

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

06/20/2003

3:30 p.m.

Present: Deputy Supervisor Leonard  
Council Members Lasker, Maloney & Mandia  
Councilmember Smith, absent  
Marsha Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

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RESOLUTION NO. (470-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, by Resolution of the Town Board of the Town of Clarkstown (Resolution No. 213), duly adopted on March 11, 2003, a public hearing was scheduled for March 25, 2003, at 8:00 p.m., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the acquisition of a permanent easement by exercise of the power of eminent domain of a portion of the premises situate on the south and west sides of Congers Lake in Congers, New York, and more particularly described in Schedule "A" annexed hereto, together with a temporary construction easement more particularly described in Schedule "B" annexed hereto, for the improvement of safety and function of the Congers Lake Dam, flood control, recreation and for municipal purposes; and

WHEREAS, notice of such statutory public hearing was published in the Journal News, the official newspaper for the Town of Clarkstown, for five (5) consecutive days as follows: March 11, 12, 13, 14 and 15, 2003; and

WHEREAS, said public hearing was duly held as scheduled, and the purpose(s), the proposed location of the public project and all other pertinent information was set forth by Deputy Town Attorney Richard Glickel and Enrico Rumi, P.E., of Mayo, Lynch and Associates, the engineering consultants for the Congers Lake Dam project, and thereafter all persons in attendance were given a reasonable opportunity to present oral or written statements, or to submit other documentation concerning the proposed public project;

NOW, THEREFORE, upon due consideration, the Town Board of the Town of Clarkstown, pursuant to the Constitution of the State of New York, the Town Law and the Eminent Domain Procedure Law, hereby makes the following Determination and Findings:

1. The Town of Clarkstown shall exercise its power of eminent domain, if necessary, for the purpose of acquiring a permanent easement to a portion of the premises situate on the south and west sides of Congers Lake, Congers, New York, and more particularly described in Schedule "A", together with a temporary construction easement more particularly described in Schedule "B", which schedules are annexed hereto.

2. The easements obtained shall be used for public purposes. These easements are required for the completion of Phase II of the Congers Lake Dam Reconstruction Project and for the improved safety and function of the Congers lake Dam and for flood control purposes in accordance with the plan of the army corps of engineers and the direction of the New York State Department of Environmental Conservation (DEC). Under the State Environmental Quality Review Act (SEQRA), this project has been classified as an "Unlisted Action" and the New York State Department of Environmental Conservation has heretofore determined that it will not have a significant effect on the environment.

3. Following completion of Phase II of the Congers Lake Dam Reconstruction Project, the permanent easement will be necessary for flood control, to allow ingress and egress for future maintenance of the dam and the Congers Lake shoreline and for future public recreational general health purposes by allowing Clarkstown residents and other members of the public to circumnavigate Congers Lake over presently existing and contemplated paths and walkways. As lead agency, the Clarkstown Town Board has determined that the contemplated use of the property subject to the permanent easement will have no significant negative effect on the environment or on the local residents who live in the vicinity of Congers Lake and Congers Lake Park facility.

4. The funding of the acquisition of the easements may be obtained from surplus funds or by the issuance of capital improvement bonds subject to further proceedings.

SCHEDULE "A"

CONGERS LAKE EARTH DAM RECONSTRUCTION  
CLARKSTOWN, NEW YORK  
DESCRIPTION OF PROPERTY ACQUISITION ON  
LANDS NOW OR FORMERLY OWNED BY STERN

Beginning at a point in the westerly boundary line of Gilchrest Road at its intersection with the northerly line of the lands formerly of Stern, now owned by the Town of Clarkstown and running N 66°55' 00" W, a distance of 193.52 feet thence;

1. Through lands now or formerly of Stern, N 66°55' 00"W, a distance of 110.00 feet, thence;
2. Still through the same, N 30°47'00" W, a distance of 56.00 feet to a point in the boundary of Stern Place, a private road, thence;
3. Still through the same, S 247°07'20" W, a distance of 24.01 feet, thence;
4. Still through the same, N 74°35'00"W, a distance of 66.11 feet, thence;
5. Still through the same, S 48°48'27"W, a distance of 50.81 feet, thence;
6. Still through the same, N 65°55'35"W, a distance of 250.00 feet, thence;
7. Along the westerly boundary of the lands now or formerly owned by Stern, N 20°40'00"E, a distance of 36.50 feet, to the boundary of lands now or formerly of the Town of Clarkstown, thence;
8. Still along said boundary, S 62°12'00"E, a distance of 161.13 feet, thence;
9. Still along said boundary, S 72°41'15"E, a distance of 56.25 feet, thence;
10. Still along said boundary, N 62°38'45"E, a distance of 25.06 feet, thence;
11. Still along said boundary, N 19°12'40"E, a distance of 124.68 feet, thence;
12. Still along said boundary, N 62°37'20"E, a distance of 55.85 feet, thence;
13. Still along said boundary, N 89°32'10"E, a distance of 94.17 feet, thence;
14. Still along said boundary, S 14°24'10"E, a distance of 51.18 feet, thence;
15. Still along said boundary, S 06°51'00"W, a distance of 162.95 feet, thence;
16. Still along said boundary, S 35°11'45"E, a distance of 41.23 feet, thence;
17. Still along said boundary, S 62°56'35"E, a distance of 59.95 feet, thence;
18. Still along said boundary, S 23°05'00" W, a distance of 30.3 feet, to the point of beginning, encompassing 1.019 Acres.

SCHEDULE "B"

CONGERS LAKE EARTHDAM RECONSTRUCTION  
CLARKSTOWN, NEW YORK  
DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENTS  
ON LANDS NOW OR FORMERLY OWNED BY STERN

Beginning at a point in the westerly boundary line of Gilchrest Road at its intersection with the northerly line of the lands formerly of Stern, now owned by the Town of Clarkstown, and running N 66° 55' 00" W, a distance of 303.52 feet, thence;

1. Through lands now or formerly of Stern, S 44° 00' 00" W, a distance of 76.05 feet to a point in the boundary of Stern Place, a private road, thence;
2. Along said boundary on a curve to the left, having a radius of 50.00 feet, an arc length of 25.27 feet, thence;
3. Through lands now or formerly of Stern N 44° 00' 00" E, a distance of 36.00 feet, thence;
4. Still through the same, N 15° 00' 00" E, a distance of 60.10 feet, thence;
5. Still through the same, S 30° 47' 00" E, a distance of 56.00 feet, to the point of beginning.

TOGETHER with the right of ingress and egress for construction purposes over the traveled way of Stern Place, a private road, to Gilchrest Road, encompassing roughly 0.832 Acres

On roll call the vote was as follows:

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

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There being no further business and no one further wishing to be heard, on motion of Co. Mandia , seconded by Co. Lasker and unanimously adopted the Special Town Board Meeting was closed, time 3:35 p.m.

Respectfully submitted,



Patricia Sheridan  
Town Clerk