

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/08/2002

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.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted the public hearing re: Petition of Pondview, LLC for Zone Change (LO to R-15) West Nyack Road, West Nyack was continued, time: 8:00 p.m.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Petition of Pondview, LLC for Zone Change (LO to R-15) West Nyack Road, West Nyack was continued to 10/22, time: 8:10 p.m.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted the public hearing re: Proposed Amendment of the Comprehensive Plan with respect to Pondview, LLC Zone Change Petition was opened, time: 8:10

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted the public hearing re: Proposed Amendment of the Comprehensive Plan with respect to Pondview, LLC Zone Change Petition was continued to 10/22, time: 8:10 p.m.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing re: Petition of Mombasha Development Corporation for use of Town Law 280-A(2) to obtain access to property known as Lot 34.6-1-15 & 16 was opened, time: 8:11 p.m.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Petition of Mombasha Development Corporation for use of Town Law 280-A(2) to obtain access to property known as Lot 34.6-1-15 & 16 was continued to 10/22, time: 8:25 p.m.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Steven Rubin, Esq.
Palisades Center Mall

He spoke about Item #14 regarding the informational postcard mailing and the generality of the expansion language of the referendum.

Appearance: Joe Hannis
New City

He spoke on Item #14 saying he doesn't understand how the Mall representatives come in every week to change the rules. He said we have rules and a referendum.

Appearance: Michael Zac
West Nyack

He asked about Item #14 wanting clarification of the wording on the informational postcard being mailed. He said he finds there is no parking and he must pay \$5.00 for valet parking. He asked if the Valet Parking is considered part of the Gross Leasable Area.

Appearance: John Mott
New City

He said that Eklecco filed for a Certificate of Occupancy for each Kiosk in the common area whether it be one of the 10' x 15' built-ins or one of the yellow carts. He addressed the comments and questions that were raised from the audience and the Board.

Appearance: Barbara Zwynenburg
West Nyack

She spoke on Item #14 saying that it took some time to understand what void meant. She asks the Board to make the verbiage on the postcard very clear.

Appearance: Nicole Doliner
West Nyack

She is in full agreement and support of Item #14. She said that the space in discussion was not leasable when the Mall opened and wanted to know how it became leasable now.

Appearance: Bill Vines
West Nyack

He is very concerned about the increase in crime in Town. He said there are roving bands of gangs in the Mall and only one (1) police officer on duty. He asked why the Town allowed the contract to expire that would require the Mall to pay for protecting the people of the community.

Appearance: Edward Graybow
New City

He spoke on Item #14 saying that when the Mall was approved it was with the understanding of what square footage existed. He said that it must be clear what a yes or no vote means.

Appearance: Mark Davis
Congers

He said he asked why the informational card was written so vaguely that it could not be understood.

Appearance: Shirley Thorman
Valley Cottage

She asked how the Mall was able to get its Certificate of Occupancy when the road situation was never resolved. She referred to a report that most of the parking lot was not built to the filed plan.

Appearance: Donald Tracy, Esq.
New City

He is a Consultant for the Mall. He addressed the earlier comment regarding "new rules." He spoke about the taxes that were challenged by the Mall and the use of the space. He also referred to the proposed substitute Covenant saying that it is legally

binding. Mr. Tracy addressed the parking issue saying that the Mall has 2,500 spaces in excess of the mandated parking.

Appearance: Frank Hackett
Valley Cottage

He commends the Board for taking the steps in clarifying the wording for the vote by mailing of the postcards.

Appearance: Carole Jagargian
New City

She said to keep the postcard as is. She asked if there would have been less acrimony over the Mall if it could have been approved in the beginning by a referendum. She wanted to know if that would have been legal.

Appearance: Art Bridgeman
Valley Cottage

He asked if the measurements of the expanded floor space will be counted as total floor space rather than GLA. He wants to see the postcards mailed now.

Appearance: John Cain
Congers

He referred to a matter before the Planning Board regarding High Tor Road in New City.

Appearance: Pete McCormick
New City

He asked for an explanation of Item #3d. He also asked if he could receive a copy of the Police Speed Survey Reports.

Appearance: Renaldo Colon
New Clarkstown Rd.

He referred to Item #3d and asked if these were the only measures being taken to resolve the problems on New Clarkstown Rd.

Appearance: Michael Zac
West Nyack

He asked why the speed limits on Rte. 304 change from 45 mph to 35 mph and back to 45 mph.

RESOLUTION NO. (836-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of September 24, 2002 and October 1, 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. (837-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the HMS ROUTE 303, LLC, has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the construction and operation of a mini-warehouse facility pursuant to the provisions of the Zoning Local Law of the Town of Clarkstown, §290-15A, and §290-17S, for property consisting of approximately 5.378 acres, located on the northeast side of Hemlock Drive and the west side of Route 9W, Congers, New York, which property is designated on the Clarkstown Tax Map as Map 35.20-1-6, and is presently zoned LIO, and

WHEREAS, after due notice published and posted, a public hearing was duly held before the Town Board of the Town of Clarkstown on September 24, 2002, where all persons in interest were heard with respect to such application, and

WHEREAS, the Town Board has reviewed and considered the subject application, all information submitted in support thereof and the comments of all interested persons, and in accordance with the requirements of 6NYCRR Part 617, the plan, the long EAF Parts I and II, and supporting documents, and

WHEREAS, by report dated October 4, 2002, the Town's Planning Consultant, designated as agent for the Town Board as lead agency to conduct the SEQRA review, has reported that the proposed action is an Unlisted Action, and based on the preliminary review of the environmental impacts of the site plan by the Planning Board, it has been concluded that there will not likely be any adverse environmental impacts from the issuance of the Special Permit, and that the preparation of a EAF Part III form is unnecessary, and

WHEREAS, by this Resolution the Town Board intends to make the Special Findings of Fact required pursuant to Section 290-15 of the Town Code, and to issue the Special Permit subject to such Findings and conditions as hereinafter stated;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

That, the proposed use as described and represented by the applicants, to wit: the construction and operation of a mini-warehouse facility consisting of six (6) separate buildings, with access from Route 9W, including a caretakers residence/office located in building designated "A" on 5.378 acres of premises designated on the Clarkstown Tax Map as 35.20-1-6;

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
 2. Will not cause undue traffic congestion or create a traffic hazard;
 3. Will not create at any point of determination as stated in Section 290-13 F, G, and H, any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
 4. Will not adversely affect the character of, or property values in the area;
 5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
 6. Will comply with all other regulations applicable to such use, and
- be it

RESOLUTION NO. (837-2002) continued

FURTHER RESOLVED, that the Town Board makes the following additional Findings:

1. That the request for reduction of the required buffer from 75 feet to 25 feet, as authorized in Section 290-11A, Table 14, Column 8, Item 4, is reasonably requested due to the narrow configuration of the subject parcel and its location, that local conditions and, in particular the existing uses of adjacent property, will permit the substitution of appropriate protection for neighboring properties so that the buffer may be reduced as requested, subject to the further conditions as set forth herein;

2. That the applicant has agreed to and shall be able to comply with all regulations that are applicable to the use of the premises as a mini-warehouse facility as defined in Section 290-3;

3. That traffic studies demonstrate that access to and from the site of the proposed facility from Route 9W will not result in any undue traffic congestion or present a traffic hazard, and that use of Hemlock Drive, an interior dead end street, as an alternative access would be undesirable due to the existence of residences and recreational facilities with existing access from Hemlock Drive;

4. That the applicant has already obtained approval from the New York State Department of Transportation for (2) two proposed driveways on Route 9W, which meet applicable requirements for roadway design and required sight distances;

5. That the vehicles which shall normally use the proposed facility are automobiles, small trucks, small rental type trailers, box trucks and cargo vans not exceeding thirty (30) feet and only occasional tractor-trailer trucks so that tractor-trailer use of Route 9W will not be significantly affected by the construction of the proposed facility.

6. That appropriate signage for directing traffic, both for access and internal flow, shall be installed and shall be adequate to assure traffic safety at the site;

7. That the applicant shall be able to comply with all applicable Town regulations with respect to the use of the premises;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, Planning Consultant, dated October 4, 2002, the Town Board, as lead agency for SEQRA review, hereby determines that the Special Permit for the proposed mini-warehouse facility is an unlisted action which shall not have any significant impact on the environment and that no further processing pursuant to the State Environmental Quality Review Act is required, and be it

FURTHER RESOLVED, that a Special Permit to construct a mini-warehouse on the above described property is hereby GRANTED to the petitioners, HMS ROUTE 303, LLC, subject to the following conditions:

1. Applicant must comply with Section 290-17, Items "1" through and including Item "10;"

2. Applicant to obtain written opinion from the Building Inspector or the Zoning Board of Appeals as to whether or not a caretaker's residence is an acceptable accessory use under applicable regulations, and to comply with such opinion;

3. That all storage units shall conform to the requirements for mini-warehouse as defined in Section 290-3;

RESOLUTION NO. (837-2002) continued

4. That the Planning Board shall consider and require such permanent landscaping or natural vegetation as is reasonably indicated for the appropriate protection for neighboring properties to support the reduction in the buffer area from 75 feet to 25 feet as authorized by the Town Board;

5. That the hours of operation of the proposed facility shall conform to the requirements of Section 290-IIA, Table 14, Column 8, Item 10, unless the Planning Board for good cause shall further restrict the hours of operation;

6. That as part of site plan review, the Planning Board shall require that the proposed facility shall have reasonable access to all rental storage units at all times to monitor and prevent the storage of unauthorized or hazardous materials;

7. That the applicant shall comply with all other applicable regulations including the additional use regulations set forth in Section 290-IIA, Table 14, with respect to the proposed use;

8. That the applicant comply with the following recommended modifications as stated in the determination of the Rockland County Department of Planning dated September 23, 2002:

(a) The storage units shall not be used for retail sales except for the sale of storage related merchandise in the proposed 1,265 square foot retail/office space in Building A;

(b) The internal roadway shall be extended around the east side of Building A to improve circulation on the site;

(c) A review shall be done by the Palisades Interstate Park Commission and their comments considered;

(d) A review shall be done by the Rockland County Department of Health on the design of the detention basin for the control of mosquito breeding and their comments considered;

9. That the operation of the facility, after a Certificate of Occupancy shall be issued, shall continue to meet, at all times, all applicable performance standards as required by Section 290-13(C), and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute the Special Permit issued pursuant to Section 290-IIA, Table 14, Column 3, Item 7, to be filed with 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. (838-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (838-2002) continued

RESOLVED, that the Superintendent of Highways is hereby authorized to install a "Stop" sign on Ethel Drive at its intersection with Lady Godiva Way, New City, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (839-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to make and install a street sign reading "Hill Crest Drive" at its intersection with Laurel Road, Central Nyack, as the previous sign was knocked down.

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. (840-2002)

Co. Maloney offered and Co. Lasker seconded

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

A "No Parking Anytime" sign (a P-1-1) at the end of Judith Lane, Bardonia, NY.

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (841-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, it has been recommended by the Town's Traffic Advisor, that certain signage and pavement work on New Clarkstown Road, Nanuet, New York, if implemented by the Rockland County Highway Department, would enhance traffic safety;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the Rockland County Highway Department install the following sign and pavement modifications on New Clarkstown Road, Nanuet, New York:

- 1. Curve warning signs with 25 MPH advisory speed plates at the reverse curve at the north end.
- 2. Super-elevation at the reverse curve at the north end.

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. (842-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes Town Justice Craig E. Johns to attend the New York State Magistrates Association Annual Conference held at the Riveredge Resort Hotel & Bonnie Castle Resort from September 29, 2002 to October 2, 2002, and be it

FURTHER RESOLVED, that the sum of \$198.00 per day for registration, lodging and meals, plus reasonable travel expenses shall be charged to Account No. A 1010-414, and this resolution shall be retroactive to September 26, 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. (843-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control and the concurrence of the Superintendent of Highways, the Performance Bond furnished to the Town by Mountain Shadows Company in the amount of \$51,000.00 in Money Market Account No. 9366 357 267, in

RESOLUTION NO. (843-2002) continued

connection with the Mountain Shadows Subdivision, designated on the Clarkstown Tax Map as 143-A-2, may be released as all the work required by this Performance Bond has been completed to the satisfaction of the Department of Environmental Control.

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. (844-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2002 and terminating on September 30, 2004, in a form satisfactory to the Town Attorney, and be it

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

FURTHER RESOLVED, that the fee of \$15,309.00 per year for such services shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to 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. (845-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has been advised by a resident that speeding has become a problem at Old Haverstraw Road in Congers, and

WHEREAS, the Town Board wishes to have the traffic situation evaluated;

NOW, THEREFORE be it

RESOLUTION NO. (845-2002) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to retain Howard Lampert, Traffic Engineering Consultant, to analyze traffic conditions on Old Haverstraw Road, Congers, New York, and to prepare a report with recommendations on traffic safety measures for the Town Board's 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. (846-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, 235 South Route 303 Realty Corp., has requested the release of an irrevocable Letter of Credit in the amount of \$86,210.00, posted by 235 South Route 303 Realty Corp., for site plan improvements at Quality Auto Service of Rockland, and

WHEREAS, 235 South Route 303 Realty Corp., has tendered a check in the amount of \$6,000.00 payable to the Town of Clarkstown to secure completion of the remaining required tree plantings at Quality Auto Service of Rockland, and the Deputy Director of the Department of Environmental Control has recommended acceptance of such cash security in lieu of the expiring Letter of Credit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes acceptance of the cash security deposit in the amount of \$6,000.00 to secure the remaining required tree plantings at Quality Auto Service of Rockland, and releases the 235 South Route 303 Realty Corp., from the previously provided Letter of Credit provided that a Performance Agreement for Incomplete Items, in a form acceptable to the Town Attorney, is substituted in place of the Letter of Credit.

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. (847-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. S00045216 issued by Bank of New York to Danny Clapp Landscaping, Inc. in the amount of \$134,596, which was provided in connection with Bid No. 21-2002 - Mosquito Control Service Contract, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released.

RESOLUTION NO. (847-2002) 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. (848-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 832-2002, which scheduled a public hearing for October 22, 2002 in connection with a Chapter 111 proceeding, is hereby amended to change the public hearing date from October 22, 2002 to November 12, 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. (849-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town has entered into a contract to purchase premises known as 400 Christian Herald Road, Valley Cottage, New York from the Estate of Costas Zacharakis, as part of the Open Space Acquisition Program, and

WHEREAS, the Town Attorney has been advised by the title agent that a survey is required in order to fully identify the parcel being conveyed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to obtain a survey from a licensed land surveyor and the expense 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. (850-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION NO. (850-2002) continued

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, SEARS ROEBUCK & CO., Index No(s).3901/94, 3738/95, 3985/96, 4342/97, 4059/98, 3859/99, 3824/00, 4043/01, 4708/02, affecting parcel(s) designated as Map 63.8, Block 3, Lot 2, (formerly known as Map 14, Block C, Lot 1.2), commonly known as and more particularly described as Sears Roebuck & Co., Nanuet Mall, Nanuet, New York, for the year(s) 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002.

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 63.8, Block 3, Lot 2, (formerly Map 14, Block C, Lot 1.2) be reduced for the year 1994/95 from \$7,200,000.00 to \$6,840,000.00 at a cost to the Town of \$5,318.00; for the year 1995/96 from \$7,200,000.00 to \$6,840,000.00 at a cost to the Town of \$5,435.00; for the year 1996/97 from \$7,200,000.00 to \$6,840,000.00 at a cost to the Town of \$5,482.00; for the year 1997/98 from \$7,200,000.00 to \$6,156,000.00 at a cost to the Town of \$15,867.00; for the year 1998/99 from \$7,200,000.00 to \$6,156,000.00 at a cost to the Town of \$15,120.00; for the year 1999/00 from \$7,200,000.00 to \$6,084,000.00 at a cost to the Town of \$16,456.00; for the year 2000/01 from \$7,200,000.00 to \$5,508,000.00 at a cost to the Town of \$24,431.00; for the year 2001/02 from \$7,200,000.00 to \$5,292,000.00 at a cost to the Town of \$27,541.00.

2. Reimbursement for the year(s) 1994/95, 1995/96, 1996/97, 1997/98, 1998/99, 1999/00, 2000/01, and 2001/02 on the parcel described as Map 63.8, Block 3, Lot 2, (formerly Map 14, Block C, Lot 1.2), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (851-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Dorothy Marshall-Andrade, 83 Eagle Ridge Way, Nanuet, New York – Senior Clerk Typist – Town Justice Department – is hereby accepted – effective and retroactive to October 6, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (852-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02074 Real Property Appraiser (PROM) which contains the name of Margaret Whelan,

Now, therefore, be it

RESOLVED, that Margaret M. Whelan, 6 Acorn Terrace, New City, New York, is hereby appointed to the (Permanent) position of Real Property Appraiser – Assessor’s Office – at the current 2002 annual salary of \$52,747., effective and retroactive to October 7, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (853-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Howard A. Dobelle, 2100 Linwood Avenue #20-W, Fort Lee, New Jersey 07024 – Member – Architecture and Landscape Commission – is hereby accepted – effective and retroactive to September 30, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (854-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Craig M. Pravda, 1 Meadow Lane, New City, New York, is hereby appointed to the position of Member – Architecture and Landscape Commission – to fill the unexpired term of Howard A. Dobelle – term effective October 14, 2002 and to expire on October 13, 2003 – at the current 2002 annual salary of \$2,060.

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. (855-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, by Resolution No.727-2002, dated August 27, 2002, the Town Board submitted for voter referendum a proposal known as Proposition Number One which seeks confirmation or rejection of the Town Board's release of a restrictive covenant which would authorize expansion of the Palisades Center Mall beyond the presently existing 1.854 million square feet of gross leasable area, and

WHEREAS, the Town Board desires to notify all residents of Clarkstown regarding said proposition;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes and directs the Supervisor to notify all Clarkstown residents regarding said ballot proposition in the form annexed hereto as Exhibit "A."

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. (856-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$250 in donations for the Child Passenger Safety Program,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account A 01 9 2705 0 (Gifts & Donations) and Budgetary Account A 3120-319 (Police-Misc Supplies) by \$250 and

WHEREAS, various accounts need additional funding,

RESOLUTION NO. (856-2002) continued

RESOLVED, to decrease A 1110-110 (Justice Court-Salaries) and increase A 1110-409 (Justice Court-Fees for Services) by \$3,000 and decrease A 01 14 2999 0 by \$12,825 (Unexpended Balances) and increase A 7140-409 (Recreation-Fees for Services) by \$11,710 and A 7140-430 (Recreation-Alarm Systems) by \$1,115.

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. (857-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #337-2002 authorized A. R. Celentano Land Surveying/Engineering to prepare a Metes and Bounds drawing for the easement to maintain the dam, and

WHEREAS, the title report for Lake Lucille Dam indicated two names listed on the deeds; Lake Lucille Community Association, Inc. and Lake Lucille Property Association, Inc, and separate easement descriptions are required on the Metes and Bounds documents for both parties and,

WHEREAS, the Department of Environmental Control has reviewed the proposal from A.R. Celentano for the additional work for the Metes and Bounds documents and found them appropriate,

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the current allowance for this project be increased by an amount of \$300.00 to cover this work; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8741 409 0 23 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. (858-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Director of Purchasing was requested to solicit competitive proposals for

SURVEYING SERVICES FOR AN ACCESS ROAD TO CLARKSTOWN SOUTH HIGH SCHOOL, and

RESOLUTION NO. (858-2002) continued

WHEREAS, proposals were solicited and forwarded to the Town's Highway and Traffic Engineering Consultant for review and recommendation, now therefore be it

RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Emergency Consultant that the project is hereby award to

MASER CONSULTING, PA
ONE CROSFIELD AVENUE
SUITE 1
WEST NYACK, NY 10994
PRINCIPALS: JOSEPH T. CARUSO, PE

as per their proposed project cost of \$2,900 and be it

FURTHER RESOLVED, that said award is subject to the receipt of:

1. A Certificate of Liability Insurance including a Save Harmless clause both in favor of the Town of Clarkstown and the Clarkstown Central School District.
2. Certificate of Worker's Compensation Insurance and Worker's Disability Insurance coverage.

On roll call the vote was as follows:

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

RESOLUTION NO. (859-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, PALLOTTA TEAMWORKS, sponsors of the Avon Breast Cancer Three Day Walk, have requested permission to use the Clarkstown Commuter Lot located at North Middletown Road, New City, New York, near Exit 10 of the Palisades Interstate Parkway, as a hydration/snack stop for walkers ON October 13 and October 14, 2002, which walkathon was previously authorized by the Town Board on April 9, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the sponsors of the Avon Breast Cancer Three Day Walk, permission to use the Clarkstown Commuter Lot located at North Middletown Road, New City, New York, as a hydration/snack stop for walkers, and to install forty portable toilets at this site for the dates of October 13 and October 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. (860-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #2-2003
PHOTOCOPIER AND FAX MACHINE SUPPLIES

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.

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. (861-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #3-2003
PRINTING OF TOWN ENVELOPES, STATIONERY
AND BUSINESS CARDS

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 times bids will be opened and read, and be it

FURTHER RESOLVED, that 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. (862-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (862-2002) continued

WHEREAS, existing trees in the ROW of Corners Road is overgrown with weeds and underbrush; and

WHEREAS, a wooden stockade fence also located within the ROW of Corners Road is in need of repair; and

WHEREAS, the Department of Environmental control has solicited proposals from qualified contractors to remove the brush and repair the fence; and

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

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

KJS Hauling and 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 \$2400.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #A8511-409-0

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. (863-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, responding to a request from the Department of Environmental Control, Fellenzer Engineering L.L.P. submitted a proposal dated October 1, 2002 to provide engineering services for the street lighting electrical distribution system for the Congers Downtown Improvements; and

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

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to enter into an agreement with

FELLENZER ENGINEERING , LLP
22 Mulberry Street Suite 24
Middletown, NY 10940

RESOLUTION NO. (863-2002) continued

in a form satisfactory to the Town Attorney, to provide engineering services for the street lighting electrical distribution system for the Congers Downtown Improvements in accordance with their proposal; and

BE IT FURTHER RESOLVED that the fee for said services shall not exceed \$15,200.00 without further resolution of the Town Board; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account number H 8752-409-0-76-28.

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. (864-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board did authorize the installation of drainage improvements in the vicinity of Quarry Drive in New City by resolution 655-2002 dated 7/23/02, and

WHEREAS, it has been determined that the anticipated scope of work should be increased by the addition of 90 lf of pipe and one field inlet, and

WHEREAS, the lowest proposal received to perform the work as revised to include the additional piping and inlet is in the amount of \$10,135.80, and

NOW THEREFORE, BE IT RESOLVED that the maximum cost of work is authorized to be \$10,135.80, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8752-409-0-76-19, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of September 30, 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. (865-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, a comprehensive amendment to the Zoning Local Law of the Town of Clarkstown was last adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider to further amendment to said Local Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law shall be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 26, 2002, at 8:00 P.M., or as soon thereafter as possible to consider the adoption of the proposed amendment(s) to the Town Code of the Town of Clarkstown recommended by the Citizens Advisory Board for Housing in the Town of Clarkstown, which would create a Congers Center Overlay Zone intended to encourage redevelopment in the Congers Hamlet Center (LS Zone) consistent with the Town of Clarkstown Hamlet Revitalization Initiative, as more fully set forth in attached Schedule "A," and be it

FURTHER RESOLVED, that the proposed amendment 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 the General Municipal Law and other applicable provisions of law, for review and recommendations on or before November 12, 2002, 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, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown 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 same 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. (866-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Historical Review Board has proposed that Buena Vista Road, New City, New York, be designated as a historic road pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLUTION NO. (866-2002) continued

RESOLVED, that a public hearing shall be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 26, 2002 at 8:00 p.m., or as soon thereafter as possible, to consider the designation of the aforesaid road as a historic road, and be it

FURTHER RESOLVED, that notice of such public hearing shall be given to the Clarkstown Planning Board for report, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by General Municipal Law Section 239-1 and Section 239-m and other applicable provisions of law, and be it

FURTHER RESOLVED, that Robert Geneslaw is designated as agent for the Town Board with respect to New York State Environmental Quality Review Act (SEQRA) review and to prepare and file his report on or before November 26, 2002, 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 and posted as aforesaid and file proof thereof in the Office of the said 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. (867-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, irrevocable Letter of Credit No. 1861, dated January 12, 2001, in the amount of \$3,610.00, was posted by Briarwoods Farm, Inc., pursuant to the Town Board Resolution adopted January 9, 2001, as a road maintenance guarantee for a period of one year, and

WHEREAS, more than one year has passed since said Letter of Credit was posted without any claim for defective installation, and the Town Attorney has recommended that the said security device be returned;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 1861, in the amount of \$3,610.00, which was provided by Briarwoods Farm, Inc. as a road maintenance guarantee for a period of one year is no longer required and may be 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. (868-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #65-2002 – PASCACK COMMUNITY CENTER
SIDEWALK IMPROVEMENTS

is hereby awarded to: VERDE ELECTRIC CORP.
89 EDISON AVENUE
MT. VERNON, NY 10550
PRINCIPALS: GIULIO C. MONACO

as per their bid proposal of \$150,000, and be it

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

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (869-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Cook College, The State University of New Jersey, is offering a seminar on televised inspections of sanitary sewers on 10/8, 10/9 and 10/16, 2002 , and

WHEREAS, the seminar will be beneficial to the Town's Sewer Department in the ongoing inspections of the Town's sanitary sewer system.

NOW, THEREFORE, BE IT

RESOLVED, that Charles Corletta, Maintenance Mechanic I is hereby authorized to attend the Televised Inspection of Sanitary Sewers at Cook College, New Brunswick, New Jersey on 10/8, 10/9 and 10/16, 2002, and

BE IT FURTHER RESOLVED, that any appropriate expenses, including the cost of \$439.00 for attending the seminar, shall be proper charges to account B 8110 409.

RESOLUTION NO. (869-2002) 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 10:40 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/08/2002

8:00 PM

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

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

Supervisor Holbrook explained that because the Rockland County Commissioner of Planning did not make his recommendation, the Public Hearing is to be continued in two (2) weeks. Supervisor said that if the recommendation is received at that time, a decision will be made.

Supervisor opened the meeting for public comment.

Appearance: Mary Lou Jones
Oakwood Condominiums

She wanted to know if anyone has addressed the strong natural gas smell in the area and what will be done about it before the digging begins. She also asked where the previously discussed traffic light would be. Supervisor replied it would be at the intersection of Demarest Avenue and West Nyack Road. She also asked if the developer agrees to installing a light there. Supervisor said it could be a condition of the zone change.

She asked if the petition is approved, would the developer build a four (4) foot retaining wall because of the four (4) to five (5) foot hill behind their building. If the trees are removed, there will be a problem with water and soil erosion going down the embankment into the basement of Building 86.

Supervisor replied these problems would be taken care of in the Planning Board's Site Plan. Ms. Jones asked if the Planning Board would decide on the removal of trees. Supervisor said a Public Hearing would be held by the Planning Board on the Site Plan at which time the proposed development would be presented. The Plan would indicate what trees are to be removed, the layout of the road, the drainag, and the contours.

Ms. Jones referred to the environmental study pointing out that 4,600 gallons of water usage per day was approximated. She said that due to the current drought situation, this amount of usage is uncalled for. She said the study also states there will be an estimated 23 vehicles per hour once the project is completed. She questioned the adequacy of the roads to handle that volume of traffic.

She is concerned about the pond area having conditions of algae, slime and foul order saying it will be an unhealthy area for children to come for nature studies. Supervisor said the Clarkstown School District indicated an interest in developing a Nature Study workshop. This particular site was the one they were interested in.

Appearance: Julie Lederman
Oakwood Gardens Condominiums

She had asked for clarification as to the location of the traffic light. Supervisor said it is up to the Town Board. He said a zone change is a legislative act of the Town Board and they suggest it be at the intersection of Demarest Mill Road and West Nyack Road. The Town Board has the ability to grant a zone change, if they choose, with conditions.

Burt Dorfman, Attorney for the Petitioner, said the Town Traffic Consultant has reviewed the location of the traffic light and stated it would be more dangerous to place a traffic

Burt Dorfman, Attorney for the Petitioner, said the Town Traffic Consultant has reviewed the location of the traffic light and stated it would be more dangerous to place a traffic

light at that intersection as it could cause accidents. The Traffic Consultant suggests a widening of the lane with placement of the traffic light at the Champion intersection.

Appearance: Burt Dorfman, Esq.
Attorney for Petitioner

He spoke with respect to the issues of the gas and algae, saying he provided to the Planning Consultant, a Phase I and, what probably would be considered a Phase II, environmental report prepared by Lawler, Metusky and Skelly which was part of his client's due diligence regarding this property, as well as his due diligence regarding the donation he is making to the school district. This report was thoroughly reviewed by the School District who also requested borings of the site. All of the results have been submitted to Mr. Robert Geneslaw, Planning Consultant for the Town. Mr. Dorfman stated there is no gas odor present on the site.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing is to be continued on October 22, 2002. Time: 8:10 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Proposed Amendment of the Comprehensive Plan with Respect to Pondview, LLC Zone Change Petition is to be continued on October 22, 2002. TIME: 8:00 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/08/2002

8:11 PM

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

RE: Petition of Mombasha Development Corporation for Use of Town Law 280-A(2)
To Obtain Access to Property Known as Lot 34.6-1-15 & 16

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

Supervisor said the Town Planning Board asked for additional time to make a recommendation. He asked John Costa, Town Attorney, to explain the Town 280-A(2). Mr. Costa replied that basically it is a request from the developer that the Town Board consider authorizing access through a mapped but unopened street. The basic premise is that in order to develop a property for residences, the residents must have access to a public road with some exceptions. The one the Town Board is considering is provided in Town Law Section 280-A(2) and it is a situation where the Town Board must come to a conclusion that safe and reasonable access could be acquired by use of essentially a private right-of-way. He said this is the issue before the Board.

Supervisor asked if the Petitioner was present.

Appearance: Benjamin Sher
Developer of Property

Supervisor asked Mr. Sher to briefly describe what he intends to do. Mr. Sher said his intention is to create a driveway either on Lennox or So. Mountain so that there could be an entrance and egress to the property. Supervisor asked Mr. Sher if sewers are available to him on this property. Mr. Sher replied that he believes they are. Supervisor asked if he is prepared to hook up the sewers with the spur and all other connections to which Mr. Sher replied that he is.

Supervisor asked if anyone else had any questions. Co. Maloney asked Mr. Sher if he is only concerned about the driveway. Mr. Sher said yes. Co. Mandia said he understands that Lennox is a private road and it appears, from photographs he has seen, that every other house comes off one of the roads inside. He said no more driveways are needed on So. Mountain Road and it would be better to come in the side. He would like to hear the Planning Board's recommendations. Mr. Sher said he concurs with the Councilmen and he has a prospective purchaser for the house he plans to build. He said to have an entrance to So. Mountain Road is a cause for concern of safety issues in terms of sight as they pull out of the property, therefore, he prefers to have the entrance off of Lennox.

Co Mandia said there have been concerns regarding the traffic on So. Mountain Road since it is a curved, narrow road. Also, since it is an historic road, it cannot be changed. Therefore, it would be best to come out on the side road.

Supervisor opened the meeting for public comment.

Appearance: Bill Vines
West Nyack

He wants to know how wide the driveway is. He said 280-A(2) allows builders to build on a very narrow piece of property. He said it is important to know how wide it is intended to be.

Mr. Costa replied that the Planning Board requested an opportunity until October 16 to consider and make its recommendation. It has advised the Town Board the matter will be on the agenda for the Planning Board on October 16, 2002. At that meeting they will look into the pros and cons of the width access road and what needs to be done to properly maintain it. A recommendation will be forthcoming to the Town Board which will be the subject of further inquiry by the Town Board when this matter is continued. Mr. Vines asked when someone files a 280-A(2), does he not have to show the width of the road. Mr. Costa replied that he does and the Petitioner has filed a Plot Plan as part of this evening's proceedings.

Appearance: Steve Ren
President, Lakeland Property Association

He has a few concerns regarding Lennox Way. He asked, with all of the construction vehicles going in and out, will the developer return the road to its present stage. Supervisor said it would be one of the conditions the Town Board could impose based upon the recommendations of the Planning Board. As part of the record, returning the road to its present stage can be required by the Town as a condition for granting permission.

Mr. Ren also stated that the community well is adjacent to this property and asked what effect does building this house have on the well. Supervisor said the developer could look into it and be prepared to answer before the Planning Board on October 16. Subsequently, their recommendation would come back to the Town Board. This could also be incorporated as a condition if permission is granted. Mr. Ren asked what permanent drainage is planned since there is a great deal of runoff onto his property. Supervisor said again this could be incorporated as a condition if permission is granted.

Co. Lasker suggested that he go to the Planning Board meeting on October 16 to voice his concerns there.

Supervisor said this Public Hearing will be continued on October 22 at which time anyone else who may have other concerns may speak. Also, if the Town Board has the Planning Board's report, a decision could possibly be made then.

Mr. Sher said he has pictures detailing the property if the Board wishes to see them. Supervisor accepted them as part of the record as they may be needed for the October 22 meeting.

Appearance: Steve Murphy
Vice President
Lakeland Property Association

He asked what the square footage is of the lot. Supervisor answered that it is 100 x 121, approximately 12,000 square feet. Mr. Murphy asked if it is an R-15 Zone. He said he had occasion to build two (2) houses in the community and obtain variances for them. He is wondering why this property is not being subjected to the variance process.

Mr. Costa said that question would have been initially answered by the Building Inspector who has determined this qualifies as a pre-existing single lot for a building permit. That does not require a variance. Supervisor and Mr. Costa clarified the property was two (2) lots and merged into a single lot. It has been owned since 1967 under single ownership.

Mr. Costa asked the Petitioner if he had available for the record, the Record of Ownership showing whether or not this property was severed from adjoining parcels prior to 1967. Mr. Sher replied that he does not. Mr. Costa advised him to check out this matter.

Supervisor asked Mr. Sher if he has a Title Search on the property and would he supply the report to the Town Attorney.

PH: Petition of Mombasha Development Corporation for Use of Town Law 280-a(2) to
Obtain Access to Property Known as Lot 34.6-1-15 & 16 Page 3

Co. Mandia asked how far the community well is from the property and the reply was
100-150 feet.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by
Co. Lasker and unanimously adopted, the Public Hearing is to be continued on October
22, 2002. TIME: 8:25 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk