, 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 . . Abstained  
Councilman Mandia . . . . . Yes  
Councilman Profenna . . . . . Yes  
Councilwoman Smith . . . . . Absent  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (557-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, Councilman Mandia, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

RESOLUTION NO. (557-1999) Continued

**"AMENDMENT TO CHAPTER 4 (APPEARANCE TICKETS)  
OF THE CODE OF THE TOWN OF CLARKSTOWN"**

NOW, THEREFORE, be it

RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 14th day of September, 1999 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, 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 . . Abstained  
Councilman Mandia . . . . . Yes  
Councilman Profenna . . . . . Yes  
Councilwoman Smith . . . . . Absent  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (558-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Clarkstown Planning Board and the Ad Hoc Committee have prepared a proposed Comprehensive Plan for the Town of Clarkstown, which they adopted on June 30, 1999;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 272-a of the Town Law shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 14, 1999, at 8:10 P.M., relative to the proposed Comprehensive Plan, and be it

FURTHER RESOLVED, that the proposed Comprehensive Plan is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

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RESOLUTION NO. (558-1999) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (559-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the CLARKSTOWN SUNRISE ROTARY CLUB wishes to adopt WEST NYACK ROAD, from Route 304 to the west end of St. Anthony's Church property at the dead end, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, to adopt WEST NYACK ROAD, from Route 304 to the west end of St. Anthony's Church property at the dead end, Nanuet, New York, and to provide and coordinate services by the CLARKSTOWN SUNRISE ROTARY, to remove trash from the roadway and install signs identifying the volunteer adopting WEST NYACK ROAD.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (560-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Community Development Cooperation Agreement with the County of Rockland and the Town of Clarkstown expires with the 1999 Program Year, and

WHEREAS, in order for the County of Rockland to apply for Community Development Funds as an Urban County, a three year Cooperation Agreement for the Program Years 2000, 2001 and 2002, must be executed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for Community Development Program Years 2000, 2001 and 2002, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with State and Town Law, and be it

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RESOLUTION NO. (560-1999) Continued

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement and to take all steps to implement this Resolution.

On roll call the vote was as follows:

Councilman Maloney . . . . .	Yes
Councilman Mandia . . . . .	Yes
Councilman Profenna . . . . .	Yes
Councilwoman Smith . . . . .	Absent
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 Mandia and unanimously adopted, the Special Town Board Meeting was declared closed, time: 7:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk