

TOWN BOARD MEETING

Town Hall

10/26/99

8:00 P.M.

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

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

Supervisor Holbrook read the following letter from Co. Mandia:

As you know, I cannot attend the meeting on October 26th. However, I do want to inform you that I fully support the resolutions to be presented at that Town Board meeting which complete the objectives of the Comprehensive Master Plan.

I have asked and found that I cannot cast my vote in absentia. If I could, I would have you do that for me.

However, please allow this communication to be made part of the record and let it also serve to encourage and support all my colleagues on the Town Board.

Supervisor read the following proclamation:

"CLARKSTOWN SENIOR BABE RUTH DAY"
 OCTOBER 26, 1999

WHEREAS the CLARKSTOWN SENIOR BABE RUTH ALL STARS, in defeating the Bronx Highlanders, Wanaqua Spartans, Soundshore, Don Bosco, and Mount Vernon qualified for the EASTERN NEW YORK STATE SENIOR BABE RUTH ALL-STAR TOURNAMENT, and

WHEREAS after this achievement, CLARKSTOWN, defeated Ballston Spa, NY, Hoosick Falls, NY twice, and Mid-Hudson, NY twice, thereby capturing the EASTERN NEW YORK STATE CHAMPIONSHIP, and

WHEREAS this championship qualified CLARKSTOWN for the MIDDLE ATLANTIC REGIONAL TOURNAMENT where they defeated the Delaware State Champions before being eliminated in the third round,

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all our residents, proudly commend these fine young athletes, their manager, Charles Avery and their coaches, Bob Zeller and Julio Garcia for their outstanding achievement and hereby declare this day, OCTOBER 26, 1999 as "CLARKSTOWN SENIOR BABE RUTH ALL-STAR DAY" in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO
 SET MY HAND AND CAUSE THIS SEAL
 OF THE TOWN OF CLARKSTOWN TO
 BE AFFIXED THIS 26TH DAY OF
 OCTOBER, 1999

/s/
 CHARLES E. HOLBROOK
 SUPERVISOR

The Town Board presented the certificates of award to the members of the 1999 Senior Babe Ruth NYS Championship players.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: PROPOSED AMENDMENTS TO IMPLEMENT THE COMPREHENSIVE PLAN: (Zoning Text Changes, Local Law: Prohibiting Clear Cutting of Trees, Local Law: Requiring Planning Board Approval for a Two-Lot Subdivision and Zoning Map Changes) was declared open, time: 8:05 P.M.

On motion of Co. Profenna, seconded by Co. Maloney and unanimously adopted, the public hearing re: PROPOSED AMENDMENTS TO IMPLEMENT THE COMPREHENSIVE PLAN: (Zoning Text Changes, Local Law: Prohibiting Clear Cutting of Trees, Local Law: Requiring Planning Board Approval for a Two-Lot Subdivision and Zoning Map Changes) was declared closed, time: 10:40 P.M.

On motion of Co. Maloney, seconded by Co. Profenna and unanimously adopted, the public hearing re: Chapter 216 Proceeding, Rockland Realty Associates was declared open, time: 10:40 P.M., closed: 10:50 P.M.

On motion of Co. Maloney, seconded by Co. Profenna and unanimously adopted, the public hearing re: Chapter 216 Proceeding, Kempton, 3 High Tor Rd. was declared open, time: 10:50 P.M., closed 11:13 P.M.

On motion of Co. Maloney, seconded by Co. Profenna and unanimously adopted, the public hearing re: Chapter 216 Proceeding, Monteith, 80A Brewery Rd, was declared open, time: 11:13 P.M., closed 11:14 P.M.

Supervisor opened the public portion of the meeting.

Appearance: John Lodico
New City

Spoke regarding the occupants of the Middlewood Senior Housing Complex.

Appearance: Ed Graybow
New City

Spoke in favor of Item 11D, Stop sign at Woodglen and Item 22 requesting that the County acquire a subdivision known as Lake DeForest Business Center which should include 9 lots 4.01 to 4.09.

RESOLUTION (826-1999)

Co. Profenna offered and Co. Maloney seconded

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

TBM 10/26/99

Page 3

RESOLUTION (826-1999) continued

WHEREAS, the Comprehensive Plan has identified certain provisions of the Zoning Law in the Town of Clarkstown which are inconsistent with the objectives stated in said Comprehensive Plan, and

WHEREAS, the Clarkstown Planning Board has reviewed certain of these provisions and has made several recommendations to the Town Board for changes to correct and conform such provisions to the adopted Comprehensive Plan, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 12, 1999, provided for a public hearing on October 26, 1999, at 8:00 P.M., to consider the adoption of the proposed text amendments to the Zoning Ordinance of the Town Clarkstown as shown on Schedule "B," attached, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report pursuant to SEQRA from its consultant Robert Gneslaw, which has been reviewed and considered prior to making the decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum report of Robert Gneslaw dated October 25, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed Amendments to the text of the Zoning Ordinance shall not have any significant negative 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 the Town Board hereby amends the text of the Zoning Ordinance, insofar as shown on the attached Schedule "B," and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of such Amendment to the Zoning Ordinance, and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

SCHEDULE "B"

Amendment to the Zoning Ordinance of the Town of Clarkstown adopted October 26, 1999

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."

RESOLUTION (826-1999) continued

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%).

RESOLUTION (826-1999) continued

- (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.
- (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.

RESOLUTION (826-1999) continued

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

Column 1 Column 2 Column 3 Column 4

PED OVERLAY	PP	See §290-7c of this Chapter	.40
-------------	----	-----------------------------	-----

Column 5 Column 6 Column 7 Column 8

100,000	None	Note 32	Note 32
---------	------	---------	---------

Column 9 Column 10 Column 11

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

TBM 10/26/99
Page 7

RESOLUTION NO. (827-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**"AMENDMENT TO CHAPTER 5 (ARCHITECTURE AND
LANDSCAPE COMMISSION) OF THE TOWN OF CLARKSTOWN"**

was introduced by Councilman Mandia at a Town Board meeting held on October 12, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 12, 1999, directed that a public hearing be held on October 26, 1999, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 18, 1999 and in the Rockland County Times on October 21, 1999, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 12, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 26, 1999;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 - 1999 entitled:

**"AMENDMENT TO CHAPTER 5 (ARCHITECTURE AND
LANDSCAPE COMMISSION) OF THE TOWN OF CLARKSTOWN"**

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

Charles E. Holbrook, Supervisor . . .	Yes
John R. Maloney, Councilman	Yes
Ralph F. Mandia, Councilman	Absent
Ann Marie Smith, Councilwoman . . .	Yes
Louis J. Profenna, Councilman	Yes

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

RESOLUTION NO. (828-1999)

Co. Profenna offered and Co. Maloney seconded

**"AMENDMENT TO SECTION 60.24 (NOW SECTION 254) 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"**

was introduced by Councilman Mandia at a Town Board meeting held on October 12, 1999, and

RESOLUTION NO. (828-1999) continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 12, 1999, directed that a public hearing be held on October 26, 1999, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 18, 1999 and in the Rockland County Times on October 21, 1999, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 12, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 26, 1999;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 - 1999 entitled:

“AMENDMENT TO SECTION 60.24 (NOW SECTION 254) 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”

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

Charles E. Holbrook, Supervisor . . . Yes
John R. Maloney, Councilman Yes
Ralph F. Mandia, Councilman Absent
Ann Marie Smith, Councilwoman . . Yes . .
Louis J. Profenna, Councilman Yes

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

RESOLUTION NO. (829-1999)

Co. Profenna offered and Co. Maloney seconded

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

WHEREAS, the Comprehensive Plan has identified certain parcels of land in the Town of Clarkstown having present zoning designations inconsistent with the objectives stated in said Comprehensive Plan, and

WHEREAS, the Clarkstown Planning Board has reviewed the identified properties and has made certain recommendations to the Town Board for zone changes to implement certain of the recommendations contained in the adopted Comprehensive Plan, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 12, 1999, provided for a public hearing on October 26, 1999, at 8:00 P.M., to consider the adoption of the proposed amendments to the Zoning Map of the Town of Clarkstown as shown on Schedule “A,” attached, and

TBM 10/26/99

Page 9

RESOLUTION NO. (829-1999) continued

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

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report pursuant to SEQRA from its consultant Robert Geneslaw, which has been reviewed and considered prior to making the decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum report of Robert Geneslaw dated October 25, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed Amendments to the Zoning Map shall not have any significant negative 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 the Town Board hereby amends the Zoning Map, so as to conform the Ordinance as shown on the attached Schedule "A" to the Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of such Amendment to the Zoning Map, and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

SCHEDULE "A"

**Changes to the Zoning Map of the
Town of Clarkstown adopted October 26, 1999**

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
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

RESOLUTION NO. (829-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
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
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

TBM 10/26/99

Page 11

RESOLUTION NO. (829-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
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
142A5.03	R-80	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
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

RESOLUTION NO. (829-1999) continued

<u>Tax Map Block & Lot</u>	<u>Present Zoning</u>	<u>Proposed Zoning</u>	<u>Approximate Acres</u>
153A18	R-80	R-160	1.87
153A19	R-80	R-160	0.11
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
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

RESOLUTION NO. (829-1999) continued

Tax Map Block & Lot	Present Zoning	Proposed Zoning	Approximate Acres
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
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

On roll call the vote was as follows:

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

RESOLUTION NO. (830-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the conditions complained of in the Order and Notice dated August 12, 1999 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 77, Block A, Lot 4.5 have been corrected, and be it

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

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

RESOLUTION NO. (830-1999) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (831-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of October 12, 1999 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (832-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Atzl, Scatassa & Zigler to prepare a survey, and Hudson Valley Abstract to prepare a title report on a portion of property known as Map 71, Block C, Lot 38, which parcel is located at West Nyack Road and Demarest Avenue, West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (833-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #LG9999-8216) has appropriated funds for the purpose of financing the partial payment of a motorcycle which is being purchased by the Town of Clarkstown Police Department, and

RESOLUTION NO. (833-1999) continued

WHEREAS, the State shall provide \$10,000 to the Town of Clarkstown Police Department for the motorcycle, for the period covering April 1, 1999 through March 31, 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Division of Criminal Justice Services to accept a grant award of \$10,000 to cover the partial payment of a motorcycle which is being purchased by the Clarkstown Police Department, for the period to April 1, 1999 through March 31, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (834-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the New York State Legislature has provided an appropriation of \$7,500.00 to the Town of Clarkstown for flagpoles for Veteran Parks;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Veterans' Affairs, in a form approved by the Town Attorney, to accept the appropriation of \$7,500.00 to the Town of Clarkstown for flagpoles in Veteran Parks, and be it

FURTHER RESOLVED, that the contract shall terminate on March 31, 2000, unless the unexpended balance of this grant is re-appropriated by the New York State Legislature for a subsequent fiscal year, in which case this contract shall terminate on the next succeeding March 31st following he re-appropriation.

RESOLVED, that the Town Board hereby authorizes Nancy Davidson to attend the ADP Payroll Year-Eng Seminar & Expo which is being held on November 18,1999 at the Sheraton Crossroads in Mahwah, NJ and be it

FURTHER RESOLVED, that the necessary expenses, including the registration fee of \$125.00 shall be charged to Account No. A 1430-414.

On roll call the vote was as follows:

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

TBM 10/26/99

Page 16

RESOLUTION NO. (835-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown, in conjunction with the Clarkstown Police Department, as part of its Y2K preparedness plan, has drafted a Y2K Citizen Advisory Newsletter designed to inform the citizens of Clarkstown with regard to Y2K, as well as a Police Community Survey, in order to elicit feedback from Town residents, and

WHEREAS, the Town has received a proposal from Federal Direct mail service for the printing, processing, sorting, addressing and insertion for the mailing to be distributed to 30,000 residents at a cost of \$12,317.60, and

WHEREAS, the Chief of Police of the Town of Clarkstown, and Police Commission have recommended entering into such an agreement,

NOW, THEREFORE be it

RESOLVED, that the Supervisor is authorized to enter into a contract with Federal Direct in a form satisfactory to the Town Attorney and the Director of Automated Systems, to provide such service, and be it

FURTHER RESOLVED, that the cost of such contract be charged to A 3120-419 (Miscellaneous Services), and be it

FURTHER RESOLVED, to increase Revenue Account A 01 14 2999 0 (Unexpended Balance) by \$7,316.70 and increase Appropriation Account A 3120-419 by \$7,316.70.

On roll call the vote was as follows:

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

RESOLUTION NO. (836-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on September 24, 1999 in connection with property designated on the Clarkstown Tax Map as Map 141, Block B, Lot 36.2 and known as 66 Lakewood Drive, Congers, New York, as the Town of Clarkstown has been reimbursed in the amount of \$1,613.54 for costs incurred in connection with this proceeding.

On roll call the vote was as follows:

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

TBM 10/26/99
Page 17

RESOLUTION NO. (837-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend a NYS RPS/AS400 Users Meeting to be held on October 20, 1999 in Albany, New York, and be it

FURTHER RESOLVED, that the charges for such meeting shall not exceed \$500.00 and shall be charged to Account No. A 1680-414, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 20, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (838-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson to attend the ADP Payroll Year-End Seminar & Expo which is being held on November 18, 1999 at the Sheraton Crossroads in Mahwah, NJ, and be it

FURTHER RESOLVED, that the necessary expenses, including the registration fee of \$125.00 shall be charged to Account No. A 1430-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (839-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Penni Scaccio and Marialaine Notaro to attend the ADP Payroll Year-End Seminar & Expo which is being held on November 18, 1999 at the Sheraton Crossroads in Mahwah, NJ and be it

FURTHER RESOLVED, that the necessary expenses, including the registration fee of \$250.00 shall be charged to Account NO. A 1315-414.

On roll call the vote was as follows:

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

TBM 10/26/99

Page 18

RESOLUTION NO. (840-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson to attend the (mandatory) two-day USER training program for the New York Benefits Eligibility and Accounting System which is being held on November 3 & 4, 1999 at the Department of Civil Service, State Campus Building, Albany, New York and be it

FURTHER RESOLVED, that all reasonable expenses, including hotel registration fee of \$126.00 shall be charged to Account No. A1430-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (841-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, work on the subject project in Congers necessitated the severe pruning of approximately ninety linear feet of existing hedge at #91 Waters Edge; and

WHEREAS, the homeowner at that location requested that said hedge be removed and the area turned into lawn; and

WHEREAS, the Department of Environmental Control concurred with the homeowner's request based on a field inspection of the site;

NOW, THEREFORE, BE IT RESOLVED, that Mr. Landscape, Inc. of 3 Burrows Court, New City be authorized to remove said hedge in its entirety and turn the area into lawn as directed by the Department of Environmental Control; and be it

FURTHER RESOLVED, that said work be paid for with monies previously allotted for this project; and be it

FURTHER RESOLVED, that payment for this work shall be from account # H 8736 409 0 637.

On roll call the vote was as follows:

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

RESOLUTION NO. (842-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Resolution No. 603-1998 adopted by the Town Board on July 14, 1998 is hereby amended to add that the Town Board waives the inspection fees and erosion fees associated with the construction of St. Augustine's Church.

RESOLUTION NO. (842-1999) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (843-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board awarded bid #47-1999 to Luongo Enterprises, for the Leif Boulevard Roadway Modifications, and

WHEREAS, during the course of construction, an underground drain was encountered and required relocation.

NOW, THEREFORE. be ot

RESOLVED, that Town Board Resolution 434-1999 is hereby amended to reflect the additional cost of \$250.00 for the relocation of the underground drain, and be it

FURTHER RESOLVED, that the total cost of the project shall not exceed \$42,750.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (844-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Purchasing, Resolution No. 658-1998 adopted on August 11, 1998 which authorized advertising for bids for the Demarest Avenue, West Nyack Sidewalk Project, is hereby rescinded as it was replaced by Resolution No. 471-1999 adopted on June 8, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (845-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Purchasing, Resolution No. 811-1999 adopted on October 12, 1999 which authorized advertising for bids for the Congers Lake Walkway Project, is hereby rescinded as it was a duplicate of Resolution No. 584-1999 adopted on July 13, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (846-1999)

Co. Maloney offered and Co. Profenna seconded

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

Bid #74-1999
HACKENSACK RIVER
NATURAL AREA IMPROVEMENT AND FLOOD MANAGEMENT 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (847-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #5-2000
ATHLETIC & RECREATION SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: NOVEMBER 22, 1999 at which time bids will be opened and read, and be it

RESOLUTION NO. (847-1999) continued

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

RESOLUTION NO. (848-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #7-2000
CUSTODIAL AND JANITORIAL SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: NOVEMBER 19, 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. Absent
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (849-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Mr. Martin Pesin of Prudential Securities, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A7310 329 (Parks & Recreation - Supplies) by \$100.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (850-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$50.00 from Costco Wholesale #305 and \$100.00 from A.P. Flowers & Gifts, Inc. D/B/A Bassett Flowers, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A7310 329 (Parks & Recreation - Supplies) by \$150.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (851-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$792.75 from Atlantic Mutual Companies and 52.50 from KJS Hauling

THEREFORE be it,

RESOLVED, to increase Revenue Account No. No. A 01 8 2680 0 (Insurance Recoveries) and Budgetary Account No. A 1640-406 (Town Garage-Repairs/Vehicles) by \$792.75 and Revenue Account No. DB 041 9 2770 (Highway-Misc Revenue) and Budgetary Account NO. DB 5110-387 (Highway-Sidewalks) by \$52.50 and

WHEREAS, various Accounts need additional funding

THEREFORE be it,

RESOLVED, to increase Revenue Account No. A 01 3 1520 3 (Alarm Violations) and Budgetary Account No. A 3120-404 (Police-Travel/Meals) by \$15,000 and decrease Budgetary Account No. B 8020-313 (Planning-Office Supplies) and increase B 8020-462 (Planning-Water) by \$9.60 and decrease DB 5110-424 (Highway-Contractual Expenses) and increase DB 5110-307 (Highway-Uniforms) by \$5,000 and decrease DA 5130-219 (Highway-Misc Equipment) by \$6,000 and increase DB 5110-319 (Highway-Misc Supplies) by \$3,000 and DB 5110-391 (Highway-Hardware) by \$3,000 and decrease SR 8160-409 4 (Sanitation-Transfer Station Fees) and increase SR 8160-219 (Sanitation-Misc Equipment) by \$2,210.00

On roll call the vote was as follows:

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

TBM 10/26/99
Page 23

RESOLUTION NO. (852-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Mr. Richard F. Downey of Global Golf, 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. Absent
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (853-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Union State Bank, and \$250.00 from United Water, 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 \$350.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (854-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, various accounts need additional funding

THEREFORE be it,

RESOLVED, to decrease Budgetary Account No. A 3270-414 (Auxiliary Police-Schools/Conferences) and increase Budgetary Account NO. A 3270-307 (Auxiliary Police-Uniforms) by \$750.00

On roll call the vote was as follows:

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

RESOLUTION NO. (855-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from The Bank of New York and \$75.00 from Help-U-Sell of Rockland Realtors, Inc., and be it

RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$175.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (856-1999)

Co. Profenna 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 "School Bus Stop Ahead" sign 300 ft. North and South of #89 South Mountain Road, 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (857-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated October 12, 1999, the Superintendent of Highways is hereby authorized to install the following series of signs:

At the intersection of West Nyack Road and College Avenue: Chevron signs (NYS #W1-13 and 1-14) on the north side of the curve at this intersection, and be it

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

RESOLUTION NO. (857-1999) continued

Lampert, PE, Traffic and Highway Engineering Consultant for their information, and to the Chief of Police for enforcement purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (858-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, two residents have reported problems with neighbors neglecting to pick up after their dogs on Renfrew Road and Brewery Road, 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 the following signs:

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

On Renfrew Road near the rear entrance to Laurel Plains
School and on Brewery Road at Seymour Drive

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation and to the Chief of Police and to the Animal Control Officer for their information and for enforcement purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (859-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that Resolution No. 791-1999 is hereby amended to read:

RESOLVED, that based upon the concerns and recommendations of neighborhood residents, the Superintendent of Highways is hereby authorized to install “Stop” signs at the following locations:

On the northbound side of Woodglen Drive at Moreland Drive

RESOLUTION NO. (859-1999) continued

On the southbound side of Woodglen Drive at Moreland Drive
On Moreland Drive at Woodglen Drive
On the northbound side of Woodglen Drive at Findlay Court
On the southbound side of Woodglen Drive at Findlay Court
On Findlay Court at Woodglen Drive, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (860-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated October 20, 1999, the Superintendent of Highways is hereby authorized to install:

"Deaf Child Area" signs (NYS #W7-6C) on westbound Joan Drive, New City, east of house #6 driveway and on northbound Joan Drive, south of house #17 driveway, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (861-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished Nominating Certification of Eligibles #96100 Police Officer, which contains the name of Thomas J. Flanagan,

NOW, THEREFORE, be it

RESOLUTION NO. (861-1999) continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Thomas J. Flannagan, 722 Route 9W, Valley Cottage, New York, to the (temporary) position of Police Officer, Police Department, effective and retroactive to October 25, 1999 (pending clearance of medical, psychological examinations and physical fitness tests) at the current 1999 salary of \$39,985.00

On roll call the vote was as follows:

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

RESOLUTION NO. (862-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished Nominating Certification of Eligibles #96100 Police Officer, which contains the name of Matthew H. Bender,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Matthew H. Bender, 40 Oak Road, New City, New York, to the (temporary) position of Police Officer, Police Department, effective and retroactive to October 25, 1999 (pending clearance of medical, psychological examinations and physical fitness tests) at the current 1999 salary of \$39,985.00

On roll call the vote was as follows:

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

RESOLUTION NO. (863-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished Nominating Certification of Eligibles #96100 Police Officer, which contains the name of Peter Walker,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Peter Walker, 17 Eastlyn Drive, Bardonia, New York, to the (temporary) position of Police Officer, Police Department, effective and retroactive to October 25, 1999 (pending clearance of medical, psychological examinations and physical fitness tests) at the current 1999 salary of \$39,985.00

RESOLUTION NO. (863-1999) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (864-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished Nominating Certification of Eligibles #96100 Police Officer, which contains the name of Michael Tasaro,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Michael Tasaro, 5 Nelson Place, Nanuet, New York, to the (temporary) position of Police Officer, Police Department, effective and retroactive to October 25, 1999 (pending clearance of medical, psychological examinations and physical fitness tests) at the current 1999 salary of \$39,985.00

On roll call the vote was as follows:

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

RESOLUTION NO. (865-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on August 23, 1999 that the position of Computer Operations & Account-keeping Supervisor #500097 can be reclassified to the position of Account-keeping Supervisor

NOW, THEREFORE, be it

RESOLVED, that the position of Computer Operations and Account-keeping Supervisor #500097, Comptroller's Office is hereby reclassified to the position of Account-keeping Supervisor, effective and retroactive to September 13, 1999 and be it

FURTHER RESOLVED, that the grade for the position of Account-keeping Supervisor is hereby established at a grade 27.

On roll call the vote was as follows:

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

TBM 10/26/99
Page 29

RESOLUTION NO. (866-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Mary C. Maloney, 7 Tavo Lane, New City, New York is hereby appointed to the position of (Provisional) Account-keeping Supervisor, Comptroller's Office at the current 1999 salary of \$44,560.00, effective and retroactive to September 13, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (867-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Richard C. Davidson, 408 North Liberty Drive, Tompkins Cove,. New York is hereby appointed to the position of (temporary) Transfer Station Monitor, Solid Waste Facility, at the current 1999 salary of \$26,502.00, effective and November 1, 1999 to February 1, 2000..

On roll call the vote was as follows:

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

RESOLUTION NO. (868-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, ANTHONY CAPASSO has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown, Section 290-IIA of the Table of General Use Regulations for an R-15 District, Column 3, Section B, Paragraph 4; Section 290-II B of the General Bulk Regulations (Table 16) for an R-15 District; Section 290-17L, and Section 290-15, for property located on the east side of Pascack Road and the north side of Will Rogers Lane, Nanuet, New York, and designated on the Clarkstown Tax Map as Map 5, Block A, Lot 27;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on November 9, 1998, at 8:00 P.M., or as soon thereafter as possible, to consider the application of ANTHONY CAPASSO, relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of

RESOLUTION NO. (868-1999) continued

general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER 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 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, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before November 8, 1999:

- 1. Clarkstown Department of Environmental Control
- 2. Clarkstown Building Inspector
- 3. Clarkstown Architecture and Landscape Commission
- 4. NYS Department of Environmental Conservation
- 5. Rockland County Soil Conservation
- 6. Rockland County Health Department
- 7. Rockland County Drainage Agency

On roll call the vote was as follows:

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

RESOLUTION NO. (869-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown herein called the "Borrower" (Municipal Applicant), after thorough consideration of the various aspects of the problems and study of available date, has hereby determined that the project generally described as:

SALT STORAGE REMEDIATION AT THE HIGHWAY DEPARTMENT

and identified as Project No. 5355-05 herein called the "Project," is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each state to establish a water pollution control revolving fund to be administered by an instrumentality of the State before the State may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "CWSRF Act"), established in the custody of the New York Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund ("the Fund") to be used for purposes of the Water Quality Act; and

RESOLUTION NO. (869-1999) continued

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following persons are directed and authorized as the official representatives of the Borrower (Municipal Applicant) to execute and deliver an application for CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Borrower (Municipal Applicant) as may be required:

Charles E. Holbrook, Supervisor
and
Edward J. Duer, Comptroller

3. The officials designated above are authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing of the Project.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 50 Wolf Road, Albany, New York 12205-002603.
5. This Resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (870-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the

RESOLUTION NO. (870-1999) continued

Town of Clarkstown entitled, LEONARD SCHWALL v. THE TOWN OF CLARKSTOWN; CHARLES HOLBROOK, JOHN MALONEY, RALPH MANDIA, LOUIS PROFENNA AND ANN MARIE SMITH, CONSTITUTING THE TOWN BOARD OF THE TOWN OF CLARKSTOWN; LOUIS PROFENNA, INDIVIDUALLY; MURRAY N. JACOBSON; R. TODD CAMPBELL a/k/a ROBERT TODD CAMPBELL; and KARL KIRCHNER;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (871-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town wishes to expand their concrete recycling and wood chip processing operation by filling the existing wetlands, and as required by the Army Corps of Engineers, construct new wetlands for mitigation purposes, and;

WHEREAS, the NYS Office of Parks, Recreation and Historic Preservation determined there are archeological sites adjacent to the project area for the new wetlands and a Phase 1 archeological investigation is warranted, and:

WHEREAS, the Department of Environmental Control solicited proposals for a Phase 1A and Phase 1B Archeological investigation, and;

WHEREAS, the Department of Environmental Control has reviewed said proposals,

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Town Board retain the services of:

Joseph E. Diamond
290 OLD Route 209
Hurly, NY 12443
Phone: (914) 358-0091

for a Phase 1A and Phase 1B Archeological investigation with reports and; be it

FURTHER RESOLVED that the cost of the said work shall not exceed \$1,800.00 and shall be a proper charge to account # SR 8160 409

On roll call the vote was as follows:

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

RESOLUTION NO. (872-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Nanuet Civic Association, the American Legion Naurausaun Post 794, and the Veterans of Foreign Wars Nanuet Post have requested re-paving of a portion of road shoulder (approximately 24' x 99') on Prospect Street in front of the newly installed curb in the vicinity of the Nanuet Railroad Station,

NOW THEREFORE BE IT

RESOLVED, that Wayne T. Ballard, PE, CSP, Superintendent of Highways is hereby authorized to make a Change Order to Bid #52-1999 entitled "1999 Roadway Resurfacing Program" which was awarded on July 13, 1999 by Resolution No. 591-1999, such change order to include said 24' x 99' portion of road shoulder to be re-paved, at a cost not to exceed \$3,000.00, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (873-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown has complied with New York State's Environmental Quality Review Act (SEQR) for the proposed Congers Lake Earthdam Reconstruction Project and,

WHEREAS, A Short Environmental Assessment Form has been prepared in compliance with 6NYCRR - Part 617 (SEQR), under authority of the New York State Environmental Conservation Law, to evaluate potential impacts and mitigation measures (if any) resulting from the proposed project, and;

WHEREAS, SEQR was circulated on June 30, 1999 to potential involved and interested agencies and no interested or involved agencies objected to the Town Board being the Lead Agency. Under the provisions of 6 NYCRR PART 617 whereby the Town Board is therefore Lead Agency,

WHEREAS, it has been determined that the proposed project is an UNLISTED action, and;

WHEREAS, the impacts and mitigating measures are documented in the Environmental Assessment for the Congers Lake Earthdam Reconstruction Project, and;

WHEREAS, the potential beneficial impacts far outweigh any short term environmental impacts, to wit: mitigate potential flooding problems in a residential area and to improve the hydraulic efficiency of the Congers Lake Earthdam and its reaches;

NOW, THEREFORE, be it

RESOLUTION NO. (873-1999) continued

RESOLVED, that the Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

On roll call the vote was as follows:

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

RESOLUTION NO. (874-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #58B-1999 - WORK CLOTHING (PARTIAL RE-BID)

is hereby awarded as follows:

Item #1 - No award

Item #2 - Hooded Pullover Sweatshirt awarded to:
ASSOCIATED SUPPLY CO.
329 W. 18TH STREET
CHICAGO, IL 60616
PRINCIPALS: RON FRANK
DOLORES FRANK
JOHNNIE CARY

for Wearguard 174 @ \$33.00 (S-XL) and \$35.39 (2X-3X)

Item #3 - Zip Front Sweatshirt awarded to:
MAG & SON CLOTHING
16 LAKE SHORE DRIVE, SUITE A1
FARMINGTON, CT 06032
PRINCIPALS: NATHAN MAG

for Camber 531 @ \$25.30 each

Item #4 - Interlock knit shirt awarded to:
ASSOCIATED SUPPLY CO.

RESOLUTION NO. (874-1999) continued

329 W. 18TH STREET
CHICAGO, IL 60616
PRINCIPALS: RON FRANK
DOLORES FRANK
JOHNNIE CARY

for Wearguard #1278 @ \$27.12 (S-XL), \$29.50 (2X-3X)

RESOLUTION NO. (874-1999) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (875-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #4-2000 PRINTING OF TOWN ENVELOPES AND STATIONERY

is hereby awarded to:

LONG ISLAND ENVELOPE
526 ROUTE 46 WEST
TETERBORO, NJ 07608
PRINCIPALS: CALVIN K. GOOD
RWIN FISHMAN
ERWIN ROTH
DAVID MARTINEZ
GLENN SCHLANGER
BILL VOLZ

NEWBURGH ENVELOPE CORP.
1720 ROUTE 300
NEWBURGH, NY 12550
PRINCIPALS: CARL STILLWAGGON
STUART STILLWAGGON

IK BUSINESS FORMS
949 SPRING VALLEY ROAD
MAYWOOD, NJ 07607
PRINCIPALS: PHILIP IAMPINETRO, JR.

SUNRISE PRESS
91 EAST ROUT 59
SPRING VALLEY, NY 10977
PRINCIPALS: RALPH CERBONE

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

On roll call the vote was as follows:

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

RESOLUTION NO. (876-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, an application has been made by JEAN LOWINGER and HARRIET VON THADEN that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way as described in the metes and bounds description attached as Schedule "A," for the unimproved portion of MORTON AVENUE, Congers, New York, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

RESOLUTION NO. (876-1999) continued

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicants have further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion as described above;

NOW, THEREFORE, be it

RESOLVED, that the Petition and a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (877-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes release of the access key to Scott Langan of ARCO Management, in order to serve as a Coordinator with respect to the Middlewood Senior Citizens Complex, Nanuet, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (878-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Financial Statement Change with regard to the Middlewood Senior Citizens Complex, Nanuet, New York.

RESOLUTION NO. (878-1999) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (879-1999)

Co. Maloney offered and Co. Profenna seconded

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

WHEREAS, the Comprehensive Plan calls for the preservation of open space and sensitive environmental areas, and

WHEREAS, a major recommendation of the Comprehensive Plan is to protect lands near Lake DeForest, and

WHEREAS, United Properties Group has applied for site plan approval from the Clarkstown Planning Board for construction of a building on a parcel made up of three tax lots which are part of a larger subdivision originally known as Long Clove Road Associates and now known as Lake DeForest Business Center, New City, 115-A-4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, and 4.09, with a total of 25.75 acres and

WHEREAS, the property is adjacent to Doctor Davies Farm on the north, across Route 304 from the farmstand, and adjacent to a residential community on the south, and

WHEREAS, The Long Path passes the subject property and would be adversely affected by development on this property, and

WHEREAS, development of the overall property may be visible from the Lake Deforest causeway (Congers Road) and

WHEREAS, the property meets several of the Open Space standards of the Rockland County Open Space initiative,

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that acquisition of the entire 25.75 acre property be included in the Rockland County Open Space Plan, and be it further

RESOLVED, that acquisition be accelerated since a portion of the property is now before the Clarkstown Planning Board for site plan approval, and be it further

RESOLVED, that the Clarkstown Planning Board is requested to defer any action on the site plan application until the County of Rockland has had an opportunity to acquire the property for open space, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to the Rockland County Legislators representing the Town of Clarkstown, so that they may take all reasonable steps to assist in this objective.

RESOLUTION NO. (879-1999) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (880-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the subject project; and

WHEREAS, as a result of the flooding caused by Tropical Storm Floyd on September 16, 1999, a public information meeting pertaining to the subject project was held on September 27, 1999; and

WHEREAS, as a result of that meeting, the Supervisor of the Town of Clarkstown directed the Department of Environmental Control to obtain a proposal for the additional topographic survey work required to incorporate the Bush Court area into the subject project; and

WHEREAS the Department of Environmental Control has obtained and reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, Be It

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the extension of the limits of the Cranford Drive Flood Amelioration Project west to the culvert on lands now or formerly of Rapkin, said extension bordered by Cragmere Oval on the north and by Ridgefield Road on the south; and be it

FURTHER RESOLVED, that the Town Board authorizes the Director of the Department of Environmental Control to retain the services of Joseph Haller, Land Survey Consultant to perform the necessary topographic survey and mapping of the extended limits in accordance with their proposal for an amount not to exceed **\$8,800.00**; and be it

FURTHER RESOLVED, that this shall be a proper charge to account # H 1994 409 0 14-22.

On roll call the vote was as follows:

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

RESOLUTION NO. (881-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the roadway and sidewalk at the southeast corner of Whitman Street and Lake Road in Congers sustained damage due to Tropical Storm Floyd on September 16, 1999,

RESOLUTION NO. (881-1999) continued

NOW, THEREFORE, be it

RESOLVED, that Wayne T. Ballard, PE, CSP, Superintendent of Highways for the Town of Clarkstown is hereby authorized to have the following work performed at this location: Removal of concrete sidewalk, removal of existing damaged blacktop and installation of required fill material and asphalt concrete.

On roll call the vote was as follows:

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

RESOLUTION NO. (882-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a severe littering problem has plagued the three residents on Doscher Avenue, West Nyack whose properties back onto Route 59, and

WHEREAS, the NYSDOT can only provide litter removal from this area twice a year, and

WHEREAS, it is the desire of the Superintendent of Highways and the Town Board to protect these residents whose properties back onto Route 59 from being inundated with litter in between litter removal by the NYSDOT,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to hire Crestwood Fence Co., Inc. of 261 West Nyack Road, West Nyack, NY 10994 to install 300 feet of 6 foot high chain-link fence with green slats along Route 59 adjacent to the three properties on Doscher Avenue that are affected by this litter problem, at a cost of \$5,700.00 as per their proposal dated October 25, 1999.

On roll call the vote was as follows:

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

Respectfully submitted, There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the Town Board Meeting was declared closed, time: 11:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/26/99

8:05 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Profenna & Smith
Councilman Mandia, absent
John Costa, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Amendments to implement the Comprehensive Plan:
Zoning Text Changes
Local Law: Prohibiting clear-cutting of trees
Local Law: Requiring Planning Board approval for a two-lot subdivision
Zoning Map Changes

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

Rudy Yacyshyn, Planning Board Chairman, introduced Bob Geneslaw, Planning Consultant, to provide any technical information that may be necessary to explain the proposed amendments to the Comprehensive Plan.

Appearance: Bob Geneslaw
Planning Board Consultant

Tonight's meeting is the first in what I expect to be a series of meetings to consider the implementing steps of the Comprehensive Plan. There were a number of recommendations that were made that relate to zoning changes, those are the ones that are before you tonight. There were other changes that were recommended that have to do with non-zoning issues and those will be coming to the Town Board over the next few months. The Planning Board and the Ad Hoc Committee have both committed to working on all the other aspects of the Comprehensive Plan until all of the implementation measures are before the Town Board. The four elements before you this evening, the first is a series of zoning text changes, I stress that all of these were an outgrowth of the Comprehensive Plan itself, the extensive public review and the environmental review process that is carried out. There is an amendment to the legislative intent that simply refers to the Comprehensive Plan update as it was adopted by the Town Board, Planning Board and the Ad Hoc Committee. There are several new definitions that were added in order to cover phrases that were used including rock outcrop, and steep slopes. The first of the substantive changes requires that the MRS district, major regional shopping, of which we have two, have an increased minimum lot area of 75 acres, as opposed to the 30 acres that we have at the present time. I am working from Schedule B, and I will continue that in order. On Page 1, Item 4, it shows what the present language is with reference to 30 acres and the change. What we tried to do here is to protect the 2 properties now zoned for major regional shopping so that they do not become non-conforming. This amendment to the code would apply only to properties not now subject to the MRS zoning requirements. On Page 2, the recommendation is to modify Section 290-21 which is entitled "Exceptions", this part of the code has limitations on establishing lot area based on whether a property is subject to flooding at steep slopes or land within a designated street line. When the Comprehensive Plan was referred to the County Planning Board under Section 239 of the General Municipal Law, they recommended a number of more significant amendments and the Town Board agreed with those in principal. What we have before you tonight is the expression of those in ordinance language so it is more extensive although it fills the same general intent that there was before. With the amendment as proposed, not more than 50% of any land within easements or rights of way for overhead utilities or for

ingress or egress or within a designated street line would be counted as part of the minimum lot area requirement. Most of these are already in the code, the overhead utilities would be an addition. The section under "Land Under Water" which is in the code now has been amplified, so that it specifically references fresh water wetlands as areas under water, whether they are under the jurisdiction of the Army Corp of Engineers or NYS DEC, specifically references streams under the jurisdiction of the County Drainage Agency and areas within the 100 year flood plain. The third portion is steep slopes and that is substantially the same as it is except that there's an addition that buildings and structures would not be allowed on the steep slopes as well as not counting them for purposes of the minimum lot area. It also adds that slopes in excess of 50% would not be counted as part of the minimum lot area. These sound like technical amendments to the code but they really have to do with trying to provide greater protection for properties that have environmental constraints on them. There are provisions in the Clarkstown code along these same lines for at least 30 years. This is an effort to expand on that and keep the same principles. Next, is to limit the way rock outcrops can be counted again towards the area of the lot and finally with respect to view preservation which is something that the County referred to. The Planning Board would have the authority to require sight or building modifications to protect view sheds to and from locations of visual importance. It provides some language that give the Planning Board some authority without having very specific requirements. Our experience has been that very specific requirements are difficult to enforce because every property is different, vistas are different, the topography is different. I think it is better to have a situation where there is some flexibility on the part of the reviewing agency. The next item has to do with 2 family conversions. At the present time, all of the single family residential districts allow conversion to 2 family homes by obtaining a special permit from the Board of Appeals. Typically, it requires that the lot size be 50% larger than if it were a single family home. There have been some conversions under this provision of the code and for many years, the case law in New York State was that it was not possible to get a variance where a Special permit was involved so an applicant who wanted a special permit for conversion could not get one if they needed variances. State law has been changed and it is now possible to get a variance with a Special permit which means that the Board of Appeals is beginning to see applications for 2 family conversions where the lots don't meet the minimum lot area for 2 family conversion or they don't meet some of the yard requirements. The Board of Appeals has recommended that that ability to make a 2 family conversion by Special permit be struck from the ordinance completely. That was one of the very few places where the Planning Board and Ad Hoc Committee did not agree with a recommendation that came in from groups that had reviewed the proposals and this is something that is before you as part of the amendment and it was before you as part of the adoption of the Comprehensive Plan and was included in the Town Board's adoption of the Comprehensive Plan. Next section has more on the limitations on the MRS district, major regional shopping. In addition to the 75 acres, in the future they would have to have primary access to a State highway, the zoning district could not cross public roads or railroad tracks as it can with the 2 that are in place now, and must be within a quarter mile of a Thruway entrance and must receive a specific zone change from the Town Board. The way the code has been written since the construction of the Nanuet Mall, the language implied that if a property owner could assemble 30 acres and meet the other requirements, and were in the RS district, they would automatically be in the MRS district. This amendment to the code says they would have to come to the Town Board and get a specific zone change, there is no question that the Town Board would have the authority in the future. The next section that is before you is an amendment to the floor area ratio requirement. The floor area ratio is the relationship of the total of all the floors of the building to the size of the lot and up until 1991 the requirements were those that are in the right hand column. In 1991, the code was amended to allow in effect larger homes even though the lot size did not change and a number of the comments that came from Planning Board members and Ad Hoc Committee members and the public was that in some cases homes are getting to be too large for the size of the lots they are on and this really only applies to homes built since 1991, it doesn't apply to homes throughout the Town. The recommendation here is to go back to what it was before September of 1991, also a provision was added that homes built between 1991 and the adoption date of the amendment would be considered to be conforming because it is not fair to make them non-conforming even though they followed the provisions of the code that were in effect during that 8 year period. There is

also a provision to add an overlay district to the PED. The PED district is an economic development district and it has a substantial amount of flexibility. What we have found is that in the LO and LIO district which have very large minimum lot sizes and specific setback requirements, that it is difficult for developers these days to find users for those properties. So the proposals to amend the code would allow the flexibility of the PED district to be applied to properties that are zoned LO or LIO at the option of the property owner and with the concurrence of the Planning Board. So what this really does for a property owner with property zoned LO or LIO is to leave everything they have today in the way of rights to build and give them the flexibility of many of the provisions of the PED districts. When the Planning Board and the Ad Hoc Committee held their public meetings there were a number of comments from the real estate community, from REDC, from O & R and other organizations involved in economic development activities to (a) not rezone lands out of economic development zones, industrial zones and also to try to provide more flexibility because there are now a great many space users of 5,000; 10,000; 15,000; 20,000 square feet. Many of these local businesses that have become successful that need to expand. In the real estate market at the present time there is not a lot of inventory available to them so this is an effort to try to meet that need. It also makes a change in that in the PED district the maximum building height is 48 feet and at the perimeter of the property the buildings have to be set back 100 feet. This would introduce a provision in the PED overlay zone to allow the buildings to be only 50 feet from the road or from a residential zoning district but not more than 24 feet in height because the smaller users tend not to want multi-story buildings and by allowing lower buildings it will bring the new development closer to being consistent with what is around them. That covers the amendments to the text of the zoning code. Now I will move on the an amendment to Chapter 5 of the code which is a provision that covers the Architecture and Landscape Commission. There were a lot of comments at these input meetings about the amount of clear cutting going on on both commercial and residential properties. The proposed amendment to the Chapter entitled "Architecture and Landscape Commission" would require that clear cutting on properties of an acre or more that was not part of an approved subdivision or approved site plan would need review and approval by the Architecture and Landscape Commission and the Department of Environmental Control. This is intended in part to make sure that if anyone does any large scale clear cutting there can be some provisions for erosion control, drainage and any other elements that need attention before any of the work gets started. Further that in residential districts, clear cutting of trees would be limited, for example, not more than over a quarter of an acre in the R10, R15, R22 and R40 districts and over a half acre in the R80 and R160 districts unless approved by the Architecture and Landscape Commission and the Department of Environmental Control because one of the problems that has been happening in Clarkstown and other communities is that people are cutting substantial numbers of trees on residential lots and where they are uphill of their neighbors, drainage problems and erosion control problems have occurred. This would give the Town an opportunity to try to introduce some precautions and protections where there is to be large scale cutting. The next element is an amendment to the subdivision regulations and in the notice this is referred to as "Section 60.24 of the Subdivision Regulations". It does not recognize the recodification, it should read Section 254-7 of the Subdivision Regulations. What this would do is require that division of any land into 2 more lots would have to go to the Planning Board for approval. At the present time if a parcel of property is cut into 2 lots and doesn't need a new street and both lots would be conforming, the application goes directly to the building department so that there is no opportunity for the public to participate in the process of finding out what's going on next door to them. This would bring the jurisdiction to the Planning Board, the Planning Board would hold a public hearing and the neighbors would have an opportunity to be heard. The fourth category of changes that are before the Town Board are a series of changes to the Zoning Map and the Schedule A that you have lists the tax map block and lot number, present zoning, the proposed zoning and the approximate size of all of the properties. I won't go through the list, I don't think it would be helpful but what I will do is refer to the zoning map that is to the right of the Town Board members and indicate that the area in green is all owned by the Palisades Interstate Park Commission. That would all be rezoned to R160 so that it would be consistent with other steep areas in this part of Valley Cottage and in this part of New City along the Town's northerly edge. The intention here is to further protect the park lands and the areas nearby. Many of the Palisades Park holdings are already zoned R160, this would complete that effort.

Similarly, the water shed properties owned by United Water, Lake Deforest, the uplands adjacent to it and the streams adjacent to it would also be changed to R160. Most are now R80, a few are R40 and there may be one or two that are smaller. R80 would be a 2 acre lot required for a single family home, R160 means a minimum of a 4 acre lot. In that case, the lot size is doubled, density is cut in half. Most of these properties would not be sold by the water company in any case but there have been a few instances where the water company has sold properties off for development and this is an effort to make sure that where property adjacent to the water shed or part of the water shed is sold off for development it is sold off at the lowest density. There are several other properties that I want to mention specifically that are subject of the zone change tonight that are privately owned. First is a series of properties in Rockland Lake on the east side of Route 9W, often known as the Barmore Hill area. They are surrounded on three sides by lands owned by the Palisades Interstate Park commission. It is now zoned MF3, which is multifamily and the proposal is to change it from MF3 to MF1. It is a reduction in density but leaving the same multifamily use in place. There are a number of property owners there. One has assembled a fair number of properties and several of the tax lots are owned in common by others. The next area I want to mention is the Greenberg property which is the westerly side of the County office area where much of that has been dedicated for park. The next is the Candy Mountain Day Camp which is on the edge of an area that is zoned R160 and would be changed to the same zoning. And finally, the small area along the south side of Pipetown Hill Rd. in the Spring Valley section. There are 2 properties, one owned by NYS DOT which was acquired 30 -35 years ago for a Rte 59 bypass that was never built and an adjoining parcel owned by a private property owner adjacent to the condos that are on the south side of Pipetown Hill Rd. I believe that covers all of the zoning map changes. Thank you .

Supervisor Holbrook opened the meeting for any comments.

Appearance: Jessica Houser, Esq.
South Little Tor Civic Association

Civic association in favor of changes. Feels there is a problem that is looming toward this Board with the ending of the moratorium on December 1. Notes that the Comprehensive Plan advocates that the status of the majority of the residential districts remains the same. In other words, no downzoning. However, the mission statement encourages new facilities for the elderly in such residential zones. Any proposed facility will need a zone change if it cannot get a special permit, that would be contrary to the theme of the Comprehensive Plan. Also there are no clear cut definitions in the zoning code addressing these facilities. Most are not nursing homes, all are not special care homes under NYS law as it stands now. It seems to me that you will likely face many petitions for zoning changes for such institutions after December 1. What will be its response at that time?

Supervisor stated that they might have to consider an extension of that moratorium because definitions are not ready and we have to be very careful.

Appearance: Laurie Peak
Rockland Civic Association

Support the amendments to the Comprehensive Plan. Without the amendments there are dangerous loopholes in the plan that will be exploited by developers and their lawyers to subvert the intention of the plan which is to control the development in our Town. We want to maintain quality of life but with all the development going on it is deteriorating. Traffic is increasing, air quality is suffering, trees are being cut down, schools are becoming crowded and taxes are going up to support required infrastructure. We have lost balance in Clarkstown. Urged the Board to adopt the proposed amendments.

Appearance: Catherine Nowicki
County Legislator

Commended the Board for the work done on this plan. Your voting on this assures us that you have taken note of the present crisis. Please vote yes tonight.

Appearance: Shirley Lasker
West Nyack

Thanked the Planning Board and the Ad Hoc Committee for all their work on the Comprehensive Plan. By voting yes the Board will start saying no to overdevelopment in the Town of Clarkstown. In the past the Board has voted to down zone areas despite residents being opposed. She spoke about Mountain Shadows, as well as the effects of over development in Clarkstown. Urged the Board to vote yes tonight.

Appearance: Douglas Holland
Bardonia

Supports the amendments and the Comprehensive Plan. Asked that the Board vote on it tonight.

Appearance: Arlene Whittaker
Bardonia Civic Association

Feels current changes proposed are admirable but the power of your Board can supersede these. Don't go back to catering to special interest groups. Referred to the Bardonia fire substation. Asked that in the future, the Board pay closer attention to what the citizens ask of you.

Appearance: Nicole Doliner
New City

Urged the Board to approve these amendments. They will put Clarkstown in the proper direction concerning future development. Wants her children to live in a community that puts people first.

Appearance: Gerry O'Rourke
President, Congers Civic Association

Worked as a member of Ad Hoc Committee. We need to take control of the process that has permitted random unlimited rezoning and down zoning. In the past, you have rejected the recommendations of the Planning Board. This leaves the Planning Board with trying to fit what doesn't fit. Results of this is evident everywhere. Spoke of overcrowding and traffic problems, crowded schools, increased taxes. Board cannot deny their responsibility for these situations. This needs to be legalized before the moratorium is over and the floodgates open. Please vote for this tonight and do not shrink from your responsibility.

Appearance: Martin Berstein
New City

Member of Ad Hoc Committee. Majority of people at public hearing said the most important thing is the preservation of our open spaces. Spoke about high density housing, including assisted living. Asked if we would work more on this plan in the future. Would like to see open space acquired by the Town and turned into local parks. Feels this would be more economical for the Town. Said many of the Board members have voted for down zoning in the past.

Appearance: Ken Zebrowski
New City

Plan is an important, far sighted step and he urged the Board to support these amendments so that we establish a blueprint which is a firm map for the future for our building and avoids over development. Has submitted legislation regarding the Lake Deforest Business Center as a part of the County's Open Space Initiative. Will insure

that any property that comes up for public auction is first reviewed by the Board so that we insure that these parcels are preserved for open space if possible.

Appearance: Bill Amatuzzo
200 Long Clove Rd

Support the Comprehensive Plan and urged Board to accept it. Asked Mr. Geneslaw if the lot #115-A is actually 115A-4.01. That property has an active stream on it and he just wanted to make sure that was part of the changes to the zoning ordinance. Also spoke about #22 on the agenda regarding Lake Deforest Business Center and other lots in that area that are all owned by United Properties, would like them also to be considered for the open space initiative.

Appearance: Henry Kelston
Valley Cottage

In favor of adopting. Spoke about the provision increasing the MRS zone to 75 acres. Concerned about parcel of land adjacent to the Palisades Mall.

Mr. Geneslaw explained that the intention in this amendment is to require that any collection of parcels be much larger to qualify, going from 30 to 75 acres. Unlike the present provision of the code, it could not cross public roads or rail road tracks. It would be much more difficult in the future to do that. It would be extremely difficult to establish a new MRS zone with the requirements that would be in place if the Board acts tonight.

Mr. Holbrook clarified that no property could automatically qualify for it without getting a zone change.

Mr. Kelston expressed concern about the Tilcon property.

Mr. Geneslaw explained that in addition to the 75 acres required, it must have primary access to a State highway, must not cross public roads or railroad tracks, so it could not be an extension of the Palisades Center across the public roads to the quarry side, must be within 1/4 mile of the entrance and would have to receive a zone change from the Town Board and as a legislative act, the Board has the ability to say no.

Supervisor Holbrook said that the Tilcon properties are significant in the Town of Clarkstown. One of the goals of the Comprehensive Plan is to protect the views and property for the future. Protecting rock outcroppings is a significant part of what we are trying to do here tonight.

Appearance: George A. Nugent
President, Valley Cottage Civic Association

Everyone knows what has to be done. Let's get on with the job.

Appearance: Ed Graybow
New City

Submitted an article from the October 21 issue of the New York Times about United Water Co. attempting to ruin New Jersey. Comprehensive Plan should help stop this. Spoke about concerns regarding lots along Long Clove Road that must be protected.

Appearance: Rubin Sterngas
Valley Cottage

Owns property on the east side of Route 9w in Rockland Lake. If you look at that map you will see that Palisades Park has created an island completely surrounding the properties that I am involved with. We do not own all of that, we own possibly 50% of it.

It has been developed prior to zoning. Although I am in favor of the concept of the Comprehensive Plan, it is good for the Town, however, you have to take into consideration the protection of properties that have preexisted zoning and are presently zoned by this same Town Board in '95. That is the crux of it. I'd like to know specifically what is before the Board as far as it relates to the Barmore Hill site, whether it is the intent of the Board to rescind its resolutions that were passed in 95 or 96, the date of 2 resolutions 42A & 42 B, passed on 3/28/95. The intent at the time was to preserve the preexisting density. Now he is questioning whether it is going to be rezoned MF3 to MF1.

Supervisor Holbrook responded that he believed it is

Mr. Sterngas asked that this change to MF1 be withdrawn.

Appearance: Sherman Janty
34 Sherman Drive
New City

Thanked all those who have worked on the Comprehensive Plan. Asked that the Board vote yes tonight. Asked when changes took effect, asked about pending zone changes and asked about areas occupied by some of the farms in Clarkstown. Asked about "land under water" property, whether or not it comes under this plan. Asked for an explanation about Table 16.

John Costa stated that the zoning ordinances had to be published in the newspaper before they would take effect. Local Laws have to be filed in the Secretary of State's office first.

Mr. Geneslaw responded about the "land under water" provision. It applies to the calculation about the size of the lot when someone proposes to develop it. So if it were a totally vacant property with a pond on it, the portion with the pond would only get credit for half the land area of the pond. The map changes would not affect any of the farms that the last speaker asked about. The include primarily property owned by United Water and it's subsidiaries and the Palisades Interstate Park Commission privately owned properties. The balance of the Town, the uncolored portion of the map is not proposed for any changes this evening. With regard to Table 16, what it essentially is saying is that if this is adopted, the potential to convert from a single to a two family with a special permit from the Board of Appeals would be removed from the code. It would not be possible to make that request to the Board of Appeals for a special permit for a conversion.

Co. Smith asked about 4 parcels left out of the changes.

Mr. Geneslaw stated that there was no intention to delete any private parcels in the Rockland Lake area. I will check the tax maps in the morning.

Appearance: John Lodico
New City

Thinks Mr. Sterngas has a legitimate gripe in that his zone change was approved by the Town Board at that time. Spoke about the PED program that was destroyed by the Planning Board by allowing individual housing to be built up in what was then a PED zone.

Appearance: Zippy Fleischer
New City

Represents the Rockland County Conservation Association. Complained about a berm on Buena Vista Rd that was put up recently. How are you going to administer this new plan so that it works. Feels the Town must buy up some land. Complained about the trees being cut down on Main Street. Spoke about the lack of water in the area. Spoke about the Sunrise Assisted Living building, feels it is outrageous. Feels we have to consider our way of life in this plan.

Appearance: Bob McLaine
New City, NY

Hopes the Board will vote to implement the Comprehensive Plan. Concerned about Davies Lake property. Fears another Sunrise maybe in the offing there. Would like the Town to buy that land and make a park there.

Appearance: Oscar Terry
Carolina Dr.
New City

Asked that the Town purchase Davies Lake property. Handed in a petition asking for parks in south New City.

Appearance: Margaret Fitton
West Nyack

Lives in West Nyack area where they have been graced with the Palisades Mall and we haven't had a park, just over development and lots of traffic. Is concerned about traffic patterns, especially on Church Street. Spoke about the traffic back up on Route 59 from cars trying to get into the mall. Asked how many acres Hyenga Lake has? Asked about the road going into Home Depot near Hutton Avenue.

Mr. Geneslaw responded that Hutton Avenue and Kemmer Lane will be the primary access for the shopping center. People would be able to drive into shopping center on one road and leave using the other if they want. They will both be two lane roads.

Mrs. Fitton is concerned about the number of traffic lights that are already on Rte. 59 and this will add more.

Appearance: Karen Amatuzzo
200 Long Clove Rd.
Congers

Clarified that the part of Doc Davies farm on Route 304 north is not zoned residential, it is zoned M, which permits anything from a car dealership to a scientific lab to be built. We should redefine the M zone. Spoke about Lots 115A-4.01 through 4.09 and that they should not be developed.

Appearance: Sy Crevin
New City

Urged the Town Board to vote yes for the Comprehensive Plan.

Appearance: Eleanor Ferretti
Nanuet

Comprehensive Plan is great but 35 years too late. Gave the past history of the Nanuet Mall and its impact on Nanuet. She explained the water problem that was destroying her trees and talked about the steel plates under the bridge that is causing flooding.

Appearance: David Mandell
New City

Quality of life over the last 20 years has declined. With the exception of Mr. Holbrook, he feels the members of the Town and Planning Boards over the years are responsible for this decline. Need new people with new ideas.

Appearance: Selena Delacroce

If you kill the trees, you can't breath.

Appearance: Valerie Sonenthal
Valley Cottage

Urged the Board to vote for this tonight. Questioned whether R160 is the best way to protect watershed area. Clarified that the hotel provision was taken out. Suggested that 1% of land be given for art.

Appearance: Mike Olivea
Bardonia

Spoke in opposition to the rezoning of the Sterngas property.

Appearance: John Booth
Builder, New City

Owens 7 acres of land on Pipetown Hill Road that is zoned MF3. Objects to proposal to change it to MF2, feels it is spot zoning. This would cause a big loss for him. Asked that they keep the MF3 for his property but maintain the easement clause which would still be an economic loss for him.

Appearance: Mitchell Kaufman
New City

In favor of Comprehensive Plan feels it is a good first step. Feels we need to stop new development.

Appearance: John Hilpala
Nanuet

Complimented Board on the Comprehensive Plan. Objects to expanding the LIO eligibility as to what people can do on that land.

Mr. Geneslaw explained that this provision was intended to apply to larger properties to allow them to have smaller buildings and have more flexibility of placement of buildings.

Appearance: Heather Cornell
Valley Cottage

In favor of Comprehensive Plan. Fought for first park in Valley Cottage, 80% of land in Clarkstown is already developed, there is very little left for green space.

Town Clerk submitted the following letter from Betty Hedges to be placed into the record:

Dear Mr. Holbrook:

At a regular meeting of the Board of Directors of the Rockland County Conservation Association held October 19, 1999, at the Clarkstown Town Hall, the following motion was unanimously approved:

"The Rockland County Conservation Association supports amendments to the Clarkstown Town Code that will turn the Comprehensive Plan into law and thereby preserve open space, reduce high density development and revitalize hamlet centers. Further, the Association urges the Town to give meaning to this Comprehensive Plan by enforcing its zoning regulations."

Motion: Zipporah Fleisher
Joan Harding King

Best wishes from RCCA.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was closed, RESOLUTION NOS. (826-1999, 827-1999,828-1999 & 829-1999) ADOPTED, time: 10:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/26/99

10:40 P. M.

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

Re: Chapter 216 Proceeding, Rockhead Realty, 8 South Greenbush Rd, West Nyack
(105-A-30)

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

George Burton, code enforcement officer, read the following report:

Debris as previously cited on Violation Notice #99-1157 remains on this property as of October 26, 1999. Cars that were being parked by the adjacent neighbor, Rockland Lincoln-Mercury have been removed. Grass and weeds are about 3 feet high in places. Mr. Wayne Clevon of Rockhead Realty Associates informed me by phone today he would correct these problems and call me back tomorrow with a clean-up schedule.

Appearance: Nancy Thomas
Park Lane

Lives near the Lincoln Mercury dealer and feels they should clean up the property. She is concerned about the possibility of expanding the parking lot.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Profenna and unanimously adopted, the public hearing was adjourned until November 9, 1999, time: 10:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/26/99

10:50 P. M.

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

Re: Chapter 216 Proceeding, Kempton, 3 High Tor Road, New City

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

George Burton, Code Enforcement Officer, read the following report:

An inspection of this property today shows some cleanup has taken place with a roll-off container on-site awaiting removal. There is a dispute over the location of lot lines in an area where some debris still remains.

The Building Department is requesting the Department of Environmental Control to inspect this property regarding drainage and runoff problems and the changing of the grade.

Appearance: Arthur Pomerantz
Adjoining property

Wants the Town to clean up the property. Regarding the debris pile, the State DEC was at his home in March of 1999. The officer said the debris pile met the qualifications of a illegal landfill and that she would issue violations and that we should pursue it with the Town DEC as well. We did that in March of 1999. In summary we want the property fully cleaned up and stabilized so that we can plant on our yard, not look at garbage and enjoy the peace and quiet that New City offers and that is our right. No one should have to live with garbage piles. It is an eyesore and it contains things like rusting aerosol and oil cans. We are very concerned. If there are old car batteries and chemical containers, our health could be at risk. Water being channeled into his yard is causing erosion. Asked the Town to finish the cleanup, restore the grade and seed the land to contain the soil. Would like assurance from the Town that there will be no further commercial business use of that property.

Appearance: Adam Kurland, Esq.
On behalf of George Kempton

The Board should be advised that an incorrect party was named on the order of notice; it named Thomas Kempton, Jr., trustee, and in fact by deed dated June 29, 1999, the property was transferred to George Kempton, trustee. None of the debris that was or is located on the property is either George Kempton's or Thomas Kempton's. Mr. Burger is here and I'm sure he will attest to the same that the debris is his and he is taking responsibility for cleaning it up. He has cleaned up 95% of it. Several years ago, Thomas Kempton gave Mr. Berger permission to use a small portion of the property abutting Mr. Berger's property for gardening. Since then what Mr. Berger had done, he had done. We were cited with a violation, he acted accordingly. What remains on the property now is a dumpster that is filled and ready to be taken away. As to the property issue. He showed the board a copy of a survey dated June 1997 showing stone wall boundary. Noted that there is a parallel action in Justice Court.

Appearance: Peter Heath

His property abuts Mr. Kempton's. There is a lot more debris to be removed. The way it is graded right now, it is channeling the water directly onto his property and on to Mr. Pomerantz's property.

Appearance: Everett Berger

Agrees that property was in disarray for years and now all of a sudden it becomes a violation. He had explained to Mr. Burton that he has used this property for 35 years and asked him to deal with him directly if there was a problem. He had a berm made 4' x 100' that would prevent any water from going down to the adjoining properties. That was not satisfactory to the building department so he removed the berm and put the property back to the way it was 30 years ago. Doesn't know what more he can do. Everybody had a lot of water a couple of weeks ago and he doesn't think the Town should be responsible or involved in this. Has done all he can to restore this property to its original state 30 years ago.

Mr. Fogel asked Mr. Berger if Mr. Kurland's statement was correct that the debris which is on the property is on your property.

Mr. Berger responded that the debris is on Mr. Pomerantz's property.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Profenna and unanimously adopted, the public hearing was adjourned until November 9, 1999, time, 11:13 P.M..

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/26/99

11:13 P. M.

Present: Supervisor Holbrook
Council Members Maloney, Profenna & Smith
Co. Mandia, Absent
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. Profenna seconded by Co. Maloney and unanimously adopted, the public hearing was declared open.

George Burton, Code Enforcement Officer, read the following report:

This property was inspected today and found to be in compliance with town code Chapter 216. There was a small stack of lumber at the curbside facing Delta Drive.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Profenna and unanimously adopted, the public hearing was closed. RESOLUTION NO. (830 -1999) ADOPTED, time: 11:14 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk