

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

01/22/2002

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, & Mandia
Co. Smith, absent
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 the Public Hearing re: Petition of Jay Theise for use of Town Law 280-a(2) to obtain access to property known as Lot 64.8-1-38 was opened, time: 8 p.m.

On motion of Co. Maloney seconded by Co. Mandia the Public Hearing re: Petition of Jay Theise for use of Town Law 280-a(2) to obtain access to property known as Lot 64.8-1-38 was opened, closed, time: 8:09 p.m.

On motion of Co. Lasker seconded by Co. Maloney the Public Hearing re: Proposed Local Law: Golden Age Single Family Residence District was opened time: 8:10 p.m.

On motion of Co. Lasker seconded by Co. Maloney the Public Hearing re: Proposed Local Law: Golden Age Single Family Residence District was closed, time: 9:45 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Mike Reilly
Nanuet

Spoke on Item #2 and if contract was out for bid. Perhaps it should be held for another month.

Appearance: Bruce Broadley
West Nyack

Addressed Item # 9 and discussed reasons for adding three more Police Officers.

Appearance: George Rumelt
New City

Addressed Item #9 asking if Palisades Center pays for any costs for Police Officers at the Palisades Mall.

RESOLUTION NO. (104-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board intends to authorize the use of Town Law Section 280-a(2) for Petitioner Jay Theise, with respect to premises known as 64.8-1-38, and the Town Attorney is authorized to prepare a proposed resolution with Findings of Fact incorporating the recommendations of the Clarkstown Planning Board, the Director

RESOLUTION NO. (104-2002) continued

of the Department of Environmental Control, and the Building Department for consideration at the regular Town Board meeting of February 12, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (105 -2002)

Supervisor Holbrook offered and Co. Lasker seconded

RESOLVED, that the proposal to establish a "Golden Age Single Family Residential District" (GARS District) is hereby rejected and the application is DENIED,

AND be it

FURTHER RESOLVED, that the underlying concept with respect to such proposal is hereby referred to the Clarkstown Planning Board, the Ad Hoc Committee, and the Citizens Advisory Board for Housing for study and recommendations.

On roll call the vote was as follows:

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

RESOLUTION NO. (106 -2002)

Co. Mandia offered and Co. Lasker seconded

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

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

KEVIN STOKES EXCAVATING, INC.
 P.O. Box 812
 Pearl River, NY 10965
 Kevin Stokes, President

MONSEY EXCAVATING, INC.
 18 Laura Drive
 Monsey, NY 10952
 Albert Lepori, President

RESOLUTION NO. (106-2002) continued

RESOLVED, that the following Certificates of Registration be issued:

- No. 02-9 BOB MC GANNON EXCAVATING, INC.
- No. 02-10 KEVIN STOKES EXCAVATING, INC.
- No. 02-12 MONSEY EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (107 -2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 2002 to December 31, 2002, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$9,200 for the first month of the contract and \$9,300 per month for the remainder of the contract, and that the total compensation shall be \$111,500.00 which amount shall be charged to Account No. B-8020-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (108 -2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, there is a continuing problem with the illegal parking of vehicles for display for sale on the New York State Right-Of-Way at Route 304 at its intersection with Ridge Road, near Long Clove Road, New City, and

WHEREAS, it is a violation of New York State Vehicle and Traffic Law, Article 27, Section 1157 to solicit along a State Highway,

NOW THEREFORE be it

RESOLUTION NO. (108-2002) continued

RESOLVED, that the Superintendent of Highways is hereby authorized to:

Install two "No Parking" signs on said right-of-way

AND be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (109 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01124 Clerk Typist which contains the name of Kathleen T. Goodyear,

NOW THEREFORE, be it

RESOLVED, that Kathleen T. Goodyear, 19 Strawtown Road, West Nyack, New York – is hereby appointed to the position of (Permanent) Clerk Typist – Assessor’s Office – at the current annual salary of \$28,917., effective and retroactive to January 14, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (110 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01124 Clerk Typist which contains the name of Donna T. Boemio,

NOW, THEREFORE, be it

RESOLVED, that Donna T. Boemio, 584 Babbling Brook Lane, Valley Cottage, New York – is hereby appointed to the position of (Permanent) Clerk Typist – Building

RESOLUTION NO. (110-2002) continued

Department – at the current annual salary of \$28,917, effective and retroactive to January 14, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (111 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, Richard Roberts and Edith Roberts have agreed to gratuitously convey a Conservation Easement, a Drainage Easement and a Road Widening Strip to the Town of Clarkstown, as shown on the final plat of ROBERTS SUBDIVISION, designated on the Clarkstown Tax Map as 34.05-1-7 (f/k/a 43-E-9), and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance of the conveyances at this time as no future improvements are contemplated or required; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easements and road widening strip on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said easements and road widening strip are hereby ordered recorded in the Office of the Rockland County Clerk, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 16, 2002, nunc pro tunc.

On roll call the vote was as follows:

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

RESOLUTION NO. (112 -2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby schedules the 2002 Monthly Bulk Pickup dates for the period from January 2002 to February 2003, as follows:

RESOLUTION NO. (112-2002) continued

YEAR 2002

January	16, 17 and 18	July	17, 18 and 19
February	20, 21 and 22	August	21, 22 and 23
March	20, 21 and 22	September	18, 19 and 20
April	17, 18 and 19	October	16, 17 and 18
May	15, 16 and 17	November	20, 21 and 22
June	19, 20 and 21	December	18, 19 and 20

YEAR 2003

January 15, 16 and 17

February 19, 20 and 21

On roll call the vote was as follows:

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

RESOLUTION NO. (113 -2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, The guiderail at culvert #388 has deteriorated immediately adjacent to the head and end walls of the existing culvert #388, and

WHEREAS, the condition of the guiderail of culvert #388 poses a severe threat to the safety of the general public, and

WHEREAS, the installation of a concrete barrier is required to secure the guiderail from further deterioration and to provide protection for the general public along the affected section of Calvary Drive, and

The Superintendent of Highways has requested the placement of temporary concrete barriers.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control and the Superintendent of Highways are hereby authorized to perform the temporary corrective measures, and

BE IT FURTHER RESOLVED, that all costs associated with corrective measures shall be a proper charge to account H 8748 409 0 72

RESOLUTION NO. (113-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (114 -2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Robert Davies, Real Property Appraiser is hereby authorized to attend a One-Day Seminar on Understanding Equalization Rates on 1/25/02 held at The Holiday Inn, Fishkill, N.Y.

FURTHER RESOLVED, that the registration fees of \$70 and all reasonable expenses shall be proper charges against Account No. 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (115 -2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on January 16, 2002 that three (3) positions of Police Officer – Police Department – can be created

Now, therefore, be it

RESOLVED, that the three (3) positions of Police Officer – Police Department - are hereby created – effective January 23, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (116 -2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (116-2002) continued

WHEREAS the Town Board has authorized certain improvements to the Demarest Kill and tributaries to the Demarest Kill in New City, known as the Cranford Drive Flood Improvement Project; and

WHEREAS, the Rockland County Drainage Agency has required that additional analysis be performed prior to the issuance of a permit for said project; and

WHEREAS, the Director of the Department of Environmental Control has contacted Leonard Jackson Associates who has advised the Director that they are capable of providing the required analysis in the shortest possible amount of time; and

WHEREAS, the Town is desirous of securing permits and implementing this project in the most expedient manner possible;

NOW, THEREFORE BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Leonard Jackson Associates to perform the required analysis at a fee to be determined; and

BE IT FURTHER RESOLVED that the fee required for this analysis shall be a proper charge to H 1994 409 0 14 22.

On roll call the vote was as follows:

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

RESOLUTION NO. (117 -2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of January 15, 2002 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 Absent
- Supervisor Holbrook Yes

RESOLUTION NO. (118 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as Tri-Murti Assoc. LLC, designated on the Clarkstown tax map as Map 57.20, Block 1, Lots 1.3, 1 and 1.1 (f/k/a Map 163, Block A, Lots 20, 21.2 and 2), part of the Tri-Murti Assoc. LLC Site Plan, and

RESOLUTION NO. (118-2002) continued

WHEREAS, it has been recommended that two (2) fire hydrant(s) be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Tri-Murti Associates LLC, as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Tri-Murti Associates LLC, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Tri-Murti Associates LLC, located in the hamlet of Nanuet, for the site plan known as Tri-Murti Assoc. LLC, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Tri-Murti Associates LLC, or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

On roll call the vote was as follows:

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

RESOLUTION NO. (119 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the County of Rockland wishes to assist the Town of Clarkstown in its crime intelligence gathering and drug law enforcement activities, and

WHEREAS, the Town of Clarkstown wishes to provide the Rockland County Joint Intelligence Task Force with two members of its Police Department for crime fighting activities, and

WHEREAS, the County of Rockland wishes to amend its agreement dated April 3, 1995, as subsequently amended, with the Town of Clarkstown for the appropriation of funds for the purpose of reimbursement of compensation for two Clarkstown Police Officers and for reimbursement of overtime expenses for said law enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with the County of Rockland, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Joint Intelligence Task Force, in a sum not to exceed

RESOLUTION NO. (119-2002) continued

\$195,000.00, plus reimbursement of overtime expenses not to exceed \$30,000.00, for the period January 1, 2001 through February 15, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (120 -2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Ralph A. Lauria, Deputy Director, Operations, Department of Environmental Control, is hereby authorized to attend the "Advanced Geographic Information Systems 102" GIS Course held at Rockland Community College during the 2002 Spring Semester and be it

FURTHER RESOLVED, that the cost for said course shall not exceed \$400 per person and shall be proper charge to Appropriation Account No. A 1010-414.

On roll call the vote was as follows:

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

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/22/02

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia

Co. Smith Absent

John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Re: Petition of Jay Theise for use of Town Law 280-a(2) to obtain access to property known as Lot 65.8-1-38 (FKA 71-C-27.1)

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open.

The Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor Holbrook asked Mr. Costa if there were any documents forwarded from the Planning Board. Mr. Costa responded that he believed the Planning Board has made a recommendation but that he did not have those minutes in his file.

Supervisor Holbrook invited the applicant to make a presentation. Mr. Theise appeared and stated that he appeared before the Planning Board and the petition was approved subject to the 280-a by the Town Board. Mr. Costa asked Mr. Theise for a description of the road and who would maintain the road.

Mr. Theise explained that it is a paper street, black top road that goes in, 20 feet wide which services four (4) houses on the street now. Mr. Costa asked if it was his intention to sub-divide an existing lot into two (2) lots to which Mr. Theise replied that it is.

Mr. Costa further inquired as to how Mr. Theise proposed to arrange for the road maintenance. Mr. Theise replied that there is a maintenance agreement on the road which is shared by the four (4) homeowners and that the Superintendent of Highways would not need to provide services.

Supervisor Holbrook asked Mr. Geneslaw to give the Planning Board's recommendation. Mr. Geneslaw stated that the Planning Board reviewed the petition at their December 5th, 2001 meeting. An Environmental Review was conducted and the Department passed a negative Declaration which they referred to the Town Board without a specific recommendation. They will be ready to approve the sub-division once the Town Board acts.

Supervisor Holbrook asked if anyone else had any questions regarding the petition and there being none, the Supervisor asked that if the Town Board moves to approve, would the road maintenance be a condition.

Mr. Costa stated that the Town Board has in the past granted approval based either on the applicant agreeing to maintain the road or providing a satisfactory proof of a maintenance agreement. Mr. Costa advised that specific resolutions that are being made by the Department of Environmental Control need to be incorporated into the resolution.

Supervisor Holbrook asked for Luke Kalarickal, Director of Environmental Control who stated that the Department of Environmental Control has given specific recommendations to the Planning Board mainly that the sewer cost and the maintenance agreement should be of no cost to the Town.

PH: Petition of Jay Thiese for use of Town Law 280-a(2) to obtain access to property
known as Lot 65.8-1-38 (FKA 71-C-27.1) 1/22/02
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Mr. Costa recommended drafting a resolution of Intent and to incorporate the
Maintenance Agreement. Co. Maloney motioned to adopt a Resolution of Intent and Co.
Mandia seconded, unanimously adopted.

There being no one further wishing to be heard, the Public Hearing closed at 8:09 P.M.

Respectfully submitted,


Patricia Sheridan
Town Clerk

RESOLUTION #104 WAS ADOPTED.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/22/02

8:10 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia

Co. Smith Absent

John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Local Law: Golden Age Single Family Residence District

On Motion of Co. Lasker and seconded by Co. Maloney, and unanimously adopted, the Public Hearing was declared open.

Supervisor Holbrook stated that this Public Hearing was a continuation and that additional information has been received from the Rockland County Planning Board and Supervisor Holbrook asked Mr. Costa if he would read from the recommendation for the record.

Mr. Costa read the recommendation from the Rockland County Department of Planning dated January 14, 2002 which read:

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

The Rockland County Planning Department has reviewed the revised Golden Age Single Family Residence (GARS) District and continues to have serious reservations over the legislation. The Planning Department disapproves the Golden Age Single Family Residence (GARS) District legislation because it undermines the development review process and proposes residential uses in inappropriate locations. Furthermore, it is questionable whether it adequately meets the needs of the senior population it is intended to serve.

The Planning Department is concerned with provisions of this legislation that seem to undermine the planning process and blur the responsibilities of the Town Board, Planning Board and Zoning Board of Appeals. Similar to the federal branches of our nation's government, these boards exist separately to provide a system of checks and balances. A Zoning Board of Appeals, and not the Planning Board, specifically exists to hear appeals and, where appropriate, grant variances from the strict application of the

Town code. This legislation as written, proposes to usurp the power of the Zoning Board and bestow it upon the Planning Board. The proposed law states that the Planning Board may waive or vary habitable area, set backs and lot coverage requirements. More explicitly, "Where the proposed site plans indicate that an area variance is required, the Planning Board, shall have jurisdiction to grant or deny such a variance." Such clauses undermine the authority of the Zoning Board of Appeals and throw into question the legitimacy of the Town's land use planning process.

We also question the purpose of using a special permit to create a zoning district. We interpret the proposed legislation to allow a GARS zoning district to only be established by special permit in the Light Industrial Office, Laboratory Office (LO) and Manufacturing (M) zoning districts. In effect, this creates a floating zoning district with no delineated boundaries. We caution the Town in allowing the development of high-density residential housing without knowing precisely where such housing will ultimately

be located. GARS development may be proposed adjacent to incompatible uses in the industrial and manufacturing zones.

In addition to being inappropriate, the placement of high-density residential uses in LIO, LO and M zones may have a negative economic impact on the Town. While the Town of Clarkstown 2000 Comprehensive Plan Update sites specific zoning text and map amendments, there is no language supporting the conversion of industrial and business sites into residential uses. The conversion of such uses is inadvisable, given the limited inventory of sites in the County that allow economic development, as indicated by the *Economic Development Strategy and Action Plan, Rockland County, NY, 1998-2008*, prepared for the Rockland Economic Development Corporation.

Furthermore, both the Town of Clarkstown 2000 Comprehensive Plan Update and the Rockland County Comprehensive Plan encourage future mixed-use growth in central locations that can support additional development. Affordable senior housing should be situated near village and hamlet centers and neighborhood shopping to provide its less mobile residents adequate access to transportation, community and commercial services. For the most part, LIO, LO and M zones are not situated near convenience facilities, such as grocery stores, medical facilities and restaurants.

Analysis of the vacant parcels greater than 5 acres in the aforementioned zones revealed several sites adjacent to industrial uses that would preclude their development. The few lots that seem reasonably suited for residential development are located in Congers and West Nyack. In our opinion it would be far more effective for the owners of these parcels to apply for a zone change, rather than pass legislation that will affect business and industrial property throughout the Town.

Lastly, the proposed legislation does not adequately provide for the needs of seniors. The Rockland County Comprehensive Plan recognizes the need for expanding the range of specialized, affordable housing for our county's growing senior citizen population. Senior citizens in Rockland County face high housing costs and have few alternative housing types from which to choose. However, the GARS legislation provides neither affordable nor specialized housing to the senior citizens of this County. The legislation calls for the development of single-family detached homes at a density of 10 per acre for persons over 55. Previously proposed legislation provided several types of housing necessary to meet the changing needs of seniors along with specific incentives for developing affordable development of high-density housing that excludes children and young adults.

The GARS district does not provide basic amenities to its residents. For example, it does not provide adequate parking for residents. Given that the GARS district is only limited to persons 55 years of age or over and their spouses, regardless of age, it is likely that more than one person per dwelling unit will drive and require off-street parking. In addition the proposed law does not require additional guest parking. The legislation also does not specifically dedicate community space for these high-density residences.

Given the aforementioned, the Planning Department strongly urges the Town to reconsider passing this legislation. This legislation not only fails to meet the need of senior citizens, but it seems to compromise the integrity of the entire development review process. We further recommend that the Town consider undertaking a comprehensive study of the precise need for senior housing in the Town to discover the most effective ways to meet the changing needs of their aging population, as recommended in the Town of Clarkstown 2000 Comprehensive Plan Update.

Mr. Costa also read the footnote stating that the General Municipal Law requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

PH: Golden Age Single Family Residence District

1/22/02

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Supervisor Holbrook invited anyone wishing to speak on the proposal to come forward.

Appearance: John Lodico
New City

He is in support of the Jay These petition. He stated his disapproval of the GARS proposal and asked the Town Board to defeat it.

Appearance: Marion Maher
Valley Cottage

She agrees with the recommendation of the Rockland County Planning Board. She is the target audience for this type of housing and will not live there. If houses are 24 feet high as stated, it means that the houses are a three (3) story structure and it would be very difficult for seniors to get in and out. She believes that rateables and tax bases are needed to help the town. There is a difference between low-income and affordable.

Appearance: Carol Jigarjian
New City

She is in favor of GARS; however, it is in the wrong place. She pointed out the lack of transportation and the location of the railroad in close proximity to the proposed housing. She also brought to attention the fact that because the proposed housing is in a commercial area, and industrial site can be developed after the houses are built and seniors are in residence. She also stressed that the location is within a 10-mile radius of Indian Point.

Appearance: Gerry O'Rourke
President of Congers Civic Association
Member of Ad Hoc Committee

He asked why there were numerous Public Hearings on this issue prior to the report from the Planning Board.

Supervisor Holbrook responded that there was a meeting on November 22, 2001 and it was agreed then to continue the Hearing on January 22, 2002. He said that the Planning Board was not able to submit the report as of yet; however, we cannot approve anything tonight, we can only vote it down.

Mr. O'Rourke stressed that those who have come to the meetings to speak out against this proposal, should not be depicted as being against the consideration of the needs of the seniors. The concern is how and where, and GARS represents the most blatant pieces of special interest legislation that he can recall seeing in Clarkstown. It's the wrong plan with the wrong density in the wrong place.

Appearance: Donald S. Tracy
New City

He is a senior over age 55 and has been involved in the Town for 40 years. He has never seen such misinformation as promulgated here. He asked the Board to look at the LIO, LO and M zones as no businesses are coming in since the zones are so restrictive. He admonished the Comprehensive Plan and Ad Hoc Committee and read its purposes: "Protect single-family neighborhoods from conversion to multiple family and from the introduction of non-residential uses and non-residential encroachment." His

(Mr. Tracy's) plan does not have multi-family uses. He pointed out that the Comprehensive Plan does not provide a range of housing types.

He recommended evaluating the need for specialized residential facilities for elderly residents and others. He spoke in favor of single family conversions.

Appearance: Martin Bernstein
New City

He said that there is a limited amount of land and it should not be used for groups who do not have the greatest need. If 500 units were built, they would fill up immediately with people from the City which is not our responsibility. He recommends that a survey be done to evaluate this type of facility.

Appearance: Bruce Broadly
West Nyack

This proposal is about the mix in the community as there is a need for some type of commercial office space. The Town needs to have a mix of people to make it a community. He anticipates that once the first unit is built, a tax certiori will be applied for. Also, there is the danger of illegal two-family homes. He sees zero based budgets every year, budget is higher every year which increases taxes. Hamlet centers are deteriorating rather than being redeveloped in a manner which is desirable in a quality community. Downsizing to higher densities supports the trend toward Bronxification, consequently bringing down property values. This proposal should be disapproved.

Appearance: Mike Reilly
Nanuet

He is in favor of this proposal and suggested that the Board look at other options. He referred to the complexes in Toms River as an example. Residents 65 years of age and older find it necessary to leave because of the lack of affordable housing.

Appearance: Hank Vogel
New City

He is for Senior Citizen Housing but against this proposal and referred to the senior housing in Toms River as an example.

Appearance: Steve Yasky
On Behalf of Airport Executive Park
Nanuet

Airport Executive Park is the only section in town zoned as Planned Economic Development. PED is currently left out of this zoning; however, he requested that if it is being considered as an amendment to the zoning, he hopes it would be included as is the LIO, LO and M zones.

Appearance: Russell Trojan
Nanuet

He commented on the Comprehensive Plan stating that the Planning Board and the Ad Hoc Committee worked hard on recommendations for our Senior Citizens Housing and Assisted Living. These recommendations were sent to the Board and, subsequently, the Town Board sent them back for fine tuning. The Sisters of Charity in Nanuet are waiting for completion from the Planning Board so that they can provide a campus setting for seniors to deal with the aging process. He also asked that the issues which seemed to be expressed in the past by the residents in favor of this proposal for single level living be examined. How do we force builders to build single level housing units? People have

expressed interest in keeping a single family house and have expressed interest in being part of a homeowners association. How do we provide them with what they are asking for without destroying other zones?

Appearance: Tom Armstrong
So. Nyack

He has lived in Clarkstown for 21 years and is now renting in So. Nyack. He wants to buy one of the patio homes as those proposed.

Appearance: Gil Heim
Member of Planning Board

The Planning Board met and had discussions about the proposal. The majority of the Planning Board members are in favor of the concept of this type of housing for seniors. The questions are where should they be located, the size of them, how many units, and how many acres in the town should be allotted for this. They asked the Chairman to give a letter to the Town Board expressing these concerns. He requested the Town Board and the Planning Board meet together at a workshop.

Co. Mandia asked both Mr. Heim and Mr. Geneslaw if it is best to turn this down and send it back to the Planning Board and the Committee for review. He is concerned that if it is voted down, it may be too difficult to begin it again. What is before the Board now, is unacceptable.

Mr. Heim replied that if the majority of the Planning Board, which would include five (5) members, it would be requested that no decision be made.

Co. Lasker stated that a committee has been formed to look at housing for seniors and for young people as well.

Appearance: Frank Hackett
Valley Cottage

He is happy to see agreement that this proposal is unacceptable as it stands. He is concerned that if we keep this proposal open, we will try to make the shoe fit.

Appearance: Michael Saunders
New City

He asked the Board to kill the plan, but do not kill the concept.

Appearance: George Rumelt
New City

He recommended that the plan be turned down. The designated location is improper for this plan. We should try to create a proper plan for seniors and suggested doing something about school taxes for seniors as well.

Supervisor Holbrook motioned to vote down the proposal and explore the concept. Co. Lasker, seconded the motion stating that the plan fails to meet the needs of the seniors.

Co. Mandia offered that he had visited many senior citizens and found that they are 62 years of age and older or handicapped. The current law is not good; however, he is very interested in keeping the idea alive and have the Planning Board work on it.

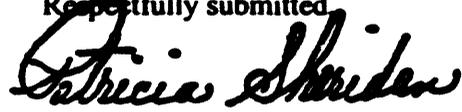
Co. Maloney offered that the plan is not perfect and that it is already in the hands of the Planning Board. The purpose for the Planning Board, Citizens Advisory Board and the Ad Hoc Committee is to look at all types of housing.

Supervisor Holbrook stated that the proposal is being turned down and asked the Planning Board, the Ad Hoc Committee and Citizens Advisory Committee to look at the issue and come back with other proposals.

Mr. Heim agreed to have the report from the Planning Board submitted to the Town Board.

There being no one further wishing to be heard, on motion of Supervisor Holbrook, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed at 9:45 P.M.

Respectfully submitted



Patricia Sheridan
Town Clerk

RESOLUTION #105 WAS ADOPTED