

NOTICE OF A BRIEF SYNOPSIS OF THE DETERMINATION AND FINDINGS  
PURSUANT TO §204 OF EMINENT DOMAIN PROCEDURE LAW

NOTICE IS HEREBY GIVEN that by Resolution No. 26B-2013, dated January 15, 2013, the Town Board of the Town of Clarkstown adopted the following brief synopsis of the Determination and Findings pursuant to §204 of the Eminent Domain Procedure Law:

DETERMINATION, FINDINGS & RESOLUTION IN CONNECTION WITH THE  
EMINENT DOMAIN PROCEEDINGS OF LANDS OWNED BY HAUSER BROS.  
HOLDINGS, LLC, DESIGNATED ON THE TOWN OF CLARKSTOWN  
TAX MAP AS 59.18-1-22

WHEREAS, by resolution of the Town Board of the Town of Clarkstown duly adopted on December 20, 2012, a duly noticed public hearing was held by the Town of Clarkstown on January 15, 2013, pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York ("EDPL"), to consider the acquisition by exercise of the power of eminent domain of a permanent sewer easement of approximately 3,827.58 square feet in size located at the easterly portion of a parcel of land commonly known as 160 N. Route 303, West Nyack, New York and designated on the Clarkstown Tax Map as 59.18-1-22 and more particularly described in the attached Schedule "A" for the purpose of installing sanitary sewer facilities and a pump station, and

WHEREAS, said public hearing was duly held as scheduled, and the purpose and proposed location of the public project and all other pertinent information was outlined, and thereafter all persons in attendance were given a reasonable opportunity to present oral or written statements, or to submit other documentation concerning the specified public project, and a record of the hearing was made, and

WHEREAS, the Director of the Department of Environmental Control, as agent for the Town Board, presented his proposed findings pursuant to the State Environmental Quality Review Act ("SEQRA"), in which he advised that the proposed action is "unlisted" and that the Project would have no significant environmental impact and the Town found that there was a public need and public benefit for the Project;

NOW, THEREFORE, upon due consideration, the Town Board of the Town of Clarkstown, pursuant to the Constitution of the State of New York, Town Law and Eminent Domain Procedure Law, hereby makes the following determination and findings:

1. Property described in Schedule "A," attached hereto, shall be acquired by the exercise of eminent domain for the purpose of acquiring a permanent easement to a portion of land commonly known as 160 N. Route 303, West Nyack, New York and designated on the Clarkstown Tax Map as 59.18-1-22.

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2. The permanent easement so acquired shall be used for municipal purposes. The premises is needed for installing a new sewer pump station as a replacement of the existing sewer station in a non-flood prone area. The existing sewer pump station is located on the same premises, but located in a flood prone area. The easement so acquired shall be used for public use and is necessary for the protection of the environment and the health, safety and welfare of the residents of the Town of Clarkstown and adjacent areas.
3. The location of the permanent easement to be acquired was selected because of it's proximity to the existing sanitary sewer lines and because it was not in a flood prone area and would have minimal impact on the environment. The permanent easement will not interfere with the existing building and parking area of the site. The following alternative locations were examined: 1) a portion of single family lot, 2) a portion of the NYS Thruway right of way and 3) a portion of a Rockland County Park. The alternative locations were not recommended because they would have a greater environmental impact, would not be reliable and would cost more.
4. Based upon the recommendation of the Director of the Department of Environmental Control, as well as the EAF prepared pursuant to SEQRA by George W. Desmarais, P.E. of Holzmacher, McLendon & Murrell, P.C., the Town's consultant, and testimony and comments given at the public hearing, the Town Board determines that this is an unlisted action, that the acquisition of the permanent easement will have no significant environmental impact or adverse impact on local residents, as the project will provide benefits and enhance the environment and assist in maintaining and enhancing water quality in the area. The Town Board hereby adopts the attached Negative Declaration and directs that it be filed and distributed pursuant to NYCRR 617.
5. The funding for the acquisition of the permanent easement shall be obtained from either surplus funds or by the issuance of capital improvement bonds, subject to further proceedings, or by reimbursement from the Rockland County Sewer District No. 1;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the within Determination and Findings, pursuant to Eminent Domain Procedure Law §204, and be it

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FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to take such steps as may be necessary to carry out the intent of this resolution and to publish such findings in accordance with section 204 of the Eminent Domain Procedure Law, and be it

FURTHER RESOLVED, that copies of the record of the Public Hearing on the Project shall be available for examination without cost during normal business hours at the office of the Town Clerk, 10 Maple Avenue, New City, NY 10956. Further, copies of the record of the Public Hearing shall be reproduced upon written request and payment of the cost thereof by any interested party.

Dated: January 15, 2013

SCHEDULE "A"

Surveyor's description of a proposed Pump Station located at 160 N. Route 303, West Nyack, Town of Clarkstown, County of Rockland, State of New York. Clarkstown Tax Map: 59.18-1-22

All that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at West Nyack, Town of Clarkstown, County of Rockland and the State of New York, being bounded and described as follows:

Beginning at the intersection of the southerly side of North Greenbush Road with the northwesterly most corner of the herein described Pump Station. Said point of beginning being further described as being 863.13 feet easterly from the intersection of the southerly side of North Greenbush Road with the easterly side of New York State Route 303.

Thence easterly along the southerly side of the North Greenbush Road South 45 degrees, 32 min. 20 sec. East, 14.18 feet to the point of curvature.

Thence easterly along the southerly side of North Greenbush Road along the arc of a curve bearing to the right having a radius of 303.24 feet with an arc length of 51.06 feet to the northeasterly corner of the herein described parcel.

Thence the following three (3) bearings and the distances through Tax Lot 22.

1. South 44 degrees, 27 min. 40 sec. west, 55.71 feet.
2. North 45 degrees, 32 min. 20 sec. west, 65.00 feet.
3. North 44 degrees, 27 min. 40 sec. east, 60.00 feet to the southerly side of North Greenbush Road and the point or place of beginning.

Containing within said bounds, 3,827.58 Sq. Ft.

Copies of the complete Resolution containing the Determination and Findings will be forwarded to any interested parties, without cost, upon written request to Justin Sweet, Town Clerk, 10 Maple Avenue, New City, New York 10956.

Dated: January 18, 2013

Justin Sweet  
Town Clerk  
Town of Clarkstown

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Amy Mele, Esq.  
Town Attorney  
Town of Clarkstown  
10 Maple Avenue  
New City, New York 10956