

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

05/13/2003

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.

Supervisor opened the public portion of the meeting.

Appearance: Cora Holkin

Had questions regarding the location of the Merging Traffic sign on Little Tor and Germonds Road, Nanuet.

Appearance: John Lodico
New City

Spoke regarding Item #10, appropriation of funds to Veteran's Memorial Park.

Appearance: Dolores Lodico
New City

Spoke regarding problems with her pension.

Appearance: Russell Trojan
Clarkstown

Spoke about Community Development Funds with regard to Nanuet Lake and Nanuet Ambulance.

RESOLUTION NO. (349-2003)

Co. Mandia offered and 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 Town of Clarkstown has attempted to protect the remaining open space in the vicinity of West Hook Mountain and adjacent to or along the "Long Path" hiking trail, and

WHEREAS, Harold Perrineau and Brittany Perrineau, have indicated a willingness to sell their property located at 18 Old Stone Road, Valley Cottage, New York, designated as Tax Map No. 59.8-1-30.2, to the Town of Clarkstown for the sum of \$550,000.00 plus the customary tax adjustments and closing costs, and

WHEREAS, the subject property is located adjacent to the Almanestianu property recently acquired for open space and may provide appropriate location for the "Long Path" to use the Almanestianu parcel;

RESOLUTION NO. (349-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract for the purchase of property known as Tax Map No. 59.8-1-30.2, for the Town's Open Space Protection Initiative, at a price not to exceed \$550,000.00, plus \$2,000.00 for sellers' closing expenses and the customary tax adjustments, subject to SEQRA review by the Town's Planning Consultant, Robert Geneslaw, resulting in a negative declaration and appraisal supporting the acquisition as land only with the understanding that a dwelling which needs rehabilitation shall be removed from said premises after acquisition, and provided further that the property owner shall remove, prior to closing, any underground storage tanks and any asbestos which may be present, and be it

FURTHER RESOLVED, that the contract terms shall be in a form approved by the Town Attorney, 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. (350-2003) (FAILED)

Co. Lasker offered and Supervisor Holbrook seconded

RESOLVED that the Town Board deny the zone change on the Apfelbaum property.

On roll call the vote was as follows:

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

RESOLUTION NO. (351-2003)

Co. Mandia offered and Co. Maloney seconded

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

"AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS"

RESOLUTION NO. (351-2003) continued

and

WHEREAS, the proposed local law is intended to provide a authorization to the Building Inspector to issue an extended permit to the BIG APPLE CIRCUS for premises shown on the approved site plan of the Palisades enter Mall, commuter lot (Lot J), West Nyack, New York, for the period of June 7, 2003 through July 1, 2003;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on May 27, 2003, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published 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 Rockland County Commissioner of Planning for review and recommendation.

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. (352-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2003 Community Development Block Grant Program funds to the Town of Clarkstown in an amount not to exceed \$36,800.00.

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. (353-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is requiring investigative work of Exxon Mobil, for a facility at 102 Lake Road East, Congers, New York, which is designated on the Clarkstown Tax Map as 44.16-2-51 (formerly 141-B-18.01), and

RESOLUTION NO. (353-2003) continued

WHEREAS, Groundwater & Environmental Services Inc. (GES) has been contracted by Exxon/Mobil Refining & Supply Company to conduct a subsurface investigation hydraulically down-gradient of Mobil Facility No. 17-QPH, located at 102 Lake Road East, Congers, New York, and has requested access to Town property, and

WHEREAS, K. Luke Kalarickal, Director of Department of Environmental Control, has reviewed the request and has recommended that the Town enter into an agreement with Groundwater & Environmental Services, Inc. with respect to the proposed groundwater quality investigation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Groundwater & Environmental services, Inc., in a form approved by the Town Attorney, with respect to the proposed groundwater quality investigation.

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. (354-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the County of Rockland has advised that it has appropriated the sum of \$62,000.00 to help defray the cost of assignment of two (2) Town of Clarkstown Police Officers to the Rockland County Joint Intelligence Task Force, for the period July 1, 2002 through December 31, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Joint Intelligence Task Force in the sum of \$62,000.00, plus \$3,000.00 for overtime expenses actually incurred during said period, for the period July 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that this Resolution supercedes Resolution No. 510-2002, adopted by the Town Board on June 11, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (355-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the County of Rockland has advised that it has appropriated the sum of \$120,000.00 to help defray the cost of assignment of two (2) Town of Clarkstown Police Officers to the Rockland County Joint Intelligence Task Force, for the period January 1, 2003 through December 31, 2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Joint Intelligence Task Force in the sum of \$120,000.00, plus \$10,876.60 for anticipated overtime expenses as may be actually incurred during said period, for the period January 1, 2003 through December 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. (356-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS. DOUBLE H-NGW has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 55.35, Block 1, Lot 1 (formerly known as 120-B-1), 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. (357-2003)

Co. Mandia offered and Co. Lasker seconded

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

KEVIN STOKES EXCAVATING, INC.
P.O. Box 812
Pearl River, NY 10965
Kevin Stokes, President

STONEBRIDGE EXCAVATING, INC.
1 Main Street
Sparta, NJ 07871
Anthony Berardi, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 03-02 KEVIN STOKES EXCAVATING, INC.
- No. 03-19 STONEBRIDGE 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. (358-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Swan's Landing, Inc. furnished to the Town of Clarkstown a certified check in the amount of \$7,000.00 to secure the completion of improvements in the Swan's Landing Subdivision/Site Plan, as shown on the final plat of Swan's Landing (141-B-1, n/k/a 44.12-2-77.1+), which was filed in the Rockland County Clerk's Office on August 5, 1999, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that security in the amount of \$7,000.00 may be released to the guarantor.

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. (359-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, William Helmke furnished to the Town of Clarkstown an Owner's Performance Bond, secured by a Letter of Credit in the amount of \$20,000, in connection with the minor two-lot subdivision of William and Sadie Coughlin (5-A-17), and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 97-205 in the amount of \$20,000 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. (360-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation on behalf of the Town of Clarkstown against SANTIAGO MOVING & STORAGE CO., INC., 200 Brenner Drive, Congers, New York, seeking an Order allowing the Town to access and retrieve its voting machines and related equipment from the warehouse of SANTIAGO MOVING & STORAGE CO., INC., or for an Order of Seizure of the Town's voting machines and related equipment pursuant to CPLR Section 7102, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to April 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. (361-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Central Nyack Fire Department has requested use of the Town of Clarkstown showmobile on Saturday, July 19, 2003 from 10:00 am - 4:00 pm for Annual Car Show,

RESOLUTION NO. (361-2003) continued

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Central Nyack Fire Department to use the Town of Clarkstown showmobile on Saturday, July 19, 2003 for the above purpose and 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 Saturday, July 19, 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. (362-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Congers Fire Department has requested use of the Town of Clarkstown showmobile on Saturday, June 7, 2003 from 12:00 Noon – 11:00 pm for a truck dedication,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Congers Fire Department to use the Town of Clarkstown showmobile on Saturday, June 7, 2003 for the above purpose and 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 Saturday, June 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. (363-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received a donation of \$434.00 from the Annual Senior Citizen Show,

BE IT THEREFORE RESOLVED, to increase Revenue Account No. A 01-002001 (Parks and Recreation charges) and Appropriation Account No. A 7610-301 (Food) by \$434.00.

RESOLUTION NO. (363-2003) 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. (364-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organizations for the year 2003:

- | | |
|-------------------------------------|-----------------|
| Veterans of Foreign Wars, Nanuet | - Post 3773 |
| VFW, Clarkstown Memorial | - Post 851 |
| VFW, Lt. Raymond B. Jauss | - Post 2607 |
| Willis Polhemus V.F.W., Upper Nyack | - Post 9215 |
| New City Memorial - VFW | - Post 8749 |
| Jewish War Veterans of the U.S.A. | - Post 720 |
| Jewish War Veterans, New City | - Post 756 |
| Korean War Veteran Assoc. | - Eagle Chapter |
| Vietnam Veterans of America | - Chapter 333 |
| American Legion | - Post 794 |
| VFW (The West Nyack Veteran) | - Post 126 |

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2003 Account No. A 6510-401.

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. (365-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, at the request of the Police Department, has requested permission to attend the Annual Police Security Expo 2003 on June 24, 25, 2003 at the Atlantic City Convention Center in Atlantic City, New Jersey;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the Annual Police Security Expo 2003 on June 24, 25, 2003 at the Atlantic City Convention Center in Atlantic City, New Jersey and be it

FURTHER RESOLVED, that the cost of the conference, including lodging, meals, travel and parking shall not exceed \$700.00 and shall 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. (366-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists within a Town drainage easement located at No. 15 Green Avenue in Valley Cottage; and

WHEREAS, the Department of Environmental Control has developed a plan to extend the existing storm drain line located within the easement in an attempt to alleviate said drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from five qualified contractors to perform said work; and

WHEREAS, the Department of Environmental Control has received three proposals that, upon review, were found 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

Environmental Construction, Inc.
P.O. Box 563
Stony Point, New York 10980

to perform the work in accordance with the plan developed by the Department of Environmental Control as per their proposal in the amount of \$18,460.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8751 409 0 75-36.

RESOLUTION NO. (366-2003) 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. (367-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously approved resolution #816-2002 authorizing the removal of the existing storm drain line and installation of a catch basin and open drainage channel; and

WHEREAS, two (2) change orders on contract have been reviewed and found acceptable by the Department of Environmental Control as follows:

C.O. #1: Installation of additional 20' of 48" polyethylene pipe	\$2,000.00
C.O. #2: Installation of wooden stockade fence at 7 Fir Court	\$1,450.00

NOW, THEREFORE, BE IT RESOLVED that the total approved cost of change orders for this project is \$3,450.00; and

BE IT FURTHER RESOLVED that the budget allowance for this project be increased from \$11,825.00 to \$15,275.00 to reflect the additional cost of the change orders; and

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

On roll call the vote was as follows:

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

RESOLUTION NO. (368-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has investigated a complaint from a homeowner that lives on Elmwood Drive and has recommended the Town Board amend Resolution No. 170-2003 to change traffic signs near the New City Elementary School;

NOW, THEREFORE, be it

RESOLUTION NO. (368-2003) continued

RESOLVED, that the Town Board hereby amends Resolution No. 170-2003, adopted on February 25, 2003, as follows:

"The existing sign assembly with the legends "Do Not Enter/7 AM-3 PM School Days/Except Buses" be replaced with two back to back sign assemblies with the legends "One Way/7 AM-3 PM School Days/Except Buses," and be it

FURTHER RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to implement this resolution.

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

RESOLVED, that Resolution No. 994-2002 is hereby amended to reflect the total project cost for the General Construction component of the Lake Nanuet Improvement project awarded to West-Con construction as \$808,079.90 and

WHEREAS, additional work in the amount of \$9,598.74 for the General Construction component has become necessary, and

WHEREAS, Maser Consulting and Charles F. Connington, Supt. of Recreation and Parks recommend this additional work,

THEREFORE, BE IT RESOLVED, that Change Order #18 in the amount of \$9,598.74 is hereby approved for a total cost of \$817,678.64 to West-Con Construction, and

WHEREAS, Resolution No. 994-2002 approved the use of K-crete piping for new water lines to improve the safety and well being of facility users in the amount of \$21,000

NOW THEREFORE, BE IT RESOLVED that the Superintendent of Recreation and Parks is authorized to retain the services of Welsh & Raines for the installation of K-crete piping at a cost of approximately \$21,000, and

BE IT FURTHER RESOLVED that all expenses be charged to account H-8749-400-409-73-12.

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. (370-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has requested that Resolution No. 219, adopted by the Town Board on March 11, 2003, be rescinded due to an error in the Advisory Board's findings;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 219, which authorized for the installation of a "Do Not Enter" traffic sign be installed on Prospect Street at Middletown Road, Nanuet, is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Superintendent of Highways for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (371-2003)

Co. Maloney offered and Co. Lasker seconded

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

A "Town Speed Limit 30 MPH" sign on Elmwood Drive at Congers Road, New City, NY.

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (372-2003)

Co. Maloney offered and Co. Lasker seconded

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

RESOLUTION NO. (372-2003) continued

"No Parking Anytime" signs (see Sec. 221.5 P1-1 signs) on the Westside of Demarest Mill Road along the entire frontage of the Blue Rock School, West Nyack, NY.

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (373-2003)

Co. Maloney offered and Co. Lasker seconded

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

"Curve" signs on both sides of Edsall Avenue, Nanuet
A w1-1 on the eastside and a w1-2 on the Southside of
Edsall (See sec. 231.3 of the MUTCD) in the vicinity of #46.
15 MPH panels beneath the Curve signs.

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (374-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town has received a complaint from a property owner on Old Clave Road in Congers, with regard to dog walkers violating Chapter 125-4F of the Clarkstown Town Code, and

WHEREAS, the Town Code Enforcement Officer has been working with the complainant regarding enforcement of the Town Code, and recommends to the Town Board that a "Dog Waste Prohibited" sign be installed at the dead end section of Old Clave Road;

RESOLUTION NO. (374-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install the following sign on the dead end section of Old Clave Road, Congers, New York:

“Dog Waste Prohibited – Pursuant to Section 125-F of the Clarkstown Town Code”

and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to erect said sign, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Superintendent of Highways, Chief of Police and the Animal Control Officer.

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. (375-2003)

THIS RESOLUTION NUMBER WAS NOT USED.

RESOLUTION NO. (376-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, traffic safety may be improved with the installation of crosswalk markings on New Clarkstown Road at the intersection of Kingsgate Parkway and Meadow Lane, and

WHEREAS, since New Clarkstown Road is a Rockland County Highway, the Rockland County Superintendent of Highways has advised that it will be necessary for a traffic study to be performed to determine the need for said crosswalk;

NOW, THEREFORE, be it

RESOLVED, the Supervisor is hereby authorized to retain Howard L. Lampert, Traffic Engineering Consultant, at an additional fee of \$150.00, to provide to the Rockland County Superintendent of Highway with a full report of his design study for the installation of pedestrian crosswalk markings on New Clarkstown Road at the intersection of Kingsgate Parkway and Meadow Lane, so as to establish the need for said crosswalk, such report to be made in accordance with his proposal dated May 5, 2003, and be it

FURTHER RESOLVED, that the fee of \$150.00 shall be charged to Account No. A 3320-409.

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. (377-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Clerk of the Works that

BID #72-2002 EXTERIOR FIRE STAIR REPLACEMENT

is hereby awarded to:	A.O.K. IRON WORKS, INC.
	25 TEMPLE AVENUE
	NEWBURGH, NY 12550
PRINCIPAL:	JOHN NOTARO

as per their proposed project cost as follows:

Lump Sum Amount:	\$49,000.00
Alternate #1:	6,900.00
Alternate #2:	5,000.00
Alternate #3:	3,500.00

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

RESOLUTION NO. (380-2003) continued

BID #23-2003 – REFUSE PICK-UP FOR TOWN FACILITIES

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 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 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. (381-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #36-2003 – DEMAREST MILL ROAD, W. NYACK SIDEWALK

Bids to be returnable to the Purchasing Department, 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 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. (382-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #37-2003 – THIRD FLOOR RENOVATIONS
OLD POLICE/COURTS BUILDING
10 MAPLE AVENUE, NEW CITY

Bids to be returnable to the Purchasing Department, 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

RESOLUTION NO. (382-2003) continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department upon payment of the prescribed fee of \$25.00.

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. (383-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #38-2003 – 2003 ROADWAY RESURFACING PROGRAM

Bids to be returnable to the office of the Purchasing Department, 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 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. (384-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #39-2003 – 2003 CONCRETE CURB & SIDEWALK PROJECT

Bids to be returnable to the office of the Purchasing Department, 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 Purchasing Department.

RESOLUTION NO. (384-2003) 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. (385-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

Congregation Lizensk, Inc.
100 South Central Avenue
Nanuet, NY 10954

(6-C-8.1) (57.14-3-4)

By the installation of fire lane designations, and

WHEREAS, Yakou Basch has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of certain fire lane for designations shall be installed by the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of 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. (386-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as John and Catherine Paull (26.18-1-26 f/k/a 43-E-10.3), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along South Mountain Road, New City, New York and a Conservation Easement, and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyances; and the Town Attorney has advised that all documents are in proper legal form;

RESOLUTION NO. (385-2003) continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, deed dated January 28, 2003 from John H. Paull, III and Catherine M. Paull to the Town of Clarkstown, gratuitously conveying a strip of land along South Mountain Road, New City, New York, and a Conservation Easement dated January 28, 2003 between John H. Paull, III and Catherine M. Paull, are hereby accepted and ordered recorded in the Rockland County Clerk's Office, be it

FURTHER RESOLVED, that this resolution shall be retroactive to May 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. (387-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is seeking Town Board approval to make use of the current Rockland County Bid for Hot In-Place Heat & Scarifying, Bid No. 03-033, as interim road surface measurers for South Main Street, New City.

NOW, THEREFORE, BE IT

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is authorized to use the Rockland County Bid for Cold Milling Operation, Bid No. 03-033.

FURTHER RESOLVED that the cost shall not exceed \$50, 000.00 and will be charged to the South Main Street Project Capital Account: H-511-409-0-4-16.

On roll call the vote was as follows:

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

RESOLUTION NO. (388-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a half-page advertisement for the Town of Clarkstown in the 2003 "Living Here" section of the Journal News on June 29, 2003, and be it

RESOLUTION NO. (388-2003) continued

FURTHER RESOLVED, that the fee for this advertisement shall not exceed the sum of \$1082.50, which shall be charged to Account No. 6410-405.

On roll call the vote was as follows:

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

RESOLUTION NO. (389-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00014 Recreation Information Clerk, which contains the name of Constance Zayac,

Now, therefore, be it

RESOLVED, that Constance Zayac, 96 East George Avenue, Pearl River, New York, is hereby appointed to the (Contingent-Permanent) position of Recreation Information Clerk – Parks Board and Recreation Commission – at the current annual salary of \$26,029., effective and retroactive to May 5, 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. (390-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03104 Principal Clerk Typist (NCP/T&E), which contains the name of Diana Vierling,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Diana Vierling, 10 Ambery Lane, Thiells, New York, to the (permanent) position of Principal Clerk Typist – Parks Board and Recreation Commission – at the current annual salary of \$44,086., effective and retroactive to April 23, 2003.

RESOLUTION NO. (390-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (391-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03075 Maintenance Supervisor (GROUNDS) (NCP/T&E), which contains the name of Richard Tigue,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Richard Tigue, 58 Parker Avenue, New City, New York, to the (permanent) position of Maintenance Supervisor (GROUNDS) - Parks Board and Recreation Commission - at the current annual salary of \$67,348., effective and retroactive to April 23, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (392-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03103 Principal Clerk Typist (NCP/T&E), which contains the name of Tomasina Scala,

Now, therefore, be it

RESOLVED, that Tomasina Scala, 190 Foltim Way, Congers, New York, is hereby appointed to the (Permanent) position of Principal Clerk Typist - Building Department - at the current 2003 annual salary of \$45,932., effective and retroactive to April 23, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (393-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on April 22, 2003 that the position of Senior Clerk – Department of Environmental Control – can be created,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk – Department of Environmental Control – is hereby created, effective and retroactive to April 23, 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. (394-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Donna Buston, 59 Burda Avenue, New City, New York, is hereby reassigned to the position of Senior Clerk – Department of Environmental Control – (from Highway Department) – effective and retroactive to April 23, 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. (395-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, O’SULLIVAN TREE CARE, INC. has petitioned the Town Board of the Town of Clarkstown to amend a Special Permit which has been issued to operate a recycling facility pursuant to the provisions of the Zoning Local Law of the Town of Clarkstown, Section 290-11A, M District, Table 15, Column 3, Item 9, which is subject to Sections 290-15 and 290-17R, to allow for the reduction of the buffer area required for Special Permit uses under Table 15 of the General Use Regulations §290-11a, Column 8, Item 4, from 75 feet to 25 feet, on property designated on the Clarkstown Tax Map as 65.13-2-14, which property is located at 210 Western Highway, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the petition to amend the Special Permit of O’Sullivan Tree Care, Inc. is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for review and recommendation, and be it

RESOLUTION NO. (395-2003) continued

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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on May 27, 2003, at 8:00 P.M., or as soon thereafter as possible, relative to the said the proposed Special Permit, and be it

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

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning local Law with respect to notice of public hearing to abutting property owners of record.

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. (396-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the protection of woods and meadows in a natural state on the ridge of the Palisades range of hills is beneficial in many ways to the people of Rockland County, and

WHEREAS, the Palisades ridge forms the western boundary of the Tappan Zee Scenic District that was established in 1988 by the New York State Department of Environmental Conservation, and forms the visual backdrop of Rockland's riverfront villages, being visible from the entire Tappan Zee basin and many points in the remainder of Rockland County as well as surrounding Counties, and

WHEREAS, construction of buildings on the ridge or adjacent steep slopes would detract from the natural scenic beauty of the Palisades ridge, especially if they were to project above the horizon line, and

WHEREAS, continuity of a wide belt of natural wooded space along the ridge-top is important to many species of migrating and territorial wildlife, and

WHEREAS, a permanent right-of-way and the continuity of safe, natural surroundings is important for the Long Path, a major regional hiking trail that follows the Palisades ridge, and

WHEREAS, the limiting of development on properties on the Palisades ridge and on adjacent steep slopes will prevent increases in the flow of stormwater and sediment into the communities downslope, and

WHEREAS, studies have shown that the preservation of open space increases property values, and

RESOLUTION NO. (396-2003) continued

WHEREAS, the 1909 plan for the Palisades Interstate Park Commission envisioned acquisition of a continuous belt of properties along the Palisades ridge, but some of these properties have not yet been acquired, and

WHEREAS, the County, Towns and Villages have acquired a few, but not all of these remaining properties, and

WHEREAS, public ownership of the Palisades ridge as parks or open space is the most positive, permanent form of protection.

WHEREAS, the objectives of the Rockland County Comprehensive Plan are to preserve open space resources and environmental features that enhance community appearance and quality of life, such as scenic corridors, ridge lines and wooded lands and preserve sensitive environmental features such as steep slopes, and

WHEREAS, the Palisades ridge is part of the Hudson River Valley National Heritage Area and, as such, is considered by the Hudson River Valley Greenway Conservancy and Communities Council to be an environmental landscape of national significance whose conservation is important to both the sense of place of the Hudson River Valley and to its economy, and

WHEREAS, the goal of the Hudson River Valley Greenway is to protect preserve and enhance natural and cultural resources including natural communities, open spaces, historic places and scenic areas, and

WHEREAS, protection of the Palisades ridge is consistent with the mission of the Rockland Riverfront Communities Council to encourage and promote the preservation of natural, scenic, historic and cultural resources.

NOW, THEREFORE BE IT

RESOLVED, that the Rockland Riverfront Communities Council shall recommend and promote the acquisition of appropriate remaining parcels of privately owned land on the Palisades ridge and adjacent steep slopes by public bodies such as the Palisades Interstate Park Commission, County of Rockland and its Towns and Villages, and be it

FURTHER RESOLVED, that the Rockland Riverfront Communities Council shall recommend and promote the acquisition of scenic easements and railway easements as an alternative to fee acquisition where possible, and be it

FURTHER RESOLVED, that the Rockland Riverfront Communities Council shall recommend the adoption of zoning provisions by the Towns and Villages that would limit the undesirable effects of development on or near the Palisades ridge and adjacent steep slopes, and be it

FURTHER RESOLVED, that the Rockland Riverfront Communities Council shall urge all municipalities that have not already done so to define the Palisades ridge and adjacent steep slopes as Critical Environmental Areas to ensure more thorough environmental review of proposed development, and be it

FURTHER RESOLVED, that the Rockland Riverfront Communities Council shall urge all municipalities to carefully comply with General Municipal Law referral requirements and the State Environmental Quality Review Act and shall additionally refer single and two-lot projects on the Palisades ridge and adjacent steep slopes to the Rockland County Planning Department.

RESOLUTION NO. (396-2003) 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. (397-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as Sisters of Charity New York (Seton Village Phase I), designated on the Clarkstown tax map as Mzp 63.11, Block 2, Lot 13 (f/k/a 4-A-6), and

WHEREAS, it has been recommended that four (4) fire hydrant(s) be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Sisters of Charity of St. Vincent de Paul of New York, as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Sisters of Charity of St. Vincent de Paul of New York, or its successor(s) in interest, shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Sisters of Charity of St. Vincent de Paul of New York, located in the hamlet of Nanuet, for senior citizen housing known as Seton Village Phase I, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Sisters of Charity of St. Vincent de Paul of New York, or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

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. (398-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to provide a litter patrol program for pickup of litter on Town roads and stream banks and it has proposed to provide Americorps members under the direction of the Superintendent of Highways to participate in a service, educational and environmentally beneficial program which will remove litter from Town roads and stream banks within the Town of Clarkstown, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which will be funded in part by the Town of Clarkstown, and

WHEREAS, the Superintendent of Highways has recommended this program for adoption in the Town of Clarkstown;

NOW, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Rockland County Youth Bureau/Rockland Environmental Corps host site agreement for the calendar year ending December 31, 2003, in a form approved by the Town Attorney, to participate in the Rockland County Youth Bureau's litter patrol service program utilizing the service of not more than five (5) Americorps members for a program total not to exceed 600 service hours for each member at a cost not to exceed \$11,330.00 to be charged to Account No. DB 5110-409-0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (399-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Edward J. Lettre, Clerk of the Works, and Wayne T. Ballard, Superintendent of Highways, have recommended to the Town Board acceptance of the proposal submitted by Lawler, Matusky & Skelly Engineers LLP, dated May 9, 2003, to provide engineering services to the Town for the preparation of bid documents for the restoration of the Town Highway Garage damaged by casualty;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers LLP, dated May 9, 2003, in a form approved by the Town Attorney, to provide engineering services to the Town for the preparation of bid documents for the restoration of the Town Highway Garage, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the sum of \$12,300.00, and shall be charged to Account No. H 8753-409-0-77-7.

RESOLUTION NO. (399-2003) 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. (400-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to solicit Requests for Proposals from engineering firms to provide the Clarkstown Highway Department with services needed with respect for the Annual Roadway Resurfacing Program.

RFP'S to be returnable to Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, Town of Clarkstown, 12 Seeger Drive, Nanuet, NY 10954, on (Date to be announced)

FURTHER RESOLVED, that proposal specifications can be obtained at the Clarkstown Highway Department, 12 Seeger Drive, Nanuet, NY 10954.

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. (401-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, CHRISTOPHER TREACY has requested a refund of a Building Permit (#02-808) fee paid in the amount of \$260.00, because he has decided not to add an extension to his home at 8 Wyndham Lane, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, retaining the sum of \$100.00 for processing, and refunding the amount of \$160.00 to Christopher Treacy, to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (402-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an existing outlet pipe to a retention basin is obstructed causing flooding; and

WHEREAS, the Department of Environmental Control has had performed an inspection of said drain line and found that the pipe is in need of cleaning; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said work; and

WHEREAS, the Department of Environmental Control has received two (2) proposals in response to the solicitation and, upon review, found them to be acceptable;

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

Fred A. Cook, Jr., Inc.
Montrose, New York 10548

to perform this work in accordance with their proposal for an amount not to exceed \$1,000.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8753-409-0-77-12.

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. (403-2003)

Co. Smith offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of constructing approximately 420 linear feet of asphalt sidewalk and related improvements a long the south side of Gilchrest Road from Columbus Avenue to the entrance to Congers Lake Memorial Park; and

Whereas, the Department of Environmental Control has prepared a plan for said improvements; and

Whereas, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to implement the improvements in accordance with said plan; and

Whereas, the Department of Environmental Control has received four (4) responses to its solicitation and, upon review, found these proposals 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

RESOLUTION NO. (403-2003) continued

Environmental Construction, Inc.
21 Kay Fries Drive
Stony Point, New York 10980

to construct the sidewalk and perform related work in accordance with their proposal in the amount of \$19,800.00; and

Be It Further Resolved that this shall be a proper charge to account # H 8753-409-0-77-13.

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. (404-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists adjacent to the Palisades Interstate Parkway property in the vicinity of 55 Westlyn Drive, Bardonia; and

WHEREAS, said condition is causing flooding of the above lot #55; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform said improvements in accordance with their specifications; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation and, upon review, found them to be acceptable;

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

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

to perform this work in accordance with their proposal, the lowest one received, for an amount not to exceed \$4,075.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8753-409-0-77-11.

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. (405-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists on the Town's property in the vicinity of 95 Blauvelt Road, Nanuet; and

WHEREAS, said condition is causing flooding and mosquito problems; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform said improvements in accordance with their specifications; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation and, upon review, found them to be acceptable;

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

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

to perform this work in accordance with their proposal, the lowest one received, for an amount not to exceed \$8,695.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8753-409-0-77-10.

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. (406-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists within the Right of Way and on the pavement of Long Clove Road, in the vicinity of numbers 173 and 175, said condition being the result of bleed-out from drainage lines installed by previous Owners without benefit of Town of Clarkstown review, and

WHEREAS, the condition creates a hazardous condition in the winter due to icing of the roadway, and

WHEREAS, in response to a request by the Code Enforcement Office, the Department of Environmental Control has prepared a plan for extension of existing drainage facilities to eliminate the adverse condition, and

WHEREAS, proposals have been solicited from 5 Contractors who are capable of performing the work as indicated by the Department of Environmental Control, and

WHEREAS, 3 Contractors have submitted proposals in response to said solicitation, and

RESOLUTION NO. (406-2003) continued

WHEREAS, KJS Hauling & Home Improvements has submitted the lowest price proposal to perform the work,

NOW THEREFORE, BE IT RESOLVED that DRAINAGE EXTENSION, 173-175 LONG CLOVE ROAD, NEW CITY is hereby awarded to:

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

for the proposed maximum cost of \$ 8,400.00, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8753-409-0-77-14.

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. (407-2003)

Co. Lasker offered and Co. Maloney seconded

Whereas, the Town of Clarkstown has previously undertaken drainage improvements on Pleasant Hill Drive in New City; and

Whereas, an adverse drainage condition exists on the subject lot within an existing drainage easement at #353 Pleasant Hill Drive (n/f Tobias) that is beyond the scope of work of the original drainage improvements; and

Whereas, the Department of Environmental Control has obtained a proposal from the consultant previously retained to provide engineering services for the original improvements to prepare a plan to correct this new problem; and

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

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

GEA Engineering, P.C.
100 Airport Executive Park
Suite 105
Nanuet, New York 10954

to perform a site inspection, prepare a design plan, construction drawings, specifications and perform other related services in accordance with their proposal in the amount of \$1,000.00; and

Be It Further Resolved that this shall be a proper charge to account # H 8749 409 0 73 31.

RESOLUTION NO. (407-2003) 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. (408-2003)

Co. Lasker offered and Co. Maloney seconded

Whereas, the Town Board resolution 774-2002 authorized the Director of the Department of Environmental Control to enter into an agreement with Tectonic Engineering Consultants, P.C. to provide engineering support and construction inspection services for the Strathmore Creek Remediation project; and

Whereas, the amount allotted for these services is about to lapse; and

Whereas, the Department of Environmental Control desires to continue said engineering support and construction inspection services in accordance with the aforementioned agreement;

Now, Therefore, Be it Resolved that the fee for said engineering support and construction inspection services be increased by \$50,000.00 to an amount not to exceed \$100,000.00; and

Be It Further Resolved, that said amount may not be increased without further resolution of the Town Board; and

Be It Further Resolved that this shall be a proper charge to account H 8749-409-0-73-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (409-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Edward J. Lettre, Clerk of the Works, recommends a change order with respect to Resolution No. 171-2003 to increase the professional services contract award to Denker Cackovic, Architects, by \$11,000.00, to cover the cost for required additional design work with respect to the roof, heating and air conditioning system at the former police/court building;

NOW, THEREFORE, be it

RESOLUTION NO. (409-2003) continued

RESOLVED, that the Town Board hereby amends Resolution No. 171-2003, adopted by the Town Board on February 25, 2003, by authorizes a change order to increase the contract award to Denker Cackovic, Architects, by \$11,000.00 for additional design work for renovation of the roof, heating and air conditioning system at the former police/court building, and be it

FURTHER RESOLVED, that the fee shall be charged to Account H 7611-400-409-76-3.

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. (410-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, additional stream bank stabilization is required along the easterly downstream bank in order to direct and maintain stream flow within the stream channel, and

WHEREAS, additional restoration of the existing paved access road is required in order to maintain it pre-construction condition, and

WHEREAS, the Department of Environmental Control has obtained a proposal for the required change, and

WHEREAS, the Department has reviewed the proposal and found it to be in conformance with the scope of the work required.

NOW, THEREFORE, BE IT,

RESOLVED, that Change Order No. 2, in connection with the replacement of culvert #334A, is hereby authorized, and

BE IT FURTHER RESOLVED, that the cost of Change Order No. 2 shall not exceed \$5,980.00.

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. (411-2003)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (411-2003) continued

BID #40-2003 – DRAINAGE IMPROVEMENTS
STREAM NJ 1-10-3 – BARDONIA, NY

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 2:30 P.M. on JUNE 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. (412-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control that

BID #33-2003 – SECURITY GUARD SERVICES – SOLID WASTE FACILITY

is hereby awarded to: NORTHEAST SECURITY
 257-21 145TH AVENUE
 ROSEDALE, NY 11422

PRINCIPALS: EMMANUEL ODIGIE

as per their proposed project cost of \$10.50 per hour per guard and be it

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

- a) Certificate of Contractor's Liability, in the amount of one million dollars, including coverage for errors and omissions
- b) Certificate of Worker's Compensation Insurance coverage
- c) Certificate of N.Y. State Disability Insurance coverage
- d) Signed Hold Harmless Agreement

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. (413-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective May 19, 2003.

Year Round High School Students (Office Worker Students)
.....Salary Range: \$1.00 to \$2.00 hr.

Year Round College Students (Office Worker Students)
.....Salary Range: \$1.50 to \$2.50 hr.

Returning Seasonal College Students:

Office Worker Students \$1.50 to \$2.50 hr.
Laborer Students\$1.50 to \$2.50 hr.

Special Studies Intern\$10.50 to \$12.00 hr.

Office Worker Students Starting Salary (High School) \$7.00 to \$8.00 hr.

Office Worker Students Starting Salary (College) \$9.00 to \$10.50

Laborer Students (Over 18 years of age)\$9.50 to \$11.00 hr.

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. (414-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has observed that the swale constructed by the Developer within an easement to be dedicated to the Town of Clarkstown within the Highland Park Subdivision, Lot 58.20-1-84.1+ (fka 52-A-7) is not functioning to carry away stormwater as intended, thereby creating a stagnating water condition, and

WHEREAS, the Department of Environmental Control has notified the Developer of this condition, and the Developer has failed to remediate the adverse condition, and

WHEREAS, the Deputy Director of Environmental Control has reported that the Developer of the Highland Park Subdivision, Lot 58.20-1-84.1+ (fka 52-A-7) has failed to fulfill the obligations set forth in Developer's Performance Bond dated March 10, 2000; and

WHEREAS, the Town Board by resolution #341-2003 has directed that the Developer is declared in default if required work is not completed by the date of May 7, 2003, and

WHEREAS, the work is not complete as of May 13, 2003, and

RESOLUTION NO. (414-2003) continued

WHEREAS, the Department of Environmental Control has prepared a plan for the installation of a low-flow channel to correct the existing condition; and

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

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

WHEREAS, Cal-Mart Enterprises, Inc. has submitted the lowest responsible price proposal to perform the work,

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

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10004

To perform this work in accordance with their proposal for an amount not to exceed \$14,441.00; and

BE IT FURTHER RESOLVED that the Town Attorney is hereby directed to take all steps as are necessary to draw against Letter of Credit No. 1790 to pay for said work.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Town Board Meeting was closed, time 10:45 pm.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5-13-2003

8:05 PM

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

Re: Property known as Apfelbaum, 270 North Main Street, New City, Lot 43.7-1-16 (aka 59-A-1): Proposed Zone Change (R-15 to MF-2) and amendment to Zoning Local Law to Authorize Construction of Housing Restricted to Age 55 or Older in the MF-2 District

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing was declared open at 8:05 PM. The Notice of Public Hearing was read by the Town Clerk.

Patricia Sheridan, Town Clerk reported that Mr. Apfelbaum presented documentation from the Clarkstown Central School District, Rockland County Drainage Agency and John Collins Engineers, P.C. which she distributed to the Town Board. She said Mr. Apfelbaum would like this documentation noted in the record.

Supervisor asked John Costa, Town Attorney if the Affidavit of Publication has been received. Mr. Costa replied that it is on file.

Supervisor Holbrook asked Mr. Costa to read correspondence from the following into the record:

Letter from R. James J. Yarmus, P.E., Commissioner of the Rockland County Department of Planning dated May 13, 2003 recommending modifications to the Zone Change. (On file in the Town Clerk's Office)

Letter from the Town of Clarkstown Planning Board, dated May 8, 2003 stating to "Continue the matter in order to obtain more information and clarify the various legal issues that were raised." There is no official decision from the Clarkstown Planning Board. (On file in the Town Clerk's Office).

Letter from Charles H. Vezzetti, Chairman, Rockland County Drainage Agency, dated May 9, 2003 to the Planning Board encouraging the Town of Clarkstown Planning Board to "consider the beneficial environmental impacts to the Demarest Kill stream corridor that would be realized as a consequence of the proposed zone change." (On file in the Town Clerk's Office).

Letter from William B. Heebink, Ph.D., Superintendent of the Clarkstown Central School District to Alan Apfelbaum expressing his views "on the advantages of this housing development concept for persons 55 and older who have no children under 18 living with them versus the present zoning for single-family homes." (On file in the Town Clerk's office).

Mr. Costa referred to a letter from John Collins Engineers, P.C. recommending a "detailed traffic study be performed to assist in the development of the internal roadway system. . ." (On file in the Town Clerk's office)

Supervisor Holbrook asked Robert Geneslaw, Town Planning Consultant for his comments. Mr. Geneslaw referred to two (2) prior letters from the Rockland County Highway Department. The letter from John Collins is in response to these two (2) letters that has substantially answered the questions that were raised by the Highway Department.

Mr. Geneslaw summarized his letter to the Town Board dated May 8, 2003. (On file in the Town Clerk's office)

Supervisor said the Town Board cannot take any affirmative action on this until the SEQRA process is complete and the Town Planning Board makes its recommendation. The intention is to hear the public this evening and to continue the hearing at a subsequent date.

Mr. Geneslaw agreed the Public Hearing should be left open so the public can comment on the Planning Board's recommendation and additional environmental information when it is available.

Co. Mandia asked if an ordinance could be created for age 55 and older rather than just allowing it in an MF-2 zone. Mr. Geneslaw said it is one option which is better than looking at individual applications on an ad hoc basis without any standards. He said Special Permit criteria may possibly be used as an option also.

Co. Lasker asked Mr. Geneslaw when he thinks a Public Hearing to amend the Comprehensive Plan should be held and would he elaborate on it. Mr. Geneslaw said in reply there should be some consideration given to the issues raised by Co. Mandia and the location of these developments. He also recommended there be consideration of the number of developments and requirements of a certain distance between developments. Discussion continued on the number and impact of these developments.

Supervisor opened the meeting for public comment.

Appearance: Joe Hanis
New City

He is happy the Town is not rushing into a decision and that the Comprehensive Plan is being reviewed. He said there is a definite need for this type of housing; however, not with this density. He questioned the enforcement of the age requirement. Co. Mandia said it is being done in other towns at present. He asked to where the Demarest Kill Stream flows. Supervisor replied that it flows down to under Old Route 304, makes a horseshoe bend, comes back under Old Route 304, enters the reservoir and can be seen from new Route 304 just before Ridge Road flowing into Lake DeForest. Mr. Hanis questioned the environmental impact of the stream running through the property to which a large amount of fill has been added. He also said the designated location is wrong for this development.

Appearance: Warrar. Kossin, Esq.
Representing several condominiums in the Town of Clarkstown

He quoted a comment by Rudy Yacushyn, Planning Board member stating the development is "contrary to the Town's Master Plan." Mr. Kossin said this plan was presented to the Planning Board in 1994 and was not accepted. He said he did a study of the age group purchasing condominiums and found that a very small percentage is age 55 or older.

He asked Mr. Costa if there is a law in the Town of Clarkstown which refers to housing for age 55 or older. Mr. Costa replied that on a number of occasions within the past two (2) years, the Town considered such a law, but one has not been adopted.

Mr. Kossin asked if the covenant will apply to the owner of the unit or the purchaser of the unit. Mr. Costa replied there is no covenant drafted yet. Mr. Kossin's concern is that people 55 years old and older can purchase one or several units and rent them out to young families. He suggested granting a tax abatement to residents 55 years old and older so that they can remain living in Clarkstown.

Appearance: James Comer
President of Forestbrook Homeowners Association

He said he is totally against this development.

Appearance: Larry K gler
25 Roberts Rd.
New City

He said housing is needed for people age 55 years and older that this location is good because it would be in close proximity to buses and shopping.

Appearance: Cora Bodkin
New City

She read her statement as follows:

"The Town Board is considering this application for a zone change that would have significant outcomes for the Town. The application calls for a change in density from approximately 55 to 60 units of single family homes to a density of about 234 condominium units for people aged 55 and over. That's about a 400% increase in the number of units. The rationale for this zone change is purported to be two-fold.

- One – meeting the housing needs for people age 55 and over, and
- Two – reducing impact on the schools.

Having been a member of the Citizens' Advisory Board for Housing, I have participated in the analysis of this rationale. Our findings do not support much desire for this type of market rate housing in the Town of Clarkstown. Surveys were sent to voters in Clarkstown aged 60 and above to ascertain the level of demand for the type of housing being proposed tonight. Thirty-three point six percent (33.6%) responded to these surveys – triple the normal survey results. We had 4,667 respondents. Seventy-one percent (71%) plan to retire or have already retired in the current homes. Only nine percent (9%) responded they would plan to move. Only three point six percent (3.6%) of the respondents were willing to pay a maximum of \$300,000 or more. And that totaled 167 respondents. The bulk of the respondents who wanted to move would consider \$150,000 to be the maximum they would be willing to spend. That is well under the market rate for a two-bedroom condominium in Rockland County.

We can conclude that the market rate upscale condominiums would not meet the needs of many of the seniors who reside in Clarkstown who would be either unwilling or unable to afford them. Staying in their current homes would be no more expensive than living in a market rate condominium when you factor in the monthly common charges.

This type of housing would appeal to some current senior Clarkstown homeowners just as the gentleman previously described his father as being a potential resident of such a community. The three (3) and four (4) or more bedrooms sold by these seniors would in all likelihood be purchased by a young family. Thereby, negatively impacting the school district when young children enroll in the schools.

There are two other factors that must be considered which have been previously mentioned by other speakers. One factor is the property has drainage issues caused by the flooding of the Demarest Kill. Another factor is there would be considerably more traffic generated by so many more units than the number of units allowed under current zoning.

To reiterate the question of a previous speaker, what are the benefits of this zone change? Would any benefits outweigh the detriments that would allow such intense use of the land?"

Ms. Bodkin asked Mr. Costa for clarification of Dr. Yarmus's statement in his correspondence favoring a zone change to approximately 240 units in a MF1 zone.

Supervisor asked Mr. Costa to clarify. Mr. Costa quoted from Dr. Yarmus' letter as follows:

"The Town should consider the feasibility of re-zoning this property to the MF1 zone. At the very least, the number of units on this site shall be limited to a maximum of 240 units and the number of buildings shall be reduced."

Ms. Bodkin said that the number may not be correct and that probably the figure is 120 units.

Appearance: Nicole Doliner
New City

She referred to the Ad Hoc Committee appointed approximately four years ago to work with the Planning Board on the Comprehensive Plan. She said as part of that process, they held public hearings in each hamlet. As a result of these hearings, the overall opinion was to stop down zoning. She suggested that before building these types of developments, the Town Board should find out what is needed in terms of senior housing and develop an overall plan.

Appearance: Martin Bernstein
New City

He referred to Mr. Kossin's comments regarding flooding in that particular area. He said there is only approximately ten percent of vacant land. He said he would like the Town to stop changing the zoning which is according to the Comprehensive Plan. He suggested having a hearing on the Comprehensive Plan first and have the public comment on whether the Comprehensive Plan should be changed for a higher density in that particular area. If the public agrees to it, then a zone change hearing should be held.

Mr. Bernstein read the following:

Affordable Senior Housing: What we really need:

"After 50 years of subdivision development in Rockland, we now find our county turned from a rural area to a suburban community but in reality becoming an urban one. At the same time, there is a conflict between our residents wanting to conserve much of our existing sensitive land for open space, and developers wanting not only to fill in this land with homes, but wanting to downzone to increase the density even more.

At the same time we have an increasing existing elderly population needing downsized housing for purchase or rental. The question is whether we should use up the existing 10% land, which is still open space, to bring in over developed expensive homes for people coming from the metropolitan area, or to find out how many of our existing elderly would stay and build for them?

I believe we should set up a priority on what land we should develop, so that we help our own before we downzone for outsiders. The priorities should be:

1. Residents who live here for over ten years and are over 62;
2. Affordability for elderly on fixed income;
3. The locations should be in areas close to hamlet centers for shopping, recreation, and other community facilities;
4. Before any open space is changed for this population, we should find out what numbers would participate so we do not build too many and have to open this to the outside world.
5. We need two family housing; however, it should be in areas close to hamlet centers so that it includes the elderly and does not increase the density of the outlying areas that have purchased homes in areas that have more open space on larger lots in low density.

All town and villages of our county should approach this situation in a manner that will keep more open space and lower density for our limited sensitive land left, while helping

our long time residents and property owners afford to stay and live in our county after helping to build our county in the past."

Appearance: Jeff Sasson
15 Bush Court
New City

He said although it was known that there were drainage problems in that area, development was allowed to continue. He said the builder recognizes there is wetlands on that property and is going to build the housing on one side and the wetland will be on the other. He suggested that if the builder wants to preserve the wetland, he should donate it to the town. He asked if the units are planned to be three stories tall and is this safe for senior citizens. He also expressed concerns as to what would happen if the homes did not sell to the age 55 and older market.

Appearance: Ethan David
380 N. Little Tor Road
New City

He said the zone change would do wonders for seniors.

Appearance: Mark Housman
New City

He moved to New City in 1995 and said he held off on the closing until the Town Board voted on the property behind his house. He said there is not a need for this development especially given the Comprehensive Plan. He asked how many times a developer has been before the Town Board with this type of proposal. He also said the public has given several good reasons for not allowing this development.

Supervisor Holbrook said in reply that an owner can make as many applications as they want. He said when the Town Board considers a zone change it is a legislative act and that the Town Board is under no obligation to grant zone changes.

Appearance: Bill McKinstry
Cranford Drive
New City

He agrees that the public must be heard and there are some implications to having the public hearing without an opinion by the Planning Board, without the modification of the Comprehensive Plan and without an ordinance to maintain the age limit of 55 and older. He asked what the potential outcome is of this public hearing this evening and is it possible a decision could be made without this input.

Co. Maloney replied that no decision can be made tonight. Supervisor Holbrook said the SEQRA process is not yet complete and the Board cannot act affirmatively tonight.

Appearance: Joe Schleimer
Phillips Hill Road
New City

He asked how many millions of dollars was spent after the last flooding. He said it would cost much more now and this development is right next to it.

Appearance: Martus Granier
West Branch Conservation Association

He spoke about the water problem and how the County is on the threshold of having to develop a water supply for water it does not have. He mentioned that Ramapo is considering a new Water Treatment Plant that will cost 148 million dollars. He said a development such as this could trigger very expensive water development.

Co. Lasker and Supervisor Holbrook moved to deny the zone change. The resolution failed.

Appearance: Daryl Willenbrink
Heritage Drive
New City

There are plenty units of this type already. Building more such units will produce more traffic and road maintenance problems. She said the best thing to do is for the Town to purchase that land and develop it into a three-par nine-hole golf course.

Appearance: Allan Eisencraft
Prospect Street
Nanuet

He and his wife are very much in favor of the development. He said it is no longer feasible for them to stay in their large home and would like to see an upscale senior one-level housing development.

Appearance: Scott Millick
3 Belaire Terrace
New City

He said this issue should have been addressed prior to the time the Comprehensive Plan was adopted. He said that while senior housing is of great importance to the Town, this proposal is "spot zoning" and is inconsistent with the Master Plan. He said that easy access to amenities and services by foot is a critical factor and efforts should be made to create senior housing that is most amenable to senior needs.

Appearance: Richard Loeb
New City

He said it is wise to abide by the lowest density possible and have courage to take painful steps to make the town safer and easier to move about or the quality of life may decline.

Appearance: Bruce Broadly
West Nyack

He said this is an attempt to down zone. He is against the higher density and suggested to build only 75 condominium senior type housing and leave the rest open. He said the school issue is very important as the schools are currently overcrowded.

Appearance: Peter Riveras
Little Tor Road
New City

He said before approving Senior Citizen Housing, it is important as a first step to research the Federal Government's definition of Senior Citizen Housing and implement federal regulations into the code. He also said that the ideal locations for Senior housing are the Cropsey properties and Schriev Lane.

Appearance: Bob McLoughlin
Little Tor Neighborhood Association
New City

He is against Mr. Riveras's suggestion of building senior housing on Schriev Lane as the Civic Association surrounds that property.

Appearance: Ed Graybow
New City

He said the issues are being discussed without knowing all of the facts. He said the major concerns are the health, safety and welfare of our community.

Appearance: Doug Katz
New City

He is in favor of this proposal as senior housing is needed in the County. He addressed the issue of insurance rates saying that Rockland County still has the lowest rates.

Appearance: Richard Green
New City

He is in favor of senior housing. He currently owns a large house and foresees that in the future he would have to sell but would like to remain in New City.

Appearance: Dr. Jay Levine
New City

He lives on Walnut Court which is adjacent to this property. He said the property is a nasty dump site. He asked the Board under whose authority this was permitted to become a dump site.

Supervisor replied that the County of Rockland carried the North Main Street project under the State auspices, they contracted with the owner of the property and were allowed to use the property for the spoils on the road. Eighty percent of the funding came from Federal, 10% from State and 5% from local governments. He said the County had no control over the project.

Dr. Levine said this property should never have been allowed to become a dumpsite.

Appearance: Joe Fessler
Ridgefield Road
New City

He agrees with Co. Maloney in that all of the facts and studies should be addressed before making a decision. He asked who will be financially responsible for the cost of all of the studies; the taxpayers or the developer.

Co. Maloney replied that the applicant has already presented his plan to the Planning Board and the Board is waiting for their recommendation to indicate what can and cannot be done. He said they are also waiting for the SEQRA report. He said the applicant pays to make the application.

Mr. Fessler said he was at the Planning Board meeting and the applicant did not submit the application but made the application to this Council. He said three Council members voted to refer to the Planning Board. He said that by sending it to the Planning Board, the cost is shifted to the taxpayer.

Co. Lasker asked Mr. Costa to respond to Mr. Fessler's statements. Mr. Costa answered that the Town Board, on its Own Motion, referred this matter to the Planning Board for study. The Planning Board has the right to establish criteria if it needs investigative services. When the Planning Board has an applicant before it, it normally places the cost of those investigative services on the applicant. In this case it would be his opinion that if the Planning Board feels it needs some studies, it should send a request back to the Town Board to either fund it, which the Town Board can do or it's Own Motion, or ask the Town Board to implement some other

mechanism to fund it. In this case, if the Town Board so chooses, it could ask the property owner to fund it. If the property owner declines to fund it, it could take action it deems best.

Appearance: Andrew Barret
New City

He spoke about the quality of life in the County and how keeping the seniors here would benefit the Town. Many retailers post help-wanted signs and suggested that seniors could fill many of the jobs. He favors senior housing.

Appearance: Stan Tisch
New City

He said there are two separate issues one being whether senior citizen housing is needed and the other is the viability of this parcel of land owned by Mr. Apfelbaum.

Appearance: Warren Wicks
Nyack

He is in favor of the proposal and the location of it. He said senior housing is needed or the seniors will be moving out of the area.

Appearance: Bob Kent

He was born in 1937 and has lived in this area for 66 years. He said this housing is needed in Clarkstown and would like to see a favorable vote.

Appearance: Karl Hess
West Nyack

He is a former member of the Planning Board and is in favor of concentric zoning. He referred to the housing built by John Booth across the street from the property. He said there is a two-year wait to get into this development. He said that a new development would be compatible with area since it is close to shopping and transportation.

Appearance: Tom Prestia
3 Walnut Court
New City

He said he met Mr. Apfelbaum who told him he didn't care about the turnout either way and that he just wants to build. Mr. Prestia said if this is so, then just let him build the 66 houses.

Appearance: Kevin Barletta
Valley Cottage

He is in favor of the proposal and said it is a stepping stone to keep residents in Clarkstown.

Appearance: Gabriel Alexander
New City

He is very much in favor of this development because it would be beneficial for the economy.

Appearance: Steven Katz
New City

He said people should learn all of the facts before making a decision. He spoke about the insurance rates saying that they are lower here than in other areas. He also spoke regarding the issue of three-story units saying that the petition was never for three stories,

only for one and two stories. On a personal level, he said that his parents and in-laws live in Florida because there is no housing such as this in the County.

Appearance: Roberta Bart
New City

She is in favor of this development and said this is the perfect location for it because it is in close proximity to shopping, transportation and medical services.

Appearance: Martin Bernstein
New City

He asked how the Town Board petitioned to make the zone change. Supervisor Holbrook referred the question to Mr. Costa.

Mr. Costa replied that this matter was initiated on the Town Board's Own Motion.

Mr. Bernstein asked what the vote was to which members of the Board replied it was a 3-2 vote.

Appearance: Joseph Caruso
Engineer for Apfelbaum

He described the development as being a gated community with controlled access to North Main Street and no access to Lowell, Dix or Cranford. If it were to be developed as a single family residence development, then the road pattern would continue as originally planned. He said Dr. Collins, Traffic Consultant, has confirmed the impact during peak hours would be no greater than for the single family development.

In regard to the three-story issue, Mr. Caruso said the proposal is for flat type developments (the units would be flats) and elevators would be provided for units with stairs.

He said the Drainage Agency has confirmed that this type of development would allow respect for the stream corridor and for on-site retention to help alleviate any existing downstream problems.

Co. Lasker asked Mr. Caruso what the costs of the units would be. Mr. Caruso said the costs have not been established yet; however, they would probably go with the current market.

Co. Lasker asked Mr. Costa if a public hearing could be established to amend the Comprehensive Plan before setting a date to continue this hearing. Mr. Costa replied that the Town Board has the ability to do so. Co. Lasker said she would like to see an established policy that before considering any future zone changes, there be a public hearing to amend the Comprehensive Plan.

Supervisor Holbrook asked Mr. Geneslaw what date he suggested to which he replied that he would not suggest a specific date at this point. He said he would like to have more environmental information available.

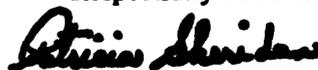
Mr. Geneslaw also responded to some of Mr. Caruso's comments. Mr. Geneslaw said there is a concept plan prepared by the property owner, not the applicant, which was displayed publicly at a Planning Board meeting. That plan shows three-story buildings with parking below which is permitted in the MF2 district. He said the impression from some of the speakers this evening is that the units are one and two-story buildings. The concept plan shows some three-story buildings and some that would be more conventionally Town House units.

In regard to the claim that the stream corridor is protected with the zone change, but not protected with the single-family homes, the Drainage Agency was able to become Lead Agency on the subdivision review because of their claim to the Commissioner of DEC that they had more knowledge, more expertise and more authority to control and protect the stream corridor, the flood plains and the wetlands. Mr. Geneslaw said it is the Drainage Agency's call on that issue.

Mr. Geneslaw said that as far as the Comprehensive Plan is concerned, he suggested the Town Board wait until more of the environmental information is available. He said he will provide a background memo and then the Town Board can decide about scheduling a public hearing.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, the Public Hearing was adjourned until June 24, 2003. Co. Lasker voted NO. Time: 10:45 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk