

TOWN OF CLARKSTOW
TOWN BOARD MEETING

Town Hall

06/28/2005

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

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

On motion of Co. Mandia seconded by Co. Lasker the public hearing for Development Corp. for modification of Restrictive Covenants imposed on property located at 300 Rte 303, Congers, was opened, time: 8:00, closed 8:15 p.m.

On motion of Co. Mandia seconded by Co. Lasker the public hearing for Community Center Corp for zone change (LO to LIO) for property located at 300 Rte 303, Congers, was opened, time: 8:15 pm, closed 8:25pm.

On motion of Co. Mandia, seconded by Co. Lasker the public hearing for Clarkstown Comprehensive Plan relative to the zone change for property located at 300 Rte 303, Congers, West Nyack was opened, time: 8:15 p.m., closed 8:25 p.m.

On motion of Co. Maloney seconded by Co. Lasker, the public hearing for Amend Chap 290 (Zoning) of the Clarkstown Town Code ("Family" Zoning) was opened, time: 8:35p.m., closed 8:50 p.m.

On motion of Co. Mandia seconded Co. Lasker the public hearing for Amend Chap 290 (Zoning) of the Clarkstown Town Code (Senior Independence Zoning) was opened, time: 8:37 p.m., closed 10:20 p.m.

Supervisor opened the public portion of the meeting.

Dr. William Heebink

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

06/28/2005

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.

On motion of Co. Mandia seconded by Co. Lasker 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 Rte 303, Congers, was opened, time: 8:00, closed 8:13 p.m.

On motion of Co. Mandia seconded by Co. Lasker the public hearing re: Petition Rockland Jewish Community Center Corp for zone change (LO to LIO) for property located at 450 West Nyack Rd was opened, time: 8:15 pm, closed 8:25pm.

On motion of Co. Mandia, seconded by Co. Lasker the public hearing re: Amendment to the Clarkstown Comprehensive Plan relative to the zone change for property located at 450 West Nyack Road, West Nyack was opened, time: 8:15 p.m., closed 8:25 p.m.

On motion of Co. Maloney seconded by Co. Lasker , the public hearing re: Proposed Local Law to Amend Chap 290 (Zoning) of the Clarkstown Town Code ("Family") was opened, time:8:27 p.m. closed 8:35p.m.

On motion of Co. Mandia seconded Co. Lasker the public hearing re: Proposed Local Law to Amend Chap 290 (Zoning) of the Clarkstown Town Code (Senior Independent Living Housing District - SIL) Was opened, time: 8:37 p.m., closed 10:20 p.m.

Supervisor opened the public portion of the meeting.

Dr. William Heebink
Valley Cottage

Spoke regarding item #7 - the School Resource Officer Program. This included the Town and the School - and inquired if the contribution to the Clarkstown Police Department were equal.

Martin Bernstein
New City

Item #7 - he inquired what the SRO was based on. He also asked about item #3 and inquired as to what changes are allowed.

David Sugar
New City

Item 3a & 3b - he was concerned about the traffic flow from two subdivisions and the use of the horseshoe development. He said that Phillips Hill Road was very dangerous and is opposed to the upper area of development.

Beverly Stykos
New City

Item 3a & 3b - she was concerned about all the building that we are doing. We should preserve the beautiful view of this area.

Michael Dainir
New City

Item 3a & 3b - he said the Old Phillips Hill Road is a wild road and we should try to keep traffic off this road. It is an accident waiting to happen.

Jackie Landman
Valley Cottage

She was concerned Elliot's Alley drainage project and how it will impact on her property.

Barry Kantrowitz
New City

Item 3a & 3b - he spoke about cluster zoning and scenic view. He said that traffic was a problem. Pleasant Street will become a through street and overload local streets.

Donald Tirschwell Esq.,
New City

Item 3a & 3b - attorney representing the developer. The reason that we are here is to discuss Cluster Zoning vs. Standard Zoning. The other issues are not relative here.

Eric Lewis

Item 3a & 3b - he lived in Roberts Road development and Tor Terrace development. Both of these were successful developments and he did not see why the third development in this area could be just as successful.

David Sugar
New City

3a & 3b - he was concerned about the wildlife in Davenport Preserve, and this wildlife will be diminished. He said the traffic flow will endanger the children and the natural environment. He wants to make the egress onto Little Tor Road.

Mr. Chevalier
New City

Items 3a & 3b - spoke regarding cluster homes will include 70 homes and 140 cars. The roads are dangerous and have heavy traffic on Little Tor Road.

Janet Newman
New City

Items 3a & 3b - the top of the ridge should remain as open space. The field is beautiful on a plateau. It could be used for exercise and activities.

Brian Booker

Items 3a & 3b - Engineer for the developer - said we are here to decide on Cluster Zone as opposed to Standard Zone. He showed the roads on a map. Whether we decide on Cluster Zone or Standard Zone - the road configuration is still the same.

Donald Tirschwell Esq.
New City

Items 3a & 3b - Planning Board Resolution gives leeway to make changes. He tells the Town Board to read the Planning Board Resolution submitted.

John Costa states that Harold McCartney was the author of the resolution regarding this.

Town Attorney said he will change the resolved clause of May 5th, authorizing Cluster Zoning but not approve the map.

Terry Thal
New City

Items 3a & 3b - Cluster Clan was to save this scenic view, not for the schools or the roads. Houses will be visible on the top of hill. The Clarkstown School has had sufficient time and did not accommodate these houses.

Dr. William Heebink

Stated that originally there were 22 houses in the East Ramapo School District. The school district is not allowed to accommodate potential development.

Joanna Galdone
New City

Items 3a & 3b - the cluster protects the scenic view. Open Space, clear air and this is the last large parcel in the area. Protect the land.

Jeff Doctorow
New City

Items 3a & 3b - he urged the Town Board to delay in making a decision.

John Lodico
New City

He is concerned about the right of property ownership and the recent government stand on eminent domain.

RESOLUTION NO. (524-2005)

Co. Maloney offered and Co Lasker seconded

WHEREAS, by resolutions duly adopted by the Town Board as Resolution No. 748-1999 and Resolution No. 665-1981, a zone change was granted for property designated on the Clarkstown Tax Map as 35.19-2-5 and 35.20-1-12, subject to imposition of a protective restrictive covenant which required, among other things, that

WHEREAS, said restrictive covenant which was recorded in the Rockland County Clerk's Office in Liber 270 at Page 606, was, on request of the property owner, modified by an amendment to the restrictive covenant recorded on September 30, 1999 as Instrument No. 1999-51825, and

WHEREAS, the present owner of the subject premises, M.V.E. Development Corp. has petitioned the Town Board requesting further amendment to the restrictive covenant so as to eliminate the twenty-five foot (25') buffer with evergreen screening, and

WHEREAS, by resolution duly adopted on May 10, 2005, the Town Board scheduled a public hearing to consider said petition, which public hearing commenced on June 14, 2005 and was continued to June 28, 2005, and

WHEREAS, in accordance with the requirements of Section 239-l and 239-m of the General Municipal Law and Section 29—33(a) of the Zoning Local Law of the Town of Clarkstown, said petition was referred to the Rockland County Commissioner of Planning and other interested agencies and to the Clarkstown Planning Board for review, report and recommendation, and

RESOLUTION NO. (524-2005) continued

WHEREAS, Jose Simoes, Town Planner, was authorized and directed as agent for the Town Board to conduct the required SEQRA review and his report dated June 21, 2005, has been considered, and

WHEREAS, the Rockland County Department of Planning, by report dated June 14, 2005, has reviewed the subject proposal and has recommended the following:

“1. The County Planning Department is in agreement with the April 29, 2005 letter from the Town of Clarkstown Planning Board. A minimum buffer of 10 feet should be maintained along all property lines adjoining a State highway.

2. The buffer area shall be maintained with low evergreen landscaping to block the headlights of parked car from shining onto the State highway”;
and

WHEREAS, notice of public hearing was duly published as required by law, and the public hearing was duly held at the time and place specified in the notice, and duly continued, and

WHEREAS, the Town Board, by this resolution, shall render its decision on said petition:

NOW, THEREFORE, be it

RESOLVED, that based on the report of Jose Simoes, Town Planner, dated June 21, 2005, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the amendment to the restrictive covenant may be granted to the extent approved herein and shall not have any significant impact on the environment if the conditions set forth herein are met, and be it

FURTHER RESOLVED, that for the reasons of public health, safety and welfare, Resolution No. 665-1981 and Resolution No. 748-1099 are hereby modified to conform to the determination made herein and the Town Board hereby authorizes the filing of an amendment to the restrictive covenant, which shall eliminate the required twenty-five foot (25') buffer from all property lines except that which abut the adjoining State highways to wit: Route 9W and Route 303, and with respect to same, said buffer shall be reduced to ten feet (10') in width provided that same shall be landscaped with evergreen plantings to conform to the recommendation of the Rockland County Department of Planning in its June 14, 2005 report, and it be

FURTHER RESOLVED, that the buffer area previously required by the Town Board in its prior resolutions is no longer required, and be it

FURTHER RESOLVED, that all other requirements of the restrictive covenant and amended restrictive covenant shall remain in full force and effect, and be it

FURTHER RESOLVED, that the Planning Board is hereby authorized and directed to incorporate into the presently pending application for site plan approval the requirement contained herein, and be it

FURTHER RESOLVED, that this resolution is subject to receipt of an amendment to the declarations of covenant previously filed, in a form approved by the Town Attorney, from the current property owner with certificate of ownership from a licensed title insurance company or agency sufficient to guarantee effectiveness of covenant which shall be recorded in the Rockland County Clerk's Office, all at the expense of the applicant, and be it

FURTHER RESOLVED, that the Planning Board shall incorporate this resolution and reference to the restrictive covenant and two amendments thereto by an appropriate map note as a condition to receiving final site plan approval, and the Building Inspector is hereby authorized and directed to require compliance with this resolution and all conditions of the site plan prior to issuing any Certificate of Occupancy or change of use for the subject property, and be it

RESOLUTION NO. (524-2005) continued

FURTHER RESOLVED, that this resolution, in its entirety is subject to and conditioned upon the applicant providing evidence to the satisfaction of the Clarkstown Planning Board, supporting the Town Board's conclusion that the reduction in the buffer requirement, as limited herein shall have no significant impact on the environment.

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. (525-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled, "AMENDMENT TO CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" was introduced by Councilman John R. Maloney, 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 28, 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 14, 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 26, 2005, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 28, 2005;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 6 - 2005 entitled:

"AMENDMENT TO CHAPTER 290 (ZONING) 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. (525-2005) 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. (526-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of June 14, 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. (527-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby schedules a Town Board Meeting for July 19, 2005, at 7:30 p.m., in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, 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. (528-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Mordchay Dirnfeld has made application for use of Town Law Section 278 in connection with the HIGHLAND VISTA SUBDIVISION, which is located on the east side of Buena Vista Road, approximately 1,200 ft. north of Old Phillips Hill Road, New City, New York, and is designated on the Clarkstown Tax Map as 33.20-2-8 (FKA 23A15), and

WHEREAS, the Highland Vista Estates Subdivision has been reviewed concurrently with the Little Tor Homes Subdivision, and

RESOLUTION NO. (528-2005) continued

WHEREAS, the Town Board finds that the Planning Board is the lead agency on this subdivision application under SEQRA and that the Planning Board has reviewed the proposed action and compared it with alternative actions as outlined in the 1997 to 1999 DEIS, SDEIS and FEIS, and compared the current SDEIS and FSEIS and has issued a Findings Statement concluding that the proposed action is: (a) consistent with social economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and (b) that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as condition to the decision those mitigative measures that are identified as practicable, and

WHEREAS, the Town Board approves and incorporates by reference the Planning Board's SEQRA findings herein, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because, based on a weighing of all environmental, economic, social and cultural impacts and benefits analyzed during the course of its review of the project, the Planning Board has found that the proposed cluster development is the preferred alternative, in that the environmental impacts of the project would be mitigated to a higher degree; that site grading and disturbance to freshwater wetlands would be reduced, and that native woodland would remain substantially undisturbed helping to visually screen the development, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property as illustrated on the proposed cluster development map entitled, "Highland Vista Estates, Cluster Subdivision Plan," last revised May 5, 2005, prepared by Brooker Engineering PLLC, for the reasons heretofore set forth herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed HIGHLAND VISTA ESTATES SUBDIVISION, which is designated on the Clarkstown Tax Map as 33.20-2-8 (FKA 23A15), subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, provided that the Planning Board reviews the proposed traffic pattern as shown on the aforesaid proposed cluster development map, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be recorded as a Covenant in the Rockland County Clerk's office, to run with the land.

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. (529-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Wales Corley Clarkstown Corp. has made application for use of Town Law Section 278 in connection with the LITTLE TOR HOMES SUBDIVISION, which is located on the west side of Little Tor Road, approximately 350 ft. north of Phillips Hill Road, New City, New York, and is designated on the Clarkstown Tax Map as 34.17-1-1, (FKA 23A4 and part of 23A3), and

RESOLUTION NO. (529-2005) continued

WHEREAS, the Little Tor Homes Subdivision has been reviewed concurrently with the Highland Vista Estates Subdivision, and

WHEREAS, the Town Board finds that the Planning Board is the lead agency on this subdivision application under SEQRA and that the Planning Board has reviewed the proposed action and compared it with alternative actions as outlined in the 1997 to 1999 DEIS, SDEIS and FEIS, and compared the current SDEIS and FSEIS and has issued a Findings Statement concluding that the proposed action is: (a) consistent with social economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and (b) that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as condition to the decision those mitigative measures that are identified as practicable, and

WHEREAS, the Town Board approves and incorporates by reference the Planning Board's SEQRA findings herein, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because, based on a weighing of all environmental, economic, social and cultural impacts and benefits analyzed during the course of its review of the project, the Planning Board has found that the proposed cluster development is the preferred alternative, in that the environmental impacts of the project would be mitigated to a higher degree; that site grading and disturbance to freshwater wetlands would be reduced, and that native woodland would remain substantially undisturbed helping to visually screen the development, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property as illustrated on the proposed cluster development map entitled, "Highland Vista Estates/Little Tor Homes Cluster Subdivision Plan," last revised January 5, 2005, prepared by Brooker Engineering PLLC, for the reasons heretofore set forth herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed LITTLE TOR HOMES SUBDIVISION, which is designated on the Clarkstown Tax Map as 34.17-1-1 (FKA 23A4 and part of 23A3), subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, provided that the Planning Board reviews the proposed traffic pattern as shown on the aforesaid proposed cluster development map, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be recorded as a Covenant in the Rockland County Clerk's office, to run with the land.

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. (530-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board has proposed the establishment of a SENIOR INDEPENDENT LIVING HOUSING DISTRICT in the Town of Clarkstown, as a "floating" zone, which would encompass facilities consisting of a building, or group of buildings in a campus setting, that would serve as a residence for person age 60 or older, who do not need daily assistance and can live independently, which, if adopted, would of necessity have to conform to the Comprehensive Plan, adopted on June 30, 1999;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264, 265 and 272-a of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on July 26, 2004, at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town's Comprehensive Plan for zoning with respect to the presently pending Local Law to establish Senior Independent Living Housing District in the Town of Clarkstown, 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 proposed amendment to the Comprehensive Plan is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-l and 239-m of 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 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. (531-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Windham Development Corp. obtained approval for the subdivision known as the Windham Park Subdivision, filed in the Rockland County Clerk's Office on February 3, 1995 as Map No. 6877, and

WHEREAS, as a condition of subdivision approval, Windham Development Corp., as owner and obligor, provided the Town of Clarkstown with an Irrevocable Letter of Credit No. 529 in the principal amount of \$37,500.00, together with its Owner's Performance Bond to secure completion of the public and other required improvements, and

WHEREAS, by memoranda dated February 6, 2004 and June 23, 2005, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations after repeated requests and notification to do so, and has recommended that the developer be declared in default of its performance bond and that all reasonable steps be taken to secure

RESOLUTION NO. (531-2005) continued

completion of the improvements by drawing against the Letter of Credit the full amount of \$37,500.00 to be held pending calculation by the Department of Environmental Control of the amount deemed necessary to complete the remaining items;

NOW, THEREFORE, be it

RESOLVED, that Windham Development Corp., as owner and obligor, is hereby declared in default of its performance bond to complete the public and other required improvements in the Windham Park Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 529 in the full amount of \$37,500.00, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

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. (532-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has advised that the New York State Department of Transportation has tendered a contract award (Project No. S4171) to the Town of Clarkstown in the amount of \$200,000.00, for reimbursement of costs by the Town for the South Main Street Repaving Project in New City, New York, and has recommended that the Town Board accept said grant, and

WHEREAS, the State of New York has advised that this project may be added to the Master Agreement that deals with Project No. S4157 (Bittern Lane-Pascack Creek Drainage Improvement), for which a resolution was adopted by the Town Board on May 31, 2005;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with the New York State Department of Transportation (Project No. S4171), in a form approved by the Town Attorney, to obtain State grant for partial reimbursement for costs in the South Main Street Repaving project in New City, New York, in the amount of \$200,000.00.

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. (533-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown (Town) is the owner of property designated as Map 52.12-1-56 on the Town of Clarkstown Tax Map, and

WHEREAS, the Nyack Union Free School District (School) desires to use a portion of said Town property for constructing a parking lot, and

WHEREAS, the Superintendent of Recreation and Parks has supported the request by the school district for use of the stated premises as a parking lot for the Liberty Elementary School;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a license agreement with the School, in a form approved by the Town Attorney, for the use of a portion of Town property, approximately 1/3 of an acre at the westerly end of Tax Map Lot 52.12-1-56, for the construction and use of same as a parking lot, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contract indemnification of the Town, liability and other insurance coverage with the Town of Clarkstown named as an additional insured and provisions for hold the Town harmless for the School's construction and use of said parking lot, and be it

FURTHER RESOLVED, that the agreement shall provide that the School shall be responsible for the total cost of constructing the parking area and shall be fully responsible for maintenance of the parking area in a condition acceptable to the Town, and be it

FURTHER RESOLVED, that the School shall submit construction plans to the Town for its approval and the School shall comply with all Town regulations and requirements for the construction of the parking lot, and be it

FURTHER RESOLVED, that said agreement shall cover the period of approximately four (4) years, expiring on December 31, 2009, and thereafter be automatically renewal each year, unless either party shall send a non-renewal notice to the other party at least thirty (30) days before the agreement would have renewed automatically.

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. (534-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 307-2004, adopted by the Town Board on April 13, 2004, is hereby amended as follows:

RESOLVED, that the Board of Education of the Clarkstown Central School District shall contribute the amount of \$80,327.13 for the School Resource Officer Program for the period from September 1, 2004 through June 30, 2005, for the law enforcement services of three (3) full time Police Officers to the Clarkstown Central School District.

RESOLUTION NO. (534-2005) 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. (535-2005)

Co. Maloney offered and Co. Nowicki seconded

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

BID #30-2005 – REFUSE PICK-UP SERVICE FROM TOWN FACILITIES

is hereby awarded to: PAT NAZARRO DISPOSAL INC
 P.O. BOX 481
 VALLEY COTTAGE, NY 10989
 PRINCIPAL: PAT NAZARRO

as per attached item/price schedule.

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. (536-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief of Police Peter Noonan has recommended that the following schools and conferences be approved for the training and professional education of members of the Clarkstown Police Department;

NOW, therefore, it is

RESOLVED, that the Supervisor is hereby authorized to approve the recommended training schools as follows:

National Tactical Officers Association Defensive	<u>Tuition</u>
Tactics for Aggressive Combative Subjects	\$419.00
International Association of Chiefs of Police 2005 Annual Conference	275.00
Terrorism Seminar/BESLAN Response	300.00

RESOLUTION NO. (536-2005) continued

Juvenile Officer's School	215.00
School Resource Officer Annual Conference	1,125.00
D.A.R.E. Annual Conference	675.00
National Information Officer's Annual Training Conf.	900.00
Enhancing Investigations W/Telephonic Information	398.00
APCO International's Annual Conference	1,140.00

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to select and recommend those members of the Department who shall be permitted to attend the schools and conferences as approved hereby.

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. (537-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Edward Wynne, Jr. and Maureen Wynne, 47 Sedge Road, Valley Cottage, New York, owners of property described as Map 52.16-1-49, has provided the Town with a deed for a drainage easement for the installation of a drainage system at this site, and said easement is recommended by K. Luke Kalarickal, Director of the Department of Environmental Control, 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 Wynne, Jr. and Maureen Wynne, 47 Sedge Road, Valley Cottage, New York, dated April 24, 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. (538-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, MTV NETWORKS (a division of Viacom International), and REMOTE PRODUCTIONS, INC., a production company, has requested permission to film in the Town of Clarkstown, on Tuesday, June 21, 2005 and Wednesday, June 22, 2005;

NOW, THEREFORE, be it

RESOLVED, that MTV NETWORKS (a division of Viacom International), and REMOTE PRODUCTIONS, INC., of 1515 Avenue of the Americas, 6th Floor, New York, NY 10036, is hereby authorized to film in the Town of Clarkstown, car scenes on roads located at Joseph Lane and/or off Germond's Park, Bardonia, New York 10954, between the hours of 9:00 pm and 2:00 am, on Tuesday, June 21, 2005 and Wednesday, June 22, 2005, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the above mentioned site;
- (2) A permit fee of \$250.00 shall be paid to the Town of Clarkstown by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that the permit granted by this resolution shall be retroactive to 9:00 pm, on June 21, 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. (539-2005)

Co. Maloney offered and Co. Lasker seconded

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

RESOLUTION NO. (539-2005) continued

A "Stop" sign on Elmwood Drive at East Calvary Dr., New City, NY (see sec. 211.3 of MUTCD.)

and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (540-2005)

Co. Maloney offered and Co. Lasker seconded

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

"No Parking Monday – Friday 8:00 AM - 4:00 PM" signs (per sec. 22T65 of the MUTCD P1-3 signs) on the westside of Strawtown Road between Wendover Lane and Cairnsmuir Lane, New City. These signs should be erected per Sec. 221.5, paragraph 2, page 2116 of the Manual.

and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (541-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds from: James W. Cropsey and Patricia D. Cropsey, dated January 23, 2002, conveying the following road:

- Emil Lane 519 L.F.

RESOLUTION NO. (541-2005) continued

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Cropsey 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 Sidney Schulson secured by a Certificate of Deposit No. 314203 in the amount of \$187,000.00 may be released, subject to receipt of a Maintenance Guaranty, in a form approved by the Town Attorney, in the amount of \$9,375.50 if in the form of cash or cash equivalent, or \$18,571.00 if in the form of a bond.

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. (542-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, that Rockland County Personnel Office has certified on April 29, 2005 that the position of Senior Clerk Typist #0803 can be reclassified to the position of Principal Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist #0803 – Zoning Board of Appeals – is hereby reclassified to the position of Principal Clerk Typist – Zoning Board of Appeals – effective and retroactive to June 27, 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. (543-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Jacqueline M. Bambauer, 1 South Park Lane, Nanuet, New York, is hereby appointed to the position of (Provisional) Principal Clerk Typist – Zoning Board of Appeals - at the current 2005 annual salary of \$46,068., effective and retroactive to June 27, 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. (544-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Highway Maintenance Supervisor I #03057 (Prom) which contains the name of Donald A. Werbeck,

Now, therefore be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Donald A. Werbeck, 205 Ramapo Road, Apt D., Garnerville, New York to the position of (Permanent) Highway Maintenance Supervisor I - Highway Department - at the current annual salary of \$61,503., effective and retroactive to June 27, 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. (545-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Rabbi Joshua Gruenberg, 300 North Broadway, Upper Nyack, New York is hereby appointed to the position of Member - Board of Ethics - at the current annual salary of \$1,950., term effective and retroactive to June 27, 2005 and to expire on June 26, 2010.

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. (546-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the services of Debora M. Fumia, 196 Ehrhardt Road, Pearl River, New York - Custodial Worker (Nights) - Maintenance Department - are hereby terminated - effective June 29, 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. (547-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Georgia I. Gentile, 3 Hansen Avenue, New City, New York, is hereby appointed to the position of Secretary (part-time) to the Town Board for Workshop Meetings – at the current 2005 annual salary of \$5,500., effective July 18, 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. (548-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS there are presently four election districts utilizing “the Hamlets” at Nanuet, New York, as locations for polling, and the Town Clerk has recommended that two districts be moved to the “Pascack Community Center,” which will be more convenient for voters of the two districts and lessen potential for crowding at the current polling location, and

WHEREAS, the Rockland County Board of Elections has been consulted and supports the changes of polling location described herein;

NOW, THEREFORE, be it

RESOLVED, based on recommendation of Patricia Sheridan, Town Clerk, and the concurrence of the Rockland County Board of Elections, Districts “10” and “80” are hereby designated for voting to take place at the “Pascack Community Center,” located at 87 New Clarkston Road, Nanuet, New York, effective with the primary election presently scheduled for September 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. (549-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P, Superintendent of Highways recommends the hiring of Tectonic Engineering Consultants, P.C., in accordance with its proposal dated April 28, 2005, to provide construction inspection and material testing services for the 2005 Roadway Resurfacing Program Bid # 20-2005 for the Town Of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Tectonic Engineering Consultants, P.C., in a form approved by the Town Attorney, to provide construction inspection and material testing services for the 2005 Roadway Resurfacing Program for the Town of Clarkstown, and be it

RESOLUTION NO. (549-2005) continued

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$50,000.00 and shall be charged to Account No. DB 5110-381-0.

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. (550-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Deputy Town Attorney-Purchasing is hereby authorized to advertise for bids for:

BID #45-2005 - WORK CLOTHING

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing , 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows

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

RESOLUTION NO. (551-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and Richard Westervelt, Engineer II, DEC that

RFP#23-2005 - SEDGE ROAD/MACE ROAD RECONSTRUCTION PROJECT

is hereby awarded to:

MCLAREN ENGINEERING GROUP
 100 SNAKE HILL ROAD
 WEST NYACK, NY 10994
 PRINCIPALS: MALCOLM G. MCLAREN P.E.

as per their low proposal of \$23,340.00 and be it

RESOLUTION NO. (551-2005) continued

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

- a) Signed Contract Documents – four sets
- b) Certificate of Contractor’s Liability and Property Damage Coverage, including a Hold Harmless Clause

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. (552-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and Richard Westervelt, Engineer II, DEC that

RFP# 24-2005 – RINNE ROAD DRAINAGE ANALYSIS

is hereby awarded to:

CHARLES H. SELLS, INC
 555 PLEASANTVILLE ROAD, SOUTH BUILDING
 BRIARCLIFF MANOR, NY 10510
 PRINCIPALS: STEVEN W. SMITH, P.E.
 SUSAN K. FASNACHT, P.E.

as per their low bid proposal of \$19,200.00 and be it

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

- c) Signed Contract Documents – four sets
- d) Certificate of Contractor’s Liability and Property Damage Coverage, including a Hold Harmless Clause

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.

RESOLUTION NO. (552-2005) 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. (553-2005)

Co. Mandia offered and Co. Maloney seconded

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

BID#29-2005 – DENVER DRIVE EASEMENT IMPROVEMENTS

is hereby awarded to:

ASCAPE LANDSCAPE & CONSTRUCTION
 634 ROUTE 303
 BLAUVELT, NY 10913
 PRINCIPALS: STUART CHAITIN

as per their low bid proposal of \$28,926.00 and be it

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

- e) Signed Contract Documents – four sets
- f) Performance Bond – 100% of the project cost
- g) Labor and Materials Payment Bond – 100% of proposed project cost
- h) Certificate of Contractor’s Liability and Property Damage Coverage, including a Save Harmless Clause
- i) Certificate of Automobile Liability Coverage
- j) Certificate of Worker’s Compensation
- k) 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. (554-2005)

Co. Mandia offered and Co. Maloney seconded

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

BID#34-2005 – ELLIOT’S ALLEY DRAINAGE IMPROVEMENT
VALLEY COTTAGE, NEW YORK

is hereby awarded to:

JMK ENTERPRISES, LLC
301 NORTH MAIN STREET, SUITE 1
NEW CITY, NY 10956
PRINCIPALS: JOHN KNUTSUN SR.
JOHN KNUTSUN JR.

as per their low bid proposal of \$39,744.00 and be it

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

- l) Signed Contract Documents – four sets
- m) Performance Bond – 100% of the project cost
- n) Labor and Materials Payment Bond – 100% of proposed project cost
- o) Certificate of Contractor’s Liability and Property Damage Coverage, including a Save Harmless Clause
- p) Certificate of Automobile Liability Coverage
- q) Certificate of Worker’s Compensation
- r) 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. (555-2005)

Co. Mandia offered and Co. Maloney seconded

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

BID#43-2005 – AUDIO/VISUAL SYSTEMS FOR
TOWN HALL RENOVATIONS

is awarded as follows:

PART 1 – AUDITORIUM – NO AWARD

RESOLUTION NO. (555-2005) continued

PART 2 -- ROOM 311 -- HUGH'S TV & COMMUNICATION
30 VASSAR ROAD
POUGHKEEPSIE, NY 12603
PRINCIPALS: THOMAS MCNAMARA
SHARON MCNAMARA

as per their low proposed quote of \$11,875.00

PART 3 -- THE ANDREW JACKSON ROOM
HUGH'S TV & COMMUNICATION
30 VASSAR ROAD
POUGHKEEPSIE, NY 12603
PRINCIPALS: THOMAS MCNAMARA
SHARON MCNAMARA

as per their low proposed quote of \$3,815.95

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. (556-2005)

Co. Mandia offered and Co. Maloney seconded

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

BID #38-2005 -- HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to: SELECTO-FLASH SAFETY, INC.
14 VILLAGE PARK RD.
CEDAR GROVE, NJ 07009
PRINCIPAL: SULKOUS L. JONES

ROCAL, INC.
P.O. BOX 640
FRANKFORT, OH 45628
PRINCIPALS: LEO LIGHTLE
ROBERT LIGHTLE
DAVID LIGHTLE
REBECCA ATER
VIOLA LIGHTLE
MARY BETH LIGHTLE

CHEMUNG SUPPLY CORP
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA STEMERMAN
PHILIP WARSHAW
MARC STEMERMAN

RESOLUTION NO. (556-2005) continued

3M COMPANY
3M COMPANY BLDG 225-5S-08
P.O. BOX 3325
ST PAUL, MN 55133
PRINCIPAL: A PUBLIC CORPORATION

CUSTOM PRODUCTS CORP.
P.O. BOX 54091
JACKSON, MS 39288
PRINCIPALS: DENNIS PERKINS
 HAL PERKINS
 MAY PERKINS
 GARY PENDERGRASS
 LEO TICKNER

GARDEN STATE HIGHWAY PRODUCTS, INC.
1740 E. OAK ROAD
VINELAND, NJ 08361
PRINCIPALS: SHARON GREEN
 ROBERT GREEN

as per attached item/price schedule.

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, time: 11:00 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/28/2005

8:00 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)

The public hearing is continued from June 14, 2005

Scott Turner
Congers
Asked if the 25 ft. was going to be taken from the property.

The Supervisor said they will be given 10 ft.

Martin Bernstein
New City
Inquired as to what the modifications are.

Joe Simoes, Town Planner
Explained the modifications which included reducing the 25 ft. to 10 ft.

Martin Bernstein inquired as to which property this was.

The Supervisor said it is the old DePaulis property.

Alan Hicks
Congers
Questioned on the 25 ft. reduction to 10 ft., said he has a drainage problem and the fence
is on the concrete block on the property line and he wants to make sure his family is
protected

The Supervisor informed him that this change does not pertain to his property.

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 closed, time 8:13 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RES. NO. 524-2005 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/28/2005

8:15 P.M.

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

Petition of Rockland Jewish Community Center Corp. for zone change (LO to LIO) for property located at 450 West Nyack Road, West Nyack (Lot 58.19-1-11)

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

Donald Tracy, Esq., Counsel for Applicant
New City

Said the zone change involves the old Champion building which was purchased by a not-for-profit organization for various services and explained the need for the zone change. Stated that the LO zone will require extensive variances from the Zoning Board of Appeals while the LIO zone will permit family recreation uses.

Town Attorney verified with the Town Clerk the filing of affidavits of mailing and posting. Said that the Clarkstown Planning Board needed additional time to make their recommendation and the Rockland County Planning Board does not have a recommendation yet either.

Mr. Tracy requested the public hearing be closed and the matter voted upon.

Town Attorney recommended the record to remain open until such time as the Rockland County and Clarkstown Planning Boards respond because they are entitled to 90 days for statutory review period.

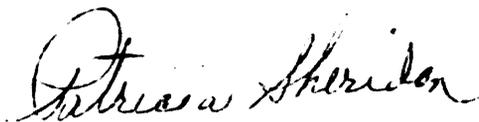
The Supervisor suggested continuing the public hearing on July 19. Comments would have been received from the Rockland County Planning Board by then and asked whether the Clarkstown Planning Board would be able to give the Town Board recommendations prior to the meeting.

Co. Maloney said that there is really no comment against the zone change.

Co. Mandia said that the Planning Department's main concern would be the traffic flow for seven days a week.

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 will be continued on July 19, time 8:25 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/28/2005

8:15 P.M.

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

Amendment to the Clarkstown Comprehensive Plan relative to the zone change for property located at 450 West Nyack Road, West Nyack (Lot 58.19-1-11)

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

Donald Tracy, Esq., Counsel for Applicant
New City

Said the zone change involves the old Champion building which was purchased by a non-for-profit organization for various services and explained the need for the zone change. Stated that the LO zone will require extensive variances from the Zoning Board of Appeals while the LIO zone will permit family recreation uses.

Town Attorney verified with the Town Clerk the filing of affidavits of mailing and posting. Said that the Clarkstown Planning Board needed additional time to make their recommendation and the Rockland County Planning Board does not have a recommendation yet either.

Mr. Tracy requested the public hearing be closed and the matter voted upon meeting.

Town Attorney recommended the record to remain open until such time the Rockland County and Clarkstown Planning Boards respond because they are entitled to 90 days for statutory review period.

The Supervisor suggested continuing the public hearing on July 19. Comments would have been received from the Rockland County Planning Board by then and asked whether the Clarkstown Planning Board would be able to give the Town Board recommendations prior to the meeting.

Co. Maloney said that there is really no comment against the zone change.

Co. Mandia said that the Planning Department's main concern would be the traffic flow for seven days a week.

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 will be continued on July 19, time 8:25 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/28/2005

8:27 P.M.

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

Proposed Local Law to Amend Chapter 290 (Zoning) of the Clarkstown Town Code ("Family" definition)

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

Steven Levine
Congers

Asked why are we changing the definition of "family" in the zoning ordinance

Town Attorney explained that the definition in the Town Code right now does not meet constitutional standards. The definition is defective based on a case decided in 1991 and this should have been addressed some years ago. The current definition says that a family consists of individuals related by blood or marriage living together and not more than five people unrelated. The problem is the limitation of the number of unrelated people. The decision in "Childrens' Village vs. The Town of Clarkstown" said that to have a limitation on the number of individuals who are not related by blood or marriage is unconstitutional.

Mr. Levine said that the new definition says "... as distinguished from a boarding or rooming house, fraternity or sorority house, club, motel and other similar uses" but the zoning ordinance does not have a definition for boarding or rooming house and for fraternity or sorority.

Town Attorney said that the common meaning of those words would be what would be relied upon. The dictionary definition of the words would be sufficient so there is no need to define them.

Terri Thal
New City

She said that she wanted to make sure the new definition would not preclude a community or group home or a hospice.

Town Attorney said that the case dealt with a group home, so a group home falls within the definition of "family." A hospice does not fall within the category of family use.

Ms. Thal suggested the Town Board wait and clarify issues such as clinics, hospices, and facilities of that sort.

Town Attorney said that the new definition is one that has been accepted in the State of New York. It includes group homes and congregate living type of facilities.

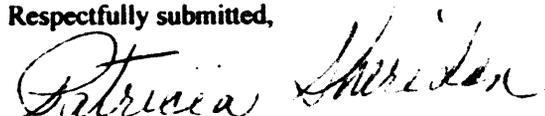
Peter Beary

Building Inspector

Said that if the definition in Chapter 293 is changed, then the definition in Chapter 157 also needs to be changed.

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 was closed, time 8:35 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RES. NO.525-2005 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/28/2005

8:37 P.M.

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

Proposed Local Law to Amend Chapter 290 (Zoning) of the Clarkstown Town Code
(Senior Independent Living Housing District – "SIL")

On motion of Co. Lasker 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. The Rockland County Planning Department has no report and recommendations yet.

Jerry Meckler

Architect and Planner

He reviewed the proposed law and attended the Planning Board meetings. He thanked the Town Board and Planning Board for their diligence. He said the proposed law applies to age 60 years or older, while New York State and Federal Government guidelines apply to 55 years or older.

Town Attorney said that the Planning Board is actually recommending 62 instead of 60.

Robert Geneslaw, Planning Consultant

The original and earlier proposal had 60 but it was suggested to the Planning Board that it be changed to 55 or 62 in order to meet Federal or State Fair Housing Law. Planning Board recommended the change from 60 to 62.

Co. Mandia said there is huge gap in understanding what the goal is and the law should apply to 55 years or older.

Co. Maloney agreed with Co. Mandia.

Mr. Meckler asked what does Clarkstown mean by affordable housing.

Joe Simoes

Said that "affordable" is based on HUD guidelines depending on income. Said that the Planning Board recommends the Town Board passing an annual resolution establishing the guidelines.

Co. Mandia recommended using the Rockland Housing Coalition to set the guidelines. The problem is when the qualified person sells the house. He suggested that the Town Board should use the Rockland Housing Coalition, HOGAR, and federal guidelines annually.

Mr. Meckler spoke about Eden Park, the rear setback, and density being required. A law cannot be made for every individual. The guidelines do not define affordability. Definitions should be given so that there will be no need to go before the Zoning Board of Appeals.

Martin Bernstein

New City

Said that the law says you can make it apply to 55 years if you want to have restrictions. Asked about the size of the land and the floating zone.

The Town Board replied that the minimum is 5 acres and the law applies to the following zoning districts: R-10 (quarter acre), R-15 (third acre), MF1,2,3 (multi-family or condominium type).

Mr. Bernstein said that under the floating zone, it does not apply to R-22. Are there other restrictions like the number of units.

Town Attorney cited the Planning Board's June 23 report that listed 15 specific items the Board recommends be incorporated in this proposed local law and there are other comments.

Robert Geneslaw, Planning Consultant

Said that in some communities with similar programs, deed restrictions accompany every sale and the restrictions include conditions applied in case of re-sale. The proposed law provides that 100 units is the maximum number of units permissible in any property. The Planning Board recommended that it be increased to 106 units and a minimum distance between each site of 1500 feet to be consistent with the present senior citizen provision in the Town Code. The Planning Board also recommended the evaluation of each eligible property. He briefly explained the items included in the list of the Planning Board recommendations dated June 23, 2005 (on file with the Town Clerk's Office).

Co. Mandia asked if the 6 to 12 possible eligible sites include the MF sites.

Mr. Geneslaw said yes. The possible sites will be subject to environmental review.

Co. Lasker confirmed with Mr. Geneslaw that he will have specific sites by next public hearing.

Town Attorney said re-drafting of the proposed local law and additional follow-up and workshops may be required to give direction to our planners.

Co. Nowicki asked if the Planning Board looked at other communities for comparison.

Mr. Geneslaw replied that not this time but that several years ago Mr. Richard Paris did. A lot of what Mr. Paris drafted 3-4 years ago were updated and are included in the proposal.

Co. Mandia suggested looking at the MF zones separately because of density and asked if preference can be given to volunteers. Is there any risk that people will find it more difficult to finance it.

Mr. Geneslaw said no matter how affordable it is, people still have to qualify for a mortgage, make the down payment, and make the monthly payments. He said that if there is no State or Federal funding or participation, the Town Board can set any requirements or preferences.

Mr. Bernstein spoke about the survey the town did of seniors over 60 and over 5,000 answered. He asked if the proposal takes the answers in consideration. Most responded they wanted to stay in their own homes. He said almost all wanted affordability, to be close to the center of the town where the services are, and the housing should be for people who live in the town.

Dan Panarello
New City

He said that he has lived in New City since 1963 and has been involved in housing ever since, primarily senior housing. Affordable housing has a very sensitive tone to it. He said the federal government has guidelines for the subsidy of housing, but not for affordable housing. The suggestion of a floating housing zone would be fair because of a high demand for senior housing. Monterey Gardens has a waiting list of a minimum of 2 years. Seniors basically want a 2-bedroom house with a bathroom, recreation room, dining room, living room, and family room – not a big house. He suggested submitting the proposal fairly and the floating zone in the R-zone, with the Town Board reviewing it on its merits.

Gerri Levy

Asked how will the Town Board determine what affordable housing is, what are the federal guidelines and what will be the bonus incentive to builders and developers.

Mr. Simoes said affordability will be based on income, calculating the price of a home based on the median income and a percentage of the median income (30%) that can be devoted towards housing costs.

John Lodico

New City

He said that the concept of senior housing started in Clarkstown in 1963 and introduced by the Conservative Party.

Jen Farcus

New City

Mentioned the housing for volunteers in Montebello and suggested that Clarkstown should do the same thing for volunteers. She also said she agrees with the floating zone.

Steven Levine

Congers

He said the Planning Board worked very hard on the proposal. He is not comfortable with the concept of floating zone and suggested the term should be defined and be made clear. He strongly objects to the housing being done in R-10 and R-15 zoning districts and suggested using R-80 and R-160 zones. He asked how the public will be involved when the Town Board acts as a housing authority. He thinks enforcement is going to be a problem when a developer does not provide a certification to the Building Inspector as required in the proposal. He asked where the public oversight is because there is potential for ethical issues and a watchdog is needed. He suggested that enforcement should be a part of the proposal and penalties and sanctions should be in place.

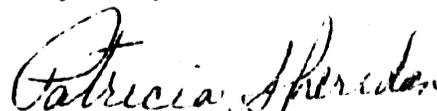
Jeff Weinberger

New City

He commented that the proposal is unfair to MF properties because one can double the density in the R zones but there is no increase in density in the MF zones and the SIL zones are more restrictive than the MF zones by requiring a 50 ft. buffer along the 4 sides of the property. He also said the proposal requires 20% of open space be set aside for usable open space while the MF requirement is only 10%. He said the proposal limit on the number of occupants is also less than the limit on an MF zone and age does not matter. He said that because there is no increase in density in the MF-3 zone, there is no incentive for the builder. He also said that the Town Board would have to every year set the maximum sale price for any affordable unit, new rents, and maximum income limitation, and have an individual or entity to administer the program. He recommends applying the program only to the R-10 and R-15 zones and to exclude the MF zones from the proposed law.

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the public hearing will be continued on July 26, time 10:20 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk