

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

06/14/2005

8:00 P.M.

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

On motion of Co. Mandia seconded by Co. Lasker the Town Board Meeting was opened. Assemblage saluted the flag.

A Certificate of Award was presented to Stephen Tanny for achieving the rank of Eagle Scout. The Board congratulated Stephen and his family for his accomplishment.

On motion of Co. Nowicki seconded by Co. Lasker the public hearing re: Proposed local law entitled "Amendment to Chapter 117 (Circuses & Carnivals)" was opened, time: 8:00 pm, closed 8:02 pm.

On motion of Co. Nowicki seconded by Co. Maloney the public hearing re: Petition of M.V.E. Development Corp for modification of Restrictive Covenants imposed as condition of Zone Change for property located at 300 Route 303, Congers was opened, time: 8:02 pm, TO BE CONTINUED 8:33 pm.

Supervisor opened the public portion of the meeting.

Steve Levine
Congers

Item 11 - Spoke regarding the change of fees charged by the Building Department. Asked if it is applicable to the fees the ZBA charge because the fees do not cover the time and the employees. Items 6(E) and 6(F) - Said he was in favor of the promotion of Mr. Simoes. Asked about when Rockland Cable will cover Town Board meetings.

Jack Schmidt
Valley Cottage

Asked if the water quality report has been received. Inquired when will the work start. Asked about CSX trestle.

Barbara Avinger
Nehemiah Marshall
Izemene Borno
Nicole McIver
Mombrun
Mohammad Dabbagh

Sonia E. Taylor
Larry & Emma Powell
Shon Clay
Nalim Charles
Terry Tesh

The above people spoke on behalf of themselves and the 50 residents who accompanied them, all of whom live on Springbrook Rd, Nanuet. They spoke about the problems on Springbrook Rd, such as the basketball hoop that is on Town property. They complained about the young men taking advantage of the dead-end street by standing in the middle of the street and using it as a place to hang-out, intimidating the residents, destroying property of residents, drinking on the street, selling and using drugs, and harassing younger children. The street is very dirty and dangerous and the residents are not comfortable and their quality of life is affected so they are seeking relief of the situation. Residents have been complaining for years and received no satisfaction. Last Thursday - there were at least 20 cars parked along after 42 Springbrook Road who's occupants were smoking and drinking. When Forest Brook Road was cleaned up, the kids came to Springbrook Road and people are coming from off the block to buy drugs. They asked about the odd-even street parking because moving cars at midnight is not feasible. The residents do not have space for parking and the residents are the ones who get the tickets. They suggested asking for identification because most of the young men have outstanding warrants against them. They suggest raising fines for illegal parking but they want the fines to apply only to the kids who are parking illegally.

RESOLUTION NO. (485-2005)

Co. Mandia offered and Co Maloney seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilperson Catherine M. Nowicki, at a Town Board meeting held on May 31, 2005, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 31, 2005, directed that a public hearing be held on June 14, 2005, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on June 4, 2005, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 17, 2005, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 14, 2005;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 – 2005 entitled:

“AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS)OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (486-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of May 31, 2005 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (487-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Historical Review Board of the Town of Clarkstown has proposed that the house and mill known as the TOURNIER-DEBAUN GRIST MILL AND MILL TENDERS HOUSE, located at 300 Old Mill Road, Valley Cottage, New York, which is designated on the Clarkstown Tax Map as 52.14-2-51, currently owned by Kenneth and Christine Potter, be designated as an historical site pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing will be held on July 26, 2005, at 8:00 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the designation of the aforesaid property as an historical site, 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 an file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (488-2005)

Co. Lasker offered and Co. Maloney seconded

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

JGC HEATING
8 Fairmont Terrace
West Nyack, NY 10994
Gerald Campitello, President

S.H.F. CORPORATION
10 Glen Road
Highland Falls, NY 10928
Shawn Failing, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 05-15 JGC HEATING
05-23 S.H.F. CORPORATION

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (489-2005)

Co Lasker offered and Co. Nowicki seconded

WHEREAS, certain non-for-profit organizations that have provided services to individuals and groups in the Town of Clarkstown have submitted requests for economic assistance for the year 2005, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2005 to the following non-profit organizations in the following amount:

Clarkstown Awareness Network for a Drug Free Environment, Inc. (CANDLE)	\$42,000
JCC-Y of Rockland	\$2,500
Rockland Community College Senior Citizens Club	\$5,500

and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2005, and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (490-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Rockland Empire Development, Inc., dated January 12, 2000, conveying the following road(s):

Flower Lane	320 L.F.
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and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Bedner Estates are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and the Performance Bond furnished to the Town by Rockland Empire Development, Inc. secured by Letter of Credit No.13676 in the amount of \$59,500.00 and reduced to \$15,750.00 may be released, subject to receipt of a Maintenance Guaranty, in a form approved by the Town Attorney, in the amount of \$4,810.50 if in the form of cash or cash equivalent, or \$9,621.00 if in the form of a bond.

RESOLUTION NO. (490-2004) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (491-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk #03093 which contains the name of Valerie A. Ashmore,

Now, therefore, be it

RESOLVED, that Valerie A. Ashmore, 273 Mirth Drive, Valley Cottage, New York, is hereby appointed to the (permanent) position of Clerk – Dept. of Environmental Control – at the current annual salary of \$26,902., effective June 20, 2005.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (492-2005)

Co Mandia offered Co. Maloney

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01068 Real Property Data Collector II – which contains the name of James J. Molinaro, Jr.,

Now, therefore, be it

RESOLVED, that James J. Molinaro, Jr., 6A Cedar Lane, Suffern, New York, is hereby appointed to the (permanent) position of Real Property Data Collector II – Office of the Tax Assessor – at the current annual salary of \$40,366., effective June 20, 2005.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (493-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01068 Real Property Data Collector II – which contains the name of Mary C. Kurisko,

Now, therefore, be it

RESOLVED, that Mary C. Kurisko, 7 Florus Crom Court, Stony Point, New York, is hereby appointed to the (permanent) position of Real Property Data Collector II – Office of the Tax Assessor – at the current annual salary of \$40,366., effective June 20, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (494-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01068 Real Property Data Collector II – which contains the name of Kathleen T. Kiernan,

Now, therefore, be it

RESOLVED, that Kathleen T. Kiernan, 13 North Rockland Avenue #2, Congers, New York, is hereby appointed to the (permanent) position of Real Property Data Collector II –Office of the Tax Assessor – at the current annual salary of \$36,300., effective June 20, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (495-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on March 2, 2005 that the position of Planner #0977 – Planning Department – can be reclassified to the position of Senior Planner,

Now, therefore, be it

RESOLVED, that the position of Planner – is hereby reclassified to the position of Senior Planner – Planning Department - effective June 20, 2005, and be it,

FURTHER RESOLVED, that the grade for the position of Senior Planner is hereby established at a Grade 33.

RESOLUTION NO. (495-2004) continued

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (496-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02179 Senior Planner which contains the name of Jose C. Simoes,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Jose C. Simoes, 14 Forest View Court, Valley Cottage, New York, to the position of (permanent) Senior Planner – Planning Department – at the current annual salary of \$82,230., effective June 20, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (497-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Office has furnished Certification of Eligibles Recreation Supervisor (Prom) #04047 which contains the name of Vincent A. Celetti,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Vincent A. Celetti, 50A Parker Avenue, New City, New York, to the (permanent) position of Recreation Supervisor – Parks Board and Recreation – at the current annual salary of \$60,094., effective and retroactive to June 13, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (498-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (498-2004) continued

WHEREAS, the Rockland County Office has furnished Certification of Eligibles Senior Recreation Leader #04048 which contains the name of Alexander Banyckyj,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Alexander Banyckyj, 300 New Hempstead Road, New City, New York, to the (Permanent) position of Senior Recreation Leader – Parks Board and Recreation – at the current annual salary of \$39,593., effective June 28, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (499-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Shivaun Fiumara has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

Now, therefore, be it

RESOLVED, that Shivaun Fiumara, 54 Basswood Court, Bardonia, New York, - Data Entry Operator I – Town Justice Department – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to June 1, 2005 to December 1, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (500-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Stephen T. Murphy, 12 Shore Road, New City, New York, Police Officer (Detective) – Police Department - is hereby accepted – effective and retroactive to May 31, 2005.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (501-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Julie M. Murray, 4 Senate Court, New City, New York, Secretary (part-time) (to the Town Board for Workshop meetings) – is hereby accepted – effective and retroactive to June 7, 2005.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (502-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, Town Board resolution #124-2005 awarded bid #50-2004 Branchville Road Drainage Improvements to Pipe-Con, Inc. of Newburgh, New York; and

Whereas, unanticipated field conditions have resulted in changes in the work being performed as part of this project; and

Whereas, the required changes made in reference to this change order are as follows:

The removal and disposal of material from a debris pit.	\$5,430.94
Replace the frame and grate to an existing catch basin on Branchville Road that was broken.	\$1,267.96

Whereas, all costs relative to Change Order No. 1 have been reviewed by the Department of Environmental Control and were found to be reasonable and in accordance with the Specifications,

Now, Therefore, Be It Resolved that the total approved cost for this change order on contract is \$6,698.90; and

Be It Further Resolved that the current budget allowance for this project shall be increased to \$138,042.90 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 8749- 409- 0 -78-5.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (503-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Hiscock & Barclay, Special Counsel to the Town Board, who have been retained with respect to the possible condemnation of premises commonly known as 65-67 Lake Road, Congers, New York, to provide direct access to Congers Lake Park and a proposed Congers Lake Park Walkway Project, have reported that the property owners have not provided certain needed information concerning site conditions, and

RESOLUTION NO. (503-2004) continued

WHEREAS, the information sought from the property owners, Mehren Mehrina and Mohsen Taskindoust, is deemed necessary for the development of valuation information;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of special counsel, the Town Board hereby authorizes the commencement of a proceeding by Hiscock & Barclay, on behalf of the Town of Clarkstown, as authorized by the Eminent Domain Procedure Law, Sections 302 and 404, to compel the property owner(s) to disclose information which is deemed necessary for the purpose of investigation of the premises, and be it

FURTHER RESOLVED, that the Supervisor is authorized to enter into a retainer agreement with special counsel, in a form approved by the Town Attorney.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (504-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has by letter dated June 1, 2005 requested permission to have a licensed fireworks display at 65 Lake Road, Congers on July 3, 2005, and

WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, Greg Tobin, Emergency Management Coordinator, and Mark Papenmeyer, Chief Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on July 3, 2005;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65 Lake Road, Congers, on July 3, 2005, at approximately 9:00 p.m., subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Act, and
2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
3. An on site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law.

RESOLUTION NO. (504-2004) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (505-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$3,732.72 from D.A.R.E donations,

NOW THEREFORE BE IT,

RESOLVED, to increase Account's A-01-9-2705-0 (Gifts & Donations) and A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$3,732.72 and,

WHEREAS, various departments need additional funding,

NOW THEREFORE BE IT RESOLVED, to decrease A-1345-407-0 (Purchasing-Equipment Repair) and increase A-1345-204-0 (Purchasing-Office Machines) by \$495.00 and be it,

FURTHER RESOLVED, to decrease A-01-14-2999-0 (Unexpended Balance) and increase A-1680-225-0 (Data Processing-Computer Hardware) by \$38,000.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (506-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Section 254.20 of Chapter 254 ("Subdivision of Land") as amended by Local Law No. 4-2005, adopted by the Town Board on May 31, 2005, provides that fees which are established for payment of money in lieu of a reservation of land for park or recreational purposes upon subdivision approval may be revised upon the inquiring, evaluation and recommendation of the Clarkstown Planning Board, and

WHEREAS, by report dated May 24, 2005, the Clarkstown Planning Board has recommended certain changes in fees to be paid in lieu of a reservation of land upon subdivision approval;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby establishes the revised fee schedule for subdivision review, to adjust the rates for payment in lieu of a reservation of land for park or recreational purposes where land is subdivided for residential development in the amount of \$7,250.00 per subdivision lot, and be it

FURTHER RESOLVED, that the Town Board hereby confirms and adopts the following fee schedule (Schedule "A"), established by the Planning Board for residential units developed pursuant to Chapter 246 ("Site Plan Review") as reported by the Planning Board in the report referred to herein, and be it

RESOLUTION NO. (506-2004) continued

FURTHER RESOLVED, that all applications be assessed and collected in its entirety by the Planning Department prior to signing of the final plat or site plan by the Planning Board Chairperson, and be it

FURTHER RESOLVED, that the fees provided for herein shall apply to all applications which have not obtained final approval on or before June 15, 2005.

SCHEDULE "A"

FEE SCHEDULE FOR RESIDENTIAL DEVELOPMENT PER CHAPTER 246 ("SITE PLAN REVIEW")	
\$4,000	Per one-bedroom unit
\$5,000	Per two-bedroom unit
\$6,000	Per three-bedroom unit approved as part of a site plan for multi-family developments
\$4,000	Per unit for active adult communities that limit occupancy to adult residents over a particular age (usually 55 or 65)

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (507-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, premises shown as Lot No. 5 in a pending subdivision known as the Highview Park Subdivision, affecting property commonly known as 96 & 100 Highview Avenue, Nanuet, New York, which lot consists of approximately 3.8 acres of land, owned by Torsoe Properties, Inc., has been made available to the Town for purchase as open space, subject to final subdivision approval, and

WHEREAS, said property as open space will protect adjacent properties from existing adverse drainage conditions and provide protection for existing trees and other vegetation, and

WHEREAS, negotiations with the property owner have resulted in a proposal which would permit the Town to acquire this property at a price not in excess of its appraised market value;

NOW, THEREFORE, be it

RESOLUTION NO. (507-2004) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract of sale with Torsoe Properties, Inc., in a form approved by the Town Attorney, to purchase premises shown on proposed Highview Park Subdivision as Lot No. 5, consisting of approximately 3.8 acres of land forming a portion of premises commonly known as 96 & 100 Highview Avenue, Nanuet, New York, for use as open space at a price not to exceed \$950,000.00, plus customary and necessary closing expenses and adjustments, and be it

FURTHER RESOLVED, that the contract shall be conditioned upon final approval having been granted to the property owner providing for Lot No. 5 to substantially conform to that shown on the proposal presently before the Planning Board, a proposed subdivision map entitled "Highview Park", drawn by Atzl, Scatassa & Zigler, Project No. 3025, Drawing No. 1-A, and be it

FURTHER RESOLVED, that this resolution is subject to completion of SEQRA review by the Town Board, as well as approval of bond counsel for the use of funds available as a result of the approved Town of Clarkstown Open Space Referendum, and be it

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum, as provided in Section 64.2 of Town Law, and be it

FURTHER RESOLVED, that Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board for SEQRA purposes with respect to the purchase of property referred to herein, and be it

FURTHER RESOLVED, that this resolution is subject to further resolution of the Town Board approving the terms and conditions of any proposed contract.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (508-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town is considering constructing a sidewalk along the south side of McCarthy Way in New City beginning at the west side of Marten Drive and ending on the BOCES property directly across from Parrott Road; and

WHEREAS, a R.O.W. and topographical survey is required to determine the limits of the Town R.O.W. and the extent of construction that will be required for the proposed sidewalk; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified surveyors to provide the Town with the required survey and stake-out information; and

WHEREAS, the Department of Environmental Control has received three (3) responses to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the proposals and has found that the lowest responsible proposal was submitted by A.R. Celentano for \$5,200.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to

A.R. Celentano Land Surveying/Engineering
31 Rosman Road
Thiells, NY 10984

RESOLUTION NO. (508-2004) continued

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is authorized to retain the services of A.R. Celentano Land Surveying/Engineering to perform this work for an amount not to exceed \$5,200.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #DB 5110-387-0.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (509-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #708-2002 awarded bid #47-2002; 401 Phillips Hill Road Drainage Improvements to Let It Grow, Inc., and

WHEREAS, the Town's contractor damaged a portion of the existing driveway during construction of the new culvert; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to pave the damaged portion of the driveway; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation and after review by Department of Environmental Control staff, it was found that the lowest proposal was provided by Pinebrook Industries; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to

Pinebrook Industries
P.O. Box 723
New City, New York 10956

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Pinebrook Industries for an amount not to exceed \$1,900.00 to pave a portion of the driveway damaged during construction at 401 Phillips Hill Road.

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8752 409 76 21

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO.(510-2005)

Co Maloney offered and Co. Mandia seconded

WHEREAS, adverse drainage conditions exist in certain municipal storm drain lines at various locations in the Town of Clarkstown; and

WHEREAS, the Department of Environmental Control has determined that video inspection of the affected storm drain lines is required in order to determine the necessary corrective action; and

WHEREAS, the Department of Environmental Control has obtained proposals from three (3) qualified contractors to perform the video inspections on the affected storm drain lines on a per day basis; and

WHEREAS, it is anticipated that the video inspections will be completed in ten (10) working days;

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

General Sewer Service
P.O. Box 81
Hackensack, New Jersey 07602

To perform the video inspections in accordance with their low bid proposal dated June 6, 2005 at the rate of \$1,050.00 per day; and

BE IT FURTHER RESOLVED that the cost for this work shall not exceed \$10,500.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account
#H 8755 409 0 79 20

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia..... Yes
Co. Nowicki..... Yes
Supervisor Gromack Yes

RESOLUTION NO. (511-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, an adverse drainage condition exists within a retention pond located within an existing Town drainage easement at #403 Pleasant Hill Road in New City; and

Whereas, the Department of Environmental Control has solicited proposals from qualified landscaping firms to remediate said adverse condition; and

Whereas, the Department of Environmental Control has received three (3) responses to its solicitation; and

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

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

Belleville Landscaping, Inc.
866 Bellville Drive
Valley Cottage, New York 10989

RESOLUTION NO. (511-2004) continued

to perform said corrective drainage work in accordance with their low bid proposal in the amount of \$4,250.00, said amount not to be increased without further Town Board resolution; and

Be It Further Resolved that this amount shall be a proper charge to account #H 8755 - 409 - 0 - 79 - 22.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (512-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town has installed drainage structures in Prospect Street, Nanuet, to collect street runoff, and

WHEREAS, the trench drain installed in the vicinity of the Nanuet Firehouse exhibited distress due to height and soil conditions surrounding said drain, and

WHEREAS, the trench drain required the immediate installation of temporary road plates to insure stability of the trench area under traffic (i.e. emergency vehicles entering and exiting the Nanuet Fire House) loads, and

WHEREAS, the Department of Environmental Control attempted to secure the necessary plates from several contractors, and

WHEREAS, said plates were furnished and installed on an emergency basis by Cal Mart Construction Corp., which was the only contractor able to furnish and install said plates, and

WHEREAS, said plates were in place during the design of remedial work for the trench drain and the time during which proposals to perform said work were solicited, a total period of six months,

NOW THEREFORE, BE IT RESOLVED that the Department of Environmental Control is authorized to retain Cal Mart Construction Corp., to furnish and install temporary road plates at the trench drain, Prospect Street, Nanuet, for the total cost of \$1,762.42

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H-8754-409-0-78-3, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of July 6, 2004.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (513-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the placing of a half-page advertisement for the Town of Clarkstown, in the Rockland Economic Development Corporation Connections 2005 Journal on November 18, 2005, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$550.00, which shall be charged to Account No. A 6410 405.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (514-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, by resolution adopted October 28, 2003, the Town Board authorized the Director of the Department of Environmental Control to design a sidewalk for the area along the north side of Phillips Hill Road, from the property of Prime Time Learning Center to Brookline Way in New City, and

WHEREAS, 74 Phillips Road Corporation, owner of property described as Map 34.18-2-29 (part of), has provided the Town with a deed for the permanent easement for the installation and maintenance of said sidewalk, and

WHEREAS, the Town Attorney has reviewed the documents submitted by the property owner, and recommends acceptance and recording of said deed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the deed provided to the Town by from 74 Phillips Road Corp dated April 29, 2005, and orders same recorded in the Rockland County Clerk's office, at the expense of the Town.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (515-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is planning for the construction of a communication tower needed to provide for public safety concerns, and

WHEREAS, several proposed sites for the installation of such tower are being investigated and considered, and

WHEREAS, one of the possible sites is property owned by United Water New York, located at Mountainview Avenue, Valley Cottage, New York, which presently has a water tower, and

RESOLUTION NO. (515-2004) continued

WHEREAS, discussions with United Water have resulted in a proposal whereby a portion of that site would be made available to the Town of Clarkstown pursuant to a license agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with United Water New York, Inc., in a form approved by the Town Attorney, for the purpose of siting a communication tower for police and other emergency service communications provided that further investigation discloses the appropriateness of this site, completion of engineering and SEQRA analysis, and all other requirements of law being met.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (516-2005)

Co. Nowicki offered and Co. Maloney seconded

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

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organizations for the year 2005:

American Legion - Post 1682
(New City)

Disabled American Veterans - Chapter 98
(New City)
and be it

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

FURTHER RESOLVED, that said funds will be charged against 2005 Account No. A 6510-401.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (517-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, by various resolutions the Town Board sought permission to discontinue use of a portion of Germonds Park and to grant permission for use of such premises as a site for the erection of a wireless communication tower by Sprint Spectrum L.P., and

RESOLUTION NO. (517-2004) continued

WHEREAS, the discontinuance of the park lands identified for use for wireless communication purposes has been authorized by Chapter 542, Laws of the State of New York, approved by the Governor on September 28, 2004, and

WHEREAS, Special Counsel, Ira M. Emanuel, and Deputy Town Attorney Daniel N. Kraushaar, Planning matters, have negotiated a proposed site agreement which provides for the lease of approximately 5916 Sq. Ft. of land formerly part of Germonds Park together with an easement for access and utilities (Sprint Site ID No. NY26XC375), and have recommended execution of such lease which provides for an initial annual rent of \$31,200.00 for a term of five years with four five year renewal terms, and

WHEREAS, as a condition for the grant of permission to enter into the transaction referred to above, the Town was required to identify other premises owned by the Town, which was held for municipal purposes and to designate same as park lands, and

WHEREAS, certain property conveyed to the Town by Silver Heights Developers, Inc., by deed dated February 3, 1971, recorded in the Rockland County Clerk's Office in Liber 886 at Page 487, as municipal land has been determined to be of sufficient size and quality to replace the park lands to be alienated for the wireless communication installation referred to herein;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of Deputy Town Attorney Daniel N. Kraushaar, the Supervisor is hereby authorized to execute a site lease agreement (No. NY26XC375) with Sprint Spectrum, L.P., to be effective July 1, 2005, and be it

FURTHER RESOLVED, that the site lease agreement shall be subject to further simultaneous execution by the Supervisor of a Declaration of Covenant to be recorded in the Rockland County Clerk's Office declaring and covenanting that the premises described in the deed of Silver Heights Developers, Inc. referred to herein shall hereafter be held in as park lands subject to the protective provisions of New York State Constitution, as required by Chapter 542, Laws of New York.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (518-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Director of the Department of Environmental Control that

BID#24-2005 – SECURITY GUARD SERVICES FOR THE CLARKSTOWN SOLID WASTE FACILITY

is hereby awarded to: **NORTHEAST SECURITY GUARD SERVICE
837 OUTLOOK AVENUE
W. BABYLON, NY 11704
PRINCIPAL: EMMANUEL ODIGIE, PRESIDENT**

as per their low bid proposal of \$12.00 PER GUARD PER HOUR and be it

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

RESOLUTION NO. (518-2004) continued

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

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (519-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Resolution No. 428-2005, adopted by the Town Board on May 31, 2005 is hereby amended in part as follows:

“**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 Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that Robert Geneslaw, Planning Consultant, shall also review and report to the Town Board whether or not the proposed action, if approved shall be consistent with the Town of Clarkstown Comprehensive Plan.”

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (520-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Resolution No. 429-2005, adopted by the Town Board on May 31, 2005 is hereby amended in part as follows:

“**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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.”

RESOLUTION NO. (520-2004) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (521-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Resolution No. 477-2005, adopted by the Town Board on May 31, 2005 is hereby amended in part as follows:

“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 Robert Geneslaw, Planning Consultant, 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

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (522-2005)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Resolution No. 478-2005, adopted by the Town Board on May 31, 2005 is hereby amended in part as follows:

“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 Robert Geneslaw, Planning Consultant, 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

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (523-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control, the Superintendent of Highways and the Town Attorney of the Town of Clarkstown, deed(s) conveying the following roads:

Executive Boulevard	1,743 L.F.
Corporate Way	1,721 L.F.
Corporate Court	237 L.F.

RESOLUTION NO. (523-2004) continued

and other public improvements to the Town of Clarkstown in a subdivision entitled Clarkstown Executive Park, Sections 1, 2, 3 and 4 and as described in detail on drawing number D-1 "Dedication Survey" by Atzl, Scatazza & Zigler, P.C., dated April 25, 1997 and last revised December 24, 1997, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that this resolution shall not become effective until all of the conditions in the Stipulation of Settlement dated February 1, 2005, entitled Suga Development, LLC against Town of Clarkstown and Wayne T. Ballard, as Superintendent of Highways, Town of Clarkstown, Index No. 2222/03, have been fulfilled; and be it

FURTHER RESOLVED, that upon acceptance of dedication the Town of Clarkstown shall release any and all performance bonds posted in conjunction with the Clarkstown Executive Park Subdivision, Sections 1, 2, 3, and 4, pursuant to paragraph 7 of the above stated Stipulation of Settlement.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. 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 meeting was closed in honor of Phillip Esposito and his family, time 9:35 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/14/2005

8:00 P.M.

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

Proposed Local Law entitled "Amendment to Chapter 117 (Circuses and Carnivals) of the Town Code of the Town of Clarkstown"

On motion of Co. Mandia and seconded by Co. Maloney, the public hearing was opened. The Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Lasker and unanimously adopted, the public hearing was closed, time 8:02 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RESOLUTION NO. 425-2005 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/14/2005

8:02 P.M.

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

Petition of M.V.E. Development Corp. for modification of Restrictive Covenants imposed as condition of Zone Change for property located at 300 Route 303, Congers (Lots 35.19-2-5 & 35.20-1-12)

On motion of Co. Nowicki and seconded by Co. Maloney, the public hearing was opened. The Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

Steve Levine
Congers

Asked the Town Attorney if in 1981 and 1999 there were restrictive agreements with the Town to do the buffer, has the applicant actually planted the trees or the buffer on the property, has a violation been issued to the property, does the agreement run with the property, does the State when it has right of way generally reserve the piece of land for any future potential road widening or drainage work. Said that the applicant is currently proposing to make the formerly stone mason supply warehouse to an automotive body shop. Also said that the agreement with the Town has been ignored for over 25 years and the buffer serves the purpose of protecting adjacent properties which are primarily residential right now. Said that the Town Board should not reward someone who waited 25 years and did nothing and no action was taken against this property for whatever reason, and that the applicant should provide the mandatory buffer that runs with the land in addition to the trees being planted on State land.

Mr. Costa said that the covenant is the result of a zone change that was granted to the applicant and the buffer has not been done, there was no violation issued to the property, and that the issue was discovered as a result of an application made by the current property owner who is not the person who had two hearings before the Town Board in 1981 and 1999. The covenant runs with the land and is a recorded document so it does bind the property. The right of way is owned by the State and is totally within the control of the New York State Department of Transportation. The NYSDOT in some occasions also sells the right of way to the private property owners.

Ruth Carlson
Congers

Said that her father and sister live in front of the property and that they attended a meeting earlier in the year and were informed that the buffer will be put through as well as the buffer between the property and her relatives' properties. There is now a cement wall and chain-link fence that divide the property from the other residential areas and the barrier is not secured and is now collapsing and caving in to their properties. She said that she does not want the property owner to get away with not putting the buffers between the houses because it is bad enough now with the noise and looking at the hideous wall.

David Resnick, Esq.
Attorney for the Applicant

Explained briefly the requests of the applicant which are to limit the buffer to 10 feet (instead of 25 feet) which is the minimum now required by the Town Code for the zone, and to hold the planting of the buffer in abeyance because permission from the NYSDOT was received to plant trees on their property. The Architecture and Landscape Committee already approved applicant's plan which would cost \$75,000 worth of trees. The area is heavily commercial and the only residential area is to the west of the property. He said that the property already lost frontage when the State widened Route 9W about ten years ago and if the State does come back and withdraw their permission to plant trees on the

property, his client is taking the risk of planting trees on their property. His client has owned the property for about three or four years and the buffer line on the property is nowhere near the houses so the buffer requirement will not help the houses.

Supervisor confirmed with Mr. Resnick that if the State decides to widen Rt. 303 the applicant will move the trees or plant new trees on the buffer.

Co. Mandia explained the requirement for plantings and the need for the buffer and the need for enforcement.

Joe Simoes
Town Planner

Said that the Planning Board is requiring the applicant to provide the buffer and limiting it to 10 ft. instead of 25 ft., and that the applicant does not want to put the buffer right now but there is no insurance that the applicant will provide the buffer if the right of way is used by the State.

The Town Attorney confirmed that the applicant agreed to maintain the 10 ft. buffer but would be free to use it for storage and building materials unless and until the State of New York needs the right of way in which case the applicant would move back and plant. The declaration was actually recorded and should have turned up in any title search. The declaration requires the buffer to go around the entire perimeter of the property.

Joe Simoes said that a large portion of the property line borders applicant's other property, commercial areas to the east, and residential areas to the west.

Co. Mandia asked Joe Simoes if there is a portion of the property which borders residential properties in which the Board can insist that plantings be done and then compromise with regards to the areas bordering Rt. 9W and Rt. 303.

Joe Simoes said the property does not border any residential area but borders two residences that are non-conforming.

Co. Lasker confirmed that the Planning Board reduced the buffer requirement from 25 ft. to 10 ft. and requires the buffer regardless of the NYSDOT right of way. She said it may be impractical but it is a restrictive covenant.

Supervisor confirmed with Joe Simoes that another petition before the Planning Board is contingent on the Board's decision.

Rita Hicks
Congers

Presented pictures and reiterated need for the buffer and stated her concern about the drainage.

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing will be continued on June 28, 2005, time 8:33 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk