

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall 6/26/2001 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.

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On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing RE: Petition of Sisters of Charity for Special Permit to Construct Senior Citizen Housing was opened, time: 8:12 PM

On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Petition of Sisters of Charity for Special Permit to Construct Senior Citizen Housing was closed, time: 9:20 PM

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On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed Local Law: Amendment to Chapter 290 (Zoning) of the Clarkstown Town Code regarding Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing was opened, time: 9:26 PM

On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed Local Law: Amendment to Chapter 290 (Zoning) of the Clarkstown Town Code regarding Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing was to be continued, time: 10:30 PM

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On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing RE: Continuation, Chapter 216 Proceeding (Property Maintenance) Goldberg, 139 Massachusetts Ave, Congers, Lots 52.8-3-53.1 & 52,8-3-53.2 (formerly 139-A-22.5 & 22.6) was opened, time: 10:30 PM

On motion of Co Smith, seconded by Co. Lasker and unanimously adopted the public hearing RE: : Continuation, Chapter 216 Proceeding (Property Maintenance) Goldberg, 139 Massachusetts Ave, Congers, Lots 52.8-3-53.1 & 52,8-3-53.2 (formerly 139-A-22.5 & 22.6) was to be continued, time: 10:32 PM

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Supervisor entered following proclamation into the record:

**TOWN OF CLARKSTOWN  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

**RECREATION AND PARKS MONTH  
JULY - 2001**

**WHEREAS,** The Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and

**WHEREAS,** suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

**WHEREAS,** all citizens can enjoy self renewal in the out-of-doors through green Spaces and facilities in parks; and

**WHEREAS,** all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

**WHEREAS,** the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

**NOW THEREFORE, BE IT RESOLVED,** that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim the **MONTH OF JULY, 2001 "RECREATION AND PARKS MONTH"** in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

**IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 26<sup>TH</sup> DAY OF JUNE 2001**

**/s/**  
**CHARLES E. HOLBROOK, SUPERVISOR**

Supervisor Holbrook introduced Catherine Nowicki, Chairperson of the Clarkstown Open Space Citizens Advisory Committee. Mrs. Nowicki stated that she has served on many committees in her long career in Rockland County public life. This is the best committee she has ever served on. Their mission has been accomplished in record time. It is less than six months since it was established. The committee went forth and examined some two hundred and sixty pieces of property. They devised a wonderful plan by which each of the properties were judged. It gave a similarity to each one making it easier for the members of the Town Board to use it when you decide how to spend that \$22,000,000.00. The committee was active, diligent, conscientious, capable of debate, experienced, knowledgeable, organized. There is a lady on this committee who should be running the world. Mrs. Nowicki stated that she thinks she has never seen anybody more brilliant and more organized than Karen Tarapata who is on the committee. Mary Anne Hackett, Secretary, kept them organized. Nancy Vahoos did the day to day work and help to put the final report together. Paul Schofield kept us legal. We have given you a blueprint, a repository. We organized it according to several major categories. We looked at over crowding, water sheds, protection of wet lands, animal habitats, pocket parks, properties for community recreation, and property of high visibility. They were all in agreement on these things.

Supervisor asked the Committee members to stand and be recognized. Co. Mandia asked Mrs. Nowicki to find out when it would be a good time to meet.

Supervisor Holbrook opened the public portion of the meeting

Appearance: Jack Smith  
767 Birchwood Court, Valley Cottage

Asked what is being done about the flooding problem and why is there a problem with getting sand bags. There is a pothole on Birchwood.

Appearance: Toni Stalter  
768 Birchwood Court, Valley Cottage

She asked about the hydrological analysis, a commitment and legal ramifications.

Appearance: Vivian K. Barrios  
Green Avenue, Valley Cottage

Green Avenue was one of hardest hit areas during hurricane Floyd. On Father's Day, Green Avenue was totally flooded.

Appearance: Warren Marshall

Spoke regarding school resource officers.

Appearance: Steve Levine  
Congers

Spoke regarding Goldberg property, should continue the course you are on.

Appearance: Howard Mann, Esq.  
New City

Spoke regarding bid for the Golf Course, there was no signed contract and his client's offer was the best.

Appearance: Donald Tracey, Esq.  
New City

No bidding war for Golf Course, sold subject to resolution.

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**RESOLUTION NO. (514-2001)**

Co. Lasker offered and Co. Maloney seconded

**RESOLVED**, that the Town Board Minutes of June 12, 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 . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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**RESOLUTION NO. (515-2001)**

Co. Lasker offered and Co. Maloney seconded

**WHEREAS**, THE building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the **VEHICLE AND TRAFFIC LOCAL LAW**, more particularly designated as Chapter 278 Sec. 13, of the code of the Town of Clarkstown, at

RESOLUTION NO. (515-2001) continued

SHOPRITE SUPERMARKET  
235 East Route 59  
West Nyack, NY (89-A-16)

By the installation of fire lane designations, and

WHEREAS, Abe Oster has requested that the Town of Clarkstown install said fire lane designations.

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

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RESOLUTION NO. (516-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Ramah Day Camp, designated as 59-16-1-2 (formerly known as 136-C-7) and 59.12-1-11 (formerly known as 136-C-10.01), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Christian Herald Road, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of Environmental Control of the Town of Clarkstown, deed dated May 14, 2001 from The Jewish Theological Seminary of America to the Town of Clarkstown, gratuitously conveying a strip of land along Christian Herald Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (517-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, at the request of the Police Department, has requested permission to attend the Annual Police Security Expo 2001 on June 27-28, 2001 at the Atlantic City Convention Center in Atlantic City New Jersey;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the Annual Police Security Expo 2001 on June 27-28, 2001 at the Atlantic City Convention Center in Atlantic City, New Jersey on June 27-28, 2001; and be it

FURTHER RESOLVED, that the cost of the conference, including lodging, meals, travel and parking shall not exceed \$500.00, and shall be charged to Account No. A-1680-414

On roll call the vote was as follows:

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

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RESOLUTION NO. (518-2001)

Co. Lasker offered and Co. Maloney seconded

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

A "No Parking" sign with an arrow pointing west, as per Sec. 214.7 a PI-9 sign of the NYS Department of Transportation's Manual of Uniform Traffic Control Devices.

The sign should be erected one car length from the west end of the triangle on West Nyack Way, West Nyack, 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:

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

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RESOLUTION NO. (519-2001)

Co. Lasker offered and Co. Maloney seconded

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

An Intersection sign on Red Hill Rd., New City, Eastbound, just west of the intersection of Link Court, New City, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (520-2001)

Co. Lasker 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:

"15 MPH" Speed Advisory panels beneath the curve signs on Lexington 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:

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

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RESOLUTION NO. (521-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 472-2001 adopted on June 12, 2001 is hereby amended to read:

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Highway and Traffic Engineering Consultant, and Sgt. Robert Franchino of the Clarkstown Police Department, the Superintendent of Highways is hereby authorized to:

RESOLUTION NO. (521-2001) continued

Install two "Weight Limit 3 Tons" (R5-1C) signs with the legend "Except Local Delivery" (R7-3W) on each, one on westbound South Mountain Road, just west of its intersection with Little Tor Road, and the second on eastbound South Mountain Road, at the Town line

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 Howard L. Lampert, to the Traffic and Traffic Fire Safety Advisory Board, and to the Chief of Police, for their information and for enforcement purposes, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to June 13, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (522-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated June 11, 2001, the Superintendent of Highways is hereby authorized to:

Change the Left Arrow on the "No Parking" sign on the east side of Lindberg Lane at Red Hill Road, New City to a Double Arrow, so that parking is prohibited along the entire curve on Lindberg Lane at Red Hill Road,

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:

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

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RESOLUTION NO. (523-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #48-2001 - TWIN ELMS DRIVE, NEW CITY DRAINAGE IMPROVEMENT PROJECT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by at a time and date 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

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RESOLUTION NO. (524-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #49-2001 DEMAREST MILL ROAD CULVERT REPLACEMENT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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

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RESOLUTION NO. (525-2001)

Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (525-2001) continued

BID #50-2001  
STRATHMORE CREEK REMEDIATION PROJECT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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

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RESOLUTION NO. (526-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the SISTERS OF CHARITY OF ST. VINCENT de PAUL; OF NEW YORK, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(O), to construct 106 residential units for Senior Citizen Housing on a portion of premises designated on the Clarkstown Tax Map as 63.11-2-13 (formerly 4-A-6), for property located on the north side of Convent Road, and the east side of Pascack Road, Nanuet;

NOW, THEREFORE, be it

RESOLVED, that a public hearing held pursuant to Chapter 290 of the Zoning Local Law of the Town of Clarkstown, is hereby closed by the Town Board, and be it

FURTHER RESOLVED, that for the guidance of the Town Attorney to prepare the required Findings of Fact and decision of the Town Board, it is the present intent of the Town Board to grant the special permit after further due consideration of concerns regarding the potential impact on drainage, possible need for traffic signalization or signage, sidewalks in the vicinity of proposed development and sufficient buffering of proposed buildings from adjacent residential properties.

On roll call the vote was as follows:

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

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RESOLUTION NO. (527-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Mr. L. Alfredo Gonzalez has requested cancellation of Building Permit No. 99-247, and a refund of Building Permit fees paid for premises located at 276

RESOLUTION NO. (527-2001) continued

Old Haverstraw Road, Congers, New York, Lot 35.15-1-39 (formerly l29-A-31) since the proposed construction on the property had not begun and now has been abandoned. The Building Inspector has recommended such refund less the sum of \$125.00 as a review fee;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$396.00 of the Building Permit fee paid, to Mr. L. Alfredo Gonzalez, 66 Old Well Road Purchase, New York 10577.

On roll call the vote was as follows:

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

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RESOLUTION NO. (528-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Pallotta TeamWorks, 1525 Crossroads of the World, Los Angeles, Ca. 90028, as sponsor of the Avon Breast Cancer 3-Day funding raising walk, has advised the Town Board that a fund raising event for breast cancer awareness will take place in Rockland County on September 21 through September 23, 2001, and that the event will consist of a three day walk beginning at Bear Mountain State Park, Stony Point, New York, and continuing through the Towns of Stony Point, Haverstraw, Clarkstown and Orangetown, with the participants planning to pass through Clarkstown on September 22 and 23, 2001, including an overnight stay at Rockland Lake State Park on Friday, September 22, 2001, and

WHEREAS, the Town Board wishes to recognize this event and to grant permission for same to occur in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Pallotta TeamWorks, as sponsor of the Avon Breast Cancer 3-Day funding raising walk scheduled for September 21 through September 23, 2001, to recognize the participants that walk through Clarkstown, subject to receipt and approval by the Town Attorney of the following:

1. Certificate of Insurance naming the Town as an additional insured.
2. Hold Harmless and Indemnification Agreement.
3. Written permission of the Clarkstown Chief of Police approving the event from a public safety point of view,

and be it

FURTHER RESOLVED, that the Town Clerk shall provide Pallotta TeamWorks with a certified copy of this resolution.

RESOLUTION NO. (528-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (529-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, as a requirement to the approval of the Mount Vernon Manor Subdivision/Site Plan, the developer, Mount Vernon Manor Development, Corp., was required to install a concrete retaining wall along North Main Street, New City, and

WHEREAS, the Rockland County Highway Department announced a project to improve North Main Street in the vicinity of Mount Vernon Manor, which made it improvident for the developer to install such retaining wall prior to the improvement project, and in order to simplify the coordination and construction of the retaining wall, the Rockland County Highway Department advised that the wall would be included in the County's North Main Street Improvement Project, and

WHEREAS, Mount Vernon Manor Development Corp. agreed to and did contribute \$30,000.00 towards the construction of the concrete retaining wall and other improvements in and along side the right-of-way of North Main Street, New City, as shown on the site plan for the County of Rockland's North Main Street Improvements, dated December 26, 1984, prepared by Atzl & Scatassa Associates, P.C., which funds have been held in escrow by the Town of Clarkstown since April 22, 1997, and

WHEREAS, the concrete retaining wall and related improvements have been completed by Rockland County as part of the North Main Street Improvement Project, and

WHEREAS, Rockland County has made claim to said escrow funds in the amount of \$30,000.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board authorizes and directs the Town of Clarkstown to pay over to Rockland County the \$30,000.00 referred to herein.

On roll call the vote was as follows:

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

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RESOLUTION NO. (530-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$4,000 from Hasty Hills Stable, \$8,185 from the State Of NY, \$2,065.02 from NYS Division of Military & Naval Affairs (FEMA), \$8,711.65 from NYS Division of Veteran Affairs, \$343.68 from Nyack Union Free School District, \$801.92 from Clarkstown Central School District, and \$9,880 from the State of NY,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills Stable) and Budgetary Account H 1942-409-0-58-2 (Golf Course-Bid & Specs) by \$4,000 and increase Revenue Account H 15 10 3989 3 (NYS Archival Grant) and Budgetary Account H 8749-409-73-23 (Archival Room-Steel Shelving) by \$8,185 and increase Revenue Account No. H 15 11 4090 0 (FEMA-Federal Funds) by \$1,770.02 and Revenue Account H 15 10 3091 0 (FEMA-State Funds) by \$295 and Budgetary Account H 8748-409 0 72-1 (Tropical Storm Floyd) increase H 15 9 2770 0 (Miscellaneous Revenue) and Budgetary Account H 8749-409 0-73-1 (Veterans Memorial Park Project) by \$8,711.65 and increase Revenue Account A 01 9 3616 0 (Police-School Resource Officers) and increase Budgetary Account A 3120-111 0 (Police-Overtime) by \$1,145.60 and increase Revenue Account A 01 10 3830 0 (D.A.R.E. Grant) and Budgetary Account A 3120-293 0 (Police-Equipment) by \$9,880 and whereas various departments need additional funding,

BE IT THEREFORE,

RESOLVED, to decrease A 885 (D.A.R.E. Reserve) and increase A 3230-319 (D.A.R.E.-Misc Supplies) by \$3,655.41 and decrease B 8030-114 (Architectural Review & Landscape Commission) and increase B 3620-111 (Building-Overtime) by \$906.66.

On roll call the vote was as follows:

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

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RESOLUTION NO. (531-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig, LLP, certified public accountants, to continue providing accounting services to the Town of Clarkstown, on a temporary basis, while the Account Keeping Supervisor is on maternity leave, and

WHEREAS, past experience with this firm has proven satisfactory;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP, in a form satisfactory to the Town Attorney, for accounting services for the above purpose, and be it

RESOLUTION NO. (531-2001) continued

FURTHER RESOLVED, that the fees for such services shall be \$100 per hour, not to exceed 200 hours or \$20,000.00, which fees shall be charged to Account No.A 1320-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (532-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, Paul M. Lentini, D.C., C.C.S.P., [Bardonia Chiropractic], wishes to renew his agreement for a two-year period commencing July 1, 2001 and terminating August 1, 2003, to continue to adopt a segment of Ludvigh Road, from Route 304 to Middletown Road, Bardonia/Nanuet, New York; and

WHEREAS, it is anticipated that Town taxpayers' funds will be saved by the volunteer efforts of Paul M. Lentini, D.C., C.C.S.P., by performing a public service in removing trash from roadway described herein, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by Paul M. Lentini, D.C., C.C.S.P., to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (533-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on June 11, 2001 that the position of Principal Clerk Stenographer – Police Department – can be created,

RESOLUTION NO. (533-2001) continued

NOW, THEREFORE, be it

RESOLVED, that the position of Principal Clerk Stenographer – Police Department – is hereby created – effective June 28, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (534-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on June 22, 2001 that the position of Legal Stenographer – Town Attorney’s Office – can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Legal Stenographer – Town Attorney’s Office – is hereby created – effective June 28, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (535-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a request has been made by the Supervisor’s Office to reclassify the Clerk position (encumbered by Ms. Stacey L. Hawver) to the position of Senior Clerk Typist – Supervisor’s Office – and

WHEREAS, the Rockland County Personnel Office will be conducting an audit to determine the proper title,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk – Supervisor’s Office – will be reclassified – upon completion of the Rockland County Personnel Office audit – and be it

FURTHER RESOLVED, that Stacey L. Hawver, 83 Snedeker Avenue, Congers, New York will be appointed to the newly reclassified position – pending the outcome the audit.

RESOLUTION NO. (535-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (536-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01034 Assistant Transit Operations Supervisor (Towns) Promotional – which contains the name of Dennis J. Malone,

NOW, THEREFORE, be it

RESOLVED, that Dennis J. Malone, 15 Pine Avenue, Congers, New York, is hereby appointed to the (permanent) position of Assistant Transit Operations Supervisor (Towns) – Clarkstown Mini Trans Department – at the current annual salary of \$44,956., effective June 28, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (537-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Building Inspector II (NCP/T&E) #01137 which contains the name of Peter Beary,

NOW, THEREFORE, be it

RESOLVED, that Peter Beary, 68 Ridge Road, Valley Cottage, New York, is hereby appointed to the (perm) position of Building Inspector II – Building Department – at the current annual salary of \$85,900., effective June 27, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (538-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the provisional appointment of Dorothy G. Stoops, 17 Floral Court, Nanuet, New York – (Provisional) Director of Municipal Counseling Services – Clarkstown Counseling Center – is hereby terminated – effective June 26, at the close of the business day.

On roll call the vote was as follows:

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

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RESOLUTION NO. (539-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Jennifer Stebbins, 5 Marisa Drive, Spring Valley, New York, is hereby reappointed to the position of (temporary) Assistant Director of Municipal Counseling Services – Clarkstown Counseling Center – at the current annual salary of \$41,154., effective June 28, 2001 – for a period not to exceed 60 days.

On roll call the vote was as follows:

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

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RESOLUTION NO. (540-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists along the Kill Von Beast between the Heaton's Pond Dam and Green Avenue, Valley Cottage, and

WHEREAS, a hydrological analysis is required in order to determine the improvements that are necessary to ameliorate the adverse drainage condition, and

WHEREAS, the Department of Environmental Control has obtained a proposal from a qualified Consultant to perform the required analysis.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire

Leonard Jackson Associates  
26 Firemans Memorial Drive  
Pomona, New York 10970

RESOLUTION NO. (540-2001) continued

to perform the hydrological analysis and make recommendations for improvements to ameliorate the adverse condition in accordance with their proposal, and

BE IT FURTHER RESOLVED, that the cost for the analysis shall not exceed \$8,900.00 and shall be a proper charge to account H 8749 409 0 73 9.

On roll call the vote was as follows:

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

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RESOLUTION NO. (541-2001)

Co .Lasker offered and Co. Maloney seconded

WHEREAS, The Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to arrange for the placement of a dumpster at 767 Birchwood Court, Valley Cottage, for the purpose of removing debris caused by flooding of the Kill Von Beast on June 17, 2001.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire

Pat Nazzaro Disposal, Inc.  
P.O. Box 481  
Valley Cottage, New York 10989

for the placement and removal of the dumpster, including disposal costs, and

BE IT FURTHER RESOLVED, that the cost for the dumpster shall not exceed \$500.00 and shall be a proper charge to account H 8749 409 0 73 9.

On roll call the vote was as follows:

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

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RESOLUTION NO. (542-2001)

Co. Lasker offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of performing drainage improvements on the Demarest Kill in the vicinity of Cranford Drive in New City; and

Whereas, a permit for said improvements is required from the Rockland County Drainage Agency (RCDA); and

RESOLUTION NO. (542-2001) continued

Whereas, as a condition of said permit, the RCDA has notified the Department of Environmental Control that a Conditional Letter of Map Revision (CLOMR) will be required from the Federal Emergency Management Agency (FEMA); and

Whereas, the Town Board of the Town of Clarkstown has previously authorized the retention of Kozma Associates Consulting Engineers, P.C. to perform the hydraulic analysis required for the design of said improvements; and

Whereas, the Department of Environmental Control has obtained a proposal from Kozma Associates for the additional work required to obtain the Conditional Letter of Map Revision;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of Kozma Associates Consulting Engineers, P.C., of 80 Germonds Road, West Nyack, New York to perform said additional work in accordance with their proposal for an amount not to exceed \$11,350.00; and

Be It Further Resolved that this shall be a proper charge to account number H 1994 409 0 14 22.

On roll call the vote was as follows:

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

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RESOLUTION NO. (543-2001)

Co. Mandia offered and Co. Lasker seconded

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

BID #51-2001 – POLICE UNIFORMS

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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

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RESOLUTION NO. (544-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received funds for Seized Property in the amount of \$48,000

THEREFORE, be it,

RESOLVED, to decrease A 890 (Reserve for Seized Property) and increase A 3120-293 (Police-Equipment) by \$48,000.

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. (545-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Clarkstown Special Unit of the CSEA for a successor to the 1997-2000 Agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated June 26, 2001; and

WHEREAS, the Board has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Clarkstown;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Smith . . . . . No
  - Supervisor Holbrook . . . . . Yes
- \*\*\*\*\*

Co. Smith voted "no" because this was the first time she had seen the agreement or been advised that there was an agreement between the parties and the Town. Also, there was no fiscal impact done to explain what the cost of this new agreement would be.

RESOLUTION NO. (546-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Town Clerk of the Works that

BID #40-2001  
REPAIR OF ELEVATOR IN OLD POLICE/COURTS BUILDING  
10 MAPLE AVENUE, NEW CITY

RESOLUTION NO. (546-2001) continued

is hereby awarded to: **THYSSEN KRUPP ELEVATOR CO.  
500 EXECUTIVE BLVD.  
ELMSFORD, NY 10523**

as per their low bid proposal as follows:

Basic Job as described - \$30,000.00  
Extras - if necessary - excavation and removal of contaminated soil @ \$350.00 per barrel  
If necessary - additional drilling @ \$2,500.00/day

and be it

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

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

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows:

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

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RESOLUTION NO. (547-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Town Board Resolution No. 344-2001 authorized the Director of the Department of Environmental Control to have performed corrective drainage work in the vicinity of 95 Maple Avenue, New City, and

WHEREAS, the Department of Environmental Control has determined that additional work is required to correct the adverse condition recommended the installation of a trench drain, and

NOW, THEREFORE, BE IT

RESOLVED, that Town Board Resolution No. 344-2001 is hereby amended to reflect the installation of the trench drain, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$10,400.00 and shall be a proper charge to account H 8736 409 0 67 7, and

BE IT FURTHER RESOLVED, that the total cost shall not exceed \$16,999.00.

RESOLUTION NO. (547-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (548-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, JOSEPH MUSORRAFITTI has petitioned the Town Board for permission to apply Town Law 280-a(2) to obtain access to premises known as 52.08-2-56 (formerly 139-B-30.01, and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing for July 24, 2001, at 8:00 p.m., or as soon thereafter as possible, at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, and be it

FURTHER resolved, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing said notice to property owners within five hundred feet of affected property or before the date of the public hearing, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, the Clarkstown Director of Environmental Control and the Clarkstown Building Inspector for review and recommendation.

On roll call the vote was as follows:

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

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There being no further business 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 recessed to Executive Session, time 11:20 P.M., returned 12:20 P.M., no action. Town Board Meeting closed, 12:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/26/2001

8:12 P.M.

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

RE: Petition of Sisters of Charity for Special Permit to Construct Senior Citizen Housing

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was opened. Town Clerk read notice calling public hearing and testified as to proper posting and publications.

Supervisor Holbrook asked John Costa, Town Attorney, to read the reports from the Rockland County and the Clarkstown Planning Boards. Mr. Costa read the following report dated June 21, 2001 from County of Rockland Department of Planning regarding Sisters of Charity, Special Permit for the construction of senior citizens housing consisting of 106 independent living units on 48 acres in an R-22 Zone. The Rockland County Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the Rockland County Charter, I hereby recommend the following modifications: In December of 2000, the applicant proposed a senior citizen facility consisting of independent living and assisted living units in excess of what was currently allowed by the Clarkstown code. On February 28, 2001 a technical meeting was held at the Rockland County Planning Department with the applicant, the applicant's representatives, Mr. Geneslaw, the Town Planner, Mr. Beary of the Building Department and Mr. Paris of the Planning Board to dispel confusion over this development. As stated at that meeting, the Clarkstown code is still being developed for assisted living. However, the independent living portion of the proposed development meets the current special permit requirements for senior citizen housing. We understand that the Sisters of Charity are providing a much needed service to the community, namely affordable senior housing, and look forward to reviewing the development of this project.

1. The Rockland County Planning Department supports the current special permit application for senior citizen housing consisting of independent living units provided that a new formal site plan is submitted showing conformance with zoning regulations for bulk and community space.
2. All permits must be obtained from the Rockland County Drainage Agency, County Highway Department and U.S. Army Corps of Engineers. It is signed by Dr. James J. Yarmus, P.E., Commissioner of Planning.

A report to the Town Board from Mr. Geneslaw, dated June 25, 2001. We transmit herewith: A project narrative describing the proposal prepared by Loch Surveyors and Engineers, dated June 24, 2001. An Environmental Assessment Form (EAF), Part I, prepared by Loch Surveyors & Engineers, dated June 24, 2001. A draft EAF Part II, prepared for review by the Town Board. A draft Negative Declaration, which would complete the SEQR process, for review by the Town Board. Note that the draft Neg. Dec. was prepared prior to the public hearing, and may warrant amendment based on public hearing comments.

We have a recommendation dated April 26, 2001 from the Town of Clarkstown Planning Board which reads as follows: Dear Supervisor Holbrook and the Honorable Town Board: The Planning Board reviewed the above referral at the April 25, 2001 Planning Board meeting. After a brief discussion, Motion of Heim, Second of Schweitzer, carried 6:0 with Ayes of Paris, Schweitzer, Cain & Tullo, recommending the following:

**RECOMMENDATION TO THE HONORABLE TOWN BOARD**

The Planning Board recommends approval of the request for a Special Permit for senior citizen housing for Sisters of Charity, 4A6, Nanuet. The request for a special permit referred to independent living, which is not now a permitted use for which standards have been established. The Planning Board also requests the Town Board take into consideration the comments from Rockland County Planning, Town Building

Department, Fire Inspector and Town Highway Department. Signed by Richard J. Paris, Chairman. We also have an affidavit of publication in the file indicating that the public notice was published as required on June 11, 2001 by the Journal News.

Supervisor read the following letter from Patrick & Donna Healy of 149 Prospect Street, Nanuet:

Dear Honorable Town Council: As long time residents of Prospect Street, my neighbors and I are alarmed at the amount of building, both commercial and residential, approved and completed in Nanuet in recent years. The amount of open space and tree stand is rapidly dwindling due to these development projects, while air and noise pollution and flooding problems have increased as a result. One example is the recent completion of the 61-home Briar Estates development project, just 3 blocks from Prospect Street, that resulted in a tremendous loss of tree stand that once buffered our residents from the noise and air pollution from the nearby New York State Thruway. In addition, several of these new home properties were flooded during Hurricane/Tropical Storm Floyd in September 1999, as they were built very close to the Pascack Brook, which overflowed.

The Sisters of Charity have stated to the Town their intention of building a multiphase senior housing project. The first two phases of their plan include 106 units of independent living, and 96 units of assisted living for low-moderate income Clarkstown seniors on the north side of Convent Road in Nanuet (However, we are concerned that due to the project's federal and/or state funding and grants, strict income limit guidelines will exclude most Clarkstown seniors from being eligible to reside at these facilities). A senior nursing facility and hospice-type facility (Phases 3 & 4) may follow in this residential (R-15/R-22) zoned land in the future.

Existing area residents are extremely concerned about this project for various reasons. Among them:

Town Need - Has the Town performed any studies (independent of the 1997 study the applicant has provided to the Town) to determine whether there is a need/desire for additional independent and assisted living housing in Clarkstown? What is the vacancy rate and capacity of existing facilities? Also, the applicant has stated that it intends to run these facilities themselves in perpetuity. However, if the project is sold, will the Town then have low-income apartments in the future? Are any safeguards in place?

Senior Income Restrictions - The applicant has stated the project is for Nanuet and Clarkstown residents, but has also indicated there will be income restrictions of \$15,000 - \$25,000 per year for those seniors to gain admittance. Given Rockland County's median household income (greater than \$60,000 per year) is at or near the top in New York State, most Clarkstown seniors will be excluded from this facility due to this income qualification. As a result, the pool of potential residents will come from outside Clarkstown. How does this benefit the Town?

Zoning - The proposed site is on 48 acres of land, zoned residential (R-15/R-22). Over 20 residents' homes currently border this property. While the applicant is seeking to build Senior housing residences, in reality his project, particularly the assisted living portion, will be more "commercial" in nature. Large air conditioning units, compressors, generators, garbage disposal, kitchen and laundry facilities, and staff members will be utilized 24 hours a day at the site. This is not consistent with, and not within the character of the existing neighborhood in this residential homeowner area. We agree with the January 2001 decision by the Rockland County Planning Department that the applicant's plans to build these facilities are "an overutilization of the site." Just because you own property should not give you the right to "build as you please" outside current zone guidelines.

Drainage - The proposed site is on 48 acres of land, with nearly 13 of these acres designated wet lands/flood plains. The already overtaxed Pascack Brook will be the recipient of any additional water run-off that this project creates. What will happen to the homes of nearby residents during heavy rains? Several nearby Will Rogers Lane residents had to be evacuated by boats during Tropical Storm Floyd due to the Pascack Brook overflowing. What will the Town do to alleviate this problem?

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**Buffer** – The large existing natural tree buffer is needed between the current residences on Prospect Street, South Park Lane and Caravella Street and the proposed senior care facilities.

**Traffic** – Convent Road is a major travel roadway between Nanuet, Spring Valley, Chestnut Ridge and Pearl River – it is already heavily congested. To date, no traffic study has been completed to estimate additional car usage on this project, and the potential danger to Convent Road residents, motorists and pedestrians it will pose.

**Covenant:** In the event the Town Board grants special permit approval for the independent and/or assisted living facilities, it should only be granted under the following conditions in a covenant that is included with each special permit that the applicant needs to complete this project.

\*As discussed previously with the Supervisor and several Town Council members since 1999, a minimum of 160 feet of natural existing green space must be preserved between the senior care facility (whether independent or assisted living) and the Prospect Street neighbors property lines at the northern boundary of the facility. (Please see the attached August 22, 2000 memo from Councilman Ralph Mandia to Town Planning Board Chairman Richard Paris, along with the September 5, 2000 memo from Councilwoman Shirley Lasker to Mr. Paris confirming this covenant). This minimum buffer is needed to insulate the existing Prospect Street residents from the increased noise, lighting, auto traffic and emissions inherent in the construction and daily operations of these 200+ unit facilities. In addition, the project should be screened with evergreen trees to buffer the sound further. This will help in the winter months.

\*Construction of buildings, parking lots or related structures is not permitted within 225 feet of the northerly boundary (Prospect Street side of project) for any reason. Current plans are for the assisted living building to sit 229 feet at its closest point to the northern boundary.

\*Heavy equipment, such as air conditioners, air handlers, compressors, condensers, and generators should be located on the ground in the front of the buildings, not on the roof or in the rear of buildings. Stand-by generators need critical silencer to muffle loud sound; minimum exercise programs should be conducted during the daytime hours, not at night.

\*Sidewalks should be included on Convent Road as part of the project, to increase safety for pedestrians and motorists.

\*Building height should be limited to 2 stories.

\*Kitchen and laundry facilities should be located as far away from existing residences as possible to mitigate smell of food preparation carried by the wind.

In short, the applicant requires special permit(s) from the Town in order to develop their project in a residential neighborhood. Because of this, the existing community should get special consideration of their needs to preserve the residential character of the surrounding area.

Thank you very much for your consideration in this matter.

Supervisor called on the applicant or his/her representative to make their presentation.

Appearance: Raymond Icobelli, Attorney for Sisters of Charity.  
Blauvelt, NY

Commenting on the above letter, most of the comments refers to phase II which is not before the Board at this time and basically most of the items talked about we agreed to do. The Highway Department determined that a traffic study was not necessary. This was actually a very low traffic density development. We intend to build 106 units of senior citizen housing. The need for this type of housing is very clear if you just look to your neighbors to the south in Orangetown (Thorpe Village) which has a waiting list of four or five years. There are many many people who would like this type of housing.

What makes it affordable is that the Sisters of Charity are going to run it so you do not have a profit factor in the equation when considering this housing. Its been very very successful in Orangetown. Coincidentally, I represented the Dominican Sisters in Thorpe Village when this project was approved before the Town Board in Orangetown.

Appearance; Ed Loch, Engineer

Ed Loch was sworn in by John Costa, Esq.

The issues concerning the buffering, we had complied with the ordinance as far as the senior housing goes. As the attorney pointed out, we are not asking for a special permit at this time for assisted living. That is most of the issue that came up from the gentleman who lives on Prospect Street. As far as the drainage goes, we have provided a sizeable retention pond on the property that will take care of any peak overflow. In other words, it will discharge the water gradually in a twenty-four period. Concerning the development in the area. That is totally out of our control. That was done by various builders who took the trees down to the north of this piece. The County drainage agency should have addressed this issue at that time. Apparently, somewhere along the way, it did not get addressed. We will not be contributing any surge flow to the Pascack Brook. On the last plan, we indicated the building to be well over 200 feet from the property line and the nearest structure or parking area was probably in the range of 160 feet.

Appearance: Sr. Kathleet Gilbride  
Sisters of Charity

Sr. Gilbride was sworn in by John Costa, Esq.

A couple of items in the Healy letter that referred to need, I agree with Mr. Icobelli. Most of them refer to the noise, the kitchen, the smells, the generator in phase II which is totally moot. That is not before the Board this evening. Rockland County's consolidated plan to 2004 states that 500 units are needed for the 31 to 50% median income bracket of seniors citizens. Three hundred units from the 51 to 80% of median income are needed for those people. Our market study has shown that likely to rent in the independent living facility in the year 2005 will be 1,927 people eligible households in our market area. We have a primary and a secondary market. Primary market goes out five mile radius. Secondary market goes out ten mile radius. The senior population represents 12% of the primary five mile radius area. It represents that the 65 and older group represents 14% of the secondary. Our 106 units according to our market study represented 2.7% of the over all market in the year 2000. It will go down because the senior population is increasing to 2.5% by the year 2005. The senior population is projected to grow at a faster rate than the rest of the population and the older segments of the senior population are projected to increase at a faster pace than the rest of the senior population. Three years ago, I met with each one of you on the Board except Shirley Lasker who wasn't on the Board at that time. Three months ago I met again with each one of you and also Mr. Holbrook. As Town Supervisor, you expressed your support for this project on both of those occasions. In the interim, in the three years intervening, your support and courtesy has been appreciated. I request this evening that you prove that support by granting our special permit. Thank you very much for your attention.

Appearance; Russell Trojan  
Clarkstown

For all the work the Ad Hoc Committee, the Planning Board and the Planning Consultant, Robert Geneslaw, did in amending Chapter 290 is crucial and the Sisters of Charity should conform to the new guidelines that hopefully this Board will adopt. Hopefully, tonight. I do know that they have been working and designing the facility to conform. That is a plus in their favor, but if there is any discrepancies, I want it to be

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noted that I prefer the new code. The focus is on the Sisters of Charity. It is not the best site. It does not have transportation coming to it. There is no County bus route, no Town mini-trans and no Red & Tan coming to it. This part of it is for senior housing and independent living. Therefore, they are aiming for, at this point in time, people who will be able to drive. They are not going for the assisted living facility where people have lost some of their abilities. You are going to have to take into consideration the impact on Convent Road. I am most concerned about Convent and Old Middletown and the New Jersey Transit railroad tracks. That has a very short stocking area and New Jersey Transit wants to run day time trains. That is their future proposal. This will be the time when the seniors are more likely to be out and that is why the previous traffic discussions have ignored the increased traffic because the seniors tend to come out a little later and are not in the mass rush commute of the morning. I don't know if approving this will have any effect on any future projects of setting standards of acceptability for what will be allowable sites. This site is a large site. The Sisters of Charity have proposed a campus to deal with the aging process. That is a plus in their favor and that is pretty much the one plus that puts me in favor of this project. Everything else I just write off as insignificant. They don't have a lot of positives except to bring in more housing. The demographics that have been presented should be ignored. I am not questioning their validity. I am questioning certain realities. Generally, people want to age in place. The local people are not going to want to run to this facility. There will be some, but there will be a lot of others who aren't quite ready or won't be ready in time when this opens. Then they will be thinking they would like to go in there and find that someone else beat them in and it is full before they have a chance to dispose of basically a collection of memories. People have a lot of stuff they accumulate over time and they are not thinking they have got to get into the senior housing before it fills up with people not from Nanuet and Clarkstown. I keep trying to figure out, how do I do that. How does the Town Board do that? How can we maybe stage it? Spread it out so the units come available over time. Corporate Village filled up very rapidly in Orangetown when it opened. That is what I am looking at. People outside of Orangetown ended up in there. We want this for Clarkstown and Nanuet residents who need it. We don't want to become the senior housing capital for the whole metropolitan area. I feel that you have to be careful. I expect you to approve this, but you are going to have to be careful with the other proposals that are floating out there that some of you have heard about. The newspaper just listed a new one trying to change LIO zone into senior housing or assisted living. Convent Road has some historic features such as the rock walls. If the Sisters would consider on their site, artistic use of rocks which already exist on the site, I think that would be welcomed. Part of the property is being considered for open space. Pascack Brook is critical and needs to be maintained. What is the Sisters of Charity offering the Town? What is the Sisters willing to do to maintain the Pascack? The Pascack has a constriction on the Sisters of Charity's property that I don't know if it has been cleaned out yet. That needs to be done soon. It backs up and floods homes. There is careful consideration and careful drafting and crafting of the resolution so that we get the most out of this project as a community and there is the least adverse impact.

Appearance: Norma Tullo  
Will Rogers La., Nanuet

I was the one that was evacuated by the Pearl River Fire Department the day of Floyd. I also had \$45,000.00 worth of damages to my home due to Floyd. Floyd cannot be blamed for everything. I get flooded every storm. Father's Day, I was completely flooded out again. I have some pictures to show you. The date is on there. My next door neighbor who claims that he never gets flooded, he had three feet of water in his basement. What more damage is going to be done because of the Pascack brook once St. Agatha's project goes through. I have nothing against St. Agaths's project. In fact I did vote for it. It has to be done right and they have to be held responsible for cleaning out the brook the right way and enlarging the brook from Will Rogers Lane down.

Supervisor said that the Pascack Brook is a County stream. Whatever they do there, they have to meet the requirements of the County. Fortunately, the County is taking a far more active role in trying to deal with the streams that come under their jurisdiction. Mr. Devine, who signs off on the permits, has become very aggressive in how he reviews any applications before him.. You will see a difference between the County looking at projects today than pre Floyd. Ms. Tullo said she called Mr. Devine and he never returned her call. Something has to done with the water problem on Will Rogers. We have a very serious water problem. Can we allow the Sisters of Charity to help finance since they are the winners of the whole project. Supervisor said that nothing can be done without a permit from the County Drainage Agency. Ms. Tullo said that they would appreciate it if something could be done before they float away.

Appearance:           Bob Jackson  
                              Nanuet

On the Sisters permit, I think they should have it. It should be build. It should be a good thing for the area. On the Pascack Brook, you voted to let Mr. Capasso keep all that landfill providing the brook was taken care of from Will Rodgers down to Convent Road. We expected excavators to dig out all the silt. Mr. Cohen was part of that agreement. The Town Board voted to give him permission to keep his landfill. Capasso was going to come in with a large subdivision there. He should not be allowed to build until the stream is remediated, but it seems that it fell on him and the County at the time not the Sisters. Granted the Sisters are going to create more water into the stream. Capasso built up those walls with permission of Herskowitz. They said they saved the County \$300,000.00. If you get three inches of rain, it floods. Their attorney said that the traffic study was not necessary. Did Mr. Ballard's office say there should not be a traffic study? There is going to be 300 units built eventually and that is a busy road. If you are going to give the special permit, Mr. Ballad could answer if it is necessary.

Supervisor asked the applicant if he could answer that question? Mr. John Loche, Engineer for the applicant was sworn in by the Town Attorney. Mr. Loche stated because Convent Road is a County road, the traffic study was referred to the County. The County Highway Department in their review indicated that a study was not needed. Their consultants did the review. Working with the County we did design some turning lanes and things to make the entrance in and out better. There was no need for a specific study regarding volume. This is considered a very low impact project.

Co. Mandia asked, being there are 106 units and there may be more than one car per unit, therefore, if a traffic study does indicate at some point a traffic signal based upon the recommendations of our Traffic Consultant, the Planning Board and police is advisable will the applicant be willing to fund that traffic signal?. Mr. Loche responded, that he believes that if it is necessary we would. I do not think it is something that is warranted at this site. Senior citizen traffic tends to be at off hours. The bulk of the traffic is going to something that is generated by your morning and evening commute. It is not something that this type of project contributes to. Adding a traffic signal to this type of location is more likely to be a cause of accidents than something that is going to help the flow of traffic. We designed turning lanes that would allow people to get in and out of the site, stack cars, wait for a break in traffic to get them in. That way the majority of traffic instead of being held up at a light can keep right on moving along. With respect to the concept that senior complexes generally have traffic at off hours in relative low amounts, you could refer to Mr. Geneslaw that that is fairly well accepted. Co. Mandia asked that at some point in time if the traffic problems become such that a traffic signal is necessary , will the applicant concede that they will fund that. The answer was yes.

Appearance:           Bob Jackson  
                              Nanuet

The stream is important. The road is important. They are abiding by everything the Planning Board is asking them to do. It looks like a nice project. The County recommended sidewalks. I would like to see sidewalks there. Are the sidewalks on the site plan? Sr. Kathleen replied, that this came up at the Planning Board Hearing as did the traffic issue. The County did not recommend it. It is not a reluctance on our part, this was not a recommendation. Supervisor stated that the County does not construct or maintain sidewalks, therefore, they have very little interest in them. If there is a need for them, would you be willing to install sidewalks. Sr. Kathleen replied that they would be willing. There will be a sidewalk going nowhere in front of our property because it ends. You will have to get other neighbors to add to it. This has been discussed already. Mr. Jackson said that he is not against the project, but the neighborhood should be looked after. I could swear that the County Highway department made a recommendation to put sidewalks in. I questioned Mr. Paris on this. The neighbors will be asked to install sidewalks. It is going to be a large complex - 300 people. I believe you will be having buses running on this road. The people working there to use them and the seniors to get around.

Appearance: James Komer  
President of Forest Brook Homeowners Association

His interest is mostly on the road and the Pascack Brook. When the Pascack Brook is blocked, the water from our end can't get down. The County is responsible for the Pascack Brook. Convent Road is a treacherous road in the winter time. There should be a traffic study.

Appearance: Danny Mauro  
24 Will Rodgers Lane, Nanuet

He has pictures of Saturday's flood. He feels it should be dredged. Sidewalks would be a nice thing.

Appearance: Lou is Sangalli  
22 Will Rodgers Lane, Nanuet

As of yet, he has not been flooded, but it is coming closer every day. He has no objection to the Sisters of Charity building, but something should be done with the Brook. Are they going to be paying taxes? Or being a religious organization, they don't pay any tax. Mr. Icobelli responded, there are no taxes on this property now. If it is built or when it is built, the Sisters will be making a payment in lieu of taxes. It is money that the Town will receive.

Mr. Costa explained that the funding will provide the capital for this project. It will require the sponsor to enter into an agreement whereby they would agree to pay the equivalent of property taxes by an agreement known as a pilot or payment in lieu of taxes agreement which will last throughout the funding period which could be as much as twenty years or more.

Co. Maloney asked how will the application process take place and who will be responsible for the applications. Where it mentions \$15,000.00 to \$25,000.00 per year, is that for a single or a couple. Would a couple be able to have a larger income? He is concerned about Clarkstown residents being given priority. Sister Kathleen responded, that they are going to have a committee that reviews applications. It is going to be financed with tax credits. They require percentages of income. The DHCR has a very strict formula for screening. In order to receive the tax credits, we must enforce those screens. Co. Maloney said that right now it is \$15,000.00 to \$25,000.00. Mr. Icobelli said that the number is not accurate. Unfortunately, Mr. Kline who did the study could not be here tonight. It has to do with the median income. My recollection is that it was considerable higher than that. Maybe more than double. Sr. Kathleen said that the

Rockland County median income according to HUD is \$82,400.00. It would be a percentage of that income that would qualify somebody. Co. Maloney asked if the people from Clarkstown will have priority. Sister said, yes.

Appearance: Richard Sarajian,  
 Attorney for Davies Farm.

In the past, I have expressed concern that the Sisters were permitted to go through under independent living before you passed the Local Law on independent living. Your code does have a provision in it now for senior citizen housing. Has there been changes in this application to allow it to qualify under this different senior citizen housing use? What was the comment that John read about in not being a permitted use? Mr. Icobelli stated that it was after the comment that was made by the Planning Board that we amended our petition to ask for senior citizen housing under a specific existing section of the Clarkstown Code. Mr. Sarajian asked, since the project has been amended and has changed since the Planning Board gave you this report, did you send it back for further comment to the Planning Board on both the issues of the amendment and the segmentation of SEQRA that is now taking place. Mr. Costa replied, yes, the Town Board did refer this back to the Planning Board by resolution of May 8, 2001. Mr. Sarajian asked if there was a response from the Planning Board. Mr. Costa said he did not have that response. Perhaps, Mr. Geneslaw can add to that.

Mr. Geneslaw stated that the only change that was made was the changing of the wording in the Petition and the wording on the map. There were no subsequent changes to the plan. The comment originally made by the Planning Board favoring this application still stands.

Appearance: Doris Lecakes  
 15 Caravella Lane, Nanuet

She is concerned with the buffer and that there will be trees left. Venture that was built last year promised to have a buffer. They put up some trees, but not all across. We can see into Venture. We can hear everything that goes on. What guarantee do we have that there will be trees left? Supervisor said that if the Board approves this part of the Special Permit, there will be requirements. Ms. Lecakes asked what recourse do we have if it is not done. Supervisor stated the Town will then be able to enforce those covenants.

Appearance: Howard Lambert  
 Town Traffic Engineering Consultant

About two years ago, he was asked to investigate sidewalk on Convent Road as a result of a request from member of the Sisters of Charity saying there was a need for the Sisters to be able to walk in the area. Subsequent to that about a year ago, he received a request by a resident on Pascack Road to have a sidewalk continue the other way from the Sisters of Charity's facility up to Route 59. There is sections of sidewalk in newer developments. The Town had gotten sidewalks put in by developers. There were older section that didn't and he wanted to see a continuous sidewalk. I looked at both of those. I came up with a cost which was rather high. Based on other sidewalk priorities, it was not done. It is on lists to be done. Those lists were submitted to the County as part of a program that they had for the construction of sidewalks in the County. Eventually, we will probably get some money from the Federal Aid Enhancement Program. Mr. Lambert recommended to the Board that there should be sidewalk along the entire area on Pascack and Convent Roads.

Appearance: Ed Locke

The Pascack is a County stream. The County has done many, many studies on it. A number of years ago, the County asserted their authority that it is their stream and they

are going to control and regulate it. They drew up a set of plans and hired a contractor. They built a dam. The result of this dam is that it flooded a much larger part of the Sisters property. It flooded up stream where Will Rodgers Lane is. The County upon a lot of complaints went and reduced it. It was a Gabion Basket structure. They took the upper lever of baskets off it to reduce the amount of flooding that was occurring up stream. They were using that as a place to impound water. It is still a constriction. There are Gabion Basket structures put there. They were put there by the Rockland County Drainage Agency. In doing our project, one of the things that we have to meet is criteria that is set down by the New York State DEC as part of the conditions for what is called the Speedies permit. We are going to do a project that is going to discharge storm water into the Brook. We have to meet certain management criteria. We put in a very large detention basin on our property in an area that is outside the flood plain using up what normally would be considered buildable land and essentially we have set an area that we will allow to flood so that the water coming off the Sisters' property after they develop it, will be no more than what is coming off now. We have submitted those studies both to the Town and Rockland County Drainage Agency. The Drainage Agency's only comment was that we need to get a permit. They had no comment on the studies. Your engineering staff has reviewed them. We are building this project so that the impacts of our project are none on the Brook. We also proposed not doing anything on the Brook. The County came and did things on the Brook. Why would we want to get involved with what the County has built. It is a regulated stream. It would require permits from the State and County Drainage Agency for something essentially the Sisters have done nothing to. The County is the one who has asserted their authority to regulate, control and take action upon that Brook.

Appearance: Raymond Icobelli, Esq.

Thanked all the citizens who expressed their opinions. We want them to know that we are building this housing in a way that will not have any adverse affects upon them. On the other hand, this is definitely something that the Town of Clarkstown can use. Orangetown and Clarkstown are not that dissimilar in demographics. We are blessed that we have an order of Nuns who are willing to take on a mission like this without considering profit. That is a great plus for the Town. It is really important that you consider and approve this. Thank you.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted the public hearing was closed with intent to adopt, time: 9:20 PM

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

INTENT TO ADOPT (RESOLUTION NO. 526-2001)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/26/2001

9:26 P.M.

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

RE: Proposed Local Law: Amendment to Chapter 290 (Zoning) of the Town of Clarkstown regarding Assisted and Continuous Care Living Quarters, and Independent Living Adult Housing

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

Supervisor Holbrook stated that this public hearing is basically to have further discussion on this proposed Local Law. The Town Board is not prepared to vote on this tonight. Pending modifications and other suggestions, we will continue this public hearing if necessary at another date.

Co. Mandia stated that the notice that was put into the public hands is not the same notice as the Local Law that we are actually discussing. If that is true, how do we remedy that?

Mr. Costa, Town Attorney, replied that even though the Town Board is not required to publish the entire text of the proposed Local Law, this Town Board did determine with respect to this matter that it would publish the entire latest text of the proposed Local Law. To that effect, on June 11<sup>th</sup> in the Journal News, you would find published the entire text of the proposed Local Law. One problem, however, this text has been modified so many times, it is apparent that the version that was published on June 11, 2001 which was taken from a disc from the Planning Boards files, is not 100% accurate as to the final version that was suggested. There were a number of things that were left out. What you have before you tonight is a text of a proposed Local Law that represents an intermediate version of this statute. The actual final version may still require some additional work. It is required, in order to adopt the Local Law, that the final version of the Local Law be in the hands of the Town Board Members not less than five days prior to the public hearing. In which case, the Town Board should not act upon a Local Law which is still in gestation at this occasion.

Supervisor said that we are going to have the public hearing obviously regardless of what was published. Supervisor asked Mr. Geneslaw to speak.

Mr. Geneslaw stated that we received a copy of the County Planning Department's review yesterday. They raised some questions that the Town Board needs to address before final adoption. Between the Town Attorney's Office and the Planning Office, we can supply some guidance to the Town Board. The proposal that is before you is substantially similar to the one that was discussed at a Town Board workshop about two months ago. The changes that have been made since then are primarily details in nature and were intended to respond to issues that were raised by Town Board members at that workshop. This provides for assisted care living quarters, continuous care living quarters and independent living adult housing in the R-15 and R-22 Districts only. This is what the Town Board had requested from the Planning Board and Ad Hoc Committed. There is a minimum lot size of ten acres in order to be eligible. A provision of parcels must be in the same ownership and cannot be assembled after the date of adoption of the regulations. It must be on a major or secondary road as shown on the official map. That was intended to avoid them be located indiscriminately throughout residential neighborhoods. The independent living would have a density of five units to the acre or seven and a half units to the acre for affordable housing. The assisted living quarters

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would have a density of ten units to an acre. Setbacks are based on the buildings dimensions and their relationship to the lot line. The buffers similarly. The height for independent living is two and a half stories or twenty-five feet and for assisted living two and a half stories or thirty-five feet. There is a parking requirement of one and a half spaces per unit for the independent living and one per five units for the assisted living. Floor area ratio is .20 feet for each of them. The distance between buildings is at least forty feet. The other requirements are similar to those discussed at the Town Board Workshop a couple of months ago.

Mr. Costa stated that the Planning Board recommend to the Town Board what appears to be two versions of the continuous care living quarters definition. We would need some clarification as to which of those two definitions is preferred by the Planning Board. Mr. Geneslaw replied that he would have go back to the draft before advising. Mr. Costa said that is one of the issues that is still open.

Supervisor asked if there was anyone present wishing to make a comment.

Appearance: Cora Bodkin  
President of South Little Tor Civic Association

I reviewed a document and I am not sure it is the same version as the document you have before you. On several occasions in the past, I have come before you as well as before the Planning Board and the Ad Hoc Committee regarding the various proposals for amendments for the zoning code for various forms of continuous care living such as independent living and assisted living. I have repeated in each instance that the Executive Board of the South Little Tor Civic Association believes that such housing does not belong in single family residential zones. The two main reasons for this position is first, the usual architectural structure of these types of housing is multi-unit and out of character with single family zones. Such housing would change the character of single family home neighborhoods. Second, these are business enterprises. Failure of these businesses in the future would cause irreparable harm to a residential neighborhood. I wish to draw the attention of the Town Board to proposed amendments to the zoning code that are under discussion tonight. Certainly, much time and effort went into the drafting of this document. However, upon reading various clauses, there are sections that contain ambiguous and confusing terminology that requires clarification. Other terminology is not defined. Although it is my belief that this housing belongs in multi-family or commercial zones, regardless of the zones for which this housing would be permitted, the language must be cleared up to avoid legal problems. On page one, the definition for "Assisted Care Living Quarters" is explicitly defined. The next definition, for "Continuous Care Living Quarters" is problematic. Three levels of care are called for as required to qualify as "Continuous Care Living Quarters": They are Active Adult, Independent Living Congregate Housing, and Assisted Living Quarters. There are several problems I not in this paragraph. First, there is the problem that Active Adult is never defined. Secondly, Independent Living Congregate Housing is also never defined. However, a similarly worded category is defined in the next paragraph but is called Independent Living Adult Housing. Are these two similarly worded labels meant to be for the same kind of housing or not? If they are to be the same, then the labels should be consistent for the purpose of clarity. If they are not for the same kind of housing, then the definition for Independent Living Congregate Housing is omitted. Similarly, this paragraph includes a type of housing called Assisted Living Quarters. The previous paragraph defines Assisted Care Living Quarters. If these are to be one and the same, then it would be better to label consistently. If they are meant to differ, then a definition of Assisted Care Living Quarters is omitted. Another inconsistency on the first page relates to age specifications. Continuous Care Living Quarters vaguely refers to age as "older adults" whereas Independent Living Adult Housing indicates "persons age 60 or older". Another inconsistency on the first page relates to age specifications. Continuous Care Living Quarters vaguely refers to age as "older adults" whereas Independent Living

Adult Housing indicates "persons age 60 or older". The problems with the definitions and lack of them are exacerbated by Table #1 (Bulk Criteria) on page two. This table clearly separates all types of housing under discussion tonight into two separate groups. The center column is headed by the classification Independent Living Adult Housing. The second column is entitled Assisted Living Quarters or Continuous Care Living Quarters. However, according to the albeit confusing definitions, Continuous Care Living Quarters included Assisted Living Quarters. Continuous Care Living Quarters also includes the undefined Active Adult level, as stated in the definition on page one. Therefore, according to this table, Active Adult housing would be at higher density (10 units per acre) than so-called Independent Living Adult Housing (5 units per acre). Depending on how one would interpret Active Adult, such housing could need more space than Independent Living Adult Housing. Therefore, these bulk requirements seem contrary to logic. On the same Bulk Table, on the right hand column Assisted Living Quarters or Continuous Care Living Quarters housing "Allowable Height" is up to 3 1/2 stories or 35 feet for what is described as "not apartment type development", another undefined term. This height is out of character in single family residential zones. Regarding the classification of Area on this same table, a 10 acre minimum is required with the footnote explaining that the property must have been in single ownership at the time of adoption of this amendment and that assemblage of properties or parcels would not be permitted. No mention is made of prohibition of subdivision of parcels to enable multiple developments on parcels in excess of 20 acres. According to these site requirements, six parcels have been identified by Robert Geneslaw, the Planning Consultant for the Town of Clarkstown, as meeting the bulk requirements of Area and Location Constraints. Of those six parcels, three are located on Little Tor Road. One parcel is over 60 acres, which could possibly be subdivided into six 10-acre parcels. Another is over 20 acres which could be subdivided into two-ten acre parcels. Two other parcels would be too small to further subdivide, but the total number of 10 acre minimum parcels could be 10, all along one roadway. Thus over 1,000 of housing could be developed on Little Tor Road, a heavily congested roadway now. This land in an undeveloped state. On another note, allowing this type of development on these sites would increase their market value. These very same parcels are on the Priority Recommendations of the Clarkstown Open Space Advisory Committee. Thus, allowing for this type of development on these parcels would reduce the chances of being able to acquire the properties for Open Space. On page 6, Roman numeral xv (15) describes required fencing placed along property lines abutting non-residential use or zones. There is no provision for screening adjacent to residential zones. This omission needs to be addressed. Also on page 6, Roman numeral xviii (18) says that property shall have frontage on and access from a public street or streets. However, page 2, Table #1 Bulk Criteria, states that the site must be located on and vehicular access restricted to Major or Secondary Roads only (see Official Maps). Clause xviii does not confirm to the information on Table 1 Bulk Criteria. On page 7 item xiv (14) asks for the impossible: the site plan should include proposed methods of preserving views and vistas from and through the site...How can a structure of 3 1/2 stories or 35 avoid blocking the views and vistas from a nearby single family residence of only one or two stories? Maybe David Copperfield would be the architect. According to the document entitled Assisted Living and Related Senior Housing prepared by the Westchester County Department of Planning, June 1999, there are significant development issue to consider. One is slow absorption. Absorption defined as the rate of speed at which newly developed facilities are able to fill...in order to cover development and operating costs. Slow absorption could jeopardize the future of the project. Another development issue is Reuse of Facilities. "Assisted living facilities usually dedicate 50% of their floor area to common space. Individual rooms are typically 350 square feet....If the facility does not attract its target market, its structure makes conversion to other uses difficult." I have highlighted most but not all of my concerns with this document. An article in the New York Times Real Estate section of May 13, 2001 confirms my position that such housing being considered tonight be permitted in village centers near libraries, shopping, and public

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services. For Clarkstown, that means allowing this housing in zones that are currently zoned commercial should be considered. Needless to say, in my opinion it would be inadvisable for the Town Board to vote affirmatively on these proposed amendments to the Zoning Code. It is my hope that another document could be drafted that would be more appropriate for Clarkstown.

Appearance: Ed Day  
President, Little Tor Neighborhood Association

As a member of the Ad Hoc Committee, I had the opportunity to be there at the beginning of this when we were informed that the Town Board requested the Planning Board and the Ad Hoc Committee to look into the potential for having senior housing in our Town. I would like to recognize the Planning Board and the other members of the committee under the stewardship of Dick Paris in attempting to craft something that would avoid us from having someone come to the Town and apply for senior housing and present to all the Boards a kind of development. At least something was done to have some sense made of what it should be if we are going to have it. The bottom line is what we are going to do, in affirmatively voting for this, is we are going to introduce inter-residential zones, multi-family use. That is exactly what we are going to do. There is no other way of cutting it and no other way of slicing it. As a member of that committee, I did look at the direction of the Town Board and we all tried to do the right thing in this area, but the bottom line is that in our hearts, a number of could not be comfortable with that one issue that we are betraying the people of this Town who have their lives invested in areas of this Town. We also looked at the issue of accessory housing. That was something I felt was a good idea. It was brought to my attention that it wasn't the first time this was brought up. We got all the documents from previous meetings. One of the biggest fears that was brought up was the abuse that will occur. It was never brought forward largely because of that. If we are worried about that being approved, how can we approve massive applications such as what we are hearing about tonight. As a member of the Ad Hoc Committee, I did vote against it. I disagree with the County commentary. I would strongly caution the Board about following their advice. They are still set with the mind set of concentric zoning. It is clear that they don't get out of their office too often. There is commentary on their two letters that they sent to the Planning Board. They have demonstrated that they do operate within their own devices. I submit to you, the New Hempstead Road project. It was almost foisted on this Town and they had the utter audacity to come to the Planning Board and question why their plan was not in our Master Plan. They didn't have the respect for this Town to come to those open hearings that we had. Instead they attempted to destroy a whole shopping center and put a mini Route 59 in the middle of our Hamlet. That is what the County Planning brings to the table. In their two letters, dated December 22<sup>nd</sup>, some of the commentary was having high density multi-family apartments in rural zones. This could significantly impact on the community character. This was the argument against having R-40 and R-80 included. If it is going to impact on other zones, it is going to impact on all zones. I don't think it makes a lot of sense especially when they go further into the impact on County streams and on parking. They reiterated their position on January 8<sup>th</sup>. They were concerned about the impact of high density, multi-family apartments on the community character. So am I and so is the members of my association. This is a business venture. The potential for the glut in the market always exists. There is a failure in all business ventures. The bottom line is that if we are going to build housing, it should be built consistent with the existing zoning which reflects a reasonably adopted master plan that was put into place after the in-input of the community of this Town. We have multi-family areas that will be consistent with multi-family use. We have non-residential zones that are under utilized that would be helpful to be utilized with this use. The building of this type of housing should be reflective of the Town's people and not the desires of a few people who are looking to make a profit at the expense of the quality of life for all of us. If it is implemented in this manner, you are going to forever change the character of this Town. You are going to permanently impact upon delivery of services, permanently

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affect taxes, permanently affect the flood problems and permanently impact upon the quality of life in a negative fashion.

Co. Mandia stated that we have heard many times from many people who are interested in development that we have LIO properties and other properties around the Town that have lied fallow for decades and nobody seems to want to develop them. Some are in PO properties, but the majority are LIO properties. Mr. Mandia asked Mr. Day, is that what you mean by commercial areas? Mr. Day's response, "Any non-residential area. If you have an area in this Town that is zoned non-residential and it is not viable and someone comes in and says I have something that might work, and people in the community think you can make a go of it, why would you object to that.

Appearance: Marian Maher  
Valley Cottage

The two people who spoke before me are absolutely correct. I have a knowledge of senior housing, assisted and independent living and of the seniors in Rockland County and Clarkstown. I have lived here for many years. Assisted living is the time share of the new millennium. In the seventies, everybody had time share. Now we are building assisted living programs. They are all over the place. She gave a copy of an article from U.S. News & World Report which details some of the good things and some of the bad things that can happen with assisted living. If you are going to have something like this, it really has to be tightened up. Have any of the people who worked on this gone to an assisted living facility? Have they seen a continuous care facility? Have they gone to an independent living facility? Do they know what is offered? Have any of the people contacted any of the other Towns in Rockland County to find out what process they used and what problems they ran into? Were there suggestions that they might make to refine this? Most people do not understand senior housing, independent living, assisted living and so forth. In this document on page one, you have given a definition to assisted living where there is no definition existing in either the State or Federal Law. There is only a definition set by the assisted living industry. They are noble thoughts, but there is nothing official to carry out exactly what it is that they will do. Continuous care living quarters, the residents last sentence says, "residents may move from one level to another". Who is going to determine that they are suppose to move - the residents, the people who own it, the doctor, who makes that determination? There is no oversight other than the owners of this business. This is a profit making business. We have eight assisted living facilities in Rockland County. They comprised about eight hundred units. They start at about \$2,200.00 a bed in a shared a room. It goes up from there. I know of a place that charge \$6,000.00 a month. This is not affordable and they are not full. According to this document, a need has to be proven. If we have eight, and they are not full, where is the need? You have two of them in the Town of Clarkstown. One is Sunrise and the other is Tappan Zee. There two facilities in the County of Rockland that are paid for by public funds. One is in Haverstraw and one is in Spring Valley. They have approximately 140 beds that are not all the time full. They are overseen by the Federal and State governments, the State Housing Department and the Department of Social Services. It is important that you understand that when you have a definition like this, you are talking about people's homes. It is important to understand that should people go into these facilities and expend all of their money, they then become a public charge. We then pay for their Medicaid, their up-keep and whatever else they need because under Social Services if a resident is found in your area who is unable to provide for themselves, you will then assume the cost for their care. In this document, it says, "and others", which means somebody from New York City, Orange County or California. We eventually will have to pick up the costs. This is not just a Clarkstown problem. This is a County problem. We better be careful of what we are doing. When they talk about what is offered in an assisted or independent living facility, please understand minimally you are offered room and board. Anything else maybe and probably will be extra. You have a hairdresser. A hairdresser costs extra. Transportation

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costs extra. If you are going to put this in, you better put it into a place where there is shopping and doctors are available. Otherwise these people have to pay for transportation. It is not the original cost here. When you look at page 3 of the table. recreation facilities will be provided based on the needs of the prospective residents. You don't know who the prospective residents are and what their needs are. How are you going to put in any recreation. When you go to page 4, the special requirements (a) it talks about a demonstrated need. It talks about the needs of the Clarkstown residents. With two assisted living facilities here in Clarkstown, I think you met the needs because they are not full. We don't have to go out and market this. It is kind of hard and difficult for me to disagree with the Nuns, but I got to disagree with them. If you look at paragraph "d" on page 4, it says, "accessory building and uses", I don't know of a facility any place that provides staff quarters. Most people work eight hour shifts. They do not need facilities for staff to live in. All of this is depending on the economy which has not been so good. It is depending on getting people to work in your facility. It is difficult to find someone to work with senior because it is a thankless job at times. On page 5, paragraph 3, it talks about the possibility of dedicating some or all of the open space to the Town of Clarkstown. Why would you take any or some of the private property situated within a private property boundary line and use it for the Town? That is opening yourself up to liability. If you keep going on, you are all of a sudden getting into affordable housing. Most seniors are looking to divest themselves of their big homes and the responsibility. Most seniors are looking to down-size, but affordable housing and senior housing should not have anything to do with each other. That should be considered under another type of law. Who will decide what the median income is? Who is going to monitor it? Are you ready to take the responsibility to monitor that all of this is properly done? Can you, under this law, subcontract the monitoring? I hope you insist on talking "and all others" out of there. We don't need to import problems. We have enough here. What happens if they go broke? If you have, in assisted living, no more than two persons in a bedroom, that converts to a building with a lot of bedrooms. It becomes a building full of bedrooms. No where in here is there anything to do with the handicapped. If you are talking seniors, there is going to be some fragility there. You have to have some way of getting these people up three and a half stories. There is a need for a moderate affordable senior housing. There are seniors who live here now who built this Town. They put in the sewers, schools, recreation and they worked hard to pay their taxes. They cannot afford to live here now. Why don't you take a look at building them some senior housing that they can afford to live in which is near transportation and shopping. Maybe some moderate housing for the kids so they can live near their families. This is a good place to live.

Appearance: Donald Tracy, Esq.  
New City

I would assume that this whole thing came about because of Sunrise Assisted Living. Through some misinterpretation, the ordinance, that went into a residential zone, was much bigger than it should have been and suddenly there came a need to address assisted living projects when there really is no need to address it. You can scrap that law. What you can do is to take and put into the LIO zone convalescing, nursing homes and related facilities. Put a floor area ratio on it that assures adequate buffers and adequate space. If a client of mine came in and said, "I am going to build an assisted living facility - tell me what I have to do under this law"? I would look at it and say, I don't want to get involved.

Appearance: Warren Marshall  
16 Jerrys Avenue, Nanuet

I heard the word HUD in there somewhere. When the Federal Government gives you money, I call it bribery because you are going to be taking a problem off their hands.

RE: Proposed Local Law: Amendment to Chapter 290 (Zoning) of the Town of  
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I look at all these things as not a good idea. When big brother starts throwing you money, they are going to take advantage of you somehow.

Appearance: Richard Sarajian, Esq.  
Attorney for Davies Farm

Prior to September 1998, almost three years ago, you had provisions in your zoning ordinance for senior citizen assisted type independent housing. I was shocked to hear Mr. Tracy say that there was some mistake that allowed Sunrise to be built in a residential zone since he was the one who represented Sunrise. Everybody who says that this use was not in the zone and we are now putting it in the zone, is wrong. Mr. Tracy is correct and it is in this zone and there are a lot of senior citizen housing that is in residential zones not only in this Town, but in every Town. You have an obligation to put this type of use back in your zoning ordinance because in 1998 you passed a moratorium stopping this use by stopping all special permits. Then twelve or fifteen months later because you had not finished and you had not done it and you did not want to continue the moratorium, you then passed a law taking it out of your zoning ordinance. Which law we got reversed. You passed another law taking it out of your zoning ordinance the week before the Judge ruled. You cut the bulk substantially in this ordinance. You know that I have come before you making comments on these changes in the bulk. One of the changes that you got in your proposed ordinance is a maximum of 100 units. In reality what that means is if Davies Farm develops its seventeen acres, you could only get 20 more units than Sunrise has on three acres. I urge you to finish this process and adopt something. Thirty months is enough time for us to wait. I understand the residents have concerns and comments. It is unfair to not only people like my client who is a developer, but also unfair to people like seniors who want somebody to build something whether it is in an LIO, R-22 or R-15.

Appearance: Russell Trojan  
Clarkstown

He asked the Board to keep the hearing open. As modifications are made, people can comment on the modifications. It is unfortunate that in the past, the type of housing that Clarkstown has built was split levels and town houses which required a lot of walking up stairs. We don't have enough housing that is built on one level. A change should be made in the design of housing so it is suitable to deal with the aging process. Establishing various senior housing instead of having housing that people can continue with as they grow old, looks like we are trying to segregate our seniors from us. I do not want that to happen. I don't want to set up special housing to segregate our elderly. I enjoy the presence of people of various ages in my neighborhood with different experiences that are spread over decades. I have neighbors who are in their 90's still living in the same house. This housing is needed, but you have to put in as few as possible to keep people in the community mixed in with the rest of us. Who wants to push their elderly into industrial areas? I realize that these are big buildings and probably need to be in some sort of transitional area. PO might be more suitable. I know how hard the Boards have worked on this. They narrowed it down to a few zones. We got an application that is deemed favorable in the Sisters of Charity. The other applicants have been opposed by their local communities. The creation of more of these units should be spread out slowly over time as needed. We put in a few many decades ago. The need has redeveloped. If we approve one, we should not approve another until after we see how well that one works. I don't want to see a flood of senior assisted living, etc. all propping up at once until it creates the problems that what happens when they fail. Hopefully, not too many will fail.

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Appearance; Gerry O'Rourke  
Congers

He worked on the Ad Hoc Committee with this plan. People say there is a need and then go onto criticize basically step by step what is here. It is not perfect, but observably you gave us the charge. This was put together with a lot of expertise. I don't think it should be thrown out. A lot of these definitions that were discussed perhaps needs cleaning up. We have attorneys and we could do that. This was not designed to invite the developers into Town to do this. This was designed to make this restrictive. There are many restrictions in here. People cannot just resell these into hotels or apartment buildings without the Town Board getting into the act an you don't approve any of it. To ignore this or to not do something is reverse. I am 100% against the down zoning of LIO land. LIO land is very critical to the economic development of this Town. Mr. Tracy should be a little more forthcoming and tell us who he is representing when he discusses the putting of this type of property on LIO land. If you pass something that is restrictive, you are not going to have a preponderance of this. It can be cleaned up and made into something that is positive.

Appearance: Ron Levine  
Representing Senator Thomas Morahan

The Senator asked him to attend this meeting and get some of the feed-back. I understand that we may have another hearing. There is no one who has shown and demonstrated a concern for the needs of senior citizens more than the Senator, however, when it comes to the impact of a new development and area. The work impact is very, very important. The work information is very, very important. If we are not sure of the impact, and we don't have enough information, there is no need to rush into anything. Rush to judgment and you could have an impact that could adversely affect the character of a community. We don't know what happens when these loop holes in zoning law come to fruition. We don't know what the needs of the people in the assisted living facilities are going to require in terms of support services from the Town. There is no need to make a decision. We are concerned that a decision may be made that will negatively affect the quality of life and perhaps change something that is working very well in neighborhoods that are thriving. We are asking you to revisit this at another time.

Mr. Costa requested that the meeting be continued and set a date for control purposes so that the public will be aware.

Supervisor set the meeting for August.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously voted to be continued, time: 10:30 PM

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TO BE CONTINUED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/26/2001

10: 30 P.M.

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

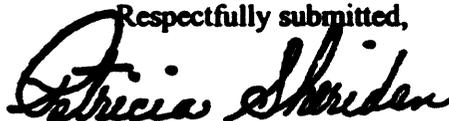
RE: Chapter 216 Proceeding: Goldberg, 139 Massachusetts Ave. Congers, Continued

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing was opened.

John Costa, Town Attorney, stated that the record was still open. During the interim between the last meeting and this meeting, we have taken steps to obtain further information for the Town Board with respect to the character of the materials that are on the Goldberg property, the potential problems that maybe engendered by those materials and the appropriate way to deal with that. We had intentions of presenting further testimony, but it is not ready tonight. He asked the Town Board to continue this matter over to the next meeting.

On motion of Councilwoman Smith, seconded by Councilwoman Lasker and unanimously voted to be continued, time: 10:32 PM.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TO BE CONTINUED