

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

02/11/2003

8:00 P.M.

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

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the Flag.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law: Congers Hamlet Center Overlay District was opened, time: 8:10 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law: Congers Hamlet Center Overlay District was closed, time: 9:45 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition of O'Sullivan Tree Care, Inc. for a special permit for a recycling facility at 210 Western Highway, West Nyack was opened, time: 9:45 p.m.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of O'Sullivan Tree Care, Inc. for a special permit for a recycling facility at 210 Western Highway, West Nyack was closed, time: 10:45 p.m.

RESOLUTION NO. (106-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED that effective February 20, 2003 William T. Sherwood is hereby appointed Acting Chief of Police to serve in the absence of Chief Kevin Kilduff until his return to duty.

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. (107-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Referendum held on November 7, 2000, residents of the Town of Clarkstown authorized the issuance of \$22 Million in municipal bonds for the purpose of financing the acquisition of Open Space within the Town of Clarkstown, and

WHEREAS, the Citizens' Advisory Committee for Open Space Committee has recommended certain parcels for acquisition as part of the Town of Clarkstown Open

RESOLUTION NO. (107-2003) continued

Space Protection Initiative, and included among its recommendations is a parcel described on the Clarkstown Tax Map as 65.11-3-46, which consists of approximately 9.47 acres of vacant property in the vicinity of Cleveland Street, Central Nyack, New York, reputedly owned by Mary B. Blake, and

WHEREAS, a proposed contract for the sale of the subject vacant land has been tendered to the Town of Clarkstown to permit its purchase for the sum \$600,000.00, which is a price at or below the appraised value of the land;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject property as open space for a price not to exceed \$600,000.00 plus the usual and customary closing costs, provided that all legal requirements regarding the acquisition of parklands are complied with, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the property known as Tax Map 65.11-3-46, and be it

FURTHER RESOLVED, that all expenses pursuant to this Resolution shall be charged to H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (108-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of January 28, 2003 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. (109-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board, on its own Motion, pursuant to Section 200 of the Town Law, shall consider a Road Improvement for all or a portion of a street known as SOUTH GRANT AVENUE, in the Hamlet of Congers, New York, from Waldberg Avenue to property of 64 South Grant Avenue, Congers;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on March 25, 2003, at 8:00 P.M., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along South Grant Avenue, in the time and manner required by law, and it is

FURTHER ORDERED, that the Department of Environmental Control is hereby directed to prepare a preliminary estimate of the amount proposed to be expended for such road improvement.

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. (110-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, at the request of Town Board, Orange and Rockland Utilities has made a preliminary investigation concerning the possible relocation of electric overhead facilities in Nanuet, from the intersection of Stop and Shop entrance to Church Street on South Middletown Road, and find two options that could be taken. The first option is to relocate the existing pole line from in front the buildings on South Middletown Road to behind the buildings on the west side of South Middletown Road. The second option is to install the electric facilities underground, and

WHEREAS, the cost for the design work solely for both options is a non-refundable fee of \$30,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement, in a form approved by the Town Attorney, for Orange and Rockland Utilities to provide the Town of Clarkstown with design work solely associated with Option 1 and Option 2 referred to herein, and be it

RESOLUTION NO. (110-2003) continued

FURTHER RESOLVED, that the fee to perform said design work shall be \$30,000.00, non-refundable, and shall be charged to Account No. H 8753-409-0-77-4.

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. (111-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been approved for a community project grant in the amount of \$25,000.00 (Project No. Q473) from the New York State Urban Development Corporation d/b/a Empire State Development Corporation, to help fund the Town of Clarkstown restoration of the former Congers Railroad Station;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney with the New York State Urban Development Corporation d/b/a Empire State Development Corporation, to help fund the Town of Clarkstown restoration of the former Congers Railroad Station, 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. (112-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant, has recommended the Town hire Larry Nardecchia, P.E., to conduct an elevation survey for the proposed access road to Strawtown Road from the Clarkstown South High School, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Larry Nardecchia, P.E., in a form approved by the Town Attorney, to conduct an elevation survey for the proposed access road to Strawtown Road from the Clarkstown South High School West Nyack, New York, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$2,000.00 and shall be charged to Account No. H 8753-409-0-77-3.

RESOLUTION NO. (112-2003) 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. (113-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 2003 to December 31, 2003, and be it

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

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$9,624.00 for the first month of the contract and \$9,616.00 per month for the remainder of the contract, and that the total compensation shall be \$115,400.00 which amount shall be charged to Account No. B-8020-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (114-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, IFG Productions, Inc. has requested use of the Town of Clarkstown Showmobile on Sunday, May 18, 2003 for a Parade of Unity Year 2003 to celebrate Haitian Flag Day and Ethnic Diversity in Rockland at Spring Valley Memorial Park,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to IFG Productions, Inc. to use the Town of Clarkstown Showmobile on May 18, 2003 for the above purpose and subject to the provision of the necessary insurance policies, and be it

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

RESOLUTION NO. 114-2003) 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. (115-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Feis has requested use of the Town of Clarkstown showmobile on Sunday, July 20, 2003 to be held at Anthony Wayne Park;

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Rockland County Feis to use the Town of Clarkstown showmobile on Sunday, July 20, 2003 for singing contestants, subject to the provision of the necessary insurance policies,

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

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. (116-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Clarkstown South High School has requested use of the Town of Clarkstown showmobile on Friday, May 2, 2003 for a SPRINGFEST to be held at the Clarkstown South High School, West Nyck, New York;

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Clarkstown South High School to use the Town of Clarkstown showmobile on Friday, May 2, 2003 for a SPRINGFEST, subject to the provision of the necessary insurance policies.

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

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. (117-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board authorizes payment to Rolling Acres Lawns and Landscaping, Inc., contractor hired by 170 North Main LLC, for the plowing and salting of the commuter parking lot located at UA Cinema, New City for the following dates and amounts:

- \$475.00 for December 26, 2002
 - \$475.00 for January 3, 2003
 - \$475.00 for January 4, 2003
 - \$125.00 for January 6, 2003
 - \$125.00 for January 7, 2003
 - \$125.00 for January 8, 2003
 - \$125.00 for January 17, 2003
- Total \$1,925.00

and be it

FURTHER RESOLVED, that the total amount of \$1,925.00 shall be a proper charge to account number 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. (118-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Rules and Regulations of the New York State Deferred Compensation Board and/or Section 457 of Internal Revenue Code require a deferred compensation committee be formed for the purpose of (1) seeking and evaluating competitive proposals from financial organizations and administrative agencies who wish to manage the Town of Clarkstown's Deferred Compensation Plan, (2) evaluating and adopting any changes to the Model Deferred Compensation Plan for employees of the Town of Clarkstown and (3) determining whether an employee's application to withdraw money from the Deferred Compensation Plan is a hardship due to an unforeseeable emergency;

NOW, THEREFORE, be it

RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Committee, to serve without compensation, for a period of two (2) years:

- Nancy Davidson, Employee Benefits Clerk
- Edward Duer, Comptroller, who is to serve as Chairman of the Committee
- Penny Leonard, Finance Director
- Jeffrey Wanamaker, Police Officer
- Edward J. Lettre, Clerk of the Works
- Paul K. Schofield, Deputy Town Attorney
- Rita Maklin, Principal Clerk Steno/DEC

RESOLUTION NO. (118-2003) 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. (119-2003)

Co. Maloney offered and Co. Smith seconded

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

RONALD FILERA LANDSCAPE CONTRACTORS, INC.
 85 Red Schoolhouse Road
 Chestnut Ridge, NY 10977
 Ronald Filera, President

TRAVCON, INC.
 375 Kings Highway
 Valley Cottage, NY 10989
 Vincent J. Travaglini, President

KJS HAULING & HOME IMPROVEMENTS, INC.
 95 Maple Avenue
 New City, NY 10956
 Keith Schepis, President

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

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 03-11 RONALD FILERA LANDSCAPE CONTRACTORS, INC.
- No. 03-13 TRAVCON, INC.
- No. 03-14 KJS HAULING & HOME IMPROVEMENTS, INC.
- No. 03-15 MONSEY EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (120-2003)

Co. Smith offered and Co. Maloney seconded

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

BID #13-2003
2003 SITE MAINTENANCE

Bids to be returnable at 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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (121-2003)

Co. Smith offered and Co. Maloney seconded

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

BID #17-2003
ICE CREAM FOR TOWN SUMMER REFRESHMENT STANDS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on MARCH 5, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (122-2003)

Co. Smith offered and Co. Maloney seconded

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

RESOLUTION NO. (122-2003) continued

BID #18-2003
CARBONATED SOFT DRINKS FOR TOWN OPERATED SUMMER
REFRESHMENT STANDS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:15 A.M. on MARCH 5, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (123-2003)

Co. Smith offered and Co. Maloney seconded

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

BID #19-2003
SWIMMING POOL CHEMICALS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on MARCH 7, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (124-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the director of purchasing is hereby authorized to advertise bids for:

BID #20-2003
2003 COMMUTER PARKING LOT MAINTENANCE

RESOLUTION NO. (124-2003) continued

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (125-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, RUSLAND, INC. v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index No(s). 4130/98, 4151/99, 4139/00, 4118/01 and 4864/02, affecting parcel(s) designated as Map 65.27, Block 1, Lot 1, formerly known as 134-A-55.4 and more commonly known as Mountainview Avenue, Nyack, New York for the year(s) 1998/99, 1999/00, 2000/01, 2001/02 and 2002/03, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack Public Schools, 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(s) described on the assessment roll as Map 65.27, Block 1, Lot 1 (f/k/a 134-A-55.4) be reduced for the year(s) 1999/00 from \$4,706,300 to \$4,000,550 at a cost to the Town of \$8,361.20;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.27, Block 1, Lot 1 (f/k/a 134-A-55.4) be reduced for the year(s) 2000/01 from \$4,706,300 to \$3,623,550 at a cost to the Town of \$12,572.36;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.27, Block 1, Lot 1 (f/k/a 134-A-55.4) be reduced for the year(s) 2001/02 and 2002/03 from \$4,706,300 to \$3,158,825 at a cost to the Town of \$36,499.44;

RESOLUTION NO. (125-2003) continued

4. Reimbursement for the year(s) 1999/00, 2000/01, 2001/02 and 2002/03 on the parcel described as Map 65.27, Block 1, Lot 1 (f/k/a 134-A-55.4), as stated above, be made within (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. The proceedings commenced by the petitioner respecting Map 65.27, Block 1, Lot 1 (f/k/a 134-A-55.4) shall be discontinued for the year(s) 1998/99;

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

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown 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. (126-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown wishes to consider acquisition of certain premises in the Hamlet of West Nyack, New York, designated on the Tax Map as 59.18-1-14, consisting of approximately 4.4 acres, and located on Strawberry Hill Lane, West Nyack, reputedly owned by John Scott and Linda Lowry Trustees;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals from qualified appraisers of premises referred to above, and for the purpose of determining the current market value of a fee simple absolute interest, or as otherwise directed, and the Town Attorney is hereby authorized to accept on behalf of the Town the lowest proposal which shall meet all the appraisal proposal criteria, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to January 29, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (127-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the NEW CITY LITTLE LEAGUE, INC., wishes to extend the License Agreement with the Town of Clarkstown for its use of the field at Zukor Park, for Little League purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the New City Little League, Inc., and

WHEREAS, the Little League has provided and continues to provide a valuable service to the residents of the Town, and particularly the youth of the Town, and desires to utilize the fields for recreational purposes, and

WHEREAS, the Town desires to have the Little League continue to provide such services to the residents of the Town, and particularly the youth of the Town, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form approved by the Town Attorney, and Charles F. Connington, Superintendent of Recreation and Parks, and be it

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

FURTHER RESOLVED, that said agreement shall cover the period of approximately three (3) years expiring December 31, 2005, and thereafter be automatically renewed each year, unless either party shall send a non-renewal notice to the other party at least thirty (30) days before agreement would have renewed.

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. (128-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the NANUET LITTLE LEAGUE, INC., wishes to extend the License Agreement with the Town of Clarkstown for its use of the field at Lake Nanuet, for Little League purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the Nanuet Little League, Inc., and

WHEREAS, the Little League has provided and continues to provide a valuable service to the residents of the Town, and particularly the youth of the Town, and desires to utilize the fields for recreational purposes, and

RESOLUTION NO. (128-2003) continued

WHEREAS, the Town desires to have the Little League continue to provide such services to the residents of the Town, and particularly the youth of the Town, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form approved by the Town Attorney, and Charles F. Connington, Superintendent of Recreation and Parks, and be it

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

FURTHER RESOLVED, that said agreement shall cover the period of approximately three (3) years expiring December 31, 2005, and thereafter be automatically renewed each year, unless either party shall send a non-renewal notice to the other party at least thirty (30) days before agreement would have renewed.

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. (129-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, on October 8, 2002, the Town Board adopted Resolution No. 858-2002, awarding the proposal submitted by Maser Consulting, PA, to prepare survey services for an access road to the Clarkstown South High School, and

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant, has advised that it was found necessary to perform additional work due to the fact that previous survey information and deeds were not available to the consultant;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 858, adopted by the Town Board on October 8, 2002, to increase the project cost from \$2,900.00 to \$3,402.00, for Maser Consulting, PA, to perform the additional survey work for an access road to the Clarkstown South High School.

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. (130-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Kathleen A. Vellardito, 10 Pelham Avenue, Nanuet, New York, is hereby appointed to the position of (Provisional) Court Attendant – Town Justice Department – at the current annual salary of \$23, 915., effective and retroactive to February 10, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (131-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Thomas F. Flannery, 407 Erhardt Road, Pearl River, New York, is hereby appointed to the position of (Part-time) Bus Driver – Mini Trans Department – at the current hourly rate of \$14.19 – effective February 12, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (132-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Michael J. McNamara, 32 Peck Street, West Haverstraw, New York, is hereby appointed to the position of Automotive Mechanic I – Solid Waste Facility – at the current annual salary of \$52,747., effective and retroactive to February 10, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (133-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Nicole Ramsay, 9 Hall Avenue East, New City, New York, is hereby appointed to serve in a training program as a Special Studies Intern – Town Justice Department – to serve without compensation – effective February 13, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (134-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Kathleen E. Fredericks, 8 Centenary Church Road, New City, New York – Police Radio Dispatcher (CAD) – Police Department – is hereby granted an extension of her Sick Leave of Absence – at one half pay – effective February 11, 2003 to March 11, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (135-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Shivaun M. Fiumara has requested a leave of absence, without pay, and

WHEREAS, Shivaun M. Fiumara has supplied a satisfactory reason for her request, and

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

Now, therefore, be it

RESOLVED, that Shivaun M. Fiumara, 54 Basswood Court, Bardonia, New York – Data Entry Operator I – Town Justice Department – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to February 10, 2003 to August 11, 2003 – and be it

RESOLUTION NO. (135-2003) continued

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

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. (136-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend the New York State Town Clerk's Association's 21st Annual Conference, to be held in Buffalo, New York from April 27 through April 30, 2003. All proper charges, including the registration fee of \$60.00 shall be charged to Appropriation Account #A- 1410-141.

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. (137-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #7-2003 – ARTS & CRAFTS SUPPLIES

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on ARCH 3, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (138-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board is now considering acquisition of a conservation easement on all those undeveloped lands of United Water New York and Corwick Realty, Inc. lying in the Hackensack River Basin in the Town of Clarkstown except the submerged lands of Lake DeForest; and

WHEREAS, these lands have been recommended for protection by the Open Space Committee; and

WHEREAS, these lands display significant scenic, open and natural values; and

WHEREAS, the proposed conservation easement permits continued use of these lands by United Water New York only for its water utility purposes, for its ordinary course of business uses and for continued farming uses but it prohibits all development or subdivision for industrial, commercial or residential uses;

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Clarkstown will conduct a public hearing at its regular meeting on February 25, 2003 at 8:00 p.m. to consider comments from all interested persons on whether to authorize the Supervisor to execute a Deed of Conservation Easement with United Water 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. (139-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Milton B. Shapiro, Esq. has petitioned the Town Board to consider amending the Zoning Local Law of the Town of Clarkstown so as to authorize used car dealerships in the LIO Zone, and

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

“AMENDMENT TO CHAPTER 290 ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN, TABLE OF GENERAL USE REGULATIONS LIO ZONE, TO AUTHORIZE USED CAR DEALERSHIPS IN THE LIO ZONE WHICH PRESENTLY ONLY AUTHORIZES NEW CAR DEALERSHIPS”

WHEREAS, the proposed local law is intended to authorize used car dealerships in the LIO Zone;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 25, 2003, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (139-2003) continued

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

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (140-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the County of Rockland has advised the Town of Clarkstown that additional funding is available for the Year 2002 for the operation of the Clarkstown Police Juvenile Aid Bureau;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 553-2001, adopted by the Town Board on July 17, 2001, is hereby amended to accept an additional \$344.00 from the County of Rockland for the Clarkstown Police Juvenile Aid Bureau.

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. (141-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the County of Rockland has advised the Town of Clarkstown that additional funding is available for the Year 2002 for the operation of the Clarkstown Youth Court Program;

RESOLUTION NO. (141-2003) continued

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 554-2001, adopted by the Town Board on July 17, 2001, is hereby amended to accept an additional \$517.00 from the County of Rockland for the Clarkstown Youth Court Program.

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. Mandia, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time 10:58 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/11/03

8:10 PM

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

Re: Proposed Local Law: Congers Hamlet Center Overlay District

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing was declared open at 8:10 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook explained the purpose of this Public Hearing is to elicit public input and comment. He said, essentially, this Law is two-fold: first to amend aspects of the original Law that was adopted in November 2002 and second, to establish some design standards based upon buildings already in existence in the Hamlet of Congers. The Hamlet Revitalization is an outgrowth of the Clarkstown Master Plan and was recommended by the Housing Advisory Committee.

Supervisor asked Robert Geneslaw, Planning Consultant, and Deputy Town Attorney, Daniel Kraushaar for the Planning Board to present a brief overview of the proposed Local Law.

Mr. Kraushaar gave an overview of all proposed Hamlet Center Overlay districts, and standards by which future developers would have to abide. This amendment to the original Congers Overlay District Local Law is to provide for design standards and to strengthen the requirements of exactly what the Town is looking for in order to offer incentives which applicants would be entitled to in the overlay zone. The goal is to have a framework to return to the Town's original historic architecture in the individual hamlet district and to provide an incentive for a need for housing which has been identified by the Town's Citizen's Advisory Housing Committee. It also provides for a strict review process and approval process for those wanting to take advantage of this incentive zoning.

Mr. Geneslaw said that one of the aspects nationally noted is that when municipalities try to undertake downtown revitalization by doing all of the work and spending all of the money, it often does not happen. No matter how inventive or how large the budget is, there has to be participation by private enterprise. There is already an interest by three existing property owners in Congers. He said the structure of the code may be a little different than the one presented in November, but the requirements are essentially the same.

He said that one of the requirements is that there must be one parking space per apartment. Another is that the floor ratio requirements would not apply to apartments over retail stores. Mr. Geneslaw said that to encourage pedestrian activities, the buildings are to be up to the sidewalk. He said there are also new provisions for signage.

Supervisor opened the meeting for public comment.

Appearance: John Lodico, Sr.
 New City

He is in favor of the concept.

Appearance: Martin Bernstein
New City

He said this appears to be a preliminary discussion and that this is a major step in the Town of Clarkstown. He suggested that a decision not be made tonight. He is in favor of the project. He asked if there is wording in the actual zoning ordinance change that is available.

Supervisor replied that a Local Law was adopted in November of 2002 enacting an Overlay Zone. He said it had to be followed up with various standards which is part of this public hearing.

Appearance: John Caine
Congers, NY

There has been a lot of talk about design standards and parks but what I think most of the people here are concerned about is the potential for stores with apartments above from Harrison Avenue right down to Rte 303. You can talk about design standards all you want, but that is a lot of apartments and people. A lot of people don't want this overlay district. I realize this proposed law tonight reduces the scope of it but I am not appeased. I hear tonight that Congers is the first place we are doing this. I don't like Congers being used as a guinea pig. I've been in Planning and Zoning in this Town for 15 years and I've never seen anything, especially this large, get pushed through so fast. There were no S.E.Q.R.Q. studies, no traffic studies or very few architectural renderings. I agree with Mr. Holbrook that we can take our time with underground utilities. Well, why can't we take our time with this Congers Overlay District.

Supervisor Holbrook responded that our point is to illicit comments and suggestions from the public and give people the opportunity to understand what it is and what it isn't.

Mr. Cain continued: My suggestion is that we rescind the law that was passed last year and not enact another one.

Co. Mandia stated that this is something we are trying to do to make each of the hamlets better. Congers is the first not because they are a guinea pig, but because we are about to spend a lot of money and have spent a lot of money on the park. The designs for the sidewalks and the street have to come forward. New City and Nanuet need the roads to be redone first before you go there. This was a well-intended effort based upon what we have seen in other communities; to create a walking area such as we see in Piermont and Nyack. It seems that the main concern is about these apartments above the stores. If apartments above the stores are something you don't feel the community needs, then we do away with it. I don't expect that anybody objects to improving the roads, sidewalks and streetlights and, more importantly, to create architectural standards, meaning if someone decides to do a major renovation to their building, they are not going to be able to create something that looks like it belongs in downtown White Plains; it is going to be more in tune with the rest of the area. If people want to request a zone change or permit to put a couple of apartments above a store, then they should be subject to the same zone change conditions everyone else has. We passed this law in November and nobody has called or said a word. The only concern I know there was that the initial law allowed two floors of apartments; that has been taken out. As far as I'm concerned, if the community is concerned about the apartments then we can't do that. Should we keep the rest of it in place the architectural standards? Probably so but we can't do anything tonight at all. Maybe we need to rescind the law and start all over again. We have been talking about downtown revitalization for the last two years, trying to get the hamlets to be as nice as they can be. We want sidewalks in Valley Cottage, we hope to do something with that gas station, we want to make a walking trail, we want to make the Congers Depot look pretty. The intention here is well intended, I hope everybody understands that. Obviously the issue of having more apartments doesn't do the positive thing that was imagined, meaning creating a place for your children or your parents, and secondly create a market for some of the stores there like Nyack has. The young people love to live in Nyack, the apartments are a little cheaper and that was the idea behind this. If the idea

isn't acceptable to the community, then that's good enough for me. Maybe it was well-intended but poorly conceived and it is good that you came out.

Co. Lasker stated that there might be some misinformation. This is a public hearing and it will be continued but we should be able to get you a copy of the exact overlay district because I think that this is something that would be really positive not only for Congers, but for Valley Cottage, West Nyack and New City because there is a push for revitalization in all the hamlets and I think these strict architectural guidelines and signage and landscaping control will do a lot to improve each hamlet. What we are doing in Congers now with the train station, with the improved sidewalks, all of these things are to improve Congers and all the hamlets. All successful downtowns have strong architectural guidelines and design standards. These kinds of guidelines and strict adherence to them strengthen the businesses in our downtowns and the real estate values. If the downtown area is strong, and you have uniform architectural standards throughout the town, the real estate values go up, not only in the town but everyone's home around the perimeter of the town is improved. If you have facade renovation and you increase the walk-ability and you take away the parking lots in the front of the buildings and put them in the back so that people can walk through the town and they have interests in the stores and they can look in the windows and we control signage and there are no neon signs and the architecture is a Colonial/Victorian style, you are actually improving the town so I urge all of you not to rush to judgment, to get a copy of this to read it and to see that what we are trying to do is something that all successful, affluent towns do in all areas of New York State and towns in New Jersey, Ridgefield, Westwood, they all have these kind of guidelines and, yes, we have been talking about apartments over stores, but we are talking about one bedroom apartments and we would like to strictly to enforce them so that there are only two people in each apartment.

Mr. Caine stated that we don't want the apartments over the stores. This isn't Westwood, New Jersey. We don't have a train that goes into the city. This is the people of Congers. I don't understand, we buy land on mountaintops to preserve open space and we turn our hamlet downtowns into urban centers. We are not against revitalization; just urbanization. He quoted a section of the law, Section 155.1, c, which talks about stimulating and maintaining an environment where businesses can thrive. There are 48 storefronts on Lake Road, with two vacancies. That's a 95% occupancy rate. The place is thriving and since it was mentioned that they are going to limit this to two people per apartment, I spoke to a Town Justice who told me that that is blatantly illegal. If a couple moves in and has a child, they have to move out? But a single parent who has had another parent abandon them can move in? He questioned how the town could enforce the part of the law which states that people could only sleep in the bedroom. He stated that Co. Lasker was right when she first came on the political scene and was angry and outraged at the Palisades Mall being built. I now understand how you felt. If you go to the mall on the weekend anyone can see it was too much, too soon. It should have been built in stages, the way it was originally planned. This is too much, too soon in our backyard.

Appearance: Ernie Bergman
Congers

We appreciate what you are trying to do, but haste makes waste. We need to be careful and take our time. I didn't find out about this until after Christmas, shame on me, but we would appreciate if you could do a better job of communicating to us so this doesn't happen again. I would love to see downtown Congers beautified, it is a great intention. We should hold off and study the apartments. I would like to see the feasibility, parking and environmental studies. What towns have done this before, what are the models that you are using as your examples? I would like to be better educated on this. Thank you.

Appearance: Harry Von Thadden
Congers

Spoke about his corner store that burned out last year, it has been in the family for 60 years. Spoke about property next to his that was torn down in the late 50's but he could not build there because the permits were too difficult. I tried again in the 60's and 70's and it was not economically feasible. In the 80's, downtown was really run down and I

couldn't even get tenants in that building. Then he was told he could improve the building and add a store there but he had to put a parking lot in. This would have cost me over \$95,000 in 1984 and I could not go ahead. Then last June there was fire and I came to get permits to rebuild. In order to make it economically feasible I wanted to build up and put apartments or offices above. If not, then it is going to be the way it has been, I've been trying to improve that property for 50 years. We have to make this an area where people want to go. Work with the merchants and the people who want to put money into downtown Congers.

Appearance Yvonna Siminelli
Congers

I own the Grand Central which has been a restaurant, hotel, boarding house and many other things in the past. In the back of that property is a bowling alley that is run down and unsightly. Because I live in Congers, I would love to make that property look as best as I can. We have eight apartments above there and we could rent them as is, but we have decided to renovate each apartment as it goes out. Right now, nobody wants to live there that cares about the property. We would like people that live who care about the property, just like I care about my own property and all of Congers. People are confused with affordable housing and low-income housing. What we are talking about is affordable housing, some place that my children can move into.

Appearance: Scott Turner
Congers

I've lived here for 26 years. Before I lived in Congers, I lived in apartments. If I moved in the County now, I wouldn't be able to afford it. There is just nothing around now. To help business owners make a go of businesses in Congers, to have apartments upstairs, I don't see the big deal about that.

Appearance: Peggy Nadell
Valley Cottage

Has lived in Valley Cottage for 39 years. Valley Cottage has never been a pretty town but I think over the 39 years it has gotten worse. I am on the Board of the Valley Cottage Civic Association. We reactivated the civic association primarily to beautify and enhance our hamlet center. We did a survey and the major concern was the unattractiveness of the hamlet center. We started talking about this revitalization 5 years ago. We have to give incentive to people that own the property, and be flexible and perhaps consider some housing but you cannot arbitrarily pass laws that prevent the owners from improving their property. I have no objection to some limited housing under certain conditions going up in Valley Cottage if that will enhance the attractiveness of the town. Thank you.

Appearance: Andrew Gioseffi
Congers

Co. Mandia said a lot of the things that are on my mind. This is just a matter of coming to an amicable solution for everyone. It seems that the forum that we are having here tonight would be better placed in the community of Congers, perhaps with the handouts that Co. Lasker was referring to in the hands of people in advance. I had tremendous fears at the outset but I think it was from lack of information. Some people have a very clear understanding of what the intentions are but I think it needs to be done in a better forum so you can have the thoughts and concerns and knowledge of the people who will ultimately be affected by all of these decisions. I suggest that this is conducted in an open forum right in the town of Congers. Thank you.

Appearance: Tina Gerasci

I am here with a friend who owns a business in Congers. Do you have any idea how many apartments you are talking about? Any idea of what the influx of people is going to be?

Supervisor Holbrook responded that there could be as many as two to three dozen scattered throughout the Town but that depends on the individual property owners if they decide to take advantage of that. The apartments would be one bedroom and would be market rentals, not Section 8 housing or any of that.

Appearance: Mr. Siminelli
Congers

I now have eight rentals and they are all one bedroom or smaller studios. Anytime I put an ad out, I get hundreds of phone calls within a day or two and about 80% of those phone calls are single people or young couples. They come in and see the place and the ones that are more upper class, more desirable, they turn around and walk away. Now the other 20%, I could raise the rent by \$50 a month, and I'll take it cash, hands down. If the town does not make the improvements, I'm not going to invest the money to improve the building. I want to, but I'm not going to. Why should I? I make more money the way it is. The rent is going to be the same whether I improve it and spend thousands or keep it the way it is and bring in people from other areas that are not so desirable. Section 8 pays higher rent than anyone else does. If that is what the Congers residents are concerned about, they should really consider what could be and what is because right now there are dozens of rentals in the area that are not considered desirable rentals. Right now I am not spending another dollar unless the proposition goes through, it's not the way we want it. If the apartments are the big concern, you're only talking about a couple of dozen of apartments and it is just going to improve the look and the income of the business owners of the whole town.

Appearance: Dana Denise
Congers

Let's talk about what could be and what is. What could be is unclear to us. What we know is that our schools are overcrowded. The traffic on Lake Road is awful and the parking is awful. We want basic beautification. If they want to add on to their property, why does it have to be apartments, why can't it be storefronts or offices that won't overburden our schools.

Appearance: Louise Colona
Congers

I am a storeowner, a resident and a real estate broker. Probably at least 50% to 75% of the storeowners are Congers residents. We have a vested interest in our stores but also in the town itself. I agree with Co. Lasker about the real estate values but also as a broker I see many people coming to us and saying that they can't afford to live in Clarkstown anymore. We have our infamous mother/daughter homes so here we are trying to get some rentals that maybe our seniors and children can go into. We are trying to do something to help and beautify the Town.

Appearance: Larry Beckerle
Congers

I applaud the Town for this initiative. Usually I'm not happy with what you are trying to promote. It seems the last 50 years the exodus from downtown has been promoted, this has been a national trend, promoting the growth of strip malls and large malls. It has made it harder for the small business to survive. We have invested a lot of money in Congers and we welcome anything that will bring pedestrian traffic back to the downtown and anything that will give incentive to the owners to invest more in their property to develop it. If they can get more income with an upstairs rental that can help them improve their property, so be it. That will help bring people back to the town. Where are your drugstores, your food stores? They are all in these strip malls and large malls. We need to redevelop the sense of community and downtown that we can have if people meet and shop together everyday. Nyack in the 50's and 60's was in bad shape and people put their efforts into revitalization and now it is a successful village and I think that can happen for Congers too. Thank you.

Appearance: Tom Walsh
Congers

I own property at 6 Sheridan Avenue in Congers. I remember having a small A&P and I also used to bowl at the Mayo Bowling Alley. My property adjoins the new overlay district and I support the idea of one bedroom housing, particularly for our senior citizens. My own mother had to move to Orangetown because there isn't suitable living conditions for our senior citizens. This overlay district is an opportunity where the Town of Clarkstown can meet a need for our young people and our seniors.

Appearance: Michelle Olensky
Congers

We need to see how this affects our schools. The Town Board should take time to consider this plan, our schools are overcrowded already.

Appearance: Henry Cortler
Congers

This plan was fast tracked and it was approved in 20 minutes. I believe the Board's intentions are valid but the people need more information.

Appearance: Frank Colette
Congers Business Owner

Owns Rick's Club American in Congers and has 50 plus employees and they cannot live in Congers. They need housing. I do not see this plan as being too fast, I see it as too slow.

Appearance: Nicole Doliner
New City

Rather than build housing where there is open space, isn't it better to build where there is already development. We need volunteer fire and ambulance personnel because it would be too expensive to pay for these services. We need to keep our young people here. This is a good step.

Appearance: Bill Colter
Congers

The owner of Rick's was just commenting on how the Town should be revitalized and the previous speaker spoke about how everyone is now going to the big malls. I moved here in 1990 before the mall and Congers looked crummy then. Why don't the owners of the stores take care of the front of their stores.

Appearance: George Hoehmann
Nanuet

Concept of overlay concept is excellent. We found from a senior survey that many seniors cannot afford to stay in their houses. Responses from surveys sent to young people indicate that they cannot afford to live here. We already have nonconforming use apartments in our downtown. Overlay concept provides incentive so the government isn't paying for it but the owners will be able to realize some added benefit and the tradeoff will be there will be some additional housing stock. The overlay concept does not overburden the school district as much as some of the other proposals out there. Overlay zoning needs to be considered so the people in Clarkstown can remain here.

Supervisor Holbrook read the following letter into the record from Mr. Jan Degenshein:

"It is my understanding that the Congers Hamlet Center Mixed Use Zone will be considered by the Town Board tonight. Because of a prior commitment, I will be unable

to attend tonight's hearing. Therefore, I respectfully request that you read this letter into the minutes of the meeting.

As a member of the Citizens Advisory Board for Housing in the Town of Clarkstown, I was privileged to work along with a group of dedicated individuals, with different disciplines and perspectives, whose common motivation was the betterment of the Town for all its residents. I write today representing only my own point of view.

In formulating our report, we measured the housing needs of the community – present and future – along with the desire to retain the natural beauty of the landscape. As you are aware, we found a huge need for a variety of housing types for both the young and old, at all income levels. It affects volunteers, retirees, and those starting out as independent adults. In order to preserve open space, we found the hamlet centers within the Town to be a latent resource for some of this housing. Whereas an infrastructure of streets and utilities already exists, the commercial properties in these areas have suffered from underutilization. By allowing mixed use, services such as pharmacies, dentistry, health care offices, pizzerias, barbers and beauty salons, bicycle shops, delicatessens and coffee shops, dry cleaners, (to new a few) would have a larger clientele base, allowing business bottom lines to turn from red to black.

Residents would benefit by having services within walking distance, eliminating the need for private or public modes of transportation in some instances.

Although we never envisioned an urban streetscape as the result of this zone, certainly a 'village' atmosphere was conjured (at least by this writer). By placing apartments above retail establishments, property owners would increase the intensity of use of their investments. This should not be considered a windfall, but rather a means to recapture value while providing community benefit. Second floor apartments would require elevators to meet ADA and State Building Code requirements. To offset the cost of "vertical transportation," I respectfully suggest that a third floor be conditionally permitted to accommodate additional housing. This would serve the additional benefit of reducing housing costs. (Excavation, foundations, roofing, and land costs do not increase, thereby reducing the average price required to produce each unit). The cost of the unit (either rental or for sale) could be controlled by covenants with the Town.

With parking behind the structures, and vest-pocket green areas between buildings, a hamlet center could become the magnet for social vitality, with interaction of citizens of all ages.

The increase in hamlet center density would also lesson the need for more housing in less dense residential areas. This would encourage open space in perpetuity – either through public purchase (for parks) or land no longer needed to fill a housing need; or by average density on larger lot developments, to retain larger – more environmentally sensitive – expanses of open space, but still on the tax rolls.

In summary, I find mixed use zoning to be a win-win-win situation: for the revitalization of these local hubs of commerce, for the contribution of necessary housing stock, and for the beneficial living environment of all constituents. Please look favorably on the zoning modifications."

Signed - Jan Degenshein

Co. Smith stated that she comes from Congers. Whether you are just a resident or you happen to be a property owner and a resident, we all love Congers. It may not be Madison Avenue but it certainly is not ugly to us. We all bought into the downtown improvements and we expected the infrastructure improvements and the landscaping. The landlords may think this is slow in coming. The unprecedented speed with which this overlay zone was made known to the residents, it was conceived, reviewed and put into law before they even knew about it. It happened to us here. I would tell you that many members of the Planning Board didn't know the specifics of either the first local law that was passed in November or what was being sent to the Planning Board for tomorrow. This is the dialogue that should have taken place long before any law was put

into action. I have seen some of the individual renderings and they are very attractive and I think that they would be welcomed by not only the landlords but certainly the residents. Mr. Colette puts a lot into his property but he also acknowledges that you are his steady customers too. I don't think, had he thought about it, he would ever have intended to have slighted any of us. Those renderings came to the Town Board but at a very short workshop meeting and before you knew it, it was put into effect. What has to be done now is, people want everybody to improve their businesses but they want to know about it and they didn't expect a blanket zone change from 303 up to Kings Highway which has now been reduced to North Harrison Avenue. I think the parcels should be looked at more individually. It is fine to have a general overlay zone talking about parking and what kind of lighting and landscaping and height, etc. Just to try to push this through the way it happened has caused a lot of grief for both the landlord and the residents. I would really encourage all of you, I know it is tough to come out two nights in a row, but the time to come out is tomorrow night. Go to the Planning Board, find out exactly what the full conception of this overlay zone is, speak to the people who have plans and let's work at this together, exactly how Congers is known to do things. We are a different town from everybody around us and we love it that way. We want to work that way and we all want the best to come from it.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared closed and referred for further study, time: 9:45 P.M. It was subsequently decided that the public hearing be continued.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/11/03

9:45 PM

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

Re: Proposed Local Law: Petition of O'Sullivan Tree Care, Inc. for a Special Permit for a Recycling Facility at 210 Western Highway, West Nyack

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was declared open at 9:45 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook asked John Costa, Town Attorney to read the reports from the Rockland County Planning Board and the Town Planning Board. Mr. Costa said that there is correspondence from a number of other sources which have been submitted as well. Mr. Costa read the following which are on file in the Town Clerk's office into the record:

12-4-20	Memorandum from the Town of Clarkstown Chief Fire Inspector, Mark Papenmeyer
12/10/02	Rockland County Department of Highway
12/16/02	Rockland Department of Health
12/17/02	Rockland County Department of Planning
01/02/03	Town of Orangetown Planning Board
01/30/03	Town of Clarkstown Planning Board
02/03/03	Luke Kalarickal, P.E.; L.S. – Department Environmental Control
02/03/03	Luke Kalarickal, P.E.; L.S. – Department Environmental Control (S.E.Q.R.A.)
02/06/03	Town of Clarkstown Planning Board

Supervisor asked the applicant to present his petition.

Appearance: Donald Tracy, Esq.
Tracy & Edwards, Esqs.
Attorney for Applicant

He said that Mr. O'Sullivan will give testimony as to the operation of the facility and the Professional Engineer will give testimony as to compliance with the requirements of the Special Permit. Mr. Tracy reiterated that Special Permits require special findings. The first is confirming that the property is appropriately located with respect to transportation, water supply, waste disposal, etc. The second is that the facility will not cause undo traffic congestion, create a traffic hazard or create a point of determination. Mr. Tracy asked for Mr. O'Sullivan to be sworn in to give his testimony.

Appearance: James O'Sullivan
O'Sullivan Tree Care

Mr. O'Sullivan was sworn in by Mr. Costa. Mr. Tracy asked Mr. O'Sullivan to explain how the facility will operate, its purpose and why many of the requirements dealing with composting facilities do not apply to this particular operation.

Mr. O'Sullivan said the plans are to find a site for the by-product to their tree service business. He said they generate a great deal of waste wood, logs and woodchips. He said that the material that is generated is mostly composted of woodchip and they plan to capitalize on the waste rather than dispose of it at landfills.

The process consists of stockpiling woodchips and processing them through a colorizing machine that makes them black and red. He said other mulch yards take in the waste, composte it, wet the mulch down with water to darken it which is a process called "cooking the mulch." This process causes odor, fire and a tremendous amount of stockpile. He said the process that O'Sullivan's uses does not require as much product as does the typical mulch as is being used by other small facilities throughout the County.

Mr. O'Sullivan said that the problem he is experiencing now is that they are working out of Town and they are not able to provide their own mulch in the yard at different times of the year. He said they are trying to obtain a permit to accept woodchips from other tree services and throughout the County to maintain the colored mulch business.

Mr. Tracy asked Mr. O'Sullivan to explain how the process works. Mr. O'Sullivan explained that basically woodchips are brought in. They do not add water to the chips. The woodchips are then processed through a tub grinding machine which condenses them to a smaller product. They are then placed into a colorizer which adds color to a red or black. This is done on an asphalt surface to control any leaching agent from penetrating the ground. They also have a storm ceptor that prevents any runoff into the street.

Mr. Tracy asked Mr. O'Sullivan to indicate how much of an increase there would be to his existing business by way of volume in chips and by way of expected traffic if this permit is granted.

Mr. O'Sullivan replied that he does not anticipate an increase in traffic on Western Highway. He said that they would be using other trucks for tipping. Mr. Tracy asked Mr. O'Sullivan to explain the type of truck being used. Mr. O'Sullivan said they are the typical ten-twelve landscape vehicle which is a six (6) wheel vehicle with a rack body. Mr. Tracy asked if he would estimate a possible 25% increase in stock and possibly eight to ten additional trucks arriving during the day at his site. Mr. O'Sullivan replied that it is a good estimate.

Mr. Tracy asked Mr. O'Sullivan if he could comply with each of the Fire Inspector's requirements. Mr. O'Sullivan said that he has no problem complying with the requirements. Mr. Tracy asked Mr. O'Sullivan if there had been any fires, odors or dust problem at his site. Mr. O'Sullivan replied that there were not.

Appearance: Steven Gimelsky, P.E.

Mr. Gimelsky was sworn in by Mr. Costa. Mr. Tracy asked Mr. Gimelsky to inform the Town Board of his findings of his inspection of the site. Mr. Gimelsky said he did a site inspection and traffic counts. He investigated existing traffic records that are available from the New York State DOT on Western Highway. He said that based on the DOT data, the increase of eight to ten trucks amounts to one-fourth of one percent in vehicle volume per day as a result of this proposed action.

Mr. Gimelsky said he also examined the impact during the peak periods. On February 4, he conducted traffic counts during the morning hours from 7:30 AM to 9:30 AM. The results of the traffic counts indicate that a volume of approximately 300 vehicles per hour pass along Western Highway. He said that if half the number of new trucks would enter or leave the site during the peak hours, it would represent less than a two percent increase in the volume of truck traffic on Western Highway. He said this is a negligible increase in traffic and should not have an impact.

Mr. Tracy asked Mr. Gimelsky if he viewed the site's surrounding area and if the property is appropriately located with respect to transportation, water supply, waste disposal, fire and police protection. Mr. Gimelsky replied that he did.

Co. Mandia asked if all the conditions from the County and Town agencies read by Mr. Costa are understood and will Mr. O'Sullivan comply with them. Mr. Tracy replied that they will return to the Planning Board with some of the site plan issues for amended site plan approval.

Mr. Tracy referred to the performance standard of noise. He said there is a stump grinder on the site. He explained that there are 70 decibel readings within ten feet of the property line. The measurement provided by the ordinance goes to the nearest residential property line.

Mr. Tracy said that he and Mr. O'Sullivan met with the State DEC in regard to a permit or registration and were assured by them that no permit or registration is required for this operation. Mr. Tracy said that based on all the evidence and reports of all the consultants, that Mr. O'Sullivan meets the criteria for the issuance of this Special Permit.

Supervisor Holbrook opened the meeting for public comment.

Appearance: Burt Dorfman, Esq.
Attorney for Pontiac Holding Co. and
Bradley Industrial Park

He asked why the correspondences he submitted were not read at this meeting. Mr. Costa explained that he read correspondences which were submitted in response to the Town's official referrals. He assured Mr. Dorfman that his correspondences are part of the record both on file in his office and the office of the Town Clerk. Mr. Dorfman also asked if this meeting will be closed tonight.

Supervisor replied that the Town needs to hear from the public first and that there is no resolution and Findings of Fact has not been developed yet. Mr. Dorfman said he would rather not make any comments tonight if the meeting will not be closed. Mr. Costa interjected said it is up to the Town Board to determine if the meeting will be held open for further comments or submission. Mr. Costa said he advises the Board when it has received all of the information it has deemed appropriate to receive and it closes the Public Hearing, it will then reserve decision. The Board will then have to make a determination based on the Zoning Law and if it's going to grant the permit, it will have to make the required Findings of Fact.

Mr. Dorfman referred to the correspondence from the Town's Professional Engineer that a DEC permit is required for this operation. He said based upon the Town's statute, the specific Special Permit provisions, Sec. 290-17-R, "the applicant shall in all respects comply with any applicable requirements, rules, regulations of the State of New York."

Mr. Dorfman continued to say that if Mr. Tracy and Mr. O'Sullivan are correct in their statements of a permit not being required, they should have a letter from the State DEC by the next meeting. He said since the wood is processed and colored, it makes it subject to the regulations of the DEC which requires a permit.

Mr. Dorfman continued his discussion referring to comments and recommendations of the various Town agencies as well as the photographs taken at the site.

Supervisor opened the meeting for public comment.

Appearance: Maryanne Brancatelli
2 Hobe Street
West Nyack

She said that a permit should not be granted before an independent study is conducted. She also said that roads should be in place to allow traffic to main roads rather than through residential areas. She said large trucks are currently passing through and she is concerned about safety and health issues.

Appearance: Lorraine Minassian
3 Hobe Street
West Nyack

She said the traffic study was done in February when the landscaping business is at a low. She would like to see another independent study conducted and to investigate the possibility of an alternate route for the truck traffic.

Appearance: Jim Rice
Hobe Street
West Nyack

He said his main concern is the traffic and the hours of operation. He doesn't want traffic coming through 24 hours a day.

Appearance: David Hohman
West Nyack

O'Sullivan's has been open for one year and that he (Mr. Hohman) is a landscaper. He said the Town only has one facility to accept waste and other facilities are needed for this purpose. He said in the long run, this will be beneficial to the Town.

Appearance: Ken Kaufman
16 Green Road

He said that Jim O'Sullivan has been a good neighbor and he has not noticed any bad odors coming from the site. He expressed two concerns: first, what happens if bad odors begin emanating from the site and second, what does the Special Permit mean to a new owner if Mr. O'Sullivan sells the business five years down the road.

Supervisor referred to the question to Mr. Costa who said the Special Permit can be issued for an indefinite period of time or a specific period of time. It could be subject to renewal and certain conditions can be written into it. If there is a change in the business, the applicant can return to the Town Board for reconsideration. The Town Board can tailor it in accordance with its findings.

Mr. Kaufman asked when the Special Permit is drafted, could it be open for review before it is granted. Supervisor said that two pertinent issues are the hours of operation and quantifying the number of trucks. Mr. Kaufman said he also has issues concerns odors and sound coming from the site. Supervisor said that the Town would take the concerns of the residents into consideration when writing the Special Permit.

Mr. Costa asked Mr. Tracy to provide some information regarding the nature of the dye being used to color the chips as to its toxicity or lack of it.

Mr. Tracy first addressed the concerns of the three residents saying that the traffic study was not just done on landscaping trucks, but on all traffic. He confirmed the fact that the facility is clean, odor free and noise free. He said with respect to the process that is used to color these wood chips, the dye is colored by an iron oxide solution which is recaptured and recycled until it is exhausted in the chips.

Mr. Tracy offered a rebuttal to Mr. Dorfman's comments. He said in respect to Mr. Dorfman's statement that a long form EAF is needed, Mr. Tracy referred to a statement submitted by Dennis Letson, Deputy Director of Environmental Control saying that since this is an unlisted action, a short form EAF is required.

In response to Mr. Dorfman's statement that Mr. O'Sullivan's operation is currently in violation, Mr. Tracy said that Mr. O'Sullivan's operation is still being put together. He said that the reason why is that Mr. Dorfman's client has sued Mr. O'Sullivan which has prevented Mr. O'Sullivan from obtaining mortgage financing on the property. In response to the allegation that O'Sullivan's is operating retail sales, Mr. Tracy said there is a small sign saying there is firewood which is not for sale, but may be taken. Mr. Tracy assured that there are no retail sales and there will not be any retail sales on the property. He also said the business operation will not be detrimental to the neighbors.

Mr. Tracy submitted a decibel curve for the stump grinder being used which shows the decibel reading at 25 feet from the property line is 80 decibels. He also submitted the attendance record for Mr. O'Sullivan and Mr. Tracy signed by the representative of the DEC.

Mr. Tracy also assured all that Mr. O'Sullivan will abide by the conditions imposed by the Planning Board. Mr. Tracy also referred to the report of the Town's Professional Engineer stating that the S.E.Q.R.A is complete and that a negative declaration be issued which indicates there is no detrimental effect on the quality of life or the environment in this Town.

Supervisor asked Mr. Tracy how many additional trucks will there be if the business is extended. Mr. Tracy replied that at the present time there are three to four per day of Mr. O'Sullivan's rack trucks plus one truck per day which presently goes without the Special Permit of logs. There will be eight to ten additional rack body truck and 25% increase in the product on the site.

Supervisor said that the operation of the business itself is not the major concern, but the traffic issue. He said the timing and how many needs to be addressed.

Mr. Gilmeski, Traffic Consultant, said there would be additional eight to ten rack body trucks per day. He presented 2001 data from the DOT stating there are 4,000 vehicles per day on the average on Western Highway. He also said that on February 4, 2003 they took vehicle counts to determine the peak hourly flow on Western Highway during 7:30 AM to 8:30 AM. The result of the study was 300 vehicles per hour and, in the worst case, half of the additional vehicles enter O'Sullivan's during one hour amounts to less than two percent increase.

Supervisor asked Mr. Gilmeski if this type of operation is conducive to certain times when the additional trucks can come into the site. Mr. O'Sullivan replied that basically they will be entering and exiting between 7:00 AM and 8:30 AM in the morning and between 4:00 PM and 6:00 PM in the evening. The business operates six days per week.

Co. Lasker told Mr. O'Sullivan that he must strictly adhere to the hours of operation.

Supervisor asked Mr. O'Sullivan to prepare an estimated traffic pattern for the next meeting. Mr. Tracy said it would be submitted by Friday morning.

Appearance: Walter Otto
Green Road
West Nyack

He said the Board should request the NES sheets for the chemicals and materials that will be used at the site.

There being no further business before the Town Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed and the record is to remain open. Time: 10:55 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

02/11/2003

8:00 P.M.

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

Re: Authorizing Management Agreement with ARCO Management Corp. for the
Middlewood Senior Citizen Housing Project

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Special Meeting was declared open at 8:00 PM.

Co. Lasker recommended that the Zone Code Enforcement Officer visit the site on a monthly basis and submit a report to the Town Board on the status of the improvements.

On motion of Co. Maloney, seconded by Smith and unanimously adopted the Special Meeting was closed at 8:05 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk