

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/24/2002

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.

Sr. Mary Bernadette Phillips, Chairperson of the Board of Ethics, appeared to say the report from the Town of Clarkstown is in total compliance.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition of HMS Route 303, LLC for Special Permit for a Mini Warehouse Facility, Hemlock Drive, Congers, was opened, time: 8:00 pm.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition of HMS Route 303, LLC for Special Permit for a Mini Warehouse Facility, Hemlock Drive, Congers, was closed, DECISION RESERVED time: 8:40 pm.

On motion of Co. Lasker seconded by Co. Maloney unanimously adopted, the Public Hearing re: Petition of Pondview, LLC for Zone Change (LO to R-15), West Nyack Road, West Nyack, was opened, time: 8:41 pm

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition of Pondview, LLC for Zone Change (LO to R-15), West Nyack Road, West Nyack, was adjourned to 10/8, time: 9:40 pm

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Proposed local law entitled "Amendment to Chapter 290 of Zoning Local Law of the Town of Clarkstown to permit the use known as child daycare center in the PO zone", was opened, time: 9:42 pm.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing re: Proposed local law entitled "Amendment to Chapter 290 of Zoning Local Law of the Town of Clarkstown to permit the use known as child daycare center in the PO zone", was closed, time: 9:45 pm.

Supervisor opened the public portion of the meeting.

Appearance: Frank Pandolfi
Nanuet

He stated he had petitions containing 800 signatures for Clarkstown to purchase Dellwood Golf Course and approximately 600 e-mail addresses. He said his goal is to acquire 1,500-2,000 signatures to have this issue placed on the agenda. He said that Dellwood would be the best place for a golf course.

Appearance: Martin Bernstein
New City

He said it would be wise for Clarkstown to purchase the Dellwood property. He asked if the property indicated in Item #12 is water company property. He also asked if each time there is a hearing on a zone change would it be tied in to the Comprehensive Plan. He said that this would include Items #15 and #25. He asked for an explanation of Item #22. He asked about Item #3.

Appearance: Gerry O'Rourke
Congers

He asked for an explanation of Item #3, Letter of Credit and wanted to know if it is in conjunction with the sale of the property. He asked if Item #10 regarding the grant for Hamlet Revitalization project is related to financing. He commented on Item #31 and asked the Town Board what the time frame is after the bidding is advertised. He asked about Item #37 as to where Old Lake Road is and what traffic signs will be installed.

Appearance: Martin Baum & Dianne
Valley Cottage Condominiums

He referred to Items #2 and #38 and supports the acquisition of the property and the ongoing efforts to preserve the Palisades Ridge Line and the long path hiking trail. Dianne thanked the Board for their ongoing commitment to the preservation of Open Space.

Appearance: Joe Tarengelo
New City

He suggests the Town negotiate with the golf courses for seniors to play at a senior rate.

Appearance: Trudi LaForger
Nanuet

She represents the young people of Clarkstown who are on golf teams with their schools and are at a tremendous disadvantage because they compete with other teams out of the county. They pay exorbitant green fees and she asked the Board to negotiate student fees.

Appearance: John Skurtee
New City

He reiterated Mr. Tracy's comments on the zone change for Dream Construction and asked if the Board voted on having it on the agenda October 22, 2002.

Appearance: Mike Riley
Nanuet

He asked the amount of money involved on Item #4 and shouldn't one tax authority give money to another tax authority.

Appearance: John Noto
New City

He is in favor of purchasing Dellwood property for the golf course.

Appearance: John Lodico
New City

He spoke about Item #12 saying that the Rivervale Realty Co. is a French company, not an American company.

RESOLUTION NO. (782-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (782-2002) continued

WHEREAS, the Town Board is considering a proposed zone change described in a petition by Pondview, LLC, affecting premises known and described on the Clarkstown Tax Map as 58.19-1-9, and such zone change, if approved, may be in conflict with the Town of Clarkstown Comprehensive Plan, adopted on June 30, 1999;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 272-a of Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on October 8, 2002 at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town's Comprehensive Plan for zoning with respect to the presently pending proposed zone change described in the petition of Pondview, LLC, referred to herein, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as required by law and to file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Comprehensive Plan is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of General Municipal Law and other applicable provisions of law.

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. (783-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 290 OF THE CLARKSTOWN TOWN CODE KNOWN AS THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN TO PROVIDE FOR CHILD DAY-CARE CENTER AS A USE PERMITTED BY SPECIAL PERMIT OF THE TOWN BOARD IN THE PO ZONE"

was introduced by Councilperson Maloney, at a Town Board meeting held on September 10, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 10, 2002, directed that a public hearing be held on September 24, 2002, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 13, 2002, and

RESOLUTION NO. (783-2002) continued

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 23, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown has received a SEQRA analysis report from its consultant, Robert Geneslaw, dated September 20, 2002, which the Board has discussed and considered in making its decision herein, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 24, 2002;

NOW, THEREFORE, be it

RESOLVED, that based on the report of Robert Geneslaw, dated September 20, 2002, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to Amend Chapter 290 of Zoning Local Law dealing with child day-care centers in a PO Zone is a Type I action, which shall not have any significant impact on the environment, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 11 - 2002 entitled:

"AMENDMENT TO CHAPTER 290 OF THE CLARKSTOWN TOWN CODE KNOWN AS THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN TO PROVIDE FOR CHILD DAY-CARE CENTER AS A USE PERMITTED BY SPECIAL PERMIT OF THE TOWNBOARD IN THE PO ZONE"

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

On roll call the vote was as follows:

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

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

RESOLUTION NO. (784-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of September 10, 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 Abstained
- Supervisor Holbrook Yes

RESOLUTION NO. (785-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board authorized the solicitation of proposals for an appraisal of property located at 400 Christian Herald Road, Valley Cottage, New York and said property is designated on the Tax Map as 59.16-1-1, and

WHEREAS, the Town Attorney has recommended hiring the firm of Blaise Appraisals & Consultants, Inc. to perform said appraisal;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Blaise Appraisals & Consultants, Inc., in accordance with its proposal of September 3, 2002, to appraise property known as 59.16-1-1, and be it

FURTHER RESOLVED, that the cost of \$1,200.00 for said appraisal shall be charged to Account No. H 8750 409-0-74-1, and this resolution shall be retroactive to September 10, 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. (786-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by resolution dated August 27, 2002, the Town Board authorized the appraisal of unoccupied property designated on the Clarkstown tax map as 59.16-1-1, reputedly owned by the Estate of Costas Zacharakis, and,

WHEREAS, a proposal has been made by Christina D. Vlahos, as Administrator of the Estate of Costas Zacharakis, to sell said premises to the Town of Clarkstown to be acquired as open space pursuant to the Open Space Acquisition Program approved by the voters of the Town of Clarkstown at a referendum held on November 7, 2000, and

WHEREAS, the offering price for the sale of the premises is \$400,000.00 which is consistent with the reasonable value established by appraisal, and

WHEREAS, acquisition of said premises would result in the protection of property located on or near the Palisades ridgeline in Valley Cottage;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract in accordance with the proposal referred to herein in a form approved by the Town Attorney to purchase the subject property for the cash purchase price of \$400,000.00 plus tax adjustments, and be it

RESOLUTION NO. (786-2002) continued

FURTHER RESOLVED, that for the purposes of New York State Environmental Quality Review Act(SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review for property known as tax map 59.16-1-1, and be it

FURTHER RESOLVED, that in the event bonding is determined to be necessary for the purchase of this property, this resolution is hereby made subject to permissive referendum, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No. H 8750-409-0-74-1

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. (787-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Building Inspector has advised that due to the Town of Clarkstown's acquisition of property formerly owned by John W. Cumming, designated on the Clarkstown Tax Map as 44.15-3-1, Letter of Credit No. CC06-1250-30010711 in the amount of \$6,000.00, which was provided by Fredericks Feed and Supply, Inc. as security for a Performance Agreement signed by John W. Cumming, is no longer required and is hereby released.

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. (788-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 2002.

Nanuet Public Library \$3,000.00

RESOLUTION NO. (788-2002) 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. (789-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 621-2002 authorizing the expenditure of funds in the amount of \$11,200.00 and \$1,800.00 for the City Watch System is hereby amended to state that said amounts shall be charged to Account No. H 8751-409-0-75-33.

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. (790-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New York State Government Finance Officers' Association Downstate Council is holding their regional Fall Training Seminar on Friday, October 4, 2002. at West Point, New York,

NOW, THEREFORE BE IT RESOLVED, that the following persons are hereby authorized to attend:

- Charles E. Holbrook, Supervisor
- Edward J. Duer, Comptroller
- Penny Leonard, Deputy Supervisor
- Mary Maloney, Account Keeping Supervisor
- Doris Fogel, Administrative Assistant I
- Marialaine Notaro, Principal Account Clerk

and be it

FURTHER RESOLVED, that all proper charges, including the registration fee of \$60 per person shall be charged to A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (791-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A7140-114 (Part Time) by \$1,000 and to increase A 1621-111 (Overtime) by \$1,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (792-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #65-2002
PASCACK COMMUNITY CENTER SIDEWALKS

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 announced 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 upon payment of prescribed fee per set.

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. (793-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #1-2003 – OFFICE SUPPLIES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on OCTOBER 16, 2002. 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. (793-2002) 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. (794-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Target Corporation has informed the Clarkstown Police Department of its intention to award a grant to the Police Department in the amount of \$1,300.00 to purchase an Olympus E-10 digital SLR camera for use in law enforcement and the Chief of Police has recommended that the Town Board approve and authorize acceptance of this grant;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Clarkstown Police Department to accept said grant from Target Corporation in the amount of \$1,300.00 to purchase a digital camera for use in its law enforcement efforts.

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. (795-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Planning Board, in approving the amended final site plan for the Palisades Center Mall in accordance with the Town Board's conditional zoning approval, required the construction and operation of a skating rink to be located at Palisades Center Mall and operated as a public amenity for the benefit of the residents of the Town of Clarkstown, and

WHEREAS, as a condition of approval of the said site plan, the Planning Board provided that in the event the skating rink was to be operated by other than EklecCo (operating entity for Palisades Center Mall), or the Town of Clarkstown, the operating details of the facility would be subject to the approval of the Planning Board, or the Town Attorney, and that EklecCo would permit reasonable access for inspection and/or audit of the relevant financial records with respect to said skating rink operation, and

WHEREAS, the Town of Clarkstown has declined to operate this facility for its own account and EklecCo has retained the services of an operating company;

NOW, THEREFORE, be it

RESOLUTION NO. (795-2002) continued

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the public accounting firm of Korn, Rosenbaum, Phillips & Jauntig, LLP for the purpose of determining if sufficient records exist in a format that would allow an audit of the ice rink separately from the overall records of the Palisades Center, and to express an opinion with regard to same in accordance with a proposal of Korn, Rosenbaum, Phillips & Jauntig, LLP, dated May 9, 2002 for a service fee not to exceed \$1,700.00; and be it

FURTHER RESOLVED, that this Resolution is subject to obtaining the cooperation of Palisades Center ice rink for production of the necessary books and records and their agreement to reimburse the Town of Clarkstown for the cost of said audit; and be it

FURTHER RESOLVED, that Shirley Lasker, John Maloney and Penny Leonard are hereby appointed a committee to review operations at the Palisades Center Ice Rink with assistance of the Town Attorney, as counsel, on an as-needed basis; and be it

FURTHER RESOLVED that this Resolution replaces Town Board Resolution No. 456-2002, adopted May 14, 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. (796-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has been approved for a community projects grant in the amount of \$100,000.00 (Project #L673) from the New York State Urban Development Corporation d/b/a Empire State Development Corporation to help fund the Town of Clarkstown Revitalization for the Hamlets of Congers, New City and Valley Cottage;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with New York State Urban Development Corporation d/b/a Empire State Development Corporation to accept said grant to be valid from execution through October 31, 2003.

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. (797-2002)

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 provide twenty-four (24) hour spill and emergency response services for an annual fee of \$1,890.00, 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, 2000, for an additional twelve (12) month period, for the period ending June 14, 2003, 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 provide twenty-four (24) hour spill and emergency response services on an annual basis not to exceed \$1,890.00, 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. (798-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County personnel Office has certified on August 16, 2002 that the position of Senior Groundswoker #0641 can be reclassified to the position of Groundskeeper,

Now, therefore be it

RESOLVED, that the position of Senior Groundswoker #0641- Parks Board and Recreation Commission – is hereby reclassified to the position of Groundskeeper – effective and retroactive to September 16, 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. (799-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION NO. (799-2002) continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks and Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Michael Dove, 8 Beechnut Circle, Garnerville, New York to the position of Groundskeeper – Parks Board and Recreation Commission – at the current 2002 annual salary of \$46,381., effective and retroactive to September 16, 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. (800-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that M. Vita Regina, 16 West Gilcrest Road, Congers, New York, is hereby appointed to the position of (Temporary) Clerk – Department of Environmental Control – at the current hourly rate of \$14.00 – effective and retroactive to September 16, 2002 – for a period not to exceed three (3) months.

On roll call the vote was as follows:

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

RESOLUTION NO. (801-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Jamie Moreno, 12 Massachusetts Avenue, Congers, New York, Senior Recreation Leader – Parks Board and Recreation Commission – is hereby accepted – effective October 1, 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. (802-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board may be interested in acquiring real property located in New City, New York designated on the Clarkstown Tax Map as 35.14-1-42, 35.14-1-43, 35.14-1-44, 35.14-1-45, 35.14-1-46 and 35.14-1-50;

RESOLUTION NO. (802-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to solicit competitive proposals from qualified real property appraisers to obtain appraisals of the subject premises.

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. (803-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Downtown Congers Improvement Project.

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. (804-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, certain trees were designated to be preserved during the review and development of subdivision entitled "United Properties" and/or "Montana Contracting Corp." Tax Maps 88-B-9.03 to 9.11,

WHEREAS, one tree in the vicinity of 5 Hana Court has subsequently died due to changes in ground conditions and the severe drought even after efforts by the builder to preserve the tree with pruning failed; and

WHEREAS, a potential hazard exists with the dead tree falling onto the Right of Way; and

WHEREAS, the adjoining property owners had requested the Town Board to remove the tree; and

WHEREAS, the Department of Environmental Control has solicited and reviewed four proposals to remove the tree and grind the stump; and,

RESOLUTION NO. (804-2002) continued

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

Bob Wilson Tree Experts, Inc.
P.O. Box 1818
Spring Valley, NY 10977

to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$1,300.00 and shall be a proper charge to account # A 8730 409 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. (805-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chabad Lubavitch of Rockland, has petitioned the Town Board of the Town of Clarkstown requesting a zone change from the LO Zone to the PO Zone for premises described and designated on the tax map of the Town of Clarkstown as 34.19-1-15 and 34.19-1-13 on the north side of Phillips Hill Road, approximately 200 feet east of North Main Street, New City;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on October 22, 2002 at 8:00 p.m., or as soon thereafter as possible, relative to the proposed amendment to the Zoning Local Law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of 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. (806-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (806-2002) continued

WHEREAS, Dream Construction Corp., has petitioned the Town Board of the Town of Clarkstown requesting a zone change from the R-15 Zone to the PO Zone for premises described and designated on the tax map of the Town of Clarkstown as 43.07-1-29 in the vicinity of North Main Street, New City;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on October 22, 2002 at 8:00 p.m., or as soon thereafter as possible, relative to the proposed amendment to the Zoning Local Law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of 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. (807-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Sprint Spectrum, L.P. has petitioned the Town Board for permission to erect a wireless communications facility on Town owned property known as Germonds Park, and said proposal has been favorably received, although not yet approved, by the Town Board, and

WHEREAS, the Town Board wishes to obtain further information so as to be able to better evaluate said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board believes that the proposal has merit and may provide revenue for use to support Town recreational purposes if ultimately approved; and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to take whatever steps are necessary to investigate this proposal, negotiate with Sprint Spectrum, L.P. regarding the terms of any proposed lease or other conveyance as may be necessary to establish said facility, prepare such documents that may be necessary for the Town Board to obtain New York State approval, and retain such technicians, or experts, as may be necessary to assist him in carrying out the responsibilities set forth herein, subject, however, to the further authorization of the Town Board prior to expenditure of any Town funds.

RESOLUTION NO. (807-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (808-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an existing drain pipe under the driveway within Town drainage easement is in a state of disrepair resulting in an adverse drainage condition in that area; and

WHEREAS, the Department of Environmental Control has had performed an inspection of said drain line and found that the section of pipe has to be removed and replaced; and

WHEREAS, the Department of Environmental Control has prepared a plan for the replacement of the storm drain line; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said replacement in accordance with the plan; and

WHEREAS, the Department of Environmental Control has received three proposals in response to its solicitation and, upon review, found them 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

MRJ Excavating, Inc.
 7 Beaver Court
 New City, New York 10956
 Phone 845 639-1015
 Fax 845 638-1301

to perform this work in accordance with their proposal for an amount not to exceed \$11,640.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8752-409-0-76-25.

On roll call the vote was as follows:

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

RESOLUTION NO. (809-2002)

Co. Maloney offered and Co. Smith seconded

RESOLUTION NO. (809-2002) continued

WHEREAS, the Town of Clarkstown has retained the services of Tectonic Engineering Consultants, PC as the design consultant for the subject project; and

WHEREAS, the design consultant has performed work under the associated services section of their proposal as accepted by the Town of Clarkstown for this project; and

WHEREAS, in accordance with the provisions of said proposal, compensation for this work is based on the hourly rates submitted as part of the proposal; and

WHEREAS, Tectonic Engineering Consultants, PC has submitted an invoice of the charges for associated services accrued between July 15, 2002 and July 31, 2002 to the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has reviewed said invoice totaling \$840.00 and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased by the aforesaid amount to \$50,435.76 to reflect the cost of these services; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8749 409 0 73-27.

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. (810-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Town Board resolution #722-2001 is hereby corrected to read,

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

BID #40-2002 – SOLID WASTE FACILITY OPERATIONS SUPERVISOR

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 Friday, November 1, 2002 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. (811-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Tax Assessor has been informed of the proposed equalization rate for the Town of Clarkstown and recommends a complaint be filed with the New York State Office of Real Property Services objecting to the tentative equalization rate for the year 2002 as being unfavorable to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Tax Assessor is authorized to prepare and the Supervisor is authorized to sign a complaint objecting to the tentative 2002 equalization rate, and be it

FURTHER RESOLVED, that the complaint be filed with the Office of Real Property Services on or before October 3, 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. (812-2002)

Co. Maloney offered and Co. Smjth seconded

WHEREAS, the Town Board has previously approved, via resolution 630-2002, retaining the services of DRC Contracting, Inc. for the construction of an asphalt sidewalk on McCarthy Way in West Nyack; and

WHEREAS, the Department of Environmental Control has determined that a portion of the embankment on the south side of McCarthy Way is unstable and that a retaining wall is required to permit construction of the sidewalk; and

WHEREAS, the Department of Environmental Control and the contractor determined the size of the retaining wall required by field measurement to be 508 square feet of wall face; and

WHEREAS, the Department of Environmental Control solicited a price from the contractor for a modular concrete block retaining wall in accordance with those field measurements; and

WHEREAS, DRC Contracting, Inc. submitted a proposal of \$30.00/square foot of wall face for the construction of said wall; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves the change order on contract in the amount of \$15,240.00 for the construction of the retaining wall; and

BE IT FURTHER RESOLVED that the budget allowance for this project be increased to \$35,230.00 to reflect the additional cost of this change order; and

RESOLUTION NO. (812-2002) continued

BE IT FURTHER RESOLVED that this shall be a proper to account number *H* 8752 409 0 76-17.

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. (813-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Assemblyman Alex Gromack has proposed an Amendment to the Public Service Law, as Assembly Bill A11348, and

WHEREAS, the purpose of the proposed Amendment is to require municipalities to provide residents with a choice of cable television systems for the purpose of increasing competition among the cable providers;

NOW THEREFORE,

The Town Board of the Town of Clarkstown does hereby memorialize and urge the New York State Assembly and the New York State Senate and the Governor of the State of New York to enact into law Assembly Bill A11348.

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. (814-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown received \$5,642.13 from State Farm Mutual Insurance Company,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account B 02 9 2680 (Insurance Recoveries) and B 8110-407 (Sewer-Equipment Repairs) by \$5,642.13 and

WHEREAS, various budgetary accounts need additional funding

THEREFORE BE IT,

RESOLUTION NO. (814-2002) continued

RESOLVED, to decrease A 1110-110 (Justice Ct-Salaries) and increase A 1110-409 (Justice Ct-Fees for Services) by \$2,000 and decrease A 1420-439-1 (Town Attorney-Tax Certiorari's) by \$ 3,616.71 and increase A 1420-111 (Town Attorney-Overtime) by \$3,120.92 and A 1420-199 (Town Attorney-Vacation Buybacks) by \$195.79 and A 1420-366 (Town Attorney-Photographic Supplies) by \$300 and decrease B 3620-204 (Building-Office Machines) and increase B 3620-366 (Building-Photographic Supplies) by \$2,000 and decrease A 1990-505 (Contingency-Other Costs) by \$13,589 and increase A 8990-319 (Patriotic Observances-Misc Supplies) by \$300 and increase A 8990-409 (Patriotic Observances-Fees for Services) by \$1,106.30 and increase A 8090-409 (Control of Aquatic Pests-Fees for Services) by \$12,182 and decrease A 9710-710 (Debt Service-Interest) and increase A 9710-409 (Debt Service-Fees for Services) by \$18,979.18 and decrease A 01 14 2999 (Unexpended Balance) by \$310,793 and increase A 1345-110 (Purchasing-Salaries) by \$71,900 and increase A 1430-110 (Personnel-Salaries) by \$71,572 and increase A 1490-110 (Clerk of the Works-Salaries) by \$51,331 and increase A 7310-114 (Youth Programs-Part time) by \$47,359 and increase A 1640-312 (Town Garage-Auto Repairs) by \$20,000 and increase A 3320-219 (Traffic Signals-Misc. Equipment) by \$ 34,000 and increase A 1950-503 (Taxes & Assessments) by \$14,631.

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. (815-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A7140-338 (Clay Mix.) by \$1,800 and to increase A7140-460-4 (Cellular Phones) by \$1,800 and to decrease Appropriation Account A7140-388 (Clay Mix) by \$2,000 and to increase A7140-430 (Alarm Sys.) by \$2,000 and to decrease Appropriation Account A7210-408 (Building Repairs) by \$3,030 and to increase A7210-301 (Food) by \$3,030.

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. (816-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a section of pipe running behind 5 Fir Court in Nanuet within an existing Town drainage easement is in a state of disrepair resulting in an unsafe condition in that area; and

RESOLUTION NO. (816-2002) continued

WHEREAS, the Department of Environmental Control has prepared a plan for the removal of the existing storm drain line and the installation of a catch basin and open channel; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, the Department of Environmental Control has received three proposals in response to its solicitation and, upon review, found them 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

*KJS Hauling & Home Improvements, Inc.
95 Maple Avenue
New City, New York 10956*

To perform this work in accordance with their proposal for an amount not to exceed \$11,825.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account # H-8752-409-0-76-26

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. (817-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Tilcon Minerals, Inc., through its attorneys, Rogers & Mulhearn, PC, has petitioned the Town Board of the Town of Clarkstown requesting a zone change from the LO Zone to the R-40 Zone for premises described and designated on the tax map of the Town of Clarkstown as Section 59.9, Block 1, Lot 3 located in Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 12, 2002 at 8:00 p.m., or as soon thereafter as possible, relative to the proposed amendment to the Zoning Local Law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

RESOLUTION NO. (817-2002) continued

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (818-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #44-2002 – SALE OF SURPLUS VEHICLE

is hereby awarded to:

**NORTH WHITE AUTO, INC
33 VIRGINIA ROAD
NORTH WHITE PLAINS, NY 10603
PRINCIPALS: FRANK ANNUNZIATO**

**JERSEY ONE AUTO SALES
7 COUNTY ROAD
JERSEY CITY, NJ 07307
PRINCIPALS: MARC ANDERSEN**

**SUSAN LARSEN
34 CONVENT ROAD
NANUET, NY 10954
PRINCIPALS: SUSAN LARSEN**

**SARAFAN
23 N. MADISON AVENUE
SPRING VALLEY, NY 10977
PRINCIPALS: MICHAEL SARAFAN**

**GRACE QUALITY USED CARS
945 LINCOLN HIGHWAY
MORRISVILLE, PA 19067
PRINCIPALS: MICHAEL MAKON**

as per the attached item price list

RESOLUTION NO. (818-2002) 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. (819-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #63A-2002 – COMPRESSED GASES AND WELDING SUPPLIES

is hereby awarded to:

ALL WELD PRODUCTS
 15 HAYES STREET
 ELMSFORD, NY 10523
 PRINCIPALS: NICHOLAS MATTIACE

as per price/item list (on file in 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. (820-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York, is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2002 and to expire on September 30, 2007 – at the per diem rate of \$140., per attendance, when the Board is in session.

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. (821-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Joanne Trainor, 233 So. Harrison Avenue, Congers, New York is hereby appointed to the position of Member – Assessment and Review Board – term effective October 1, 2002 and to expire on September 30, 2007 – at the per diem rate of \$140., per attendance, when the Board is in session.

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. (822-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has been notified by the New York State Division of Criminal Justice Services that it is eligible for a Juvenile Accountability Incentive Block Grant (JAIBG) in the amount of \$13,371.00 for fiscal year 2002, and

WHEREAS, Clarkstown Chief of Police Kevin Kilduff, by memo dated September 20, 2002, has recommended that the Town waive its allocation to Rockland County for use in the County's "Community Service Program" administered by the Rockland County Probation Department;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes and directs the Chief of Police to notify the New York State Division of Criminal Justice Services on behalf of the Town of Clarkstown that its grant in the amount of \$13,371.00 may be reallocated to the Rockland County Department of Probation for use in its "Community Service Program," and be it

FURTHER RESOLVED, that the communication referred to herein shall be made as soon as possible so that the application deadline of October 31, 2002 is met, and be it

FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Rockland County Probation Department.

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. (823-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (823-2002) continued

WHEREAS, by Resolution No. 214-2002, adopted February 26, 2002, the Town Board authorized appraisal of premises described on the Tax Map as 44.15-3-42 and 42.1 (Mehrnia, 65 Lake Road, Congers, New York) for possible acquisition in connection with the Congers Revitalization Program, and

WHEREAS, by Resolution No. 593-2002, adopted July 9, 2002, the Town Board authorized Lawler, Matusky & Skelly to conduct a Phase 1 Environmental Assessment of said site, and

WHEREAS, by report dated September 9, 2002, said engineer advised of its findings in the Phase 1 Environmental Assessment, has disclosed several recorded environmental conditions at said site, and recommended that the Town proceed to a Phase 2 Environmental Assessment to determine the extent of environmental contamination at the site and to report upon same at a cost not to exceed \$33,400.00, inclusive of required laboratory analyses, and

WHEREAS, the Town Board wishes to proceed further with the investigation of the subject property;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers LLP to provide engineering services to the Town with respect to a Phase 2 Environmental Assessment for premises known as 44.15-3-42 and 42.1, and be it

FURTHER RESOLVED, that the cost for these services shall not exceed \$33,400.00 to be charged to Account #A1420 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. (824-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a Short Environmental Form was prepared by the Department of Environmental Control and distributed to interested and involved agencies on April 26, 2002, and

WHEREAS, thirty (30) days have elapsed from the time of the initial SEQR review, and

WHEREAS, no interested or involved agencies objected to the Town Board being the Lead Agency under the provisions of 6 NYCRR PART 617 where by the Town Board is therefore Lead Agency,

NOW THEREFORE BE IT RESOLVED, that based upon review of the proposed action, the project will not have an adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

RESOLUTION NO. (824-2002) 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. (825-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #66-2002 – CONGERS DOWNTOWN IMPROVEMENTS

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on NOVEMBER 22, 2002 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. (826-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown allows the disposal of refuse at the Town's Transfer Station for all commercial and passenger vehicles with proper payment based upon the current rate of \$63.00 per ton, and

WHEREAS, approximately 50 percent of these vehicles result in charges of less than \$25.00, and

WHEREAS, the cost borne by the Town to process these vehicles often exceeds to fee being charged, and

WHEREAS, the Director of the Department of Environmental Control has proposed establishing a minimum disposal fee of \$15.00 for all non residents of the Town of Clarkstown.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby establishes the minimum fee for disposal of refuse / debris at the Clarkstown Transfer Station for non Clarkstown residents and commercial vehicles at \$15.00, and

RESOLUTION NO. (826-2002) continued

BE IT FURTHER RESOLVED, that Clarkstown residents shall continue to dispose of refuse and debris at the current pro-rated \$63.00 per ton fee in passenger vehicles with a valid Resident Dumping Permit adhered to the vehicle, and

BE IT FURTHER RESOLVED, that the new minimum fee shall become effective October 7, 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. (827-2002)

Co. Maloney offered and Co. Smith seconded

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

WHEREAS, corrective work was performed to restore the stream banks, and

WHEREAS, additional stabilization is required to maintain the permanent integrity of the stream banks.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes Change Order No. 2 for additional stream bank stabilization, and

BE IT FURTHER RESOLVED, that the cost for the additional work shall not exceed \$1,500.00, and

BE IT FURTHER RESOLVED, that the total cost for the corrective work shall not exceed \$18,746.00 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. (828-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the developer of the Camelot Subdivision, New City, New York, is desirous of dedicating the public improvements to the Town of Clarkstown, and

RESOLUTION NO. (828-2002) continued

WHEREAS, certain portions of the public improvements do not meet the specifications of the Town of Clarkstown, and

WHEREAS, the Town Attorney has recommended that an independent qualified engineering consultant be retained to evaluate the public improvements and prepare a report of their findings and recommendations, and

WHEREAS, the Department of Environmental control has obtained a proposal from Tectonic Engineering and Surveying Consultants, P.C., to prepare the required report.

NOW THEREFORE, BE IT,

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

Tectonic Engineering and Survey Consultants, P.C.
70 Pleasant Hill Road
Mountainville, New York 10953

to prepare the required report in accordance with their proposal dated September 18, 2002, and

BE IT FURTHER RESOLVED, that the cost shall be on a time and materials basis and shall not exceed \$6,000.00 and shall be a proper charge to account A 8730 409 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. (829-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a portion of culvert #25, Mountainview Avenue, Central Nyack collapsed on September 17, 2002 posing a danger to public safety, and

WHEREAS, the Department of Environmental Control has inspected and evaluated the culvert and recommends immediate repairs to the culvert, and

WHEREAS, the Department of Environmental Control has obtained proposals from three (3) qualified contractors for the rental of equipment and operators necessary to perform the corrective work, and

WHEREAS, the Town will provide all materials necessary to perform the corrective work, and

WHEREAS, all corrective work shall be performed under the direct supervision of the Department of Environmental Control.

NOW, THEREFORE, BE IT,

RESOLUTION NO. (829-2002) continued

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

Cal Mart Enterprises
357A Route 59
West Nyack, New York

to provide the required equipment, operators, labor and miscellaneous tools required to perform the corrective work in accordance with their proposal dated September 18, 2002, and

BE IT FURTHER RESOLVED, that all work shall be performed under the direct supervision of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the emergency authorization shall be retroactive to September 20, 2002, and

BE IT FURTHER RESOLVED, that the cost for the rental of equipment, operators and labor shall be \$6,302.00 per day, and

BE IT FURTHER RESOLVED, that the costs associated with the emergency corrective work shall be a proper charge to account # H 8752 409 0 76 27.

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. (830-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, emergency repairs to Culvert #25, Mountainview Avenue, Central Nyack are being performed under the supervision of the Department of Environmental Control, and

WHEREAS, the services of a qualified engineering consultant are required in connection with compaction testing, and

WHEREAS, the Department of Environmental control has obtained a proposal from Tectonic Engineering and Surveying Consultants, P.C., to perform the required compaction testing.

NOW THEREFORE, BE IT,

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

Tectonic Engineering and Survey Consultants, P.C.
70 Pleasant Hill Road
Mountainville, New York 10953

RESOLUTION NO. (830-2002) continued

to prepare the required report in accordance with their proposal dated September 18, 2002, and

BE IT FURTHER RESOLVED, that the cost shall be on a time and materials basis and shall not exceed \$1,240.00 and shall be a proper charge to account H 8752 409 0 76 27.

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. (831-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, P.E., the Town of Clarkstown Traffic Consultant, has investigated traffic safety conditions on Marcia Lane and Sterling Place, New City in response to complaints by residents of the Town of Clarkstown, and

WHEREAS, by report dated September 6, 2002, Howard L. Lampert, P.E. has recommended that stop signs and curve warning signs be installed on Marcia Lane, New City;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to install signs on Marcia Lane, New City, as described on attached Schedule "A", pursuant to recommendations made by Howard L. Lampert, P.E.

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. (831B-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, P.E., the Town of Clarkstown Traffic Consultant, has investigated traffic safety conditions on Old Lake Road, Congers in response to complaints by residents of the Town of Clarkstown, and

WHEREAS, by report dated September 20, 2002, Howard L. Lampert, P.E. has recommended that certain signs be installed and existing signs be improved on Old Lake Road, Congers;

NOW, THEREFORE, be it

RESOLUTION NO. (831B-2002) continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to install signs and improve existing signs on Old Lake Road, Congers, as described on the attached Schedule "A", pursuant to recommendations made by Howard L. Lampert, P.E.

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. (832-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by report dated September 20, 2002, the Building Inspector has advised the Town Board that premises located at 87 Hess Road, Valley Cottage, New York (Tax Map Designation 59.8-1-10, formerly 123-A-13) has become, by reason of fire damage, a safety hazard, nuisance and threat to the health and welfare of the community in that the premises is not secured, fire damaged, and is accessible to vagrants and an attractive nuisance to young children and other trespassers, and that interior ceilings are in danger of collapsing as the structure is exposed to the elements, and

WHEREAS, the Building Inspector had duly issued his Order #02-10 to the record property owner to secure or repair said structure and said Order has been ignored;

NOW, THEREFORE, be it

RESOLVED, pursuant to Chapter 111 of the Code of the Town of Clarkstown , the Town Board hereby determines that the subject premises is unsafe and dangerous and must be secured in accordance with the Order of the Building Inspection; and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to commence proceedings as provided for in Chapter 111 to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned by Zeqir Qosaj, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 22nd day of October, 2002, at 8:00 P.M., or as soon thereafter as possible, provided that service of Notice as required by Section 111-6 of the Town Code is made.

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. (833-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilperson Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN TO PROVIDE FOR INCREASED PARTIAL EXEMPTION FROM REAL PROPERTY TAXES FOR SENIOR CITIZENS AND DISABLED PERSONS"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 22, 2002 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of 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. (834-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is the owner of a dismantled circa 1792 historic barn, formerly located within the Surrey Court subdivision off Pascack Road in Nanuet, New York, and

WHEREAS, said barn was dismantled by the developer and placed in storage at the premises of the Estate of Manny Rapkin, located at North Main Street, New City, New York to be held there for further transfer to the George Washington Historic Site in Tappan, New York, where the barn was to be re-erected, and

WHEREAS, the Trustees of the George Washington Historic Site have advised that they no longer wish to obtain the barn and the Town has been advised that the barn must be moved to a new location;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized on behalf of the Town of Clarkstown to make suitable arrangements for the removal of the dismantled barn from its present location to a new location where it can be stored until such time as a determination may be made as to a location where the barn may be re-erected within the Town of Clarkstown.

RESOLUTION NO. (834-2002) continued

On roll call the vote was as follows:

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

There being no further business 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 10:35 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/24/02

8:00 PM

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

Re: Petition of HMS Route 303, LLC for Special Permit for a Mini-Warehouse Facility,
Hemlock Drive, Congers, Lot 35.20-1-6

On Motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was declared open at 8:00 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor asked Town Attorney, John Costa if the reports were received from the County and Town Planning Boards. Mr. Costa said that they were and that the Affidavit of Service of the Notice of Public Hearing and an Affidavit of Publication in the Journal News as required by law were also received.

The Rockland County Department of Planning by letter dated September 23, 2002 reports as follows:

“The Rockland County Department of Planning has reviewed the above item, and that is the Soffer Storage matter before the Town Board acting under the terms of the above General Municipal Law. Powers in those vested by the Rockland County Charter I hereby recommend the following modifications:

- 1) The storage units shall not be used for retail sales except for the sale of storage related merchandise in the proposed 1,265 sq. ft. retail/office building in Building A.
- 2) The internal roadway shall be extended around the east side of Building A to improve the circulation on the site.
- 3) A review shall be done by the Palisades Park Commission and their comments considered.
- 4) A review shall be done by the Rockland Department of Health on the design of the detention basin for the control of mosquito breeding and their comments considered.

The following additional comments are strictly a suggestions or observations and are not part of our required GML review. The Board may have already addressed these points or may disregard them without any formal vote required under the GML process.

1) The New York State Department of Transportation has reviewed this application and granted a highway work permit for commercial access to Route 9W. However, the Planning Department prefers access to Hemlock Drive. This will insure the safe and efficient movement of traffic along the roadway by minimizing curb cuts along the state road. In addition, the proposed access to Route 9W may increase trailer traffic on this roadway which will disturb adjacent residential uses. At minimum, we recommend one (1) bi-directional curb cut along Route 9W. We also suggest that a secondary access to Hemlock Drive be provided.”

Signed by Dr. James J. Yarmus, PE, Commissioner of Planning.

Mr. Costa read a memo to Supervisor Charles E. Holbrook and the Honorable Town Board from Richard J. Paris, Chairman of the Planning Board dated August 1, 2002. The subject is Town Board Resolution 607-2002, Permission for Special Permit for Mini Warehouse, HMS, Route 303 LLC Harry Soffer, Congers.

"We re-submit for your review a copy of our correspondence of April 30, 2002 and Planning Board Minutes of April 24, 2002. As stated, if the applicant is successful in obtaining the request for a Special Permit then the applicant will return to the Planning Board for continuation of the Public Hearing and preliminary and final review.

If you have any other concerns, please do not hesitate to contact me. Thank you."

Signed by Richard J. Paris, Chairman, Planning Board

Mr. Costa read the April 30th correspondence to the Town Board regarding the subject matter as follows:

"Dear Supervisor Holbrook and Honorable Town Board:

The Planning Board continued the Public Hearing under the provisions of SEQRA and it review of Soffer Storage at their meeting of April 24th. Attached for your review is a draft copy of the minutes. We would like the Town Board to be aware that the Planning Board has not yet completed its determination of whether or not access only to Route 9W is preferred. We request the Planning Board when reviewing the Special Permit application to not foreclose the Planning Board to further investigate some of the alternatives. If the Town Board has any issues of concern, please let us know."

Mr. Costa said that the minutes are attached and they should be deemed part of the record, but he read into the record the resolution that was adopted by the Planning Board regarding Soffer Storage. This deals with environmental assessment.

"Whereas the short environmental assessment form was received February 6, 2001 by the Department of Environmental Control acting as technical staff to the Planning Board. And

Whereas said EAF was distributed to thirteen (13) potential interested or involved agencies by letter dated February 13, 2001 and

Whereas no involved agency objected to the Planning Board being lead agency for a coordinated review under the provisions of SEQRA and

Whereas the Board reviewed the proposed action, identified potential adverse environmental impacts due to the proposed action as follows:

Visual impact of the proposed buildings and their visibility from the surrounding area. This is mitigated by the relatively small scale (height) of the buildings, the perimeter area left natural on parts of the site, installation of fencing and additional landscaping to be installed;

Loss of Vegetation mitigated by plantings to be installed;

Increase in storm water run-off and associated degradation of water quality, mitigated by the installation of a water-quality/detention basin in accordance with the requirements of the general permit for storm water discharges from construction activities;

Increase in traffic – The Mini-Storage use is typically a low-volume traffic generator. The impact is not significant.

Whereas, the applicant has proposed or incorporated into the design plans for the action measures to mitigate the identified potential adverse environmental impacts

PH: Petition of HMS Route 303, LLC for Special Permit for a Mini-Warehouse Facility
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Whereas, the Public Hearings held June 20, 2001, the application was reviewed and comment offered did not identify any additional potential adverse environmental impacts.

Now, therefore, be it resolved,

The Planning Board based on review of the proposed action and the mitigation of the potential adverse environmental impact thereof, makes a determination that the proposed action will not have an environmental impact.

The applicant to proceed to the Honorable Town Board for request for a Special Permit. If successful, applicant to return to the Planning Board for preliminary and final approval prior to submission to the ALC."

Supervisor asked the applicant if he wishes to make his presentation.

Appearance: Martin Cornell, Esq.
Attorney for Applicant

Mr. Cornell presented the Town Board with an Affidavit including exhibits. He described the structure and the area where the facility would be located. He said that a caretaker would be on the property.

He referred to the report from Harry Baker who analyzed the traffic issue. Mr. Baker recommends that the Route 9W access would be preferable. Mr. Cornell gave assurances that the site will be gated and the Custodian will be on site to control who will enter the premises. The contents coming into the facility for storage will be monitored to ensure that no hazardous or illegal materials will be on the site.

He said that after doing some surveys, there is a need in the community. It will be used primarily by older people who have smaller houses or condominiums and need storage. It is not intended to be a storage facility for manufacturers or large operators.

He addressed the issue of the facility's visibility. He said the site is heavily wooded and the area on Route 9W in front of the first building is heavily surrounded by trees. Additionally, Robert Torgenson, a Landscape Architect has prepared a detailed landscaping plan. There will be substantial planting on the site to shield the facility.

He said that HMS will comply with all of the findings without any reservation or conditions. He enumerated the special findings such as the requirement that all of the services be available, there be no undo traffic congestion (detailed report has been submitted from the traffic engineer), there will be no objectionable elements emanating from the site, there will be no adverse impact on the character of the area, and it will not impair public health and safety. HMS will comply with the regulation of the Town. Mr. Cornell said there is a necessity for the waiver of the buffers. The Ordinance specifically authorizes the Town Board to do that and if the Board approves the application, will carry the waiver of the 75 foot buffer required down to 25 feet which has been provided.

Supervisor opened the meeting for public comment. There being none, Supervisor asked Mr. Costa what further needs to be done if the Board is to approve this petition. Mr. Costa said that for the purpose of the record, he has a few questions in order to clarify some of Mr. Cornell's comments. He said the Rockland County Department of Planning correspondence which was read into the record does not condition the approval of the Town Board limiting access to only one curb cut along Route 9W. Therefore, the Town Board does not have to vote plus majority to override. They do recommend, though, one curb cut with two (2) ways of ingress and egress at the one (1) location. If the Town Board were to require that, how would that impact on the proposed plans with the circular road described.

Mr. Cornell replied that it could be accomplished with a re-design. He said the Planning Board clearly indicated that they want to re-evaluate this issue also. Mr. Cornell asked Ted Atzl (sworn in by Mr. Costa) if this issue had to be referred to the Department of Transportation again. Mr. Atzl replied that dual access is feasible, however, they would have to go back to the New York State Department of Transportation. They currently have a permit for an entrance and exit. Most mini storage unit facilities have only one point of access for security purposes.

Mr. Costa asked Mr. Atzl to supplement the record as to what effect the waiver of the buffer would be in terms of screening from the adjacent properties. Mr. Atzl replied that the landscaping plan which has been submitted and the fencing will be very significant. He said a fence and the natural vegetation area will be more than enough for an adequate buffer from the neighboring property.

Mr. Costa referred to a discussion held at the Town Planning Board which concerned the potential for improper materials to be stored on the site. He asked if the operator of the facility, by contract, retain the right to access the storage units without the presence of the renter. Mr. Cornell replied that while he has not examined some of the model contracts that are used, there is much standardization throughout the country with standard types of contracts. Most that he has looked at do provide under certain circumstances, that if the custodian or manager feels there may be cause to investigate, they can go on site to take a look. Contractually, the contract itself will prohibit any illegal activities on the site or any hazardous waste being stored there. Mr. Costa asked if the Town Board were to impose as an issuance of the Special Permit that the operator retain the right of access at all times. Mr. Cornell agreed. Mr. Costa said that although minimal tractor-trailer traffic will have access to the site, the report of the Traffic Consultants attached to the submission indicates that tractor trailers will occasionally enter the site.

Mr. Cornell replied it would be an unusual circumstance a tractor trailer would enter the site although the site is not geared to it. Mr. Costa asked if there would be an objection if the Town Board were to make as a condition of the issuance of its permit, a limitation on that type of access. Mr. Cornell replied that he preferred not, however; if it is the Board's pleasure, he will agree.

Co. Mandia asked Mr. Costa what he meant by "limit." Mr. Costa said that it is certainly within the discretion of the Board to consider that issue. He said that the site could be limited to access by vehicles with no more than certain gross or certain number of axles. Co. Mandia recommended that should a tractor trailer need access to the site, the hours of entry be limited. Mr. Cornell said that would be more acceptable.

Co. Lasker asked about access for customers and for the moving of storage material. Mr. Cornell replied that the direct operations have not been worked out yet. The hours would be morning to evening hours. Co. Lasker clarified that it generally would be business hours and not a 24-hour operation. Mr. Cornell answered yes except for a few smaller units on the front which people could access 24 hours a day if there was an emergency. Mr. Costa interjected that LIO Zone permits 24/7 operations.

Supervisor asked Mr. Costa if Findings of Fact need to be prepared. Mr. Costa answered yes and that he recommends to hear all comments Close and Reserve and in consultation with the Town Board, prepare the Findings of Fact for consideration at the next meeting.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed and decision reserved. Time: 8:40

Respectfully Submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/24/02

8:41 PM

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

Re: Petition of Pondview, LLC for Zone Change (LO to R-15), West Nyack Road, West Nyack, Lot 58.19-1-9

On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing.

Supervisor read a letter from William B. Heebink, PH.D., Superintendent of Clarkstown Central School District to the Honorable Members of the Clarkstown Town Board as follows:

"I wish to enter this statement into the record for the public hearing on the Pondview petition before you this evening.

First of all, I would like to assure you that the district's support for the donation offer contained within the April 30th memo from Jay Theise remains unabated. Every time I drive by the site, I am personally struck by the educational potential.

Secondly, I would like to commend Mr. Theise and his associates for their patience and cooperation relative to the few environmental issues uncovered by our engineers. Their willingness to address these few issues (e.g., remove a tank, remove one pile of silt, and add a cap of a foot or two of fresh soil) will expedite the execution of this project.

As far as I am aware, the only issue remaining for us is the approach to be used in the construction of the shell also most generously offered by Mr. Theise. Once this is resolved, we hope that the donation of property can occur as soon as feasible, subject, of course, to any required Town action.

A transmission of this size and value will have its inevitable legal procedural and associated language requirements. However, it is our hope that the contribution-including the construction of the shell-can occur in a manner that would permit the start of the desired educational programs in the fall of 2003. While this is an ambitious schedule, the cooperation thus far demonstrated gives us cause for some hope that it is possible.

If the Board members wish to have any specific questions answered, please forward them and I will do my best to respond. Thank you for your consideration of my thoughts."

Supervisor asked Town Attorney, John Costa if he received the recommendations from the Rockland County Department of Planning and the Town Planning Board. Mr. Costa replied yes and also the Affidavits of Service and Public Hearing, and the Affidavit of Publication in the Journal News.

Mr. Costa said that the Rockland County Department of Planning has reported under letter dated September 23, 2002 as follows to the Clarkstown Town Board, 10 Maple Avenue, New City, New York:

"Item Pondview, LLC Zone Change of 15 Acres of a 33 acre parcel from LO Zone to R-15 and Subsequent Donation of the Remaining 18 Acres to the Clarkstown Central School District for a Nature Park and Educational Facility. Northside of West Nyack Road Approximately 100 Feet of Demarest Avenue

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The Rockland County Department of Planning has reviewed the above item acting under the terms of the above General Municipal Law power and those vested by the Rockland County Charter I hereby recommend the following modifications:

The Planning Department is not opposed to the proposed zone change. Development of this property for Laboratory Office use is restricted by the Federal Wetland on the site and is not unreasonable to see the proposed R-15 Residential Zone as an extension of the existing R-15 residential area east of the property. However, the Planning Department is concerned about the negative environmental impacts of the proposed use on the wetland and the potential health hazards of the site. As such we recommend the following safeguards:

1. No part of any residential lot shall be allowed within the delineated wetland area on the site.
2. The number of residential units shall be restricted to no more than the 23 currently proposed and the layout reconfigured to comply with the above condition.
3. The size of and access to the educational facility should be the minimum necessary so as to not disturb the wetland and shall be agreed upon before granting the zone change.
4. There is some question as to whether this site is contaminated with hazardous materials. A review shall be done by the Rockland County Department of Health and the New York State Department of Environmental Conservation. If necessary the site shall be remediated and any permits obtained.
5. A review shall be done by the Palisades Interstate Park Commission and their comments considered.
6. A review shall be done by the New York State Thruway Authority and their comments considered.
7. A review shall be done by the U.S. Army Corps of Engineers and all necessary permits obtained.

Signed: Dr. James J. Yarmus, P.E., Commissioner of Planning

Mr. Costa asked Robert Geneslaw, Planning Consultant, to comment on his memo to the Supervisor and Town Board dated September 24, 2002. Mr. Geneslaw read the memo as follows:

"This is a request for a zone change from LO to R-15 to allow construction of homes on one-third acre lots in an area of 15± acres out of a total lot area of 32± acres. The balance of the property, some 17± acres with a pond and wetlands is proposed to be gifted by the owner/zone change applicant to the Clarkstown Central School District for use as an environmental education center. Negotiations have been underway for some time between the owner and the school district. The Open Space Committee in its list of priority recommendations in June 2001 included the entire property for protection.

The Open Space Committee was appointed by the Town Board to recommend priority properties for protection based on the Town Comprehensive Plan adopted by the Planning Board and the Town Board, under the provisions of Section 272-a of the Town Law. Once the Comprehensive Plan has been adopted in that manner, 'All town land use regulations must be in accordance with the Comprehensive Plan' (272-a.11(a)).

The Comprehensive Plan was prepared by the Town Planning Board and the specially appointed Ad Hoc Committee, with extensive public participation, including

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hamlet meetings and public hearings. Among the policy recommendations of the Comprehensive Plan was the retention of LIO, LO, PO and M zoned areas to provide job opportunities and non-residential tax base.

The proposal to transfer a portion of the property to the school district for environmental education purposes is substantially similar to the recommendation of the Open Space Committee to protect the property, subject to the extent and nature of the School Districts' intentions. The proposal to develop homes on one-third acre lots is not consistent with the policy of the Comprehensive Plan noted above, but is part of a proposal that would substantially protect the most environmentally sensitive portion of the property at no cost to the Town while providing educational opportunities for Clarkstown school district students.

We recommend that the Town Board hold a public hearing that is noticed and advertised as a proposed amendment to the Comprehensive Plan, to provide an opportunity for the public, and particularly those residents who participated in the Comprehensive Plan process, to offer comments. As a matter of public participation and public policy, we believe the public should have an opportunity to participate in this process.

As requested by the Town Board, we are assembling and preparing material for use in meeting the requirements of the State Environmental Quality Review Act (SEQR). At this point, we are anticipating a somewhat generic review for purposes of the zone change, with a more detailed examination at the subdivision review phase at the Planning Board, should the zone change be granted. It is anticipated that the school district would undertake the SEQR review for the environmental education center. We believe that prior to completing the SEQR review, the public hearing should be held, to enable us and the Town Board to give consideration to public comments regarding any environmental impacts.

If the Town Board agrees with this approach, we recommend that:

- The zone change public hearing be held tonight and then be adjourned;
- The Town Board schedule a public hearing on the amendment to the Comprehensive Plan at the earliest date;
- The Town Board decide on the amendment to the Comprehensive Plan.

The Town Board can then decide on any appropriate conditions to be attached to the zone change if it is the intent of the Town Board to adopt the zone change."

Mr. Costa read a letter from the Chairman of the Town Planning Board regarding the Town Board referral dated August 22, 2002:

"This letter is to advise you there have been no changes from our correspondence to you dated July 11, 2002, from Deputy Town Attorney Kraushaar, and Planning consultant Geneslaw (copy attached).

Mr. Costa then read the July 11th correspondence, subject, "Zone Change Request - Pondview, LLC" as follows:

"We have been directed to write you by the Planning Board with regard to the above matter.

The Planning Board, on a 6-0 vote, recommended approval by you of the zone change request of Pondview LLC for approximately 17.56 acres of their total parcel of 32.56 acres from LO to R-15. The balance of the acreage would remain LO and be donated and conveyed to the Clarkstown Central School District for use as an environmental/nature study preserve.

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The Board recommended this approval with the following provisos:

1. Only that portion of the property that is proposed for residential development be rezoned R-15, the balance which is being conveyed to the school remain LO, and
2. Recommendation that the subject area in the zone change be delineated in such a way that any of the access alternatives could subsequently be accepted by the Planning Board, if, as and when a favorable response is received from the Town Board, and
3. Restriction on the parcel, which is anticipated to be donated to the Clarkstown Central School District be codified by virtue of a covenant in the deed that should the property ever cease to be used by the School District as a natural environmental study preserve that the property revert to the Town of Clarkstown, and
4. The site is encumbered by an agreement that when certain commercial development is done, the road will be connected into Crosfield Avenue. The applicant has agreed to connect the road, notwithstanding the fact that it would not be developed commercially. Applicant conveyed to the Planning Board that they would connect the road notwithstanding the fact that it would not be developed commercially. The Board should create an enforcement mechanism to assure that the applicant abides by his commitment to this effect.
5. Applicant has further agreed to construct a 4,000 square foot building shell for the School District. The Planning Board leaves it to the Town Board's discretion as to whether it feels the need to provide assurances whether this will occur.

Should you have any questions, please do not hesitate to contact us."

Signed: Daniel N. Kraushaar, Deputy Town Attorney and Robert Geneslaw, Planning Consultant

Supervisor Holbrook asked the applicant to make his presentation.

Appearance: Burt Dorfman, Esq.
Jay Theise, Managing Member
Brian Brucker, P.E.
Stuart Basal, P.E.

Mr. Dorfman showed the map of the site and explained the area. He said that an R-15 zone is proposed on the Easterly portion of a 32-acre site which is consistent with the Comprehensive Plan and it doesn't conflict with the zoning and land use provisions of the Town of Clarkstown. An environmental assessment form has been provided as part of the packet and this is an unlisted action. Mr. Dorfman respectfully requested that the Board declare itself lead agency this evening. He also requested a negative declaration.

He spoke about Mr. Theise's donation of the westerly side of the property to the Clarkstown School District and assured all that the property would revert back to the Town should it no longer be used for educational purposes. He said the pond would remain as is.

He referred to the recommendations of the Planning Board and spoke about three (3) items:

1. He asked if Note "1" would contain the proviso "accept as approved by the Clarkstown Planning Board No part of any residential lot shall be located within the delineated area on the site."
2. In respect to Item No. 3 -the minimum size of the educational facility be agreed to before the granting of the zone change. He said the granting of the zone change

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is needed before the applicant goes back to the Planning Board. He agrees that the size of the educational facility shall be the minimum necessary so as to not disturb the wetland. He respectfully requests the other portion be deleted.

3. Finally in respect to the issue of hazardous materials, Lawler, Metusky and Skelly and Tectonics on behalf of the School District, have conducted extensive environmental reviews. They both have found that no recognized environmental condition exists and there will be no requirement to report to the DEC.

Mr. Dorfman also commented on Mr. Geneslaw's report in regard to the Comprehensive Plan. Mr. Dorfman said there is no need to amend the Comprehensive Plan as the proposal is consistent with the Plan.

Brian Brucker, P.E. presented an aerial view map of the site showing parking lots, building, lake and access road. He explained the zone change.

Co. Lasker asked what uses Dr. Heebink proposes for the educational center. Mr. Brucker replied the building would house three (3) or four (4) classrooms. Co. Lasker also asked if this would be open to the public. She clarified that the Clarkstown School District would maintain the facility and not the Town.

Supervisor opened the meeting for public comment.

Appearance: John O'Connell
Oakwood Gardens Condos

He said that the area is a dangerous spot at present. He pointed out that a new industrial park is being developed close by and the Pondview Development is only 100 feet from Oakwood Gardens. He wanted to know what is being done in regard to the safety of the people in the area.

Supervisor replied that first, they are trying not to have another curb cut onto West Nyack Road. Secondly, a consideration is to replace the blinking light with a traffic light at the intersection of West Nyack Road and Demarest Avenue.

Appearance: Mary Lou Jones
Board of Managers
Oakwood Gardens Condominiums

She said the new developments will create more traffic and increased danger. She said a traffic light must be installed at the intersection. She also said that private homeowners were notified of the meeting; however, the Condominium owners were not.

Supervisor asked Mr. Dorfman if the developer is willing to consider installation of a traffic light at this location. Mr. Dorfman said it was one of the main reasons why the Planning Board put the condition Mr. Costa referred to "notwithstanding the fact it is not a commercial development the approval still goes through."

Supervisor said the critical issue of the traffic light will be addressed. Much discussion ensued regarding the trees on the condo property and the sidewalk.

Appearance: Jennifer Quidadamo
Oakwood Gardens Condominiums

She is very strongly opposed to approving this zoning change because of the traffic issues. This area is surrounded by a lot of trees and the natural environment, which makes this such a nice area to live in. If you continually allow development to occur, the entire area will look like Route 59.

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Appearance: Martin Bernstein
New City

He asked if the Comprehensive Plan has to be approved before the zoning approval. Supervisor Holbrook answered that there is a resolution on the agenda this evening to set the date of October 8th, 2002 for a public hearing on the amendment to the Comprehensive Plan.

Mr. Bernstein also asked if the wetland area will be dedicated to the Clarkstown School District and, if the school district gave up the land, it would revert back to the Town.

Supervisor asked Mr. Costa to clarify this condition. Mr. Costa said that how to handle a reversion is still under consideration.

Mr. Bernstein asked why the zone is being changed to R-15 when the same thing can be accomplished by keeping R-40 and be density zoned. Supervisor replied that the reason for changing to R-15 is that the R-15 district is immediately adjacent to this.

Appearance: Julie Lederman
Oakwood Gardens Condominium

She spoke about the bad traffic condition on West Nyack Road and how very difficult it is to exit the condominium complex. She said that West Nyack Road is not equipped to handle all of the development at that site. She asks that the traffic problem be investigated and some control be gained on this road.

Appearance: Karlene Basel
63 Demarest Avenue
West Nyack, NY

She thanked the Board for taking their comments under consideration at a previous Town Board meeting when they appeared in favor of saving the trees in their complex. She presented pictures of the area along West Nyack Road showing where trees were stripped on the east side of the road. She said she is confident the same type of stripping will not happen on the north side.

She supports the traffic light and the installation of a crosswalk.

Appearance: John Lodico
New City

He said that Mr. Theise is among the top three (3) builders in the county. He supports the traffic light at the intersection. He asked about the development of the area on the south side of West Nyack Road and if this property is opposite that area of construction, could the traffic tunnel underneath West Nyack Road. He said the Town should be responsible for receding the reverter rather than the school.

Appearance: Barbara Bischoff
Oakwood Gardens Condominiums

She asked the Board to consider the safety issues especially the school buses coming into the educational center. She also asked that the beauty of West Nyack Road not be disturbed.

Appearance: Robert Sorge
Holland Drive
West Nyack

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He is in favor of the zone change to R-15 as it is a much more natural boundary between residential separated by the wetland than to the Light Office. He spoke about the blinking light at the intersection and the placement of the traffic light. He understands that the new crossroad as a result of the access road to Champion, which is also the access to this new development, and the access to the two (2) buildings being built on the southside where there is heavy traffic twice a day is the ideal spot for the traffic light. Also, the commercial property will be another means of egress to Route 59 without having to use West Nyack Roads. He said that some of the traffic people are concerned about may go directly to Route 59.

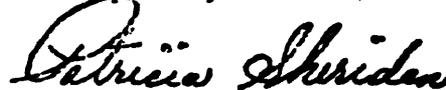
Supervisor asked Mr. Dorfman if he had anything to add. Mr. Dorfman said that the traffic light at the intersection will ameliorate the condominium owners' concerns. The educational center and nature park will be beneficial to the community.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the meeting was adjourned to October 8, 2002. On the same motion, the Town Board designated itself as Lead Agency under SEQRA and classified the action as unlisted.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, a Public Hearing on the Amendment to the Comprehensive Plan was scheduled for 8:00 PM on October 8, 2002. Time: 9:40 PM

RESOLUTION NO. 782 ADOPTED

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/24/02

9:42 PM

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

RE: Proposed Local Law entitled "Amendment to Chapter 290 of Zoning Local Law of the Town of Clarkstown to permit the use known as Child Daycare Center in the PO Zone"

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing.

Supervisor informed all that this hearing is an amendment on the Town's own motion and he asked Town Attorney, Mr. Costa to identify the reports from the Rockland County Planning Department and the Town Planning Board. Mr. Costa said that the Affidavits of Publication and Notice of Public Hearing were received. He read correspondence dated September 20, 2002, addressed to the Town Board by the County of Rockland, Department of Planning regarding the General Municipal Law Review.

"Item: Dream Construction/Day Care Centers" Mr. Costa clarified that although it is titled "Dream Construction," Supervisor pointed out this Public Hearing is being held on the Town Board's own motion. Supervisor interjected that this is not a zone change hearing, it is an amendment to the Town Code.

"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 approve.

The comments from our previous letter dated July 30, 2002 are still valid."

Mr. Costa read the correspondence July 30, 2002 from the Rockland County Department of Planning on file in the Town Clerk's office.

Mr. Costa read the report from Robert Geneslaw, Planning Consultant, dated September 20, 2002 on file in the Town Clerk's office.

Supervisor asked Mr. Geneslaw if the Planning Board makes a specific recommendation on this. Mr. Geneslaw replied that the Planning Board is in favor.

The following letter dated September 24, 2002, addressed to Co. Shirley Lasker was submitted and requested to be placed in the record:

"Item #3 on agenda regarding 'proposed local law entitled Amendment to Chapter 290 of zoning local law etc.'

It is my opinion that this change is meant primarily to benefit two persons/companies without thought as to the can of worms this opens up on a town wide basis. Professional office areas are usually crowded as is with the comings and goings of employees, patients, etc. Allowing child daycare businesses to these already crowded facilities will only exacerbate the problem of traffic and air pollution.

In the instance of the two proposed child day care centers, they will be located approximately .5 of a mile apart. The area is an already heavily traveled one, North Main Street and Squadron Boulevard. Children will be arriving and leaving at the very same times as school busses, and people going to and coming from work. In the proposed child daycare areas we already have the post office, an auto repair facility and Sunrise assisted living. On Squadron Boulevard we have Mid Hudson Imaging, and two office

PH: Proposed local law entitled "Amendment to Chapter 290 of zoning local law of the
Town of Clarkstown to permit the use known as child daycare center in the PO Zone
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buildings one of which contains the Veterans Medical facility. All of which draw a huge amount of traffic.

It is requested that this change NOT be done as it is to the detriment of the majority of the residents of this town."

Signed by George L. Rumelt

Supervisor opened the meeting for public comment.

Appearance: Donald Tracy, Esq.
New City

He is concerned that his client's application may be lost in the confusion of the Town's motion to change to PO. He suggested that the zone change application of Dream Construction to PO Child Daycare be scheduled at the same time as Chabad Lubavitch on October 22, 2002 in view of the fact they both have vintage on them. Supervisor replied that it was on condition the Town Board approved the amendment.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, a) S.E.Q.R.A. unanimously adopted, b) the amendment adopted, and the Public Hearing was closed. Time: 9:45 PM

RESOLUTION NO. 783-2002 ADOPTED
LOCAL LAW NO. 11 ADOPTED

Respectfully Submitted,



Patricia Sheridan
Town Clerk