

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

02/10/2004

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Nowicki
Marsha Coopersmith, Deputy 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.

Appearances:

Orrin Getz, New City – spoke regarding street signs in Nanuet and the bad condition of Snake Hill Road

Brian Cocolicchio and Jeff Graham – Linden Ct, New City – spoke regarding the expansion of the water district and believe that they are entitled to compensation from United Water

John D. Cullen, West Nyack – spoke regarding item no.12, has been an election inspector for 20 years, job entails 15-18 hour days, believes that it should be broken up to 2 eight hours

Rob Anessi, 105 Freedman Avenue, Nanuet – thanked the Board regarding item no. 17 on the relocation of stop signs to Sherwood Circle and Freedman Avenue in Nanuet

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing regarding the “Proposed Zone Change (M to R-22) for Properties Along Pine View Road, West Nyack” was declared opened, time 8:05 p.m.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing regarding the “Proposed Zone Change (M to R-22) for Properties Along Pine View Road, West Nyack” was declared closed, time 9:13 p.m.

RESOLUTION NO. (145-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of January 27, 2004 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (146-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Comptroller to release the sum of \$3,600.00 from the escrow posted by Eva Kochowski, for required work at 5 Kakiak Court, New City, to Marie L. DiMaggio who completed such work which the developer neglected to do, which involved the installation of drainage at 5 Kakiak Court, New City, New York, subject, however, to execution of an indemnification agreement in a form approved by the Town Attorney, to protect the Town in the event of a dual claim.

On roll call the vote was as follows:

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

RESOLUTION NO. (147-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment to Rolling Acres Lawns and Landscaping, Inc., contractor hired by 170 North Main, LLC, for snow removal and salting of the commuter parking lot located at U.A. Cinema, New City, on December 5, 6, 14 and 15, 2003, invoice number 1420, in the amount of \$2,200.00, and on January 12, 15, 18, 19, and 28, 2004, invoice number 1574 in the amount of \$2,350.00, and be it

FURTHER RESOLVED, that the total amount of \$4,550.00 shall be a proper charge to account number A-5650-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (148-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Eric Eiselle, reputed owner of 41 Leona Avenue, New City, New York, has requested permission to erect a fence on his property which may interfere with access to a Town drainage easement, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has made a site inspection and has reported that the proposed encroachment will not adversely impact the Town's drainage installation provided a fence is installed at a recommended location and provided further that the Town retains the right, in the event of an emergency, to access the easement area even if such access may result in damage to the fence, and

RESOLUTION NO. (148-2004) continued

WHEREAS, John A. Costa, Town Attorney, has recommended that if permission is granted by the Town Board that same be in the form of a revocable license agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owner(s), in a form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the installation of the requested fence on or near the Town's drainage easement located at 41 Leona Avenue, New City, New York, more particularly described as Tax Map 51.14-2-4, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (149-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Deputy Town Attorney – Purchasing that

BID #8A-2004 – PRINTING OF SPRING/SUMMER AND FALL/WINTER RECREATION & PARKS BROCHURES

is hereby awarded as follows:

PROPOSAL ITEM A – OPTION 8a - SPRING/SUMMER BROCHURE:

PRINCIPALS: **COURIER PRINTING CORP.
24 LAUREL BANK AVENUE
DEPOSIT, NY 13754
HILTON EVANS**

as per their low bid quote of \$10,983.00;

PROPOSAL ITEM B - 2004 FALL/WINTER BROCHURE:

PRINCIPALS: **ENCOMPASS DESIGN
ONE MAPLE PLACE
GLENHEAD, NY 11545
BRUCE SWENSON**

as per their low bid quote of \$5,305.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Performance Bond or deposit equal to 15% of the total amount awarded above.

RESOLUTION NO. (149-2004) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (150-2004)

Co. Maloney offered and Co. Mandia seconded

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

BID #6-2004 – ARTS AND CRAFTS SUPPLIES

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on March 4, 2004 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (151-2004)

Co. Maloney offered and Co. Mandia seconded

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

BID #15-2004 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York at a time and place 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (152-2004)

Co. Maloney offered and Co. Mandia seconded

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

BID #16-2004 – SWIMMING POOL CHEMICALS

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York at a time and place 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (153-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Government Accounting Standards Board) for fiscal year ending December 31, 2003, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT is a nationally known actuarial consulting firm providing services to public entities nationwide related to self-insurance and GASB 10;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Charles E. Holbrook is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$6,500.00, plus reasonable out-of-pocket expenses.

On roll call the vote was as follows:

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

RESOLUTION NO. (154-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, MedbillLtd.com (formerly Shoreline Medical Billing Systems, Inc.) Acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc. and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that MedbillLtd.com has the necessary controls and procedures in place to provide reliance that the billing is proper,

THEREFORE, BE IT,

RESOLVED, that Supervisor Holbrook is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn, Rosenbaum, Phillips & Jauntig, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen's Memorial Drive, Pomona, New York, for a cost not to exceed \$5,000, to perform the limited scope audit referred to herein, as described in a proposal dated January 22, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (155-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program to be shared by all Police Departments in the County of Rockland and the Sheriff's Patrol, and

WHEREAS, the Town of Clarkstown has been notified by letter dated January 26, 2004 that the Town of Clarkstown's share for the STOP-DWI Program for the calendar year 2004 is \$8,239.92;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated January 26, 2004, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$8,239.92 for the calendar year 2004, subject to the use of all those funds as provided in said agreement.

On roll call the vote was as follows:

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

RESOLUTION NO. (156-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED THAT K. Luke Kalarickal, P.E., L.S., Director; and Dennis Letson, P.E., Deputy Director, of the Department of Environmental Control are hereby authorized to attend the Stormwater Management Technical Workshop to be held in White Plains, New York, on April 13 - 14, 2004; and

BE IT FURTHER RESOLVED that the cost of \$95.00 for each person at said training course, and other reasonable expenses for travel, tolls, and meals in accordance with the provisions of Town Board Resolution #133-2002, shall be charged to appropriation Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (157-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the compensation of the party Representative (Democrat and Republican) to read the voting machines for the year 2004 is hereby established at \$150.00 per day.

On roll call the vote was as follows:

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

RESOLUTION NO. (158-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the following are hereby appointed Custodians for the Voting machines for the Town of Clarkstown, at the wage of \$70.00 per machine, each voting day for the year 2004.

Jerry Gershon
24 Seymour Drive
New City, NY

Paul Pizzutello
16 Bradley Drive
New City, NY

On roll call the vote was as follows:

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

RESOLUTION NO. (159-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Custodians for the polling facilities, who open and close polling places, shall be paid at the rate of \$40.00 per day.

On roll call the vote was as follows:

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

RESOLUTION NO. (160-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the compensation of the Election Inspector for 2004 is established as follows:

Election Day -	Certified Inspectors	\$150.00
	Non-Certified Inspectors	140.00
	Chairman	15.00
Meeting Attendance	Instructional	10.00
	Certification	10.00

On roll call the vote was as follows:

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

RESOLUTION NO. (161-2004)

Co. Maloney offered and Co. Mandia seconded

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

VICTOR P. ZUGIBE, INC.
 66 W. Railroad Avenue
 Garnerville, NY 10923
 Victor P. Zugibe, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 04-10 VICTOR P. ZUGIBE, INC.

RESOLUTION NO. (161-2004) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (162-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Town Board resolution #379-2003 awarded Bid #35-2003 – Yale Drive Reconstruction Project to 58A JVD Industries, Ltd. of Mount Vernon, New York; and

WHEREAS, the Department of Environmental Control has approved a second change order on contract for this project as follows:

Reconstruct existing catch basins found to be in a state of disrepair – maximum of eight (8) catch basins @ \$2,850.00 each: Cost - \$22,800.00

Remove and reset one (1) catch basin and approximately 120 linear feet of storm drain line due to design change to accommodate unforeseen field conditions: Cost - \$3,589.29

Implement revised design prepared by the Department of Environmental Control for work in the existing south drainage easement: Cost - \$7,425.04

Install additional 175 linear feet of 6-inch diameter underdrain not called for as part of the original design for this project to alleviate an adverse groundwater condition encountered during construction: Cost - \$6,175.00

NOW, THEREFORE, BE IT RESOLVED that the total approved cost for this change order on contract is \$39,989.33; and

BE IT FURTHER RESOLVED that the current budget allowance for this project be increased to \$719,190.24 to reflect the additional cost of this change order on contract; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8751 409 0 77-22.

On roll call the vote was as follows:

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

RESOLUTION NO. (163-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Town Board resolution #617-2002 awarded Bid #27-2002 to Hudson Canyon Construction, Inc. of Millwood, New York; and

WHEREAS, previous change orders on contract approved by Town Board resolution have increased the allowance for this project to \$871,846.00; and

WHEREAS, two additional change orders on contract have been approved by the Department of Environmental Control as follows:

C.O. #4: Removal of Five (5) additional trees not included in the original plan found to be in conflict with the proposed open channel improvements
Cost - \$1,550.00

C.O. #5: Installation of 1000 linear feet of 4' x 8" stone lined channel to control erosion in the piped portion of the project
Cost - \$18,861.70

NOW, THEREFORE, BE IT RESOLVED that the total cost of these two additional change orders for this project is \$20,412.70; and

BE IT FURTHER RESOLVED that the allowance for this project be increased from \$871,846.00 to \$892,258.70 to reflect the cost of the change orders; 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (164-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, conditions encountered in the course of construction required additional work to be performed, which consisted of expenditures for title reports, payment for an easement, as well as the Department of Environmental Control and Clarkstown Highway Department's approved field changes needed to complete this project,

WHEREAS, the Contractor has submitted application for payment of 21,717.60 for field changes,

NOW THEREFORE, BE IT RESOLVED that Change Order #3 in the amount of \$21,717.60 is hereby authorized, and

BE IT FURTHER RESOLVED that the total amount of contract is increased to \$101,803.00.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes

RESOLUTION NO. (164-2004) continued

Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Holbrook Yes

RESOLUTION NO. (165-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by resolution 63-2002, the Town Board awarded Bid Number 73-2002 to Danny Clapp Landscaping, Inc., and

WHEREAS, by resolution 624-2003, 713-2003 and 770-2003, the Town Board did authorize changes in the scope of work for said bid to extend the scope of work and provide a greater degree protection of roadway and adjacent properties, and

WHEREAS, the geometry of the roadway and trench drain required modification to the drain to prevent damage to vehicles entering the roadway, and

WHEREAS, the Contractor has submitted change order #4 in the amount of \$1983.75, to perform the additional modification, and

WHEREAS, the Deputy Director of the Department of Environmental Control has reviewed the change, and recommended that the additional work be authorized by the Town Board.

NOW THEREFORE, BE IT RESOLVED that Change Order #4 In the amount of \$1983.75 is hereby authorized retroactive to and effective December 18, 2003, and

BE IT FURTHER RESOLVED that the total amount of contract is increased to \$36,587.75.

On roll call the vote was as follows:

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

RESOLUTION NO. (166-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown 2004 Salary Schedule was adopted by Resolution No. 1-2004 on January 6, 2004, and

WHEREAS, the Town Board desires to make amendments to that salary schedule,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown 2004 Salary Schedule is hereby amended to reflect the following salaries:

- All Members of the Zoning Board of Appeals -- \$220.00*
- All Members of the Planning Board -- \$220.00*
- All Members of the Architecture and Landscape Commission -- \$200.00*
- All Members of the Sanitation Commission -- \$220.00*

RESOLUTION NO. (166-2004) continued

- All Members of the Historical Review Board -- \$140.00*
- All Members of the Traffic and Traffic Fire Advisory Board -- \$200.00*
- All Members of the Parks Board & Recreation Commission -- \$220.00*

*Daily meeting rate for official meetings

AND BE IT FUTHER RESOLVED, that all Boards and Commissions are expected to meet a minimum of twelve (12) times per calendar year,

AND BE IT FURTHER RESOLVED, that this resolution shall be retroactive to February 9, 2004, and that the Town Clerk is hereby requested to forward copies of this resolution to the Comptroller, to the Personnel Administrator, and to each of the chairpersons of the various boards and commissions mentioned above.

On roll call the vote was as follows:

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

RESOLUTION NO. (167-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Resolution adopted on December 16, 2003, Resolution No. 917-2003 be hereby amended as follows:

Bid # 5-2004 – Athletic and Recreation Supplies

SPORTMASTER, P.O. Box 5000, Pittsburgh, PA 15206, for item # 77 as per specifications at a net bid price of \$1,976.00.

SPORTIME, One Sportime Way, Atlanta, GA 30340, for items #27, 29, 50 and 60, as per specifications at a net bid price of \$524.83.

On roll call the vote was as follows:

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

RESOLUTION NO. (168-2004)

Co. Maloney offered and Co. Nowicki 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 \$8,300.00, to cover the cost for required additional design services for the remediation and replacement of the exterior brick facade at the former Police/Court building. The top courses of the exterior brick wall were displaced and in danger of falling:

RESOLUTION NO. (168-2004) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby amends Resolution No. 171-2003, by authorizing a change order to increase the contract award to Denker Cackovic, Architects by \$8,300.00.

FURTHER RESOLVED, that all fees 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (169-2004)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby confirms the recommendation by the Town Attorney that the firm of Metropolitan Appraisals, d/b/a Lawrence & Shedler Appraisals, be retained to appraise property located at 39 High Tor Road, New City, New York, and 563 South Mountain Road, New City, New York, for the purpose of determining its present market value for Open Space. Said property is designated on the Clarkstown Tax Map 26.20-2-8 and 26.20-2-9, and be it

FURTHER RESOLVED, that the fee for said appraisal shall not exceed \$1,300.00, which shall be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (170-2004)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Town has received a request from a property owner to relocate three "Stop" signs presently located at Well Street and Park Lane, Nanuet, New York, as follows:

1. One "Stop" sign be placed at the corner of Sherwood Circle and Freedman Avenue, abutting property known as 69 Sherwood Circle;
2. One "Stop" sign be placed at the corner of Sherwood Circle and Park Lane, abutting 20 Park Avenue;
3. One "Stop" sign be placed at Freedman Avenue, abutting 105 Freedman Avenue;

RESOLUTION NO. (170-2004) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to relocate three "Stop" signs to Sherwood Circle and Freedman Avenue, as referred to herein, and be it

FURTHER RESOLVED, that the Town Clerk is directed to send a copy of this Resolution to the Superintendent of Highway for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (171-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Bronya Tauber has requested a refund of Building Permit fee (No. 02-1137) paid in the amount of \$1,832.00, for premises located at 104 Lakewood Drive, Congers, New York, because of unforeseen circumstances;

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 in the amount of \$1,832.00, less the cost of \$190.00 for processing, in the amount of \$1,642.00 to Bronya Tauber, 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (172-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Susan Hougui has requested a refund of Building Permit fee (No. 04-38) paid in the amount of \$80.00 for premises located at 22 Linden Court, New City, New York, because the permit application was accepted by the Building Department in error;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of Building Permit fee paid in the amount of \$80.00 to Susan Hougui, 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 Nowicki Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (173-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS in February 2003, the Town Board adopted a resolution securing less-than-fee interests in 458 undeveloped acres owned by United Water New York and its subsidiaries; and

WHEREAS Section 247 of the General Municipal Law (GML) authorizes the Town of Clarkstown to acquire such interests in real property for the preservation of open spaces and of environmentally sensitive areas, as the GML defines those terms; and

WHEREAS those open spaces were protected by means of a Deed of Conservation Easement (the Easement); and

WHEREAS, a legal problem forced the parties to limit the term of that easement to one year, during which time the parties hoped to cure the problem; and

WHEREAS more time is needed to do so; and

WHEREAS, United Water New York has offered to extend the term of the Easement so that the legal difficulty can be overcome;

NOW, THEREFORE BE IT RESOLVED, that the Town Board finds that it will conserve and protect the public health, safety and general welfare if it so extends the Easement; and be it

FURTHER RESOLVED that a public hearing for that proposed extension will be held at 8:00 PM on February 24, 2004; and be it

FURTHER RESOLVED that the Town Clerk shall advertise the Hearing according to law.

On roll call the vote was as follows:

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

RESOLUTION NO. (174-2004)

Co. Maloney offered and Co. Lasker seconded

At a regular meeting of the Town Board of the
Town of Clarkstown, in the County of Rockland,
New City, New York, in said Town of Clarkstown,
on February 10, 2004.

PRESENT: Charles E. Holbrook, Supervisor
John R. Maloney, Councilman
Ralph F. Mandia, Councilman
Shirley Lasker, Councilwoman
Catherine M. Nowicki, Councilwoman

-----X

In the Matter of

Extension of the Clarkstown Consolidated
Water Supply District #1 to include the
Area of ALMUTH DRIVE, MEYER LANE and
LINDEN COURT, New City, New York.

ORDER CALLING
FOR A
PUBLIC HEARING

-----X

WHEREAS, the Town Board of the Town of Clarkstown, County of Rockland, New York, has received a proposal from the United Water Company for the installation of approximately 3,532 feet of pipe in ALMUTH DRIVE, MEYER LANE and LINDEN COURT, New City, New York, to connect into the existing water line located on Old Route 304, at a cost not to exceed \$390,000.00, and

WHEREAS, the Town Board has determined to proceed with the extension of the Clarkstown Consolidated Water Supply District #1 to include the areas described herein and the consolidation thereof, and

NOW, THEREFORE, BE IT ORDERED, that the Director of the Department of Environmental Control is hereby directed to prepare a map, plan and report depicting the properties to be benefited by the proposed extension described herein, and to file same for public inspection in the Office of the Town Clerk on or before February 13, 2004, and be it

FURTHER ORDERED, that a public meeting of the Town Board of the Town of Clarkstown be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 24, 2004, at 8:00 p.m., or as soon thereafter as possible, to consider the proposed extension and consolidation of the Clarkstown Consolidated Water Supply District #1 as herein referred to, and that all the expenses of the district shall be charged against the entire area of the district as extended, and to hear all persons interested in the subject thereof, concerning the same, and for such other action of the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper of general circulation and post on the sign board of said Town maintained pursuant to Subdivision 6 of Section 30 of Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District #1, a copy of this Order, certified by the Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for the public hearing as aforesaid.

Dated: February 10, 2004

TOWN BOARD, TOWN OF CLARKSTOWN
CHARLES E. HOLBROOK, Supervisor
JOHN R. MALONEY, Councilman
RALPH F. MANDIA, Councilman
SHIRLEY LASKER, Councilwoman
CATHERINE M. NOWICKI, Councilwoman

RESOLUTION NO. (174-2004) continued

SCHEDULE "A"

TAX MAP	ADDRESS New City, New York	OWNER
34.15-2-8	26 Linden Court	Greenblatt
34.15-2-9	28 Linden Court	See
34.15-2-10	30 Linden Court	Robins
34.15-2-11	32 Linden Court	Doyle
34.15-2-12	34 Linden Court	Berzon
34.15-2-13	36 Linden Court	Jacobs
34.15-2-14	11 Almuth Drive	Steckler
34.15-2-15	31 Linden Court	Melian
34.15-2-16	29 Linden Court	Grossbarth
34.15-2-17	27 Linden Court	Glum
34.15-2-18	25 Linden Court	Weishaus
34.15-2-19	23 Linden Court	Rivera
34.15-2-20	21 Linden Court	McGrath
34.15-2-21	11 Linden Court	Morgese
34.15-2-22	9 Linden Court	Reynolds
34.15-2-23	7 Linden Court	DiPasquale
34.15-2-24	5 Linden Court	Donn
34.15-2-25	3 Linden Court	Graham
34.15-2-26	1 Linden Court	Feltham
34.15-2-27	10 Almuth Drive	Pedersen
34.15-2-28	2 Linden Court	Perez
34.15-2-29	4 Linden Court	Rees
34.15-2-30	6 Meyer Lane	Weiner
34.15-2-31	8 Linden Court	Garcia
34.15-2-32	4 Meyer Lane	Bruno
34.15-2-34.1	71 Old Route 304	Carrobis
34.15-2-34.2	2 Meyer Lane	Sweet
34.15-2-37	5 Meyer Lane	Braun
34.15-2-38	7 Meyer Lane	Jenks
34.15-2-39	9 Meyer Lane	Zernone
34.15-2-40	8 Almuth Drive	Reck
34.15-2-41	6 Almuth Drive	McCarthy
34.15-2-42	4 Almuth Drive	Meneses
34.16-1-56	10 Linden Court	Mindich
34.16-1-57	12 Linden Court	Cocolicchio
34.16-1-58	14 Linden Court	DeMaio
34.16-1-59	16 Linden Court	Blumenfeld
34.16-1-60	18 Linden Court	Undersinger
34.16-1-61	20 Linden Court	Brooks
34.16-1-62	22 Linden Court	Hougui
34.16-1-63	24 Linden Court	Siegel

On roll call the vote was as follows:

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

RESOLUTION NO. (175-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled, "Congers Hamlet Center Overlay District" was introduced at a meeting of the Town Board on January 28, 2003, and

WHEREAS, the Town Board by resolution adopted on January 28, 2003, determined that it would act as lead agency for the purposes of the New York State Environmental Quality Review Act (SEQRA) and directed that a public hearing be held on February 11, 2003, at 8:00 PM or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a copy of the proposed local law in final form was placed on the desk of the Supervisor at his office at the Clarkstown Town Hall and delivered to the homes of the Councilpersons on February 7, 2003, and

WHEREAS, a notice of said hearing was duly prepared and published in The Journal News on February 5, 2003, and the proposal was referred to the Rockland County Planning Commissioner and to the Clarkstown Planning Board, although not required to be so referred to the Clarkstown Planning Board pursuant to Section 290-33, and

WHEREAS, the Clarkstown Planning Board, by way of resolution dated March 26, 2003, agreed with the proposed local law to the extent that they felt the existing Local Law 14-2002 should be rescinded, and although the Clarkstown Planning Board requested that "...the Town Board begin a whole new process for a total review of the amended law..." it did not respond when the matter was re-referred to the Planning Board by Town Board resolutions dated April 8, 2003, and September 30, 2003, and

WHEREAS, the Rockland County Planning Commissioner, in a response dated March 12, 2003, did recommend modifications to the proposed law that were considered by the Town Board, and

WHEREAS, the Town Board wishes to proceed to a determination of this matter at this time as the proposed Local Law includes standards and boundaries that differ from the original "Congers Hamlet Center Overlay District" that was adopted as Local Law 14-2002, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form and related memo dated February 10, 2004, prepared by Robert Geneslaw, Planning Consultant, which refers to a report dated November 25, 2002, all of which the Board has considered with respect to SEQRA compliance;

NOW, THEREFORE, BE IT RESOLVED, that based upon the memo dated February 10, 2004, and the report dated November 25, 2002, from Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the Town Board hereby further determines that the proposed Local Law concerning the Congers Hamlet Center Overlay District shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this Local Law by a majority plus one vote of the Board in contravention of the recommended modifications of the Rockland County Planning Commissioner because it believes that the proposed Local Law is an improvement over the original "Congers Hamlet Center Overlay District" that was adopted as Local Law 14-2002, and be it

FURTHER RESOLVED, that Local Law 14-2002 is rescinded in its entirety, and be it

RESOLUTION NO. (175-2004) continued

FURTHER RESOLVED, that Local Law No.1-2004 entitled "Congers Hamlet Center Overlay District" §151-16 is hereby adopted in its entirety with the following modifications:

Amend §151-16.A, Boundaries to read, "Congers Hamlet Center Overlay District includes those properties that are, at the time of the adoption of this Local Law, zoned "LS" with frontage on Lake Road, Burnside Avenue, or North Rockland Avenue AND located within 450' of Congers Lake Road AND within the area from the west sides of Sherman Avenue and Pleasant Street north to the east sides of North and South Harrison Avenue. Congers Hamlet Center Overlay District also includes those properties that are, at the time of the adoption of this Local Law, zoned "LIO" and located with frontage on Hemenway Avenue."

Add to §151-16.B, (insert in the first paragraph, right before the last sentence in that paragraph), "This incentive is allowable by Special Permit of the Town Board and is subject to the requirements of §290-15 and §290-32C(5)."

Add as §151-16.B7, "Property owners shall be required to give rental preference to Clarkstown residents for any apartment created under this incentive. Preference shall first be given to volunteer emergency personnel (including members of volunteer fire departments and ambulances corps) and to senior citizens. Any application for a certificate of occupancy for any apartment created under this incentive shall be accompanied by a declaration of covenant running with the land providing for the above preference. Such declaration shall be in a form approved by the Town Attorney and recorded with the Rockland County Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (176-2004)

Supervisor Holbrook offered and Co. Nowicki seconded

WHEREAS, the water supplies of thirty-nine families in the area of Almuth Drive, Meyer Lane, and Linden Court, New City, New York, have become contaminated due to the apparent failure of underground fuel storage tanks on the nearby property of Barrier Motor Fuels, Inc., 70 Old Route 304, New City, New York, and

WHEREAS, the Town of Clarkstown is now in the process of extending the Clarkstown Consolidated Water Supply District No. 1 to cover the area of Almuth Drive, Meyer Lane, and Linden Court, New City, New York, to ensure that the affected residents will have a safe and clean water supply, and

WHEREAS, the New York State Department of Environmental Conservation has jurisdiction of the affected area and will oversee the much needed clean up and remediation of the Barrier Motor Fuels. Inc. property;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the New York State Department of Environmental Conservation, and all agencies involved, take all steps necessary to expedite the clean up of the Barrier Motor Fuels, Inc. property, 70 Old Route 304, New City, New York, to ensure that this area will offer a safer environment for all persons living on Almuth Drive, Meyer Lane, and Linden Court, New City, New York, and be it

ABE667

RESOLUTION NO. (176-2004) continued

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this Resolution to the Commissioner of the New York State Department of Environmental Conservation, the Rockland County Department of Health, and any other involved agency.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, the meeting was adjourned. On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Town Board Meeting was closed, time 9:33 pm.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/10/2004

8:05 PM

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia, Nowicki
Marsha Coopersmith – Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Zone Change (M to R-22) for Properties Along Pine View Road, West Nyack

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

Co. Mandia asked who the applicant is in this case to which Supervisor Holbrook replied that it is the Town's Own Motion.

Supervisor read correspondence: (SEE ATTACHED)

Supervisor asked Joe Simoes, Town Planner, for his comments.

Mr. Simoes said that he and Peter Beary, Building Inspector, did a history on the property that is before the Planning Board for site plan approval to operate a landscaping business. He highlighted the events since the transfer of sale in 2001.

He said there was a complaint in November of 2001 and a violation that was served to Mr. Fowler. At that time Mr. Fowler attended a TAC meeting to apply for a landscaping business on his property. He said Mr. Fowler had appeared in court in response to the violation; however, had also missed court appearances and two (2) scheduled TAC meetings in the course of eighteen (18) months.

Mr. Simoes said that after the Town Board resolution was passed setting a public hearing date for the zone change, Mr. Fowler submitted a completed application to TAC in November of 2003. He said Mr. Fowler is scheduled for a Planning Board meeting on March 3, 2004 and the Planning Board received the information under SEQR for distribution.

Supervisor asked to what the court appearances are related. Mr. Simoes replied that they relate to the violation issued on November 28, 2001: running a commercial business and constructing without a building permit.

Co. Mandia asked if there are two (2) other properties that were sold to potential commercial owners and at what stage is the process for site-plan approval. Mr. Simoes said in reply that Mr. Naclerio has gone before the Planning Board where some issues were raised. Mr. Naclerio has not yet responded. Mr. Clapp has not yet submitted an application.

Co. Lasker asked what the condition of the Fowler property is at this time. Mr. Simoes said there are two (2) residential buildings and the proposal is for an office/warehouse type of use.

Supervisor asked if residential and landscaping use is an issue. Mr. Simoes replied that the issue was raised with Mr. Naclario and read the determination from the Zoning Administrator, dated December 19, 2002 as follows:

“After review of the above-referenced matter, it is the opinion of the Office of the Zoning Administrator that the pre-existing non-conforming residential use can remain while the applicant continues with his permitted use under the M zone district, ie landscape business.”

Supervisor opened the meeting for public comment.

Appearance: Donald Tracy, Esq.
Representing the Landscapers

He said the owners bought these properties because of the existing zoning and the overall shortage of this type of use in Clarkstown. He submitted a copy of 265 Affidavit to the Deputy Town Attorney, Marsha Coopersmith.

He said if the zone had been changed to R-15, the residents would have been happier but the R-22 creates non-conforming lot frontage. Mr. Tracy asked if there was an amendment to the Master Plan in connection to proposed R-22.

Supervisor replied that he didn't know if that was published. Mr. Tracy said that in fairness to those who rely on the current zoning for their businesses, should not have their plans changed at the will of their neighbors.

Supervisor asked Mr. Tracy if there will be a resolution of the violation. Mr. Tracy he was not involved in the matter and could not answer the question. Mr. Tracy also spoke about spot zoning and how it is not advisable.

Co. Mandia asked Mr. Simoes about the non-conforming frontage of an R-22 district mentioned by Mr. Tracy which would make it difficult for the residents to make changes to their property. Mr. Simoes replied that it is not the frontage that would be the issue. Frontage for R-15 and R-22 is 75 feet. The issue would be lot width which is 125 feet for R22 vs. 100 feet for the R-15. That would be pre-existing, non-conforming.

Appearance: Bill Fowler
11 & 8 Pineview

He said he had asked the Town for permission to maintain his landscaping business on the property and stated the Town said he could do so. He said he also asked the Town if he could pour concrete and again stated that the Town said he could. He said that after pouring the concrete, the Building Inspector informed him that he was in violation of maintaining a business on his property. Mr. Fowler said he was told to submit an application and after doing so he was informed of all the requirements. He said he appeared in court several times to update his application process. He said he made major improvements to his properties and the road.

Supervisor Holbrook said the issue is that the site plan needs approval.

Appearance: John Pugliese
16 Pineview

He asked if it is legal for Mr. Fowler to purchase these properties and subsequently rent to three (3) different families.

Supervisor said that looking back at three (3) years of history, the issue of renting the properties must be resolved.

Mr. Pugliese said he bought the house ten (10) years ago and would like to remain there. He said the quality of life is deteriorating because of the business activities and the trucks passing through on the road.

Appearance: Bart Simons
Pineview Rd.

He spoke about the quality of life issues. He said the main problem is that there is no perfected site plan. No one knows what has been happening on Pineview Rd. He said all three (3) property owners do not live on the road as they rent out their properties. He asked what the results will be on Pineview Road.

Appearance: Danny Clapp
40 Pineview Rd.

He said he bought the property strictly as commercial property and he has no plans to do anything with the property at this time. He said the property is clearly worth more money as manufacturing than as residential.

Appearance: Michael Naclerio
36 Pineview Rd.

He said that before purchasing his property in October of 2002, he asked Peter Beary, Building Inspector and Jeff Millman, Deputy Town Attorney if he would be able to park his equipment on the property. He stated he was told that he would be able to do so. He said that they told him to bring a drawing to the TAC meeting. He said the process has taken him to the Planning Board. Mr. Naclerio said he purchased the property as commercial property and wants it to remain as

PH: Proposed Zone Change (MtoR-22) for Properties Along Pine View Rd., West Nyack
02/10/2004

Page 3

commercial property. Mr. Naclerio said the property at the time, was listed as commercial property and asked why the residents did not speak up then.

Supervisor said that whatever is done with the property, site plan approval is still needed.

Co. Mandia suggested that a Fact Sheet be available by the Building Department when a question such as this arises.

Appearance: Lou Bimbo
32 Pineview Rd.

He said people didn't do their homework before buying their property. He thanked Danny Clapp for doing such a good job on the road. He said the residents were willing to chip in to pay for the road. He also said one of the neighbors did call when they saw the sign for commercial property.

Appearance: Bill Brennan
Doescher Ave.
West Nyack

He asked the Board to take into consideration the commercial traffic problems when evaluating any zone change.

Appearance: Diane Fitzsimons
24 Pineview Ave.

She said that when the Fowler property was sold, the residents did not know that it was being sold as commercial property until they saw the business operations. She said she immediately called the Town and spoke with Supervisor Holbrook. She said when commercial signs were posted; she met with Joel Epstein, Zoning Administrator and Peter Beary, Building Inspector. She stated that Mr. Beary informed her that the business owners would have to file a full site plan and meet the specified requirements. She said she has lived on the street for twenty-five (25) years and the quality of life has deteriorated.

Co. Maloney asked how long ago the commercial sign was first posted. Mrs. Fitzsimons said it was in 2001.

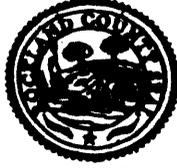
Co. Mandia said that the residents were misinformed at the time.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was CLOSED, DECISION RESERVED.
Time: 9:13 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk



**COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING**

**Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax: (845) 364-3435**

C. SCOTT VANDERHOEF
County Executive

JAMES CYMORE
Commissioner

ARLENE MILLER
Deputy Commissioner

December 15, 2003

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

**Tax Data 65.9-2-41
65.9-2-40
65.9-2-33
65.9-2-32
65.9-2-28
65.9-2-29
65.9-2-30
65.9-2-31
65.9-2-34
65.9-2-35
65.9-2-36
65.9-2-37
65.9-2-38
65.9-2-39**

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 (l and m)

Map Date:

Date Review Received: 11/24/2003

Item: PINEVIEW (C-2009E)

Request for zone change from M district to R-15 district for 14 lots consisting of approximately 15.2 acres.

East side of Hackensack River along Pine View Road.

Reason for Referral:

Western Highway (County Route 15), Green Road (County Route 44), and Hackensack River.

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I the Commissioner of Planning, hereby:

***Approve**

Since the proposed project has met all of the concerns of the County Planning Department and

PINEVIEW (C-2009E)

will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

SS

James Cymore
Commissioner of Planning

Letter dated 12/16/03

Re: TOWN BOARD RESOLUTION NO. 895-2003 RESERVING DECISION ON THE PROPOSED ZONE CHANGE FOR PROPERTY AT PINE VIEW ROAD, WEST NYACK, AND REFERRING TO THE PLANNING BOARD PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN

Dear Supervisor Holbrook and the Honorable Town Board:

The above resolution was reviewed at the Planning Board Meeting of December 10, 2003. The Planning Board took the following action:

Motion of Yacyshyn, Second of Cain, carried 5:0, with Ayes of Paris, Heim & Nowicki approving the following ...

The Planning Board recommends to the Town Board that the zoning of the properties known as Map 65.9-2-28, 65.9-2-29, 65.9-2-30, 65.9-2-31, 65.9-2-34, 65.9-2-35, 65.9-2-36, 65.9-2-37, 65.9-2-38, 65.9-2-39, 65.9-2-32, 65.9-2-33, 65.9-2-40, 65.9-2-41 be changed from the M district to an R-22 district, instead of the R-15 district proposed by the Town Board, in order to limit the future subdivision of the properties. Changing the zoning of said properties will bring the zoning map in conformity with the existing residential land uses.

The Planning Board further recommends that a conforming amendment be made to the Comprehensive Plan. Since the area is primarily residential, the changing of the zoning of the area from M to a residential zone is an exception from the policy of retaining industrial land in order to encourage economic development opportunities to meet the occupational needs of Town residents. A SEQRA review will be forthcoming from the Department of Planning and findings as required by the Zoning Law Section 290-33 will be provided to the Planning Board for approval.

Thank you for the opportunity to review this resolution.

Sincerely,


Richard U. Paris
Chairman
Planning Board - Town of Clarkstown

December 29, 2003

Mr. Charles Holbrook, Supervisor
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Re: Zone Change - Pineview Road

Dear Members of the Town Board:

We, the residents of Pineview Road, respectfully request that this letter be made part of the record for the requisite zone change on Pineview Road in West Nyack. We wish to make clear our position and the reasons for this request.

1. Quality of Life -

Besides the long list of annoyances, nuisances and inconveniences, such as traffic, noise, inconsiderateness, etc., the main issue is safety. The road, while deteriorating under an ever increasing load of truck traffic remains a danger zone with large trucks and equipment coming and going from dawn to dusk. The road measures approximately 1500 feet and narrows at certain points to 14 feet in width. The road is a gravel bed with a severe left turn when entering the road at No. 11 which presents a dangerous situation as there is also a blind spot to oncoming traffic. There are no lights on the road so the bulk of truck traffic from fall through early spring is done in darkness. There are several families with small children, including Mr. Fowler's own tenants at No. 11 and Mr. Naclerio's tenants at No. 36. This situation will only worsen if businesses are allowed to expand along the road.

2. What is Permissible under M Zone -

We have heard time and again that we are an "anomaly" and nobody is really sure what cause of action should be taken with regard to this zone designation. Let's look at this anomaly.

Fowler property, Nos. 8 and 11 - Mr. Fowler bought No. 11 over 2-1/2 years ago and No. 8 one year later. In all that time, he has yet to perfect a site plan for either one of those properties. Along the way, Mr. Fowler has rented three homes on these properties as residential use. Is this not a violation of the M Zone designation? Also does not Mr. Fowler have several citations on both properties for building code violations? Perhaps Mr. Fowler feels he can do whatever he pleases with little or no regard for the town's ordinances or the residents on the road.

Naclerio property, No. 36 - This property is approximately one-third of an acre. Accounting for the wetland's buffer zone as well as the buffer zones along the adjacent

properties, exactly what does Mr. Naclerio have left as useable property? Why would anyone even buy this piece of property commercially. How did he expect to do anything on it. What a waste of his life savings, as was alluded to at the Dec. 16 meeting. Let's remember, these homes are also our life savings.

Clapp property, No. 41 - This property is abutted by wetlands which, when taken into consideration, may decrease the size of his property so as not to meet the criteria to maintain an M zoning.

3. Environmental Issues -

While the environmental problems on Pineview Road have been well documented over the years, it is precisely for this reason that extra care and sensitivity should be used in any consideration of land use on Pineview. Clean up of the Chromalloy site has begun and will be ongoing for decades. The size and scope of the operations currently on Pineview Road are not of a small landscape service. In fact, the Fowler operation encompasses a lawn maintenance service, an irrigation service, a hidden dog fence company and more. If you add to this Mr. Naclerio's and Mr. Clapp's operations, you can see the scope becomes enormous. These operations involve storage and usage of fuels and oils, chemicals, road salts, etc., in the operation of their services and the maintenance of their fleet. If you add to this that the Clapp and Naclerio properties are abutted by wetlands and the Fowler property at No. 11 is bordered by the Hackensack River, a cause for concern exists for those sensitive environs, and any commercial undertaking may need to be reviewed by outside sources, e.g., Dept. of Environmental Conservation, Army Corps of Engineering and other government agencies. All of the homes are connected to septic systems, and as more people use these facilities in a commercial environment, the stress for frequent cleaning and proper leech field management becomes a priority. Also, as a narrow road, parking becomes an issue as their employees have to park off the street, which also cuts into the size of their properties. There remains a myriad of logistical problems having mixed use on a private road of this size.

4. The Original Zone Change Request -

This zone change was originally requested to help facilitate the settlement of a lawsuit against the polluters of Pineview Road. It was suggested by our then attorney to make the property more attractive to a commercial buyer AS ONE LOT since it would have already been rezoned without that buyer having to go through the process of doing it himself. This was done in 1994 but no settlement or buy out of ALL the properties ever came to fruition. As the lawsuit dragged on for eight more years, people became weary and just wanted to get on with their lives.

5. The End Result -

The owner of No. 11 passed away and the responsibility and upkeep of that property fell to the executors of that estate, who were elderly and found it increasingly difficult to take care of it. They ultimately decided to sell and, as the realtor was aware that the value of the property was better if sold commercially, he decided to sell it that way. We had no idea how this property was being sold at the time. It was always our understanding that in order to be sold commercially, it had to be done as one lot. Therefore, it should never have been allowed to be sold that way, but somehow the realtor was able to do it. Once it became evident since all the businesses started running and Mr. Fowler was doing work without permits, etc., in the fall of 2001, we immediately expressed our concerns to the town officials, Messrs. Holbrook, Epstein, Beery, Ashein and others. They assured us they would look into the matter and protect our interests.

Then, as other people decided to sell, Mr. McGreevy, the realtor who had sold No. 11, decided to run a landscaper special on this road. As the signs started to pop up with commercial real estate, we again went to see Mr. Holbrook and Mr. Epstein about this matter, especially stressing the point that any landscaping business at Nos. 36 and 40 would have large trucks running the entire length of the road, a very dangerous situation. We did not sit back and do nothing as was alluded to by Mr. Naclerio at the town meeting on Dec. 16, 2003. We did not make our bed and now have to lie in it. We were trying to fix this intolerable situation. He is the one that made his bed by buying a piece of property that does not even meet the criteria for an M zone.

We had numerous meetings with Messrs. Holbrook and Epstein, and an exorbitant amount of telephone calls to many town officials, in an attempt to rectify this situation prior to this request for a zone change. This is far from our first attempt to restore our road to the "little piece of heaven" it once was.

Why does anyone want to live here? We note that these gentlemen do not reside here, but have no problems renting these homes so they must realize people do want to live here. We now ask of them why do you want to operate your businesses here with all of these annoyances - the train blocking, the landfill, septic systems, a gravel potholed private road, lack of lighting and street parking. While their answer is one of economics, our answer is that these are our homes, in some instances, multi-generational. We have and are raising our children on what was once a quiet, crime-free, pastoral setting, with no fences or fear of not knowing who your neighbor is. This is why we request the change.

These gentlemen seem to want the best of both worlds. They want to be able to run their businesses, store their equipment, maintain an office; and yet still be able to rent the houses to tenants in a residential capacity. Of course, they don't want to live here themselves and have the hassles that their own businesses create. Who would want to live here with their large trucks running up and down the road making noise, creating an ever-increasing amount of potholes, blocking the road, etc.? Well, we do want to live here but without their businesses ruining it for us.

We thank you for your time, patience and what, we certainly hope, will be a favorable outcome for the residents of Pineview Road.

Very truly yours,

PINE VIEW ROAD RESIDENTS

Raymond Levier - No. 12

John Pugliese - No. 16

Brunilda Rivera - No. 20

Diane Fitzsimons - No. 24

Noel Bofeliado - No. 25

Christopher Charlemagne - No. 28

Walter Anderson - No. 29

Louis Bimbo - No. 32

Frank Colorito - No. 35

Michael Kohut - No. 41



TOWN OF CLARKSTOWN
PLANNING BOARD
10 MAPLE AVENUE
NEW CITY, NEW YORK 10956-5099
(845) 639-2070
FAX: (845) 639-2071

RICHARD J. PARIS, Chairman
RUDOLPH J. YACYSHYN, Vice Chairman
HAROLD J. SCHWEITZER
JOHN J. CAIN
GILBERT J. HEIM
CATHERINE M. NOWICKI
MARVIN S. BAUM
WILLIAM L. NEST
Vice-Chairman Emeritus 1983-2001

January 12, 2004

Town Board
10 Maple Avenue
New City, New York 10956

RE: TOWN BOARD RESOLUTION NO. 895-2003 RESERVING DECISION ON THE PROPOSED ZONE CHANGE FOR PROPERTY AT PINE VIEW ROAD, WEST NYACK

Dear Supervisor Holbrook and The Honorable Town Board:

The Planning Board discussed the above subject matter at their Planning Board meeting of January 7, 2004 and made the following recommendation.

Motion by Heim, Second of Cain, carried 6:0, with Ayes of Paris, Yacyshyn, Baum & Hoehmann, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has reviewed the proposed zone change for the properties along Pine View Road, West Nyack. Changing the zoning of said properties to a residential designation will bring the zoning map in conformity with the existing residential land uses. The Planning Board recommends that the properties be rezoned to the R-22 zoning district, as this is more appropriate than the R-15 zone. Most of the parcels are approximately 1 acre (average 1.12 acres), which could be further subdivided under the R-15 zoning district. Many of the parcels are located in the floodplain of the Hackensack River and either have or are adjacent to wetlands. The area should be rezoned to the R-22 to limit future subdivision. This will help to protect these sensitive environmental resources, without affecting the existing residential uses. All but two lots have sufficient lot areas to meet the R-22 minimum lot requirements.

The Planning Board makes the following findings as required by the zoning code, § 190-33:

- (a) The uses permitted by the proposed change would be appropriate in the area because they are uses that currently exist in and around the area.
- (b) Adequate public school facilities and other public services already serve the existing residences. Additional residences are not likely to be constructed as a result of the zone change.
- (c) Adequate water supply and sanitary sewer service currently serves the area.
- (d) Other residentially zoned vacant land in the vicinity includes R-15 (0.75 acres), R-40 (18 acres) and R-160 (12.5 acres) zoned property. However, all properties have limited development potential because of wetlands and the Hackensack floodplain.
- (e) The rate of residential development, while not as high as in the 1960's and 1970's, is still substantial in the Town, but not in the immediate vicinity due to environmental constraints.
- (f) The effect of proposed amendment upon growth of existing communities as envisaged by the Comprehensive Plan is extremely limited as there are no other properties with similar characteristics.

The following general policies of the 1999 Comprehensive Plan Update apply to this area:

1. Retain and provide greater development flexibility for industrially zoned land
2. Provide zoning to encourage economic development opportunities to meet the occupational needs of Town residents
3. Protect wetlands
4. Protect open space

The proposed zone change to R-22 will minimize development in this area, thereby protecting wetlands and open space. Since the area is primarily used as residential currently, the changing of the zoning of the area from M to a residential zone is an exception to the policies of retaining industrial land in order to encourage economic developmental opportunities to meet the occupational needs of Town residents.

- (g) The proposed zone change will result in a small increase of the total zoned residential land of the Town. However, the property is currently developed as residential. Given the R-22 zoning and environmental constraints, the residential capacity will remain about the same and therefore the cost of providing public services will remain the same.
- (h) The proposed zone change is unique and unlikely to encourage other similar changes. Other areas designated for similar development are not likely to be so developed.
- (i) Not Applicable - The zone change is from nonresidential to residential.

Sincerely,



Joe Simoes
Town Planner

January 12, 2004

Town Board
10 Maple Avenue
New City, New York 10956

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(cont.)

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Sincerely,



Joe Simoes
Town Planner

1/29/04

Dear Mr. Holbrook,

Regarding our upcoming meeting Feb. 10, I would like to add some points that might help the Board favor the Zone Change back to residential.

I should point out that there are ten families in favor of returning to residential whether it is R15 or R22 and only three parcels for maintaining the manufacturing.

Mr. Naclerio owns one parcel. His property contains only one third of an acre and it doesn't seem it could legally be utilized for manufacturing. Considering the road frontage, required sides, front and rear buffers makes the usable square footage even smaller yet.

Mr. Clap (DRC Holding Corp.) is the second parcel that would impact on our living with a manufacturing zoning at the end of our road. Clearly any commercial business will require trucks and equipment and an inordinate amount of traffic going through the middle of the community. Does he have the required acreage after taking out the buffer areas and the wetlands that is part of the property?

If we are forced to live with a business on Fowler's property, it should be grand fathered. The prior Davis parcel should not fall into the manufacturing zone since it is used presently as a residential. As a matter of fact the garage on the Prior Davis is used as a repair shop and it is close to the Raymond residential (# 12)

Do the wishes of the two year old purchasers' come before the quality lives of the present residents that have lived on the road for 10, 20 and in my case, have lived for over 50 years (since 1950).

The narrow gravel road does not lead it self to heavy traffic for the operation of the type of work to be proposed.

For the past two years, the road has not been maintained until that item had been brought up at a town meeting. It was suggested that the Board take a look at the condition. The next day in the rain, a machine was run back and forth in an effort to level the ruts created by the trucks.

Since then, the road had been put in a passable condition because the commercial users want to show how neighborly they are. How long after they get what they want, will it turn back into the same poor condition.

Prior to the heavy truck traffic, the property owner's put together the time required to level the road with shovels and rakes. Now the residents don't want to maintain a road destroyed by the trucks.

As a resident in a manufacturing zoning, if we wish to make any adjustment to our home or property we cannot merely get a building permit.

In order to replace a deck or add a room or garage we need approval of the Zoning Board for a variance.

In order to do this we must first get an architect to draw the plans and then we have to get a surveyor and submit formal papers for a variance.

A property owner, Christopher Charlemagne of number 28 on Pine view Road went through this, costing approximately \$10,000.

When he submitted this, he was told this was a simple permit application and he should not have had to do all of that, but this is the rule we have to live under in a manufacturing zone.

Thank you for your consideration and time.

Respectfully,

Walter Anderson -- 29 Pineview Road West Nyack

ABE209



**COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING**

**Building T
50 Senatorium Road
Pomona, New York 10970
(845) 364-3434
Fax: (845) 364-3435**

C. SCOTT VANDERHOEF
County Executive

JAMES CYMORE
Commissioner

ARLENE MILLER
Deputy Commissioner

February 5, 2004

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

- Tax Data 05.9-2-28
- 05.9-2-41
- 05.9-2-40
- 05.9-2-39
- 05.9-2-38
- 05.9-2-37
- 05.9-2-36
- 05.9-2-35
- 05.9-2-34
- 05.9-2-33
- 05.9-2-32
- 05.9-2-31
- 05.9-2-30
- 05.9-2-29

Re: GENERAL MUNICIPAL LAW REVIEW: Section 230 (l and m)

Map Date:

Date Review Received: 01/20/2004

Item: PINEVIEW (C-2000F)

Request for zone change from M district to R-15 district for 14 lots consisting of approximately 15.2 acres.
East side of Hackensack River along Pine View Road.

Reason for Referral:

Western Highway (County Route 15), Green Road (County Route 44), and Hackensack River.

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I the Commissioner of Planning, hereby:

***Approve**

Our previous review dated December 15, 2003 is still valid.

SS

James Cymore
Commissioner of Planning

MEMO TO: Supervisor Charles E. Holbrook and the Town Board

FROM: Robert Geneslaw, AICP, Planning Consultant *RG*

DATE: February 10, 2004

SUBJECT: Pineview Road Zone Change: SEQR

Cc: John A. Costa, Esq., Town Attorney
 ✓ Patricia Sheridan, Town Clerk

We transmit herewith a proposed Short Environmental Assessment Form and proposed Negative Declaration, for review by the Town Board, and action before adopting the zone change.

Since the zone change is an unlisted action under SEQR, and the Town Board is the only agency with jurisdiction, there is no need to circulate the lead agency description to other agencies.

Once adopted, the documents should be made part of the Towns' official record for the zone change.

**STATE ENVIRONMENTAL QUALITY REVIEW
 NEGATIVE DECLARATION
 NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
 PINEVIEW ROAD ZONE CHANGE**

Date February 10, 2004

**Project Number: Parcels 65.9-2-28,29,30,31,34,35,36,37,38,39,32,33,40,41
 Pineview Road, in the hamlet of West Nyack.**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town Board on its own motion: Zone Change Request, from M (Manufacturing) to R-22 (Residential) or in the alternative to R-15 for all of the above parcels.

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Town Board on its own motion proposes a change of manufacturing zoned land, with existing single-family homes, from M to R-22 or R-15.

Location: Both sides Pineview Road, north of Bradley Corporate Park, bounded by the Chromalloy facility to the south, and west of the former Clarkstown landfill facility. The area is east of Western Highway and the West Shore railroad tracks

Reasons Supporting This Determination:

1. **The area is primarily in residential use at this time and has been for many years. In the early nineties the residents requested a zone change from R-15 to M in large part due to polluted wells and the expectation that an industrial developer would acquire all of the lots and redevelop the area. Since then public water has been provided to the homes and the prospect of industrial assembly of the properties has diminished.**
2. **The recent introduction or proposed introduction of commercial landscaping businesses threatens the residential character of the area, by adding commercial traffic, employees, speeding vehicles, outdoor storage of materials, operations early in the day, all intrusive activities in an otherwise isolated residential area.**

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

Town Hall

2/10/2004

9:20 PM

Present:

Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Nowicki
Marsha Coopersmith, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: Authorizing solicitation of proposals for a managing agent to manage rental apartment complex at 80 North Middletown Road, Nanuet.

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

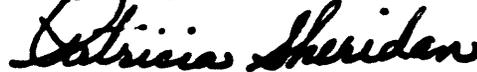
RESOLVED, that the Board of Directors of the Clarkstown Middlewood Housing Development Fund, Inc. hereby solicits proposals for a managing agent to manage a rental complex consisting of one hundred and seven (107) units located at 80 North Middletown Road, Nanuet, New York; and be it

FURTHER RESOLVED, that the managing agent is to submit bids for one year or two year contracts; and be it

FURTHER RESOLVED, that Paul K. Schofield, Esq. is hereby authorized to advertise for said bids.

On motion of Co. Maloney seconded by Co. Mandia , the special meeting was closed, time: 9:23 pm.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk