

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

02/08/2005

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Lasker, Maloney, Mandia, & Nowicki  
Marcia Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board Meeting open. Assemblage saluted the flag.

Supervisor introduced Detective Eileen Malloy, Director of the Youth Court, to present the 34<sup>th</sup> Graduating Class. Det. Malloy said that the 10-week intensive training program has had 400 graduates since 1981. She thanked the Town Board, Chief Peter Noonan, Pat Barad (Youth Court Advisor), and Detective David Elmendorf. The certificates and ID cards were presented to the following members of the graduating class: Andrew Draper, Preetham Dhivakarababu, Carina Ecclefield, Kimberly Flugger, Eian Kantor, Riva Kantor, Patrick King, Nikoleta Krasniqi, Heather Lothrop, Elizabeth Mancuso, John Lenhart, Danielle Liebert, Kimberly Prevot, Kim Rubin, and Stephen Sheridan. The Supervisor and Co. Lasker (liaison to the Youth Court) congratulated the class. Co. Maloney thanked the members of the class and said that he hopes the media will publish good things like this about the youth. Co. Mandia said that the Youth Court is serious stuff and has had a positive impact on many kids and prevents them from having to go to the Family Court. Co. Nowicki said that the members of the class are the best of the best.

Supervisor opened the public portion of the meeting.

Steven Levine

Congers

Item 11 – said that he believes it was a good idea to increase the fees and suggested that the Town Board should also look at the ZBA and increase their fees. He said the filing fees imposed by the Building Inspector are not uniformly applied and he referred to the auditors' report. He also spoke regarding the vehicles in the town parking lot and requests the town be a pioneer in using new types of energy conserving vehicles.

Joe Hannes

New City

Item 4 – asked why only the Rockland County Times is designated as a supplemental newspaper and not the Rockland Review which is also needed.

Don Tracy, Esq., Counsel to Rockland Review

New City

Item 4 – said that while it would not be legal for the Rockland Review to be the official paper, it could be considered as a supplemental newspaper.

Ed Day

New City

Item 4 – also in favor of considering Rockland Review as supplemental newspaper because it covers local sports, and congratulated the Youth Court graduating class.

Martin Bernstein

New City

Item 4 – said that even though the Journal News is trying to cover every meeting, Matthew Emma from the Rockland Review covers all the meetings and it would be beneficial if meetings can also be published in the Rockland Review. He also said that had the money in lieu of land been put aside for the past 40 years, we would not need open space money.

PUBLIC PORTION CONT.

David Finch  
New Valley Road  
Spoke about the speeding and traffic problems in New Valley and Little Tor Roads and while speeding will be addressed in April, asked if there is something that he and residents can do in the meantime

Bob Terry  
New City  
New Valley Road could be dangerous at the intersection especially with the new shopping center which is bigger than what is believed

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RESOLUTION NO. (128-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that in accordance with the recommendation of Robert Geneslaw, Planning Consultant, the public hearings on the proposed Amendment to the Comprehensive Plan and the petition from Tor Valley Inc. and Davies Farm Inc., for a zone change of its property, are continued until April 12, 2005, for the purpose of receiving and allowing the Town Board to review the information outlined in Robert Geneslaw's memo dated February 2, 2005, and memo from Shirley Thormann, Planning Chairman, dated February 3, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (129-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of January 25, 2005 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 Gromack . . . . . Yes

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RESOLUTION NO. (130-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, K. Luke Kalarickal, Directed of the Clarkstown Department of Environmental Control, has advised of proposed drainage improvements to the Kill Von Beaste Stream, which flows through a CSX Transportation (CSXT) culvert in Valley

RESOLUTION NO. (130-2005) CONT.

Cottage, which project is intended to provide relief from periodic flooding in the area, and

WHEREAS, CSXT has required that the Town fund its costs for support of the drainage project and has requested advance payment of said costs in the amount of \$32,231.00, and

WHEREAS, the Town of Clarkstown requires the permission from CSXT to perform the project work which affects CSXT;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with CSX Transportation, Inc., to provide for advance funding of the costs to be incurred by CSXT for its support of the drainage project referred to herein, and be it

FURTHER RESOLVED, that the sum of \$32,231.00 to be paid pursuant to said agreement be charged to Account No. H 8749-409-0-73-9.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (131-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2004.

Valley Cottage Library	\$3,000
New City Library	\$3,000

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (132-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

RESOLUTION NO. (132-2005) CONT.

WHEREAS, Dennis Letson, Deputy Director of the Department of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 per year and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (133-2005)

Co. Lasker 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, 2005, that the Town of Clarkstown's share for the STOP-DWI Program for the calendar year 2005 is \$5,531.76;

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, 2005, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$5,531.76 for the calendar year 2005, 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 Gromack . . . . . Yes

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RESOLUTION NO. (134-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, CALIBER BUILDERS, INC. has amended its petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the CS District to

RESOLUTION NO. (134-2005) CONT.

the MF-3 District for premises described and designated on the Clarkstown Tax Map as Map 43.19-3-84, located at Route 304 and Demarest Avenue, New City, New York;

NOW, THEREFORE, be it RESOLVED, that the amended petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioners of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (135-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Yaboo Fence Company, Inc. has petitioned the Town Board seeking modification of a covenant imposed by the Town Board in 1996 as a condition to the grant of a zone change, and

WHEREAS, the requested change in the covenant may permit a more intensive use of the subject premises than that which was originally contemplated, and the Town Board, in the exercise of its legislative authority, will not consider such request without the analysis of the intended use by the Planning Board, and its report with recommendation;

NOW, THEREFORE, be it RESOLVED, that the petition of Yaboo Fence Company, Inc. is hereby referred to the Clarkstown Planning Board for its analysis and report with recommendation to the Town Board on or before April 15, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (136-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Rockland County Times, with its main office at 119 Main Street, Nanuet, New York 10954, is hereby designated, pursuant to Section 64(II) of the Town Law, as the Supplemental Official Newspaper of the Town of Clarkstown for the calendar year beginning February 8, 2005.

RESOLUTION NO. (136-2005) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (137-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control and the Town Attorney, the Town of Clarkstown has been offered conveyance of a drainage easement on Glen Road and Valley View Road, West Nyack, New York (adjacent to lots 64.12-2-56, 64.12-2-39, 64.12-2-11 and 64.12-2-59) from Van Houten Fields Association, Inc.;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the easement and directs it be recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (138-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Building Inspector, Town Planner, and Town Attorney have investigated an alleged zoning map error which apparently occurred in 1999 as a result of Town Board initiated zone changes made in connection with the implementation of the Town of Clarkstown Comprehensive Plan adopted September 28, 1999, which investigation has disclosed that a certain property, set forth below, not intended for a zone change was depicted on the December 26, 1999 revised Zoning Map as having been placed in the R-160 District and removed from the R-15 District:

MAP: 65.9-1-64 (FKA 88-B-8.1)  
ADDRESS: 41 Green Road, West Nyack, New York

and WHEREAS, the Building Inspector, Town Planner and Town Attorney agree that a mapping error occurred and they have recommended the Town Board authorize correction of the Zoning Map;

NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes and directs that the error on the Zoning Map referred to herein be corrected to depict the subject property as being in the R-15 District, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to cause the necessary adjustment to the Zoning Map to be made and that the affected property owners to be notified by mail that the map has been corrected.

RESOLUTION NO. (138-2005) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (139-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 927-2004, adopted by the Town Board on December 14, 2004, is hereby amended by changing the Town Board meeting date of May 24, 2005 to May 31, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (140-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution #103-2005 is amended as follows,

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing that

**BID #66-2004 – SECOND & THIRD FLOOR TOWN HALL RENOVATIONS**

is hereby awarded to:

General Construction – **LORENCIN CONTRACTING CORP**  
**17 SCHRIEVER LANE**  
**NEW CITY, NY 10956**  
**PRINCIPALS: LORRAINE DINARDI**  
 as per their low bid proposal of \$1,532,000.00

Mechanical & Plumbing – **PEARL RIVER PLUMBING, HEATING**  
**& ELECTRIC d/b/a BERTUSSI'S**  
**60-70 DEXTER PLAZA**  
**PEARL RIVER, NY 10965**  
**PRINCIPALS: THOMAS P. BERTUSSI**  
**LOUIS BERTUSSI**  
**JOHN W. BERTUSSI**  
 as per their low bid proposal of \$175,842.00

RESOLUTION NO. (140-2005) CONT.

Electrical Contract - NABER ELECTRIC  
5 SCHUMAN ROAD  
MILLWOOD, NY 10546  
PRINCIPALS: ALAN I. NABER  
JAMES J. MULLEN

as per their low bid proposal of \$445,000.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents – two sets
- b) Performance Bond – 100% of project cost
- c) Labor and Materials Payment Bond – 100% of proposed project cost
- d) Certificate of Contractor’s Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker’s Compensation
- g) Certificate of Worker’s Disability Insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clerk of the Works Department.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (141-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, on January 14, 2005, upon recommendation of Howard C. Edelman, the duly appointed hearing officer, stipulation dated January 14, 2005, an agreed upon settlement was arrived at between the Police Department, the concerned Member of the Uniformed Force and the Rockland County Patrolmen’s Benevolent Association, and said settlement has been discussed with the Town Board and recommended by Police Chief Peter Noonan;

NOW, THEREFORE, be it RESOLVED, that said stipulation executed on January 14, 2005, upon recommendation of Hearing Officer Howard C. Edelman, is hereby accepted and the terms of said settlement are hereby implemented, effective as of February 1, 2005.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (142-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the Stipulation of Settlement dated January 25, 2005 in PERB Case Nos. U-25038 and U-250204, and hereby authorizes the Supervisor and the Town Attorney to take all actions consistent therewith.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (143-2005)

Co. Lasker offered and Co. Mandia seconded

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

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

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

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (144-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on January 31, 2005 that the position of five (5) Police Officer positions – can be created,

RESOLUTION NO. (144-2005) CONT.

NOW, therefore, be it RESOLVED, that the position of five (5) Police Officer positions – Town of Clarkstown Police Dept. is hereby created effective and retroactive to February 4, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (145-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #030903 Clerk which contains the name of Eileen O'Connell,

Now, therefore, be it RESOLVED, that Eileen O'Connell, 34 Jerrys Avenue, Nanuet, New York, is hereby appointed to the (permanent) Position of Clerk – Building Dept. – at the current 2005 annual salary of \$26,902., effective February 22, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (146-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04204 Information Services Specialist II (Police Dept.) which contains the name of Patrick T. Watson,

Now, therefore, be it resolved, that Patrick T. Watson, 16 N. Main St. #112 New City, New York, is hereby appointed to the (permanent) Position of Information Services Specialist II – Town of Clarkstown Police Dept. at the current 2005 annual salary of \$78,607., effective and retroactive to January 7, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (147-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04161 Custodian I which contains the name of Arnold Porach,

Now, therefore, be it resolved, that Town Board hereby recognizes the appointment by the Parks Board Recreation Commission of Arnold Porach, 31 S. Lexow Avenue, Nanuet, New York, is hereby appointed to the (permanent) position of Custodian I Parks Board and Recreation Commission at the current 2005 annual salary of \$31,895., effective February 14, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (148-2005)

Co. Nowicki offered and Co. Lasker seconded

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

**BID #20-2005 – 2005 ROADWAY RESURFACING PROGRAM**

Bids to be returnable to the office of 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 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 Gromack . . . . . Yes

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RESOLUTION NO. (149-2005)

Co. Nowicki offered and Co. Lasker seconded

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

**BID #21-2005 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM**

Bids to be returnable to the office of 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

RESOLUTION NO. (149-2005) CONT.

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 Gromack . . . . . Yes

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RESOLUTION NO. (150-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chapter 246 (Site Plan Review) and Chapter 254 (Subdivision of Land), as amended by Local Law No. 2-2005, adopted by the Town Board on January 25, 2005, provides that fees established for various aspects of subdivision and site plan approval processing may be revised from time to time by resolution of the Town Board so as to conform to current costs for processing site plan and subdivision applications, and

WHEREAS, the Clarkstown Planning Board and the Town Planner have recommended such fee revisions by memo dated January 28, 2005;

NOW, THEREFORE, be it RESOLVED, the Town Board hereby accepts and adopts the revised fee schedules for site plan and subdivision review, as recommended, attached as Exhibit "A" and Exhibit "B."

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (151-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Wayne Hose Company No. 1 has requested use of the Town of Clarkstown showmobile from July 14-16, 2005, for a bazaar fund raiser, at Lowland Park, Stony Point,

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to the Wayne Hose Company No. 1 to use the Town of Clarkstown showmobile on July 14-16, 2005 for the above purpose and subject to the provision of the necessary insurance policies,

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

RESOLUTION NO. (151-2005) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (152-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED that resolution #87-2005 adopted at the Town Board Meeting of January 25, 2005 should be amended to read:

WHEREAS, pursuant to resolution No. 480-2004, the Town Board awarded Bid No. 30A-2004 to Cal Mart Enterprises at total project cost of \$108,679; and

WHEREAS, during the course of construction, certain electrical conduits and cables were damaged due to the fact that their location was not identified on the contract drawings; and

WHEREAS, the architect has determined that the damaged electrical cables constitute an emergency situation requiring immediate repair; and

WHEREAS, the Superintendent of Parks and Recreation recommends a change order in the amount of \$3,745. be approved for Cal Mart Enterprises to have the repairs done.

BE IT FURTHER RESOLVED, that the total cost of the project shall be increased from \$108,679 to \$112,424 to reflect the cost of this change order; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account H8754-400-409-0-78-4.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (153-2005)

Co. Maloney offered and Co. Lasker seconded

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

MRJ EXCAVATING, INC.  
 7 Beaver Court  
 New City, NY 10956  
 Mike Rickli, Jr., President

RESOLUTION NO. (153-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that the following Certificate of Registration be issued

No. 05-16 MRJ EXCAVATING, INC.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (154-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend The New York State Town Clerks Association's 23<sup>rd</sup> Annual Conference, to be held in Buffalo, New York from April 17 through April 21, 2005. All proper charges, including the registration fee of \$60.00 shall be charged to Appropriation Account #A1410-141.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (155-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown by Resolution No. 396, dated April 27, 2004, participated in a non-lethal control study with USDA Wildlife Services and Cornell University to gather data and document changes in distribution and migratory habits of resident Canada geese in Rockland County, New York, and

WHEREAS, the study will utilize banding of nesting and molting birds for the purpose of providing data which may be useful in efforts to promote non-lethal control of the geese population, and

WHEREAS, the New York State Department of Environmental Conservation has requested that the Town participate again in this research project for the calendar year 2005;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation in accordance with its January 31, 2005 proposal, and to take all steps necessary for the Town of Clarkstown to participate in the subject study, and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown participation shall be charged to Account No. A-8090-409-0.

RESOLUTION NO. (155-2005) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (156-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town has sought a sewer easement from Twins Real Estate & Development, LLC, for the purpose of providing a sewer main to service Town property and adjacent premises in the vicinity of Maple Road, Valley Cottage, New York, and in consideration of the grant of said easement the Town and others were requested to participate in a Road Maintenance Agreement, both of which documents have been drafted and recommended by the Town Attorney for acceptance by the Town Board;

NOW THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into a Road Maintenance Agreement, in a form approved by the Town Attorney, with Twins Real Estate & Development, LLC, Christian Hege, Heather Cornell, William Downey and Susan Downey, and to accept for recording a sewer easement which will affect premises known as Map 52.18-1-9.3, located at 253-C Maple Road, Valley Cottage, New York, and provide a sewer line to serve Town owned property and a road maintenance agreement for all properties using the subject access to Maple Road, Valley Cottage, and be it

FURTHER RESOLVED, that this resolution is subject to receipt of the duly executed documents in a form approved by the Town Attorney, after which they may be recorded in the Rockland County Clerk's Office with the recording fees to be charged to Account No. A 1420-409.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (157-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by report dated January 26, 2005, the Building Inspector and Fire Inspector have advised the Town Board that premises located at 69 Route 59, Central Nyack, New York (Tax Map designation 65.7-5-25 f/n/a 120-B-33) has become, by reason of want of repairs and dilapidated condition of structures, a fire and safety hazard, a nuisance and a threat to the health and welfare of the community in that the premises is unoccupied and not secured from entry and has partially collapsed and has become a place of rodent infestation, and

WHEREAS, the Building Inspector had duly issued his Order #04-41 dated December 29, 2004 to the record property owner to remove said structures and said Order has been ignored;

RESOLUTION NO. (157-2005) CONT.

NOW, THEREFORE, be it RESOLVED, pursuant to Chapter 111 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said structures must be removed in accordance with the Order of the Building Inspector subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 111 of the Code of the Town of Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned by Estate of Joseph Fazio, Jr., and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of March 2005, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice as required by Section 111-6 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
  - Supervisor Gromack . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (158-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to a subdivision known as KEENAN (64.08-1-33), Sean Keenan has provided an Irrevocable Offer of Dedication dated October 31, 2004, a Drainage Easement dated October 31, 2004 and a Deed for road widening purposes in the vicinity of West Nyack Road, West Nyack, New York dated October 31, 2004 to the Town of Clarkstown, and an Expanded Right of Way and Maintenance Agreement dated October 29, 2004, and

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

NOW, THEREFORE be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts an Irrevocable Offer of Dedication, a Drainage Easement, a Deed for road widening purposes and an Expanded Right of Way and Maintenance Agreement from Sean Keenan in connection with KEENAN Subdivision, and orders them recorded in the Rockland County Clerk's Office at the expense of the grantee/declarant.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
  - Supervisor Gromack . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (159-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, to meet requirements of the Planning Board and as a condition of approval of the Hoehmann Site Plan, 36 South Central, LLC has provided a resource protection easement to the Town of Clarkstown, in a form approved by the Town Attorney, restricting uses of a portion of its property on the east side of South Central Avenue, Nanuet, immediately south of the Spring Valley village boundary (Tax Parcel 57.14-3-1), and

WHEREAS, the Town Attorney has recommended that the Town Board accept and record that easement;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts that easement and orders it to be recorded in the Rockland County Clerk's Office, subject to receipt of the recording fees.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (160-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Bernard Peters, P. O. Box 402, South Nyack, New York – Transfer Station Monitor – Solid Waste Facility – is hereby accepted – effective and retroactive to January 31, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (161-2005)

Co. Maloney offered and Co. Lasker seconded

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

**BID#53-2004 – MODERNIZATION OF LAKE NANUET PARK  
POOL FACILITY**

is hereby awarded as follows:

**General Construction - MORRIS PARK CONTRACTING CORP  
81 ROCKDALE AVENUE  
NEW ROCHELLE, NY 10801**

RESOLUTION NO. (161-2005) CONT.

PRINCIPALS: JOSEPH URBANTI SR.  
JOSEPH URBANTI JR.

as per their low bid proposal of \$6,037,773.00

Mechanical Construction - VARDON MECHANICAL  
650 NORTH LIBERTY DRIVE  
TOMKINS COVE, NY 10986

PRINCIPALS: GERALD D'ONOFRIO  
JEAN D'ONOFRIO

as per their low bid proposal of \$69,200.00

Electrical Construction - RAY S. PANTEL INC.

71-73 WISNER AVENUE  
MIDDLETOWN, NY 10940

PRINCIPALS: RAY S. PANTEL

as per their low bid proposal of \$487,500.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents – two sets
- b) Performance Bond – 100% of the project cost
- c) Labor and Materials Payment Bond – 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation
- g) Certificate of Worker's Disability Insurance Coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Recreation and Parks Department.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (162-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID #22-2005 – SWIMMING POOL CHEMICALS

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

RESOLUTION NO. (162-2005) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (163-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Parker Nanuet Associates, L.P., as owner/developer of the Parker Nanuet Associates Subdivision, commenced a petition seeking to compel the Town of Clarkstown to accept dedication of the road and other public improvements in the Parker Nanuet Associates Subdivision, and

WHEREAS, by Stipulation of Settlement dated December 20, 2004, the issues in controversy have been settled by the parties and their respective attorneys, and said settlement has been approved by the Town Board and So Ordered by the Hon. Margaret Garvey, J.S.C., Rockland County, on January 14, 2005;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts in full satisfaction of the developer's responsibility to complete all outstanding deficiencies, punch list items, maintenance, and snowplowing bills in connection with the road known as "Overlook Boulevard," located in the Parker Nanuet Associates Subdivision, and any and all other obligations with respect to the construction and maintenance of the public improvements only, in the Parker Nanuet Associates Subdivision, the sum of \$75,000.00, and be it

FURTHER RESOLVED, that the Town Board hereby accepts dedication of the road and public improvement in said subdivision as shown on the final plat known as PARKER NANUET ASSOCIATES, Town of Clarkstown, Rockland County, New York, last revised October 15, 1991, prepared by Atzl & Scatassa Associates, P.C., and described on the deeds from Parker-Nanuet Associates, L.P. dated September 23, 2004, which will be accepted and hereby recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Letter of Credit No. YS126263 and amendment thereto, issued by Fleet National Bank, in the amount of \$100,000.00, to secure the completion of public improvements in said subdivision is hereby released and ordered returned to the issuer.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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ABF810

RESOLUTION NO. (164-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, SNAKE HILL CORP., on May 6, 2004, filed a further and amended petition to the Town Board of the Town of Clarkstown seeking a special permit to operate a recycling and transfer facility pursuant to the provisions of Section 290-11A, Table 15, of the General Use Regulations for an M zone, Column 8, Item 4 of the Zoning Local Law of the Town of Clarkstown, and Section 290-17R of the Zoning Local Law of the Town of Clarkstown, on property located at the west side of Snake Hill Road, and the east side of the West Shore Railroad, West Nyack, New York, which is designated on the Clarkstown Tax Map as 59.13-1-31 (formerly 90-A-7.1), and more particularly described on the attached Schedule "A;"

NOW, THEREFORE, be it RESOLVED, that a public hearing pursuant to said Zoning Local Law shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on June 14, 2005 at 8:00 P.M., to consider the application of Snake Hill Corp., relative to said 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 newspaper of general circulation and posted in the manner provided by law 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, and file proof of mailing such notice with the Town Clerk prior to said hearing, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and 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 the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before May 24, 2005:

1. Clarkstown Department of Environmental Control
2. Clarkstown Building Inspector
3. Architecture and Landscape Commission
4. NYS Department of Environmental Conservation
5. Rockland County Soil Conservation
6. Rockland County Health Department
7. Rockland County Drainage Agency
8. Palisades Interstate Park Commission

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (165-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Jay Grossman, Richard A. Grossman, Ronald S. Friedman and GBR One Crosfield Limited Liability Company, GBR Three Crosfield Limited Liability Company, GBR Two Crosfield Limited Liability Company have commenced tax certiorari proceedings against the Town of Clarkstown affecting three parcels designated as Map 64.8, Block 3, Lots 7.1, 7.2, 7.3 (formerly known as 7-B-13.1, 13.2, 13.3), for the year(s) 2002/03, 2003/04 and 2004/05, and

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

NOW, THEREFORE, be it RESOLVED, that Metropolitan Appraisal Group be retained for the purpose of preparing three preliminary appraisals at a total fee not to exceed \$5,000; 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 Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (166-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Town Board Resolution 757-1998 authorized BRIAN BOOKER ASSOCIATES to be the consultant for the Lake Lucille Dam Restoration Project, and,

WHEREAS, the Lake Lucille Property Owners Association desire to increase the depth of the lake by five inches and was approved by the Town Board on November 11, 2001, and,

WHEREAS, the New York State Department of Environmental Conservation required additional calculations, an updated emergency action plan and additional meetings and data in connection with the raised crest on the dam, and

WHEREAS, the Department of Environmental Control has reviewed said extra work fees and found it to be acceptable;

NOW THEREFORE, BE IT RESOLVED that the current allowance for this project be increased by an amount of \$9,000.00 to cover this additional design and inspection fees; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8741 409 0 23 1.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (167-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Department of Environmental Control determined that additional survey mapping is necessary to complete the design of the South Main Street Improvement Project as outline in the proposal from Atzl, Scatassa and Zigler (copy attached), and

WHEREAS, the Department of Environmental Control has requested the additional cost for the necessary mapping from Atzl, Scatassa, and Zigler, PC, 234 North Main Street, New City, New York 10956, the surveyor of record for the project, and

WHEREAS, the cost for the additional mapping shall not exceed is \$13,250.00

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, 234 North Main Street, New City, New York 10956 to prepare the necessary additional survey mapping, and

BE IT FURTHER RESOLVED, that the cost for the additional mapping shall not exceed 13,250.00 and shall be a proper charge to account H5111-409-0-4-16.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
  - Supervisor Gromack . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (168-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, members of the Clarkstown Police department have reported that West Street in West Nyack is in need of repair to enhance safe passage, and

WHEREAS, the Town Board is desirous of enhancing safety and has maintained this road for many years, absent evidence as to actual ownership of the roadbed;

NOW, THEREFORE, be it RESOLVED, that the Superintendent of Highways is authorized to perform necessary repairs to allow safe passage of vehicles and school buses through this area.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
  - Supervisor Gromack . . . . . 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 8:55 P.M.

Respectfully submitted,

*Patricia Sheridan*  
Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

02/08/2005

8:10 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Lasker, Maloney, Mandia & Nowicki  
Marsha Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Proposed amendment to Comprehensive Plan with regard to petition of Tor Valley Inc/Davies Farm Inc. for Zone Change & Petition of Tor Valley Inc./Davies Farm Inc. for Zone Change (R-22 to LS) for property located at Little Tor Road and New Valley Road

On motion of Co. Maloney and seconded by Co. Lasker the public hearing was continued. Town Clerk read notice and testified to its proper posting and publication.

Supervisor Gromack stated that the Board had received a request from the Rockland County Department of Planning that this meeting be held over so they could review some additional material. He invited Town Planner, Jose Simoes, to expand on this.

Jose Simoes stated that the Planning Board had requested additional information back in September, one of which was a drainage analysis to determine that there would be no flood plain, stream protection, wetland drainage or water quality issues; a concept plan that demonstrated that homes could be built between the stream that is on the property and the zoning district; a traffic report and a full EAF. Since then we received a full EAF which referred to a traffic report which we still hadn't received. We received that traffic report but we still haven't received the drainage analysis. This is information that is required in the County's GML review. They also required an economic analysis. The Planning Board passed a resolution asking clarification on the economic analysis because there seems to be some discrepancy between what the applicant proposed originally in terms of the acreage actually undergoing the zone change verses what we know to really be the zone change. The application says 6.5 acres and it seems that it is actually less. We are thinking the county may be misinformed as far as the economic impact. Once we receive the drainage study we will review that, and it will take 30 days for the County to review it. When we have their recommendations we will be able to issue findings. That is why we are recommending that the Town Board continue their public hearing until April 12.

Supervisor asked the Dep. Town Attorney if the County can do their review quickly, and we have set the date of April 12, can we then move it up.

Dep. Town Attorney stated that it could be moved up but the public would have to be notified, therefore, it would be easier to set a date now.

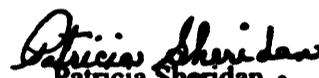
Mr. Simoes stated that April 12 should give us plenty of time as long as the drainage study is delivered soon and the SECA determination is complete.

Co. Mandia clarified that both public hearings scheduled for tonight would be affected by this situation.

Supervisor recommended that both of these public hearings be rescheduled for April 12, 2005.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing was rescheduled for April 12, 2005, time 8:16 P.M.

Respectfully submitted,

  
Patricia Sheridan  
Town Clerk

RESOLUTION NO. (128-2005) ADOPTED