

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/27/2005

8:00 P.M.

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

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

Supervisor introduced Detective Chris Goodyear, Director of the Youth Court, to present the 35th Graduating Class. He acknowledged the Town Board, Chief Peter Noonan, Pat Barad (Youth Court Advisor), and Captain Mann. The certificates and ID cards were presented to the members of the graduating class. The Town Board congratulated the class on their accomplishment.

The Tentative Budget for 2006 as filed by the Comptroller with the Town Clerk was presented to the Town Board.

Public Hearing: Proposed Local Law amending Chapter 290 (Zoning) of the Clarkstown Town Code dealing with Floor Area Ratio, opened 8:16 p.m., closed: 8:45 p.m. Res. No. 728-2005 adopted.

Supervisor opened the public portion of the meeting.

Steven Levine
Congers
Item 9 – Asked what cross streets will be affected and why is there a need for remediation work. Item 16 – Asked if the streets are in Valley Cottage or Congers.

Karen Schmidt
Valley Cottage
She said the overgrown weeds at the culvert between Birchwood Court and Old Lake Road in Valley Cottage have to be cleared.

Greg Miller
Valley Cottage
He thanked the board for seeking a second opinion regarding the location of the communications tower and asked why the town did not contact the engineer he suggested. He also asked when the results of the second study will be available, how much money is left in the Open Space account, and if the town is looking for parcels of land to purchase.

Martin Bernstein
New City
He said the town did not prioritize as to which parcels of land should be purchased first from the list for Open Space. He asked about the regulation of signs and complained about the location and size of political and business signs.

Brett Eitman
West Nyack
He asked for an update on the drainage in Route 303, West Nyack.

Frank Borelli
New City
He asked what the differences are between the 2005 and 2006 budgets.

RESOLUTION NO. (728-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW TO AMEND 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 August 23, 2005, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 23, 2005, directed that a public hearing be held on September 27, 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 September 16, 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 August 22, 2005, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 27, 2005, 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 which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Robert Geneslaw dated September 22, 2005, acting as staff to the Town Board as lead agency, it is hereby determined that this action is a Type II action, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that Local Law No. 7 – 2005 entitled:

“A LOCAL LAW TO AMEND 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:

- Alexander J. Gromack, Supervisor Yes
- John R. Maloney, Councilman Yes
- Ralph F. Mandia, Councilman Absent
- Shirley Lasker, Councilwoman Yes
- Catherine M. Nowicki, Councilwoman . . 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (729-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of September 13, 2005 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (729-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (730-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown commenced a public hearing on August 23, 2005 to discuss the application made by Davies Farm, LLC, to consider abandonment of mapped but unopened streets pursuant to Section 205 Highway Law and to remove portions thereof from the Town Official Map, pursuant to Town Law Section 273 for streets located in Congers, New York, which streets are shown on Tax Parcel designated as 35.19-1-41, 35.19-1-42, 35.19-1-43, 44.06-1-25, 44.06-1-52, 44.07-1-77, and 44.07-1-83, namely, portions of Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, and WHEREAS, said public hearing was commenced on August 23, 2005 and continued without date;

NOW, THEREFORE, be it RESOLVED, a public hearing described herein shall be continued in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on October 11, 2005, at 8:00 P.M., for the purposes previously set forth, on the application made by Davies Farm, LLC, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices on continuation of said public hearing, to other municipalities as may be required by the General Municipal Law, and to 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 applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and filing of its affidavit of compliance with the Town Clerk on or before October 11, 2005, 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	Absent
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (731-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, an application has been made by St. Paul's Roman Catholic Church and Michelle Gabrielson and Eric Gabrielson, that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way as described in the metes and bounds description attached as Schedule "A," for an unimproved portion of ALLEN STREET, Congers, New York, be deemed

RESOLUTION NO. (731-2005) CONT.

abandoned upon the grounds that same has not been opened or used by the public for the statutory period, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicants have further requested that such unopened street be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to obtain the review and recommendation of the Clarkstown Planning Board prior to taking any action which may lead to removal of the subject portion of Allen Street from the Official Map;

NOW, THEREFORE, be it RESOLVED, that the petition described herein is hereby referred to the Clarkstown Planning Board for its report and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board believes that should it take action pursuant to the said petition it shall be 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 Absent
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (732-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278, Sec.13, of the Code of the Town of Clarkstown, at

HAMPTON INN
260 W. RT. 59
NANUET, NY 10954
(163-A-20) (57.20-1-1.2)

By the installation of fire lane designations, and

WHEREAS, ANOOP PANDYA has requested that the Town of Clarkstown said fire lanes,

NOW, THEREFORE, be it RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (733-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278, Sec.13, of the Code of the Town of Clarkstown, at

170 NORTH MAIN STREET
170 N. MAIN STREET
NEW CITY, NY 10956
(59-A-20.19) (43.11-2-37)

By the installation of fire lane designations, and

WHEREAS, Jeffrey S. Koenig has requested that the Town of Clarkstown said fire lanes,

NOW, THEREFORE, be it RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (734-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278, Sec.13, of the Code of the Town of Clarkstown, at

O'SULLIVAN TREET CARE
201 WESTERN HIGHWAY
WEST NYACK, NY 10994
(88-A-13) (65.13-2-14)

By the installation of fire lane designations, and

WHEREAS, JAMES O'SULLIVAN has requested that the Town of Clarkstown said fire lanes,

NOW, THEREFORE, be it RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (735-2005)

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 continue to adopt a segment of various town roads for a period of two (2) years, beginning September 1, 2005 to September 1, 2007, as follows:

Sponsor: Clarkstown Sunrise Rotary Club
28 Bardonia Road
Bardonia, NY 10954

Roads: .6 mile segment of West Nyack Road
from Route 304 to the west end of
St. Anthony's Church, Nanuet, NY 10954

and WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group 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 a renewal agreement, for a period of two (2) years beginning September 1, 2005 to September 1, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (736-2005)

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 continue to adopt two (2) segments of various town roads for a period of two (2) years, beginning September 25, 2005 to September 25, 2007, as follows:

Sponsor: Tilcon New York Inc.
162 Old Mill Road
West Nyack, NY 10994

Roads: .4 mile segment of Old Mill Road from
Tilcon's Driveway to Snake Hill Road Bridge,
and
.8 mile segment of Crusher Road beginning at
bridge over West Shore Railroad to corner of
Casper Hill Road, West Nyack, NY

and

RESOLUTION NO. (736-2005) CONT.

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group 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 a renewal agreement, for a period of two (2) years beginning September 25, 2005 to September 25, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segments, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (737-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has recommended that two drainage easements offered by the property owner for premises designated on the Clarkstown Tax Map as 58.11-1-40 be accepted as these easements had been previously required as a condition of subdivision approval but apparently never offered and the current property owner has gratuitously offered to correct the record;

NOW, THEREFORE, be it RESOLVED, that the easement dated September 13, 2005 is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (738-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Christian D. Hege and Heather E. Cornell, residing at 253-B Maple Road, Valley Cottage, New York, have an existing easement on Town property designated on the Tax Map as , and as a result of Rockland County Health Department requirements, said easement must be relocated, and

WHEREAS, in exchange for a relocated similar easement for septic installation, the Town will accept abandonment of the existing easement;

NOW THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the persons mentioned herein to accept an abandonment of easement on Town property in exchange for relocated similar easement to be used to repair or replace a failed septic installation, and be it

FURTHER RESOLVED, that this resolution is subject to receipt of the appropriate documents to be reviewed and approved by the Town Attorney, and recording of same at no cost to the Town.

RESOLUTION NO. (738-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (739-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Joel Epstein, Code and Zoning Enforcement Officer and Community Liaison, has requested permission to attend the New York State Code Update Seminar, which is mandated by the State for code enforcement training. The seminar is being held on September 23, 2005, in Mount Kisco, New York, at a cost of \$100.00;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes attendance by Joel Epstein, Code and Zoning Enforcement Officer and Community Liaison, to attend the New York State Code Update Seminar which is being held in Mount Kisco, New York, on September 23, 2005, and be it

FURTHER RESOLVED, that the \$100.00 fee plus travel expenses for the course shall be charged to Account No. A 1010-414, and be it

FURTHER RESOLVED, that this resolution is retroactive to September 14, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (740-2005)

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:

	<u>Tuition</u>
New World Regional Conference	\$ 90.00
The Reid Technique of Interviewing & Interrogation 7 Officers @ \$650	4,550.00
NATIA Training Conference	No Tuition
Managing Police Discipline 3 Officers @ \$625	1,875.00
2005 Advanced Employment Issues Symposium 2 Officers @ \$799	1,598.00

RESOLUTION NO. (740-2005) CONT.

National Crime Prevention Conference
2 Officers @ 425

850.00

19th Annual Police-Security Expo

No Tuition

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 Absent
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (741-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson, Employee Benefits Clerk, and Frances Hunt, Senior Clerk Typist – to attend the 2005 New York State Health Insurance Program Regional Meeting for Participating Agencies – a free seminar conducted by the Department of Civil Service – on October 5, 2005 – at the Holiday Inn Hotel and Conference Center – 3 Executive Boulevard, Suffern New York, and be it

FURTHER RESOLVED, that costs for mileage and travel shall be charged to Account No. A 1040-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (742-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is seeking authorization for remediation of an adverse drainage condition and disrepair of Burnside Avenue, Congers.

WHEREAS, Burnside Avenue, Congers, is in disrepair and requires reconstruction which consists of installation of new piping, catch basins, and resurfacing.

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Burnside Avenue – installed 150 linear feet of pipe.		
Paving:	214.80 tons @ \$56.00/ton	\$12,028.80
Risers:	2 risers @ \$380.00 each	760.00
Catch Basins:	3 catch basins @ \$675.00 each	2,025.00
Pavement Marking:	1 stop bar – 18" @ \$1.00/linear foot	48.00
Pipe:	150 linear feet @ \$11.50/linear foot	<u>1,725.00</u>
		\$16,586.80

NOW THEREFORE, BE IT RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account. The work was completed utilizing the Clarkstown Highway Department forces, materials from the following bids NYS Bid

RESOLUTION NO. (742-2005) CONT.

02866 Corrugated Polyethylene Pipe and Underdrain Tubing, and Bid #20-2005 Roadway Resurfacing and Clarkstown Highway Department yard inventory from Bid #43-2002.

BE IT FURTHER RESOLVED, that the cost shall not exceed \$16,586.80 and is a proper charge to capital account # H 8751-409-0-75-16.

On roll call the vote was as follows:

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

RESOLUTION NO. (743-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#75-2005 – VARIOUS SANITARY SEWER REPAIRS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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 Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (744-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#76-2005 – BURNSIDE AVENUE CURBING & DRAINAGE

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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 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

RESOLUTION NO. (745-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#40-2005 - SALT BRINE SYSTEM FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to:

REED SYSTEMS LTD
17 EDWARDS PLACE
ELLENVILLE, NY 12428
PRINCIPALS: JAMES REED
JOAN REED

as per their low bid quote of \$83,404.00 .

On roll call the vote was as follows:

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

RESOLUTION NO. (746-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT RESOLVED, to decrease A-7180-408-0 (Swimming-Building Repairs) and increase A-7180-323-0 (Swimming-Chemicals) by \$5,000 and be it

FURTHER RESOLVED, to decrease A-7620-114-0 (Adult Activities-Part/time) and increase A-7310-404-0 (Youth Programs-Transportation) by \$12,000 and be it

FURTHER RESOLVED, to decrease A-7140-306-0 (Parks & Playgrounds-Maint. Supplies) and increase A-7140-462-0 (Parks & Playgrounds-Water) by \$2,603 and be it

FURTHER RESOLVED, to decrease Accounts A-7210-380-0 (Refreshment Stands-Paint) by \$200, A-7210-379-0 (Refreshment Stands-Signs) by \$100, A-7210-219-0 (Refreshment Stands-Misc. Equipment) by \$555, A-7210-319-0 (Refreshment Stands-Misc. Supplies) by \$525 and increase A-7210-114-0 (Refreshment Stands-Part/time) by \$1,380 and be it

FURTHER RESOLVED, to decrease Accounts A-7310-231-0 (Youth Programs-Photo-Equipment) by \$1,000 and A-7141-329-0 (Community Rec Centers-Supplies) by \$2,000 and increase A-7310-404-0 (Youth Programs-Meals & Travel) by \$3,000 and be it

FURTHER RESOLVED, to decrease B-8110-424-0 (Sewer Dept-Cont. Exp) and increase B-8110-324-0 (Sewer Dept-Operations) by \$8,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (747-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown Town Board has determined that it is in the public interest for the Receiver of Taxes to accept penalties, taxes and fees via its municipal Internet website; and

WHEREAS, said Internet payment system shall constitute an alternate method of payment of penalties, taxes and fees;

NOW, THEREFORE, BE IT RESOLVED, that the Receiver of Taxes is hereby authorized to accept penalties, taxes and fees via the Town's website, located at www.town.clarkstown.ny.us; and be it

FURTHER RESOLVED, that the following Town employees are hereby authorized to receive and collect penalties, taxes and fees via the Internet:

- Loretta Raimone, Receiver of Taxes
- Dolores Daubitz, Deputy Receiver of Taxes
- Phyllis Feder, Senior Clerk Typist

and be it FURTHER RESOLVED, that the Town of Clarkstown is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with Verisign, Inc., for the secure web-based processing of credit card (Visa and Mastercard only) and ETF payments; and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized to charge taxpayers who opt to pay penalties, taxes and fees via the Internet a "convenience fee" equal to 1.8% of the payor's total tax bill, which shall be utilized to directly offset the Town's cost in processing said credit card payments and shall not in any way constitute revenue to the Town; and be it

FURTHER RESOLVED, that taxpayers wishing to take advantage of the Internet payment system shall be required to complete, sign and submit a "Credit Card Application for Tax Payment" in a form acceptable to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (748-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on September 14, 2005 that the position of Senior Clerk Typist #0987 (encumbered by Kathleen Goodyear) Office of the Town Assessor – can be reclassified to the position of Assessing Clerk I,

Now, therefore, be it RESOLVED, that position #0987 Senior Clerk Typist – Office of the Town Assessor – is hereby reclassified to the position of Assessing Clerk I – effective October 3, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (749-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Kathleen T. Goodyear, 19 Strawtown Road, West Nyack, New York, is hereby appointed to the position of (provisional) Assessing Clerk I – Office of the Town Assessor – at the current 2005 annual salary of 40,366., effective October 3, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (750-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on September 14, 2005 that the position of Senior Clerk #0986 (encumbered by Susan Sicherman) Office of the Town Assessor – can be reclassified to the position of Assessing Clerk I,

Now, therefore, be it RESOLVED, that position #0986 Senior Clerk – Office of the Town Assessor – is hereby reclassified to the position of Assessing Clerk I – effective October 3, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (751-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Susan L. Sicherman, 95 Crum Creek Road, New City, New York, is hereby appointed to the position of (provisional) Assessing Clerk I – Office of the Town Assessor – at the current 2005 annual salary of \$38,669., effective October 3, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (752-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on April 29, 2005 that the position of Data Entry Operator I #0964 can be reclassified to the position of Data Entry Operator II – Data Processing Department,

Now, therefore be it RESOLVED, that the position of Data Entry Operator I #0964 is hereby reclassified to the position of Data Entry Operator II – Data Processing Department - and be it,

RESOLUTION NO. (752-2005) CONT.

FURTHER RESOLVED, that the grade for the position of Data Entry Operator II – is hereby established at a grade 19.

On roll call the vote was as follows:

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

RESOLUTION NO. (753-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator II #05180 (RC/NCP) which contains the name of Ann Daino,

Now therefore, be it RESOLVED, that Ann Daino, 15 Fersch Lane, Congers, New York, is hereby appointed to the (permanent) position of Data Entry Operator II – Data Processing Department – at the current 2005 annual salary of \$46,104., effective and retroactive to September 12, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (754-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, by Resolution No. ____ - 2005, dated , 2005, the Town Board awarded Bid No. ____ - 2005, the Modernization of Lake Nanuet Park, to various contractors; and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town retain the services of a construction manager, who shall report directly to the Superintendent, to provide site supervision services on a daily basis; and

WHEREAS, the Purchasing Department solicited proposals from qualified professionals to provide construction management services; and

WHEREAS, the Purchasing Department received two proposals in response to its request;

NOW, THEREFORE, BE IT RESOLVED, that, based on the recommendation of the Superintendent of Recreation and Parks and the Deputy Town Attorney, Purchasing, the Town is hereby authorized to enter into a consulting agreement, in a form acceptable to the Town Attorney, with Frank Tornese [address], to provide construction management services for the Modernization of Lake Nanuet Pool Facility project as per his low bid proposal dated September 22, 2005; and be it

FURTHER RESOLVED, that the fee for said services shall be \$45.00 per hour (based upon an 8 hour day, 5 day work week) and shall not exceed \$70,000 without further authorization of the Town Board and be it

FURTHER RESOLVED, that it is the intention of the Town Board that the fee for said services shall be funded via the issuance of serial bonds, and shall constitute a proper charge to account no. H-8752-409-0-76-14.

RESOLUTION NO. (754-2005) CONT.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Absent
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (755-2005)

Co. Maloney offered and Co. Lasker seconded

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

**RFP# 26-2005 – TOPOGRAPHIC SURVEY, DRAINAGE ANALYSIS
 AND DESIGN FOR THE VIRGINIA AVENUE/CAROLINA
 DRIVE DRAINAGE IMPROVEMENTS**

is hereby awarded to:

**HACKS ENGINEERS AND LAND SURVEYORS
 161 MAIDEN LANE
 5TH FLOOR
 NEW YORK, NY 10038**

As per their low bid proposal of \$37,500, and be it

FURTHER RESOLVED, that it is the intention of the Board that the cost of the project be funded via the issuance of serial bonds, and that the fees for said services shall constitute a proper charge to account no. H-8755-409-0-79-34.

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of four (4) sets of Signed Contract Documents.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Absent
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (756-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Department of Recreation and Parks has requested Orange and Rockland to relocate utilities situated behind the Sewer Department and Recreation Department Warehouse on Burnside Avenue, as part of the rehabilitation of Congers Railroad Station;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement, in a form approved by the Town Attorney, granting a utility easement to Orange and Rockland Utilities, Inc., for the purpose of relocating utilities to Town buildings in the vicinity of Burnside Avenue, Congers, New York.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Absent
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (757-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Price Construction LLC seeks to have all roads and public improvements in Sections III and IV of the Camelot Subdivision completed and dedicated to the Town of Clarkstown; and

WHEREAS, the Town of Clarkstown has determined that certain conditions exist on said roads and public improvements which have prevented the satisfactory completion and dedication of the roads and public improvements in Sections III and IV of the Camelot Subdivision; and

WHEREAS, as the result of negotiations conducted with the object of reaching accord on the various issues which have prevented dedication of said public improvements, an agreement outlining all necessary work to be performed on the roads and public improvements in Sections III and IV of the Camelot Subdivision has been generated, together with a timetable for the completion of said work, incremental and final inspections by an independent engineering firm of said work, and sufficient escrow amounts to secure all obligations under said agreement; and

WHEREAS, the Department of Environmental Control, the Highway Department and the Office of the Town Attorney of the Town of Clarkstown recommend the scope of work as outlined in said agreement and further recommend that all such work be completed to the satisfaction of an independent engineering firm prior to accepting dedication of the roads and public improvements in Sections III and IV of the Camelot Subdivision.

NOW THEREFORE be it RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Clarkstown to execute said agreement with Price Construction LLC together with all necessary attendant documents in connection with said agreement, to the satisfaction of the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes retaining Tectonic Engineering & Surveying Consultants PC to provide construction inspection services for the Agreement with Price Construction LLC for completing the roads and public improvements in Sections III and IV of the Camelot Subdivision in accordance with the schedule set forth in Tectonic's proposal dated September 14, 2005.

On roll call the vote was as follows:

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

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 meeting was closed, time 9:15 p.m. in memory of Kurt Settle.

Respectfully submitted,

Patricia Sheridan
 Patricia Sheridan
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/27/2005

8:16 P.M.

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

Proposed Local Law amending Chapter 290 (Zoning) of the Clarkstown Town Code dealing with Floor Area Ratio

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.

Martin Bernstein
New City

Asked what changes are being made other than just increasing the size.

Peter Beary
Building Inspector

The two major changes in the FAR are simply that in R-15 zoning district, it is proposed to increase .20 to .23 and in all residential districts, it is proposed that the first 400 ft. of an unenclosed covered front porch will not count towards the FAR. The Planning Board thought that these will add an interesting architectural element to houses and give the builders and owners some way to change their homes to make it more interesting and updated. The other change that is incorporated here is the maximum building height for the residential districts will be established at 35 feet, measured from the DSL regardless of the extent of the set back.

Joe Simoes
Town Planner

Currently the building height is measured from the front line, and now it is being specified as measured from the Designated Street Line. Without the maximum building height, blocks which are larger lots for zoning districts that are much deeper can end up with homes that are taller than 35 feet. The Planning Board was looking at a lot of construction now where builders are trying to incorporate porches which are counted towards the FAR, and to encourage this, we are looking only at 400 sq. ft. of roofed but unenclosed front porches. With regards to the change in the FAR for the R-15, part of the reasoning of the increase from .20 to .23 is that there is a natural proportion from the R-10 to the R-15 to the R-22, the FAR will decrease but is disproportionate for whatever reason as for the R-15. The R-15 was grouped with the R-22 and it was treated with the same FAR and it did not make sense in terms of the proportion.

Peter Beary
Building Inspector

By changing it to .23, it makes it a nice gentle curve if you apply it on a graph.

Joe Simoes
Town Planner

The County Planning Department issued a General Municipal Law Review dated September 16, 2005. They recommended:

- 1) Increasing the maximum FAR for single family homes in all districts – the Planning Board thinks this will not be in keeping with the overall character of the town and so the Planning Board was only looking at R-15 to make it proportional. The Planning Board thinks it will be adverse to increase it across the board especially since the 400 sq. ft. exemption is already provided for front porches.
- 2) Maximum development coverage is mentioned in the law and is not provided – This is something that the Task Force on Drainage is looking into. We have a sub-committee for legislation on drainage. Maximum development coverage would cap how much improved

your surface can be on a piece of property. The Department of Environmental Control is working on the numbers and the figures which will probably be presented to the Town Board in the near future.

3) The FAR be calculated using net lot area - Net Lot Area means deducting for environmental constraints like wet lands and steep slopes and taking the FAR off the net lot instead of the gross lot area. This might be a mechanism to help the drainage issues so the Task Force on Drainage is looking into this as a piece of legislation that might be coming before the Town Board.

4) Floors of the structure counting towards the FAR - There really is no change in the law and which floors count and which will not stay the same. However it is done before is the way it is being done now.

Martin Bernstein - Does the porch increase the size of the building? Should it be an enclosed porch? The porch will increase the size of the house and with the increase of the FAR, there will be larger houses on smaller lots.

Supervisor said that the 400 sq. ft porch does not count toward the house to encourage people. The porch should be open, roofed but open. For the R-15, it is a modest increase in the FAR and it is an encouragement to give the exemption for the porch for the purpose of architectural beauty.

Steven Levine
Congers

Read letter which is on file with the Office of the Town Clerk. He said he is strongly opposed to the proposed law for the following reasons: 1) excludes attics and up to 400 sq. ft for an enclosed roofed porch in the calculation of the FAR, 2) the Building Inspector is unable to enforce the law which does not permit attics of certain size, 3) Measuring the 35 ft. from the DSL means a building could be 35 ft. high in front but 45-60 ft. high at the rear, and 4) the increase from .20 to .23 will allow more physical density on small lots.

Shirley Thormann
Planning Board

Mr. Levine did not speak to the Planning Board but he spoke to a small group of people, which included Peter Beary, Jose Simoes, and me who took into consideration what Mr. Levine had to say. There was a difference of opinion as to what is the proper measure for the height. The opportunity to have a porch is not a gift to the builders, but an architectural diversity made available to people who do not live on big lots.

Brian Keenan
New City

The town is improving a process for the benefit of the people. The majority of the reasonable variances that come about are approved if reasonable and those cost the town time and money and this modest modification to from .20 to .23 is not just for benefit of the people, but saves money spent to plan hearing and to schedule variances. The extra 3% gives the people the equal, indiscriminative benefit of modifying their home.

Barry Price
New City

When the change from .20 to .30 was made, the method of calculation was changed to include the garage and basement. When the change from .30 to .20 was made, the method of calculation was not changed so it became more restrictive. As far as measuring the height, it cannot be measured from the street if the property slopes up.

Bob Goldberg
Valley Cottage

The increase in square footage will increase the prices of houses. This is a detriment and will cause young people to not be able to afford to buy homes and live in Clarkstown where they grew up and work. They will instead buy a house and live somewhere else.

The Town Attorney explained that the Board can vote in consideration of Mr. Simoes' comments and the typographical error on page 2, paragraph 2 where the reference to footnote 1 should be deleted.

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Lasker and unanimously adopted, the public hearing was closed, time 8:45 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RESOLUTION NO. 728-2005 ADOPTED)