

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/12/99

8:00 PM

Present: Supervisor Charles E. Holbrook
Council Members Maloney, Mandia Profenna and Smith
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: Ed Graybow
New City

Spoke regarding the need for a Stop sign on Woodglen Drive.

Informational Session Re: Cranford Drive Flood Amelioration Project was held,
closed, time 9:10 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the
public hearing re: Continuation: Chapter 216 Proceeding: Monteith - 80A Brewery Road,
New City (77-A-4.5) was declared open, time: 8:51 P.M., ADJOURNED, SINE DIE,
time: 8:52 P.M.

RESOLUTION NO. (789-1999)

Co. Maloney offered and Co. Mandia seconded

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

Bid #73-1999
Cranford Drive Flood Amelioration Project

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

FURTHER RESOLVED, that bid specifications and proposal documents can be
obtained at the Office of the Clarkstown Director of Environmental Control, upon
payment of the prescribed non-refundable fee, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby
directed to obtain all necessary permits for this 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. (790-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of September 28, 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. (791-1999)

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 Woodglen Dr., New City:

- On Woodglen Dr. at N. Little Tor Road
- On Moreland Dr. at N. Little Tor Road
- On Jennifer Dr. at N. Little Tor Road
- On Filmont Dr. at N. Little Tor Road
- On Ardsley Dr. at Woodglen Drive
- On Findlay Court at Woodglen Drive
- On Moreland Dr. at Woodglen Drive
- On Jennifer Dr. at Woodglen Drive
- On Filmont Dr. at Woodglen Drive

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. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (792-1999)

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:

Replace the "Tow Away" signs on the north side of Samantha Way, West Nyack, NY with the following signs:

TBM 10/12/99
Page 3

RESOLUTION NO. (792-1999) continued

"No Parking from 4:00 P.M. - 8:00 P.M. Monday - Friday and Saturday from 8:00 A.M. to 12 noon, 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. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (793-1999)

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:

Two (2) curve signs with an advisory speed panel beneath, 20 MPH at the following locations:

The first on the north side of Old Lake Rd., West of Rte. 9W
The second on the east side of Old Lake Rd. at the southerly end of the curve in the vicinity of Map 141 Block B Lot 6.01 Congers, NY, 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. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (794-1999)

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 the northwest side of Elaine Drive at Woodland Rd., New City, NY, 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. (794-1999) 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. (795-1999)

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:

An Intersection sign (Section 232 per the NY State Manual of Uniform Traffic control Devices, a W-2-3 Sign) with a panel beneath with the legend "Driveway" on the east side of Kings Highway, South of driveway of #429 Kings Highway, Valley Cottage, NY, 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. Yes
 Supervisor Holbrook. Yes

RESOLUTION NO. (796-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$200.00 from Cablevision, and be it

THEREFORE RESOLVED, to increase Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$200.00.

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. (797-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Clarkstown Sunrise Rotary Club, Inc., and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$100.00

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. (798 -1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Green Mountain Landscaping, Ltd.

BE IT THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (parks & Recreation - Supplies) by \$100.00.

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. (799-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, to increase Revenue Account #01-002012 (Refreshment Stands) by \$4,260.00 and Appropriation Account #7210-114 (Part time) by \$1,738.00 and Appropriation Account #7210-408 (Bldg. Rep.) by \$2,522.00 and,

BE IT FURTHER RESOLVED, to decrease Appropriation Account A-7610-313 (Office Supplies) by \$90.00 and to increase A-7310-303 (Office Supplies) by \$90.00 and to decrease Account A-7610-329 (Rec. Supplies) by \$1,000.00 and to increase to A-7141-329 (Rec. supplies) by \$1,000.00 and to decrease A-7210-404 (Travel/Meals) by \$950.00 and increase A-7210-301 (Food) by \$950.00 and to decrease A-7210-407 (Equip. Repairs) by \$280.00 and increase A-7210-301 (Food) by \$280.00.

RESOLUTION NO. (799-1999) 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. (800-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, \$12,540.00 from the Nanuet Mall, and \$37,500 from Rockland County

THEREFORE BE IT

RESOLVED, to increase Revenue Account No. No. 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942-409 58-2 (Golf Course-Bids & 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 \$12,540.00 and increase Revenue Account No. H 15 9 3613 0 (Mobile Data Computers) and Budgetary Account No. H 8736-409 67-6 (RC-Mobile Data Computers) by \$37,500 and

WHEREAS, various budgetary accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Account No. A 1345-201 (Purchasing-Furniture & Fixtures) by \$300.01 and No. A 1345-209 (Purchasing-Other Equipment) by \$23.47 and increase No. A 1345-313 (Purchasing-Office Supplies & Printing) by \$323.48.

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. (801-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Clarkstown Court Clerk, Assistant Court Clerk and Justice Craig Johns to attend the 1999 Advanced Continuing Judicial Education Program seminar which is being held on October 10-11-12-13, 1999, in Ellenville, New York, and be it

FURTHER RESOLVED, that expenses totaling \$240.00, including the registration fee, shall be charged to Account No. A 1110-414, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to October 10, 1999.

TBM 10/12/99

Page 7

RESOLUTION NO. (801-1999) 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. (802-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the following attorneys to attend the Advanced SEQR Training Course which is being held on October 19, 1999, in Ellenville, New York:

- Murray N. Jacobson, Town Attorney
- Phil B. Fogel, 1st Deputy Town Attorney
- John A. Costa, Deputy Town Attorney
- Paul K. Schofield, Deputy Town Attorney
- Marsha F. Coopersmith, Deputy Town Attorney

and be it

FURTHER RESOLVED, that the total fee of \$700 for the course, and all reasonable expenses, shall be charged to Account No. A 1420-414.

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. (803-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Chamber of Commerce of the Nyacks, Inc. has requested the use of the Clarkstown Showmobile, at no charge, for its annual Halloween Parade being held on October 30, 1999 in Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the use of the Clarkstown Showmobile, at no charge, to the Chamber of Commerce of the Nyacks, Inc. for its annual Halloween Parade being held on October 30, 1999, in Nyack, New York, subject to the provision of the necessary insurance policies.

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. (804-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized various capital improvements in and for the Town, including the resurfacing of various Town roads, drainage improvements, acquisition of vehicles and equipment and reconstruction of various Town roads, at the aggregate estimated maximum cost of \$3,000,000, which amount was appropriated therefor pursuant to the bond resolution adopted by said Town Board on September 28, 1999, and hereinafter referred to, and it has now been determined that due to revised cost estimates relating to such projects, it is in the best interests of the Town to amend said bond resolution to accurately reflect the cost of each project;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section (A) The bond resolution of said Town duly adopted by the Town Board on September 28, 1999, entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted September 28, 1999, authorizing various capital improvements in and for the Town, stating the estimated total cost thereof is \$3,000,000, appropriating said amount therefor, authorizing the issuance of \$3,000,000 serial bonds of said Town to finance said appropriation, and authorizing any funds to be received from the United States of America or the State of New York to be expended towards the cost of said objects or purposes or redemption of the Town’s obligations issued therefor or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said obligations.”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 28., 1999 AND AMENDED OCTOBER 12, 1999, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWN, STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$3,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION, AND AUTHORIZING ANY FUNDS TO BE RECEIVED FROM THE UNITED STATES OF AMERICA OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE TOWN’S OBLIGATIONS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AN INTEREST ON SAID OBLIGATIONS.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called “Town”), hereby authorizes various capital improvements in and for the

TBM 10/12/99

Page 9

RESOLUTION NO. (804-1999) continued

Town, including: (a) resurfacing of various town roads at the estimated maximum cost of \$2,000,000, (b) drainage improvements at the estimated maximum cost of \$200,000, (c) acquisition of vehicles and equipment at the estimated maximum cost of \$675,000, and (d) reconstruction of various Town roads at the estimated maximum cost of \$125,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,000,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any funds to be received from the United States of America or the State of New York with respect to such improvements are authorized to be applied towards the cost of said objects or purposes or redemption of any Town obligations issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said obligations.

Section 2. Serial bonds of the Town in the principal amount of \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The periods of probable usefulness of the objects or purposes for which said serial bonds are authorized to be issued are equal to or in excess of five (5) years; however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

RESOLUTION NO. (804-1999) continued

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which would be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Pearl River, New York, each having a general circulation within said Town for such publication.

Section (B) The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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. (805-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the placing of a half page advertisement for the Town of Clarkstown in the Jawonio Inc. Journal, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$250.00 and shall be a proper charge to Account No. 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. (806-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #66-1999
COMPRESSED GASES AND WELDING SUPPLIES

is hereby awarded to

AIRGAS
5 IRON HORSE ROAD
OAKLAND, NJ 07436
PRINCIPAL: PUBLIC CORPORATION
as per the attached item/price schedule. (On file in Town Clerk's office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (807-1999)

Co. Maloney offered and Co. Manida seconded

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

BID #68-1999
HAND TOOLS & MISCELLANEOUS MAINTENANCE SUPPLIES

is hereby awarded to:

BECKERLE LUMBER
3 CHESTNUT STREET
SPRING VALLEY, NY 10977
PRINCIPALS: LAURENCE BECKERLE, JR.
LAURENCE BECKERLE, III
STEPHEN BECKERLE
MICHAEL BECKERLE
MATTHEW BECKERLE

BLISS TIRE & RUBBER CORP.
175-12 ROUTE 9W
CONGERS, NY 10920
PRINCIPALS: EDWARD COLUMBIA

J.E. VANDERBILT & CO.
41 DEMAREST AVENUE
NEW CITY, NY 10956
PRINCIPALS: WILLIAM J. DEBEVOISE

RESOLUTION NO. (807-1999) continued

RALPH C. HERMAN COMPANY
ROUTE 9W
MARLBORO, NY 12542
PRINCIPALS: DONALD S. HERMAN

ZUGIBE & SON HARDWARE
68-70 RAILROAD AVENUE
GARNERVILLE, NY 10923
PRINCIPAL: EDWARD P. ZUGIBE, JR.

as per the attached item/price schedule. (On file in Town Clerk's Office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (808-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Pasquale (Pat) DiPerna, has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement provides for a leave of absence, without pay,

Now, therefore, be it

RESOLVED, THAT PASQUALE (Pat) DiPerna, 26 Dover Road, Congers, New York - Assistant maintenance mechanic - Sewer Department - is hereby granted a leave of absence, without pay, effective October 15, 1999 to December 1, 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. (809-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Manuel Torres, 114 Lake Road, Congers, New York, is hereby appointed to the position of (part-time) Bus Driver - Clarkstown Mini Trans Department - at the current hourly rate of \$12.71 - effective and retroactive to October 6, 1999.

RESOLUTION NO. (809-1999) 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. (810-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Para-Legal Specialist I (Municipal Law) #99161 RC/NCP which contains the name of Patricia McDonald,

Now, therefore, be it

RESOLVED, that Patricia McDonald, 49 Lindberg Lane, New City, New York, is hereby appointed to the (Permanent) position of Para-Legal Specialist I (Municipal Law) - Town Attorney's Office - at the current 1999 annual salary of \$34,376., effective October 13, 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. (811-1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #70-1999
CONGERS LAKE WALKWAY

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (812 -1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #2-2000
BUS TRANSPORTATION FOR RECREATION & PARKS DEPARTMENT

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: NOVEMBER 15, 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. (813-1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #71-1999
DRAINAGE SYSTEM MODIFICATIONS
AT CLARKSTOWN SOLID WASTE FACILITY

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Environmental Control, upon payment of the prescribed non-refundable fee.

On roll call the vote was as follows:

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

TBM 10/12/99
Page 15

RESOLUTION NO. (814-1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #6-2000
PAPER AND PLASTIC SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York at 11:00 A.M. on November 10, 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. (815-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Energy Enterprises, Inc., 3041 Rochester Road, PO Box 687, Lakeville, New York will be forming a bidding Consortium of various municipalities in the County of Rockland for the solicitation of bids for transportation gas and electrical energy purchases, and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkstown that it hereby agrees to participate in the bidding consortium of various Rockland County municipalities being formed by Energy Enterprises, Inc. for the solicitations of bids for transportation gas and electrical energy, and

BE IT FURTHER RESOLVED, that the cost of participation shall be \$650.00, payable to Energy Enterprises, Inc. for the electric bid and \$650.00 for the gas bid, and

BE IT FURTHER RESOLVED, that the Town, pursuant to Section 103 of the General Municipal Law, has the right to make the award to the successful bidder.

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. (816-1999)

Co. Maloney offered and Co. Mandia 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 Joy Builders, Inc. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 167, Block B, Lot 5, if conditions complained of in the Violation Notice dated October 8, 1999 remain uncorrected on or after October 14, 1999 and be it

FURTHER RESOLVED, that in the event a Chapter 216 proceeding is instituted, as aforesaid, 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 9th day of November, 1999, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 25th day of October, 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. (817-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Wayne T. Ballard, PE, CSP, Superintendent of Highways has recommended a Change Order to Bid #52-1999 entitled "1999 Roadway Resurfacing Program" which was awarded on July 13, 1999 by Resolution No. 591-1999,

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this Change Order as follows:

Add the following roads to list to be re-paved: Tarry Hill Drive, Rookery Circle, Crumcreek Road, Cricket Court, Brookline Way, Brookline Circle, Willow Avenue, Waldron Avenue, West Broadway, Gillis Avenue, and

Add the following sidewalks to be black-topped: Tarry Hill Drive, Crumcreek Road, and Brookline Way

Additional cost (not including preparatory work): \$158,260.00

and be it

FURTHER RESOLVED, that the Town Clerk shall forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation and to Laurence Kohler, Purchasing Director and to Howard Lampert, Traffic and Highway Engineering Consultant for their information.

RESOLUTION NO. (817-1999) 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. (818-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, SAB-J REALTY, INC. v. NICHOLAS A. LONGO, The Assessor, and THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4411/94, 4198/96, 4261/97, 4015/98 and 4225/99, affecting parcel(s) designated as Map 59, Block A, Lot 15.1, for the year(s) 1994/95, 1996/97, 1997/98, 1998/99 and 1999/2000, 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 59, Block A, Lot 15.1 be reduced for the year(s) 1994/95, 1996/97, 1997/98, 1998/99 and 1999/2000 from \$234,800 to \$200,000 at a cost to the Town of \$2,076.95;

2. That reimbursement for the year(s) 1994/95, 1996/97, 1997/98 and 1998/99 on the parcel described as Map 59, Block A, Lot 15.1 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged;

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 Yes
Supervisor Holbrook Yes

RESOLUTION NO. (819-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown has duly adopted a Comprehensive Plan on September 28, 1999, and

WHEREAS, Robert Geneslaw, the Town's Planning Consultant, has identified certain parcels of land in the Town of Clarkstown having present zoning designations inconsistent with those recommended in the Comprehensive Plan and has recommended that certain Amendments to the Zoning Map of the Town of Clarkstown be made to implement said Comprehensive Plan, and

WHEREAS, the Clarkstown Planning Board has reviewed these proposals and has made certain recommendations to the Town Board for implementation of same, and

WHEREAS, the Town Board wishes to consider Amending the Zoning Ordinance and to make certain changes to the Zoning Map so as to conform the Ordinance and Zoning Map with the Comprehensive Plan;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby schedules a public hearing on October 26, 1999, at 8:00 P.M., or as soon thereafter as possible, in the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the proposed Amendments to the Zoning Map as shown on the attached Schedule "A," and Zoning Ordinance of the Town of Clarkstown as shown on the attached Schedule "B," and be it

FURTHER RESOLVED, that the Town Attorney shall prepare notice of such hearing and that the Town Clerk shall cause the notice to be published in a newspaper of general circulation and posted in the manner provided by law, and thereafter to file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that this Resolution 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, 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.

SCHEDULE "A"

to Town Board Resolution of October 12, 1999 setting a public hearing on certain Zoning District and Zoning Ordinance Changes to Implement the Town of Clarkstown Comprehensive Plan

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
72A33	R-40	R-160	6.73
74A2	R-80	R-160	6.15
75A6	R-80	R-160	4.00
78A1	R-40	R-160	8.92
78A4	R-40	R-160	0.46
79A1	R-40	R-160	6.68

TBM 10/12/99

Page 19

RESOLUTION NO. (819-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
80B1	R-40	R-160	20.81
87A1	R-40	R-160	28.07
87A1.01	R-40	R-160	28.82
87A1.02	R-40	R-160	13.38
90A3	M	R-160	2.70
90A14	R-40	R-160	17.00
90A22	R-80	R-160	52.00
90A25	R-80	R-160	4.60
91A12	R-80	R-160	164.10
92A1	R-40	R-160	24.04
92B9	R-80	R-160	32.81
92B29	R-80	R-160	86.68
97A27	R-40	R-160	4.49
98A11	R-40	R-160	30.98
98B4.1	R-40	R-160	0.83
98B4.2	R-40	R-160	0.80
112A11	R-80	R-160	170.00
113A47	R-80	R-160	80.80
113A47.01	R-80	R-160	0.50
113A47.02	R-80	R-160	0.82
113A47.03	R-80	R-160	1.09
113A47.04	R-80	R-160	1.15
113A47.05	R-80	R-160	1.15
113A47.06	R-80	R-160	1.41
113A47.08	R-80	R-160	1.67
113A47.09	R-80	R-160	1.50
113A47.11	R-22	R-160	3.67
113A47.12	R-22	R-160	1.45
113A47.13	R-22	R-160	1.43
113A47.14	R-22	R-160	1.00
113A47.15	R-80	R-160	5.64
113A47.16	R-80	R-160	4.00
113A47	R-80	R-160	80.80
114A29.5	R-80	R-160	0.60
114A29.9	R-80	R-160	0.25
114A29.10	R-80	R-160	0.20
114A29.11	R-80	R-160	3.48
114A29.12	R-80	R-160	3.84
114A29.13	R-80	R-160	2.62
114A29.14	R-80	R-160	2.50
114A29.15	R-80	R-160	1.84
114A29.16	R-80	R-160	1.50
114A29.17	R-80	R-160	29.20
114A29.42	R-80	R-160	0.25
114A33	R-80	R-160	24.09
114A33.01	R-80	R-160	28.00
93A1	R-80	R-160	66.00
93A1.01	R-80	R-160	48.15
93A18.02	R-80	R-160	.06
94A1.01	R-80	R-160	5.80
94A1.06	R-80	R-160	70.00

RESOLUTION NO. (819-1999) continued

<u>Tax Map Block & Lot</u>	<u>Present Zoning</u>	<u>Proposed Zoning</u>	<u>Approximate Acres</u>
94A2.00	R-80	R-160	52.37
94A2.01	R-80	R-160	31.97
94A4.01	R-80	R-160	11.70
95A3	R-80	R-160	60.00
96A2	R-80	R-160	68.60
96A9	R-22	R-160	8.50
97A7	R-80	R-160	52.36
97A7.02	R-80	R-160	50.16
97A9	R-22	R-160	0.25
97A19	R-40	R-160	80.83
88B11.02	R-40	R-160	18.83
88A14	R-40	R-160	10.69
69A1	R-40	R-160	4.57
69A5.01	R-40	R-160	3.77
87A1	R-40	R-160	28.07
87A1.01	R-40	R-160	28.82
88A1	M	R-160	13.28
88A1.01	M	R-160	0.75
88A23	R-15	R-160	0.54
88B8.02	R-40	R-160	1.79
88B11	R-40	R-160	30.13
89C3.20	R-15	R-160	8.10
92B14.01	R-40	R-160	12.51
98A8	R-80	R-160	1.68
115A1	M	R-160	0.25
130A4	R-80	R-160	13.50
129A43	R-80	R-160	19.50
129A45	R-80	R-160	30.39
129A2.02	R-80	R-160	23.70
130A1	R-80	R-160	31.00
143A1	R-80	R-160	62.00
143A2.03	R-80	R-160	10.47
143A2.01	R-80	R-160	7.70
143A2.02	R-80	R-160	5.70
142A1	R-80	R-160	35.00
142A1.02	R-80	R-160	7.50
142A1.01	R-80	R-160	15.90
142A5.04	R-80	R-160	21.50
142A2	R-80	R-160	60.00
142A5.03	RS	R-160	0.82
155A1	R-80	R-160	77.00
156A1	R-80	R-160	37.00
156A2	R-80	R-160	6.30
141A1	R-80	R-160	27.00
141A3.01	R-80	R-160	26.00
141A6.01	R-80	R-160	11.00
141A5	R-80	R-160	26.00
140A1	R-80	R-160	1.40
140A2	R-80	R-160	109.00
140A3	R-80	R-160	0.30
140A4	R-80	R-160	0.60
140A5	R-80	R-160	1.70
140A6	R-80	R-160	0.30
140A7	R-80	R-160	17.00

RESOLUTION NO. (819-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
140A8	R-80	R-160	5.00
140A9	R-80	R-160	6.30
140A10	R-80	R-160	2.30
140A11	R-80	R-160	8.34
140A14	R-80	R-160	3.50
140A15	R-80	R-160	0.90
154A26	R-80	R-160	183.60
154A48	R-80	R-160	4.57
154A47	R-80	R-160	4.90
153A29	R-80	R-160	183.00
153A32	R-80	R-160	23.00
154A46	R-80	R-160	0.41
153A1	R-80	R-160	0.25
153A2	R-80	R-160	0.25
153A3	R-80	R-160	0.20
153A4	R-80	R-160	0.25
153A5	R-80	R-160	0.25
153A6	R-80	R-160	0.26
153A7	R-80	R-160	0.50
153A8	R-80	R-160	0.25
153A9	R-80	R-160	0.25
153A10	R-80	R-160	0.35
153A11	R-80	R-160	0.30
153A12	R-80	R-160	0.25
153A13	R-80	R-160	0.20
153A14	R-80	R-160	0.10
153A15	R-80	R-160	0.25
153A16	R-80	R-160	0.20
153A17	R-80	R-160	0.10
153A18	R-80	R-160	1.87
153A19	R-80	R-160	0.11
153A20	R-80	R-160	1.78
153A21	R-80	R-160	0.25
153A22	R-80	R-160	0.20
153A23	R-80	R-160	0.20
153A24	R-80	R-160	15.80
153A25	R-80	R-160	2.58
153A26	R-80	R-160	2.35
153A28.01	R-80	R-160	0.50
153A28	R-80	R-160	3.40
153A29	R-80	R-160	183.00
153A30	R-80	R-160	2.30
153A31	R-80	R-160	3.40
153A32	R-80	R-160	23.00
153A33	R-80	R-160	1.10
153A34	R-80	R-160	0.20
153A35	R-80	R-160	0.20
153A36	R-80	R-160	0.10
153A37	R-80	R-160	19.20
152A1	R-80	R-160	73.00
152A1.01	R-80	R-160	8.50
152A1.03	R-80	R-160	11.70
152A1.04	R-80	R-160	14.60
152A1.05	R-80	R-160	32.00
152A1.06	R-80	R-160	38.00

RESOLUTION NO. (819-1999) continued

<u>Tax Map Block & Lot</u>	<u>Present Zoning</u>	<u>Proposed Zoning</u>	<u>Approximate Acres</u>
152A1.07	R-80	R-160	4.00
152A3.00	R-80	R-160	9.00
151A1	R-80	R-160	61.00
151A1.04	R-80	R-160	44.00
151A1.05	R-80	R-160	60.00
139A1	R-80	R-160	88.00
139A2	R-80	R-160	17.00
139A3	R-80	R-160	25.00
139A4	R-80	R-160	17.00
139A24	R-80	R-160	4.52
139A24.01	R-80	R-160	0.10
139A24.02	R-80	R-160	1.25
139A24.03	R-80	R-160	0.15
139A24.04	R-80	R-160	0.20
139A24.05	R-80	R-160	0.15
139A24.06	R-80	R-160	0.15
139A24.07	R-80	R-160	0.10
139A24.08	R-80	R-160	0.05
139A24.09	R-80	R-160	1.00
138J13	R-80	R-160	21.00
138H1	R-80	R-160	5.16
138H31	R-80	R-160	.62
138H32	R-80	R-160	.46
138H33	R-80	R-160	1.00
138H34	R-80	R-160	1.50
138H35	R-80	R-160	1.75
138H36	R-80	R-160	0.75
138H37	R-80	R-160	2.00
138H38	R-80	R-160	2.04
138H2	R-80	R-160	66.1
138H7	R-80	R-160	0.84
138H8	R-80	R-160	0.90
138H9	R-80	R-160	8.10
138H10	R-80	R-160	1.06
138H11	R-80	R-160	0.50
137A1.01	R-80	R-160	7.20
138H13	MF-3	MF-1	1.06
138H6.01	MF-3	MF-1	0.42
138H6.02	MF-3	MF-1	0.46
138H14	MF-3	MF-1	0.50
138H39	MF-3	MF-1	0.50
138H5	MF-3	MF-1	0.25
138H40	MF-3	MF-1	0.37
138H3	MF-3	MF-1	0.63
138H4	MF-3	MF-1	0.25
138H17	MF-3	MF-1	2.00
138H18	MF-3	MF-1	0.36
138H18.01	MF-3	MF-1	2.98
138H20	MF-3	MF-1	0.24
138H21	MF-3	MF-1	0.53
138H23	MF-3	MF-1	2.90
138H28	MF-3	MF-1	1.11
138H30	MF-3	MF-1	1.27

RESOLUTION NO. (819-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
123B3	CS	R-15	7.00
38A1	R-22	R-80	29.10
21B12	R-40	R-80	50.00
SH689	MF-3	MF-2	8.00
6-2C10	MF-3	MF-2	7.00

SCHEDULE "B"

to Town Board Resolution of October 12, 1999 setting a public hearing on certain Zoning District and Zoning Ordinance Changes to Implement the Town of Clarkstown Comprehensive Plan

1. Modify Section 290-2, "Legislative Intent," to add the following statement to the last sentence in paragraph:

"and the Comprehensive Plan Update as adopted by the Planning Board and Ad-Hoc Committee on June 30, 1999 and adopted by the Town Board on September 28, 1999 in accordance with the provisions of Section 272-a of the Town Law of the State of New York."

2. Modify Section 290-3, "Definitions," to add the following in alphabetical order:

"Rock Outcrop – An area of rock exposed at the surface of the ground.

"Steep Slopes - Lot area containing a natural or artificial incline in excess of twenty percent (20%), measured and determined on the basis of two foot contour intervals, as shown on a certified land survey."

3. Modify Section 290-6, "Purpose of Districts," item M, to add the following sentence at the end of paragraph:

"After October 26, 1999, newly established MRS districts must consist of at least 75 acres."

4. Modify Section 290-9, "Interpretation of Boundaries," item H, from:

"H. Any site located in an RS District consisting of at least thirty (30) acres on one (1) or more lots and which meets the definition of a major regional shopping center shall be deemed to be within an MRS District and be subject to the MRS District regulations."

To read:

"H. Any site located in an RS District consisting of at least thirty (30) acres on one (1) or more lots and which meets the definition of a major regional shopping center prior to October 26, 1999 shall be deemed to be within an MRS District and be subject to the MRS District regulations." (Editor's note: also see #3 and #7).

5. Modify 290-21, "Exceptions," item D, from:

"D. No more than fifty percent (50%) of any land under water, subject to flooding, with slopes of over thirty percent (30%) for residential uses and over twenty percent (20%) for all other uses and within a designated street line of any road shall be counted as part of any minimum lot area requirement of this chapter."

To read:

"D. Development Constraints. In order to limit construction in areas with developmental limitations, the following requirements shall apply in all zoning districts.

(1) Rights-of-way and designated streets. Not more than fifty percent (50%) of any land within easements or rights-of-way for overhead utilities, or for ingress or egress, or within a designated street line shall be counted as part of any minimum lot area requirement. No building, structure, yard or land proposed for human occupancy shall be located within the easement. However, a road may traverse the easement.

(2) Land Under Water. (applicable prior to development) Not more than fifty percent (50%) of the area of any lot proposed to be developed may be counted as part of any lot area if subject to the following: ponds; freshwater wetlands regulated by the Army Corps of Engineers; streams under the jurisdiction of the Rockland County Drainage Agency; areas within the Federal Emergency Management Agency designated 100-year flood plain;

that portion of any freshwater wetland and any 100-foot control area designated by the New York State Department of Environmental Conservation. No buildings or structures may be located in such areas.

(3) Steep Slopes (applicable prior to development).

(a) Not more than fifty percent (50%) of the land area of any portion of any lot that is proposed to be developed may be counted as part of any lot area if subject to the following:

(i) For residential zoned development, slopes between thirty percent (30%) and fifty percent (50%).

(ii) For non-residential zoned development, slopes between twenty percent (20%) and fifty percent (50%).

(b) No buildings or structures shall be permitted on that portion of a lot with a slope in excess of the foregoing.

(c) No portion of the land area of that portion of a lot with a slope in excess of 50 percent (50%) may be counted as part of the minimum lot area of a parcel.

(4) Rock outcrops (applicable prior to development). Not more than 50 percent (50%) of the area of that portion of a lot that is proposed to be disturbed with rock outcrops in excess of 50 square feet may be counted as part of the lot area of a parcel.

RESOLUTION NO. (819-1999) continued

- (5) View Preservation. The Planning Board shall have the authority to require site or building modifications to protect viewsheds to and from locations of visual significance."

- 6. **For Table 16, "General Bulk Regulations:"**
Delete the potential for two-family conversions by deleting the following Use Groups:

District	Use Group (deleted)
R-160	B
R-80	B
R-40	E
R-22	H
R-15	K
R-10	N

RG-1, line P, delete reference to two family and Group H.

- 7. **For Table 16, "Bulk Regulations:"**
Amend MRS District, Column 5 to read: "See Note 8, 30" Add Note 30 to read as follows:

"Note 30: After October 26, 1999, newly established MRS Districts must be at least 75 acres in size on one or more lots; must have primary access to a state highway; must not cross public roads or railroad tracks; must be within one-quarter mile of Thruway entrance; and must receive a zone change from the Town Board."

- 8. **For Table 16, "General Bulk Regulations:"**
Amend residential districts Floor Area Ratio requirement as follows:

Zone	From	To
R-80	0.15	0.10 ^{Note 31}
R-40	0.25	0.15 ^{Note 31}
R-22	0.30	0.20 ^{Note 31}
R-15	0.35	0.20 ^{Note 31}
R-10	0.35	0.25 ^{Note 31}

Add Note 31 to read:

"Note 31: Homes built between September 24, 1991 and October 26, 1999 conforming to the Floor Area Ratio in effect at that time shall be deemed to be conforming.

- 9. **Delete item 2 in Column 3 of Tables 5, 6, and 7 in Section 290-IIA (General Use Regulations) for the R-10, RG-1 and RG-2 districts.**
- 10. **Delete item 3 in Column 3 of Tables 1, 2, 3, 4, and 18 in Section 290-IIA (General Use Regulations) for the R-80, R-40, R-22, R-15 and R-160 districts.**

RESOLUTION NO. (819-1999) continued

11. Amend Table 16 (General Bulk Regulations) to add PED OVERLAY District, to read as follows:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
PED OVERLAY	PP	See §290-7c of this Chapter	.40
<u>Column 5</u>	<u>Column 6</u>	<u>Column 7</u>	<u>Column 8</u>
100,000	None	Note 32	Note 32
<u>Column 9</u>	<u>Column 10</u>	<u>Column 11</u>	
Note 32	Note 32	Note 33	

12. Amend Table 16 (General Bulk Regulations) to add notes as follows:

“Note 32: Same as §290-7.C. (4) & (5), except that buildings that do not exceed 24 feet in height shall require a 50-foot buffer. Where buffer is reduced to 50 feet adjacent to a residential zoning district, parking shall not be permitted in the 50 feet. An entry driveway may cross the buffer.”

“Note: 33. The maximum building height shall be 48 feet.”

13. Amend §290-6. Purpose of Districts, by amending the current paragraph to read §290-6.P.1, and adding §290- 6.P.2 as follows:

“§290-6. P.(2) PED OVERLAY - The intent of the PED Overlay District is to permit greater flexibility in the design and development of offices, warehouses and industrial parks in the LO and LIO Districts than is generally possible under conventional zoning. Retail and wholesale activities are not permitted in the PED Overlay District. The other purposes of the PED Overlay District are stated for the PED District.

14. Amend §290-6. Purpose of Districts, by adding the following sentence to paragraphs H and N:

“Properties in this zoning district may qualify for the PED Overlay District at the option of the property owner and concurrence of the Planning Board.”

On roll call the vote was as follows:

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

TBM 10/12/99
Page 27

RESOLUTION NO. (820-1999)

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 5 (ARCHITECTURE AND LANDSCAPE COMMISSION) OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 26, 1999 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by 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.

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. (821-1999)

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 SECTION 60.24 OF THE TOWN OF CLARKSTOWN SUBDIVISION REGULATIONS TO REDEFINE 'SUBDIVISION' TO EXCLUDE THE EXCEPTION ALLOWING FOR SUBDIVISION OF PARCELS INTO TWO LOTS WHERE NO NEW STREETS ARE CREATED. ALL SUCH FUTURE SUBDIVISIONS SHALL REQUIRE PLANNING BOARD APPROVAL"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 26, 1999 at 8:25 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

RESOLUTION NO. (821-1999) continued

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.

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. (822 -1999)

Co. Smith offered and Co. Profenna seconded

Whereas, in calendar year 1997, the Town of Clarkstown had performed certain drainage improvements on Dover Road and The Rise in Congers; and

Whereas, the Department of Environmental Control has received complaints from the residents at #3, #16, #18, #21, and #25 Dover Road and at #11, #15, #19, #20 and #23 The Rise relating to the failure of grass to grow where underdrains had been installed within the right-of-way and easements on, or adjoining, these properties; and

Whereas, the Department of Environmental Control has inspected these areas and determined a course of action to rectify this problem; and

Whereas, the timing of these complaints does not allow for this work to be performed by the contractor who performed the original project as the maintenance bond for said project has expired;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Danny Clapp Landscaping, Inc.
59 Schreiver Lane
New City, New York 10956

to perform said corrective work in accordance with their proposal in the amount of \$3,300.00 and

Be It Further Resolved that this shall be a proper charge to account # H 8743 409 0 68-12.

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. (823-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION NO. (823-1999) continued

RESOLVED, that Mark Maraia, 56 Millspaugh Lane, Bardonia, NY 10954 is hereby appointed to the Architectural and Landscape Commission effective immediately.

On roll call the vote was as follows:

Councilman Maloney Yes
Councilman Mandia Yes
Councilman Profenna Yes
Councilwoman Smith Yes
Supervisor Holbrook No

RESOLUTION NO. (824-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, there has been concern expressed for Clarkstown quality professional day care service in the Town of Clarkstown,

NOW THEREFORE BE IT RESOLVED, that the request for Tutor Time, Inc. to establish a day care center on Route 303, Congers, is referred to the Planning Board for their input and recommendation.

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. (825-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Fire Inspector receive compensatory time for overtime performed in the area of his responsibility and pay for the call out time performed as Fire Inspector.

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 one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting closed, time: 9:10 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
INFORMATION SESSION

Town Hall

10/12/99

8:00 P. M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Philip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Cranford Drive Flood Amelioration Project

Supervisor Holbrook explained the purpose of this meeting and that the Town was prepared to move forward to deal with the flooding on Cranford Dr., Bush Ct, and the surrounding areas and that the Town, in conjunction with FEMA, will work to alleviate the \$20 to \$30 million dollars worth of damage caused by Hurricane Floyd. The Town has applied for FEMA and will be reimbursed 87-1/2% of their costs. The people presently in the 100 year flood plain will be taken out of it with this corrective work.

John Kozma, Engineering Consultant, explained the problem where the Demarest Kill crosses Cranford Drive and how the stream will be widened and deepened to withstand a 100 year flood event.

Appearance: Phil Samuels
56 Cranford Drive

Questioned whether the homes had been checked for elevation.

John Kozma responded that aerial photos had been taken and CO's from all homes had been done. Supervisor Holbrook stated that this information would be checked for accuracy.

Appearance: Edward Graybow
New City

Thanked the Board and asked that all culverts be checked, in particular, at Bush Ct and Old 304 and that all the trees that were going to be affected along the culvert be designated so that people would know what was happening.

Appearance: Angelo Basso
9 Bush Ct., New City

Would like the entry area looked at because the pipe drain backed up and he had 3 foot of water in his home. Was in favor of the proposal.

Appearance: Eric Wughalter
21 Cranford Dr., New City

Opposed to this plan because he was concerned that Cranford would become a culvert and act as a river. If this goes forward he was concerned that the areas around Cranford would become like a catch basin and that the overpass acts as a dam. Flood was a 200 year event and he believed that the flooding came not from water entering homes but from water rising. Believes this proposal would cause constant flooding.

Appearance: G. Fleischer
51 Cranford Dr., New City

He spoke regarding the culvert that water flows into and stated that it had to be maintained. His home was 95 % above grade and water came in through his garage. He

is in favor of this proposal. He said houses that were not in flood zone were worse off than houses within the flood zone.

Appearance: Steven Segal
Cranford Dr., New City

Supports and endorses this plan and feels there would be improvement and it would eliminate flooding. He had 7 foot of water on his street.

Appearance: Linda Bullions
17 Cranford Dr., New City

Bought her house only a year ago but knows she does not want a ditch in her back yard.

Appearance: Bob Stone
9 Cranford Dr., New City

He is on a low line piece of land; he has lived there for 21 years and this is the second time water has approached his house. Water from the stream behind him came in from the back of his house and a raging river in front came in the front of the house and the front and back merged.

John Kozma explained the problem with the narrow winding stream, the debris in the stream that prevents water from moving, the dam on 304 and the erosion to the stream. Two of the three openings at 304 were blocked up and created a bottleneck. The deposits must be removed so that the water can flow freely.

Supervisor Holbrook said that the Town will replant where the trees are removed. The stream is now 10 to 12 foot wide; it will be widened to 18 foot.

Appearance: Barry Hoffman
5 Bush Ct., New City

In favor of proposal. Could not make it home the day of the hurricane, the water was up to his mailbox. Asked the Board to please maintain the work that is going to be done.

Appearance: Shelia Gersh
11 Cranford Dr., New City

In favor of this project, however, thought it was going to be done after the last meeting..

Supervisor said if there is the will of the Board and the sentiment of the people, this project will move forward.

Appearance: Dan Sternberg
45 Cranford Dr., New city

In favor of this project. His home was flooded and the water came up from he creek.

Appearance: Bob Levy
Cypress St., New City

Said in the past he did not hear voices in favor and the people do not know what questions to ask. Something needs to be done and the people need to be educated because there is concern about the removal of trees that absorb water.

Supervisor said John Kozma would meet with Mr. Levy tomorrow. Co. Smith requested that John Kozma meet with all the residents on an individual basis.

Appearance: Andrew Kimler
Cypress St., New City

Was never opposed to the 1998 proposal to alleviate the flooding, however, there were objections to channelization because that could possibly create problems upstream.

John Kozma said that the Army Corp of Engineers walked the area and that while channelization may not be the best solution, it is for life threatening situations.

Supervisor said that the Town's proposal would have to satisfy the Army Corp of Engineers and gave the example of alleviating the problems at the Hackensack River.

Appearance: Jeff Schonbrun
Bush Ct., New City

Was in favor of the plan and wants to be included in it.

Appearance: Mr. Hernandez
1 Bush Ct., New City

Was in favor of the project and he believes that there should be one big opening at 304 where there is presently 3. He had 4 foot of water in his basement.

Appearance: John Zerega
12 Cypress St., New City

Asked what the time frame was on this project and inquired as to how the Town would gain access to work on the project.

Supervisor Holbrook asked John Kozma and Mr. Jackson to retire to Room 311 with the residents to answer their one on one questions.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Informational Session was closed, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. 789-1999 ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/12/99

8:51 P. M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Philip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Continuation: Chapter 216 Proceeding: Monteith - 80-A Brewery Rd, New City
(77-A-4.5)

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted,
the public hearing was declared open.

Meeting adjourned, SINE DIE, time 8:52 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk