

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

07/19/2005

7:30 P.M.

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

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

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Chief Noonan, Clarkstown Police, delivered the report on Police Matters.

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On motion of Co. Mandia, seconded by Co. Lasker, the public hearing re: Petition of Rockland Jewish Community Center Corp. for zone change (LO to LIO) for property located at 450 West Nyack Road, West Nyack was continued, time 7:46 p.m., closed 8:15 p.m. Resolution No. 557 adopted.

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 continued, time 7:46 p.m., closed 8:15 p.m.

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Supervisor opened the public portion of the meeting.

Karen and Jack Schmidt  
Valley Cottage

They spoke regarding the drainage project on Green Avenue and King's Highway and expressed their approval of Officer Jim McCormick.

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RESOLUTION NO. (557-2005)

Co. Maloney offered and Co Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on May 31, 2005, provided for a public hearing on June 28, 2005, 8:00 P.M., to consider the application of Jewish Community Center Corp. to amend the Zoning Local Law of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as 58.19-1-11, more particularly described on attached Schedule "A", from the LO District to the LIO District, and

WHEREAS, notice of public hearing was duly published as required by law, referred to the Rockland County Department of Planning and the Clarkstown Planning Board, and the public hearing was commenced at the time and place specified in the notice and continued to July 19, 2005, and

WHEREAS, by reports dated July 6, 2005 and July 7, 2005, the Commissioner of Planning has reported that the proposed zone change is not in conflict with the Town's Comprehensive Plan, but that the proposed zone change may be considered spot zoning if not undertaken as part of a comprehensive analysis of surrounding properties for similar rezoning and further consideration of possible text changes to the LO District which could add recreational uses similar to that found in the LIO District to the LO District, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Robert Geneslaw, and his report dated July 7, 2005, and which the Board has discussed and considered in making its decision herein, and

RESOLUTION NO. (557-2005) continued

WHEREAS, the Clarkstown Planning Board, by resolution dated July 13, 2005, determined that the proposed zone change would not be inconsistent with the Town's Comprehensive Plan, would function as a transitional zone between the LO District and residential zoning to the east of the subject property and therefore could not be considered spot zoning, and further, that text changes to the Town's LO District, as recommended for consideration by the Rockland County Department of Planning, are unnecessary because such amendment would have broader land use implications than the proposed rezoning, and that all other considerations including potential traffic impacts, parking needs, and limitation of proposed uses by covenants addressed to the applicant's specific proposal as fully developed during site plan approval, can be effectively addressed by the Clarkstown Planning Board during its site review;

NOW, THEREFORE, be it

RESOLVED, that based upon the July 7, 2005 report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action, to wit: change of zone from LO District to LIO District as described on attached Schedule "A", shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and that such action is not inconsistent with the Town's Comprehensive Plan, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 58.19-1-11, situate in the Hamlet of West Nyack, from the LO District to the LIO District, which property is more particularly described on the attached Schedule "A," subject to:

1. The applicant or property owner, if other than the applicant, obtaining site plan approval for the Clarkstown Planning Board within eighteen (18) months from the date hereof, and
  2. That the applicant and property owner comply with all requirements regarding parking and traffic impacts as established by the Clarkstown Planning Board,
- and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that the resolution and report of the Clarkstown Planning Board, dated July 13, 2005, is hereby adopted as the rationale for the Clarkstown Town Board having adopted this resolution in conflict with the Rockland County Planning Department's recommended modifications as stated in its report of July 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

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RESOLUTION NO. (558-2005)

Co. Maloney offered and Co Lasker seconded

RESOLVED, that the Town Board Minutes of June 28, 2005 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (558-2005) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (559-2005)

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:

A 'Dead End' sign (see Sec. 233.7 a W3-17 sign of the MUTCD) TO BE ERECTED ON Basswood Court at Rennert Lane, Bardonia, NY

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

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RESOLUTION NO. (560-2005)

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:

An "Intersection" sign (see Sec. 232.11 of the MUTCD A W2-11 SIGN) TO BE ERECTED ON THE NORTHSIDE OF Phillips Hill Rd. at Fuerth Court, New City. Install a panel beneath to read "Driveways"

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

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RESOLUTION NO. (561-2005)

Co. Nowicki offered and Co Lasker seconded

WHEREAS, Friends of the Nyacks, a non-for-profit organization has provided services to individuals and groups in the Town of Clarkstown has submitted a request for economic assistance for the year 2005, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization 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 an agreement, in a form approved by the Town Attorney, with the following non-profit organization 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 organization in the following amount:

Friends of the Nyacks \$2,000

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

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RESOLUTION NO. (562-2005)

Co. Maloney offered and Co Lasker seconded

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

FURTHER RESOLVED, that the libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2005.

West Nyack Free Library \$3,000

On roll call the vote was as follows

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

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RESOLUTION NO. (563-2005)

Co. Nowicki offered and Co Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt segments of various town roads for a period of two (2) years, beginning July 19, 2005 to July 19, 2007, as follows:

Sponsor: Window & Door Outlet LLC  
P. O. Box 2054  
New City, NY 10956

Roads: 0.8 mile segment of Phillips Hill Road from  
North Main Street to North Little Tor Road  
New City, NY 10956

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Window & Door Outlet LLC organization will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning July 19, 2005 to July 19, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by the Window & Door Outlet LLC organization, to remove trash from the roadways.

On roll call the vote was as follows

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

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RESOLUTION NO. (564-2005)

Co. Nowicki offered and Co Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt segments of various town roads for a period of two (2) years, beginning July 19, 2005 to July 19, 2007, as follows:

Sponsor: Washington Mutual Bank  
102 South Main Street  
New City, NY 10956

RESOLUTION NO. (564-2005) continued

- Roads: .54 mile segment of McCarthy Way from Parrot Road to Strawtown Road, West Nyack, New York,
- and
- 1.03 mile segment of Parrot Road from Germonds Road to Brewery Road, West Nyack, New York

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Washington Mutual Bank organization will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning July 19, 2005 to July 19, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by the Washington Mutual Bank organization, to remove trash from the roadways.

On roll call the vote was as follows

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

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RESOLUTION NO. (565-2005)

Co. Maloney offered and Co Lasker seconded

WHEREAS, Cohn and Company, a production company, requested permission to film in the Town of Clarkstown, on Thursday, July 21<sup>st</sup>, 2005.

NOW, THEREFORE, be it

RESOLVED, that Cohn and Company, 12 West 23<sup>rd</sup> Street, 4<sup>th</sup> Floor, New York, NY 10010, is hereby authorized to film a TV Medicare Commercial in the Town of Clarkstown, as follows: Interior at Garruba residence, 475 Mountain View Road, Valley Cottage, NY 10989 between 9 am and 1 pm ; Dr. Davies Farm, Dr. Davies Road, New City, NY 10956 between 1pm and 8 pm; and Rockland Lake State Park, 252 Rockland Lake Road, Congers, New York 10920, on Thursday, July 21, 2005, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the requested locations;
- (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;

RESOLUTION NO. (565-2005) continued

(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 pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; to utilize public property for any filming, or storage of equipment, or parking of vehicles; and be it

FURTHER RESOLVED, that this Resolution shall be serve as the Filming Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (566-2005)

Co. Nowicki offered and Co Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, pursuant to Town Law and the Rockland County Police Act has governance and control of the Clarkstown Police Department, and by this resolution intends to confirm and adopt the existing Town of Clarkstown Police Department Rules and Regulations;

NOW, THEREFORE, be it

RESOLVED, that the Rules and Regulations heretofore established by the former Clarkstown Police Commission are hereby ratified and adopted, and be it

FURTHER RESOLVED, that such Rules and Regulations are in full force and effect until such time as the Town Board may modify same by further resolution.

On roll call the vote was as follows

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

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RESOLUTION NO. (569-2005)

Co. Lasker offered and Co Mandia seconded

RESOLVED, that the Town Board hereby authorizes Martus Granirer, Deputy Town Attorney, to attend the "Friends of New York's Environment Coalition Meeting" on June 27, 2005, in Albany, New York, and be it

FURTHER RESOLVED, that the cost of travel and any necessary expenses will be charged to Account No. A 1010-414, and be it

FURTHER RESOLVED, that this resolution is made 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

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RESOLUTION NO. (570-2005)

Co. Maloney offered and Co Mandia seconded

WHEREAS, the Rockland County Ancient Order of Hibernians and the Ladies Ancient Order of Hibernians, non-profit organizations, are sponsoring the Rockland County FEIS, which is being held on July 17, 2005, and have requested the Town Board to waive tipping fees with regard to disposal of refuse from said charitable event;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the tipping fee, pursuant to Section 149(21) of the Town Code, with respect to the charitable event described herein, and be it  
FURTHER RESOLVED, that this resolution is retroactive to July 17, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (571-2005)

Co. Nowicki offered and Co Lasker seconded

WHEREAS, William Mahan and Nancy Mahan have requested a partial refund of Building Permit fee (No. 04-1380) paid in the amount of \$860.00 for premises located at 18 Mark Lane, New City, New York, because they have scaled back their intended project from a full addition to just building a deck, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$160.00 and \$142.00 as a permit fee for the deck;

RESOLUTION NO. (571-2005) continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$558.00, of the total Building Permit fee paid in the amount of \$860.00, to William Mahan and Nancy Mahan, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the previously issued Building Permit for the addition and substitution of a permit for construction of a deck.

On roll call the vote was as follows

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

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RESOLUTION NO. (572-2005)

Co. Maloney offered and Co Mandia seconded

WHEREAS, the Town of Clarkstown has in its possession escrow funds to secure certain required improvements in a subdivision known as "Avaras Subdivision," and the Deputy Director of the Department of Environmental Control, Dennis Letson, has advised that the entities and individuals, Executive Homes and Scott Yellin and Jodi Yellin, having posted said escrows have failed to complete the required improvements and have received Notice of Default, and therefore he has recommended to the Town Board that it declare a default and authorize use of security deposits in the total amount of \$13,800.00 to complete the required improvements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that Executive Homes and Scott Yellin and Jodi Yellin, have defaulted to the Town of Clarkstown their respective security funds in the amount of \$13,800.00 (\$1,100.00 for Lot 2, \$2,700.00 for Lot 3, and \$10,000.00 for Lot 4), with respect to the Avaras Subdivision, and be it

FURTHER RESOLVED, that the Town Board herby authorizes K. Luke Kalarickal, Director of the Department of Environmental Control, to apply said funds to the costs of completing the required work by a duly selected contractor or by the Clarkstown Highway Department.

On roll call the vote was as follows

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

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RESOLUTION NO. (573-2005)

Co. Nowicki offered and Co Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2005 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions, as provided by Cathy Conklin, Tax Assessor, are attached.

RESOLUTION NO. (573-2005) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (574-2005)

Co. Nowicki offered and Co Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2005 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions, as provided by Cathy Conklin, Tax Assessor, are attached.

On roll call the vote was as follows

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

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RESOLUTION NO. (575-2005)

Co. Maloney offered and Co Lasker seconded

RESOLVED, that Resolution #5-2004 (Petty Cash) be amended to include an additional \$100.00 (4/16/04 – 10/31/04) for Recreation and Parks (refreshment stands).

On roll call the vote was as follows

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

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RESOLUTION NO. (576-2005)

Co. Maloney offered and Co Lasker seconded

RESOLVED, to amend Res. #787-2004 authorizing retention of William Gizas a project coordinator of the Congers Station Reconstruction project,

WHEREAS, due to weather and coordination with the highway department the project completion date has been extended,

WHEREAS, the services of William Gizas will be required for longer than originally anticipated,

RESOLUTION NO. (576-2005) continued

NOW, THEREFORE, BE IT RESOLVED, that compensation for William Gizas be extended as the present rate of \$35.00 per hour, 5 hour days, 5 day work week until the completion of the project at a possible total cost of \$9,500.

AND ALSO RESOLVED, that these monies be charged to H-8751-409-75-16.

On roll call the vote was as follows

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

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RESOLUTION NO. (577-2005)

Co. Maloney offered and Co Lasker seconded

WHEREAS, concerns of several residents of Demarest Mill Road, WEST NYACK were discussed and investigated by the Town Code & Zoning Enforcement Officer//Community Liaison regarding the installation of better informational & directional signage to alleviate confusion at

- 1.) The "UNNAMED" Town Road which accesses Clarkstown High School South and has four Demarest Mill Road, West Nyack addresses(#'s 45, 47, 49 & 51), and
- 2.) The intersection of Demarest Mill Road and Germonds Road, WEST NYACK and the intersections of Demarest Mill Road, NANUET and a.) NYS Route 304 and b.) West Nyack Road, NANUET and

WHEREAS, the investigation and interviews with residents revealed that the installation of certain signage would solve difficulties in locating certain addresses for Town services, deliveries and E-911 on the 'UNNAMED' Road and,

WHEREAS, the installation of street signage at the intersections of Demarest Mill Road and Germonds Road, WEST NYACK and the intersections of Demarest Mill Road, NANUET and a.) NYS ROUTE 304 and b.) West Nyack Road (Route 59A), which include hamlet identification would help lost and confused drivers and thereby reducing traffic intensity on Demarest Mill Road, West Nyack,

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Town Code & Zoning Enforcement Officer/Community Liaison and the concurrence of the Clarkstown Traffic & Traffic Advisory Board, the Superintendent of Highways is hereby directed to prepare and install the following street signage:

- 1.) "DEMAREST MILL ROAD (EXTENSION) #'S 45, 47, 49 & 51" at the intersection of Demarest Mill Road & the "UNNAMED" Road, West Nyack across from Brookdale Court and
- 2.) "DEMAREST MILL ROAD (WEST NYACK)" at the intersection of Germonds Road & Demarest Mill Road, West Nyack.
- 3.) "DEMAREST MILL ROAD (NANUET)" one each at the intersections of Demarest Mill Road & NYS ROUTE 304 and Demarest Mill Road & West Nyack Road (Route 59A), Nanuet.

On roll call the vote was as follows

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

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RESOLUTION NO. (578-2005)

Co. Lasker offered and Co Maloney seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown YOUTH COURT program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis:

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's amended YOUTH COURT grant application in the amount of nineteen thousand three hundred seventy six dollars (\$19,376.00) for 50/50% Division for Youth funding for 2006, and

FURTHER BE IT RESOLVED that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows

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

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RESOLUTION NO. (579-2005)

Co. Nowicki offered and Co Mandia seconded

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

BID#46-2005 – THREE DUMP BODIES WITH SALT SPREADING AND LIQUID APPLICATION ATTACHMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York \_\_\_\_\_ A.M. on 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 Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

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RESOLUTION NO. (580-2005)

Co. Lasker offered and Co Mandia seconded

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

RESOLUTION NO. (580-2005) continued

**BID#36-2005 – SOUTH MOUNTAIN ROAD DRAINAGE IMPROVEMENTS**

is hereby awarded to:

**COLONNELLI BROTHERS, INC.  
409 SOUTH RIVER STREET  
HACKENSACK, NJ 07601  
PRINCIPALS: ANGELO COLONNELLI  
NINO COLONNELLI  
UMBERTO COLONNELLI**

as per their low bid proposal of \$78,850.00 and be it

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

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

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

**FURTHER RESOLVED**, that this project shall be under the supervision of the 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

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**RESOLUTION NO. (581-2005)**

**Co. Lasker offered and Co Mandia seconded**

**WHEREAS**, the Town of Clarkstown Purchasing Department solicited bids in response to Bid #63-2004 – Green Avenue Culvert and Stream Channel Modification; and

**WHEREAS**, the Town of Clarkstown received two bids in response to its solicitation; and

**WHEREAS**, the low bidder, Danny Clapp Landscaping promptly advised the Town of Clarkstown of an unintentional and material mistake in its bid price, and has requested permission to withdraw its bid without penalty; and

**WHEREAS**, the Deputy Town Attorney, Purchasing and the Director of Environmental Control have reviewed Danny Clapp Landscaping's request to withdraw and the circumstances surrounding the mistake in bid price and recommend that the Town Board grant its request to withdraw its bid without penalty;

**NOW, THEREFORE BE IT**

RESOLUTION NO. (581-2005) continued

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

BID#63-2004 – GREEN AVENUE CULVERT & STREAM CHANNEL MODIFICATION

is hereby awarded to:

CAL MART ENTERPRISES  
357A ROUTE 59  
WEST NYACK, NY 10994  
PRINCIPALS: CARL WORTENDYKE  
MARTIN C. WORTENDYKE  
PETER T. WORTENDYKE

as per their second lowest bid proposal of \$ 1,288,821.00 and be it

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

- h) Signed Contract Documents – four sets
- i) Performance Bond – 100% of the project cost
- j) Labor and Materials Payment Bond – 100% of proposed project cost
- k) Certificate of Contractor’s Liability and Property Damage Coverage, including a Save Harmless Clause
- l) Certificate of Automobile Liability Coverage
- m) Certificate of Worker’s Compensation
- n) 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, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that their project be funded through the issuance of serial bonds.

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. (582-2005)

Co. Nowicki offered and Co Lasker seconded

WHEREAS, by Resolution No. 473-2005 the Town Board appropriated \$37,000 to retain consultants to perform certain services in connection with the siting of an Emergency Services Telecommunications Tower; and

WHEREAS, the Planning Department has obtained proposals to perform such services; and

WHEREAS, the proposed prices exceed the Planning Department’s original estimates;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 473-2005 is hereby amended as follows:

RESOLUTION NO. (582-2005) continued

RESOLVED, that the Town Board hereby authorizes the sum of \$58,000 for the above-referenced services; and be it

FURTHER RESOLVED, that said services shall be procured pursuant to the Purchasing Department's procedures; and be it

FURTHER RESOLVED, that the fees for said services, not to exceed \$58,000, shall constitute a proper charge to account no. H8754-409-0-78-41.

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. (583-2005)

Co. Maloney offered and Co Lasker seconded

WHEREAS, by Resolution No. 473-2005 (as amended) the Town Board authorized the Planning Department to retain the services of an engineering consultant to perform radiological testing and a siting analysis in connection with the Town's proposed Emergency Services Telecommunications Tower; and

WHEREAS, the Planning Department has solicited proposals from qualified firms to perform said services; and

WHEREAS, the Planning Department received one proposal in response to its request; and

WHEREAS, the Town Planner, and the Deputy Town Attorney- Purchasing Department, have reviewed the proposal and find it to be reasonable in both scope and price;

NOW THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Deputy Town Attorney, Purchasing and the Town Planner, the Town of Clarkstown is hereby authorized to enter into a contract, in a form approved by the Town Attorney, with Web2Waves Wireless, 224-226 S. Muhlenberg Street, Allentown, PA 18104-6514, to perform certain engineering services as set forth in Web2Waves' July 18, 2005 proposal; and be it

FURTHER RESOLVED, that the cost of said services, which shall not exceed \$40,000, shall constitute a proper charge to account no. H8754-409-0-78-41.

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. Lasker, and unanimously adopted the meeting was closed, time 8:20 p.m.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

07/19/2005

7:46 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 for property located at 450 West Nyack Road, West Nyack (Lot 58.19-1-11)

The public hearing was continued.

Town Attorney explained that all the reports on the matter were completed. The Rockland County Planning Commission report has some adverse recommendations. The Clarkstown Planning Board has provided a rationale which suggests that a majority plus one vote of the Town Board will be appropriate to disregard the County's recommendations. The proposed resolution which will grant the zone change refers to the County and Town reports, establishes the rationale for disregarding the County recommendation, states a negative declaration of SEQR, and reports that the zone change will not be inconsistent with the comprehensive plan and therefore there is no need for an amendment.

Co. Nowicki asked about the problem with regards to traffic.

Joe Simoes  
Town Planner

Explained that the concern about the traffic was raised during the workshop but this will be addressed when the site plan is reviewed. The Town Planning Board issued a favorable recommendation and this does not involve "spot zoning."

Donald S. Tracy  
Counsel for the Applicant

Stated that "spot zoning" is defined by the Court of Appeals as the singling out of a parcel of land for use totally different from the surrounding property for the benefit of applicant property owner and to the detriment of the others. The adjacent property is LIO so it can't be spot zoning. With respect to Co. Nowicki's concerns about traffic and parking, those issues are site plan issues which will be addressed during the site plan process. There is a problem with the Planning Board recommendation to issue a restrictive covenant as to the uses of the property because while we know the uses of the property for the present time, there is nothing to gain by encumbering the approval based on a restrictive covenant.

The Town Attorney stated that the restrictive covenant will be required after the planning process is essentially completed and before the construction or building permit phase.

Mr. Tracy stated that the present uses will not change during the planning process.

Co. Lasker asked the Town Attorney why it is necessary to have the restrictive covenant.

The Town Attorney explained that the Planning Board recommended it and it is in consideration of the possibility that the present property owner might transfer the property to a new property owner.

Mr. Simoes said that part of the concern was that the additional uses that will be allowed in the LIO zone that can possibly generate more traffic if the property would be sold as an LIO property. There are certain uses in an LIO which would not be even appropriate for the property.

Co. Nowicki asked if the resolution states "other not for profit uses?"

Barry Kantrowitz  
President, Board of the Jewish Community Center

He thanked the Town Board for giving the agency a warm welcome and for the speed matters are being handled. He said that it is not possible to enumerate today or 6 months from now all the different functions, uses, and services which the agency will be providing. It is the agency's intention to provide the services that will meet the needs of the residents of Clarkstown and the County. The agency is expanding to provide tremendous services that are needed today. It is now in the middle of a commission study that is county-wide to find out what the people want, a

needs-assessment survey is on-going. He said he expects to do these again from time to time to meet changing needs. The more funds are raised, the more services can be offered. It would be unmanageable to always have a public hearing whenever a service allowed in an LIO zone but is not right now specified by the applicant will be proposed. That would prevent the agency from going to donors who make the projects work. The change from LO to LIO is not a drastic change. The request is to be able to do what LIO permits the agency to do.

Co. Lasker asked if the restrictive covenant can be eliminated from the proposed resolution.

Town Attorney said it can be eliminated, but he clarified that the resolution does not require the property owner to specify the uses at this time. It requires them to specify the uses after they have gone through the planning process.

Co. Lasker recommended eliminating it entirely. Co. Maloney agreed with Co. Lasker.

Co. Mandia said that it is probably better to have a list of what cannot be done in the property rather than having a restricted covenant. He stated that the concern of the Planning Board is the possibility of a future sale of the property which will open up a box of new uses.

Mr. Kantrowitz added that the property is so isolated and the box of new uses is very limited.

Co. Nowicki asked if this is something that can be dealt with in case of a sale.

Town Attorney explained that the restrictive covenant can be effective upon the sale of the property.

Peter Beary  
Building Inspector

Asked if the applicant would be willing to say that it has no intent to use the property for industrial purposes (enumeration was read by Mr. Simoes).

Town Attorney explained that the Planning Board concern is about potential future uses that might be consistent with the LIO zone but not consistent with the planned uses of the property by the applicant and the recommendation is made as a mechanism whereby that can be restricted.

Mr. Tracy said that the applicant provides a tremendous amount of benefit to the community.

Town Attorney explained that the applicant's intent is to operate an organization that is not for profit, charitable with certain community uses. The applicant will not operate an auto dealership or a gasoline station. What the Planning Board was concerned with is the possibility that if the zone change is granted and a new property owner comes in, the new owner will be free to use the LIO zone in any way it is currently zoned, including the possibility of applying for special permits for more intense uses. The Town Board is free to modify, adopt or disregard the recommendation.

There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed and the proposed resolution was adopted with the modification of eliminating the second item referring to the restrictive covenant and re-numbering the third item, time 8:15 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

(RESOLUTION NO. 557-2005 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

07/19/2005

7:46 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 petition of Rockland Jewish Community Center Corp. for zone change for property located at 450 West Nyack Road, West Nyack (Lot 58.19-1-11)

The public hearing was continued.

The zone change will not be inconsistent with the comprehensive plan and therefore there is no need for an amendment.

There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed, time 8:15 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk