

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/22/2002

8:00 P.M.

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

The meeting opened with the Clarkstown Police Department Induction Ceremony.

Presentation of Colors: Clarkstown Police Honor Guard
Det. Gary McDonald

Master of Ceremony: Administrative Sergeant, Harry Baumann

Salute to the Flag: Chief of Police, Kevin Kilduff

Invocation: Police Chaplain, Rev. David Lothrop

Presentation of Shields: Inductions: P.O. William C. Sherwood
P.O. Brian Quinn
P.O. Kevin Quinn
P.O. Brian Michel
P.O. Alice Laschet

Oath of Office: Clarkstown Police Commission
Hon. John R. Maloney
Hon. Ralph F. Mandia
Mr. John Danahy

Remarks: Police Chief, Kevin Kilduff
Clarkstown P.B.A.
P.O. James Fay, President

Supervisor Holbrook, Co. Lasker, Co. Maloney, Co. Mandia and Co. Smith offered their appreciation for the Clarkstown Police Department, and their congratulations to the inductees.

Dismissal: Administrative Sergeant, Harry Baumann

On motion of Co Smith seconded by Co. Mandia and unanimously adopted, the Public Hearing Re: Petition of Pondview, LLC for Zone Change LO to R-15 was continued, time: 8:40 pm.

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 was closed, time: 8:49 pm

On motion of Co Smith seconded by Co. Mandia and unanimously adopted, the Public Hearing Re: Proposed amendment of the Comprehensive Plan with respect to Pondview, LLC zone change petition was continued, time: 8:40 pm.

On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the Public Hearing Re: Proposed amendment of the Comprehensive Plan with respect to Pondview, LLC zone change petition was closed, time: 8:49 pm.

On motion of Co. Lasker seconded by Co. Mandia 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 Lots 34.6-1-15 & 16 was opened, time: 8:50 pm.

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 Lots 34.6-1-15 & 16 was closed, time: 8:52 pm.

On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of Chabad Lubavitch of Rockland for Zone Change LO to PO, Phillips Hill Road, New City was opened, time: 8:52 pm.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Petition of Chabad Lubavitch of Rockland for Zone Change LO to PO, Phillips Hill Road, New City was closed, time: 10:40 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition of Dream Construction Inc. for Zone Change R-15 to PO, North Main Street, New City was opened, time: 10:40 pm

On motion of Co. Maloney seconded by Co. Smith and unanimously adopted, the public hearing re: Petition of Dream Construction Inc. for Zone Change R-15 to PO, North Main Street, New City was closed, time: 11:40 pm.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 262 to provide for increased partial exemption from real property taxes for seniors was opened, time: 11:41 pm

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 262 to provide for increased partial exemption from real property taxes for seniors was closed, time: 11:42 pm

On motion of Co. Maloney seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law amending Chapter 290 (Zoning), Re: Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing was opened, time: 11:42 pm.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law amending Chapter 290 (Zoning), Re: Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing was opened, time: 1:20 am.

Supervisor opened the public portion of the meeting.

Appearance: Steve Rubin, Esq.
Palisades Center Mall

He spoke regarding Item #23, stating the Mall submitted a redesign and the Town Board should put a hold on the mailing of the postcard.

Appearance: Joe Hannis
New City

He spoke on Item #23 saying this is our Town, and the Town Board should send the postcards.

Appearance: Irene Fisher
West Nyack

She spoke on Item #23 saying she is tired of receiving the Mall's mailings. She to send the postcard and the people understand what is going on.

Appearance: John Lodico
New City

He spoke on Item 23 explaining that the Mall is looking to develop existing space. They are not expanding.

RESOLUTION NO. (870-2002)

Co.Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on September 24, 2002, provided for a public hearing on October 22, 2002, to consider the application of CHABAD LUBAVITCH OF ROCKLAND, to amend the Zoning Local Law of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as 34.19-1-15 and 34.19-1-13, from an LO District to a PO District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received an oral report dealing with Environmental Impact Review pursuant to SEQRA, from its consultant Robert Geneslaw, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw on October 22, 2002, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed change of zone is consistent with the Comprehensive Plan, that no amendment to the Comprehensive Plan is required, and that if appropriate provisions are made for the protection and preservation of the historic house situate on the subject premises, that any potential adverse environmental impact which may result from development of the property under the PO District shall be mitigated, and therefore the change of zone shall not have any significant impact on the environment so that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, and to mitigate any potential for significant negative impact for development of the premises which may pose a threat to the historic house on said premises, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map 34.19-1-15 and 34.19-1-13, situate in the Hamlet of New City, New York, from the LO District to the R-15 District, which is more particularly described on the attached Schedule "A," subject, however, to the recording of a covenant, in a form approved by the Town Attorney, which will run with the land

RESOLUTION NO. (870-2002) continued

which shall obligate the property owner or any successor in interest to maintain, preserve and protect the historical premises on the site known as the "B'auvelt-Secor House" formerly owned by Eleanor Fitch, and to obtain approval from the Historical Review Board and the Town Board prior to making any alterations, modifications, improvements, and changes to the interior or exterior of said premises, or its relocation, demolition, or other changes to said historic premises, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by 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. (871-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on September 24, 2002, provided for a public hearing on October 22, 2002 at 8:00 P.M., to consider the application of Dream Construction Corp. to amend the Zoning Local Law of the Town of Clarkstown by redistricting a portion of the property designated on the Clarkstown Tax Map as 43.07-1-29, from an R-15 District to a PO District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Robert Geneslaw, and the Board has discussed and considered same in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the October 4, 2002 report of Robert Geneslaw, Planning Consultant, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the Town Board hereby further determines that the proposed change of zone for the subject premises 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 pursuant to said report of Robert Geneslaw, the proposed redistricting is consistent with the overall policies of the Town's Comprehensive Plan, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, and to assure that development of the parcel rezoned PO shall not increase traffic on the adjacent residential street, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the described portion of the property designated on the Clarkstown Tax Map as 43.07-1-29, situate in the Hamlet of New City, from the R-15 District to the PO District, which property is more particularly described on the attached

RESOLUTION NO. (871-2002) continued

Schedule "A," however such redistricting is subject to the execution and acceptance by the Town Board of a covenant running with the land, in a form approved by the Town Attorney, which will obligate the property owner and successors in interest upon development of the portion of the site rezoned PO to limit access to said site exclusively from North Main Street, and that in the event of development of the portion of the premises not rezoned and remaining R-15, said covenant shall provide that the owner and successors will not seek any area or use variances for development of the parcel under anything other than the R-15 zoning criteria, which provisions in said covenant are to be deemed a negative easement for the benefit of the Town of Clarkstown and shall not be extinguished without a Resolution of the Town Board duly adopted after a public hearing on notice to all property owners within the distance provided for in Section 290-33C, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by 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. (872-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, 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 "

was introduced by Councilperson Smith, at a Town Board meeting held on September 24, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 24, 2002, directed that a public hearing be held on October 22, 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 October 8, 2002, and

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 October 1, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 22, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 12 – 2002 entitled:

RESOLUTION NO. (872-2002) continued

"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 "

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:

- 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. (873- 2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled, "AMENDMENT TO CHAPTER 290 (ZONING) OF THE TOWN OF CLARKSTOWN," that has as its purpose the enactment of new or revised definitions of "Assisted Care Living Quarters," "Continuous Care Living Quarters," and Independent Living Adult Housing;" to repeal existing definitions of "Assisted Care Living Quarters," "Convalescent Home," and "Senior Citizen Congregate Housing;" and the enactment of regulations to permit such uses, was introduced by Councilperson Ann Marie Smith, at a Town Board meeting held on February 12, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on February 12, 2002, directed that a public hearing relative to such proposed local law be held on April 2, 2002, at 8:00 p.m., which public hearing was commenced on said date and duly continued on various dates to October 22, 2002, and

WHEREAS, during the course of said public hearing, on the various times and dates the matter was before the Town Board, numerous individuals both for and against the adoption of said proposed local law were heard, and

WHEREAS, the Town Board has duly considered all the information and testimony presented to it;

NOW, THEREFORE, be it

RESOLVED, that the Local Law entitled:

"AMENDMENT CHAPTER 290 (ZONING) OF THE TOWN OF CLARKSTOWN" is hereby REJECTED by a vote of the Town Board of the Town of Clarkstown, the vote in support of denial being as follows:

- Charles E. Holbrook, Supervisor . . . aye
- John R. Maloney, Councilmanaye
- Ralph F. Mandia, Councilmanaye
- Ann Marie Smith, Councilwoman . . . aye
- Shirley Lasker, Councilwomanaye

RESOLUTION NO. (873-2002) continued

and be it

FURTHER RESOLVED, that the proposed Amendment to the Zoning Local Law is hereby referred back to the Clarkstown Planning Board for further study and recommendations consistent with the Citizens Advisory Board for Housing report presented to the Town Board on October 1, 2002, and to provide the Town Board with recommendations for any further proposed Amendments to the Zoning Local Law consistent with the recommendations and findings in said report.

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. (874-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of October 8, 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 Yes
Supervisor Holbrook Yes

RESOLUTION NO. (875-2002)

Co. Maloney offered and Co. Smith seconded

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

"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to provide for clarification of "No Standing" signage;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 12, 2002 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (875-2002) continued

FURTHER RESOLVED, that the Town Attorney prepare notice of said 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 LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (876-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 695-2002, which authorized the Supervisor to enter into an agreement with Lawler, Matusky & Skelly, LLP to provide engineering services to the Town with respect to the Cranford Drive Flood Amelioration Project, is hereby amended to change the Account Number from H 1994 409-0-14-22 to H 1994 409-0-14-38.

On roll call the vote was as follows:

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

RESOLUTION NO. (877-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Habitat for Humanity of Rockland is a nonprofit volunteer organization dedicated to building low cost houses at no profit for Rockland County residents, including Town of Clarkstown residents, and

WHEREAS, Habitat for Humanity of Rockland is holding a Walk-A-Thon on October 27, 2002 at Rockland Lake to help raise funds for its organization and the Town Board wishes to be a sponsor for the Walk-A-Thon;

NOW, THEREFORE, be it

RESOLVED, the Town Board is hereby authorized to allocate \$250.00 to sponsor the Walk-A-Thon being held at Rockland Lake on October 27, 2002 by Habitat for Humanity of Rockland, and said funds shall be charged to Account No. A 8840 424.

On roll call the vote was as follows:

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

RESOLUTION NO. (878-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, P.E., the Town of Clarkstown Traffic Engineering Consultant, has investigated traffic conditions at Deerfield and Tucker Avenue, New City, New York, and recommended the installation of certain traffic signs;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to arrange for the installation of a stop sign (#RI-1C) on Deerfield Drive, at its approach to Tucker Avenue, and a double arrow sign (#W2-18C) opposite Deerfield Drive on Tucker Avenue.

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. (879-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Howard Lampert, P.E. Traffic Engineering Consultant, has investigated the need for a pedestrian crosswalk in the area where people cross at Congers Lake Pool to the tennis courts on the opposite side of Gilchrest Road, as requested by the Town Safety Officer and the Clarkstown Recreation Department, and recommends the installation of a pedestrian crosswalk and traffic signs;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to arrange for the installation of a pedestrian crosswalk pavement markings and signage at Congers Lake Pool to the tennis courts on the opposite side of Gilchrest Road, Congers, New York, as recommended by Traffic Engineering Consultant, Howard Lampert, P.E., by memo dated 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. (880-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes John A. Costa, Town Attorney, and John Davidson, Legal Assistant, to attend a conference at Pace University, White Plains, New York, dealing with Critical Issues in Local Emergency Preparedness, on November 6, 2002, and be it

RESOLUTION NO. (880-2002) continued

FURTHER RESOLVED, that the cost of \$35.00 each for said conference, and travel expenses will be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (881-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes Robert Berdy, Insurance and Claims Manager, John W. Coyle, Safety Manager, and Penny Leonard, Deputy Supervisor, to attend the New York State Recreation & Park Society's "Recreation Risks and Risk Management" one-day seminar held at the Orangetown Town Hall on December 9, 2002, and be it

FURTHER RESOLVED, that the cost of \$89.00 per person for registration shall be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (882-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson - Employee Benefits Clerk, Fran Hunt - Senior Clerk, and Penny Leonard - Deputy Supervisor to attend the "2002 New York State Health Insurance Program Regional Meeting, conducted by the Department of Civil Service - on November 13, 2002 - at the Holiday Inn Hotel and Conference Center - 3 Executive Boulevard, Suffern, New York, and be it

FURTHER RESOLVED, that costs for mileage and travel shall be charged to Account No. A 1040-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (883-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, property designated on the Tax Map as 26.29-1-20, 20.1, 20.2 and 20.3 is being considered for purchase by the Town of Clarkstown as part of its Open Space Acquisition Program, and

WHEREAS, surveying and land planning services are necessary in order to give the Town more detailed information on said property, and the Town Attorney has recommended hiring Jay A. Greenwell, PLS to perform such services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire Jay A. Greenwell, PLS, in accordance with his proposal of October 14, 2002, to survey property designated as 26.19-1-20, 20.1, 20.2 and 20.3, and be it

FURTHER RESOLVED, that the cost for said services, not to exceed \$3,000.00, shall be charged to Account No. H 8750 409-0-74-1, and this resolution shall be retroactive to 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. (884-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Supt. Of Highways and the Town Traffic and Traffic Safety Consultant that

BID # 64-2002
 TOWNWIDE GUIDERAIL IMPROVEMENT PROJECT

is hereby awarded to: J. FLETCHER CREAMER & SON, INC
 P.O. BOX 617
 HAMMONTON, NJ 08037
 PRINCIPALS: J. FLECTCHER CREAMER
 J. FLETCHER CREAMER, JR

as per their proposed project cost of \$141,950.00 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 (2) 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 Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation
- g) Certificate of Worker's Disability Coverage

RESOLUTION NO. (884-2002) continued

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. (885-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #1-2003 – OFFICE SUPPLIES

is hereby awarded to: CORPORATE EXPRESS, INC.
 160 AVON STREET
 STRATFORD, CT 06615
 PRINCIPALS: A PUBLIC CORPORATION

CHARLES B. MERRILL OFFICE
 EQUIPMENT & SUPPLIES, INC.
 190 SOUTH ROBINSON AVENUE
 NEWBURGH, NY 12550
 PRINCIPALS: JOYCE R. MERRILL
 MARSH H. MERRILL

ROCKLAND OFFICE SUPPLY
 P.O. BOX 602
 SUFFERN, NY 10901
 PRINCIPALS: DEBBIE TORTORA
 PAUL TORTORA

as per the item/price schedule on file in the Town Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (886-2002)

Co. Maloney offered and Co. Smith seconded

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

RESOLUTION NO. (886-2002) continued

BID #4-2003
PAPER & PLASTIC 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. (887-2002)

Co. Maloney offered and Co. Smith seconded

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

BID #5-2003
ATHLETIC AND RECREATION 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. (888-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, GIBRALTAR MANAGEMENT COMPANY, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 52.19, Block 1, Lots 9, 9.1, 9.1/1. 9.2, for the years 2000/01, 2001/02 and 2002/03, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the foresaid matter;

RESOLUTION NO. (888-2002) continued

NOW, THEREFORE, be it

RESOLVED, that Scott Shedler be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (889-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, OMNI PARC CONDOMINIUM II, BOARD OF MANAGERS and OMNI PARC CONDOMINIUM I, BOARD OF MANAGERS, Index No(s).4029/97, 4119/98, 4156/99, 4146/00, 4131/01, affecting parcel(s) designated as Map 57.14, Block 3, Lot 3./10 through Lot 3./800, (formerly known as 6-E-1 through 6-E-80), commonly known as and more particularly described as Omni Parc Condominium, Omni Parc Drive, Nanuet, New York, for the year(s) 1997, 1998, 1999, 2000, 2001.

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings 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 East Ramapo 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 57.14, Block 3, Lots 3./10 through 3./800 (formerly known as 6-E-1 through 6-E-80), be reduced for the year 1997/98 from \$6,557,000.00 to \$5,770,000.00 at a cost to the Town of \$7,972.53; for the year 1998/99 from \$6,557,000.00 to \$5,770,000.00 at a cost to the Town of \$8,092.33; for the year 1999/00 from \$6,557,000.00 to \$5,244,000.00 at a cost to the Town of \$13,949.34; for the year 2000/01 from \$6,557,000.00 to \$5,244,000.00 at a cost to the Town of \$14,679.76; for the year 2001/02 from \$6,557,000.00 to \$5,244,000.00 at a cost to the Town of \$15,632.20.

2. Reimbursement for the year(s) 1997/98, 1998/99, 1999/00, 2000/01, and 2001/02 on the parcel described as Map 57.14, Block 3, Lots 3./10 through 3./800 (formerly known as 6-E-1 through 6-E-80) 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;

RESOLUTION NO. (889-2002) continued

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. (890-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 1, 2002 that the position of Clerk Typist #0074 – Building Department – can be reclassified to the position of Senior Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist – Building Department – hereby reclassified to the position of Senior Clerk Typist – effective and retroactive to 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. (891-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Marianne F. Antolino, 33 Amarillo Drive, Nanuet, New York, is hereby appointed to the position of (Provisional) (Promotional) – Senior Clerk Typist – Building Department – at the current 2002 annual salary of \$40,646., effective and retroactive to 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. (892-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 1, 2002 that the position of Senior Clerk Typist #0795 – Building Department – can be reclassified to the position of Principal Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist – Building Department – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to 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. (893-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Tomasina Scala, 190 Foltim Way, Congers, New York, is hereby appointed to the position of (Provisional) (Promotional) -Principal Clerk Typist – Building Department - at the current 2002 annual salary of \$44,086., effective and retroactive to 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. (894-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has previously awarded a contract to Tectonic Engineering Consultants, P.C. for design and associated services in conjunction with the Strathmore Creek Remediation Project; and

WHEREAS, payment for said associated services is to be made in accordance with the schedule of rates included in the proposal submitted by the consultant;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes payments be made for said associated services in an amount not to exceed \$10,000.00 without further resolution of the Town Board; and

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

RESOLUTION NO. (894-2002) 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. (895- 2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Article 44 of the Environmental Conservation Law has established the HUDSON RIVER VALLEY GREENWAY (hereinafter called "Greenway"), which has as a legislative goal, the establishment of the Greenway Compact, a process to encourage the voluntary regional cooperation and decision making among the communities of the Hudson River Valley, and

WHEREAS, the Town of Clarkstown is situated in the Greenway area as it is officially designated in Section 44-0103 of the Environmental Conservation Law, and

WHEREAS, Article 44 of the Environmental Conservation Law permits the Hudson River Valley Greenway Communities Council (hereafter called "Council") and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter called the "Conservancy") to assist communities in developing local planning and projects relate to the five criteria contained in the Greenway: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, Greenway communities can become eligible to receive certain technical and financial assistance, and

WHEREAS, community participation in the Greenway planning process is voluntary, and in no way supercedes the authority of the municipality to enact its own zoning and other regulatory laws;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown supports the criteria contained in Article 44 of the Environmental Conservation Law, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown endorses the designation of the Town of Clarkstown as a Greenway Community.

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. (896-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Highlands region, encompassing nearly two million acres of New York, New Jersey, Pennsylvania and Connecticut, is an area of significant natural beauty containing contiguous forests and productive farmland, numerous cultural and historic sites and possessing substantial recreational opportunities of national significance, and

WHEREAS, important drinking water sources are within this region, and these lands supply and protect drinking water for over fifteen million people and are especially important because of their ability to store water for use during critical times, such as prolonged drought, and

WHEREAS, the Highlands has critical natural resources under threat from over development and as the recent draft forest service study found that over 5,000 acres of land were developed a year in the New York-New Jersey Highlands between 1995 and 2000. The rate of forest and wetland losses quadrupled from a rate of 830 acres a year between 1984 and 1995, to 3,400 acres a year between 1995 and 2000. An additional 1,600 acres of farmland a year was lost between 1995 and 2000, and

WHEREAS, land preservation efforts in the Highland region should link the parks, historical sites, wetlands, wildlife habitats, streams, rivers, reservoirs, watersheds, trails, scenic and natural lands and other protected area unique to the region for the enjoyment of future generations, and

WHEREAS, the states, counties and many municipalities have already taken action to acquire and permanently preserve significant portions of the Highlands, and

WHEREAS, the federal government has provided funding for the purchase of important properties in the Highlands through annual appropriations from the Land and Water Conservation Fund and Forest Legacy programs, and

WHEREAS, notwithstanding these significant purchases by federal, state and local government, significant acreage located in several critical areas of the Highlands is still in need of immediate additional preservation funding due to the high cost of purchasing land in our region, and

WHEREAS, several state and federal studies and report demonstrate the threat to the region and support the national significance of this region, and

WHEREAS, the TOWN OF CLARKSTOWN is located within the Highlands;

NOW, THEREFORE, be it

RESOLVED, that the TOWN OF CLARKSTOWN supports the Highlands Stewardship Act of 2002 (H.R. 5146, S. 2749) as a bipartisan means for the federal government to partner with the states by authorizing \$25 Million annually in matching funds on 50/50 basis for the non-federal purchase of lands or development right from willing sellers, and be it

FURTHER RESOLVED, that the Town Clerk transmit a certified copy of this resolution to George E. Pataki, Governor of New York, the Palisades interstate Park Commission and the Highlands Coalition.

RESOLUTION NO. (896-2002) 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. (897-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown duly caused the Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of map, plan and report for providing the facilities, improvements or services in a portion of the Town of Clarkstown, wherein it was proposed to extend the Clarkstown Consolidated Water Supply District #1, and

WHEREAS, the map and plan were duly filed in the office of the Town Clerk of the Town of Clarkstown, and the said Town Board did, on August 27, 2002, duly adopt an Order reciting a description of the boundaries of the proposed extension to the water supply district, the fact that the maximum amount proposed to be expended for the improvement is \$375,000.00, that proposed method of financing to be employed is bonding, and the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 10, 2002 at 8:00 p.m., for the purpose of conducting a public hearing on such proposal to extend the Clarkstown Consolidated Water Supply District #1, with the specified improvements, and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, said Town Board did, at the time and place specified in said Order, duly met to consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, copies of said Order calling for a Public Hearing were duly published and posted as required by law and were otherwise sufficient, and said Town Board did, at the time and place specified in said Order, meet to consider such proposal and hear all persons interested in the subject thereof and who appeared at the time and place concerning the same, and

WHEREAS, the evidence offered at such time and place required that the Town Board make the determinations hereinafter made, and

WHEREAS, it was Ordered and Determined by the Town Board of the Town of Clarkstown, in the County of Rockland, that

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. All the property and property owners, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, are benefited thereby. Said benefited properties are described on the attached Schedule "A".
3. The property and property owners benefited are included within the proposed extension of the Clarkstown Consolidated Water Supply District #1.

RESOLUTION NO. (897-2002) continued

4. It is in the public interest to establish the proposed extension.
and,

WHEREAS, as a consequence of the foregoing the Town Board approved the extension of the Clarkstown Consolidated Water Supply District #1 to include the area of Route 303, Lakeward Avenue, Hilltop Road, Lakewood Drive and Fisher Avenue, Congers, New York by its Order adopted on September 10, 2002 reciting a description of the boundaries of the proposed extension to the water supply district, and that a plan, a map and report describing same were on file in the Town Clerk's Office for public inspection, and

WHEREAS, it was further Resolved and Ordered, that the proposed extension be subject to permissive referendum in the manner provided in Article 7 of the Town Law, and

WHEREAS, a certificate of the Town Clerk having been filed certifying that no petition was filed requesting such a referendum, and

WHEREAS, the permission of the State Comptroller is not required,

NOW, THEREFORE, it is

ORDERED, that water and fire hydrant services and improvements be provided in the extension of the Clarkstown Consolidated Water District #1 and described on the attached Schedule "A", and be it

FURTHER ORDERED, that the proposed improvements, including the cost of rights-of-way, construction costs, legal fees and other expenses shall be financed by bonding upon all the properties within the Clarkstown Consolidated Water District #1, as extended, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the Rockland County Clerk, in which the Town of Clarkstown is located, within ten (10) days after the adoption of this Order, and it is

FURTHER ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this Order in the Office of the State Department of Audit and Control within ten (10) days after the adoption of this Order.

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. (898-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, by Order dated September 10, 2002, the Town Board approved the extension of public fire protection service to the area of Route 303 vicinity of Lakeward Avenue, Hilltop Road, Lakewood Drive and Fisher Avenue, Congers, New York, and

RESOLUTION NO. (898-2002) continued

WHEREAS, the Town of Clarkstown has requested that United Water New York install mains and fire hydrants for the purpose of providing public fire protection service in the area referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes Supervisor Holbrook to enter into an agreement with United Water New York, in a form satisfactory to the Town Attorney, to provide mains and fire hydrants for the purpose of providing public fire protection service in the area of Route 303 vicinity Lakeward Avenue, Hilltop Road, Lakewood Drive and Fisher Avenue, Congers, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (899-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #282-2002 awarded Bid #22-2002; Maintenance to Commuter Parking Lots to Ascape Landscape & Construction Corp; and

WHEREAS, one (1) change order on contract has been approved by the Department of Environmental Control as follows:

- C.O. #1: Mow additional area around newly opened parking area at Route 59
- and
- NYS Thruway Cost - \$500.00

NOW, THEREFORE, BE IT RESOLVED that the total approved costs of change orders for this project is \$500.00; and

BE IT FURTHER RESOLVED that the allowance for this project be increased from the original bid amount of \$28,000, and to \$28,500.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # A 5650 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. (900-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that all proposals received for: BID #52A-2002 are hereby rejected, and be it,

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

BID #52B-2002 – ELECTRONIC ACCESS CONTROL SYSTEM

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (901-2002)

Co. Smith offered and Co. Maloney seconded

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

BID #68-2002
PAVING OF ACCESS ROAD @ SOLID WASTE FACILITY

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 7, 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. (902-2002)

Co. Smith offered and Co. Maloney; seconded

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

BID #69-2002 – CURBSIDE RECYCLING COLLECTION

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (903-2002)

Co. Smith offered and Co. Maloney seconded

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

BID #70-2002
ALICIA COURT DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (904-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$9,304.01 in D.A.R.E donations, \$6,860 from Cablevision, \$500 from Trans American Trucking Service, Inc., \$892.35 from Specialty Claims Management, \$185 from Liberty Mutual, and \$30 from Teplitz,

RESOLUTION NO. (904-2002) continued

THEREFORE BE IT,

RESOLVED, to increase Revenue Account A 01 9 2705 0 (Gifts & Donations) by \$16,164.01 and increase Budgetary Accounts A 3120-319 (Police-Misc Supplies) by \$9,304.01 and A 3120-111 (Police-Overtime) by \$6,860 and increase Revenue Account A 01 8 2680 (General-Insurance Recoveries) by \$ 1,577.35 and increase A 3120-409 (Police-Fees for Services) by \$185 and increase Budgetary Account A 3120-111 (Police-Overtime) by \$1,392.35 and increase Revenue Account SR 16 8 2650 (Sanitation-Insurance Recoveries) and Budgetary Account SR 8160-307 (Sanitation-Uniforms) by \$30 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 1430-199 (Personnel-Vacation Buybacks) and increase A 1430-201 (Personnel-Furniture & Fixtures) by \$1,670 and decrease A 1420-439 1 (Town Attorney-Certiorari's) by \$ 9,018.65 and increase A 1420-111 (Town Attorney-Overtime) by \$5,000 and A 1420-114 (Town Attorney-Part-Time) by \$4,018.65 and decrease A 1990-505 (Contingency-Other Costs) by \$16,600 and increase A 1430-319 (Personnel-Misc Supplies) by \$4,600 and A 1660-409 (Archival Storage-Fees for Services) by \$600.

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. (905-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Historical Review Board has proposed that Gilchrest Road, Congers, New York, and Storms Road, Valley Cottage, New York, be designated as historic roads pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

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 roads as historic roads, 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

RESOLUTION NO. (905-2002) continued

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. (906-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the resident at #185 Buena Vista Road (n/f Muller) has complained of an adverse drainage condition related to the existing drainage easement located along the east side of the Rodeo East subdivision; and

WHEREAS, the Department of Environmental Control has investigated this complaint and determined that corrective drainage work related to the swale that exists within said drainage easement is required to restore its ability to function as intended; and

WHEREAS, the Department of Environmental Control has solicited a proposal to have said corrective drainage work performed; and

WHEREAS, the Department of Environmental Control has received a response to its solicitation and, upon review, found it to be acceptable;

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

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

to perform said corrective drainage work in accordance with their proposal for an amount not to exceed \$4,700.00; and

BE IT FURTHER RESOLVED that this work shall be a proper charge to account number A 8730 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. (907-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Mr. Seidman has installed pavers and lights in an area within a Town drainage easement, which is located at 11 Pecan Valley Drive, New City, New York, which premises is described as Tax Map 34.11-01-49, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has advised that the encroachment will not adversely impact the Town's drainage installation and may remain provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a license agreement with the property owner, in a form approved by the Town Attorney, granting a license terminable on 10 days written notice, to authorize the pavers and lights, which have or had been installed, to remain in the Town's drainage easement, located at 11 Pecan Valley Drive, New City, New York, more particularly described as Tax Map 34.11-01-49, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner or successor shall indemnify the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the authorized encroachment.

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. (908-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists in the vicinity of culvert #532, Lakeward Drive, Congers, New York, and

WHEREAS, culvert #532 may be inadequate to handle storm runoff and may require replacement, and

WHEREAS, the impacts of stream NJ1-S1 and Swartout Lake on culvert #532 must be analyzed to determine the extent of improvements up and down stream of culvert #532.

NOW THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare a Request for Proposals for the analysis of culvert #532 including the up and down stream conditions.

RESOLUTION NO. (908-2002) 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. (909-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Superintendent of Recreation and Parks and the Clarkstown Parks Board and Recreation Commission has recommended the retention of the architectural firm of Alberto & Associates, 101 Kings Highway West, Haddonfield, New Jersey, and Molinelli Architects of Briarcliff Manor, New York, to prepare the design of the Hamlet Green, Congers, New York, and for the concept planning, schematic design, and construction specifications for the restoration of the recently acquired Railroad Station property for municipal use in the center in Congers as part of the Congers Hamlet Revitalization Program, as set forth in a proposal dated October 3, 2002, and

WHEREAS, the Town Board has reviewed said proposal and considered other proposals and believes that Alberto & Associates and its associated New York firm are uniquely qualified to perform the services sought by the Town Board by virtue of having staff which previously studied the restoration of the site prior to the Town acquiring same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Alberto & Associates, in a form approved by the Town Attorney, to provide for the architectural and design services set forth as Phase I and Phase II in the proposal dated October 3, 2002, for the firm fee of \$100,000.00 plus additional reimbursable expenses as set forth in said proposal, which shall be charged to Account No. H 8751-409-0-75-16.

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. (910-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Superintendent of Highways Wayne T. Ballard is hereby authorized to hire a qualified independent consultant to evaluate the plans, reports, and comments on the Palisades Center Ring Road, including soliciting comments from emergency service personnel, and to provide recommendations for any necessary improvements, and be it

RESOLUTION NO. (910-2002) continued

FURTHER RESOLVED, that the expense for such analysis shall be charged to the Palisades Center Escrow Account.

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 1:45 A.M.

Respectfully submitted,
Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

8:40 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

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

Supervisor explained this is a continuation of a previous Public Hearing and he asked John Costa, Town Attorney, if there was further correspondence from the County Commissioner of Planning. Mr. Costa replied there has been and the Rockland County Commissioner has approved the petition. Mr. Costa asked Robert Geneslaw, Planning Consultant, to comment on the Commissioner's report.

Mr. Geneslaw said he received the Commissioner's letter stating approval of the Comprehensive Plan Amendment with no conditions and left it for local determination. Mr. Geneslaw said all of the information provided by the Planning Board to the Town Board has been made available. Supervisor asked Mr. Geneslaw if S.E.Q.R.A. has been completed. Mr. Geneslaw said it has and it has been forwarded to the Town Board last week. Upon direction from the Town Board, Mr. Geneslaw and Mr. Costa will work on preparing a resolution.

Supervisor referred to the issue of the traffic light at the intersection of Demarest Avenue and West Nyack Road as a condition of the zone change.

Supervisor opened the meeting for public comment.

Appearance: John Lodico
New City

He said Jay Theise is among the top three (3) developers in Rockland County including Kenneth Torso and Seymour Rapkin. He said the traffic light is needed and should have been installed a long time ago.

Appearance: Martin Bernstein
New City

He asked how the Town goes about the Comprehensive Plan change and is it the first time this has been done. He said that when the original Comprehensive Plan was written, it was his understanding there should be a certain type of density in certain areas. It was not a question of zoning. He said when there is a zone change, the question is how the change affects the Comprehensive Plan.

Supervisor said a change to the Comprehensive Plan is being proposed. The Town had been waiting for the recommendation from the Commissioner of Planning which has been received. If the Town Board wishes to change the zone, the Comprehensive Plan must also be changed.

Appearance: Ann Cahill
Oakwood Gardens Condos

She said she lives in the building that will be directly affected by the development. Her deck overlooks the wooded area. She wants to know what the buffer zone will be.

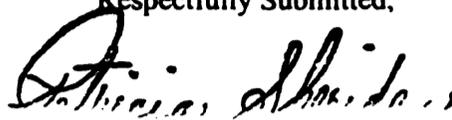
PH: Continuation: Petition of Pondview, LLC for Zone Change (LO to R-15), West Nyack Road, West Nyack, Lot 58.19-1-9
10/22/2002

Supervisor said if the homes were to be constructed, there are zoning requirements and it will be the determination of the Planning Board for the Site Plan.

Ms. Cahill said there are many accidents at the intersection and said it is imperative to have a traffic light installed.

There being no one further wishing to be heard, on Motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed. Supervisor asked Mr. Costa to draft a resolution for consideration on November 12, 2002. Time 8:49 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

8:40 PM

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

Re: Continuation: Proposed Amendment of the Comprehensive Plan with Respect to
Pondview, LLC Zone Change Petition

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

Supervisor explained this is a continuation of a previous Public Hearing and he asked John Costa, Town Attorney, if there was further correspondence from the County Commissioner of Planning. Mr. Costa replied there has been and the Rockland County Commissioner has approved the petition. Mr. Costa asked Robert Geneslaw, Planning Consultant, to comment on the Commissioner's report.

Mr. Geneslaw said he received the Commissioner's letter stating approval of the Comprehensive Plan Amendment with no conditions and left it for local determination. Mr. Geneslaw said all of the information provided by the Planning Board to the Town Board has been made available. Supervisor asked Mr. Geneslaw if S.E.Q.R.A. has been completed. Mr. Geneslaw said it has and it has been forwarded to the Town Board last week. Upon direction from the Town Board, Mr. Geneslaw and Mr. Costa will work on preparing a resolution.

Supervisor referred to the issue of the traffic light at the intersection of Demarest Avenue and West Nyack Road as a condition of the zone change.

Supervisor opened the meeting for public comment.

Appearance: John Lodico
New City

He said Jay Theise is among the top three (3) developers in Rockland County including Kenneth Torso and Seymour Rapkin. He said the traffic light is needed and should have been installed a long time ago.

Appearance: Martin Bernstein
New City

He asked how the Town goes about the Comprehensive Plan change and is it the first time this has been done. He said that when the original Comprehensive Plan was written, it was his understanding there should be a certain type of density in certain areas. It was not a question of zoning. He said when there is a zone change, the question is how the change affects the Comprehensive Plan.

Supervisor said a change to the Comprehensive Plan is being proposed. The Town had been waiting for the recommendation from the Commissioner of Planning which has been received. If the Town Board wishes to change the zone, the Comprehensive Plan must also be changed.

Appearance: Ann Cahill
Oakwood Gardens Condos

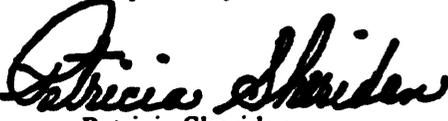
She said she lives in the building that will be directly affected by the development. Her deck overlooks the wooded area. She wants to know what the buffer zone will be.

Supervisor said if the homes were to be constructed, there are zoning requirements and it will be the determination of the Planning Board for the Site Plan.

Ms. Cahill said there are many accidents at the intersection and said it is imperative to have a traffic light installed.

There being no one further wishing to be heard, on Motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed. Supervisor asked Mr. Costa to draft a resolution for consideration on November 12, 2002. Time: 8:49 PM

Respectfully Submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

8:50 PM

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

Re: Continuation: Petition of Mombasha Development Corporation for Use of Town Law 280-A(2) to Obtain Access to Property Known as Lots 34.6-6-1-15 & 16

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

Supervisor explained this is a continuation of a Public Hearing from a previous Town Board meeting. It is an issue of a Lot being developed on the property within the confines of the Lake Lucille community. Supervisor asked John Costa, Town Attorney, if there has been a determination as to whether the property is a valid single and separate Lot. Mr. Costa referred to a memorandum in response to this question, raised at the last meeting, from Peter J. Beary, Building Inspector, dated October 11, 2002. Mr. Beary advised the owner of these two (2) 50' x 120' parcels that they could not be developed separately. He asked they be merged into a single Lot. The owner has submitted a chain of Title for the subject Lots and all adjoining Lots. Mr. Costa referred the matter to Mr. Beary for further clarification.

Mr. Beary said he reviewed the Chain of Title today with Jeffrey Millman, Deputy Town Attorney. He said this Lot existed prior to June 30, 1967 in separate ownership from any abutting Lots. Pursuant to 290-21-A, it is a buildable Lot on a 12,000 ft. area.

Supervisor asked if the Planning Board made some recommendations relative to this particular Lot. Mr. Costa said the Planning Board has advised the Town Board it would prefer the access not be to So. Mountain Road where the Lot has frontage, rather to Lennox Way, a private street within the jurisdiction of the Lake Lucille Association. The application before the Town Board is seeking permission to use the private Right of Way as an exception to the general rule of law which requires access to a publicly maintained road.

Supervisor referred to the issue that the condition of Lennox Way be restored to its current state. Mr. Costa said that it has not been determined if the property is part of the Lake Lucille community and would it be required to pay maintenance dues for the maintenance of Lennox Way. He also said the Town Board must be assured the Right of Way as it is presently constructed, or to be constructed, will be safe and reasonable for use by the occupants of the proposed dwelling.

Supervisor asked if there were recommendations from Environmental Control on this petition. He asked Luke Kalarickal, Director of Environmental Control for recommendations in terms of improvement of the access and the condition of the road after construction is completed. Mr. Kalarickal said there are not any recommendations for improvement and Lennox Way is adequate for safe access. He also said the road will be restored to its original condition.

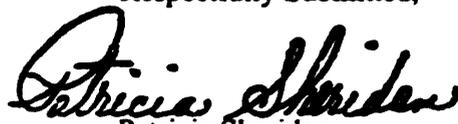
Supervisor said a condition should be in the record that the road be restored to the satisfaction of our Environmental Control. Mr. Costa said the property owner needs to put this condition into the record tonight.

Steven Kunis, Vice President of Woodfield Lakers, Inc. and the property owner, said the property is part of the Lake Lucille Association. Mr. Costa asked Mr. Kunis to verify the application was made by a company known as Mombasha Development. Mr. Kunis said it is correct and they are the contract purchasers of the property. They made the application with his (Mr. Kunis') permission.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed.

Supervisor asked Mr. Costa to prepare a resolution for consideration on November 12, 2002. The resolution should include the conditions and of road restoration to the satisfaction of the Environmental Control Department and the Lake Lucille Board of Directors. Time: 8:52 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

8:52 PM

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

Re: Petition of Chabad Lubavitch of Rockland for Zone Change (LO to PO), Phillips Hill Road, New City, Lots 34.19-1-15 & 13

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 asked the Town Attorney to present the reports from the Rockland County Commissioner of Planning and the Town Planning Board. Mr. Costa acknowledged receipt of the Affidavit of Publication, the report from the Rockland County Department of Planning, dated October 18, 2002, received in the Town Attorney's office on October 21, 2002. Mr. Costa read the recommendation of the Planning Board into the record. (On file in the Town Clerk's office). Mr. Costa also read into the record the recommendations from Robert Geneslaw, Planning Consultant dated October 4, 2002 and the Town Planning Board, dated July 25, 2002. (Both on file in the Town Clerk's office).

Supervisor asked Mr. Costa in regard to the Rockland County Commissioner's recommendations, is a super majority of the Town Board needed. Mr. Costa replied if the Town Board were to depart from the recommendations, it would require a majority, plus one (1) vote of the agency. An explanation would also be required as to why the Board is acting in this way. Mr. Costa said that while the County's recommendations were not negative, the conditions would have to be complied with. Supervisor asked Donald Tracy, Attorney for the applicant to make his presentation.

Appearance: Donald Tracy, Esq.
New City

Mr. Tracy presented the background of the petition and explained the location of the property. He introduced the applicant, Rabbi Avremel Kotlarsky to further explain his intentions.

Appearance: Rabbi Avremel Kotlarsky
Executive Director
Chabad Lubavitch of Rockland

Rabbi Kotlarsky explained there was a change in the course of their plans after approval was obtained from the Town Planning Board for the addition to the Chabad Center. They had received approval for a substantial amount of square footage; over 18,000 square feet. After the Fitch property was acquired, they realized there was opportunity to extend the building onto the Fitch property, thereby lowering the roof line of the building which would make it more presentable to the local community. The original design was for a two-story building. It was changed to a one-story structure taking the gymnasium out of the design and replace it as an adjacent building. They also saw the opportunity to provide housing for the Rabbi on the property.

Rabbi said the property has been beautified and well maintained and he assured all they had no intentions to demolish the Fitch house. He said their intention is to utilize the house as a residence for the Rabbi who would be hired. They would like to obtain approval to build a Rabbi's quarters on the property to the side in order to accommodate a larger family.

Mr. Tracy said the approval for a school was received from the Court. He said the Fitch House is going to be utilized, maintained fully in accordance with the historical preservation statute. He said if the zone change is granted, the Planning Board would meet on the Site Plan at which time the parking designations and the issues regarding the Fitch House will be addressed.

Co. Mandia asked if the Fitch House has been officially declared an historical house since he does not see in the records that it has. Robert Knight, Chairman of the Historical Review Board replied that the Fitch House is the first house the Historical Review Board designated as an historic site in the Town of Clarkstown. Co. Mandia asked if that designation assures the house protection to which Mr. Knight replied that it does. Mr. Knight read the Historical Review Board's position statement opposing the zone change petition. (On file in the Town Clerk's office)

Co. Mandia asked that while the Fitch House is designated as historic, can the new owner have the house de-listed. Supervisor said the new owner can do so; however, it must also be done through a Public Hearing. Co. Mandia asked Robert Geneslaw, Town Planning Consultant, if there would have to be a second Public Hearing as in the matter of Pondview to change the Master Plan. Mr. Geneslaw replied there would not have to be since the building is already there and the uses are not changing.

Supervisor opened the meeting for public comment.

Appearance; Winston Perry
Upper Nyack
Trustee-Historical Society of Rockland & Member-Ad Hoc Committee
concerned with Appropriate Protection of the Fitch House

He asked the other Trustees and members of the Historical Society to stand in support of this matter. He said the Blauvelt/Fitch House is the second oldest house in the Town and one of our few remaining pre-revolutionary homes. He said if the appropriate space cannot be maintained around the house by the Chabad, the best alternative would be to move the house to another site. He asked the Board not to approve the zone change until firm and clear arrangement has been made for appropriate preservation of the house on an appropriate site.

Appearance: Howard Mann

He suggests the Ad-Hoc Committee donate the funds and purchase the structure and move it. He said the present site of the House is dangerous for pedestrians and motorists. He supports the Chabad and said they do much good in the community and should not be responsible to move the house. He supports the zone change.

Appearance: Erin Monsey
Director, Historical Society
New City

She spoke about the history of the Fitch House and said that an historical building should not be closed off, but professionally maintained and open to the public. She encouraged more involvement by the media, the community and the schools.

Appearance: Mary Cardines

She spoke on behalf of Eleanor Fitch who said that she does not want the house to bear her name. She was the keeper of the history; "it does not really belong to anyone except the people of Rockland County." She urges the Town Board "to care for our heritage and care for our history and save our historic sites."

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Appearance: Debbie Lurie
New City

She asked why the House was not moved before the Chabad petitioned for a zone change. She suggested joint fund raising for funds to move the House so that no one has to bear the cost alone. She said the house should be in a location where it would be appropriately utilized as an historical site.

Supervisor Holbrook explained there was concern by the Historical Review Board as to the condition of the house. When the issue of the Zone Change was raised, the Planning Board said it would be better to make that corner all one zone. He said the Board entertained a number of options such as if the House were gifted to the Town or sold for \$1.00, the Town may be prepared to move the structure to other Town properties.

Appearance: Jim Cropsey
New City

He said there are some historical landmarks that have been destroyed, therefore, there is a concern for the Fitch House. He said if the House is moved, it would benefit everyone. He said the site was designated an historical landmark long before Chabad owned the property.

Appearance: Phil Ernst
The Dells
New City

He said he passes the Fitch House several times a day and has never seen a family visiting there. He said the property had not been maintained and also asked why this question is being raised now.

Appearance: John Lodico
New City

He said the Planning Board and Town Board have asked the owners to do many things to benefit the community. If the zone change is granted, those benefiting should be responsible for the cost of the move and not the taxpayers.

Appearance: Dr. Cohen
New City

He said be sure that history will be preserved. He also said we are living in tough times and there is a concern for the safety of our children. He said while he is not diminishing the importance of the House, it is more important for us to focus on the synagogues and churches of our community for the well being of our children.

Co. Lasker said she has visited the Chabad and the site has been preserved to the best of the ability of the Chabad House. They are aware of what must be done to preserve it and they intend to preserve it in the best way possible. She said it is important to find middle ground.

Co. Mandia said the Board will do everything possible to preserve the historic character of the House.

Appearance: Todd Steingart
New City

He spoke about the traffic issues. He lives on the street behind the property and the heavy traffic at high speed creates an unsafe situation. He asked if the trees are in danger of being taken down as they will present an increase in noise if they are. He referred to the record read by Mr. Costa stating the zone change will bring the current use into conformity with how it is currently being used. He disagrees with this.

Appearance: Jeff Cohen
Tarry Hill Lane
New City

He is concerned with the heavy traffic on Phillips Hill Road and the trees in the area. He asked, what will happen to the house if the zone change is granted.

Appearance: Joe Schleimer
New City
Historical Society Trustee

He said this house must be preserved, however, wants to research the best way to do so. He referred to Co. Mandia's suggestion of having the people of Rockland County do a fundraiser for the funds to move the house, rather than have the taxpayers pay.

Appearance: Rob Martofsky
New City

He is in favor of the zone change and in favor of preserving the Fitch House. He said the Fitch House is troublesome on its present site. The most important issue is the preservation of the structure of the house rather than acre or so of land being discussed.

Appearance: Mollie Karp
New City

She appreciates all the work the Historical Society does. She is very concerned about the linkage between a zoning change and a donation by a religious charitable organization to the Town or to the Historical Society. She is not in favor of the Chabad giving money to the Town.

Appearance: Howard Katz
4 Tarry Hill Drive
New City

He is in favor of the zone change; however, his concern is that traffic is a very dangerous situation. He said the question is not what should be done with the Fitch House but how will it be handled. He said all people should work to together to reach a good solution.

Appearance: Martin Bernstein
New City

The Downtown New City Corporation sent a letter supporting the movement of the Fitch House to the Historical Society. He said the process would benefit Chabad as it would give them over an acre of vacant land to be developed. He also personally supports it.

Appearance: Seymour Dubbs
5 Landsdale Rod
New City

He said the owners of the House should continue to use it. He said the concern is that the outside of the house be well maintained. He is in favor of the zone change.

Appearance: Randolph Horner
Chairman, Rockland Open Space Alliance

He said the Fitch House in its highest and best use, could be a House Musuem, an educational source for all children, all young people, all tourists and all visitors to our community. He suggests not quibbling about the level of maintenance now. He said the responsibility of restoring the House to an appropriate level could run into many

PH: Petition of Chabad Lubavitch of Rockland for Zone Change (LO to PO), Phillips Hill Rd. New City, Lots 34.19-1-15 & 13
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hundreds of thousands of dollars. The cost of moving the house to the agreed upon site could amount to \$80,000.

Appearance: Louis Channen
8 Tarry Hill Drive
New City

He would like to see a one-story house as proposed with this zoning change rather than a two-story structure.

Appearance: Mitchell Kaufman
New City

He is in favor of the zone change for Chabad. He said there is ground for moving the house and asked that granting the zone change not be contingent on the Fitch House.

Summation: Donald Tracy, Esq.
New City

He said the Chabad owns the property and, therefore, they need to follow our law and maintain the property. He said the intention of the Chabad is to keep the Fitch House where it is, to maintain it in accordance with the law and to utilize it as a residence for which it is the purpose it was purchased. This would be temporary until another building can be built for the Rabbi in residence.

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

Co. Maloney offered a motion that based on what was heard, and based on the approval of the Planning Board and the County Planning Board, the zone change be granted. He asked the Planning Board to consider all aspects of the concerns voiced at this hearing and that all steps be taken to preserve the integrity of the Fitch House.

Co. Lasker seconded the motion. She said the Chabad's intention is to preserve the Fitch House, and they are aware of the law.

Co. Mandia offered discussion. He wants to ensure the rules within the auspices of the preservation of the House are followed. He is in favor of granting the zone change.

Supervisor suggested that as condition of the zone change, any permit for the House must go the Historical Review Board including permits for remodeling or demolition. Such permit must seek and get approval from the Historical Review Board. He said a zone change is a legislative act of the Town Board, therefore, conditions to those zone changes can be set.

Mr. Costa stated that the Town Board must make a S.E.Q.R.A. determination prior to any action. Mr. Geneslaw has been appointed by the Town Board's resolution as the Agent to conduct the S.E.Q.R.A. inquiry.

Supervisor asked if all were in favor of the resolution as amended to grant the zone change. ALL IN FAVOR. Time: 10:45 PM

RESOLUTION NO. 870 ADOPTED

Respectfully Submitted,

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

10:40 PM

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

Re: Petition of Dream Construction, Inc. for Zone Change (R-15 to PO), North Main Street, New City, Lot 43.07-1-29

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

Supervisor asked John Costa, Town Attorney, if recommendations of the County and Town Planning Boards, and the Affidavit of Posting have been received.

Mr. Costa said the Affidavit of Publication from the Journal News, correspondence and Affidavits were received. Mr. Costa read the recommendation of APPROVAL from the Rockland County Department of Planning dated October 16, 2002. (On file in the Town Clerk's Office) Mr. Costa also read the recommendation of APPROVAL dated July 25, 2002 from the Town of Clarkstown Planning Board. (On file in the Town Clerk's office)

Mr. Costa asked Robert Geneslaw, Town Planning Consultant, to present his report. Mr. Geneslaw read from his memo dated October 4, 2002, recommending that "any resolution of approval of the zone change include reference to the Amendment of the Comprehensive Plan." (Mr. Geneslaw's memo on file in the Town Clerk's office)

Supervisor asked the applicant to make his presentation.

Appearance: Donald Tracy, Esq.
Attorney for Petitioner

He identified the parcel of land and its location. If this parcel of land is re-zoned and subsequently granted a special permit, it would not have access to or from Yale Drive. The Day Care Center, if approved, would be on Main Street.

Appearance: Martin Bernstein
New City

He said what is going on regarding the Comprehensive Plan is becoming legally improper. He asked what the change was in the Comprehensive Plan.

Supervisor replied that no resolution was passed. The previous Public Hearings were closed and the decision as to whether or not to change that particular zone would be made on November 12, 2002.

Mr. Bernstein said that if a change is requested in the use of an area, have a public hearing, explain how it will change the area in terms of density or business use and subsequently have a Public Hearing to see if the change in zoning fits into the new Comprehensive Plan.

Appearance: George Rummelt
New City

He raised concerns of having two (2) day care centers in close proximity to each other Main St. and Squadron Blvd. He said the heavy traffic situation and the estimated transportation of 150-200 children to each center could cause a safety hazard.

Appearance: Barbara Oransky
London Terrace
New City

She said traffic has become very heavy on London Terrace and Concord, that it takes her five to ten minutes just make a right hand turn. She asked if there would be an access road into London Terrace and Yale Drive from this property. Supervisor replied there would not be. Ms. Oransky expressed a great deal of concern for the increasing traffic on Main Street.

Appearance: Fred Rosen
New City

He asked why tamper with a residential area when there is much empty commercial space in the County citing the Bradley Shopping Center. He expressed concern that if the Day Care Centers fail, other types of establishments would move into the buildings. Mr. Costa explained if the zone is changed to Professional Office, then its use would have to be what is permitted within the PO zone.

Appearance: Roger Gessell
New City

He asked if the house on the property would be remodeled into a Day Care Center. The applicant replied that a new facility would be built. He expressed concern about the safety of children in the area of the hill on the property.

Appearance: Pete Kontos
New City

One of the major concerns of the nearby homeowners is the access from commercial property through the two residential properties onto Yale Drive and London Terrace. He said, according to his discussion with Mr. Tracy, this would not happen. He also spoke about the traffic on North Main Street saying there is no traffic problem on North Main Street.

Appearance: Naguy Henein
New City

His main office is on Squadron Boulevard. He daily travels from his residence on Roberts Road, through Phillips Hill Road and Squadron Boulevard. He said with all of the commercial establishments on North Main Street, he doesn't believe the Day Care Center will have an impact on traffic. He said the only impact will be on children who will have good quality day care. He is in favor of the zone change.

Appearance: Stu Fleisler
New City

He asked what the zone change actually allows if the Day Care Center fails. Supervisor replied it would allow uses consistent with Professional Office; not any type of shopping establishments. Discussion regarding concerns about the use of the buildings in later years ensued. Mr. Fleisler also asked when the Comprehensive Plan was last amended to which Supervisor replied it was in 1999.

PH: Petition of Dream Construction, Inc. for Zone Change (R-15 to PO), North Main Street, New City, Lot 43.07-1-29
10/22/2002

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Mr. Fleisler referred to a previous proposal by Yale Rapkin (since deceased) to build two homes on Yale Drive and a small building on Main Street. He asked if variances are needed for those two homes?

Supervisor replied if the Town Board wants to entertain the zone change a condition could be set that those homes would not need variances. If it states that variances are not needed in conformance to floor area ratio bulk would have to be met.

Mr. Fleisler read a narrative faxed from Donald Tracy, dated May 24, 2001: "The applicant believes the residential homes on Yale Drive will be a satisfactory buffer for the childcare day use which is more oriented towards North Main Street and this proposal will not have any objection by the adjoining neighbors in the vicinity."

Mr. Fleisler said he did not receive a notice regarding the petition or this evening's meeting.

Appearance: John Scurti
New City
Owner of Proposed Day Care Center

He said two months ago he wrote a letter to the residents of Yale Drive and hand delivered it to each mailbox. He said he informed Mr. Tracy of this. He received five (5) phone calls in response. He described the patterns of the traffic flow at his Day Care Center in Congers and said there would not be a significant impact. He pointed out several routes to the proposed Center. He said he wants to be a good neighbor and offered to answer any questions after the meeting.

Appearance: Gordon Coyle
New City

He is in favor of granting the petition as there is an extreme need for a Day Care center in Clarkstown. As an employer here in New City, one of the problems I have is getting new employees and satisfying their need for daycare. The location Mr. Scurti proposing could not be a better one and the satisfaction of having two (2) new houses on Yale Drive would only enhance the community further. The development of what is now a vacant home in what is a strip of commercial enterprises would just provide consistency along that road and be an asset. He said there would be no impact on traffic.

Appearance: Dave Miller
2 Yale Drive

He is not against a Day Care Center in the area, however, he asked the Board to try to find an alternate site. He is happy there will not be access to Yale Drive. He expressed his concerns about the traffic issue.

Appearance: Ed Day
Clarkstown resident, former member of the Ad Hoc committee

He said this issue had previously been before the Ad Hoc Committee and the Planning Board at which time it received a no vote. He said that while he respects Mr. Tracy, a couple of houses is not enough of a buffer and would like to have more descriptive buffers if this zone change is granted. He said people are concerned because Sunrise, which is on Main Street, is an abomination and embarrassment to this Town. He said in regard to traffic concerns, traffic studies can deal with the concerns of the people. He encourages the Board to do everything possible to ensure the needs of both the applicant and residents are met in a manner consistent with everyone's rights.

Appearance: Michael Pakowsky
Clarkstown Business Owner

He is in favor of granting the zone change as he supports having quality child care in a

PH: Petition of Dream Construction, Inc. for Zone Change (R-15 to PO), North Main Street, New City, Lot 43.07-1-29
10/22/2002

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convenient location. He has seen Mr. Scurti's facilities, and the Day Care Center would be an overall big plus to the area. He doesn't see how traffic would be an issue.

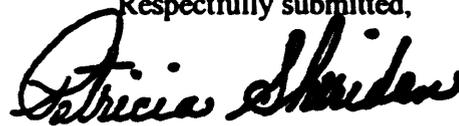
Summation: Donald Tracy, Esq.
New City

He concurs with Mr. Day on the traffic issue. He read a letter sent from the Rockland County Highway Department on June 28, 2002 based upon a referral and addressed to Mr. Tracy. "Property requiring zone change to be used by TutorTime as a Day Care Center consisting of 1.662 acres located west side of Main Street. Recommendations from the Rockland County Highway Department: requested zone change would not be adverse to North Main Street. This department has no objection. If the requested zone change is approved, this site's development will require a complete review and all necessary permits obtained from this department."

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 Public Hearing was closed. Time 11:40 pm

RESOLUTION NO. (871-2002) ADOPTED

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

11:41 P.M.

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

Re: Proposed local law amending Chapter 262 of the Town Code to provide for
increased partial exemption from real property taxes for seniors

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open. The Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor explained that the purpose of this was to increase the threshold so that more seniors can be eligible for the tax exemption. Supervisor asked if there was anyone present wishing to speak.

There being no further business and no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, RESOLUTION NO. (872-2002), time, 11:42 pm

Respectfully submitted,


Patricia Sheridan
Town Clerk

RESOLUTION NO. (872-2002) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/22/2002

11:42 P.M.

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

Re: Proposed local law amending Chapter 290 (Zoning) of the Clarkstown Town Code
Code Re: Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the Public Hearing was continued.

Supervisor Holbrook explained that this was a continuation of a hearing that was started earlier this year. At that time the Town Board voted to continue this hearing at a subsequent time based upon the recommendations of the Commissioner of Planning of the County of Rockland. They didn't want the Town Board to make any determinations based upon the fact that the Citizen's Advisory Housing Committee was in the process of making their report. On October 1, the Citizens Advisory Housing Committee did make their report to the Town Board and, therefore, this particular meeting was scheduled for this date as a continuation of that hearing. Essentially, tonight we will hear continuous testimony from residents that are interested in the subject and then close the public hearing. He asked if there was anyone present wishing to speak on this matter.

Appearance: Michael Coratolo
Mesa Place, Nanuet

I strongly oppose the law amending Chapter 290 Zoning of the Town Code regarding assisted living and similar use. I also strongly oppose the down zoning of residential property in our neighborhood by special permit for any commercial use whatsoever. I need to speak specifically to Seton Village on Convent Road. I'm against what has already been approved there, 106 units of government funded, low-income, senior housing. I'm strongly against the further development of this residential property by down zoning any portion. I strongly oppose Phase 2 and the other phases of Seton Village to contain government funded assisted living which opens itself to various types of residency that are not appropriate for our residential neighborhood. A picture that was painted by the Sisters of Charity is that they're interested in helping seniors and I appreciate that. I will someday require this myself, however, assisted living and government funded assisted living opens itself up to many things other than seniors. We are very concerned about our families, our property values and our lives in general. Assisted living and similar uses are purely a business that will require tremendous staff and services. Typical employees of an assisted living facility will include 24 hour supervision, security staff, personal care assistants, nurses aides, transportation staff, vehicles and medical staff. This is a business, it sounds like a hotel or a hospital. Convent Road is a very small road. We are concerned about the traffic, about non-seniors qualifying for residency here, that's a very big issue. We already have issues in our community with mentally and psychologically challenged individuals roaming through our streets and we are not looking for more of the same. If this were a development for senior housing for Clarkstown residents or other seniors, we are all for it, its not a problem but I speak for a lot of people here. The way this is being put together, it is not going to be good for us, that is my belief.

Appearance: Charley Weill
Vincent St., Nanuet

I don't know if any of the Board members have driven through the construction there; a lot of trees have been taken down. This evening we have talked 3 hours about less than 4 acres. I don't know what this whole development is but I think it's over 40 acres of land. I think the Board should keep an eye on what is going on so it doesn't get out of hand.

Appearance: Frank Tataromano
Nanuet

I came from New York City to escape what I believe is going to happen here in Nanuet if we allow special interests to change our current zoning. Attached are petitions from outraged residents of Nanuet. In just the past days, I got 176 signatures that were taken by myself and a couple of neighbors. I can tell you that it is unanimous in every home that we went to, everyone is against any change to the current zoning and what is proposed for the site by St. Agatha's. He read the petition (on file in Town Clerk's Office).

Furthermore, if the Sisters of Charity are interested in helping people of Clarkstown, they may want to consider donating the land for a greenbelt around the Phase 1 of what they have already started. That concludes my statement.

Appearance: Al Seabile
Nanuet

I'm against any further development, I'm against the initial development. I think that the council members should listen to the people. I want to bring up the point of the trees that have been cut down. I was told that there was going to be a certain buffer of trees and the buffer of trees was exceeded and more trees were cut down. Who on this council is responsible for verifying that the developers exceeded the amount of trees they were supposed to cut down.

Supervisor Holbrook responded that the buffer zone was approved by the Planning Board. The Town Board, when it adopted the permit to allow the senior citizen housing, was under the impression that there was a certain buffer zone that was associated with that. The Planning Board approved a cutting beyond that level and that led to a controversy that we had early this summer. The Town Board's opinion was that the buffer should have only encompassed enough trees to be cut to handle the senior citizen center. Planning Board allowed a cut line beyond that and that is why you see the cut line the way it is. It's not what the Town Board wanted but the fact of the matter is they went to the Planning Board and they got an approved site plan to do that. The Sisters of Charity are not at fault for this. I think the Planning Board should have taken its lead from the Town Board, but in the planning process, approved a cut line beyond what the Town Board intended for them to have. In retrospect, the Town Board should have referred to a specific footage as opposed to a map and that is why it happened the way it did. The Town Board adopted this with certain conditions but we made reference to a map but not a cut line and that is why the cut line, in our view, exceeded what it should have. I have to say in fairness, the Planning Board approved it, it wasn't as if the Sisters of Charity just went out and cut the trees down. They cut with the permission of the Planning Board.

Appearance: Matt Birrittella
Mesa Place, Nanuet

I've lived here for 8 years and we are very anxious about your decision in regards to this proposal. Could anyone on the Board show me anywhere in this proposal where there is an age limitation as regards to assisted care living quarters?

Town Attorney responded that he didn't believe it was intended to have any age limitation when you are dealing with persons needing assistance in their normal everyday care and living. Handicapped individuals could qualify for that type of housing. This is a package containing several new definitions, one of which would deal with senior citizen congregate living, which would be limited in age to certain seniors, 60 years or older. As far as the assisted care living portion, there is no such limitation in that provision.

Mr. Birrittella stated we could have a situation like Rockland Psychiatric where people that can no longer qualify for there may be sent right down the street from us. St. Agatha's have students that when they are 18 years old have to leave the property. Where can they go? Right down the street from us. Maybe an assisted care living facility in the Bronx may have a fire and burn down, maybe they might need a place to put 50 of them somewhere for a year or two, where are they going to go, right down the street from us. This is in our neighborhood, this is jeopardizing our families. This is a dangerous situation. As this proposal stands, you have to all realize that you will be responsible for putting these people in our neighborhood. Senior citizens are one thing, but the people that you are going to allow by passing this proposal to move into our neighborhood cannot move into our neighborhood. It is a dangerous situation. I know you have a lot on your agenda and you can't keep up with every little aspect of every proposal, but if you look at your proposal and see some of the situations that could occur if you pass it. I really think that since you are working for us and want to continue to work for us, you'd better take a look at this.

Appearance: Sr. Kathleen Gilbride, Director
Seton Village

I came prepared to address the proposed law. I think what is happening here is an attack on our project. The trees were supposed to be a moot issue upon the passage of this law. Several other misconceptions here, ours is a senior citizens project which is defined by the Town of Clarkstown as 55 years old and over. The 18 year olds in St. Agatha's that were referenced, not that this has anything to do with our project, had been abandoned by the State. If they are there, nobody is taking care of them. The Sisters of Charity have been citizens of Clarkstown for over 100 years if that is going to carry any weight any place. Everybody is quoting how long they have been in Rockland County. Moving on to the comments that I have prepared for this evening, in as much as over the past 2-1/2 years at various public hearings conducted by both the Planning Board and Town Board I have addressed the merits of the proposed local law. I have addressed the need for senior housing. I have addressed the need for timely action on the proposed law and this, too, has a long history along with the previously discussed matters here. And I have, I hope, never repeated myself. I have addressed all of these issues at separate occasions. The chronology that I remember for the proposed local law for senior assisted living facilities began before October 18 in the year 2000. We have been working on this since before that time and I'm only talking about the Town Board chronology. The Planning Board who proposed 2 versions of this law had been working on it even before that. October 18, 2000, the Planning Board had a public hearing on a proposed local law for senior housing then known as an Amendment to 290 Zoning of the Town of Clarkstown. On October 24th the Town Board had a public hearing. At the October 24th meeting of 2000 a public hearing was set for November of 2000 on the proposed amendment. November 28, 2000, the Town Board was to vote on the proposed local law on senior housing but chose to keep the hearing open. On December 12, 2000, the Town Board had a hearing on the proposed local law for senior housing. On January 8, 2001, recommendations relative to the proposed local law on senior housing were returned from the Rockland County Planning Board. On January 23rd, the Town Board had a public hearing on the proposed local law. February 6, the Town Board had a workshop on the proposed local law. On March 1st, Rockland County Planning had a meeting relative to Clarkstown's proposed local law. March 28th, the Planning Board sent the Town Board their revised proposed local law on senior housing. April 24, 2001, a workshop was scheduled for the Town Board on the proposed Local Law. May 1, 2001, was a workshop on the proposed local law. July, a proposed local law was supposed to be in final form for the July 18th meeting of the Town Board. August 14, 2001, the proposed ordinance was scheduled to be voted on no later than the 2nd Town Board meeting of that September. September, 2001, amendments to sections 293b, 290-11, 290.17 were proposed. January 11th of this year the Town Board again set a date for voting on the proposed local law. January 24, 2002, the Town Board members set February 12th for another public hearing on the proposed local law and would be proceeding to completion by the middle of March. March 12, 2002, was a public hearing on the proposed local law with a vote to be taken on April 2nd. May 21, 2002, another working copy of the proposed local law was presented to the Town Board meeting for public comment. The public comment was to be continued at the June 11th meeting of the Town Board. June

11, 2002, became a workshop on the proposed law in its current incarnation and the public comments scheduled for that day was further adjourned to September 10. On September 10, the public comment opportunity scheduled for that day was continued to this evening. That is a boring list of what happened but imagine what it is like to be on the receiving end of this. It borders on the unconscionable. I've already stated our need for the law, I will not repeat my testimony at prior hearings. Thank you.

Appearance: Patrick Healy
Prospect St., Nanuet

I urge you to vote no on the ordinance before you. During the last few weeks I've told Clarkstown and especially Nanuet homeowners to wake up now and beware concerning the proposed Assisted Living Ordinance before you tonight. If adopted, this needless ordinance would place our single-family residential neighborhoods, property value, and quality of life at risk. If approved this ordinance would allow developers to greatly increase population density by applying to build 10 Assisted Living units per acre in single-family, residential areas. This is absolutely ridiculous. Here's why: the just released Clarkstown Citizen's Advisory Board for Housing report concluded that based on findings from town resident surveys as well as research done on existing facilities, there is not current need for new Assisted Living facilities in Clarkstown. The people have spoken. For crying out loud, listen to them for a change. Since it has now been proven that there is no demonstrated need for this type of housing in Clarkstown, the ordinance before the Board should be voted down immediately and not be allowed to even exist in the zoning code. It should be defeated now, before "creative" applicants try to justify a reason for this needless housing which will only serve to add to the vast overbuilding glut already burdening us in Clarkstown. Like a bad syndicated TV rerun, we've all seen the same sorry results many times before: continued overbuilding and multifamily down zoning of land by "special permit" in turn leads to increased traffic, air and noise pollution, while impacting water drainage and increasing flooding problems. Remember, applicants appear before this Board all the time to state there is a community need for their pet housing projects, as it is in their best interest to do so. Also, in the past and present, citizens and Town officials have been hoodwinked and mesmerized by numerous applicants' hollow promises to the community, polished presentations, sharp lawyers, and consultants armed with "independent marketing studies", where the conclusions and recommendations reached always seem to find a way to "justify" the needs for their proposals. Years of falling for this tired, recycled song and dance, and appeasing the applicants to avoid lawsuits are what got Clarkstown into this seemingly - endless overbuilding nightmare in the first place. The housing report proves just because an applicant states there is a need for something, it does not necessarily make it so. In addition, the housing report found that the overwhelming majority of senior citizen survey respondents wanted to stay in their own homes, not move into multi-family housing complexes. Clarkstown already has 3 large, government-subsidized senior housing facilities from which approximately 70%-80% of current town seniors would be excluded from residence eligibility due to strict low-income guidelines. Make no mistake here: this is not affordable housing, this is means-tested, exclusionary housing. We certainly didn't need a fourth complex of this type. But incredibly, once again without independent research to determine need, a fourth, large 106-unit government-subsidized low-income senior complex is now under construction on Convent Road in Nanuet. It was approved by the Town Board by "special permit" (but this time, despite area residents' strong opposition, was dumped into a single-family residential neighborhood). The applicant's representative stated: "Clarkstown seniors are crying for housing, not a \$4,000-\$5,000 per month, but at much lower rates, which they intend to provide". Wrong. But once again, too late to fix it now. The surveys concluded that Clarkstown seniors are not crying out for multi-family housing. But even if they were, this facility would not provide it for the vast majority of Clarkstown seniors, as they would be disqualified from entry due to their high incomes, which are well-above state and national averages. It is not the job of Clarkstown officials to find and approve housing for a potential pool of residents that will come from outside the town. Instead, the Town Board must continue to look for ways to reduce taxes and provide other incentives for existing Clarkstown seniors to do what they have responded they want to do: to stay in their own homes. In fact, 90% of senior survey respondents own their own homes, and 80% have lived in Clarkstown for 21 years or more. Despite finding no demonstrated need from its

devastate to get what they want. Believe me, they won't care if your home starts to suddenly flood after they clear-cut acres of trees and grade the land for their hot project of the moment. They have not helped to create this community and are not part of our community. Time after time after time, the Town caves into the applicant's demands and wish lists, letting them build what they want, even letting them change critical, previously agreed to items, leaving us, the homeowners and our neighbors to pick up the broken pieces in their wake. I also want to make very clear to this Board what Nanuet residents in attendance tonight already know. Year by year, project by project, Nanuet has become the overbuilt and down zoned dumping ground of Clarkstown. If this ordinance is not defeated, the applicant on Convent Road, that is already building the 106-unit senior housing complex on land zoned for single-family residential use, can formally apply to add another large 96 unit low-income, assisted living facility to this very same site. To add insult to injury, if the Town then grants a "special permit" (which is only "special" to the applicant that seeks it and they do seem very easy to come by) this could turn into a further huge multifamily land downzone nightmare. We need this like we need a hole in the head. This needs to stop now. The residents of this town are demanding that the Town Board do its job, serve the interests of the people who elected them, and not cave into this single applicant any longer. Area residents agree with the Rockland County Planning Department's January 2001 decision that called the combination of the since-approved 106 senior housing complex and a potential 96-unit assisted living facility an over utilization of the site, with their disapproval. It is imperative that the Town must not permit the further downzoning of this land by "special permit" or other means. Over the past few months I've spoken to many outraged Clarkstown residents who feel that they will be negatively impacted by this ordinance. We are telling the Town Board they should do their job and represent the voting, tax-paying town residents, especially the seniors, who helped to build Clarkstown's communities over the years. This Board needs to stand up for the collective good of the town, and finally stiffen their spine to these applicants, developers, and others who threaten lawsuits, and tell them no. Case closed. This proposed ordinance has been discussed for quite some time now, and I liken it to an ever worsening, painful toothache for the Town as a whole, and the Nanuet community in particular. However, you can provide the Novocain with a firm "NO" vote this evening, so we can all go home tonight secure in the fact that this harmful proposal to our communities has been disposed of for good.

Appearance: Donna Healy
Nanuet

There were many things that I wanted to say tonight but it is getting late so I will shorten it. I have read the housing report thoroughly from page to page. As another resident has said, seniors in Clarkstown want to remain in their homes. What they would like is reduced taxes to help them do that. I pulled off the internet all of the housing senior, low-income facilities in Rockland County. Clarkstown has just passed its fourth by down zoning a piece of land in Nanuet, 14 acres of it, for a facility that will exclude most of its residents from eligibility. There is Monterey Gardens on Route 304. This piece of property is in an MF zone. Monterey Gardens is a senior, low-income facility but it is multifamily and it is in the proper zone. Squadron Gardens in New City, another 100 unit facility is in a MF zone in Clarkstown; it also has subsidized low income senior housing. Middlewood is in very poor condition and it exists in Nanuet. It is also in an MF zone and all of these I have checked with the Planning Department. Senior housing facilities, whether assisted living, senior housing, adult homes are multifamily and they belong in the proper zones. I can't figure out why a town would pass a fourth facility when we have no idea who even lives in the other 3 and that was also mentioned in the report. Monterey Gardens and Squadron Gardens according to the report is like a lock and key to get a list of the residents that live there. If it's under lock and key, it's for a very good reason. Clarkstown residents don't live there. I think people that have spent their hard earned money on homes in an area that is R-15 should be allowed to protect the value of those homes and to say we don't think it will adversely affect the property value, I think the people that live in the neighborhood should make that decision. I understand that the Sisters do charitable work and I commend them for that, but there has been a lot going on here behind the scenes and the residents want it to stop. For example, I followed this project for the last 4-1/2 years. It was posed as an elderly campus for independent living, the first phase; assisted living was to be the second; a nursing home and a hospice, third

own citizens, this Town Board is once again considering this ill advised and outrageous proposed Assisted Living Ordinance. If passed into the zoning code, this may allow developers to apply for approval to construct these multi-unit, multi-family complexes and dump them into existing residential R-15 zones (1/3 acre, single family residential neighborhoods). Ridiculous. And please don't insult the intelligence of town residents by telling them that the so-called safeguards such as slightly increased buffers and building setbacks in this proposal can ever compensate for the adverse effect these large, out-of-place facilities will have on the character of single family residential neighborhoods. Also, a recommendation that assisted living belongs in either MF (multifamily) or R-15 (single-family residential, 1/3 acre lot) is an absolute contradiction. In land use, it is like comparing apples and oranges. It is also discriminatory against those homeowners living in R-15 zones, as opposed to other single-family residential zones, such as R-10, R-22, R-40 and R-80. There is no concentric zoning in Clarkstown, and therefore it is not valid to state that R-15 zones are closer, or more convenient to, commercial areas and shopping than other single-family zones. In fact, the 106-unit senior housing complex already under construction in Nanuet, is on a heavily-raveled, curved roadway with poor sight lines, and will not offer pedestrian access to the hamlet center. In addition to being multi-family, assisted living facilities are also really commercial businesses they take money for services rendered (similar to a nursing home or hotel). In addition, they operate 24 hours day/7 days a week, and have on-site employees, kitchen and laundry facilities, security guards, parking lots, light towers, ring roads, loading docks, dumpsters, etc. Area residents have invested a small fortune of their hard earned money in their homes. They don't want one of these businesses in their quiet, residential neighborhoods. Neither do I. I would also doubt that members of the Town and Planning Boards would want large facilities of this nature just 150-200 feet from their single family homes. By use, Assisted Living is both multi-family and commercial in nature. But what they are surely not is single family residential housing. And that is what this ordinance may allow if enacted. If that is the case, why bother even having zoning laws? They will have become meaningless. Equally unfortunate, Assisted Living as an industry does not inspire confidence. Assisted living is a loosely-defined, poorly-regulated industry sector. It also appears to be in dire need of better, more uniform standards, controls, licensing, and proper oversight, with "lots of loopholes" in New York State, according to Bill Bookman's 55-Plus Journal News column of June 27, 2002. In this column, the chairperson of an assisted living advocacy group commented on her industry: "When I ran a facility in the early '90's, I saw an industry that was really focused on growth, not quality". These are frightening words by an industry insider that speaks volumes to me, and should raise a lot of red flags for Clarkstown officials. Such as: with litter regulation, let alone enforcement of industry standards (if there are any) what will be the overall quality of these facilities? Who will manage them? What credentials should be needed or expected from a management and staff? Who will be living in them? If built, what will happen? If these facilities are not successful, and are sold in the future? The Town has little, if any controls of these facilities when government/state agencies provide funding and dictate how it is run and who will live there. This is a nightmare. What could they turn into? We don't know, and won't know until its too late to make a difference. What will happen to surrounding area neighborhoods at that juncture? I don't even want to wait for the answer. In addition, nowhere in the assisted living definition does it even require that potential residents be senior citizens. In my view, the people of Clarkstown do not want to take on this unnecessary and potentially devastating downside risk. The Town Board is under no obligation to do so and should not do so. Allowing needless facilities like this would only serve the interest of developers, admit people from outside Clarkstown, and destroy the character and integrity of our existing single family residential neighborhoods. Why open this potentially disastrous Pandora's Box in our Town to satisfy a few applicants? Answer: We must not. You can bet that the applicants and developers, who stand to benefit from this ridiculous ordinance, will speak out and pressure and threaten the town to get what they want, as they have in the past. In turn, we, the tax-paying residents of Clarkstown that elected this Board are here tonight to tell you once again what we expect of you: responsible planning, remaining open green space preservation, and protection of existing homeowners. I say to both the Town Board and citizens in attendance tonight. Don't be fooled by what applicants who may benefit from this ordinance may say. These people don't care one bit about you, the average tax-paying Clarkstown homeowner; they also don't care what peaceful surrounding residential neighborhood they may have to

and fourth. All of a sudden, one month before the Town Board approved the first phase it went from independent living to senior housing. Why? The answer is that when the applicant first proposed this to the residents of this Town, in their proposal it stated, it is important to note that no portion of the proposed senior campus will be Section 8 financed. If you look at the brochure that just came out, it says we will accept Section 8 vouchers. Now this is something that the residents should be upset about. We cannot be told time and time again misinformation to get projects approved, to make it sound good and then after you get your approval go accept the funding that you told the residents you would not take in the first place. According to the report, 71% of Clarkstown seniors want to remain in their own home but I would be outraged if I was a senior who wanted to sell my home and there was no facility in Clarkstown for me to move into. It is not Clarkstown's job to keep providing subsidized housing. This is a list of all the senior low income facilities in Rockland County. Clarkstown, who has one of the highest median incomes in Rockland, has the most senior housing facilities in Rockland. I see something wrong with that picture. Now, this campus on Convent Road, the land was obtained by the Sisters of Charity through a land swap with the NY Foundling who runs St. Agatha's home. The project was first proposed in 1997 so my question was, obviously the land was acquired with every intention of going to the Town Board and saying we own 48 acres of land now, 13 of which are wetlands in a 100 year flood plane, we would like permission through special permit to put eventually 400 units in a single family residential neighborhood. Now I commend the charitable work that people do, but does that give you the right or entitlement to say this is the work that I do therefore I have the right to go change zoning? I don't think so. I think 106 units on this property is enough. The one thing I wanted to state about the senior housing, it was originally posed as 62 or over. There was a memo that stated the project is being developed on 13.4 acres of land. These apartments will be targeted for elderly and physically handicapped people with incomes between 39% and 59% of the median income of Rockland. Last week in the Journal News there was an article that said it would just be for seniors. Let me just say, government subsidies means there is no restriction on age and when you are dealing with assisted living facilities this is a real problem. My question to the Town Board, has anyone done any research on Federally subsidized assisted living facilities in Rockland County or in New Jersey for that matter?

Supervisor Holbrook responded. I don't think we personally have done that research.

I'm going to read one thing out of what Sr. Kathleen Gilbride sent to the Planning Board Chairman. It said definitions of senior housing, specifically assisted living, and the last page of the report is what shocked me the most. It says adult homes in which at least 40% of the residents have a primary diagnosis of mental illness as designated by the Commissioner of Mental Health or dual diagnosis of substance abuse and mental abuse would not be included in assisted living. Now I'll ask Mr. Costa, but if I'm reading that correctly, that means any facility that is government subsidized could have 39% or less of those people within that category?

Mr. Costa responded: I think that that particular category can also end up in a group home in your neighborhood as well so that emanates from a state policy but, yes, that is a possibility for any assisted living facility.

I also want to say Sr. Gilbride thought that it was a moot point regarding the tree issue because, if the assisted living ordinance passed, those trees would be taken down anyway. The problem I have is with the environmental assessment form. It says the infrastructure is being designed and proposed to be constructed to readily allow for further development of the campus. If you see what's going on on the site, all the trees have been cleared. They are building a water retention basin to accommodate a 400 unit facility. Since when do we start preparing for projects before we get approval for them? Truthfully, as a resident I feel like the 106 units was approved at the Planning Board and Town Board level before any public hearings were even held on it. If we're putting in senior housing, why should it not be for the residents of Clarkstown. We already have 3 facilities, why would we need a fourth? Like I said when I read that it wasn't Section 8 funded, I figured then maybe it will be for the residents of Clarkstown, but once again, things go on, approvals are given, and then things are changed and the residents want to see that stopped now. I will point to the Rockland County Planning Dept memo of January 8,

2001, it says " Special permit for the construction of a senior citizen facility consisting of 96 units of assisted living and 106 independent living units on 48 acres in an R-15 zone." They disapproved the project as an over utilization of the site. I don't know how the Town Board can say, we are just going to ignore that; this applicant wants to do it, therefore, we're just going to approve it. The other thing I want to talk about is the recommendation by the housing committee. I want to commend all the people who put in hard work preparing that report. I agree that there is no current need for assisted living facilities in Clarkstown. According to the report, we have one that is in financial trouble and we have one that is not fully occupied. There are also assisted living facilities in other towns that are not fully occupied. I agree with the resident before, assisted living facilities are both commercial businesses and multi-family housing but what they are not is single family homes. Single family homes do not have loading docks with deliveries at 6 am, or large dumpsters that serve 100 units, or on-site employees and administrative staff, or ring roads and 133 parking spaces. When the 106 units were first proposed, I heard at a TAC meeting that according to Thorpe Village we don't think that we will need more than 53 parking spaces for the 106 units. Before the project was done, we were up to 133. That sounds like a major difference to me. To suggest that they are not out of character with an R-15 neighborhood is absurd and to suggest that a 150' buffer zone changes any one of those facts is equally absurd. I think that because applicants have stated over and over again that 150' buffers are what we call wide open green space is actually an insult to the residents who live there. If you look at the site plan there are ring roads, the backs of buildings, dumpsters, parking lots that will be approximately 150 feet from single family homes, but the inside of the community between the buildings, as one engineer stated, "All I can say is they had a great engineer". No, I think what they had was a Planning Board who was willing to give out whatever they wanted. There is about 500 feet of open green space between the buildings while certain residents have about 50 feet of trees left remaining and that is called an average buffer or an adequate buffer? The most responsible thing to have done would have been is to operate the 106 units, leave the trees up, make sure there were no adverse environmental impact by the 106 units and then, if and when an assisted living ordinance was passed and you applied for the project, you take the trees down in the time that they are supposed to be taken down. To also suggest that an assisted living facility is suitable in an R-15 zone as opposed to an R-22, R-40, R-80 or R-10 is not only discriminatory to people in R-15 zones but in my estimation it is absolutely transparent as to what went on here. I do not think they belong in R-zones at all but it is no secret to me that there are two projects that are hot right now for assisted living that both applicants want passing of. One is in Davies Lake area which is an R-22 zone and one is the applicant on Convent Road which is an R-15 zone. You cannot say that there is concentric zoning in Clarkstown. Concentric zoning means the commercial areas in the center, R-10, R-15, R-22, R-80 are all concentrically around that area. At best, Clarkstown has haphazard zoning. WE can have a commercial area here, with R-15 land next to it. We can have a parcel of R-15 land at one side of the street and the other side of the street is R-22. If an assisted living facility has less mobile people, then perhaps it belongs in an R-80 zone. I don't think it belongs in any R zone but to say we'll pick the R-15 as opposed to R-80 is saying the person who owns a \$1 million home on a 2 acre piece of land wouldn't want it in their yard but if you live in R-15, its OK to put it in yours. The other thing I wanted to talk about is that it said if we put it in residential areas it will be less of a burden to our school districts. Regardless, of where you put it, those same people will be moving out of their home and it will be filled with young children. To put an assisted living unit with 96 units on a piece of land so that 20 to 30 homes cannot be built, I think Clarkstown is well past that, it is 92% overbuilt. In looking at the housing report, approximately 3,500 of the multifamily housing that exists in Clarkstown exists in Nanuet. Our schools are overburdened for that reason, not for the 20 to 30 homes that we would put on a piece of property. There is land in Nanuet, where a developer put up homes, part of the land was supposed to be the East Ramapo school district. Miraculously, all of the homes were rezoned to the Nanuet School District. What I'm saying is the reason it belongs in residential zones are a dozen but you cannot exclude one zone as opposed to the other. If by definition, it is not single family residential, then just because an outfit owns land in that area, does not give them the right to apply for huge assisted living facility which does operate 24 hours a day, 200 feet from residential homes. It's just not fair. I suggest a town park in Nanuet for our children to play in. It is no secret that Nanuet is overbuilt with stores, multifamily housing, now we will have 2 government subsidized senior

housing facilities, one in New City, one in Bardonia. My question is why does the Town continually approve projects that do not serve its residents.

Supervisor Holbrook responded: Those facilities were approved in the 1970's and it was thought at the time, and I still believe today, that they serve a purpose. It's true that not everyone that applies is necessarily a Clarkstown resident. Basically at that time it was felt at that time that they were a benefit to the community and they have remained as such. I think the Town Board based their decision on previous applications that were made by Monterey, Squadron and Middlewood. In answer to Mrs. Healy's question about the housing committee, the housing committee was a creation of Co. Maloney who made the suggestion at the end of 2001 and the approval of Seton Village occurred July of 2001. He suggests, based upon comments tonight, that the Board take this proposed amendment, turn it down and return it to the Planning Board and charge the Planning Board with the task of reconciling the proposals. At this particular juncture, the Town Board would take this proposal, turn it down and ask the Planning Board to take the housing report, which we have all talked about here tonight as having validity, and make whatever recommendations they want to make based upon it and return that to the Town Board for some sort of potential action in the future.

Mrs. Healy continued: There is one more thing, I kept hearing this is was being modeled after Thorpe Village and Dowling Gardens. I researched both of those. They are run by the Dominican Sisters who live on the property. When this first came up it said it was going to be run, managed and owned by the Sisters of Charity themselves. The brochure talks about a management team, I don't know what that means, but if we're told that it is going to be run by the persons developing the project, I hope that is what is going to be done. Thorpe Village was Section 8 funded and when I called Dowling Gardens which was the assisted living facility on the same site, it is not 100 feet from Thorpe Village, you have to drive from one facility to the other. Dowling Gardens is market rate according to what I pulled off the internet, it is not government subsidized. Orangetown was smart enough to say we do not want to get involved with that. The Dominican Sisters opened up Thorpe Village in 1981 and they must have used some of the funds from running that facility to build Dowling Gardens. I suggest we have already taken a risk now with 106 units, why are we rushing to pass an assisted living facility on the same site? Why shouldn't they be held to the same standards of the Dominican Sisters, run your facility for a few years, let's make sure that it is a success because, if not, this area of Nanuet already has a 106 unit white elephant. I don't want to see 212 units on one site. There are a lot of seniors in that report who talked about enough of the government subsidized housing. If you are going to do any more housing in Clarkstown it should be for the majority of seniors that have spent 20 - 30 years in this town, that have paid taxes, have supported this town and if they needed to sell their home, they wouldn't want to move out of this town, but as it stands now, there is not one facility in Clarkstown that is open to them. I think we owe that to the seniors of this town.

Appearance: Bob Jackson
Nanuet Civic Association

A lot of things have changed in 4-1/2 years. I thought it was going to be 3 phases, now its 4. Never did anyone mention it was about low-income, Section 8 housing. When it was presented it didn't seem like a bad idea, but my thoughts have always been what if it goes out of business? What if the Sisters sell it? He asked the Supervisor to explain what he was proposing to do tonight?

Supervisor Holbrook responded: What I'm saying it that we take the proposal here and turn it down and ask the Planning Board to look at the matter based upon the citizen's advisory committee and come back to the Town Board with their ideas. Everything would be on the table, they could take a look at the R-15, they could take a look at the definitions. I'm suggesting that they take a look at the entire thing, but what I'm saying is I think the consensus here of the Board is to take that course of action, at the same time recognize what the Citizen's Housing Committee has done.

Mr. Jackson responded that they had many meetings with the Sisters of Charity and they always said if they didn't build this it would be single family homes. We would welcome

single family homes right now. I know the 106 is already under construction but again our major concern is how things keep changing and that is why these people are afraid. They are in the neighborhood, they are upset, they see their property values going down if this is approved, they see the neighborhood changing. We have a rest home in the area that is causing concern to the residents living here. It was always 3 sections, now its 4. I assume if was originally for about 300 units, now it might 400. He asked for confirmation that the Board would take a vote tonight.

Appearance: Richard Serjian, Esq.
Attorney for Davies Farm

I have sat here for 2 hours listening to people complain about a project but there has been a lot of misinformation here. Let's correct the record here, it is not your duty to zone based on unhappiness with the way a project is coming out. Let's look at the Sisters of Charity and why it became Section 8, government funded housing. It became government funded housing because they wanted to build and because this Board didn't pass 290. They didn't specifically lie to you, they came in with an application in 1998 where under the R-15 and R-22 zones their use for housing was permitted. So it isn't a down zoning, it isn't new, it was in your ordinance in 1998 and you know it. And they should know it. You passed a moratorium while our 2 projects were pending and stopped them. The first one was already declared illegal, the second one was declared illegal and the third time, a law suit is pending. But these projects were permitted in your ordinance in 1998. If Section 290 that you have before you has nothing to do with the project that the Sisters have gotten their approval for, if you turn down Section 290, someone could come in under your current ordinance and build exactly what the Sisters have built for Phase 1 of Seton Village. What you're talking about today has nothing to do with the senior citizen, low-income, government-funded housing. They got that approval, they changed their application so they could build because you didn't permit them to build what they wanted to build and you didn't permit Davies Farm to build what they wanted to build because you removed the other language from the ordinance to study and you've studied and studied and studied and never put it back in. Now there may be people out here that do not want you to put it back in, but the fact of the matter is that it was in before and you've studied it and you've now changed the ordinance to now where before 75 units could be built on 3 or 4 acres, 106 units can only be built on 17 acres. So for 14 extra acres we get 20 extra units on our project. My client's property rights have already been significantly down sized, even if you pass this law, the government funded housing that everyone has been complaining about tonight is still in your ordinance and could still be built in the R-15 zone right now without you doing anything. So all these complaints about don't pass this so we don't have anymore government funded housing in the R-15 zone are totally unrelated to the law that you have before you. Now had you passed 290 back in 2001, the Sister sitting back there would have built the project that she initially wanted to build, the project that everybody is saying they broke their promises about. You let her change her application to go to that housing because there was no other provision in your zoning ordinance for senior citizen housing because you removed it from everywhere in your ordinance, and the only senior citizen housing that can be built in this town right now is government funded housing. You don't have the senior citizen, assisted living housing anywhere in your ordinance because you passed a moratorium on it in 1998 and when that moratorium expired you deleted it from the ordinance. You have been talking about putting it back in for a long time. The Sister forgot to count the times that the Ad Hoc Committee studied it and passed it, that the County Planning Board recommended it, that you originally did have it in not only the R-15 zone but the R-22, R-40 and the R-80 and the County Planning Board said take it out of the R-40, the R-80, we want it closer to County roads and you put in an amendment to it so it could only be built on roads that were County roads to make sure it wasn't built in smaller or back areas where people can't walk to a bus or get transportation like they could if they were on the Davies Farm site. I'm sorry that people don't like the way the Sister's property is being developed. That's a Planning Board issue; you have nothing in your ordinance right now for senior citizen housing other than government funded. I'm sorry there may be 79% of senior residents that want to live in their homes. Well, my grandmother wanted to live in her home and she did until she was 95 and she wanted to live there another 5 years until she died but she couldn't do it. Everybody wants to live in their own home but sometimes you can't do it. Both my grandmother and aunt went to assisted living

facilities in residential areas. You don't want to separate them out like they're dregs of society, they deserve a lot better. It's time after 4 years to put something in your ordinance for senior citizen housing and you've known that for the longest period of time. I always thought that everybody who live in Clarkstown was a resident of Clarkstown, whether they moved in last year, or 5 years ago or 15 years ago or like the Milichs, they've been here 70 or 80 years. People are here and everybody complains about property rights, but as soon as they can't do something on their property they are going to complain that their rights are being violated. The rights of Davies Farm are being violated and if you vote this law down, you will not only continue to violate the rights of Davies Farm, but you will not be meeting the needs of the senior citizens of the Town of Clarkstown. Thank you.

Appearance: Alan Isencraft
Prospect St, Nanuet

I have lived in Clarkstown for 32 years and I am staying in my home. However, our street backs up on this proposed over-development. Our street used to look at these beautiful trees. Now we see spaces through it and the dirt of the construction close to our housing. Our street has only 8 homes, 2 of them, long term owners, are selling because of this development. The Sisters of Charity are a very worthy establishment, they have done fabulous work in St. Joseph's Hospital in Yonkers. It's a little different here. These proposed developments are going too far. Four developments on one small parcel of land? This is not in the best interest of our local community. I'm a senior real estate appraiser as well as a developer and redeveloper of real estate, and I still say this is wrong. These developments do not take into consideration the needs, the opinions, and the feelings of our surrounding neighborhood. The Grandview section of Nanuet is in the hub of Rockland County. It's a solid, middle-income neighborhood. Many of the owners, like me, are second and third generation homeowners. We've chosen as seniors to remain in Nanuet, not to run away to Florida because we love our neighborhood. Nanuet is a neighborhood where we all know each other. We meet at little league, we see our children and grandchildren playing games. Lake Nanuet is phenomenal. You have to see the parents and grandparents enjoying watching their children and grandchildren play. We meet at open school night in the Nanuet School System which is an excellent school system. We all know each other, students, teachers and administrators. In 1997 the residents were severely misinformed by the Sisters. They invited the local residents over to the property and my wife and I went. We were told they were going to build some 15 to 22 homes for seniors and we thought that was great. Look how it wound up. I urge you to vote there projects down for the sake of the Nanuet middle-income residents. Thank you.

Appearance: Steve Cipolli

I don't think we want to do this another night. We want to know right now, tonight, yes or no. I heard before you were talking about going back to the Planning Board. I don't think we want to be back here, policing the Board so they do what we want them to do.

Supervisor Holbrook responded that what we are doing is to turn this thing down and asking the Planning Board to take a look at the Housing Advisory Report which was referred to here by speakers and make any recommendations they want to, if they want to make recommendations. They might recommend not R-15, if you look at the Housing Report, they address a number of those issues.

Appearance: Israel Malowany
Nanuet

In high school I volunteered at Venture Inn which is an area that is right next to this facility that is being built. Right before that is that Spring Valley motel, rest home, which again is mentally handicapped people. Everyday coming down Pascack Road I see 1 or 2 of them walking down the road. When did Nanuet become a dumping ground for things

like this. I have 2 boys growing up, I'm in a neighborhood of 61 homes maybe 2 or 300 yards away. I get worried about that, especially if it's Section 8. I have no problem with seniors living there but I do have with Section 8. I think we have had enough of that in this community. Thank you.

Appearance: Sr. Kathleen Gilbride, Director
Seton Village

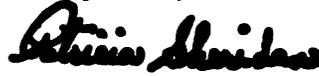
I think things haven't changed so much as inaccuracies have been developed in the intervening years. We've had 4 phases when we went in June of 1997 to the civic association of Nanuet and the 4th phase was housing. Free standing houses for the elderly on smaller lots in the perimeter so that the adjoining properties would be less of an abrupt change from the zoning. That very evening, members of the civic association and the neighbors told us they didn't want it. Maybe 4th phase was gone as soon as we mentioned it. The first was independent living, that is the only thing we have been able to build. The 2nd phase is assisted living which we have been attempting to have the Town Board pass some sort of law under which we could build that. The 3rd phase we proposed was the possibility of a nursing home which we thought highly unlikely because the State has to certify for need of a nursing home. It hasn't done so in the last 15 years. We are not HUD housing, this is a tax credit project, it is not for low income people. I don't know how many times we have to discuss this. It is not four developments, it is not 400 units. It is 106 units for independent living and 94 for assisted living which is not even on the Planning table yet because of the moratorium and then that was taken out. We never in 1997 spoke about 15 to 22 homes for senior citizens being the only things being built. We never said that. This is government by applause meter, this is government by, if you know the game telephone, as information gets passed on from one person to the other, this has been an eye-opener for me. I've never seen a group of people presenting to the Town Board in such disarray. There are 11 sites under the proposed S.A.I.L., that are even possibilities to be developed under that proposed law in the whole of Clarkstown. A speaker returned to his seat saying, "Lock up the nuns, Lock up the wolves". I am appalled that this has gone on in this room and the information that has been projected from this microphone to the members of the Town Board this evening. I try not to repeat myself. It is very annoying having people standing up here at every session of the Town Board, repeating exactly the same arguments they do every single meeting. I try not to repeat but believe me without repeating, the information is just bizarre. I have no idea what you are going to do with this record. It is a total disgrace. Thank you, good luck.

Appearance: Donna Healy
Nanuet

I would like to just say 2 things and one I would like to direct towards Sr. Kathleen Gilbride. This project was first posed as the Sisters residing on the property, managing it, owning it and running it themselves. Is that true today? It was modeled after Thorpe Village and we were given statistics that Thorpe is a nicely run facility, Dominican Sisters live there. Mr. Icobelli who was the lawyer for the Sisters of Charity said, "I have been the lawyer for the Dominican Sisters, this will be run the same". Truthfully, I think Sr. Gilbride walked out because she is annoyed because the residents have finally spoken out that we have had enough and I have the information here. In their own marketing study from 1997, it talks about 4 phases, including Phase 4 which was on the west end of the property for continuing care when the elderly become less than ambulatory, terminal or unable to perform the basic daily requirements, there is no other alternative than to commit them to a continuing care facility and I believe that was described as the Hospice. I am not making this up; these are things that are in the files.

Supervisor Holbrook suggested a motion to close the public hearing and turn down the proposed amendment and refer the recommendations of the Housing Committee to the Planning Board for their review. There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted the Public Hearing was closed, time 1:20 am.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. (873-2002) ADOPTED

TOWN OF CLARKSTOWN
SPECIAL MEETING

Town Hall

10/22/02

01:40 AM

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

Re: Resolution Authorizing Charles E. Holbrook, President of the Clarkstown Middlewood Housing Development Fund Company, Inc. to Sign a Contract with Bellavista Construction Corp. for the Middlewood Senior Housing Project

On Motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Special Meeting was opened.

WHEREAS, Arco Management has solicited bids to replace concrete, pave the parking lot and install/repair dumpster enclosures at the Middlewood Senior Citizen Housing Project, and

WHEREAS, Bellavista Construction Corp. has submitted a low bid of \$151,871.00 to do the aforementioned work, and

WHEREAS, Arco has recommended that the Board accept this bid;

NOW, THEREFORE, be it

RESOLVED, subject to review and approval of the contract by John A. Costa, Esq. or Paul K. Schofield, Esq. that Charles E. Holbrook, President of the Clarkstown Middlewood Housing Development Fund Company, Inc., is hereby authorized to execute the contract with Bellavista Construction Corp. for the aforementioned work.

There being no further business to come before the meeting, the same was on motion duly made, seconded and unanimously carried, adjourned, time: 1:45 AM

Respectfully Submitted,


Patricia Sheridan
Town Clerk