

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

3/13/2001

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the Flag.

Supervisor presented a Certificate of Award to Michael Seminelli for achieving the rank of Eagle Scout. The Town Board congratulated Michael and his family

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re; Petition of Anthony Capasso, under Town Law 280-a(2), to use undedicated streets known as Terrace Avenue and Quaspeck Road in Congers as access to Lot 52-12-1 to construct a single family house was opened, time: 8:01 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re; Petition of Anthony Capasso, under Town Law 280-a(2), to use undedicated streets known as Terrace Avenue and Quaspeck Road in Congers as access to Lot 52-12-1 to construct a single family house was recessed, time: 10:22 P.M.

Supervisor Holbrook opened the public portion of the meeting

Appearance: John Lodico
New City

He is opposed to the agreement with Footstar Corporation.

RESOLUTION NO. (214-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of February 27, 2001 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith . . . Abstained
Supervisor Holbrook Yes

RESOLUTION NO. (215-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement for the Town of Clarkstown in the 2001 Hudson Valley Business Source, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$1,580.00 which shall be charged to Account No. A 6410-405.

On roll call the vote was as follows:

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

RESOLUTION NO. (216-2001)

Co. Lasker offered and Co. Maloney seconded

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

X10616H - Demarest Mill Road approximately 200' e/s of Brookdale Ct.

Investigation No.: 11911, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (217-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to section 22-2A and 2B of the Town Code at:

RESOLUTION NO. (217-2001) continued

Annual Senior Citizen Show Cast Party
April 21, 2001
Congers Community Center
Gilchrest Road
Congers, New York and

Annual Senior Citizen Picnic
June 12, 2001 (Raindate: June 13th)
Congers Lake Memorial Park
Congers, New York

On roll call the vote was as follows:

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

RESOLUTION NO. (218-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown entered into an agreement with the County of Rockland on April 3, 1995, and as subsequently extended between the parties for additional compensation, wherein the County of Rockland agreed to reimburse the Town of Clarkstown for compensation and overtime expenses actually incurred by the Town of Clarkstown Police Department for any officer assigned to the Rockland County Narcotics Task Force, and

WHEREAS, the parties hereto agree to extend these agreements for the period January 1, 2001 through December 31, 2001 in the amount stated hereafter;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an extension agreement with the County of Rockland, accepting financial assistance for the Town of Clarkstown law enforcement activities, whereby the Town would provide the Rockland County Narcotics Task Force with a member of the Town of Clarkstown Police Department for drug fighting activities, and in return the County of Rockland would partially reimburse the Town for one police officer in the amount of \$65,000.00, and the sum of \$15,000.00 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force for the year 2001, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that all other terms and conditions of the agreement between the Town and the County dated April 3, 1995, as amended, remain in full force and effect.

On roll call the vote was as follows:

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

RESOLUTION NO. (219-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Governmental Accounting Standards Board) for fiscal year ending December 31, 2000, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT is a nationally known actuarial consulting firm providing services to public entities nationwide related to self-insurance and GASB 10;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Charles E. Holbrook is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$5,900.00, plus reasonable out-of-pocket expenses.

On roll call the vote was as follows:

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

RESOLUTION NO. (220-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is considering acquisition of real property known as 59.8-1-31 and 59.8-1-19 (formerly known as 136-C-13 and 136-C-14), Valley Cottage, New York, for open space, and

WHEREAS, the Town Board requires an appraisal of those properties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal of properties known as 59.8-1-31 and 59.8-1-19, Valley Cottage, New York, as potential open space acquisition, pursuant to a proposal from Lawrence & Shedler Appraisal Services dated February 12, 2001, and be it

FURTHER RESOLVED, that the costs of said appraisal shall not exceed the sum of \$2,250.00, and shall be charged to Account No. H 8750-409-74-1.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia No
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (221-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #28-2001
TOWN CUL-DE-SAC MAINTENANCE & IMPROVEMENT

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (222-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt. of Recreation & Parks and the Director of Purchasing that

BID #18-2001
CARBONATED SOFT DRINKS FOR THE TOWN SUMMER REFRESHMENT STANDS

is hereby awarded to:

PEPSI COLA OF THE HUDSON VALLEY
ONE PEPSI WAY
NEWBURGH, NY 12550
A PUBLIC CORPORATION

As per the following item/price schedule

ITEM	ESTIMATED QUANTITY PER 5 GAL CONTAINER	PER 5 GAL CONTAINER
COLA	50	\$46.50
DIET COLA	18	46.50
LEMON	20	46.50
ORANGE	14	46.50
IF APPLICABLE: COST OF CO2 GAS PER CYLINDER		\$14.00 PLUS
		\$50.00 DEPOSIT
STATE SIZE OF CO2 CYLINDER		20 LB
COST OF CO2 HOOK UP (IF ANY)		\$ _____

RESOLUTION NO. (222-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (223-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt. of Recreation & Parks and the Director of Purchasing that

BID #19-2001
ICE CREAM FOR TOWN OPERATED REFRESHMENT STANDS

is hereby awarded to:

VMQ ICE CREAM DISTRIB.
56 CRICKETTOWN ROAD
STONY POINT, NY 10980
PRINCIPAL: VINCENT QUATTROCCHI

<u>ITEMS</u>	<u>WGT. PER IND.UNIT</u>	<u>PRICE PER STD.PK</u>	<u>STD. PK. SIZE</u>	<u>VENDOR PROD. NAME</u>
ICE_CREAM_SANDWICH	3OZ	\$7.40	24	PERRYS
STRAWBERRY_CRUNCH_BAR	3 OZ	\$7.50	24	PERRYS
CHOCOLATE_CRUNCH_BAR	3 OZ	\$7.50	24	PERRYS
CHOC.COVERED VANILLA ICE CREAM POP	3 OZ	\$7.40	24	PERRYS
ITALIAN_ICE_CUP_(ASST.FLAVORS)	6OZ	\$3.95	12	MARINO
ICE_CREAM_DIXIE_CUP_(VAN/CHOC)	3 OZ	\$7.20	24	PERRYS
ICE CREAM DIXIE CUP (VAN/CHOC)	6 OZ	\$6.25	12	PENN DAIRY
FROOZE_FRUITS_(ONLY)_VARS.FLAV	4OZ	\$14.50	24	FROOZE- FRUIT
ICE CREAM CONE (VAN/CHOC) OR NUTTY BUDDY	4 OZ	\$8.40	24	PERRYS
CHIPWICH SANDWICH	4 OZ	\$16.25	24	CHIPWICH
HAGENDAZ YOGURT POP	2.75 OZ	\$24.00	24	
GOOD HUMOR POPS	4 OZ	\$14.00	24	

On roll call the vote was as follows:

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

RESOLUTION NO. (224-2001)

Co. Maloney offered and Co. Mandia seconded

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

**BID #24-2001
BITUMINOUS CONCRETE**

is hereby awarded to:

COUNTY ASPHALT
PO BOX 96, WEST MAIN STREET
TARRYTOWN, NY 10591
PRINCIPALS: WESTCHESTER INDUSTRIES, INC.
JOHN T. COONEY, SR.
FRANK D. COONEY, JR.

TILCON NEW YORK, INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: A PUBLIC CORPORATION

as per the following item/price schedule:

**BID #24-2001
BITUMINOUS CONCRETE
AWARD SUMMARY**

<u>STATE MIX #</u>	<u>ITEM</u>	<u>TILCON</u>	<u>COUNTY ASPHALT</u>
	<u>PLANT LOCATION</u>	<u>HAVERSTRAW</u>	<u>WEST NYACK</u>
403.12	BASE COURSE - TYPE 2 DENSE BINDER	\$33.50	\$34.75
403.13	BINDER COURSE - TYPE 3	34.50	35.00
403.14	TOP COURSE - TYPE 4	NO BID	35.00
403.16	TOP COURSE - TYPE 6	35.50	36.25
403.17	TOP COURSE - TYPE 6	35.50	36.25
403.18	TOP COURSE - TYPE 7	36.50	37.25
403.19	OVERLAY COURSE - TYPE 7	36.50	37.25
	CURB MIX	36.50	37.25
	WINTER MIX	NO BID	82.00

On roll call the vote was as follows:

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

RESOLUTION NO. (225-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend the New York State Town Clerks Associations 19th Annual Conference 2001, to be held in Buffalo, New York from April 22 through April 25, 2001. All proper charges, including the registration fee of \$50.00 shall be charged to Appropriation Account #A-1410-141.

On roll call the vote was as follows:

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

RESOLUTION NO. (226-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Edward J. Duer, Comptroller, is hereby authorized to attend the New York State Government Finance Officers Association Conference from March 28, 2001 through March 30, 2001, at Albany, New York and be it

FURTHER RESOLVED, that all necessary charges, including the registration fee of \$220.00 be charged to Appropriation Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (227-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Carol A. Collura has requested a leave of absence, without pay, and

WHEREAS, Carol A. Collura has supplied a satisfactory reason for her request, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement provides for a leave of absence, without pay.

NOW, THEREFORE, be it

RESOLVED, Carol A. Collura, 16 Southward Avenue, Congers, New York, Data Entry Operator I, Town Justice Department is hereby granted a leave of absence, without pay, effective March 23, 2001 thru March 30, 2001, and be it

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Carol A. Collura hold any other remunerated employment during the

RESOLUTION NO. (227-2001) continued

lease period, this resolution shall be automatically deemed rescinded without further action of the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (228-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII. Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., John A. Burgio, 20 Oak Road, Congers, New York, Motor Equipment Operator II, Highway Department is hereby granted a Sick Leave of Absence at one half pay, effective March 19, 2001 to April 19, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (229-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of John T. Dinnen, 2 Blare Drive, Palm Coast, Florida 32137, Street Construction Inspector, Highway Department is hereby accepted effective and retroactive to March 5, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (230-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Vernon Steinmann, III, 35403 N. 10th Street, Desert Hills, Arizona 85086, Motor Equipment Operator I, Highway Department, is hereby accepted effective and retroactive to December 1, 2000.

RESOLUTION NO. (230-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (231-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 9, 2001 that three (3) temporary positions of Laborer, Highway Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the three (3) temporary positions of Laborer, Highway Department, are hereby created. Effective and retroactive to March 12, 2001 for a period not to exceed six (6) months.

On roll call the vote was as follows:

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

RESOLUTION NO. (232-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

BOB McGANNON EXCAVATING, INC.
127 Route 303
Valley Cottage, NY 10989
Robert McGannon, President

RESOLVED, that the following Certificate of Registration be issued:
No. 01-22 BOB McGANNON EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (233-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting the repairs, and

WHEREAS, certain projects must be completed by the March 19, 2001 deadline imposed by FEMA.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$21,139.50 and shall be a proper charge to account H 8748 409 0 72 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (234-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting the repairs, and

WHEREAS, certain projects must be completed by the March 19, 2001 deadline imposed by FEMA.

NOW, THEREFORE, be it

RESOLUTION NO. (234-2001) continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$6,277.50 and shall be a proper charge to account H 8748 409 0 72 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (235-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting the repairs, and

WHEREAS, certain projects must be completed by the March 19, 2001 deadline imposed by FEMA.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$14,190.00 and shall be a proper charge to account H 8748 409 0 72 1.

RESOLUTION NO. (235-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (236-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting the repairs, and

WHEREAS, certain projects must be completed by the March 19, 2001 deadline imposed by FEMA.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$6,188.00 and shall be a proper charge to account H 8748 409 0 72 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (237-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

RESOLUTION NO. (237-2001) continued

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting the repairs, and

WHEREAS, certain projects must be completed by the March 19, 2001 deadline imposed by FEMA.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$14,190.00 and shall be a proper charge to account H 8748 409 0 72 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (238-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the Department of Environmental Control to lease the necessary equipment with operators from Environmental Construction, Inc. of Stony Point, New York to complete the restoration of the existing storm drain channel in Centenary as part of the Tropical Storm Floyd Rebuilding Program; and

WHEREAS, hazardous site conditions and the condition of an existing stone wall located adjacent to the subject channel resulted in the Department of Environmental Control directing the Contractor to perform additional work it deemed necessary for the successful completion of this project; and

WHEREAS, this additional work represented a significant change in the scope of the project that was not included in the initial proposal submitted by Environmental Construction, Inc. for this project; and

WHEREAS, during the course of work on this project, sinkholes were discovered along the piped portion of this storm drain system upstream from the open channel within an existing Town drainage easement; and

RESOLUTION NO. (238-2001) continued

WHEREAS, the Department of Environmental Control has determined that said sinkholes represent a potential hazard and that it is necessary to determine their cause and effect any repairs required to alleviate said condition; and

WHEREAS, the cost for the additional work is \$5,250.00 and is necessary to maintain the integrity of the storm drain system and assure the safety of the adjacent residents;

NOW, THEREFORE, be it

RESOLVED that Town Board Resolution 832-2000 be amended increasing the amount of the fixed rental cost for this project to an amount not to exceed \$11,740.00; and

BE IT FURTHER RESOLVED that this new total shall continue to be a proper charge to account # H 8748 409 0 72-1; and

On roll call the vote was as follows:

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

RESOLUTION NO. (239-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the preparation of plans and specifications for construction of a golf course, at the estimated maximum cost of \$500,000, which amount was appropriated therefor pursuant to the bond resolution adopted by said Town Board on December 31, 1996; and

WHEREAS, the Town Board has now determined that the estimated maximum cost thereof is \$830,000, and it is necessary and in the public interest to increase the appropriation therefor by \$330,000 and to amend said bond resolution to reflect such increase; and

WHEREAS, such additional amount is to be paid from current funds of the Town and it shall therefore not be necessary to authorize the issuance of additional serial bonds to finance such additional cost;

NOW, THEREFORE, be it

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

Section (A) The bond resolution of said Town duly adopted by the Town Board on December 31, 1996, entitled:

“Bond resolution of the Town of Clarkstown, New York, adopted December 31, 1996, authorizing the preparation of plans and specifications for the construction of a golf course on Town-owned land located in the Town of Ramapo, stating the estimated maximum

RESOLUTION NO. (239-2001) continued

cost thereof is \$500,000 appropriating said amount therefor, and authorizing the issuance of \$500,000 serial bonds of said town to finance said appropriation."

Is hereby amended to read as follows:

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to prepare plans and specifications for construction of a golf course on Town-owned land located in the Town of Ramapo. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$830,000 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of not to exceed \$330,000 current funds of the Town to pay a part of said appropriation, the issuance of \$500,000 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a part of said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.a.62 of the Law, is five (5) years.

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

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

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

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

RESOLUTION NO. (239-2001)

anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law the "The Journal-News" and/or in the "ROCKLAND COUNTY TIMES," two newspapers published in Rockland County, New York, each having a general circulation within said Town and hereby designated the official newspapers of the Town for such publication.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (240-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore adopted a bond resolution, as described in Section 1 hereof: and

WHEREAS, said Town Board has now determined that the bonds authorized pursuant to said bond resolution shall not be issued;

NOW, THEREFORE

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The bond resolution of the Town of Clarkstown, New York, entitled:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 12, 1996, AUTHORIZING THE ACQUISITION OF ENGERY CONSERVATION EQUIPMENT,

RESOLUTION NO. (240-2001)

STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$90,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$90,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION,"

is hereby rescinded, no obligations of the Town having been issued pursuant to such resolution.

Section 2. This resolution shall take effective immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (241-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore adopted a bond resolution, as described in Section 1 hereof; and

WHEREAS, said Town Board has now determined that the bonds authorized pursuant to said bond resolution shall not be issued;

NOW, THEREFORE

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The bond resolution of the Town of Clarkstown, New York entitled:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 10, 1996, AUTHORIZING ISSANCE OF SERIAL BONDS TO FINANCE EXTRAORDINARY SNOW AND ICE REMOVAL EXPENSES, PURSUANT TO SECTION 26.00 OF THE LOCAL FINANCE LAW, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$600,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION,

is hereby rescinded, no obligations of the Town having been issued pursuant to such resolution.

Section 2. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (242-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Performance Guaranty in the amount of \$4,000, which was furnished to the Town in connection with the Agathe Kongshoj Subdivision, is hereby terminated; and the sum of \$4,000 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (243-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Project Engineer that

BID # 49-2000
BALLFIELD LIGHTING AT NYACK HIGH SCHOOL

is hereby awarded to:

FANSHAWE, INC.
d/b/a/ ROCKLAND ELECTRIC
58 ROUTE 59
NANUET, NY 10954
PRINCIPALS: BARBARA FANSHAWE

as per their low bid proposal of \$247,800 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage.

On roll call the vote was as follows:

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

RESOLUTION NO. (244-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board has established a Citizens' Advisory Committee to review and make recommendations concerning acquisition of Open Space to be preserved within the Town of Clarkstown pursuant to the Open Space Acquisition Program approved by the voters in November 2000, and

WHEREAS, the Committee has begun its deliberations and has been charged with the responsibility of making specific recommendations to the Town Board with respect to certain properties offered to the Town by the respective owners, and such process must be performed in an atmosphere which observes the highest standards of fair dealing and openness, and

WHEREAS, one or more members of the present Committee may have properties which could qualify for acquisition under the Open Space Program and such circumstance may create an appearance of impropriety or otherwise raise public concerns with respect to the fairness of the process;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that membership on the Citizens' Advisory Committee for Open Space shall be limited to residents of the Town of Clarkstown who have no interest in any properties which may be considered for acquisition, and any members not meeting this qualification are hereby EXCUSED from membership on

On roll call the vote was as follows:

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

RESOLUTION NO. (245-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, VIACOM PRODUCTIONS, INC., "ED", a production company, has requested permission to film in Clarkstown on Thursday, March 15, 2001, and Friday, March 16, 2001;

NOW, THEREFORE, be it

RESOLVED, that VIACOM PRODUCTIONS, INC., "ED", of 199 Paris Avenue, Northvale, New Jersey 07647, is hereby authorized to film in the Town of Clarkstown, at the Nanuet Mall, Route 59, Nanuet, New York 10954, from 5:00 P.M. on Thursday, March 15, 2001 through 3:00 A.M. on Friday, March 16, 2001, upon the following conditions:

- (1) A permit fee of \$250.00 shall be paid by Permittee;
- (2) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (3) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law;

RESOLUTION NO. (245-2001) continued

(4) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;

(5) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;

(6) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town, and

(7) Permittee shall not utilize public property for any filming or storage of equipment or parking of vehicles, and be it

FURTHER RESOLVED, that a copy of this resolution shall be deemed the filming permit.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:22 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/13/01

8:01 PM

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: – Petition under Town Law 280-a(2) to use undedicated streets, Terrace Ave & Quaspeck Rd, Congers as access to Lot 52-12-1 to construct single family house

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

Supervisor called upon the applicant to make a presentation.

Appearance: Everett Johns, Esq.
Attorney for the petitioner

You have before you a copy of the petition and the maps. Mr. Capasso seeks to divide the parcel of land into 2 parcels, parcel 1 and parcel 2 as shown on the survey. Parcel 2 will have an access to Terrace Avenue and that portion of Quaspeck Street to Massachusetts Avenue. This dates back to 1999 when Mr. Capasso first asked this court for a similar application. At that time it was suggested that he appear before the ZBA for a 283 application for access on Massachusetts Avenue by an easement or right of way. This was denied by the ZBA principally on the basis of a letter from Supervisor Holbrook about the Town considering the elimination of flag lots and both the Planning Board and Town Board were not in favor. We appealed to appear before the Planning Board due to a recent amendment of the code which required the Planning Board to approve a 2 lot subdivision. This was denied. There are 2 users on those premises right now and we are asking this Board for the third and only other user to use this access on Terrace Avenue and that portion of Quaspeck St. In connection with the application there are several improvements that we have been discussing with the Planning Board, Zoning Board and now with this Board as to what Mr. Capasso intends to do in connection with this application. Mr. Johns called Mr. Capasso as a witness. The Town Attorney swore Mr. Capasso in.

Appearance: Anthony Capasso
Congers, NY

Mr. Capasso swore that he was the current owner of this property and that he purchased it in 1998. Stated that the property was a lease/rental property. It was his understanding if and went the Board granted access, that Parcel 1 would be solely owned by that present occupant. He agreed that in addition to the regular standard covenants of 280a-2 as to the fact that there would be no Town improvements or services, that he intended to construct a 20 by 40 foot turn-around on Terrace Avenue as shown on the plan. He also agreed that he was going to construct a 20 foot roadway from the above mentioned turn-around to the property known as the Youngblood driveway as shown on the survey. He agreed to widen Terrace Avenue approximately 4 feet with a 4 foot radius connection with Quaspeck Road. He also agreed to execute a road maintenance agreement for Terrace Avenue and that portion of Quaspeck from the intersection of Terrace westerly to Massachusetts Avenue together with any existing residences that presently use Terrace Avenue and Prospect Road and he has signed a written agreement to that extent. Mr. Johns submitted a copy of this agreement to the Board. Mr. Capasso answered no to the question of whether he was a builder and stated he intended, if and when this Board and the Planning Board agrees to the subdivision with access to Terrace and Prospect, to contract for the sale of these properties for development by a builder. He

stated that he would be willing to listen to alternate plans that the neighbors might feel are more beneficial to them. Mr. Everett asked if the Board had any questions.

Town Attorney asked Mr. Capasso to indicate approximately how far it would be from his property line where he proposes to build the additional home to the nearest public street.

Mr. Capasso stated approximately 350 feet.

Town Attorney asked according to the drawing marked as Exhibit #2, can we reasonably rely on the distances as shown on this drawing?

Mr. Capasso said yes.

Town Attorney stated that the distance from his property line to the end of the area designated as Terrace Avenue looks to be about 400 feet to about Quaspeck Road and the distance from the corner of Terrace Ave along Quaspeck Rd. to Massachusetts Ave, what is the approximate distance there?

Mr. Capasso stated approximately 200 feet.

Town Attorney asked if the distance you are proposing for your access is about 600 feet?

Mr. Capasso stated yes and agreed that that would be the route used if he was granted approval to access his property.

You have indicated in Exhibit #2 a willingness to participate in an agreement with the Town regarding certain improvements to that right of way; have you any plans to enter into any maintenance agreement with the other users in the right of way?

Mr. Capasso stated that he had and reassured them that whatever they wanted to draw up he would participate in or whatever improvements they saw were beneficial to them.

Mr. Costa asked if any arrangements had been made for shared maintenance of this access drive with any other property owner in the neighborhood.

Mr. Capasso stated no.

Mr. Costa asked what are your plans if approved with respect to snow and ice removal, repairs to the macadam etc.

Mr. Johns responded that he has prepared a broad maintenance agreement to show good faith. The agreement has not been signed or agreed upon yet. He submitted a copy of the three-page agreement to the Board as Exhibit #3.

Mr. Costa asked if Mr. Capasso would be willing to accept a determination of the Town Board that would place the entire obligation to maintain this right of way on the property in question.

Mr. Capasso said he would

Mr. Costa asked if Mr. Capasso had had any discussion with the Fire Department that had jurisdiction over this property with respect to their ability to access the premises in the event of an emergency.

Mr. Capasso said no; there was no existing turnaround and that is why we proposed a widening as well as a T to accept emergency turnaround. He stated that he

has not had any contact with the fire department or the ambulance corp. representatives with respect to access.

Mr. Costa asked if there were any materials prepared by a professional which would discuss the issue of safe and reasonable access.

Mr. Johns responded that they didn't have anything other than what was provided by the surveyor.

Mr. Costa asked what are the plans with respect to this property if they get approval.

Mr. Capasso responded to build a one family house for resale.

Co. Mandia asked questions about the distance from Massachusetts Avenue, size of the lot and sewers.

Appearance: Riccardo McKay, Esq.
Representing 2 present owners on Terrace Lane

His clients are opposed to granting this for safety reasons. Steep angle from Massachusetts Avenue to Rte 9W. In bad weather 5 or 6 cars must be stacked on the side of the road which is only 15 feet wide, no emergency vehicles can get by. Another house should not be put on that street until safety issues are addressed.

Co. Smith asked how wide the paper street was.

Mr. McKay responded that it was 40 feet, but only 14 to 15 was paved. Applied for a road improvement district and was given an estimated cost of \$190,000, too much for 2 or 3 homes to carry. He read from the quote details about what this \$190,000 covered. Has indicated our willingness to discuss with Mr. Capasso our giving consent if we can have an agreement in writing reflecting exactly what work is going to be done. He stated that Mr. Capasso was resistant to having such an agreement recorded. Asked the Board to adjourn their vote for at least 2 weeks so they can continue to discuss this. If this lot has to be developed, there is also access to Massachusetts Avenue that would only be 300 feet long that would only be on the land owned by the applicant and would not endanger anyone else on the street. If the residents can come to an agreement with Mr. Capasso and he is prepared to do the necessary things to make it safe, that is a different issue. Spoke about Mr. Capasso's plans to widen Terrace Avenue, his clients are more concerned with Quaspeck. He explained what was on either side of what is paved right now.

Co. Mandia asked if a key issue was widening Quaspeck in addition to Terrace.

Mr. McKay explained what his clients would like in terms of widening streets

Mr. Costa asked if any recommendations had been made by a professional in terms of what should be done to make this access safe and reasonable.

Mr. McKay stated he didn't feel that he should start the process and spend money getting specs if we didn't have any idea if we are going in that direction.

Discussion followed regarding road improvement costs.

John Costa stated that these streets are shown on the official map, which indicates that at some point someone filed a subdivision map showing the streets. They have never become public rights of way, no one can be sure who owns it, perhaps the abutting owners may have some claim to it.

Co. Smith asked if the Town had any responsibility?

Mr. Costa stated these are not in the Town open right of way.

Supervisor stated that in the 1880's, the Boston Improvement Co. filed a number of maps, they followed the railroad into Congers. There was no zoning in those days so they filed a plan and map and that has been in the County Clerk's office since then. So when we say we don't know who owns this, we are not being facetious.

Co. Mandia asked if the residents had an written right of way for access.

Mr. McKay stated that they do have a right of way. The person who built both of these houses owned all of the land and he sold them as private houses on private roads.

Supervisor stated that this is something that has evolved since the 1960's.

Appearance: Marie Jansen
193 Massachusetts Avenue
Congers, NY 10920

Town Attorney swore Ms. Jansen in as a witness.

I live at 193 Massachusetts Avenue, 60 feet away from the proposed subdivision at the rear of the property at 187 Massachusetts Avenue. I am against granting access through Quaspeck Street and Terrace Avenue to this proposed new subdivision for the following reasons:

According to Section 290-11B "Frontage Requirement of the Clarkstown Zoning Ordinance, all residences are to be built on streets. In this location, Quaspeck and Terrace Avenue are not streets; they are a 10 foot wide long steep, dangerous driveway to two existing houses.

The proposed subdivisions are contrary to Planning Board Regulation Section 254-19D which requires that a lot have frontage on an improved street. The 10 foot wide Quaspeck and Terrace Avenue are not wide enough for two cars to pass. The applicant, Mr. Capasso, has proposed a turnaround at the end of Terrace Avenue. This does not improve the existing unsafe conditions of Quaspeck and Terrace Avenue, and does not qualify as an improved street. Improvements under Section 254-21 include streets built in accordance with Town Construction Standards and Specifications, drainage improvements, sewers, street lights and fire hydrants.

Section 254-20 of the Planning Board Regulations "Streets" states that street should not be steep and should avoid curves. Quaspeck is very steep and the turn from Quaspeck to Terrace Avenue is a sharp 90 degree blind turn because the adjacent property is so much higher than the driveway.

Section 254-20 also states that streets should conform to the existing topography. The applicant's proposed plot plan shows new paving and turnaround creating 50% slopes. This is harmful to all. There would be erosion on the higher properties on Massachusetts Avenue and possible mud slides and flooding of surrounding properties.

Section 254-20 G. states that streets shall be of sufficient width and adequately improved to accommodate the prospective traffic and to afford satisfactory access to police and fire-fighting equipment. Fire-fighting equipment cannot get down this 10 foot wide steep, curved driveway. The closest fire hydrant is on Massachusetts Avenue. There are two existing houses in this dangerous situation. Adding another house would increase the danger by one-half. Also, my house and the other nearby houses on Massachusetts Avenue are also in jeopardy from fire. Fire would spread very easily with no fire-equipment access and no fire-hydrant. The garages of 189 and my property are close to the proposed new building.

At Mr. Capasso's first hearing before the Town Board, the Town Attorney gave his opinion that the Quaspeck and Terrace Avenue were unsafe and therefore the Town could not grant access. This condition has not changed. The proposed subdivision is contrary to Town and State regulations and would pose a threat to the adjacent homes. The Clarkstown DEC official's report to the Planning Board in reference to the Capasso's proposed subdivision has seemed to be disregarded by the Planning Board. The DEC official stated that the proposed site plan submitted by the applicant did not seem to reflect the actual grades at the site. The consultant requested that the applicant provide an existing conditions survey of the site. The proposed site plan submitted by the applicant shows a 30% pitch throughout the site. The site definitely looks more than a 30% pitch presently. The DEC official said in his report that the applicant was NOT to bring in fill or otherwise change the existing pitch of the site. The applicant has brought in two truckloads of fill from off-site, which is sitting in a pile in the middle of the property at 187 Massachusetts Avenue. It consists of concrete and soil. I do not know if it is clean fill or has contaminants. We on Massachusetts are unfortunately familiar with property owners bringing in contaminated fill to level out their site to increase their building area capacity. Bringing fill to this site is in complete violation of the requirements set forth by the DEC official. As per Section 290-21 (3) of the Zoning Code, Steep slopes, no more than 50% of the land area proposed to be developed may be counted as part of the lot area, if it slopes between 30% and 50%. The site plan shows that the new proposed lot has 21,990 square feet. In an R-15 zone, a lot must have a minimum size of 15,000 square feet. With an existing conditions survey, the true pitch of the property would be known. If the pitch is more than 30% then the proposed lot size would really be 10,885 square feet or too small for a legal lot. Even the depth of yards are incorrect on the site plan. The site plan shows a 25 foot rear yard, when the Zoning Ordinance requires a 35 foot rear yard in an R-15 zone. I request that the Town Board deny this application for access to a new lot via unsafe Quaspeck and Terrace Avenue. I request that the Town Board require the full review of the property and application. The applicant has built a substantial addition to the existing house at the front of the property. A complete review of the property's slope and accurate zoning calculations are necessary to verify that this lot can be legally subdivided.

Co. Mandia asked for clarification as to where her property was. He asked what her feeling were on the alternative suggested by Mr. McKay which would come off Massachusetts Avenue and create a flag lot.

She responded that she would be opposed and stated her reasons.

Appearance: Steven Levine
193 Massachusetts Ave
Congers

Town Attorney swore in Mr. Levine as a witness.

We don't know if property can be legally subdivided. That applicant has built numerous additional floors to the property that has not been reflected in the current zoning. There are 2 truckloads of unknown fill, after Mr. Letson of the DEC had clearly stated no additional fill should be brought on to the site. Stated that there problems with height problems with this building. He may need to seek a variance from the zoning board for construction that he has illegally built. Spoke about the fill that is being brought in. Complained about people getting up at Town meetings and not properly identifying themselves.

Appearance: Patrick Rocco
147 Massachusetts Ave
Congers

Is against any fill being brought into the area without being tested.

Appearance: Helen Scharfman
161 Massachusetts Ave

If road is widened it is going to get widened on her side and her property value will go down. It will have a negative effect on the entire area.

Appearance: Everett Johns, Esq

Stated that no fill has been placed on this property and there are not violations against this building or the site. These lots will meet all of the requirements of the Zoning Board of the Town of Clarkstown. Spoke about safety issues that were discussed, they were not caused by his client.

Appearance: Mr. Capasso

Met with neighbors to find out what their problems were as far as Quaspeck and Terrace. He is willing to do what they requested.

Mr. Johns stated that this would all be done under the jurisdiction of the municipal agents of the Town. We have extended ourselves to meet the opposition with alternate plans.

Mr. Costa stated that there has been reference to a memorandum that he prepared in April of 1999. Mr. Jacobsen had asked me to review this in April of 1999 and he issued a memo in which he advised the Town Board that Town Law 280a (2) requires two prerequisites for the issuance of a building permit. In this case the first prerequisite would be that the property must have frontage on a street that has been placed on a street that has been placed on a Town official map and secondly that it must be suitably improved so as to permit safe access by emergency vehicles and by those who depend on the road for ingress and egress. My memo has been characterized as saying that I did not believe that there was safe and reasonable access. I want to emphasize that what I actually said was that the distance here was sufficiently long so as to raise concerns regarding the safe and reasonable use of this access by emergency vehicles. I am not an engineer, I'm just saying that the distance raises the issues and my recommendation was that with respect to the first issue I said there is nothing in the file that suggests that ambulance, police and fire authorities have been consulted to determine that the proposed access is safe and reasonable and I still am of the same opinion that there is nothing that has been presented that clarifies these safety issues.

Co. Mandia stated that regarding the safety issues Mr. Costa just addressed, an effort should be made to get those comments from the local public safety officials. He requested that the building inspector tell the Town Board about some of the issues brought up by Mr. Levine about extending the building without permits and being in violation.

There being no one further wishing to be heard on motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing was RECESSED until the 27th of March, 2001.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(VERBATIM TRANSCRIPT ON FILE IN TOWN CLERK'S OFFICE)