

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

04/08/2003

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. Mandia seconded by Co. Maloney and unanimously adopted the Public Hearing re: Establishing fire lane designation pursuant to Chap 278 of the Town Code for premises known as Omni Court Condominium Complex and Omni Court Professional Building at Omni Court was opened, time: 8:10 p.m.

On motion of Co. Maloney seconded by Co. Smith and unanimously adopted the Public Hearing re: Establishing fire lane designation pursuant to Chap 278 of the Town Code for premises known as Omni Court Condominium Complex and Omni Court Professional Building at Omni Court was closed, Decision Reserved, time: 9:04 p.m.

On motion of Co. Lasker seconded by Co. Mandia and unanimously adopted the Public Hearing re: Proposed Local Laws concerning Congers Hamlet Center Overlay District was opened, time: 9:05 P.M.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the Public Hearing re: Proposed Local Laws concerning Congers Hamlet Center Overlay District was closed & re-referred to Town Planning Board, time: 11:25 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Tom Savage
New City

Said it was his understanding that the Town Board suggested at Tuesday's workshop the possibility of receiving a quote for Dellwood Golf Course. Feels the appraisal should be done and to speed up the process suggested we not use the appraiser who did it eight years ago.

Appearance: David Scheichet
Representing Dellwood Country Club members

Said that the membership was in negotiation to purchase and the leases run until the year 2019. Membership contributed \$37,500. to the families affected after 9/11 and they allowed the high school students to use the course, have a 306 family membership and 180 are Clarkstown residents.

Appearance: Frank Pandolfi
Nanuet

It was his understanding that the owners of Dellwood would accept \$12 million but even if it was \$25 million it was still a good buy. There is no golf alternative in the Town of Clarkstown.

Appearance: Don E. Agnete
New City

He said there was a big crowd there in support of buying the country club but the people left when the letter of intent was not approved; it is needed.

Appearance: Kip Sampson
Clarkstown

The Town does not have a golf course, the letter of intent should have gone out. Until tonight, he felt the Board was in favor of this.

Appearance: Martin Bernstein
New City

He was at last Tuesday's workshop and it was his understanding that a letter of intent would be sent and appraisal would be gotten. It is his understanding there is a contract out by the members for \$10 million. He inferred the Board was stalling so it would be too late to purchase this property. We should be proud to own this even if we had to wait 15 years to use it.

Appearance: Harvey Barr, Esq.
Woodhaven Dr., NC

In his opinion, the Town Board did tonight exactly what they said they would at Tuesday's workshop. They get an appraisal. The purchase price mentioned tonight was inadequate. As far as the development of the property, we cannot do anything without Town Board approval. Spook Rock and Ramapo was not profitable when they first opened.

RESOLUTION NO. (284-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board may wish to consider the purchase of property reputedly owned by The Dells, Inc. for Open Space and future recreational use by Clarkstown residents, which properties are located at 60 Zukor Road and 101 Zukor Road, New City, New York, and designated on the Clarkstown Tax Map as Map 34.11-1-1 and Map 34.10-1-50;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for the appraisal of premises referred to herein, and for the purpose of determining its present market value for open space and future recreational use, and be it

FURTHER RESOLVED, that the Town Attorney is authorized to hire and designate an appraiser from those providing proposals provided that the fees shall not exceed \$12,000.00, which shall be charged as follows: \$6,000 to Account No. H 8750-409-0-74-1 and \$6,000 to Account No. H 8753-409-0-77-8.

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. (285-2003) (TABLED)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is interested in acquiring property for a Town Golf Course,

WHEREAS, the Dellwood Golf Course is available for purchase,

RESOLVED, that the Town Board send a letter of intent to purchase the Dellwood Golf Course

RESOLUTION NO. (286-2003)

Supervisor Holbrook offered and Co. Maloney seconded

RESOLVED, that the Supervisor moved to table the above resolution, No. 285-2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (287-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the public hearings held by the Town Board concerning the proposed Local Law to repeal Local Law No. 14-2002, and the proposed Local Law to amend Local Law 14-2002, Congers Hamlet Center Overlay District are hereby closed, and the matters contained therein are re-referred to the Clarkstown Planning Board for further study and recommendations.

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. (288-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 25, 2003 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (288-2003) 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. (289-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Section 1660 of the New York State Vehicle and Traffic Law and Section 278-6(13) of the Town Code of the Town of Clarkstown authorize the Town Board, by resolution, to exclude trucks in excess of certain designated weights from highways within the Town, excepting local deliveries, and

WHEREAS, the Town Board, by Resolution No. 99-2001, restricted trucks with a gross vehicle weight rating in excess of ten (10) tons from certain County roads within the Town, and

WHEREAS, the County Superintendent of Highways has directed the removal of signs placed upon such highways to enforce such weight limits, and

WHEREAS, the Town Board has determined that such weight limitation of ten (10) tons gross vehicle weight rating is necessary to protect the residents of the Town from the hazards and consequences of heavy truck traffic for the following reasons:

- All of these roads are narrow, two lane and in many instances curved,
- All of these roads contain high concentrations of residential areas,
- Several roads abut schools and houses of worship,
- Many of these roads are used by pedestrians,
- Trucks in excess of ten (10) tons gross vehicle weight rating cause substantially greater amounts of dust, exhaust and other odors and cause greater vibration to abutting properties,
- and

WHEREAS, there exists appropriate alternate truck routes, especially State Route 59 and the New York State Thruway east and west and State Routes 303 and 304 north and south;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the implementation of a weight limit restriction limiting trucks to a gross vehicle weight rating of not more than ten (10) tons on the following roads:

ROAD	FROM/TO
Collyer Avenue	Little Tor Rd. to Main St.
Congers Road/Lake Road	Route 304 to Route 9W
Germonds Road	South Little Tor Rd. to Strawtown Rd.
Kings Highway, Congers	Lake Rd. to Maple Rd.
Little Tor Road	South Mountain Rd. to PIP
Middletown Road	PIP to Smith Rd.
New Clarkstown Road	Smith Rd. to West Clarkstown Rd.
Old Route 304	Main St. to Ridge Rd.

RESOLUTION NO. (239-2003) continued

Old Route 304
 Ridge Road, New City
 Sickletown Road
 Strawtown Road
 Western Highway
 West Clarkstown Road
 West Clarkstown Road

Ridge Rd. to Route 9W (Town line)
 Congers Rd. to Old Route 304
 Townline Rd. to West Nyack Rd.
 West Nyack Rd. to Congers Rd.
 West Nyack Rd. to (Town line)
 New Hempstead Rd. to Eckerson Rd.
 Eckerson Rd. to Middletown Rd.

and be it

FURTHER RESOLVED, that the County Superintendent of Highways is hereby respectfully requested to install signs limiting trucks to a gross vehicle weight rating of not more than ten (10) tons at the following locations:

<u>ROAD</u>	<u>LOCATION</u>
Collyer Avenue	W/O Main Street E/O Little Tor Road
Congers Road/Lake Road	E/O Route 304 W/O Route 303 E/O Route 303 E/O Route 9W
Germonds Road	E/O Route 304 W/O Route 304 E/O Little Tor Road
Kings Highway, Congers	S/O Congers Road/Lake Road N/O RR Tracks (On Town Road)
Little Tor Road	S/O New Hempstead Road N/O New Hempstead Road S/O Route 202 (In Haverstraw Town)
Middletown Road	N/O Smith Road
New Clarkstown Road	N/O Smith Road
Old Route 304	S/O Route 9W (In Haverstraw Village) W/O Ridge Road E/O Main Street
Ridge Road	S/O Old Route 304 N/O Route 304 S/O Route 304 N/O Congers Road
Sickletown Road	S/O West Nyack Road N/O Townline Road
Strawtown Road	S/O Congers Road/Lake Road N/O West Nyack Road
Western Highway	S/O West Nyack Road N/O Town line

RESOLUTION NO. (239-2003) continued

West Clarkstown Road

S/O New Hempstead Road
N/O Eckerson Road

Eckerson Road

E/O Route 45 (In Ramapo Town + B23)

and be it

FURTHER RESOLVED, that if the County Superintendent of Highways shall fail to install such signs, the Town Superintendent of Highways is hereby authorized to do so after requesting a permit from the County Superintendent of Highways, and be it

FURTHER RESOLVED, that in the alternative, the Town Superintendent of Highways is hereby authorized to install the signs after receiving a permit from the Rockland County Superintendent of Highways.

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. (290-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the County of Rockland has acquired title to property designated as Map 58.16 - 1 - 48, which is located at 355 Germonds Road, West Nyack, New York, in the Town of Clarkstown, and

WHEREAS, said parcel has been recommended for inclusion in the Town of Clarkstown Open Space Preservation Program;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby requests the County of Rockland to transfer title to the Town of Clarkstown with respect to property designated as Map 58.16 - 1 - 48, which is located at 355 Germonds Road, West Nyack, New York, for consideration payable by the Town of Clarkstown, not to exceed all accumulated tax arrears, penalties and interest, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a copy of this Resolution to Scott Vanderhoef, Rockland County Executive, Robert Bergman, Commissioner of Finance, and Patricia Zugibe, County Attorney.

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. (251-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Shaw's Supermarkets, Inc. furnished to the Town of Clarkstown a Performance Bond secured by two (2) Letters of Credit in the amounts of \$110,000 and \$70,000, to cover the improvements as shown on the final site plan of Shaw's Supermarket (64.5-1-27 f/k/a 14-B-10.2+), endorsed by the Planning Board Chairman on April 16, 1997, and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended that said Performance Bond be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the Performance Bond secured by two (2) stand by Letters of Credit in the amounts of \$100,000 and \$70,000 may be released.

On roll call the vote was as follows:

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

RESOLUTION NO. (292-2003)

Co. Smith offered and Co. Mandia seconded

Whereas, an existing 15 foot wide Town drainage easement runs beneath the driveway at #53 East Street in West Nyack (n/f Paladino); and

Whereas, said driveway was found to be in a state of disrepair that the owner attributed to the existing drainage easement; and

Whereas, the Town Board has previously authorized the installation of an asphalt cap as part of an effort to restore the driveway; and

Whereas, the asphalt cap was successfully installed; and

Whereas, the final step in the restoration of said driveway is to have the new asphalt cap sealed with driveway sealer; and

Whereas, the Department of Environmental Control has obtained four (4) proposals from contractors to perform said work; and

Whereas, the Department of Environmental Control has reviewed said proposals and found them to be acceptable;

Now, Therefore Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

RAVE Asphalt Sealcoating
31 Johnson's Lane
New City, New York 10956

RESOLUTION NO. (292-2003) continued

to seal the driveway at 53 East Street, West Nyack in accordance with their proposal in the amount of \$345.00; and

Be It Further Resolved that this shall be a proper charge to account # H 8752 409 0 76-8.

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. (293-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Mr. Luke Kalarickal, Director of the Department of Environmental Control, wishes the Town Board to consider hiring Geraldine Kelly, as a consultant, to provide consultant and advisory services to the Department of Environmental Control secretarial staff;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor is hereby authorized to enter into an agreement with Geraldine Kelly, in a form approved by the Town Attorney, to provide consultant and advisory services to the Clarkstown Department of Environmental Control, at a rate of compensation not to exceed \$35.00 per hour, not more than 28 hours per week for a term the period from March 31, 2003 through April 30, 2003, and shall be charged to Account No. A-8730-110, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for Workers' Compensation and statutory disability insurance or Certificate of Exemption in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to March 28, 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. (294-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Volunteer Counseling Service of Rockland County has annually sponsored weeklong series of activities known as "Gay Pride Rockland" in the month of June, and

RESOLUTION NO. (294-2003) continued

WHEREAS, the Volunteer Counseling Service of Rockland County has requested the Town of Clarkstown to become a co-sponsor of said event;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby consents to the co-sponsorship of the Gay Pride Rockland activities in the month of June, 2003, culminating on Sunday, June 8th, at no cost to the Town of Clarkstown.

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. (295-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant, has investigated traffic safety conditions in the vicinity of 3 Park Terrace, Valley Cottage, New York, and recommends that additional sign panels be installed under the existing curve warning signs on Park Terrace, to add the advisory "20 MPH";

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways, Wayne T. Ballard, to install additional advisory sign panels under the existing curve warning signs on Park Terrace, indicating "20 MPH."

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. (296-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Nanuet Community Ambulance Corps has advised that the present and future needs for ambulance service in the Nanuet Ambulance District have made it imperative that the Corps seek a new location with larger and better facilities to properly service the residents of said Ambulance District, and

WHEREAS, the Nanuet Ambulance Corps has proposed to obtain an improved facility which it will lease to the Nanuet Ambulance District and use the rent payments to partially support the acquisition and finance expense for said facility, and

RESOLUTION NO. (296-2003) continued

WHEREAS, the Town Board believes that the proposal benefits the community and will provide for the necessary improvements in the service level to the Nanuet Ambulance District;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby approves in concept a District lease of the new facility in a form to be approved by the Town Attorney, at a monthly rental of approximately \$10,000.000 for the lease term of five (5) years, with three (3) five (5) year renewable options exercisable by the Ambulance District, on an as needed basis, subject, however, to receipt of analysis establishing the reasonable rental value of the proposed new facility and documenting that the present and future needs of the District, as may be reasonably determined, will be provided for by the new facility on a cost effective basis, and be it

FURTHER RESOLVED, that final approval of the lease expenditures is subject to further resolution of the Town Board, upon receipt and acceptance of the financial and other data referred to herein.

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. (297-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Nanuet Ambulance Corps is planning to purchase property located at 255 South Middletown Road, Nanuet, and leasing the existing building to the Nanuet Ambulance District, and

WHEREAS, the Town Board as District Commissioners of the Nanuet Ambulance District, hereby determines that an appraisal be prepared with respect to the proposed facility to determine its reasonable rental value;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal of property designated on the Clarkstown Tax Map as 63.12-3-52.1, which is located at 255 South Middletown Road Nanuet, New York, to determine the reasonable rental value of the proposed ambulance facility, and be it

FURTHER RESOLVED, that the cost of said appraisal shall not exceed the sum of \$2,000.00, and shall be charged to Account No. A 1420-409.

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. (298-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has been actively pursuing alternatives which could lead to the establishment of a Town of Clarktown golf course, including investigation of arrangements with an existing golf course facility for use by Clarkstown residents on a preferential basis, and

WHEREAS, Members of the Town Board have attempted to engage in a dialogue with the Palisades Interstate Park Commission for the Town to contract for the management of an existing golf course facility or to arrange for a land swap which would result in the transfer of existing PIP golf course at Rockland Lake to the Town of Clarkstown for other parklands, and

WHEREAS, the Town Board believes it would be helpful if our State representatives support and encourage such dialogue between the Town and a representative of the Palisades Interstate Park Commission;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests its State Legislators Alex Gromack and Thomas Morahan to support and encourage discussions between the Town and the Palisades Interstate Park Commission, which would help the Town Board to achieve the objectives referred to herein.

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. (299-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Wald Realty Co. #2 LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 64.6, Block 1, Lot 10 (formerly known as 32-B-1.2), for the year(s) 1998/99, 1999/00, 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 aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (369-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Georgetown Manor Condominiums has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 44.12, Block 1, Lot 4./10 through Map 44.12, Block 1, Lot 4./420 (formerly known as 14-C-1 through 14-C-42)), for the year(s) 1998/99, 1999/00, 2000/01 and 2001/02, and

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

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (301-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that

BID 18A-2003

CARBONATED SOFT DRINKS FOR THE TOWN OF CLARKSTOWN OPERATED SUMMER REFRESHMENT STANDS

Is hereby awarded to: PEPSI COLA OF THE HUDSON VALLEY
 ONE PEPSI WAY
 NEWBURGH, NY 12550

PRINCIPALS: A PUBLIC CORPORATION

As per the item/price schedule as follows:

PER FIVE GALLON CONTAINER

- COLA \$50.50
- DIET COLA 50.50
- LEMON 50.50
- ORANGE 50.50

PLUS \$7.00 DEPOSIT ON SHELL

COST OF CO2 GAS PER CYLINDER \$15.00
 COST OF CO2 HOOK-UP NO CHARGE

PERCENT COST INCREASE SHOULD CONTRACT BE EXTENDED FOR ONE YEAR: FIVE (5) PERCENT

RESOLUTION NO. (301-2003) 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. (302-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #24-2003 – HAND TOOLS & MISCELLANEOUS MAINTENANCE SUPPLIES

Is hereby awarded to:

J.E. VANDERBILT & CO.
 41 DEMAREST AVENUE
 NEW CITY, NY 10956
 PRINCIPALS: WILLIAM J. DeBEVOISE

BECKERLE LUMBER SUPPLY CO.
 3 CHESTNUT STREET
 SPRING VALLEY, NY 10977
 PRINCIPAL: LAURENCE BECKERLE, JR.
 LAURENCE BECKERLE III
 STEPHEN BECKERLE
 MICHAEL BECKERLE
 MATTHEW BECKERLE

W.W. GRAINGER
 505 SAW MILL RIVER ROAD
 ELMSFORD, NY 10523
 PRINCIPALS: A PUBLIC CORPORATION

F & F INDUSTRIAL EQUIPMENT
 195 TOWER DRIVE
 MIDDLETOWN, NY 10941
 PRINCIPALS: FRANK J. FASANO

BLISS TIRE & RUBBER CORP.
 175 ROUTE 9W
 CONGERS, NY 10920
 PRINCIPALS: EDWARD COLUMBIA

EDWARD EHRBAR, INC.
 100 SECOR LANE
 PELHAM MANOR, NY 10803
 PRINCIPALS: PATRICK AHERN
 MATTHEW AHERN

As per the attached price/item schedule

RESOLUTION NO. (302-2003) 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. (303 -2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #25-2003 -- UNIFORM MAINTENANCE SERVICES FOR THE CLARKSTOWN POLICE AND FIRE INSPECTORS

Is hereby awarded to: CHIC INFUSION, INC.
 D/B/A BON-TEM CLEANERS
 56-58 NORTH MAIN STREET
 NEW CITY, NY 10956

PRINCIPALS: BYUNG DEOK KWAK
 CHOI K. KWAK

As per their low bid quote as follows:	<u>PER UNIT</u>
TROUSERS – DRY CLEANED	\$ 2.00
SHIRTS – DRY CLEANED	2.00
LEATHER JACKETS – DRY CLEANED	No Charge
POPLIN JACKETS – DRY CLEANED	No Charge
DACRON/WOOL JACKETS – DRY CLEANED	\$ 3.00
HURRICANE JACKETS – DRY CLEANED	\$ 5.00
HONOR GUARD BLOUSES	No Charge
HATS – DRY CLEANED	No Charge
TIES	No Charge
WHITE DRESS SHIRTS – LAUNDERED	No Charge
BLAZERS	No Charge
SLACKS	No Charge

TAILORING:

REPAIR SEAMS	VARIES ACCORDING TO SIZE
SEW ON BUTTONS	NO CHARGE
REPLACE ZIPPER	\$12.50
REPLACE POCKET	6.00
PANTS – HEM	8.00
PANTS – WAIST	11.00
SEW ON CHEVRONS & SHOULDER PATCHES	3.00

PERCENT COST INCREASE, IF ANY, FOR A ONE YEAR EXTENSION TO CONTRACT (AT THE OPTION OF THE TOWN) 0%.

RESOLUTION NO. (303-2003) 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. (304-2003)

Co. Smith offered and Co. Mandia seconded

Whereas, the Town Board of the Town of Clarkstown has previously authorized the Director of the Department of Environmental Control to retain the services of Tectonic Engineering Consultants, P.C. to prepare construction plans and specifications for the reconstruction of Yale Drive in New City, New York; and

Whereas, said plans and specifications have been completed and reviewed by the Department of Environmental Control;

Now, Therefore, Be It Resolved that the Purchasing Department is hereby authorized to advertise for bids for

Bid #35-2003
 Yale Drive Reconstruction Project

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York at a date and time to be determined.

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. (305-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on April 1, 2003 that the position of Engineer II – Department of Environmental Control – can be created,

Now, therefore, be it

RESOLVED, that the position of Engineer II – Department of Environmental Control – is hereby created – effective April 8, 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. (306-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on April 1, 2003 that the position of Clerk Stenographer – Department of Environmental Control – can be created,

Now, therefore, be it

RESOLVED, that the position of Clerk Stenographer – Department of Environmental Control – is hereby created – effective April 8, 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. (307-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03079 Deputy Building Inspector (NCP/T&E) which contains the name of Eric Asheim,

Now, therefore, be it

RESOLVED, that Eric Asheim, 11 Gregory Street, New City, New York is hereby appointed to the (permanent) position of Deputy Building Inspector – Building Department – at the annual salary of \$63,883., effective and retroactive to March 31, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (308-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Don A. Toto, 4 Hunter Place, West Nyack, New York, to the position of Senior Groundswoker – Parks Board and Recreation Commission – at the current annual salary of \$29,602., effective and retroactive to April 7, 2003.

RESOLUTION NO. (308-2003) 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. (309-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Danny Parisi, 2 Lake Drive, New City, New York, to the position of Senior Groundswoker – Parks Board and Recreation Commission – at the current annual salary of \$29,602., effective and retroactive to April 7, 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. (310-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Patricia Parke, 162 Foltim Way, Congers, New York is hereby appointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board – at the current annual salary of \$2,357., effective April 1, 2003 – with a term to expire on March 31, 2008.

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. (311-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the consulting Engineer that

BID #16-2003 – CONSTRUCTION OF GERMONDS PARK MINIATURE GOLF COURSE , TOWN OF CLARKSTOWN

RESOLUTION NO. (311-2003) continued

Is hereby awarded to:

- (1) Contract No. 1 GENERAL CONSTRUCTION
 CAL MART ENTERPRISES, INC.
 357 A ROUTE 59
 WEST NYACK, NY 10994
 PRINCIPALS: CARL V. WORTENDYKE
 MARTIN C. WORTENDYKE
 PETER T. WORTENDYKE

As per their proposed project cost of \$743,347.00

- (2) Contract No. 2 ELECTRICAL CONSTRUCTION
 C.G.R. ELECTRIC CORP d/b/a EAGLE ELECTRIC
 110 WEST CROOKED HILL ROAD
 PEARL RIVER, NY 10965
 PRINCIPALS: SHEILA CAMPBELL
 KEVIN CAMPBELL

As per their proposed project cost of \$122,570.00 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 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 and 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 Insurance Coverage

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

On roll call the vote was as follows:

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

RESOLUTION NO. (312-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Loretta Raimone, Receiver of Taxes and Dolores Daubitz, Deputy Tax Receiver, are hereby authorized to attend a seminar for Tax Collection Officers co-sponsored by the Associations of Towns of the State of New York Associations of Tax Receivers and Collectors on June 8th through June 11th, 2003 at the Holiday Inn, Auburn, New York.

Hotel Fees are \$80.00 for registration and \$395.00 per person for rooms and meals provided by hotel.

RESOLUTION NO. (312-2003) continued

FURTHER RESOLVED, that all other charges be charged against 1010-414.

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. (313-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Robert Berdy, Insurance and Claims Manager and John Coyle, Safety Manager, to attend the 2003 Annual Member Conference of Perma, to be held at the Sagamore, Bolton Landing, New York, on May 21, 22 and 23, 2003, and be it

FURTHER RESOLVED, that travel expenses will be charged to Account No. A 1010-414.

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. (314-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is considering acquisition of real property known as 34.8-1-7.1 and 34.8-1-7.3, and located at 591 and 595 South Mountain Road, New City, New York, for the open space acquisition program, and

WHEREAS, the Town Board requires an appraisal of said property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal of property known as 34.8-1-7.1 and 34.8-1-7.3, New City, New York, as potential open space acquisition, pursuant to a proposal of valuation Plus, Inc. (Steven T. Sherwood, MAI) dated April 3, 2003, and be it

FURTHER RESOLVED, that the cost of said appraisal shall not exceed the sum of \$3,500.00, and shall be charged to Account No. H 8750-409-0-74-1.

RESOLUTION NO. (314-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (315-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, RUDOLPH J. YACYSHYN has been employed with the Town of Clarkstown since January 31, 1966, and during said period had not sought membership in the New York State and Local Employee's Retirement System (NYSLERS) until on or about January 20, 2002, when he applied for such membership and was assigned Registration Number 49329690 in Tier 4, effective February 5, 2002, and

WHEREAS, due to a lack of personnel records to the contrary it cannot be determined if Mr. Yacyshyn was offered membership in the NYSLERS when he was initially hired by the Town, but he is now seeking authorization to be granted retroactive membership in Tier 1 of the NYSLERS to January 31, 1966, and

WHEREAS, Mr. Yacyshyn has requested the Town Board to support Home Rule Request to the New York State Legislature to authorize such retroactive legislative membership on the grounds that although he was eligible for such membership, as a consequence of a lapse in hiring procedures, he was uninformed about such membership and as a result had not previously sought retroactive membership, and

WHEREAS, the Town Board believes that such retroactive membership should be granted to Mr. Yacyshyn;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to sign a Home Rule Request concerning Assembly Bill No. A. 7320A and Senate Bill No. S. 3946, which Act, if adopted, shall authorize RUDOLPH J. YACYSHYN to apply for retroactive membership in the New York State and Local Employees' Retirement System to January 31, 1966 subject to the Town of Clarkstown making all contributions which are required by law for such Tier membership, and be it

FURTHER RESOLVED, that the Town Board acknowledges that, if approved, it shall make a one time payment of approximately \$47,000.00 as provided in the fiscal note prepared by the NYSLERS which has been provided to Senator Thomas Morahan and Assemblyman Alex Gromack.

On roll call the vote was as follows:

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

Co. Lasker remarked that as a teacher, a citizen and a taxpayer, she didn't feel that taxpayer's money should be spent on this.

RESOLUTION NO. (316-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, security services are required at the Town of Clarkstown, Solid Waste Facility to protect against vandalism and unauthorized entry to the facility, and

WHEREAS, the Town of Clarkstown awarded Bid #59-2000, Security Guard Services, Solid Waste Facility to Accurate Security Co., 84 South Liberty Drive, Stony Point, New York, and

WHEREAS, the contract with Accurate Security expired on December 31, 2002, and

WHEREAS, Accurate Security has continued to provide the required security services at no increase in cost to the Town from January 1, 2002 to present, and

WHEREAS, the Town is currently soliciting competitive bids for security services.

NOW, THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to continue the current contract for security guard services at the Solid Waste Facility, with Accurate Security Co., 84 South Liberty Drive, Stony Point, New York 10980, at no increase in cost to the Town, until May 19, 2003, and

BE IT FURTHER RESOLVED, that the extension shall be retroactive to January 1, 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. (317-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, certain non-for-profit organizations that have provided services to individuals and groups in the Town of Clarkstown have submitted a request for economic assistance for the year 2003, and

WHEREAS, the applications have been reviewed by the Town Attorney, who has determined that the services provided by the organizations set forth herein are in the public interest and qualifies for expenditure of public funds:

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into agreements, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2003 to the following non-profit organization in the following amount:

RESOLUTION NO. (317-2003) continued

Albertus Magnus -Project Graduation	\$ 1,000.00
Assn. for the Visibly Impaired, Inc.	\$ 1,000.00
Big Brothers Big Sisters of Rockland County	\$ 1,000.00
Camp Venture, Inc.	\$ 5,000.00
C.A.N.D.L.E.	\$42,000.00
Clarkstown Baseball Association	\$ 3,050.00
Clarkstown Community Task Force	\$10,000.00
Clarkstown Garden Club	\$ 1,000.00
Clarkstown High School South – Grad Nite 2003	\$ 2,500.00
Rockland County Council for Senior Citizens, Inc. - Foster Grandparent Program	\$ 1,000.00
Friends of the Nyacks, Inc. – Summer Concerts	\$ 1,000.00
Holocaust Museum & Study Center	\$ 1,500.00
Home Aides of Rockland, Inc.	\$ 1,400.00
Jawonio, Inc.	\$ 250.00
JCCY of Rockland	\$ 1,500.00
Literacy Volunteers of Rockland County	\$ 1,000.00
Martin Luther King Multi-Purpose Center, Inc.	\$10,000.00
Meals on Wheels Programs & Services of Rockland, Inc.	\$12,500.00
Nanuet High School PTSA – Project Graduation 2003	\$ 2,500.00
Nyack High School PTSA – Project Graduation 2003	\$ 2,000.00
Rockland Center for the Arts, Inc.	\$10,000.00
Rockland Community College Senior Citizen Club	\$ 5,500.00
Rockland Family Shelter, Inc.	\$ 1,000.00
Retired and Senior Volunteer Program	\$ 1,000.00
Rockland Youth Philharmonic	\$ 1,500.00
The Salvation Army of Greater New York	\$ 2,500.00
T.O.U.C.H. of Rockland County, Inc.	\$ 5,000.00
Veterans' Memorial Association of Congers	\$ 500.00
Volunteer Counseling Service of Rockland County Inc.	\$ 1,000.00

and be it

FURTHER RESOLVED, that the total amount of \$129,200.00 be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 2003, and are to be charged against Account No. A 8840-424.

On roll call the vote was as follows:

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

Co Lasker abstained because she is on the Board of the Veteran's Memorial & the Holocaust Center.

RESOLUTION NO. (318-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town has requested proposals from engineering firms to provide services with respect to property known as 44.11-3-79, Congers, New York, and

RESOLUTION NO. (318-2003) continued

WHEREAS, the Director of Environmental Control has recommended the proposal dated April 2, 2003 from Lawler, Matusky & Skelly Engineers, LLP, for preparation of a Phase I Environmental Site Assessment, asbestos survey, structural survey and lead based paint survey with respect to the property referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP, in a form approved by the Town Attorney, to provide engineering services to the Town with respect to property known as 44.11-3-79, which is located at 65 Burnside Avenue, Congers, New York, subject to access being obtained from the owner, and be it

FURTHER RESOLVED, that the cost for these services shall be \$10,782.50, and said fee 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

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 12:05 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

04/08/2003

8:10 PM

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

Re: Establishing Fire Lane Designation Pursuant to Chapter 278 of the Town Code for Premises Known as Omni Court Condominium Complex and Omni Court Professional Building at Omni Court, New City

On motion of Co. Mandia, seconded by Co. Maloney 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 asked Deputy Town Attorney, Marsha Coopersmith to give her presentation relative to this Local Law.

Ms. Coopersmith explained the Town has tried to designate a fire lane in Omni Court. There is one entrance to Omni Court Condominiums where the road loops all the way around and vehicles exit out onto the same street. One portion of the street is a private road and there is no parking allowed on all of the roads in Omni Court. She said this is per a resolution adopted in 1986. She said there was a complaint about parking on the street.

Ms. Coopersmith said Chief Fire Inspector, Mark Papenmeyer conducted an inspection relative to making the fire lane and she asked him to present the results.

Ms. Coopersmith asked Mr. Papenmeyer to report his findings with regard to the no parking. Mr. Papenmeyer said in response the driveway is a square going around the entire complex. The portion is proposed to be a "Fire Lane." This one strip does not have any parking restrictions. He said after an investigation resulting from a complaint, it is determined there could be a problem with cars parked on the strip. Subsequently, the procedure to install "Fire Lane" was initiated.

Ms. Coopersmith asked that in view of the road measuring 25' wide, what type of equipment would normally come in if there were a fire. Mr. Papenmeyer said the New City Fire Department is responsible for the fire protection of the complex and they have numerous pumpers, rescue trucks and aerial apparatus. Ms. Coopersmith asked specifically what size truck would have to come through the driveway. Mr. Papenmeyer said the largest truck is the aerial truck which is approximately eight (8) feet wide.

Ms. Coopersmith continued to say it is her understanding the truck has outrigging to enable the stabilization of the truck in the event the aerial portion needs to be used for rescue. She asked if the road is 25' wide, and a car approximately six (6) feet wide is parked on the street, can the aerial truck be maneuvered through the street. Mr. Papenmeyer replied no, that with the truck set up with the aerials on either side measuring an additional eight (8) feet each creating a 24' wide vehicle, the full width of street would be needed.

Ms. Coopersmith also asked why a "Fire Lane" designation is needed now when the condominiums were built 20 years ago. Mr. Papenmeyer explained that the remaining portion of the complex is signed with "No Parking Anytime" signs restricting the parking. He referred to the resolution previously mentioned that these signs be installed; however, at some subsequent time, the signs were removed from this portion and consequently, complaints were received.

Ms. Coopersmith asked if a "Fire Lane" is not designated, would it be problematic for the residents and occupants of the office building. Mr. Papenmeyer said it certainly would if vehicles were parked in that portion inhibiting the fire apparatus from coming through.

Ms. Coopersmith said she asked Mr. Papenmeyer to conduct a test by bringing the fire apparatus through the driveway of the complex and asked him to report on the test. Mr. Papenmeyer said he asked the New City Fire Department to bring in the aerial truck and made several tests within the roadway. He said when the truck entered the complex from North Main Street, made the first left heading south on the roadway, it took the truck three (3) K turns to get in and around. He said they had parked vehicles at the two (2) corners for demonstration purposes. Mr. Papenmeyer distributed pictures of the area to the Town Board. Mr. Papenmeyer confirmed that with vehicles parked on that portion, the fire trucks would be restricted from getting into the complex safely.

Ms. Coopersmith referred to a letter from Chief Brian Landau initially indicating he wanted "No Parking" 30' in from either curb but would allow parking in the middle of the road. However, he later changed this recommendation and Ms. Coopersmith asked Mr. Papenmeyer if he could explain this change. Mr. Papenmeyer said he explained to Chief Landau that the entire roadway is generally designated as a fire lane in order to allow the truck to be set up for access. Ms. Coopersmith said the owner of the building is objecting to the installation of a fire lane and the Town is in litigation. She asked Mr. Papenmeyer if there were any other options which would not inhibit the fire vehicles from coming into the complex in the event of a fire. Mr. Papenmeyer said he would not compromise on something that could be a hazard.

Ms. Coopersmith asked Joel Epstein, Town Code Enforcement Officer to report on his examination of the site. Mr. Epstein said he conducted a photographic survey of Omni Court on three (3) separate occasions. He said on March 28, 2003 at approximately 2 PM, he photographed a car parked in the fire lane in the position Mr. Papenmeyer suggested would cause an impediment to the ingress of a fire truck. He presented the photos to the Town Board. (On file in the Town Clerk's office) He said the remaining photos show the various parking patterns of the 30 legal parking spaces. He said this is a mixed use zoning situation because of the office building occupants and residents. The access road is not intended to be a two-way street as well as parallel parking.

Supervisor opened the meeting for public comment.

Appearance: Donald Tracy, Esq.
New City

He represents Joe and Lynn Deutsch in this matter. He requested to see the photographs that were submitted. The photographs were given to Mr. Tracy for his review.

John Costa, Town Attorney interjected he would like the record to reflect that Notice of this Public Hearing was properly posted and published and, at the direction of Ms. Coopersmith, the Town Attorney's office sent notice by mail to all owners of record of the Omni Court Condominium as well as the owner of record for the office building listed as Omni Court Realty, LLC.

Mr. Tracy stated the so-called road is owned by his client. The Condominium Association has an easement for ingress and egress. He said the reason the fire truck was unable to turn into the driveway was due to the Fire Inspector's car being parked on the corner. He also said in addition, there is a berm down the center of the entrance way where the fire truck has to back over. Once the fire truck is in, the cars do not impede it. He also said there has been litigation on this matter and there are constitutional questions as to who has the authority to designate fire lanes under the New York State law as compared to town law. Mr. Tracy asked Mr. Papenmeyer if there were a 30' space on the westward side of the road where no cars were parked, could fire trucks have access other than a problem with the berm down the center of the road.

Mr. Papenmeyer said that as previously stated, even when the vehicle was not parked at the intersection, it took two (2) K turns for the truck to enter the driveway. He again said that if the trucks have to set up, they need the entire width of the roadway and that it is a concern. He also said the berm did impair the turning radius; however, he doesn't know if the berm were removed, if the impediment be removed. Much discussion ensued.

Appearance: Henry Grossman
Resident of Omni Court

He read his statement – (On file in the Town Clerk's office) He spoke in regard to the assertion that rarely numerous cars are double parked saying this is the situation almost on a daily basis, especially during the summer. He said the condominium owners have a contractual agreement with the Omni Realty to pay for the majority of repairs and maintenance of the parking lot since they have access to the lot on weekends.

Appearance: Harry Baker
Traffic Engineer

He was asked by Mr. Deutsch to examine the turning radius and some of the problems that occur with various size trucks. He distributed a series of drawings showing traffic analysis. (On file in the Town Clerk's Office) He explained the drawings.

Mr. Papenmeyer responded to Mr. Baker's analysis and said there were errors in the drawings.

Ms. Coopersmith clarified that the plan shows parallel parking on the drawing; however, there are no such markings on the street. In addition, the parking in front of Omni Court Realty was stated as diagonal; however, it is perpendicular. She also said that when cars are double parked on the street, no vehicles can get through.

Mr. Tracy said they offered a compromise which satisfies both the business interest and the safety interest. The compromise being a 30' no-parking at each radius on this area as distinguished from the designation of a fire lane.

Ms. Coopersmith if you designate a portion of a roadway for parking and a portion for a fire lane, it becomes confusing.

Appearance: Teresa McClean, Employee
155 No. Main Street

She has worked there for 18 years. She has full view of the roadway and has not seen any problems in all of that time.

Appearance: Lynn Deutsch, Owner
155 No. Main Street

She said she understands the need for safety; however, she has not seen any problems until now. She said they are good neighbors and would like to see this resolved in a neighborly fashion.

Appearance: Joseph Deutsch, Esq.
155 No. Main Street

He said the legislation for this evening is very specific as it deals with only one piece of property in Town. He said the road in front of the building is 25' wide which is the normal size for most roads in town. He said the island created a problem for the fire truck and he is willing to shorten the island at his own expense. He also said since this is a circular road, there are alternate routes to the dwellings.

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Appearance: Jeffrey Anaowitz, Esq.
155 No. Main Street

He said major problem would be created if overflow parking is not allowed on that street.

There being no further business before the Board 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 and DECISION RESERVED. Time: 9:04 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

04/08/2003

9:05 PM

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

Re: Proposed Local Laws Concerning Congers Hamlet Center Overlay District
a) Modifying and Adding Design Standards to the Existing Law or
b) Repealing the Existing Law

On motion of Co. Lasker, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open at 9:05 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook explained that this Public Hearing is relative to the Congers Overlay District. In November of 2002, the Town Board adopted an Overlay District for the Hamlet of Congers. Subsequent to that, there was a public hearing to consider standards that would apply to that initial overlay district. That Public Hearing is continued tonight. There is also another hearing on the consideration of repealing the initial law that was adopted in November. Supervisor said there have been meetings with the Planning Board and Civic Association resulting in several suggestions.

Supervisor read the following letters into the record: (All on file in the Town Clerk's office)

Alan Sadovnick
Robert Knight, Chairman – Historical Review Board
Jan Degenshein, Member – Clarkstown Housing Committee
Richard J. Paris, Chairman – Clarkstown Planning Board

Supervisor also read the following suggestions:

As suggested by Gerry O'Rourke, President, Congers Civic Association - delete §151-7 in its entirety to eliminate any possibility of deviation from the standards explicitly allowed under this chapter of the Town Code.

As suggested by Councilman Ralph Mandia – insert in first paragraph of §151.16 B, right before last sentence in that paragraph – “This incentive is allowable by Special Permit of the Town Board and is subject to the requirements of §290-15 and §290-32C(5).”

As suggested by Supervisor Holbrook – Add as §151-16.B.7: – “Property owners shall be required to give rental preference to Clarkstown residents for any apartment created under this incentive. Preference shall first be given to volunteer emergency personnel (including members of volunteer fire departments and ambulance corps) and to senior citizens. Any application for a certificate of occupancy for any apartment created under this incentive shall be accompanied by a declaration of covenant running with the land providing for the above preference. Such declaration shall be in a form approved by the Town Attorney and recorded with the Rockland County Clerk.”

Co. Lasker read a letter from Sherry Cronin, Executive Director of Downtown Westfield Corporation into the record. (On file in Town Clerk's office)

Supervisor Holbrook commented on the status of the Congers Revitalization Project saying that at the last meeting, the Town Board approved a major physical reconstruction for the roadway, sidewalks, landscaping and public lighting for the downtown area. He also said the Town acquired the Congers Train Station property and the Town Board will go out to bid for the renovations.

Supervisor opened the meeting for public comment.

Appearance: Kim Sipple
Congers

He said he is here to learn and to get all of the facts. He also said that hamlets as community centers are complex issues as they affect homes, properties and schools. He said that laws are designed to protect public health and safety.

Appearance: Barbara 'Charlie' Murphy
NYS Assistant Secretary of State

She read her statement as follows: (On file in the Town Clerk's office)

"I'm told the 9 scariest words ever used in a sentence are "I'm from the Government and I'm here to help." Hopefully, I can neutralize that fear factor...

My name is Charlie Murphy. As Assistant Secretary of State for Community Development, coordinating the Quality Communities Initiative and Technical Assistance Program is a big part of my job.

I very much appreciate Councilwoman Lasker's invitation to join you this evening to talk about what is happening along Main Streets in quality communities elsewhere in the state.

The Quality Communities Initiative is often called New York State's approach to 'smart growth' and 'new urbanism.' However, it goes a bit further than the usual land use issues associated with those terms. By definition, the Quality Communities Initiative demonstrates New York State's commitment to working with local government leaders to find smart, innovative solutions to strengthen our economy, improve the quality of our natural environment and enhance the livability of the place we call home.

"Enhancing the livability of the place we call home' is at the crux of your discussion tonight. And, quite frankly, it sounds like you may adopt a blueprint that could be emulated by other villages and hamlets statewide.

THE DOWNTOWN CHALLENGE

Over the last 50 years, many communities have found their downtowns challenged. Big box discount stores, shopping malls, and strip development have changed life along our Main Streets. This has been compounded by 20th century zoning regulations that effectively segregated residential uses from retail and commercial and forced us into an automobile dependent way of life. And then in New York State, after the 1980 Stouffer's Inn fire across the river in Westchester, we made things even tougher for our historic community centers. We reacted with a Building Code that up until 2002 made significant rehabilitation of commercial and mixed use space in older downtowns virtually cost prohibitive. Thankfully, the new Codes that went into effect last July provide enough flexibility to make the creation of new mixed use second floor apartments doable even in historic buildings... and without sacrificing safety.

Holding on to beautiful architecture and the historic fabric of our communities really is critical to the success of a Quality downtown. Psychologically, it also contributes to our self-image as a community. James Kunstler from Saratoga Springs has written a number of books about 'The Geography of Nowhere.' The point he clobbers over the heads of his readers is that fast food chains and strip malls all look the same. He goes so far as to suggest that the best way of knowing when you've crossed a municipal boundary is when you see the next MacDonald's.

Since I brought up Jim Kunstler's hometown, I'll use Saratoga Springs as an example of where an Overlay District could take Congers. The vibrancy of Saratoga Springs' center

has blossomed in the last decade. The elected officials, business leaders and residents have worked hard to brand themselves as an historic city and tourist destination. But, at the same time, they've worked equally hard to define the city as a livable community. They embraced mixed use – encouraging apartments above shops and spurring the establishment of a huge variety of restaurants. [Food does appear to be a big attraction in all of the successful downtowns I've visited. Some have MacDonal'd's too but the architecture has had to conform with the character and design guidelines of the community]. Most recently, Saratoga has planned and pushed for more 'inner-city' neighborhoods. One result of this City's remarkable progress is that rental properties are going through the roof. I've been told that a Main Street apartment that rented for \$400/month only a few years ago has bounced to well over \$1,000. So, if there is a downside to Saratoga's popularity, it is that supply and demand for rentals have difficulty keeping pace – And this runs the risk of eliminating reasonably affordable housing stock.

In fact, I'll also borrow and embellish upon some ideas from a good friend's Saratoga consulting firm. A senior principal with The Saratoga Associates wrote a summary in the new issue of Planning News about what makes a Quality Community and how some of them went about revitalizing their downtowns.

Going back to the State's original QC report, we have stressed that during planning and implementation, successful Quality Communities all have a few specific things in common. First, they have a vision of what they want to be in the future and what kind of distinctive identity they want to cultivate. They also do what you're doing tonight... they discuss their plans and build consensus because effectively-managed change is achieved only when everyone has the opportunity to get their fingerprints on it.

Winning downtowns also establish sustainable funding mechanisms to capitalize projects, they generally create some form of permissive zoning and they often adopt solid development guidelines. With your incentive zoning, you've hit upon what looks like a win-win situation. You're offering an innovative way to assist private property owners to upgrade their downtown buildings by creating a new revenue stream for them – and at the same time, by following guidelines, you'll be adding desirable rental units to your housing base.

To a developer or property owner, predictability is invaluable. By instituting guidelines that provide clear definitions and 'explicit descriptions' of architectural requirements you'll help encourage downtown property owners to invest more of their hard earned money in the appearance and vitality of Congers.

[As a sidebar, there are a few other ways to help jump start façade improvements and building restoration and rehab. As I mentioned earlier, your timing is great... Appendix K of the new Building Code for work on existing buildings offers some advantages that weren't available even a year ago. You also are talking about the retail and commercial part of town, so property owners of older buildings could be eligible for federal tax credits on the rehab work they do. (The Governor's executive budget also includes a State Historic Homeowners Tax Credit AKA Neighborhood Reinvestment Tax Credits). But, to take maximum advantage of things like the tax credits, the Town might want to consider going for a 'Preserve New York Grant.' The Preservation League of New York and the New York State Council on the Arts provide this funding to municipalities and not-for-profits that undertake historic structure surveys... in order to list buildings on the State and National Registers of Historic Places. In 2003, the Preservation League especially 'encourages projects that link preservation to smart growth planning, neighborhood and 'Main Street' revitalization, and projects along historic transportation corridors...' Congers sounds like a good fit for one of these grants if your downtown buildings aren't already listed.

Back in the '80's, I was involved in a Main Street project in Cold Spring – in Putnam County. We discovered that after we listed 232 buildings downtown on the Historic Registers... property values immediately climbed by about 20%. This also led us to 'Brand' our Village as the 'Community that lives in History.' It was amazing to see how

quickly hometown pride took hold and how much rehabilitation work was done in the first four years – with a nice boost from the tax credits.]

WALKABLE COMMUNITIES

I'm not about to divulge my age – but those of you who are my age or older probably remember walking to school, walking downtown to the pizza parlor after school, and going to the movies, post office, grocery store and dry cleaners... all on foot.

What we're lucky enough not to have to remember is being five years old and being hypertensive or having more than 10% of our friends considered clinically obese with some suffering from Type II diabetes by the time they've reached adolescence. Today, our youth have those worries. And it is why the Today Show refers to them as the 'O' generation (for obese).

Enhancing the livability of home can mean lifestyle changes. We've got to find ways to get ourselves and our children moving around more. Within the documents I've seen about the Congers Hamlet Center, you've addressed new sidewalks, curbs, lighting, landscaping and the creation of new destinations like the adaptive reuse of the Congers Station for community center and park.

Mixed use development helps give Main Streets a 24-hour presence and adds new vitality. Usually, that vitality gets people out more with more places to go ... and offers an outdoor venue to walk.

INCENTIVE ZONING MODELS

Interestingly, for the last couple years, the Department of State has been working on a Quality Community project with the Town and Village of Warwick just north of here in Orange County. Late last year, those communities adopted incentive zoning that will help transfer new development to the more urbanized Village area while protecting open space and agricultural lands. Warwick used existing tools and came up with a very original approach with their new policy and law. It has made them an important statewide model.

As a native of the Mid-Hudson area, nothing would give me more personal pleasure than to see Clarkstown and Congers raise the bar for downtown revitalization in the way Warwick for farmland preservation.

These undertakings are never easy lifts. But, if the Department of State and our Quality Communities Core Team can help with any Technical Assistance, please let us know."

Appearance: Tom Walsh, Esq.
Congers

He read a letter from Kathryn Travaglini, owner of Brick Row building in Congers stating she is in favor of the overlay. (On file in the Town Clerk's office) He also said that he would like to see Congers revitalized.

Appearance: Carolyn Donalson
Congers

She said she has lived in Congers for 70 years. She would like to see the improvements done first in Congers, parcel by parcel and to the Congers Station.

Appearance: Mary Ann Hackett
Valley Cottage Civic Association

She read letter from Frank Hackett stating he is in favor of the overlay. (On file in the Town Clerk's office)

Appearance: Peter Furland
Congers

He walks around town daily and visits the stores. He would like to see the renovations done before building apartments. He said trains coming through the town have increased from 20 to 50 a day in the past three (3) years. He said this is a safety hazard.

Appearance: Ted Dusanenko
County Legislator

He said he is working on eliminating the train whistles. He spoke about a lost opportunity in New City referring to the Bennigan's building which could have been a site for the New City Post Office with 101 units of Senior Citizen Housing behind it. He supports mixed use zoning and parking above and below ground.

Appearance: Paul Collett
Rick's Club American
Congers

He said he sees Congers going down. He said one of the good moves in Congers is building a running trail all around the lake. He said the acquisition and renovation of the Congers Station is terrific. He is in favor of the revitalization.

Appearance: Vincent Rogan
Congers

He would like to see Congers cleaned-up and revitalized. However, he would like to see it done on a much slower basis. He prefers two (2) story structures rather than three (3) story and two (2) car limit per apartment.

Appearance: John Cain
Congers

He said Congers does not have a downtown and that this is more urbanization and social engineering rather than revitalization. He also said Congers is not going down hill and that not many people from Congers who do not have a financial interest have yet to speak on the subject.

Supervisor recommended that the suggestions offered here tonight be re-referred to the Planning Board in the hope the Planning Board will come back with a recommendation the consensus will agree with.

Co. Mandia said he agrees with some of Mr. Cain's ideas; however, he prefers to choose three (3) or four (4) places as a pilot rather than a portion of the strip.

Mr. Cain said that there is no rush to do this and the first step is to repeal what was adopted in November before too many people come in with plans that are already grandfathered in.

Appearance: Peter Vetro
Vice President
Little Tor Neighborhood Association

The Association has concerns with the overlay zoning plan as it refers to apartments. He said the plan would not stand the test of time unless there is strong code enforcement. He said the overlay plan was presented to the Congers Civic Association which included plans for 36 two (2) person market rate apartments that would be built resulting in an increase of 72 people, mostly senior citizens. However, if other property owners sold their property within the district to developers, the figures ballooned to 65 apartments to 130 people. He also said there may be some abuses by landlords who may allow families with children. He presented Avalon Gardens in Nanuet as an example. When the Nanuet

school saw an increase in student enrollment, they found that a large percentage of this increase came from Avalon Gardens which is considered to be an adult community.

Appearance: Gerry O'Rourke, President
Congers Civic Association &
President of Homowners Association

He said his organization has diverse opinions on this issue. He said this should not be approved as it stands. He asked how many proposals have been submitted since the November meeting. Supervisor replied there are two (2): Von Thadden Building and the Grand Central property.

Mr. O'Rourke said that at a Civic Association meeting, an architect representing both properties stated that the type of building would be a carriage house type building with apartments on the second floor and commercial on the first floor. Furthermore, the owner could apply for a use variance to make apartments on the first floor. He said this was his objection at the last meeting as he is against having three-story buildings. He also suggests limiting the square footage of the one-bedroom apartment.

Supervisor said this is an incentive proposal; therefore, a property owner does not have to partake of the overlay.

Co. Lasker said there can also be a covenant running with the property stating occupancy must be limited to two (2) people per one-bedroom apartment. She said the restrictions can be enforced and penalties can be imposed on the landlord. She also said there must be strict architectural standards with no allowance for variances.

Mr. O'Rourke said the Association is in favor of revitalizing the hamlet as improvement is needed. He recommends referring this back to the Planning Board.

Co. Maloney said that back in November, four (4) members of the Town Board voted on this legislation. He said subsequent to that meeting, he received letters and phone calls because there was no input from the people and concerns were then expressed. He is willing to get input from the people and refer back to the Planning Board.

Appearance: Mr. Von Thadden
Congers

He referred to the suggestion of implementing the project "piece by piece." He would hesitate making improvements on his property because he doesn't know what his neighbors will do. He also said he is concerned that he may not receive any returns on an apartment if he builds it.

Supervisor spoke to Mr. Von Thadden about the fire that destroyed his property. He said that while this was a catastrophe, it presented an opportunity for a new start. He also said that Mr. Von Thadden's property and the train station would be the cornerstone for the restoration in Congers.

Co. Lasker referred to the Secretary of State's statement that this is being done throughout New York State and the country. She said she looked at successful downtowns and how they work. She also said that people are looking for a sense of community neighborhood again.

Co. Mandia said that a few of the issues Mr. Von Thadden raised are specifically his business risk assessment and not the responsibility of the Town Board. He assured Mr. Von Thadden that if the program does go forward, there will be no more than one (1) bedroom apartments.

Co. Smith said she appreciates all who attended tonight. She said to consider the size of Congers and to be careful when comparing Congers to other downtowns. She said that Congers has been compared to Westwood, NJ which has 4,600, housing units, twice the

size of Congers and commuter business; Ridgewood, NJ with 8,800 housing units, three and one-half times the size of Congers also with commuter business. She said these two (2) towns together comprise the population of the entire town of Clarkstown; Potsdam, NY which has an Empire Zone offering ten (10) year exemptions on sales tax, credit for property taxes, reduced electric and gas taxes and other ancillary incentives. Potsdam has an airport and there are four (4) colleges adding 7,600 students for ten (10) months spending 18 million dollars off campus every year. Saratoga is also an Empire Zone development with 78,000 households, three (3) times all of Clarkstown. They are a college town and have a famous race track.

She said that Congers can be improved, but not urbanized. She said she did not vote for this in November because it came about too quickly. She said this is a positive move; however, proceed with small steps. She said that input from the residents is important.

Appearance: Carol Jigarjian
New City

She said she is surprised that no one has heard about this because she has been hearing about it for two (2) years. She is in favor of hamlet revitalization.

Appearance: Mary Beth Baisley
Congers

She asked the Board to look at this proposal very carefully.

Appearance: Bob McLoughlin, Member
Little Tor Neighborhood Association
New City

He said that the wishes of the association are to have the renovations of So. Main to be incorporated into the planning. They want pedestrian friendly, aesthetically pleasing upgrades made which would be suitable for any hamlet in Clarkstown. They do not want the convenience of the proximity of So. Main to become a liability. He said the Association has concerns that this project will involve real estate concerns. They want the revitalization and code enforcement as well.

Appearance: Cora Bodkin, Member
Citizens Advisory Board

She said the Advisory Board unanimously recommended to consider overlay districts in response to the need for housing for the young adults and seniors. She said part of the overlay district will back private homes and if apartments were built above, windows would be facing the backyards. She is concerned with the homeowners retaining privacy and would like to see this matter addressed.

Appearance: Marsha Johnson
West Nyack

She is in favor of the proposal and said she misses the small town neighborhood. She hopes to see the revitalization come to West Nyack.

Appearance: George Hoehmann, Member
Citizens Advisory Board on Housing

He said that when the Board did the study, they reached out to the school districts and received their projections and reports. He said they are confident that this will address a need for both young people and senior citizens. In accommodating the seniors who would live on the second floor, the owners would have to comply with the American with Disabilities Act. He asks the Board to take the suggestions brought forth this evening and re-refer to the Planning Board. He said the town should not undertake these recommendations without committing to serious enforcement. He said the Citizens'

Board recommends that as a condition of the Permit, an annual survey of the apartment be done.

Appearance: Mark Ciganek
41 Kings Highway
Congers

He said he resents the statement that driving into Congers is driving into a dump. He said there are several buildings in town that are architecturally beautiful. He also said the only place that should be moved is the gas station as an improvement.

Appearance: Maria Jansen
Congers

She said that looking through the law, there are no zoning regulations for any of the zones. She asked if they will be put in place after the Planning Board reviews plan. She said there were no floor area regulations. She also said it would be wise to enact regulations in order to protect over development.

Appearance: Amy Foster
Congers

She applauds the Town Board for taking the first step. Speaking as a young adult, she said the average income needed to live in Congers is \$100,000 per year. She encourages the building of apartments so that young people can remain here because it is a beautiful place. Speaking as an architect, she said aesthetics is the one thing the architect has unconditional control over under law. She strongly supports an Architectural Review Board and architectural aesthetics being strictly established and adhered to.

Appearance: Mr. Pitrovsky
Congers

He has lived in Congers for 20 years and feels he is being victimized by (unclear) policies and high taxes. He asks the Town not to improve his life and not to improve Congers.

Appearance: John Hanshar
Congers

He said that it seems anytime they want to do something in Town building wise, it is for the senior citizens or for the volunteer emergency service providers. He said he has been on the Ambulance Corps for 15 years and the fire department for five (5) years, and he doesn't know of anyone who has received any assistance in finding a place to live through this. He questions as to whether senior citizens want to live on the second floor of a house and if there is really a need for this type of improved residential space.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was CLOSED and RE-REFERRED to the Town Planning Board. Time: 11:25 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 287-2003 ADOPTED