

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/24/2001

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.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Violation Hearing – Chapter 216 Proceeding – Goldberg, was continued, time: 8:00 P.M.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Violation Hearing – Chapter 216 Proceeding – Goldberg, was to be continued, time: 8:40 P.M.

On motion of Co. Mandia seconded by Co. Lasker and unanimously adopted the public hearing re: Proposed Local Law – Historical Road Preservation, was continued, time: 8:40 P.M.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Proposed Local Law – Historical Road Preservation, was closed, time: 8:42 P.M.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Special Permit – St. Agatha Home of NY Foundling Hospital, was opened, time: 8:43 P.M.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Special Permit – St. Agatha Home of NY Foundling Hospital, was closed, time: 8:55 P.M.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing re: Petition of Joseph Musorrafitti for use of Town Law 280-a(2), was opened, time: 8:57 P.M.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Petition of Joseph Musorrafitti for use of Town Law 280-a(2), was closed, time: 9:45 P.M.

Kurt Feick of Boy Scout Troop 46 was awarded a Certificate of Award for achieving the rank of Eagle Scout.

Supervisor spoke regarding the status of the Jerry's Avenue project. The plans are done. The money has been allocated. The project will go forward. The information has been presented to Lederles. Yesterday, the Supervisor spoke to Mr. Valenti who is in charge of the project. Their engineers are reviewing our information. The Supervisor asked them to expedite it. As soon as they give the okay to get on to their property, we will proceed with the project. Once we get the approval within two days time, that

project will be completed. Mr. Valenti assured the Supervisor that they would give it a quick review and turn it back to the Town.

Supervisor asked if there was anyone present wishing to make a comment or ask a question on Item 29, Sisters of Charity.

Appearance: Russell Trojan
Clarkstown

The Sisters of Charity made numerous promises to give priority to the citizens of Clarkstown in the admission to their senior citizen housing. I want to be sure that those promises are included in the resolution. I want to make sure that the Town Board has had time to review all of the resolutions and the comments of the public hearing and are satisfied that all the issues they feel should be included, have been included.

Appearance: Patrick Healy
Prospect St., Nanuet

I am a 35 year resident of Prospect St. in Nanuet. I live near the Pascack Brook. My neighbors and I are alarmed at the recent amount of building, both commercial and residential in Nanuet. The amount of open space and trees are rapidly dwindling as a result. The air pollution and flooding problems have increased as a result especially the Pascack Brook. The applicant in this matter wants to build 106 senior housing units in a residential single family, R-22 zoned area. Because the applicant needs special permit approval from the Town Board to do this, I feel the existing neighbors deserve special consideration with respect to buffers and other issues before the Town can grant approval in the form of a covenant. On the most recent proposed map, dated May 2001 for the applicant senior citizen housing, the nearest building sits 582 feet from the northern boundaries on the Prospect Street side of the project. I see no reason why the large natural tree stand buffer, one of the few remaining in Nanuet, should be touched by man or machine to complete this project. As a result, no buildings, parking lots, roads and related structures should be built within 550 feet of the northern boundary of this project. This buffer is needed to insulate the existing Prospect Street residents from the increased water run off, noise, lighting, auto traffic and emissions inherent in the construction and operation of the senior citizen housing project. I also feel that heavy equipment such as air conditioners, compressors and condensers should be located on the ground preferably in the front of the buildings, not on the roof or the rear of the buildings. A stand by generator needs a critical silencer to muffle loud sounds. Building height should be limited to two stories. I went to a TAC meeting when the assisted living portion of this project was still there. This two story building was going to be dug down one story so in effect only one story would be above ground. Would this be the case with the senior citizen housing? This would also benefit the Prospect Street neighbors in terms of a buffer and noise. It should be part of the resolution as a condition of the applicant's special permit approval.

Appearance: Martin Bernstein
New City

We discussed at the Ad Hoc meeting the need for affordable senior citizen housing. In the case of the Sisters of Charity, they have a large complex. Eventually, from what we understood, they are going to have senior citizen housing and later on they are going to have assisted living. Maybe, eventually a nursing home which would make a lot of sense. In many parts of the country, that is how these things are being developed. We should approve the senior citizen housing at this point. There was a lot of talk about independent living which I think is a big mistake. It will mean if we approve that here, then they could approve it everywhere else. Then we will end up just increasing the density throughout the Town. I think this is a perfect set up. There is a great need for it.

Supervisor asked if there was any one else wanting to speak on the agenda.

Appearance: George A. Nugent
Valley Cottage

Regarding Item #17, complimented the Town Board on sending the petition to the County Executive and County Legislature for the creation of an expert type of firing range. There is no need to have night firing.

Appearance: Nicole Dolander
New City

Item #14, authorizing corrective drainage in Valley Cottage. Item #16c, Drainage Improvement Project on Pleasant Hill Drive. Item #23, Authorizing corrective drainage as a result of tropical storm Floyd. Item #25, corrective stream work. We keep building and there is a lack of planning. Item #27, authorizing grant application for open space protection. Lets submit the grant for the land on West Hook Mountain.

Appearance: Peggy Kurtz
Upper Nyack

Item #27, grant application for open space. Requested that Martus Granirer rewrite the grant

Appearance: Frank Hackett, President, Valley Cottage Civic Association
Valley Cottage

Item #27, he is in favor of the grant application for West Hook Mountain.

Appearance; Dwayne Stillwell
Upper Nyack

Item #27, he is in favor of the grant application for West Hook Mountain.

Appearance: Russell Trojan
Clarkstown

There was a local officials meeting to discuss transportation. The deadline for getting funding for sidewalks is November 1st. The approvals will be announced about a year later. Does Clarkstown have any applications moving forward? The area of Lawrence St. does not have sidewalks. This is why the people find the low vehicle traffic of the railroad a suitable place to walk. Give the people a safe crossing.

Appearance: Frank Hackett, President, Valley Cottage Civic Association
Valley Cottage

Item #27, grant application for open space. He is in favor of Martus Granirer doing the grant application.

RESOLUTION NO. (559-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the SAINT AGATHA HOME OF THE NEW YORK FOUNDLING HOSPITAL has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-IIA of the General Use Regulations, R-22 Zoning District, Table 3, Column 2, Item B-5, to construct an Agency Group Home on a portion of premises designated on the Clarkstown Tax Map as 63.15-1-42 (formerly 4-A-7), for property located on the south side of Convent Road and the east side of Duryca Lane, Nanuet, and

RESOLUTION NO. (559-2001) continued

WHEREAS, by resolution dated June 12, 2001, the Town Board scheduled a public hearing to be held on July 24, 2001, and in addition made the required referrals to the Town of Clarkstown Planning Board, the Rockland County Commissioner of Planning, and appointed Robert Geneslaw, Planning Consultant, as its agent for the purpose of compliance with the New York State Environmental Quality Review Law (SEQR), and

WHEREAS, by memo dated July 18, 2001, Robert Geneslaw, acting as agent for the Town Board, submitted a report and draft resolution determining that an agency group home proposed by the petitioner would not have an adverse environmental impact, and

WHEREAS, the Town Board, after due consideration of all the facts and circumstances presented in the petition, and information presented at the public hearing held on July 24, 2001, as well as the report of Robert Geneslaw, hereby makes the following findings and determination pursuant to 6-NYCRR Part 617;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, based on review of proposed action, hereby determines that should the proposed action result in the granting of a special permit, for an agency group home, there will be no adverse environmental impact.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (560-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the SAINT AGATHA HOME OF THE NEW YORK FOUNDLING HOSPITAL has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-11A of the General Use Regulations, R-22 Zoning District, Table 3, Column 2, Item B-5, to construct an Agency Group Home on a portion of premises designated on the Clarkstown Tax Map as 63.15-1-42 (formerly 4-A-7), for property located on the south side of Convent Road and the east side of Duryea Lane, Nanuet;

NOW, THEREFORE, be it

RESOLVED, that a public hearing was duly held on July 24, 2001 pursuant to Section 290 of the Zoning Local Law of the Town of Clarkstown, and was closed by the Town Board, and be it

FURTHER RESOLVED, that the Town Attorney shall prepare the required Findings of Fact and decision of the Town Board, and it is the present intent of the Town Board to grant the special permit after due consideration of all matters in the Record and concerns of neighborhood residents.

RESOLUTION NO. (560-2001) continued

RESOLUTION NO. (560-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (561-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of June 26, 2001 and July 17, 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

RESOLUTION NO. (562-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, John Coyle, Safety Manager, has recommended the Town Board extend the contract of January 23, 2001, with 3E COMPANY, to maintain a data base inventory of all chemical products used or stored in Town controlled locations, and to provided twenty-four (24) hour spill and emergency response services for an annual fee of \$1,600.00, and

WHEREAS, such services will assist the Town in complying with the regulations regarding storage of hazardous material;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to extend the original agreement authorized by the Town Board on June 27, 2001, for an additional twelve month period, for the period ending June 14, 2002, to obtain the services of the 3E COMPANY to maintain a data base inventory of all chemical products used or stored in Town controlled locations, and to provided twenty-four (24) hour spill and emergency response services on an annual basis not to exceed \$1,600.00, which fee shall be charged to Account No. A 3989-409.

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. (563-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Lawler, Matusky and Skelly (LMS) were selected by RFP to provide Operations and Maintenance Services for the capped Landfill for the contract year June 27, 2000 through June 26, 2001; and

WHEREAS, the RFP allows the extension of the contract for an additional year; and

WHEREAS, LMS agrees to the extension at the current contract rates; and

WHEREAS, said extension is in the best interest of the Town;

NOW, THEREFORE, BE IT RESOLVED that the existing contract "Lawler, Matusky and Skelly Engineers, LLP Professional Services Agreement No. 16-00" be extended through June 26, 2002, at an annual cost of \$48,000.00, plus expenses as per their proposal, which shall be charged to Account No. SR 8160 4070.

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. (564-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, VERIZON and BELL ATLANTIC pay phone service has tendered contracts for maintenance of pay telephones at various locations within the Town of Clarkstown as set forth as Schedule "A," and

WHEREAS, said contracts have been reviewed by Deputy Town Attorney Victor Vitale and found acceptable with slight modifications in accordance with his memo of December 19, 2000;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendations of the Town Attorney and the Director of Automated Systems, the Supervisor is hereby authorized and directed to execute said contracts on behalf of the Town, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to January 2, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (565-2001)

Co. Maloney 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, Clarkstown Sunrise Rotary Club, wishes to renew its agreement for a two- year period commencing August 1, 2001 and terminating September 1, 2003, to continue to adopt a segment of West Nyack Road, from Route 304 to the west end of St. Anthony's Church, Nanuet, New York, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Clarkstown Sunrise Rotary Club will perform a public service in removing trash from above roadways 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 the Clarkstown Sunrise Rotary Club, 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

RESOLUTION NO. (566-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placement of a half-page advertisement for the Town of Clarkstown, in the Rockland Economic Development Corporation Connections 2001 Journal on November 15, 2001, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$500.00, which shall be charged to Account No. A-6410-405.

On roll call the vote was as follows:

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

RESOLUTION NO. (567-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Chamber of Commerce of the Nyack has requested use of the Town of Clarkstown showmobile on Saturday, October 27, 2001 from 4:30 pm – 9:00 pm for the closing ceremony of Nyack’s Halloween Parade,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Chamber of Commerce of the Nyacks to use the Town of Clarkstown showmobile on Saturday, October 27, 2001 for the above purpose and subject of the provision of the necessary insurance policies.

AND FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown showmobile on Saturday, October 27, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (568-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Historical Society of Rockland County has requested use of the Town of Clarkstown’s showmobile on Sunday, July 29, 2001 from 11:00 am to 4:00 pm at the Letchworth Village site of the Cooperative Extension for the annual RocklandFest,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the use of the Clarkstown Showmobile, at no charge, to the Historical Society of Rockland to use the Town of Clarkstown’s showmobile on July 29, 2001 for the above purpose and subject to the provision of the necessary insurance policies.

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. (569-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as K.D.J. Realty, designated as 34.20-1-3 (formerly known as 60-A-1), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Route 304 and Cypress Street, New City, along with a Conservation Easement;

RESOLUTION NO. (569-2001) continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of Environmental Control of the Town of Clarkstown, deed dated May 23, 2001 from KDJ Realty, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Old Route 304 and Cypress Street, New City, New York, and Conservation Easement dated May 23, 2001 by KDJ Realty, Inc. are 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

RESOLUTION NO. (570-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Bond secured by Letter of Credit No. 1463 in the amount of \$10,000.00 in connection with the dedication of the road(s) and improvements on November 10, 1998 in a subdivision known as Trachtenberg Estates (91-A-7), is hereby terminated; and Letter of Credit No. 1463 in the amount of \$10,000.00 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (571-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 409-1995, the Town Board defaulted security held in the form of Passbook No. 505011698 and assigned to the Town of Clarkstown, and the sum of \$4,650.00, which was paid by Ghat Associates, Inc., was to be held as a Maintenance Guaranty for a period of one year, in connection with the Naurashaun Brook II Subdivision, and

WHEREAS, by Resolution No. 143-2000, the Town Board authorized the release of the Maintenance Guaranty, as the Maintenance Guaranty period had expired, and

WHEREAS, the Town has been served with an Execution with Notice to Garnishee served by the Rockland County Sheriff's Department in connection with Sorgine Construction Service, Inc. as judgment creditor of Ghat Associates, Inc.;

NOW, THEREFORE, be it

RESOLUTION NO. (571-2001) continued

RESOLVED, that the sum of \$4,570.00, which represents the remainder of the Maintenance Guaranty after the sum of \$80.00 was charged against the funds to reimburse the Town for obtaining the services of Hudson Valley Abstract Corp. and CSC in Albany, New York, together with Passbook No. 505011698 of Commerce Bank, shall be released to the Rockland County Sheriff, pursuant to the aforementioned levy.

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. (572-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. Of Recreation and Parks, that the supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to obtain funding in the amount of \$27,511.00 for the period commencing January 1, 2002 through December 31, 2002.

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. (573-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7180-408 (Bldg/Rep) by \$910.00 and to increase A-7210-408 (Bldg/Rep) by \$910.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (574-2001)

Co. Maloney offered and Co. Lasker 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. (574-2001) continued

Miller's Landing Condos

By the installation of fire lane designations, and

WHEREAS, Linda Dimick 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

RESOLUTION NO. (575-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, THAT THE TOWN Board hereby authorizes Rudolph J. Yacyshyn, Vice Chairman of the Clarkstown Planning Board, to attend a New York Planning Federation Conference for October 7 - 10, 2001, which is to be held in Saratoga Springs, New York and be it

FURTHER RESOLVED, that all reasonable expenses, including registration fee of \$75.00 and hotel registration fee of \$503.97, shall be charged to Account No. B 8020-4-404 & 414.

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. (576-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a resident of the Town of Clarkstown has requested that a street light be installed to improve the safety and welfare of the community, and

WHEREAS, following an on site inspection, Orange and Rockland Utilities, Inc. suggested that existing street lighting also be upgraded from mercury vapor fixtures to sodium vapor fixtures, and

RESOLUTION NO. (576-2001) continued

WHEREAS, a survey of the surrounding property owners directly affected by the proposed lighting change was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposal number two, as amended, dated June 27, 2001 from Orange and Rockland Utilities, Inc., for street lighting at the following locations:

Stark Lane	Valley Cottage
(Install one (1) 5800 lumen sodium vapor street light – existing utility pole number 60772/41348, and remove one (1) 4000 lumen mercury vapor street and install one (1) 5800 lumen sodium vapor street light – existing utility pole number 60766/41363)	

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. (577-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

DE SIMONE & SONS, INC.
 35 Madison Avenue
 Garnerville, NY 10923
 Paulo DeSimone, Jr., President

PHILIP M. SCALA & SON, INC.
 P. O. Box 499
 Valley Cottage, NY 10989
 Philip M. Scala, President

RESOLVED, that the following Certificates of Registration be issued:

No. 01-26 DE SIMONE & SONS, INC.
 No. 01-27 PHILIP M. SCALA & SON, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (578-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received numerous landscaping complaints related to drainage and road improvements performed in the "Water's Edge" area of Congers; and

WHEREAS, the Department of Environmental Control has responded to these complaints and formulated a course of action intended to remediate those areas requiring attention; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified landscaping contractors to implement said course of action; and

WHEREAS, the Department of Environmental Control has received one proposal to perform said work and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

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

to perform said corrective landscaping and drainage work as directed by the Department of Environmental Control in accordance with their proposal for an amount not to exceed \$9,000.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account #H 8751-409-0-75-10.

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. (579-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having improvements made to Yale Drive in New City; and

WHEREAS, the Department of Environmental Control has solicited proposals from four qualified engineering firms to provide the engineering, surveying and design services necessary to produce the construction plans, specifications and other requirements associated with this project; and

WHEREAS, the Department of Environmental Control has received two (2) proposals in response to its solicitation; and

WHEREAS, the Department of Environmental Control has reviewed said proposals and found them to be acceptable;

RESOLUTION NO. (579-2001) continued

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Tectonic Engineering Consultants, P.C.
P.O. Box 37
70 Pleasant Hill Road
Mountainville, New York 10953

to perform said work in accordance with their proposal in the amount of \$40,000.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account number #H 8751-409-0-75-11.

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. (580-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID # 54-2001 - DOWNTOWN VALLEY COTTAGE IMPROVEMENTS

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

RESOLUTION NO. (581-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #55-2001 - PASCACK COMMUNITY CENTER

RESOLUTION NO. (581-2001) continued

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
- *****

RESOLUTION NO. (582-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #56-2001
PLEASANT HILL DRIVE DRAINAGE IMPROVEMENT PROJECT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on September 7, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (583-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #57-2001 - THIRD STREET, NEW CITY IMPROVEMENTS

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.

RESOLUTION NO. (583-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (584-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has become aware, through the efforts of interested citizens and police personnel, that an outdoor police firing range has existed informally for as long as 40 years on the Tilcon Quarry property, New City, New York, by authority of an annual license agreement with the property owner, and

WHEREAS, all police departments and other law enforcement personnel in Rockland County utilize said facility for their outdoor firearms training and to meet firearms qualification requirements, but said facility is deficient in that it lacks sound suppressing installations, environmental safeguards, and security or/and surveillance installations to prevent it from being used by unauthorized persons, and

WHEREAS, the Town Board has been informed by residents living near the facility that the range has been used at very early hours in the morning and during late evening hours, at times which the Police Academy training officials have stated were not authorized uses for training exercises, and

WHEREAS, the noise emanating from the facility during early morning and late evening hours has created a nuisance seriously affecting the peace and repose of residents in the vicinity of this outdoor firing range, which nuisance appears to be both unnecessary and unauthorized, and

WHEREAS, the Town Board believes that there is clearly a need for a proper firearms training facility to insure that all police officers and other armed law enforcement personnel working in Rockland County receive proper firearms training to be able to function under the diverse law enforcement hazards which they encounter in carrying out their duties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby strongly recommends and urges the Rockland County Executive and the Rockland County Legislature to take prompt and effective steps to:

1. Properly secure the existing firearms training facility at the Tilcon Quarry in such a way to prevent its unauthorized use by persons not involved in supervised firearms training;
2. Confine the hours of use at said facility to no earlier than 8:00 a.m. and no later than 8:00 p.m., and to put effective controls in place to enforce such hours of operation;
3. Place or install in said facility such sound attenuating devices which will suppress the often intrusive and harmful noise emanating from said facility from affecting the peace and repose of the neighboring residents;

RESOLUTION NO. (584-2001) continued

- 4. To install and monitor appropriate video surveillance equipment at said facility;
- 5. To secure the entry by means which will make a record of persons entering and leaving the facility;
- 6. Post signs restricting access to authorized police personnel only, and
- 7. To test for and remove any materials hazardous to the environment and to prevent recurrence of any condition disclosed,

and be it

FURTHER RESOLVED, that the Town Board wishes to go on record as favoring the establishment of a permanent Rockland County outdoor police firearms training facility, in a setting which will not create impacts with respect to noise or other such matters which threaten any resident of Rockland County, and that such facility be established on a long term basis which would permit appropriate capital and infrastructure improvements to be made so as to insure that such firing range will operate to meet all standards for safe and secure operations in the best interests of the community, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a certified copy of this resolution to the Rockland County Executive and the Rockland County Legislature.

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. (585-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 520 NORTH HIGHLAND AVE. CORP. v. THE ASSESSOR, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, and the TOWN OF CLARKSTOWN, Index No(s). 4847/98, 4231/99 and 4458/00, affecting parcel(s) designated as Map 59.12, Block 2, Lot 3 (formerly known as 136-C-2), for the year(s) 1998/99, 1999/00 and 2000/01, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor and the Senior Deputy Town Attorney of the Town of Clarkstown, who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that:

RESOLUTION NO. (585-2001) continued

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.12, Block 2, Lot 3 (formerly known as 136-C-2) be reduced for the year(s) 1998/99 from \$494,700 to \$440,283 at a cost to the Town of \$788.10;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.12, Block 2, Lot 3 (formerly known as 136-C-2) be reduced for the year(s) 1999/00 from \$494,700 to \$420,495 at a cost to the Town of \$1,094.19;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.12, Block 2, Lot 3 (formerly known as 136-C-2) be reduced for the year(s) 2000/01 from \$494,700 to \$410,600 at a cost to the Town of \$1,214.32;

4. Reimbursement for the year(s) 1998/99, 1999/00 and 2000/01 on the parcel described as Map 59.12, Block 2, Lot 3 (formerly known as 136-C-2), as stated above, be made within (45) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (586-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NEWTON ASSOCIATES v. TOWN OF CLARKSTOWN, Its Assessor and Board of Assessment Review of the TOWN OF CLARKSTOWN, Index No(s). 5529/97, 4247/98, 4081/99 and 4094/00 for the years 1997/98, 1998/99, 1999/00 and 2000/01 and INSERRA SUPERMARKETS v. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, NEW YORK, Index No(s). 4311/99 and 4618/00, for the years 1999/00 and 2000/01, affecting parcel(s) designated as Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37), and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

RESOLUTION NO. (586-2001) continued

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) Newton Associates described on the assessment roll as Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37) be reduced for the year(s) 1998/99 and 1999/00 from \$5,546,600 to \$4,991,900 at a cost to the Town of \$16,212.88;

2. The assessment on the premises owned by the petitioner(s) Newton Associates described on the assessment roll as Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37) be reduced for the year(s) 2000/01 and 2001/02 from \$5,568,200 to \$4,454,600 at a cost to the Town of \$16,079.23;

3. The assessment on the premises owned by the petitioner(s) Newton Associates described on the assessment roll as Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37) shall remain unchanged for the year(s) 1997/98;

4. Reimbursement for the year(s) 1998/99, 1999/00 and 2000/01 on the parcel described as Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. The proceedings commenced by the petitioner Inserra Supermarkets under Index No(s). 4311/99 and 4618/00 respecting Map 43.15, Block 1, Lot 22 (formerly known as 58-G-37) shall be discontinued for the year(s) 1999/00 and 2000/01;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (587-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Tax Assessor of the Town of Clarkstown has forwarded a certificate issued by the New York State Office of Real Property Services for adjusted base proportions pursuant to Article 19 of the RPTL, for the year 2001, and has recommended adoption of said adjusted base proportions;

NOW, THEREFORE, be it

RESOLUTION NO. (587-2001) continued

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2001 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

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. (588-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Tax Assessor of the Town of Clarkstown has forwarded a certificate issued by the New York State Office of Real Property Services for base percentages and base proportions pursuant to Article 19 of the RPTL, for the year 2001, and has recommended adoption of said certificate for base percentages and base proportions ;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2001 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

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. (589-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Industrial Development Agency ("RCIDA") is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

RESOLUTION NO. (589-2001) continued

WHEREAS, the "RCIDA" has undertaken to finance a project consisting of the acquisition of an existing building and renovations thereof, and acquisition and installation thereto of certain machinery and equipment, all to be used for a manufacturing facility and administrative offices located at 250 North Route 303, Congers, New York, which is also known as 15 Hemlock Drive, Congers, New York, and

WHEREAS, to facilitate this project, the "RCIDA" proposes to issue bonds, which bonds will be secured by a pledge of substantially all right, title, and interest of the "RCIDA" in, and to a lease agreement between the "RCIDA" and

VALOIS OF AMERICA OF AMERICA, INC., and by a pledge of the income, rental, revenues and receipts derived by the "RCIDA" for this project, and

WHEREAS, the Town Board believes it would be in the best interests of the Town to enter into a "payment in lieu of taxes agreement" (a pilot agreement);

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with VALOIS OF AMERICA OF AMERICA, INC., THE TOWN OF CLARKSTOWN, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, in a form approved by the Town Attorney, including, but not limited to: (a) submission of Section, Block and Lot; (b) copy of Exhibit "A;" (c) pertinent title report; (d) both lease agreements; (e) information further identifying WCII (Wachovia Capital Investments, Inc.), and (f) pilot escrow agent will be the Town Comptroller, to provide for payment in lieu of taxes for property known on the Clarkstown Tax Map as 35.20-1-9 (formerly 129-A-5.6).

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. (590-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 22, 2001 that the position of Police Officer – can be created,

Now therefore be it,

RESOLVED, that the position of Police Officer – Town of Clarkstown Police Department – is hereby created – effective July 25, 2001 and be it

FURTHER RESOLVED, that Police Officer position #500423 shall be withdrawn – upon the retirement of the present incumbent holding that position.

RESOLUTION NO. (590-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (591-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Matthew C. Buteux, 80 Country Club Lane, Pomona, New York – Information Services Specialist I (Networked System) – Data Processing Department – is hereby accepted – effective and retroactive to June 30, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (592-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Brian R. Davidson, 296 South Mountain Road, New City, New York, Court Attendant, Town Justice Department is hereby accepted. Effective and retroactive to July 3, 2001 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

RESOLUTION NO. (593-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Frances Koppel, 41 Lakewood Drive, Congers, New York – Assessing Clerk I – Assessor’s Office – is hereby accepted – effective July 31, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (594-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Robert E. Ross, 38 Lyncrest Avenue, New City, New York, Environmental Control Inspector III, Department of Environmental Control is hereby accepted. Effective August 1, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (595-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Harry Levin, 72 South Highland Avenue, Nyack, New York, Senior Drafter, Department of Environmental Control is hereby accepted. Effective July 31, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (596-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Jennifer Stebbins has requested a leave of absence, without pay, and

WHEREAS, Jennifer Stebbins has supplied a satisfactory reason for her request, and

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

NOW, THEREFORE, be it

RESOLVED, that Jennifer Stebbins, 5 Marisa Drive, Spring Valley, New York (temporary) Assistant Director of Municipal Counseling Services, Clarkstown Counseling Center, is hereby granted a leave of absence, without pay, effective August 6, 2001 to August 13, 2001, and be it

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Jennifer Stebbins hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of the Town Board.

RESOLUTION NO. (596-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (597-2000)

Co. Maloney offered and Co. Mandia seconded

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

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

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

WHEREAS, certain projects must be completed by the September 28, 2001 deadline imposed by FEMA

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, for the purpose of completing the Lake Nanuet Gabion Slope Stabilization Project (FEMA PW #670), and

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

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

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$33,833.90 and shall be a proper charge to account H 8748 409 0 72 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (598-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the banks of stream NJ1-12-6 were significantly eroded as a result of Tropical Storm Floyd, and

WHEREAS, the degradation of the stream banks is affecting normal stream flow and could potentially cause obstructions to the stream, and

WHEREAS, the Department of Environmental Control has recommended the restoration of the banks to ameliorate the adverse condition by facilitating runoff, and

WHEREAS, during the course of construction, an underground utility was encountered and required relocation, and an additional tree required removal, and

NOW, THEREFORE, BE IT

RESOLVED, that Town Board Resolution No. 921-2000 is hereby amended to include the cost of the additional work, and

BE IT FURTHER RESOLVED, that the cost for the additional work shall not exceed \$1,350.00, and

BE IT FURTHER RESOLVED that the total cost for the corrective work shall not exceed \$15,446.00 and shall be a proper charge to account H 8749 409 0 73 24.

On roll call the vote was as follows:

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

RESOLUTION NO. (599-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, certain work consisting of Re-spreading of Topsoil and Seeding at 486 Little Tor Road , Tax Map Lot 43-E-7.1 was not completed in a satisfactory manner under the provisions of Town Code Sections 5-4(D), 5-15, 5-16, and

WHEREAS, the Town of Clarkstown is holding cash escrow from Philip Wolikow, South Valley Construction in the sum of \$1000.00, posted October 31, 2001 , to guarantee the satisfactory completion of said work, and

WHEREAS, by certified letter dated June 27, 2001 the Department of Environmental Control notified Philip Wolikow, South Valley Construction that failure to complete said work in accordance with the provisions of Town Code Sections 5-4(D), 5-15, 5-16, may result in the defaulting of escrow deposits, and

WHEREAS, Philip Wolikow, South Valley Construction failed to complete the work under the provisions of Town Code Sections 5-4(D), 5-15, 5-16,

NOW THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby declares the sum of \$1,000.00 deposited by Philip Wolikow, South Valley Construction to be in default.

RESOLUTION NO. (599-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (600-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that James Molinaro Jr., Data Collector, Assessor's Office, is hereby authorized to attend a free course on The Fundamentals of Data Collection sponsored by the New York State Office of Real Property Services, September 17 - 20, 2001 in Albany County, New York, and be it

FURTHER RESOLVED, that all reasonable expenses including transportation, lodging and meals, shall be charged against Account No. 1010-414.

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. (601-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Councilwoman Shirley Lasker, who represents the Town of Clarkstown as a member of the National Main Street Center of the National Trust for Historical Preservation, has advised that said organization has scheduled a seminar entitled, "Main Street Basic Training" for November 5-8, 2001, and that her attendance would provide assistance to the Town of Clarkstown with respect to its Master Plan Downtown Revitalization Plans;

NOW, THEREFORE, be it

RESOLVED, that Councilwoman Shirley Lasker is authorized to attend the Main Street Basic Training Seminar to be held in Washington, D.C., on November 5-8, 2001, for the member's early registration cost of \$645.00, plus necessary transportation, lodging and meals, and be it

FURTHER RESOLVED, that all reasonable and necessary expense shall be charged to Account No. A 1010-414.

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. (602-2001)

Co. Maloney offered and Co. Smith seconded

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

BID #45-2001 – COMPUTER AND WORD PROCESSING SUPPLIES

is hereby awarded to: O.P.G. INDUSTRIES, INC
P.O. BOX 140
BROOKLYN, NY 11232

PRINCIPAL: LARRY STERN

MANCHESTER EQUIPMENT CO
160 OSER AVE
HAUUPPAUGE, NY 11788

PRINCIPAL: PHIL SCHRAGIN

OFFICE COMMUNICATIONS
80 RED SCHOOLHOUSE RD
CHESTNUT RIDGE, NY 10977

PRINCIPAL: THOMAS MURRAY

CVR COMPUTER SUPPLIES
4114 -15TH AVE
BROOKLYN, NY 11219

PRINCIPAL: WILLIAM REINHOLD

R & D COMPUTER
5 WINDWARD COURT
DIX HILLS, NY 11746

PRINCIPAL: DONNA GLOVER

VALIANT IMC
55 RUTA COURT
SO. HACKENSACK, NJ 07606

PRINCIPAL: D. RON WOLSTEN

CUSTOM COMPUTER SPECIALTS, INC
70 SUFFOLK CT
HAUUPPAUGE, NY 11788

PRINCIPAL: GARY DROUTMAN

RESOLUTION NO. (602-2001) continued

As per the item/price schedule on file in the Town 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

RESOLUTION NO. (603-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (603-2001) continued

WHEREAS, by petition dated May 3, 2001, the Sisters of Charity of St. Vincent de Paul of New York, petitioned the Town Board of the Town of Clarkstown for a special permit pursuant to Section 290-17(0) to construct 106 residential units for senior citizen housing on a portion of premises consisting of approximately 48 acres on premises designated on the Clarkston Tax Map as 63.11-2-13 (formerly 4-A-6), which property is located on the north side of Convent Road and the east side of Pascack Road, Nanuet, New York, and

WHEREAS, by resolution dated May 8, 2001, the Town Board scheduled a public hearing to be held on June 26, 2001, and in addition made the required referrals to the Town of Clarkstown Planning Board, the Rockland County Commissioner of Planning, and appointed Robert Geneslaw, Planning Consultant, as its agent for the purpose of compliance with the New York State Environmental Quality Review Law (SEQR), and

WHEREAS, by memo dated June 25, 2001, Robert Geneslaw, acting as agent for the Town Board, submitted a report and draft resolution determining that the housing project proposed by the petitioner would not have an adverse environmental impact, and

WHEREAS, the Town Board, after due consideration of all the facts and circumstances presented in the petition, and information presented at the public hearing held on June 26, 2001, as well as the report of Robert Geneslaw, hereby makes the following findings and determination pursuant to 6-NYCRR Part 617;

NOW, THEREFORE, be it

RESOLVED, that potential adverse environmental impacts have been identified as follows:

1. Stormwater runoff due to increased impervious surface, increased potential for flooding and reduced water quality due to pollutants carried from those surfaces.
2. Removal of vegetation, loss of existing mature vegetation and buffers to adjacent residential area.
3. Erosion due to the removal of vegetative cover, grading and earthwork required to construct the proposed project.
4. Visual impact of the proposed building construction as seen from the surrounding areas.
5. Traffic increases on the surrounding area roadways, particularly Convent Road, a heavily traveled roadway.
6. Noise impacts during construction.
7. Ability of emergency service providers to adequately access all parts of the proposed facility,

and be it

FURTHER RESOLVED, that the Town Board, based on extensive review of the proposed action by the Town of Clarkstown Planning Board, the applicant has proposed the mitigation of the potential adverse environmental impacts as follows:

1. Installation of water quality detention basin to mitigate stormwater flows and improve water quality to the receiving watercourse.

RESOLUTION NO. (603-2001) continued

- 2. Increased setback from surrounding residential property lines, installation of screen plantings, and design of the site to place buildings at lower elevations to reduce their visibility.
- 3. Design of buildings to appear as a more residential development, limiting the number of stories and utilizing pitched roof designs.
- 4. Commitment to create and implement an erosion control plan to prevent erosion of soils during construction, in accordance with the NYSDEC General Permit for Stormwater Discharge from construction activities.
- 5. Construction of improvements to Convent Road at the entrance to provide proper access to the site and eliminate the potential traffic impact of vehicles entering and exiting the project. The use will not generate a significant volume of traffic to the roadways in the area, as many residents will not drive or own vehicles, and other anticipated traffic will be "off peak."
- 6. No large commercial mechanical climate control units are contemplated for the site, traffic noise will be mitigated by the existing and proposed vegetation, and the grade separation which will reflect such noise into the site.
- 7. Design of the site has been revised to provide access to all parts of the proposed facility with adequate areas provided to set up emergency responding equipment,

and be it

FURTHER RESOLVED, that the Town Board, based on review of proposed action, and mitigation of the potential adverse environmental impact required, or to be required as part of the special permit to be granted simultaneously herewith, hereby makes the determination that the proposed action of special permit approval for senior citizen housing will not have an adverse environmental impact.

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. (604-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by petition dated May 3, 2001, the Sisters of Charity of St. Vincent de Paul of New York, petitioned the Town Board of the Town of Clarkstown for a special permit pursuant to Section 290-17(0) to construct 106 residential units for senior citizen housing on a portion of premises consisting of approximately 48 acres on premises designated on the Clarkston Tax Map as 63.11-2-13 (formerly 4-A-6), which property is located on the north side of Convent Road and the east side of Pascack Road, Nanuet, New York, and

WHEREAS, by resolution dated May 8, 2001, the Town Board scheduled a public hearing to be held on June 26, 2001, and in addition made the required referrals to the Town of Clarkstown Planning Board, the Rockland County Commissioner of Planning, and appointed Robert Geneslaw, Planning Consultant, as its agent for the purpose of compliance with the New York State Environmental Quality Review Law (SEQR), and

RESOLUTION NO. (604-2001) continued

WHEREAS, by memo dated June 25, 2001, Robert Geneslaw, acting as agent for the Town Board, submitted a report and draft resolution determining that the housing project proposed by the petitioner would not have an adverse environmental impact, and

WHEREAS, the Town Board, after due consideration of all the facts and circumstances presented in the petition, the information presented at the public hearing, as well as the report of Robert Geneslaw, as agent for the Town Board with respect to NYSEQR, has determined that the project would not have an adverse environmental impact, although there is potential for adverse environmental impact such will be mitigated as a result of design, construction and other steps to be taken by the applicant, with the result that the Town Board, by resolution adopted on the date herewith, has determined that the proposed action will not have an adverse environmental impact, and

WHEREAS, the Town Board by this resolution intends to grant a Special Permit to the applicant upon the following special findings and specific conditions set forth herein, all pursuant to Section 290-15 and Section 290-17(0) of the Zoning Local Law of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, the Town Board makes the following SPECIAL FINDINGS: that the proposed use, as described in the petition and represented by the applicant and its professionals before the Town Board and before the Planning Board of the Town of Clarkstown, shall

1. Be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
2. Not cause undue traffic congestion or create a traffic hazard.
3. Not create, at any point of determination set forth in Section 290-13 F, G, and H, any more dangerous and objectionable elements referred to in Section 290-13A than is characteristic of the uses expressly permitted of right in the same district.
4. Not adversely affect the character of or property values in the area.
5. Not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.
6. Comply with all other regulations applicable to such use, and the Town Board hereby FURTHER FINDS: that the application for a special permit for the erection of senior citizen housing shall comply with all the requirements of Section 290-17(0) of the Zoning Local Law of the Town of Clarkstown provided that the following conditions shall be observed:
 1. The applicant shall provide proof in a form satisfactory to the Town Attorney that it is a nonprofit organization;
 2. That the special permit granted hereon shall be conditioned upon the applicant retaining title to the premises and that said special permit shall not run with the land and that any transfer of title or change of management of the permitted senior citizen housing shall be subject to the issuance of a new special permit or other required approval of the Town Board;
 3. That annually the applicant shall submit a report to the Town Clerk for filing with Building Inspector in accordance with the provision of Section 290-17(0)(3);
 4. Should the project qualify for tax abatement, same shall be used for the purpose of reducing rental payments for housing for the elderly in accordance with Section 290-17(0)(4)(a)(b)(c);

RESOLUTION NO. (604-2001) continued

- 5. All building and dwelling units constructed under the special permit granted hereby shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code and conform to any additional State and Federal requirements established for housing for the elderly, with the number of units limited to no more than 106 units;
- 6. That community space as required in Section 290-17(0)(6) shall be provided;
- 7. That permitted general accessory uses shall be limited to those specified in Section 290-17(0)(7)(a)(b)(c);
- 8. That any signs erected shall be subject to the requirements of Section 290-17(0)(8) and Section 290-14 of the Town Zoning Local Law;
- 9. That accessory off-street loading berth, if any are required or proposed, shall conform to Section 290-17(0)(9);
- 10. That the minimum off-street parking shall be as required pursuant to Section 290-17(0)(10);
- 11. That the additional regulations as required by Section 290-17(0)(11)(a through h) shall be complied with;
- 12. That the impact of any changes in drainage from the site at peak discharge shall be no greater than that presently discharging from the site in accordance with the drainage study submitted by the applicant, upon which the Town Board has relied and hereby accepted such analysis in making the required findings pursuant to Chapter 290-15;
- 13. That the screening, the preservation and buffers as shown by applicant on plan dated May 7, 2001 submitted to the Town of Clarkstown in support of special permit application shall be made part of any final site plan approval;
- 14. The applicant shall install such traffic signalization or signage as required by Rockland County Highway Department with respect to road frontage under the jurisdiction of such department, and
- 15. Sidewalks be installed or upgraded for the premises fronting on Convent Road, Nanuet, as shall be determined by the Planning Board.

and be it

FURTHER RESOLVED, that the within SPECIAL FINDINGS and RESOLUTION setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk, and be it

FURTHER RESOLVED, that this resolution shall constitute the Special Permit granted to petitioner pursuant to Section 290-17(0).

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. (605-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, 17 North Rockland Avenue Corp. (Renee Spinelli, President) has advised the Town Clerk by letter dated July 11, 2001, pursuant to Section 64 (2-a) of the Alcoholic Beverage Control Law that said corporation has applied for an on premises liquor license at 17 North Rockland Avenue, Congers, New York, and

WHEREAS, to expedite processing said corporation's license application, Gerard Amalfitano, Esq., attorney for the applicant, has requested that Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of 17 North Rockland Avenue Corp. for a license at premises 17 North Rockland Avenue, Congers, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (606-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has recommended a Change Order to Bid #34-2001 entitled "2001 Concrete Curb & Sidewalk Replacement Program" which was awarded on May 22, 2001 by Resolution No. 453-2001.

NOW THEREFORE, BE IT

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

Add the following curbs to the list of curbs to be replaced:

- Crabapple Lane 111 linear feet
- Martens Drive 1,518 linear feet
- Joan Drive 1,600 linear feet

and be it

FURTHER RESOLVED, that the additional work shall not exceed the sum of \$60,000.00 (not including preparatory work) and this fee shall be charged to Account No. DB 5110-387-0.

RESOLUTION NO. (606-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (607-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has recommended a Change Order to Bid #35-2001 entitled "2001 Roadway Resurfacing Program" which was awarded on May 22, 2001 by Resolution No. 454-2001.

NOW THEREFORE, BE IT

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

Add the following roads to the list of roads to be re-paved:

<u>New City</u>	<u>Nanuet</u>
Amundsen Lane	Redwood Court
Dore Court	Crabapple Lane
Rone Court	Lilac
Oxford Court	Tyler Place
Avon Lane	

and be it

FURTHER RESOLVED, that the additional work shall not exceed the sum of \$160,000.00 (not including preparatory work) and this fee shall be charged to Account No. DB 5110-381-0.

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. (608-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby refers a proposed Amendment for age 55 and over restricted housing in the Town of Clarkstown, as suggested by a resident, to the Clarkstown Planning Board for its review and recommendations to the Town Board.

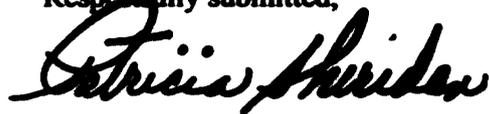
RESOLUTION NO. (608-2001) continued

On roll call the vote was as follows:

Councilwoman LaskerNo
 Councilman MaloneyYes
 Councilman MandiaYes
 Councilwoman SmithYes
 Supervisor HolbrookNo

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time 10:45 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/24/2001

8:00 P.M.

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

RE: VIOLATION HEARING CHAPTER 216 PROCEEDING – GOLDBERG – Con't.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared open

Supervisor asked Mr. Costa, Town Attorney to take over the proceedings. Mr. Costa stated that this is a Chapter 216 proceeding in which the Town Board has alleged that the property owner has created what amounts to a nuisance on his property. This matter has been continued over until tonight. The hearing was first begun on June 12th and the matter was continued at the Town Attorney's request because the Town was seeking additional professional guidance and information regarding the type of material that is on the Goldberg property. We are prepared to proceed tonight in that regard. Mr. Costa asked Mr. Tom Pease of the firm of Lawler, Matusky & Skelly, Engineers to step to the podium.

Mr. Pease was sworn in by Mr. Costa.

Mr. Thomas Pease introduced himself as a partner of the Environmental Engineering firm of Lawler, Matusky & Skelly, Engineers. He has over thirty years of experience. He has a Bachelor's Degree, a Master's Degree and a PHD. He is a professional engineer in New York State and has been working in the area of environmental assessment relating to contaminants on sites for those thirty years.

Mr. Costa: Mr. Pease, are you familiar with the Goldberg property, premises known as 139 Massachusetts Avenue, Congers.

Mr. Pease: Yes I am.

Mr. Costa: Mr. Pease, did you and your firm have occasion to investigate, make testing and do some analysis with respect to this property?

Mr. Pease: Yes, we initially reviewed what had been done in the past and certain records and recommended sampling and performed that investigation.

Mr. Costa: Mr. Pease would you indicate what information you were presented with and what steps were taken thereafter.

Mr. Pease : There was a description of the original complaint and the nature of the fill, some photographs by Mr. Haelen back in 1999 when the fill was placed and a report by Warren Panza, another engineering firm on their interpretation of the conditions relative to the neighboring property. A memorandum in the file from the State DEC based on their inspection, valuation and assessment of the significance of those results and some chemical analysis results from six test bits that have been performed to sample the material.

Mr. Costa: Mr. Pease, as a result of that inquiry, did you gain information as to the source of the material that is on Mr. Goldberg's property or the character of that material?

Mr. Pease: Yes, the source in general, not the specific source from where the material originated from, but the nature of the material is broadly described as construction and demolition material, but more specifically it has other materials such as solid waste mixed in with it which would make it a solid waste type material.

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Mr. Costa: Mr. Pease, describe in as much detail as you reasonably can what your firm and you did with respect to this particular property.

Mr. Pease: Initially as part of the file review and the historical review, I went out and inspected the site and walked up from Route 9-W among the fill areas. It was very rough and there seemed to be some voids among the fill although it was mostly covered with vegetation. There were some areas that had erosion and some slumping of the fill material down as far as the sway along Route 9-W. We then recommended some sampling to more quantitatively evaluate the type of material that was there. That was to supplement the work that had been done before and confirm those results and to do some additional testing.

Mr. Costa: Mr. Pease, are you referring to the reports that are already part of the record that was introduced in this proceeding?

Pr. Pease: Yes, there was a series of six test bits that had been done some time prior to this and some laboratory testing performed by York Laboratories.

Mr. Costa: As part of the preparation for your firm's investigation, I provided you with a copy of the transcript of the proceedings to date. Were you able to review that and are you basing your statement here on the review of that material?

Mr. Pease: Yes.

Mr. Costa: Were you able as a result of your personal observations or observations of those in your firm to determine approximately how much fill or could you other wise describe the extent of the fill that is on the Goldberg property?

Mr. Pease: We did a rough estimate. It is difficult to interpret the previous topography verses the new topography on the site, but from a map that characterized that, we estimated it to be approximately three thousand cubic yards. That included some material that was off the Goldberg property and on the surrounding properties to the south which I believe is the Rocco property. It has been referred to that in the file and to the east which I understand to be owned by the Palisades Park Commission. We recommended sampling of the fill material. We had a site map with an existing topography and the property line shown on it. I went out and reviewed the site and assigned a sampling crew to sample at four locations basically two along the east side which is parallel to Route 9-W. One on the northeast corner and one on the southeast corner. We estimated the fill from the topography to be between six and ten feet deep at those locations and we sampled at a depth of between two and three feet. This should have been the middle of the fill. In the process of doing the sampling, we discovered brick, asphalt, metal, scrap metal, dimensional lumber (meaning it was not sticks and brush, but rather actual wood boards which is part of the criteria that the State uses to determine that it would be solid waste as opposed to construction and demolition material), some tiles and a significant number of voids at some of the sampling locations where material is going to settle into those voids over time. Although the existing slope has vegetation on it, there certainly is voids hidden among the rocks which is going to be subject to settlement and erosion over time. There is going to be a continuing problem and concern with respect to that banks stability. From those samples, we did two series of analysis. We took about a liter of sample back to the laboratory and performed physical analysis, that is, we sieved it with some screens, and identified the type of material that was there in that ground-up material. The remainder of the sample we sent to a chemical laboratory for analysis.

Mr. Costa: With respect to the physical characteristics of the materials that you put through the sieve and examined, can you describe what type of materials were present.

Mr. Pease: There was a lot of variability among the samples that were examined and depending on the sieve size, but generally there was a significant fraction of concrete that had been ground up into the sampled material, ground up asphalt, brick, wood, metal, flag, which is sort of the bottoms of a furnace operation, some traces of glass and plastic

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and a little of bone and some coal fragments.

Mr. Costa: On the basis of that type of examination, can you offer an opinion as to where that type of material would come from or what it would have been before it was put in to the current state?

Mr. Pease: It looks very much like material we have seen at other sites which is referred to as processed material. That is, it is mixed material from a demolition project that includes metal, wood, etc. and put through a processing facility where it is basically pulverized ground-up and is suppose to be used for limited purpose as road sub base material, but apparently in this case that material has been used for other fill purposes.

Mr. Costa : From the physical examination of this material, in your opinion, can you disclose that it was part of a building that was destroyed and ground up into this material?

Mr. Pease: Yes, it looks consistent with that analysis from what I have seen of similar material that had that origin.

Mr. Costa: You made certain chemical tests as well.

Mr. Pease: Yes.

Mr. Costa: Would you describe those tests?

Mr. Pease: There were a series of tests for the material. There was a group of compounds that are referred to as base neutrals and acid extractable compounds. They include a lot of organic compounds about a hundred and something. Of that list, they include constituents that are also found in petroleum that can also have other chemical origins. There is also a list of metals that are frequently metals of concern. We analyzed that group and then did a composite analysis for pesticides and herbicides. We did some leaching tests which is under a EPA specified protocol TCLP which is a toxic contaminate leaching procedure. It is a standard test that is specified by EPA. It measures basically how mobile those contaminants might be from the subject material that was exposed under certain environmental conditions.

Mr. Costa: Do you have the ability to offer an opinion as to the validity of these types of tests in identifying the composition of the materials that were on the site other than the sample that you have taken? Would these tests likely be consistent if you tested the rest of the material?

Mr. Pease: Yes, they would generally be consistent. There is a fair degree of environmental variability among the character of different fill areas when you have a mixed fill. That is part of the reason we recommended four samples. We could then compare those to the six prior samples that had been done.

Mr. Costa: With respect to the location of those samples, you indicated that they were taken from property adjacent to the actual Goldberg parcel. You did not access the Goldberg parcel for those samples, correct.

Mr. Pease: That is correct.

Mr. Costa: Can you state with a degree of scientific certainty that the sampling method you used and the samples you obtained would likely be reflective of the property that is on the Goldberg property that was not tests?

Mr. Pease: Yes, it seems to be a common fill area. Where we sampled was on a very steep slope that sloped down from within the Goldberg property out on to the Palisades Park property and to the property to the south and the property to the northeast.

Mr. Costa: You are comfortable and confident that the results of your testing would indicate with a high degree of reliability the materials that are also on the Goldberg property.

Mr. Pease: Yes, absolutely.

Mr. Costa: Would you continue with your description of the analysis.

Mr. Pease: Among the base neutral and acid extractable compounds, there were approximately twenty compounds that were detected. They are typical of petroleum related compounds. We can't identify exactly which type of chemical or origin mixture produced the contaminants, but one of those in that group is a chemical called benzopyrene. That is a known carcinogen. It is of particular concern to us in evaluating sites where the contaminant benzo(a)pyrene might appear. In particular, in this case, that concentration of the benzo(a)pyrene in these four samples was about ninety times higher than the State guideline or TAGM level. The State provides us with a guidance number for benzo(a)pyrene concentrations that they would consider to be presumably safe on a site.

Mr. Costa: Is this the type of compound that would likely appear on residential property in the Town of Clarkstown through natural sources?

Mr. Pease: No, it would not appear in a natural source. Among those fifteen or twenty compounds that were detected, that is the one that would be of concern. In the metals analysis, the lead concentration ranged from about two hundred to over three hundred parts per million which is above what you would consider background for any natural area. The State of New York uses background as a target when they are considering interpretation of this type of data. There a lot of sources of lead and there is recognition in the field that you may have elevated levels of lead, especially in urban environments where it might be above that number, but normally in rural environments it would be down in the order of a few parts per million rather than the two hundred to three hundred that we measured in this fill material. In addition, the mercury concentration that we measured was approximately .3 parts per million and that is similar to what had been measured in the other six prior samples. That is about three times higher than is the guidance number that the State uses for acceptable concentrations for residential properties. There is increasing concern about mercury in the environment by the agencies over the last couple of years. That is a bit of a mystery as to where that elevated concentration from mercury might have originated. It is also higher than I have seen in other processed materials. The lead concentration is similar to what I have seen in other processed materials. That is probably associated with normal processing with this type of demolition material. In addition, we did tests for the leachable fraction of both the base neutral and acid extractable compounds and the metals that I just described. That test is done to see which of those contaminants might be mobilized by infiltrating rain water or leachate that might be produced out of the fill. The lead concentrations were elevated in those analyzes as well as flanium and several of the base neutral compounds, but not the benzo(a)pyrene in particular. There is certainly evidence from our testing that there would be contaminants of concern that would likely be above the ground water standards for this State that would leach out of this material and percolate down to the ground water.

Mr. Costa: With respect to the test results other than the tests results you refer to regarding the mercury compound and the benzo(a)pyrene, would these results be something that you would expect to obtain when you tested processed construction and demolition debris? Would these types of materials normally be found in that type of materials?

Mr. Pease: Yes, that would be typical.

Mr. Costa: So, your test results to that extent can confirm that the materials were a result of a processed construction and demolition debris?

Mr. Pease: They seem to be consistence with those results.

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Mr. Costa: You alluded to earlier in your testimony that there are some limited uses that could be lawfully made of the type of materials that are on this property. Could you elaborate a little on that?

Mr. Pease: The processing facilities that grind up this type of material and then sell it for off sites use have a registration that is filed with the State Department of Environmental Conservation. That registration specifies the kinds of acceptable use of that material which includes under road beds or public road fill where it is a non-residential property and it is an approved project by DEC. In those types of applications, it's not approved for general use as fill and it is certainly not approved for residential use on residential properties.

Mr. Costa: Your knowledge of the regulations is that this type of fill could not be given a permit to be disposed of on residential property to alter its elevation.

Mr. Pease: No, never.

Mr. Costa: With respect to the levels of the chemicals that you discovered, is it possible for that type of material to affect surrounding properties and present a hazard?

Mr. Pease: Certainly, the materials that are physically on the surrounding properties presents a direct hazard. The materials that are not on the property, but adjacent to it has a potential to impact those adjacent properties by either erosion, settlement over time, wind blown dust or by simply walking on the property.

Mr. Costa: The materials could migrate and could be ingested by people who are just present on the site.

Mr. Pease: Yes, the principle concern with respect to exposure to all the types of materials that I have been talking about is principally ingestion by children also an inhalation of dust.

Mr. Costa: Do these types of materials pose any threat to ground water supplies?

Mr. Pease: Yes, it does because we did the leaching test. The evaluation that DEC uses in comparing the analysis of the waste with the ground water standard makes an assumption about how much organic material might be binding the contaminants within the fill. It should come up with a number that they believe would be safe. These concentrations exceed that number. Our leaching tests show especially the lead and some of the other based neutral and acid extractable compounds are mobile enough to potentially impact ground water.

Mr. Costa: You indicated approximately three thousand yards of this material are on the Goldberg site and adjacent to it. Can you characterize that in terms of truck loads of material that would be needed to reach three thousand yards?

Mr. Pease: Probably about two hundred truck loads.

Mr. Costa: As a result of your investigation, testing and the analysis that you did, do have any conclusion which you can recommend to the Town Board as what would be a safe and reasonable way to deal with this material?

Mr. Pease: Since the material wasn't appropriate to be used as residential fill, the obvious solution is to just remove the material. That would be my recommendation in terms of totally mitigating and removing the threats that are posed by the material.

Mr. Costa: Board Members do you have any questions for Mr. Pease? I do believe that counsel for Mr. Goldberg is present tonight and should be given a opportunity if he desires, to ask some questions. Mr. Clark indicated he did not want to ask any questions.

Co. Mandia: A suggestion you recommended would be to remove the material. It has been there for quite awhile. In your opinion, any contaminants that may be in that soil that was placed on the property, could that have contaminated other soil that was on the property originally? Is that risk low or high?

Mr. Pease: That possibility would shown by the leaching tests that we had done. There are some of the metals and base neutral compounds that are potentially leachable. Normally, what is done with this kind of a removal would be that when the removal was done to test the underlying soil and confirm that there were no residual contaminants at a level of concern.

Mr. Costa: Are you aware of any requirements that the State would impose upon the property owner with respect to the removal of these materials?

Mr. Pease: I don't know of any specific permit the State would require. I know the State request that they be notified of such remedial measures that are being taken with respect to solid waste or hazardous waste and substances. They would want to be informed, but I don't know of a specific permit they would need other than that they would want to verify that it was being transported by and being ultimately disposed of in an appropriate permanent facility for the solid waste.

Mr. Costa: If the materials were not to be used as described in your statement for road construction, where else could they be disposed of or how would they have to be disposed of?

Mr. Pease: In describing the material that we sieved and the material that we sampled, that would be like processed material. There are other materials that are there like the chunks of scrap metal, lumber, concrete and brick that are recognizable material that would not have been pulverized.

Mr. Costa: I'm glad you brought that up. The site consists of granular materials as well as other materials of much larger dimensions.

Mr. Pease: That is correct.

Mr. Costa: Can you describe and characterize in terms of percentage the type of materials that are there?

Mr. Pease: It seems to be from the sampling that we have done and the tests bits that have been done before, in their characterization that it is at least half of this granular type material that has been processed and isn't recognizable until you look at it carefully and that is the material that we tested. It could be more or less than that. I don't have a more precise estimate than about maybe half of it.

Mr. Costa: The other 50% would then be much larger identifiable types of material consisting of bricks, concrete, lumber and other things you described.

Mr. Pease: That is correct.

Mr. Costa: What would be the appropriate way to dispose of those materials?

Mr. Pease: The scrap metal could either go to recycling or to a landfill. The recognizable concrete and brick could go to a construction and demolition debris landfill where they are taking what is referred to as clean construction demolition material. That means it is recognizable concrete, brick, asphalt and glass. The other materials would basically go to solid waste facility.

Mr. Costa: The other materials are the materials that are the pulverized materials.

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Mr. Pease: Exactly, yes.

Co. Mandia: Are you saying that virtually everything that was put on that site would really require a permitted nothing place. You would have to go to a place that is licensed to accept that kind of material. To get rid of it normally if you had it in your truck, you would have to bring it to a permitted landfill that is licensed to take that kind of material. Is that a fair statement?

Mr. Pease: That is the expectation of the regulations. There is a provision in the regulation that if it is recognizable concrete and brick, that can be disposed at a facility for clean construction and demolition material that it doesn't have to have a permit referred.

Co. Mandia: If it was commingled, it wouldn't be the case.

Mr. Pease: That is correct.

Supvr. Holbrook: Your recommendation in the final analysis is the removal of the material. Is that correct?

Mr. Pease: Yes, it is

Supervisor asked if there was anyone wishing to speak or ask a question.

Appearance: Larry Wolinsky, Esq.
Jacobwitz & Goobitz
Waldon, New York

I head the Firm's Environmental Law Practice. I am here tonight on behalf of Patrick Rocco of 147 Massachusetts Avenue. Mr. Rocco's property is the immediately adjacent property. It is my understanding that the materials have been on site for over two years. My question is, do you recommend that once the materials are removed and we get back to the virgin ground, should there be testing of that virgin ground to determine the extent of any contamination to that area in order to completely close this issue?

Mr. Pease: Yes, that is the normal procedure. You remove the material down to what is visibly the native material that was there and then sample that on some type preestablished grit or some established number of random samples and confirm that there is no remaining contamination from the fill that had been placed there.

Mr. Wolinsky: I would therefore recommend to the Town Board if it determines to go forward under the Section of the Code that in the contract for the work, it also includes the follow-up sampling as well as the material removals.

Mr. Costa: Would you confirm for the record that the Town does have your client's permission for any testing .that was done and for any future testing.

Mr. Wolinsky: Yes, it does.

Appearance: Steve Levine
193 Massachusetts Ave.

Once again, I would like to commend the Board for continuing this action. It is very unfortunate the property owner seems not to want to cooperate. It is my understanding that the District Attorney needs to refer this matter back to the State. I think we need to have the State get involved. We need to have the State assist the taxpayers here in Clarkstown. It appears that the owner, Mr. Goldberg, is not willing to cooperate and ultimately the Taxpayers will have to share the cost. Of course, the Town Attorney would have to see if there is any legal problems in the way. I would like to know if the Town Board would entertain sending a letter to the District Attorney and the

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Attorney General's Office expressing their concerns and whether or not it is in their power legally to assist us in this clean up to certainly proceed. I would like to have an informal poll based on, of course, the Town Attorney clearing it, of how the Town Board Members feel.

Mr. Costa: I don't think that would be appropriate during the course of this public hearing for that type of inquiry. The Town Board obviously has heard your recommendation and will take it under advisement.

Mr. Costa: Are you in a position, based on your knowledge of this type of situation, to offer any estimate as to the likely cost that would be incurred to remediate this property along the lines you have recommended?

Mr. Pease: I really haven't done that. We have done similar estimates for other projects, but I have not done it for this at this time.

Mr. Costa: Would you be in a position based on the information you have to calculate such an estimate and provide that to the Town?

Mr. Pease: Yes.

Mr. Costa: My recommendation would be to conclude the public comment portion of this public hearing unless somebody else wants to present anything and keep the record open for Mr. Pease's firm to submit any material that would provide the Town Board with an estimate as to where we would go with this.

Supervisor Holbrook: After we close the hearing, would be then be in the process of drafting a resolution for the Town to consider.

Mr. Costa: I think we should reserve decision on this to give my office time to analyze the record and to prepare proper proposed findings of fact and recommendations.

Mr. Costa: Will you be able to submit for the record your report on this matter.

Mr. Pease: Yes, I will.

Mr. Costa: We will hold the record open for that purpose as well as the submissions we just discussed..

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing was voted to be continued, time: 8:40 PM

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/27/2001

8:40 P.M.

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

RE: PROPOSED LOCAL LAW - "HISTORICAL ROAD PRESERVATION", Con't.

On motion of Councilman Mandia, seconded by Councilwoman Lasker and unanimously adopted the public hearing was declared open.

Supervisor Holbrook stated that there is a proposed final revision to the Historical Road Local Law. Since it has not been in the possession of the Town Board for five days prior to tonight's meeting, it cannot be acted on tonight.

Supervisor asked if there was anyone present wishing to make a comment or ask a question?

Mr. Costa, Town Attorney stated that Mr. Geneslaw, Planning Consultant, has not of yet completed the SEQRA on this Historic Road proposal.

Co. Mandia said that on the 14th everything will be in place.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the public hearing was declared closed, time; 8:42 PM.

Respectfully Submitted,


PATRICIA SHERIDAN,
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

7/24/2001

8:43 P.M.

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

RE: SPECIAL PERMIT – ST. AGATHA HOME OF NEW YORK FOUNDLING
HOSPITAL (CONSTRUCT AN AGENCY GROUP HOME ON PROPERTY
DESIGNATED AS LOT 53.15-1-42 (FKA 4-A7))

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

John Costa, Town Attorney read the following report from the Rockland County Planning Department, dated April 23, 2001:

“Item: St. Agatha Home for Children (C-3148)
Special permit for the construction of an agency group home on 45.8 acres in an R-22 Zone.
South side of Convent Road, approximately 300 feet west of Caravella Lane.

Reason for Referral: Convent Road, Pascack Brook

The Rockland County Department of Planning has reviewed the above item. Acting under terms of the above GML powers and those vested by the Rockland County Charter, I hereby

*recommend the following modifications:

1. While the narrative states that the agency boarding home will be approximately 2,500 square feet, the site plan indicates that it will be 4,400 square feet. This discrepancy shall be rectified.
2. Adequate on-site parking shall be provided for the proposed special permit use to the satisfaction of the Town.
3. A review shall be done by the Rockland County Highway Department and any required permits obtained.
4. A review shall be done by the Rockland County Drainage Agency and any required permits obtained. This is signed by Dr. James J. Yarmus, P.E., Commissioner of Planning and a note that indicates that the GML requires a vote of a ‘majority plus one’ of your agency to act contrary to the above findings.”

Mr. Costa read the following letter from the Town of Clarkstown Planning Board, dated May 29, 2001, to the Town Board for a special permit request for St. Agatha Home of the New York Foundling Hospital, Nanuet.

“Dear Supervisor Holbrook and the Honorable Town Board:

The Planning Board reviewed the above referral at the May 9, 2001 Planning Board Meeting. After discussion, motion of Nowicki, second of Cain, carried 6:0 with Ayes of Yacyshyn, Schweitzer, Heim & Tullo, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD

THE PLANNING BOARD HAS REVIEWED THE PETITION FOR ST. AGATHA GROUP HOME, 4A7, NANUET.

BASED ON THE RECOMMENDATIONS FROM OUR CONSULTANTS, AND FROM A PLANNING PERSPECTIVE, THE PLANNING BOARD HAS NO OBJECTION TO SAID REQUEST. HOWEVER, THE PLANNING BOARD REQUESTS A SITE PLAN REVIEW ONLY COVER THE BUILDING ITSELF AND THE SURROUNDING AREA THAT IS AFFECTED

THE RECOMMENDATIONS OF THE ROCKLAND COUNTY PLANNING DEPARTMENT, DATED APRIL 23, 2001, TO BE TAKEN INTO CONSIDERATION.

THE PLANNING BOARD ALSO REQUESTS THE PETITION BE SENT TO ROCKLAND COUNTY HIGHWAY DEPARTMENT AND ROCKLAND COUNTY DRAINAGE AGENCY

Mr. Costa stated that we have the affidavit of the Notice of Service of Public Hearing in compliance with the General Municipal Law as well as the Affidavit of Publication in the file.

Supervisor asked if the representative for the applicant is present.

Appearance; Kathy Doyle
Director of St. Agatha Home

With me is Kate McCaffrey, the Assistant Director and Pat Cohessy, -Director of Plant Operations. We are here to request a Special Permit for construction of what is determined to be called an Agency Group Home. Quite simply we are replacing the setting for the fourteen youths who reside with us and have for several years. Youngsters who are from fourteen to twenty-one. They will be simply moving across the road to join the additional six cottages we have on Hidden Lane in a prefabricated modular building that we will construct. One story, 3300 square feet. In total compliance with the Office of Children and Family Services specifications for egress, etc.

Co. Mandia: What would happen to the space they are going to vacate? Will it be used for some other purpose.

Ms. Doyle: Presumably it will be. It no longer belongs to us. That belongs to the Sisters of Charity.

Co. Maloney: There was a question of a discrepancy with the 2,500 square feet. What is 4,400 square feet? This is a question that was raised by the Rockland County Planning Board.

Ms. Doyle: At a former meeting they clarified that. It is actually 3,300 square feet. We checked with Axis Modulars who is building the building for us and that is the exact specification of the building,

Supervisor: What is the total population on that side of the street.

Ms. Doyle: The total population remains exactly the same, 146 youngsters.

Mr. Costa: We haven't had anything put into the record regarding the SEQRA review and we should have that information.

Mr. Geneslaw: This is subject to any comments that the Board Members get from the public or the Board Members have themselves, a negative declaration could be adopted by the Town Board tonight.

RE: SPECIAL PERMIT - ST. AGATHA HOME OF NEW YORK FOUNDLING

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July 24, 2001

Appearance: Russell Trojan
Clarkstown

This application is part of untangling of properties between the Sisters of Charity and the New York Foundling. The Sisters of Charity own the north side of Convent Road. Currently, St. Agatha besides the group home also has a school located on the north side. The Sisters of Charity are working on a proposal which is on your agenda for senior citizen housing and other services to serve the elderly in the future. I am asking that the Board make a condition that the New York Foundling, St. Agatha, submit a concept plan to deal with this future change. Where are they going to put the school when the Sisters of Charity ask them to leave. I want to make sure that the entire site of St. Agatha is workable not just this piecemeal application. We need the group home moved now. We are going to need the school moved. They already moved the barn. The Sisters of Charity have subdivided a piece out of the south side of the road for the nuns' quarters. Two buildings exceeded the floor area ratio, but they were existing buildings and there really was no other land because of other lands used by the New York Foundling surrounding the two buildings that are occupied for nuns' quarters. I want a concept plan submitted as a condition so that all parties know where we are going.

Appearance; Charles Wild
22 Vincent Street, Nanuet

I am a little confused. I got the notification in the mail. I got a letter from St. Agatha's Home talking about this modular home. In the letter it says that they are going to relocate 150 Convent Road. That is going to go near Hayden Road which was discussed earlier. That is two different places.

Appearance: Kate McCaffery
Assistant Director of St. Agatha Home

The public notice which was sent to the neighbors as well as the letter refers to, what we refer to, the replacement cottage. It would be located in the Hayden area on our property.

Mr. Wild: Is this two separate things?

Ms. McCaffery: They are not two separate things. It is one construction. We wanted to clarify it because it seemed that the public notice confused the issue because it mentioned Duryea Lane. It has nothing to do with that. The location is within the Haydens.

Supervisor: Would you response to the question that Mr. Trojan raised? He was talking about something to do with the master plan for the entire site for the future.

Ms. Doyle: I am not quite sure about the conditional nature in terms of us waiting for a response with regard to the Special Permit before we are able to submit something. We are at work on a master plan. We have every intention of educating our kids on our campus. That would be on the south side of Convent Road. We have been engaged in regional meetings with other participants in Rockland County for the last year and a half in order to make that happen. We, as much as anyone else, do not want to see our kids left out in the cold in terms of education. We will be building a school. We will be figuring out exactly where all of that goes. We still have forty-six acres which is a lot of land. We have every intention of doing right by the children and our neighbors.

Co. Mandia: Mr. Trojan's point is well taken. We could request you to begin working with the Planning Board and TAC as soon as you can. If the individual pieces begin to come before us, we can understand how those pieces affect the whole. It is a reasonable request, but not as a condition as far as I am concerned.

Ms. Doyle: We are in total agreement with that. It has been raised with TAC and we have no problem with that.

There being no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was declared closed, time: 8:55 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (559-2001) ADOPTED
RESOLUTION NO. (560-2001) ADOPTED