

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING
May 7, 2013, 8:00 PM
Town Hall Auditorium
AGENDA
(Tentative)**

SALUTE TO THE FLAG

SPECIAL PRESENTATION:

- Megan Hannon – Winner of the New York State Elks Hoop Shoot Championship
- Stan Pascoo – NYS Outdoorsmen Hall of Fame
- Environmental Excellence Award Presentation

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

- ❖ Proposed Local Law entitled “A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to New City Hamlet Zoning and the Town Zoning Map.”

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of the Town Board Meeting of April 9, 2013, as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
 - a) Appointment: Darcy Casteleiro, Member, Clarkstown Historical Review Board.
 - b) Appointment (Contingent-Permanent): Kathleen K. Martens, Senior Account Clerk Typist, Office of the Town Comptroller.
3. Authorizing the Supervisor to Enter into a *Renewal* “Adopt-a-Spot” Agreement with Blue Sky Landscapers, Inc. (Corner of Lake Road & Kings Highway, Valley Cottage)
4. Authorizing the Supervisor to Enter into the following “Adopt-a-Road” Agreements:
 - a) Nazzaro Disposal (Lakewood Drive, Congers)
 - b) *Renewal* - Steve Weiss Landscaping, Inc. (Old Mill Road, Valley Cottage)
 - c) *Renewal* – Blue Sky Lawn Care & Landscaping, Inc. (Lake Road and Kings Highway, Valley Cottage)
5. Amending Resolution No. 119-2013 - Local Law No. 2-2013 (*correct typo*)
6. Authorizing the Supervisor to Enter into the following Agreements:
 - a) County of Rockland, acting on behalf of the Youth Bureau/Rockland County Americorps, for Summer Member Program (Planning Department)
 - b) County of Rockland, acting on behalf of the Youth Bureau/Rockland County Americorps, for Summer Member Program (Department of Environmental Control)
7. Authorizing Execution and Acceptance of Maintenance Agreement regarding Palisades Volvo Site Plan (Tax Map 65.10-1-5, 6, 7, and 8)
8. Authorizing the following Bid Awards:
 - a) Bid No. 41-2012 – Federal Aid Downtown Revitalization South Main Street – Phase IIIA
 - b) Bid No. 8-2013 - 2013 Roadway Resurfacing Program
 - c) Bid No. 9-2013 - 2013 Concrete Curb and Sidewalk Replacement Program
 - d) Bid No. 14A-2013 – Tree Stump Removal & Disposal at Various Locations, Clarkstown, NY
 - e) Bid No. 16-2013 – Denver Drive Drainage Improvements

9. Authorizing Partial Refund of Building Permit Fee to Perry & Miriam Tirschwell concerning Property designated as Tax Map No. 43.14-1-23
10. Granting Permission to Alert Hook, Ladder and Engine Company No. 1 to have a Carnival and Licensed Fireworks Display at 65/66 Lake Road, Congers, New York
11. Setting a Public Hearing for June 4, 2013 to Consider Approving the Final Map of Boundary Lines of the Valley Cottage Fire District
12. Granting Certificate of Registration:
- 13-27 – William Walsh d/b/a Walsh Contracting
13. Amending Town Board Resolution No. 341-2012 for Bid #26-2012 – Brookdale Court Culvert Replacement.
14. Setting a Public Hearing for June 4, 2013 and Referring a Proposed Local Law entitled: “A Local Law Amending Chapter 290-3 (Definitions) of the Town Code of the Town of Clarkstown” to the Clarkstown Planning Board and the Rockland County Department of Planning.
15. Setting a Public Hearing for July 2, 2013 – Proposed Local Law entitled: “A Local Law Amending Chapters 5, 93, 173, 198, 220, 224, 240, 244, 249A, 270, 278,290, A295, A308 and Deleting Chapters 231, 239, 248, 249 and 263 of the Code of the Town of Clarkstown.”
16. Setting a Public Hearing for June 4, 2013 and Referring a Proposed Local Law entitled: “A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters” to the Clarkstown Planning Board and the Rockland County Department of Planning.
17. Authorizing the Supervisor to enter into an Agreement with H2M for Professional Engineering Services to Assist the Town in Pursuing Alternate Designs for South Mountain Road Drainage Improvements.

ADDITIONAL TENTATIVE RESOLUTIONS:

GENERAL PUBLIC COMMENTS:

(Limited to 3 minutes per person)

*****PLEASE NOTE*****

Additional items may be added to this agenda

*****To View Actual Resolutions, go to Town Clerk's Website, Click on Legal Matters*****

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RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2013

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE NEW CITY HAMLET ZONING AND AMENDING THE TOWN ZONING MAP"

was introduced by Councilperson Hausner, at a Town Board meeting held on April 9, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 9, 2013, directed that a public hearing be held on May 7, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 7, 2013, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on April 29, 2013, and

WHEREAS, by resolution adopted April 17, 2012, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, a copy of the proposed local law 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 April 26, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by the Behan Planning, LLC, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on June 5, 2012 and made the following recommendations:

1. Page 2 of the Executive Summary, bullet #3, indicates that mixed-use residential/commercial development would be allowed in the H2 and H3 zoning districts.: However, page 3 of Article II, Section 290-7.4C.(b) & (d) and Table F-1 lists that mixed use residence will be permitted in the H2 and H4 zoning districts. This discrepancy must be corrected.

RESPONSE: This is a typo. It has been changed to read "H2 and H4" districts.

2. Page 10, Section 290-7.4 E.(5) provides the frontage build-out percentage requirements. It should be indicated within the heading that this refers to the H3 and H4 zoning districts, as has been done in Sections 290-7.4 E. (3) and (4) in the title heading.

RESPONSE: The heading for this paragraph has been changed to read "Frontage Buildout Percentage in the H3 and H4 Districts" to better clarify this.

3. Table F-1 on page 13 lists senior citizen housing as a special permit use by the Town Board for the H1 and H3 zoning districts. Does the reference to senior citizen housing refer to the Active Adult Residence (AAR) Zone? It is not clear as to what is meant by senior citizen housing.

~~If it is to allow the AAR-floating zone designation in these~~
two New City Hamlet districts, then this is conflictive with
Section 7 of the proposed local law, page 4 of 5, which is
proposing to amend Chapter 290-7.1 A, by adding the four
hamlet districts to the list of ineligible hosts for this
floating zone. This must be clarified.

RESPONSE: This reference for the allowance of Senior Citizen
Housing is intended to coincide with newly drafted zoning
language which the Town of Clarkstown has been working on to
promote such uses, especially in hamlet centers. This would
allow senior housing to be developed as part of a plan with a
diversity of other hamlet uses. It is not intended to
authorize the use of the floating AAR, which would not be
necessary, and was specifically omitted from these zoning
districts.

4. Clubs are listed as a permitted use in the Hamlet Transition
(H3) zoning district. Clubs, depending on their type, could
be open late at night, and be noisy. As this is a
transitional zone to act as a buffer between the commercial
activity and the adjacent residential neighborhood, the town
should evaluate whether clubs are an appropriate use located
within this zoning district. Performance standards should be
provided for clubs, similar to the requirements of
restaurants, bars, or taverns with outdoor seating if it
remains in the H3 zoning district.

RESPONSE: Clubs are defined as *"An organization catering
exclusively to members and their guests to promote nonprofit
social, educational, athletic, service or recreational
objectives, with no vending, merchandising or commercial
activities conducted except as required generally for the
membership and purposes of the club. Includes private veteran,
fraternal, social or health clubs."* and are expected to be less
intensive uses than restaurants or bars. It should be noted
that the clubs permitted within the H3 district cannot have
outdoor facilities, since outdoor clubs are defined as a
separate use which is only permitted in the H4 district. For
this reason, we do not feel that additional performance
standards are necessary. The proposed zoning includes
performance standards for restaurants, bars and taverns with
outdoor seating in the H3 district, specifically to address the
issue of noise and light impacts on adjacent residential areas.

5. Loading docks are listed as a permitted use in Table F-1 in the Hamlet Transition zoning district. This accessory use is usually associated with more industrial or large commercial establishments, can generate noise, and would be incompatible adjacent to a residential use. We recommend that the Town Board allow this accessory use only in the H1 and H4 zoning districts, or at a minimum, as a special permit use so that the location of the loading docks can be evaluated. If loading docks are retained in the H3 zoning district, then more stringent parameters should be incorporated into the zoning requirements, under the "Requirements for Specific Uses," Section 290-7.4G, so as to limit the number of loading dock bays or hours of operation, and to provide specific requirements for lighting, landscaping, fencing, etc.

RESPONSE: This accessory use is not intended to cater to large industrial or commercial operations, but to allow existing businesses in the area to continue to have a small loading area for deliveries, which several rely on. However, a provision has been added to the requirements section which limits new loading areas to 1 space, with provisions for screening and hours of operation as directed by the Planning Board.

6. Family day care is a permitted accessory use in the H2 and H4 zoning districts. However, on page 16, Section 290-7.4G.(4) (f) states "family day care shall be allowed only as an accessory to a single-family detached residence." Table F-1 does not list single-family detached residences as a permitted use in any of the zoning districts. In addition, only the H2 zoning district lists single-family semi-attached residences as a permitted use. In no case is a single family residence permitted in the H4 zoning district. Either the H4 zoning district should be amended to allow single-family residences (which does not appear to be the intent of this district), or the family day care should be deleted as a permitted accessory use in the H4 zoning district.

RESPONSE: While new single family detached residences are not currently (or proposed to be) permitted within the area covered by the H2 and H4 districts, there currently are several single family homes which exist in the area. It is the intent of this

provision to allow family day care to be used as an accessory use to these pre-existing structures, if it is desired.

7. Section 290-7.4 G.(4) (h) [5] Parking, structured above grade, provides criteria for garages located within the H3 zoning district. However, Table F-1 only lists the H1 and H4 zoning districts as allowing above grade parking structures. This discrepancy must be corrected. As indicated in a previous review, above grade parking structures may not be the most ideal transitional use adjacent to a residence, due to lighting, noise, air emissions, and visual impacts, so it may be best to amend the text on page 17 and leave Table F-1 as is.

RESPONSE: The discrepancy between Table F-1 and the text on page 17 has been corrected by removing the specific performance standards for above grade parking structures in the H3 district.

8. The Use Table F-1 only lists pet grooming as a permitted use in the H2 and H4 zoning districts. However, the text in Section 290-7.4 G. (4) (i) lists all four zoning districts as allowing pet grooming. This discrepancy must be corrected.

RESPONSE: The discrepancy between Table F-1 and the text on page 18 has been corrected by removing the references to each of the individual districts in the performance standards.

9. Section 290-7.4 G.(4) (U) on page 18 seems to be duplicative with Section 290-7.4 G.(4) (c) on page 15.

RESPONSE: The duplicative text paragraph at (c) has been removed and relocated to the correct alphabetical location so that it includes all of the proper text including taverns and bars.

10. Sections 290-7.4 H.(1) (c) and K.(1) (b) state " ... all signs existing prior to the date of adoption of this code shall be brought into conformity by September 1, 2012." How will property owners know that this will be required, and is this sufficient time for owners to replace their nonconforming signs with these new signs? Will there be any grants or monetary incentives for the owners to replace the signs? An explanation of how this is to be accomplished should be provided in the text.

~~RESPONSE:~~ The requirement to have all signs brought into conformity with the new sign standards by September 1, 2012 has been in place since 2007 when the existing New City Hamlet Overlay Design Standards were adopted. This gave existing businesses a 5-year amortization period to come into compliance. This proposed zoning revision incorporates those adopted sign standards as part of the new district standards, allowing them to continue on record as they were while removing the need for the Overlay. There are no known grants or monetary incentives being proposed.

11. Section 290-7.4 H. (1) (f) discusses criteria for electric utilities for new or relocated poles. New electric service for new businesses should be required to be installed underground, and should be so stated.

RESPONSE: A provision has been added which requires underground electric service for new buildings.

12. Section 290-7.4 I. (4) (c) states that a use that has over 200% in excess parking spaces should be configured as public parking, designated as such with signage, and made accessible with sidewalks or other pedestrian access. Since the property owner would be required to provide sidewalks to adjacent properties, will they also be required to provide all of the maintenance for the use of their lot to others? Will any of the in lieu parking fees be used to offset any of their expenses? This should be clarified.

RESPONSE: The property owner would be responsible for maintenance of their own property, unless a separate maintenance agreement was negotiated with the town. It is intended that any specific operational and maintenance questions would be negotiated with the Planning Board prior to site plan approval on an as-needed basis.

13. No specific parking standards for mixed use residence are listed in Table 1-1 or in Section 290-7.4 G. (e). Would parking be based on bedrooms, square footage, or dwelling unit? Footnote #3 refers to the fact that properties converted to mixed use residences must "provide the additional parking needed for the new residential dwelling units" but no specifics are provided for this use. Parking standards for this use must be provided.

~~RESPONSE: No specific parking standards for mixed-use~~
residences are required because the number of parking spaces needed would be based on the sum of the commercial and residential units involved. The standard parking numbers for multi-family units are intended to be used for any mixed-use or mixed-use conversions. To clarify this, a note has been added to the table.

14. Table 1-1 lists parking requirements for gasoline stations though they are no longer a permitted use in the new zoning districts. As with the drive thru uses, a footnote should be added to the parking table indicating that this parking requirement is for existing uses only.

RESPONSE: This pre-existing use footnote has been broadened to apply to this type of use and has been added to gasoline stations.

15. Sections 290-7.4 I.(8) and 290-7.4 M.(4)(b)[6] describe requirements for access to lots and curb cuts. Limiting curb cuts is a beneficial access management tool and we support the implementation of this concept. Furthermore, it is stated that curb cuts should only be as wide as necessary and curb radiuses should be kept to a minimum. It should however, also be noted in this section, that curb cuts on State or County highways must also comply with width requirements of those agencies and the New York State Fire Prevention Code.

RESPONSE: The notes at these two locations have been added.

16. Section 290-7.4 I.(11)(b) describes how staggered hours parking will be implemented. Is there anything in place if, in the future, the uses that have been deemed to have staggered demand schedules change so that their schedule demand is now the same? This should be addressed.

RESPONSE: Subsection I. (11)(b)[5] explains that the adjusted number of spaces calculated for shared parking is a minimum - the Planning Board has the authority to require more spaces based on considerations such as potential future uses. In reviewing situations where there is a potential use change with insufficient parking, the Planning Board has a number of options available which are outlined in subsection I(3). These include: additional parking be added or arranged; reduction in

~~the size of the proposed expansion; reduction in the intensity of the proposed use change; and denial of the change of use.~~

17. Section 290-7.4 I.(12)(a) describes the requirements for landscaping that should be provided for parking areas abutting a public street or right-of-way. In instances where the parking spaces face the roadway, this landscaped buffer should be required instead of just recommended. This landscaping will help to shield the headlights from glaring into the vehicular travel lanes, creating safer conditions, especially onto the State or County roadways.

RESPONSE: This provision was originally included as a requirement. However, in discussions among town officials, it became clear that there were some instances where it would be impractical (or impossible) to impose this as a given standard. Also, because almost all of the properties within the hamlet have already been developed, the Town needed to have a certain amount of design flexibility to negotiate the redevelopment of existing parking lots where there were many space constraints due to existing structures, etc. It is the intent of this section to provide this landscaping buffer in all cases where it is practical in the context of improving the overall landscaping aesthetic throughout the hamlet. For these reasons, we do not feel it is necessary or beneficial to make it a requirement.

and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of some of the recommendations of the Rockland County Department of Planning, dated June 5, 2012, however, the Town Board believes the majority of the County's recommendations were addressed and clarified and incorporated in the current draft of the local law, and

WHEREAS, by resolution dated April 3, 2013, the Town of Clarkstown Planning Board found that the proposed local law is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and introducing allowable mixed use in the affected areas will ensure that a variety of housing options exists within the Town and the Board recommends in favor of the proposed local law, subject to § 290-7.4.C.(1) being deleted, which has been done;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Behan Planning, LLC, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is a Type 1 action under SEQRA, and (2) the proposed action shall not have a significant impact on the environment in that it will not directly result in any construction or physical changes to any site within the Town, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. - 2013 entitled:

~~"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE NEW CITY HAMLET ZONING AND AMENDING THE TOWN ZONING MAP"~~

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
- Shirley Lasker, Councilwoman
- Frank Borelli, Councilman
- George A. Hoehmann, Councilman
- Stephanie G. Hausner, Councilwoman . .

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

Dated: May 7, 2013

TB 05-07 TA RES Adopt LL-Amend Chap 290 NC Hamlet Zoning-Map-pm

awm

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date: 4/18/2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Clarkstown Town Board as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

"A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to the New City Hamlet Zoning and to amend the Town Zoning Map."

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The proposed action includes adopting revisions to the Town of Clarkstown Town Code, Chapter 290 Zoning. These revisions include: the creation of four new zoning districts which replace existing zoning districts within the New City hamlet; the elimination of the existing New City Hamlet Overlay District and transferring these regulations into the new zoning districts. Other minor modifications to the language within Chapter 290 are also proposed which are related to the the addition of these new districts.

Location: New City Hamlet, Town of Clarkstown, Rockland County, NY

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The Proposed Action will not directly result in any construction or physical changes to any site within the Town of Clarkstown. The Proposed Action will not directly result in any physical changes to any properties and is not expected to result in any significant adverse impacts on the environment, but rather is expected to have a positive environmental effect on the character of the community by enabling recommendations from the New City Vision Plan which was adopted as an amendment to the Town Comprehensive Plan.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Michael Allen - Behan Planning

Address: 112 Spring Street, Suite 305, Saratoga Springs, NY 12866

Telephone Number: 518-583-4335

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / of Clarkstown, NY

Other involved agencies (If any)

Town of Clarkstown Planning Board, Rockland County Planning Department

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway Albany NY 12233-1750 (Type One Actions only)



RESOLVED, that Town Board Minutes of April 9, 2013 are hereby accepted, as submitted by the Town Clerk.

DATED: May 7, 2013

2A

RESOLVED, that Darcy Casteleiro, 204 Radcliff Drive,
Upper Nyack, New York - is hereby appointed to the position
of Member - Historical Review Board - (to fill the unexpired
term of Jason Vogel - term effective May 6, 2013 and to
expire on December 31, 2015 - at the current 2013 annual
salary of \$2,000.

DATED: May 7, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12118 Senior Account Clerk Typist - which contains the name of Kathleen K. Martens,

NOW, therefore, be it

RESOLVED, that Kathleen K. Martens, 17 Jockey Hollow Drive, Nanuet, New York - is hereby appointed (Contingent-Permanent) to the position of Senior Account Clerk Typist - Office of the Town Comptroller - at the current 2013 annual salary of \$39,452 - effective May 21, 2013.

DATED: May 7, 2013

P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING THE TOWN OF CLARKSTOWN "ADOPT-A-SPOT" PROGRAM

3

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 a specified Town location for an additional two year period beginning March 31, 2013 to March 31, 2015, as follows:

**Sponsor: Blue Sky Landscape, Inc.
505 Kings Highway
Valley Cottage, NY 10989**

**Location: Corner of Lake Road and Kings Highway
Valley Cottage, NY 10989**

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 landscaping and beautifying this location, and by removing trash from this location, 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 with the entity referred to herein, for a period of two (2) years beginning March 31, 2013 to March 31, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

Dated: May 7, 2013



RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

HA

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 the below segment of a town road for an additional period of two (2) years, beginning April 17, 2013 to April 17, 2015, as follows:

Sponsor: **Nazzaro Disposal**
 441 Route 9W
 Congers, NY 10920

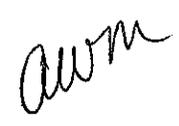
Road: **0.68 mile segment of Lakewood Drive**
 between Route 303 and Route 9W, Congers

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Nazzaro Disposal will perform a public service in removing trash from the above roadway that 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 April 17, 2013 to April 17, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Nazzaro Disposal, to remove trash from the roadways.

Dated: May 7, 2013



4B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

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 the below segment of a town road for a period of two (2) years, beginning May 10, 2013 to May 10, 2015, as follows:

Sponsor: Steve Weiss Landscaping, Inc.
P.O. Box 77
Valley Cottage, NY 10989

Road: 1.28 mile segment of Old Mill Road, Valley Cottage—
from Fulle Drive to Kings Highway

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Steve Weiss Landscaping, Inc. will perform a public service in removing trash from the above roadway that 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 May 10, 2013 to May 10, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Steve Weiss Landscaping, Inc., to remove trash from the roadways.

Dated: May 7, 2013

TB 05-07-13 TA RES Adopt-A-Road-Steve Weiss Landscaping-kh

awn

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

4c

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 the below segment of a town road for an additional period of two (2) years, beginning May 31, 2013 to May 31, 2015, as follows:

Sponsor: **Blue Sky Lawn Care & Landscaping, Inc.**
 505 Kings Highway
 Valley Cottage, NY 10989

Road: **1.14 mile segment on Lake Road from Kings Highway to Route 9W,**
 and 0.75 mile segment from the Railroad Tracks to Crusher Road
 on Kings Highway, Valley Cottage

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Blue Sky Lawn Care & Landscaping, Inc. will perform a public service in removing trash from the above roadway that 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 May 31, 2013 to May 31, 2015 in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Blue Sky Lawn Care & Landscaping, to remove trash from the roadways.

Dated: May 7, 2013



RESOLUTION AMENDING RESOLUTION NO. 119-2013
~~(LOCAL LAW NO. 2-2013)~~

WHEREAS, by Resolution No. 119-2013, the Town Board adopted Local Law No. 2-2013 on April 9, 2013, which amended many chapters of the Code of the Town of Clarkstown, and

WHEREAS, there was a typographical error in the title of the local law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 119-2013 to correct the title of the local law in the first WHEREAS clause and the first RESOLVED clause to read as follows:

"A Local Law amending Chapter 93 (Alcoholic Beverages), amending Chapter 109 (Building Construction Administration), amending Chapter 112 (Graffiti), Chapter 125 (Dogs and Other Animals), amending Chapter 126 (Massage Establishments), amending Chapter 136 (Explosives), amending Chapter 149 (Garbage, Rubbish and Refuse), amending Chapter 173 (Littering and Posting), amending Chapter 180 (Memorial Day Activities), amending Chapter 200 (Parking), amending Chapter 202 (Parks & Recreation Facilities), amending Chapter 205 (Noise), amending Chapter 208 (Peddling, Hawking and Soliciting), amending Chapter 216 (Property Maintenance), amending Chapter 220 (Quarrying and Blasting), amending Chapter 236 (Sewers), amending Chapter 239 (Shopping Carts), amending Chapter 244 (Sign Contractors, Licensing of), amending Chapter 248 (Solid Waste Transportation and Disposal), amending Chapter 250 (Streets and Sidewalks), amending Chapter 258 (Swimming Pools), amending Chapter 270 (Tree Preservation), amending Chapter 278 (Vehicles and Traffic) and amending Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

Dated: May 7, 2013



6A

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF
THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER
MEMBER PROGRAM (PLANNING DEPARTMENT)

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Town Planner to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, and

WHEREAS, the Town will require assistance in collecting spatial data in the field and processing and applying this data into the GIS, and

WHEREAS, the Americorps workers will be collecting information on the Town's stormwater catch basins for addition to the Town's GIS database. This data will enhance the Town's current Municipal Separate Storm Sewer System (MS4) program and heighten our ability to track and intercept illicit discharges and fuel spills or other pollutants which may be accidentally discharged to the municipal stormwater system, and

WHEREAS, the Town will require assistance in researching and organizing information to aid in the implementation of the Town of Clarkstown Comprehensive Plan, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which would be funded in part by the Town of Clarkstown, and

WHEREAS, the Town Planner has recommended this program for adoption in the Town of Clarkstown;

NOW THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2013, in a form approved by the Town Attorney, to utilize the service of not more than one (1) Americorps members to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$1,500, and

BE IT FURTHER RESOLVED that said fee shall constitute a proper charge to Account No. B -8020-409.

DATED: May 7, 2013

awm

6B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER MEMBER PROGRAM (DEPARTMENT OF ENVIRONMENTAL CONTROL)

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Deputy Director of Environmental Control to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, and

WHEREAS, the Town will require assistance in collecting spatial data in the field and processing and applying this data into the GIS, and

WHEREAS, the Americorps workers will be collecting information on the Town's stormwater catch basins for addition to the Town's GIS database. This data will enhance the Town's current Municipal Separate Storm Sewer System (MS4) program and heighten our ability to track and intercept illicit discharges and fuel spills or other pollutants which may be accidentally discharged to the municipal stormwater system, and

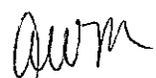
WHEREAS, the Town will require assistance in researching and organizing information to aid in the implementation of the Town of Clarkstown Comprehensive Plan, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which would be funded in part by the Town of Clarkstown, and

WHEREAS, the Deputy Director of Environmental Control has recommended this program for adoption in the Town of Clarkstown;

NOW THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2013, in a form approved by the Town Attorney, to utilize the service of not more than one (1) Americorps members to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$1,500, and

BE IT FURTHER RESOLVED that said fee shall constitute a proper charge to Account No. A -8730-114



DATED: May 7, 2013

~~RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF~~
MAINTENANCE AGREEMENT REGARDING
PALISADES VOLVO SITE PLAN (TAX MAP 65.10-1-5, 6, 7 & 8)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Palisades Volvo site plan (tax map 65.10-1-5, 6, 7 & 8), Premier Auto Group has provided a stormwater control facility maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Premier Auto Group in connection with the Palisades Volvo site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: May 7, 2013

TB 05-07 TA RES Palisades Volvo Stormwater Agree-pm



8A

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Public Works Administrator that

BID #41-2012 – FEDERAL AID DOWNTOWN REVITALIZATION
SOUTH MAIN STREET – PHASE IIIA

is hereby awarded to: VERDE ELECTRIC MAINTENANCE CORP.
89 EDISON AVENUE
MOUNT VERNON, NY 10550
PRINCIPAL: GIULIO C. MONACO

as per their proposed total project cost not to exceed \$848,365.44 plus 18% contingency and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of 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 Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-5111-400-409-0-4-16, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with an anticipated partial reimbursement from grant programs in the amount of \$792,000.00

DATED: May 7, 2013



RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Highway that

BID # 8-2013 – 2013 ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON NEW YORK INC.
 162 OLD MILL ROAD
 WEST NYACK, NY 10994
PRINCIPAL: A PUBLIC COMPANY

as per their proposed total project cost not to exceed \$2,915,060.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of 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 Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

DATED: May 7, 2013

awm

8c

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Highway that

BID # 9-2013 – 2013 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to: BELLAVISTA CONSTRUCTION CORP
P.O. BOX 978
SUFFERN, NY 10901
PRINCIPAL: JOSE SILVA
MARLENE SILVA

as per their proposed total project cost not to exceed \$214,850.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of 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 Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

DATED: May 7, 2013

awm

8D

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Clarkstown Highways that

BID # 14A-2013 – TREE STUMP REMOVAL & DISPOSAL AT VARIOUS LOCATIONS, CLARKSTOWN, NY

is hereby awarded to: GIRLS GONE GREEN, LLC
617 NORTH BROADWAY
UPPER NYACK, NY 10960
PRINCIPAL: JENNIFER CHAITIN, PRESIDENT

as per their proposed total project cost not to exceed \$86,785.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents -- four sets
- b) Performance Bond - 100% of 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 Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Superintendent of Clarkstown Highways, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-24, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with FEMA reimbursement money

DATED: May 7, 2013

awm

8E

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 16-2013 – DENVER DRIVE DRAINAGE IMPROVEMENTS

is hereby awarded to: GEMROSE UTILITY LLC
211 LAROCHE AVENUE
HARRINGTON PARK, NJ 07640
PRINCIPAL: THERESA INGANNAMORTE
TAMMI INGANNAMORTE

as per their proposed total project cost not to exceed \$235,000.00 plus 18% contingency and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of 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 Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-7, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

DATED: May 7, 2013

awm

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT
FEE TO PERRY AND MIRIAM TIRSCHWELL CONCERNING PROPERTY
DESIGNATED AS TAX MAP NO. 43.14-1-23

WHEREAS, Burton I. Dorfman, Esq., attorney for Perry and Miriam Tirschwell, has requested a refund of Building Permit Fee (ZBA # 12-3866) paid in the amount of \$400.00 for property located at 5 N. Little Tor Road, New City, New York, more particularly described as Tax Map No. 43.14-1-23, because the application is being withdrawn, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$200.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$200.00 to Perry and Miriam Tirschwell to be charged to Account No. B-02-6-2555-0.

Dated: May 7, 2013

TB 05-07 TA RES Bldg Permit Partial Refund Tirschwell-pm

awm

~~RESOLUTION GRANTING PERMISSION TO ALERT HOOK, LADDER AND ENGINE COMPANY NO. 1 TO HAVE A CARNIVAL AND LICENSED FIREWORKS DISPLAY AT 65/66 LAKE ROAD, CONGERS, NEW YORK~~

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on June 23, 2013, and hold a carnival from June 20, 2013 through June 23, 2013, and

WHEREAS, Police Chief Michael Sullivan, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have reviewed the proposal and advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers on June 23, 2013, subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's April 1, 2013 memo; and
5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

Dated: May 7, 2013

allm

~~RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER APPROVING THE FINAL MAP OF BOUNDARY LINES OF THE VALLEY COTTAGE FIRE DISTRICT~~

WHEREAS, the Board of Fire Commissioners of the Valley Cottage Fire District has requested that the Town Board of the Town of Clarkstown approve the final map of the boundary lines of the Valley Cottage Fire District, and

WHEREAS, said map was created by the Rockland County Planning Department and accepted and approved by the Board of Fire Commissioners of the Valley Cottage Fire District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 4, 2013 at 8:00 P.M., or as soon thereafter as possible, pursuant to Town Law, to consider approving the proposed final map of the boundary lines of the Valley Cottage Fire District, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Dated: May 7, 2013

awm

**RESOLUTION GRANTING CERTIFICATES OF REGISTRATION
PURSUANT TO SECTION 236-48 OF THE TOWN CODE**

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

WILLIAM WALSH d/b/a Walsh Contracting
124 Maple Avenue
New City, NY 10956
William Walsh, Owner

NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

13-27 WILLIAM WALSH d/b/a Walsh Contracting

DATED: MAY 7, 2013

TB 05-07-13 TA RES Certificate of Registration Sewers-sk

awm

**RESOLUTION AMENDING TOWN BOARD RESOLUTION 341-2012 FOR BID
#26-2012; BROOKDALE COURT CULVERT REPLACEMENT**

WHEREAS, Town Board Resolution 341-2012 awarded bid #26-2012; Brookdale Court Culvert Replacement to WJL Equities Construction Company; and

WHEREAS, unforeseen field conditions required additional work by the contractor as follows:

1. Supply and install 36 lf of wooden guiderail at top of retaining wall
2. Supply and install 306 lf of wooden post and rail fence around new wall
3. Reconstruct a section of driveway at #5 Brookdale Court

WHEREAS, a change order request for the additional work was submitted by WJL Equities Construction Co for the additional work in the amount of **\$11,593.48**; and

WHEREAS, the change order has been reviewed by the Department of Environmental Control and found acceptable; and

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from **\$206,310** to **\$217,903.48** to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # **H -8765-400-409-0-88-9**

DATED: May 7, 2013

K:shared\TB 050 7 13 DEC RES Bid 26-2012; Brookdale Court Culvert Replacement - Change Order #1

awm

~~RESOLUTION SETTING A PUBLIC HEARING AND REFERRING A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290-3 (DEFINITIONS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY DEPARTMENT OF PLANNING~~

WHEREAS, the Special Board has requested that legislation be adopted with respect to clarifying definitions found in Section 290-3 of the Zoning Code of the Town of Clarkstown, which would better align the intent of the newly adopted NS (Neighborhood Shopping) district, and

WHEREAS, Councilperson _____, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

" A LOCAL LAW AMENDING CHAPTER 290-3 (DEFINITIONS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN "

and

WHEREAS, this proposed local law is intended to redefine the definition of "lot coverage" and add a new definition for "building coverage";

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall

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

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 4, 2013 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Dated: May 7, 2013

TB 05-07 TA RES Set Public Hearing-Refer-LL-Amend Chap 290-3-Definitions-pm

A handwritten signature in black ink, appearing to be 'AWM', is located in the bottom right corner of the page.

~~RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW~~
ENTITLED, "A LOCAL LAW AMENDING CHAPTERS 5, 93, 173, 198, 220,
224, 240, 244, 249A, 270, 278, 290, A295, A308 AND DELETING
CHAPTERS 231, 239, 248, 249 AND 263 OF THE CODE OF THE TOWN OF
CLARKSTOWN"

WHEREAS, Councilperson _____, a member of the Town
Board of the Town of Clarkstown, has introduced a proposed local
law entitled,

"A LOCAL LAW AMENDING CHAPTERS 5 (ARCHITECTURE AND LANDSCAPE
COMMISSION), 93 (ALCOHOLIC BEVERAGES), 173 (LITTERING AND
POSTING), 198 (PARENTAL RESPONSIBILITY), 220 (QUARRYING AND
BLASTING), 224 (RECORDS), 240 (SHOPPING CENTER PARKING AREAS),
244 (SIGN CONTRACTORS, LICENSING OF), 249A (STORMWATER
MANAGEMENT), 270 (TREE PRESERVATION), 278 (VEHICLES AND
TRAFFIC), 290 (ZONING) TO INCORPORATE 249 (SPECIAL PERMITS) IN
ITS ENTIRETY, A295 (BOARD OF APPEALS RULES) AND A308 (PUBLIC
IMPROVEMENTS, PROCEDURE FOR ACCEPTANCE), AND DELETING CHAPTERS
231 (SANITARY LANDFILLS), 239 (SHOPPING CARTS), 248 (SOLID WASTE
TRANSPORTATION AND DISPOSAL), 249 (SPECIAL PERMITS) AND 263
(TAXICABS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to amend,
update and/or delete various chapters and to incorporate Chapter
249 (Special Permits) in its entirety into Chapter 290 (Zoning)
of the Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the
Municipal Home Rule Law, be held at the Auditorium of the Town
Hall, 10 Maple Avenue, New City, New York on July 2, 2013 at
8:00 p.m., or as soon thereafter as possible, relative to such
proposed local law, and be it

~~FURTHER RESOLVED, that the Town Attorney prepare notice of~~
said hearing, and that the Town Clerk cause same to be published
and posted as aforesaid and file proof thereof in the Office of
the said Clerk.

Dated: May 7, 2013

TB 05-07 TA RES Set Public Hearing LL-Amend-Delete Various Chapters-pm

Oliver

~~RESOLUTION SETTING A PUBLIC HEARING AND REFERRING A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS" TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY DEPARTMENT OF PLANNING~~

WHEREAS, the Special Board has requested that legislation be drafted with respect to Senior Citizen Housing, Congregate Housing and Assisted Living Quarters, which would address the needs of senior citizens and meet the goals and objectives of the Comprehensive Plan in the Town, and

WHEREAS, Councilperson _____, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

and

WHEREAS, the purpose of this proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow development of crucially needed additional senior housing by permitting the development of senior congregate housing and assisted living quarters for seniors as their needs change;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of

~~Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections~~
239-l and 239-m of the General Municipal Law for report, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 4, 2013 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Dated: May 7, 2013

TB 05-07 TA RES Refer-Public Hearing-Local Law Amend Chap 290-Sr Housing-Congregate Housing-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH H2M FOR PROFESSIONAL ENGINEERING SERVICES TO ASSIST THE TOWN IN PURSUING ALTERNATE DESIGNS FOR SOUTH MOUNTAIN ROAD DRAINAGE IMPROVEMENTS

WHEREAS, there have been recurring flooding problems on the south side of South Mountain Road in the vicinity of Tobi Lane in New City during storm events when storm water runs off High Tor Mountain through residential properties on the north side of South Mountain Road just east of Tobi Lane and continues across South Mountain Road resulting in damage to the front yards of some residential properties on the south side of South Mountain Road, and

WHEREAS, the Town Department of Environmental Control (DEC) had previously prepared design plans and specifications, dated August 2011, entitled South Mountain Road Drainage Improvements and

WHEREAS, the Town Highway Department requested an alternate design be considered to relocate the drainage chambers to outside the roadway pavement limits, and the Town wishes to pursue a possible alternate design to address this concern, and

WHEREAS, H2M has submitted a proposal, dated April 29, 2013, to assist the Town in this effort by performing engineering services to review and evaluate topographic data and design plan documents as prepared by the DEC, to evaluate other options to the stormwater chambers and to recommend improvements,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the South Mountain Road Drainage Improvements, New City, New York, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$25,000.00 and will be charged to Account No. H8762 409 0 8616.

DATED: May 7, 2013

