

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
March 4, 2014 – 8:00 pm
Town Hall Auditorium
AGENDA
(Tentative)

SALUTE TO THE FLAG

PRESENTATIONS

- New City Rams Pee Wee Cheerleaders - Empire State Champions!

PUBLIC HEARINGS:

- PH-1 Acquisition by Condemnation of a Portion of Property known as Tax Map 64.08-3-30 (West Nyack Downtown Revitalization Project)
- PH-2 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"

CLERK CALLS THE ROLL

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Proposal of CLG Insurance with Respect to Insurance Coverage of the Mini-Trans Bus System of the Town of Clarkstown.
2. Awarding the following Bids:
 - a) Bid No. 2-2014 – Fireworks Display
 - b) Bid No. 4-2014 – Athletic Field and Turf Maintenance
3. Granting Permission for a Fireworks Display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School on Thursday, July 3, 2014.
4. Authorizing the Supervisor to Execute NYSDOT Agreement to Accept Funds (PIN 8780.28, Lawrence Street Sidewalks)
5. Authorizing Street Lighting at the following location: in front of house #3, east side of Schuyler Road, Central Nyack.
6. Authorizing a Refund of Sewer Permit Fee to Montoya Construction Corporation concerning Property designated as Tax Map No. 51.9-1-83
7. Authorizing Execution and Acceptance of Stormwater Maintenance Agreement regarding Linen Subdivision (Tax Map 52.11-1-28)
8. Accepting and Adopting the Findings of Fact and Recommendations of the Hearing Officer in the Matter of the Termination of Statutory Benefits Pursuant to General Municipal Law §207-c
9. Authorizing the Purchase of Equipment for the Clarkstown Highway Department.
10. Terminating Employment pursuant to Sections 71 and 73 of the Civil Service Law.

11. Authorizing the following Personnel Changes:
 - a) Reallocation of Chief Fire Safety Inspector from a Grade 30 to a Grade 33
Appointment: Vincent Narciso, Chief Fire Safety Inspector, Grade 33, Building Inspector's Office
 - b) Reallocation of Assistant Fire Inspector from a Grade 26 to a Grade 27
Appointment: Kenneth Dillon, Assistant Fire Inspector, Grade 27, Building Inspector's Office.
 - c) Reallocation of Assistant Fire Inspector from a Grade 26 to a Grade 27
Appointment: Harold Straut, Assistant Fire Inspector, Grade 27, Building Inspector's Office
 - d) Reallocation of Assistant Fire Inspector from a Grade 26 to a Grade 27
Appointment of Stephen Ungerleider, Assistant Fire Inspector, Grade 27, Building Inspector's Office.
 - e) Appointment (Permanent): Theresa Sullivan-Peters, Personnel Clerk, Personnel Office.
 - f) Resignation (Retirement): Michael Mahoney, Police Officer, Police Department.
 - g) Resignation (Retirement): Geoffrey Bradley, Police Officer, Police Department.
 - h) Resignation (Retirement): Phyllis Feder, Senior Clerk Typist, Town Justice Court.
 - i) Appointment (Promotional/Provisional): Michael Melton, Groundskeeper II, Building Maintenance.
 - j) Appointment: Amy L. DiFalco, Substitute Crossing Guard, Police Department
 - k) Reappointment: Arthur Smith, Member, Fire Board of Appeals
 - l) Reappointment: Charles Caselli, Member, Fire Board of Appeals
 - m) Reappointment: Edward Hewitt, Member, Fire Board of Appeals
 - n) Reappointment: John Fickes, Member, Fire Board of Appeals
 - o) Resignation: Geraldine Corletta, School Crossing Guard, Police Department
 - p) Resignation: Geraldine Corletta, Member, Architecture and Landscape Commission.
 - q) Reappointment: Matthew T. Katchmar, Member, Traffic & Traffic Fire Safety Advisory Board.
12. Authorizing Accepting Funds and Amending Budget.
13. Authorizing the Supervisor to Retain DCAK-MSA Architecture and Engineering to Perform Feasibility Study for the Police Vehicle Storage Facility and for an Assessment of Epic Pool Building.
14. Granting Permission to West Nyack Fire Engine Company #1, Inc. to Have a Licensed Fireworks Display at Germonds Park, West Nyack, N.Y.
15. Authorizing Funds for the Acquisition of Highway Equipment.

ADDITIONAL TENTATIVE RESOLUTIONS:

16. Waiving the Notice Requirement in §64 of the New York State ABC Law with respect to a Liquor License for P.F. Chang's China Bistro, Inc. (Shops at Nanuet.)
17. Amending Resolution Nos. 140-2013 and 36-2014.
18. Requesting NYS DOT to Conduct a Speed Limit Analysis on NYS Route 304
19. Referring and Setting a Public Hearing regarding a Petition for the Proposed Abandonment and/or Demapping of a Portion of Will Rogers Lane, Nanuet, N.Y. and Amendment to the Official Map.

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*****

PH-1

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING
CONCERNING THE ACQUISITION BY CONDEMNATION OF A PORTION OF
PROPERTY KNOWN AS TAX MAP 64.08-3-30
(WEST NYACK DOWNTOWN REVITALIZATION PROJECT)

WHEREAS, pursuant to Resolution No. 66-2014, adopted on
February 4, 2014, the Town Board scheduled a public hearing for
March 4, 2014 to consider the proposed acquisition by
condemnation of a portion of a parcel designated as Tax Map
64.08-3-30 located in West Nyack, New York, and

WHEREAS, on March 4, 2014, a public hearing was held to
consider said condemnation, and at such time it was determined by
the Town Board that the hearing be continued on April 8, 2014;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing,
pursuant to NYS Eminent Domain Procedure Law, be had at a date
and time certain in the Auditorium of the Town Hall, 10 Maple
Avenue, New City, New York on April 8, 2014, at 8:00 p.m. or as
soon thereafter as possible, relative to such proposed
acquisition by condemnation.

Dated: March 4, 2014

TB 03-04 TA RES Continue Public Hearing-Condemnation-Owens-pm

Owens

PH2

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. 2 - 2014

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 SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

was introduced by Councilperson Lasker at a Town Board meeting held on November 7, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on February 4, 2014, directed that a public hearing be held on March 4, 2014, 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 March 4, 2014, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on February 24, 2014, and

WHEREAS, by resolution adopted November 7, 2013, 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 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 February 24, 2014, and

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

WHEREAS, the Rockland County Planning Department provided their written report on December 3, 2013 recommending two (2) modifications that would clarify Section 290-170(A)(10) with regard to off-street parking and the definitions of Efficiency Apartment and Studio Apartment, which have been explained and addressed in the current draft of the proposed local law, and

WHEREAS, Jose Simoes, Town Planner, by memo dated February 24, 2014, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that the changes being applied would better accommodate the needs of today's senior population, would attract more development of senior housing and would lower income eligibility making housing more affordable to seniors with limited income, and

WHEREAS, by resolution dated November 13, 2014, the Town of Clarkstown Planning Board recommended in favor of the proposed local law, subject to revision of the definition of Income Eligible Households, which has been addressed in the current draft of the proposed local law;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, acting as agent to the Town Board as lead agency, it is hereby determined that the proposed action is an Unlisted Action under SEQRA, and will not have a significant impact on the environment, 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 Local Law No. 2 - 2014 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"

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 is directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: March 4, 2014

TB 03-04 TA RES Adopt LL-Amend Chap 290 Sr Cit Cong Housing-Asst Care-pm

**STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Lead Agency: Town Board
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Project: Senior Citizen Housing Law Text Amendment

Date: February 24, 2014

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

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

Name of Action: Senior Citizen Housing Law Text Amendment

Location: Town of Clarkstown, New York - Parcels 4.13 acres and greater with 300' frontage on non-local roads in R-10, R-15, R-22, PO, CS, RG-1, RG-2, MF-1, MF-2 & MF-3 zones

SEORA Status: Unlisted

Description of Proposed Action: Proposed zoning text change to increase the maximum floor area ratio (FAR) for senior citizen housing, assisted living quarters and senior citizen congregate housing from 0.25 to 0.50 and also remove the restriction that these units be non-profit only. Additionally, this amendment will increase the limitation on two bedroom units from 10% to 50% of the total and clarifies that all units in these developments must be rentals. This amendment will not raise the maximum unit density (a maximum of approximately 20 units per acre); for-profit unit density will be limited to a maximum of 16 units per acre. This amendment will also require that 10% of units offered in any future senior housing development must be affordably priced and redefines the income eligibility criteria to be 60% of the median County income rather than the current 80%.

Intent of Proposed Action: In accordance with the goals and objectives of the Town's Comprehensive Plan, these changes are being applied to better accommodate the needs of today's senior population, many of whom would prefer larger two-bedroom units. For-profit senior developments will be permitted to better attract the development of senior housing. Additionally, the maximum median income for eligibility in the aforementioned affordable units is being lowered to make these units more affordable to those seniors with limited income.

Potential Impacts and Support of Determination: By increasing the maximum FAR but keeping the maximum permitted unit density the same, larger units will be able to be constructed without an increase in the total number of units per development. While the number of permitted two-bedroom units is increasing, many of these second bedrooms will not be occupied, and instead used as guest-rooms and additional living space thereby not significantly increasing traffic or demand on other services. These changes will only take effect within the zones previously approved for senior housing, assisted living quarters and congregate housing. Due to the increase in FAR and subsequent larger unit sizes, a small increase in energy consumption is possible. Impacts upon traffic, drainage, water and wastewater facilities, natural and environmental resources, historic sites and aesthetic resources will be analyzed on a per site basis and additional studies will be mandated by the Planning Board as required under the provisions of SEQRA.

Contact Person: Jose Simoes
Town Planner
10 Maple Avenue
New City, NY 10956
(845-639-2070)

(1)

RESOLUTION ACCEPTING PROPOSAL OF CLG INSURANCE WITH RESPECT
TO INSURANCE COVERAGE OF THE MINI-TRANS BUS SYSTEM OF THE
TOWN OF CLARKSTOWN

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage for the Mini-Trans bus system of the Town of Clarkstown, including Automobile Liability, Automobile Physical Damage Coverage, and Automobile Excess Liability Coverage, for a period of one year, commencing March 14, 2014 and expiring March 14, 2015, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$115,000.00 to be charged to Account No. CS 1910-420.

Dated: March 4, 2014

awm

2A

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

BID # 2-2014 – FIREWORKS DISPLAY

is hereby awarded to: FIREWORKS EXTRAVAGANZA
174 ROUTE 17 NORTH
ROCHELLE PARK, NJ 07662
PRINCIPALS: JOHN SAGARIA

as per their proposed total project cost of \$17,500.00 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
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of General Liability Insurance
- e) Certificate of Fireworks Display 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.

DATED: March 4, 2014

awm

(2B)

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

BID# 4-2014 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC
17 WHITMAN PLACE
MONROE, NY 10950
PRINCIPAL: NATALE NUOVO JR.

as per their proposed total cost of \$32,960.00

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

DATED: March 4, 2014

awm

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School at approximately 9:30PM on Thursday, July 3, 2014 with a rain date of Wednesday, July 9, 2014 pursuant to Section 405 of the Penal Law.

allm

Dated: March 4, 2014
R&P

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE
NYS DOT AGREEMENT TO ACCEPT FUNDS
(PIN 8780.28, LAWRENCE STREET SIDEWALKS)
RESOLUTION NUMBER: _____

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and/or State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Lawrence Street Sidewalks: Second Avenue to Pascack Road, Town of Clarkstown, Rockland County, PIN 8780.28 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds, and

WHEREAS, the Town of Clarkstown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work;

NOW, THEREFORE, the Clarkstown Town Board, duly convened does hereby

RESOLVE, that the Clarkstown Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Clarkstown Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$153,000 is hereby appropriated from Account No. H8751-409-0-75-14 and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Clarkstown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Clarkstown Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Clarkstown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

WHEREAS, a resident of Schuyler Road, Central Nyack, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole # 60790/39721;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Pole #60790/39721 located in front of house #3, east side of Schuyler Road, Central Nyack.
(Install one (1) each - 5,800 lumen 70 watt sodium vapor street light)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$13.91 per month for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: March 04, 2014

Awm

RESOLUTION AUTHORIZING A REFUND OF SEWER PERMIT FEE TO MONTOYA
CONSTRUCTION CORPORATION CONCERNING PROPERTY DESIGNATED AS TAX
MAP NO. 51.9-1-83

WHEREAS, Montoya Construction Corporation submitted a payment of \$500.00 for
Sewer Permit fee for sewer capping and reinstallation for property located at 170 Burda Lane,
New City, more particularly described as Tax Map No. 51.9-1-83; and

WHEREAS, the Montoya Construction Corporation has advised the Department of
Environmental Control that the sewer capping and reinstallation was never done, and is
requesting a refund of the \$500.00 fee for cancellation of the Sewer Permit;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of
Environmental Control, the Town Board hereby authorizes a refund in the amount of \$500.00 to
Montoya Construction Corporation for the cancellation of the Sewer Permit for work not
performed at 170 Burda Lane, New City to be charged to Account No. B-02-3-27760.

Dated: March 4, 2014

TB 03-04 DEC RES Sewer Permit Refund

awm

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF
STORMWATER MAINTENANCE AGREEMENT REGARDING
LINEN SUBDIVISION (TAX MAP 52.11-1-28)

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 Linen Subdivision (tax map 52.11-1-28), Christopher and Susan Linen have 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 Christopher and Susan Linen in connection with the Linen Subdivision and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: March 4, 2014

TB 03-04TA RES Linen Stormwater Agree-pm

awm

8

**RESOLUTION ACCEPTING AND ADOPTING THE FINDINGS OF FACT
AND RECOMMENDATIONS OF THE HEARING OFFICER IN THE MATTER
OF THE TERMINATION OF STATUTORY BENEFITS PURSUANT TO
GENERAL MUNICIPAL LAW § 207-c**

WHEREAS, pursuant to notice dated May 15, 2013, an administrative hearing was held at 20 Maple Avenue, New City, New York on July 12, 2013, September 11, 2013, September 18, 2013, September 24, 2013 and October 29, 2013, before Howard C. Edelman, Esq., as Hearing Officer, to conduct such hearing and to make findings and recommendations as to whether the regular salary or wages paid to a member of the Town's police department pursuant to General Municipal Law § 207-c should terminate or discontinue; and

WHEREAS, following a full evidentiary hearing at which both parties were represented by counsel and the submission of counsels' arguments and post-hearing briefs to Mr. Edelman, the Hearing Officer has forwarded to the Town Board his Findings of Fact and Recommendations dated February 21, 2014, together with the hearing record; and

WHEREAS, in accordance with Article XXII, ¶ 7, of the collective bargaining agreement between the Town and the Rockland County Patrolmen's Benevolent Association, the Town Board has rendered its Final Determination in executive session;

NOW, THEREFORE, upon reading the Findings of Fact and Recommendations of Howard C. Edelman, dated February 21, 2014, it is

RESOLVED, that the Town Board hereby accepts and adopts the Hearing Officer's Findings and Recommendation as set forth in the Board's Final Determination; and it is hereby further

RESOLVED, that the member's General Municipal Law § 207-c salary benefits are hereby discontinued; and it is

RESOLVED, that the Town Attorney will provide copies of the Town Board's Determination to the member and the member's legal counsel and to the Chief of Police.

Dated: March 4, 2014

awm

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

<u>Quantity</u>	<u>Vehicle</u>	<u>Estimated Cost</u>	<u>Est. Total Cost</u>
5	Plow Trucks	\$195,000.00	\$975,000.00
2	F-250- Pick-Ups with Utility Box	\$32,000.00	\$64,000.00
2	F-250 – Standard Pick-Ups	\$26,500.00	\$53,000.00
5	30 Yard Roll-Off Boxes	\$6,000.00	\$30,000.00
1	Asphalt Hot Box	\$33,000.00	\$33,000.00
3	Plows for Front End Loader	\$15,000.00	\$45,000.00

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of the equipment, and be it

FURTHER RESOLVED, that said equipment shall be purchased with the use of NYS OGS Contracts, County Contracts or other permitted competitively bid purchasing contracts, and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount not to exceed \$1,200,000.00 in aggregate shall be charged to the proper account H-8767-400-409-0 - 90-1

Dated: March 4, 2014



RESOLUTION TERMINATING EMPLOYMENT PURSUANT TO SECTIONS 71 AND 73 OF THE CIVIL SERVICE LAW.

WHEREAS, pursuant to written notice dated January 31, 2014, Ellen Greis was advised that the Town Board would vote at its regularly scheduled meeting on March 4, 2014, as to whether her employment status should terminate pursuant to sections 71 and 73 of the Civil Service Law due to her permanent incapacitation for the performance of the duties of her position and due to her continuous absence from and inability to perform the duties of her position for one year or more by reason of a disability other than a disability resulting from occupational injury; and

WHEREAS, Ms. Greis has failed to respond to the notice dated and received by her on January 31, 2014, and has not provided any medical opinion or proof contradicting her permanent incapacity for the performance of the regular duties of her position; and

WHEREAS, Ms. Greis has previously testified and confirmed under oath that she is permanently incapacitated for the performance of the duties of her position; and

WHEREAS, Ms. Greis has been absent from her position and separated from service since on or about August 14, 2004;

NOW, THEREFORE, in accordance with the notice previously provided and pursuant to Civil Service Law §§ 71 and 73, it is

RESOLVED, that the employment status of Ellen Greis is hereby terminated and her position may be filled by a permanent appointment.

Dated: March 4, 2014

TB 03-04 TA RES Greis Termination-PD

awm

11A

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Peter Beary, Building Inspector II, for a reallocation of the title Chief Fire Safety Inspector, that is currently a grade 30 to be reallocated to a grade 33.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Chief Fire Safety Inspector - Building Department - should be reallocated to a grade 33.

FURTHER RESOLVED, that Vincent Narciso, 5 Tramquill Lane, Valley Cottage, New York - who presently encumbers the position of Chief Fire Safety Inspector - Building Department - is now appointed to a grade 33 and his salary will reflect the 2014 current annual salary of \$129,620., effective March 4, 2014.

DATED: March 4, 2014

P

11B

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Peter Beary, Building Inspector II, for a reallocation of the title Assistant Fire Inspector, that is currently a grade 26 to be reallocated to a grade 27.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Assistant Fire Inspector - Building Department - should be reallocated to a grade 27.

FURTHER RESOLVED, that Kenneth Dillon, 1 Pinecrest Road, Valley Cottage, New York - who presently encumbers the position of Assistant Fire Assistant - Building Department - is now appointed to a grade 27 and his salary will reflect the 2014 current annual salary of \$96,042., effective March 4, 2014.

DATED: March 4, 2014
P

11c

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Peter Beary, Building Inspector II, for a reallocation of the title Assistant Fire Inspector, that is currently a grade 26 to be reallocated to a grade 27.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Assistant Fire Inspector - Building Department - should be reallocated to a grade 27.

FURTHER RESOLVED, that Harold Straut, 14 West Palisades, Nanuet, New York - who presently encumbers the position of Assistant Fire Assistant - Building Department - is now appointed to a grade 27 and his salary will reflect the 2014 current annual salary of \$90,502., effective March 4, 2014.

DATED: March 4, 2014
P

11D

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Peter Beary, Building Inspector II, for a reallocation of the title Assistant Fire Inspector, that is currently a grade 26 to be reallocated to a grade 27.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Assistant Fire Inspector - Building Department - should be reallocated to a grade 27.

FURTHER RESOLVED, that Stephen Ungerleider, 218 Valley Road, Valley Cottage, New York - who presently encumbers the position of Assistant Fire Assistant - Building Department - is now appointed to a grade 27 and his salary will reflect the 2014 current annual salary of \$96,042., effective March 4, 2014.

DATED: March 4, 2014

P

(1/E)

RESOLVED, that Theresa Sullivan-Peters, 16 Wesel Road, Nanuet,
New York – is hereby appointed (permanent) to the position of Personnel Clerk –
Personnel Office – at the current 2014 salary of \$66,182., effective and retroactive to
February 24, 2014.

DATED: March 04, 2014
P

11F

RESOLVED, that the resignation (by retirement) of Michael Mahoney, 32 Hillcrest Drive, Salisbury Mills, New York - Police Officer - Police Department - is hereby accepted - effective and retroactive to January 31, 2014.

DATED: March 4, 2014
P

116

RESOLVED, that the resignation (by retirement) of
Geoffrey Bradley, 13 Badger Street, New City, New York -
Police Officer - Police Department - is hereby accepted -
effective and retroactive to January 31, 2014.

DATED: March 4, 2014
P

11H

RESOLVED, that the resignation (by retirement) of
Phyllis Feder, 61 Kings Highway, Congers, New York -
Senior Clerk Typist - Town Justice Court - is hereby
Accepted - effective February 28, 2014.

DATED: March 4, 2014
P

11/1

WHEREAS, the Rockland County Personnel Office has certified on March 4, 2014 that the position of Groundskeeper II - Building Maintenance, can be established,

NOW, therefore, be it

RESOLVED, that the position of Groundskeeper II - Building Maintenance - is hereby established March 4, 2014 - and be it,

FURTHER RESOLVED, that Michael Melton, 6 Truman Drive, Stony Point, New York - is hereby appointed (promotional) (provisional) to the position of Groundskeeper II - Building Maintenance - at the current 2014 annual salary of \$60,677 - effective March 4, 2014.

DATED: March 4, 2014
P

115

RESOLVED, that Amy L. Di Falco, 168 So. Conger Avenue,
Congers, New York - is hereby appointed to the position of
Crossing Guard (substitute) - Police Department - at the
current 2014 rate of \$19.42 per crossing effective
March 4, 2014.

DATED: MARCH 4, 2014

P

11K

RESOLVED, that Arthur Smith, 31 Pondview Drive,
Congers, New York - is hereby reappointed to the position
of Member - Fire Board of Appeals - at the 2014 annual
salary of \$1,122., - term effective March 12, 2014 and to
expire on March 11, 2017.

DATED: March 04, 2014
P

112

RESOLVED, that Charles Caselli, 67 Highway Avenue,
Congers, New York - is hereby reappointed to the position
of Member - Fire Board of Appeals - at the 2014 annual
salary of \$1,122., - term effective March 12, 2014 and to
expire on March 11, 2017.

DATED: March 04, 2014
P

11M

RESOLVED, that Edward Hewitt, 8A Bittman Lane,
New City, New York - is hereby reappointed to the position
of Member - Fire Board of Appeals - at the 2014 annual
salary of \$1,122., - term effective and retroactive
to February 28, 2014 and to expire on February 27, 2017.

DATED: March 04, 2014
P

1/1

RESOLVED, that John Fickes, 41 Grandview Avenue,
Nanuet, New York - is hereby reappointed to the position
of Member - Fire Boards of Appeals - at the 2014 annual
salary of \$1,122., - term effective and retroactive to
February 28, 2014 and to expire on February 27, 2017.

DATED: March 04, 2014
P

RESOLVED, that the resignation of Geraldine Corletta,
P.O. Box 661, 13 River Rise Road, New City, New York -
School Crossing Guard is hereby accepted - effective and
retroactive to February 10, 2014.

DATED: March 4, 2014
P

(11P)

RESOLVED, that the resignation of Geraldine Corletta,
P.O. Box 661, 13 River Rise Road, New City, New York -
Member - Architecture and Landscape Commission is hereby accepted -
effective and retroactive to February 10, 2014.

DATED: March 4, 2014
P

11Q

RESOLVED, that Matthew T. Katchmar, 39 Forest Glen Road, Valley Cottage, New York - is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the current 2014 annual salary of \$2,856., effective April 1, 2014 and to expire on March 31, 2019.

DATED: March 04, 2014
P

RESOLUTION AUTHORIZING ACCEPTING FUNDS & AMENDING BUDGET

WHEREAS, the Town has received \$586,553.34 from the NYS Department of Transportation, \$5,000 from New York Power Authority and \$17,009 from Seized Property

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-11-4998-0 (Capital-Federal Aid) and Expense Account H-5111-409-0-4-16 (Capital-New City Downtown Revitalization) and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8765-409-0-88-15 (Capital-Solar Panel Project) by \$5,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (Federal-Seized Property) by \$11,584 and Expense Accounts A-3120-209-0 (Police-Other Equipment) by \$5,425 and A-3120-293-0 by \$11,584.

RESOLUTION AUTHORIZING SUPERVISOR TO RETAIN DCAK-MSA ARCHITECTURE AND ENGINEERING TO PERFORM FEASIBILITY STUDY FOR THE POLICE VEHICLE STORAGE FACILITY AND FOR AN ASSESSMENT OF EPIC POOL BUILDING

WHEREAS, the Town has requested that DCAK-MSA Architecture and Engineering perform a feasibility study regarding a storage facility for the weather protection of critical vehicles in the town police fleet, and,

WHEREAS, the Town has further requested that DCAK-MSA Architecture and Engineering perform an assessment of an existing building known as the Epic Pool building, and,

WHEREAS, the Town has received a proposal from DCAK-MSA Architecture and Engineering, dated February 27, 2014, to prepare such a feasibility study and assessment,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain DCAK-MSA Architecture and Engineering, 53 Hudson Avenue, Nyack, New York 10960, to conduct a feasibility study for a storage facility for the weather protection of critical police vehicles, including an inventory of vehicles in need of weather protection, and, through a space allocation study, to determine the optimum size, shape and construction type of the facility, and an assessment of the existing Epic Pool building, specifically the condition of existing roofing and roof insulation, and be it

FURTHER RESOLVED, that the fees for the feasibility study and the assessment shall not exceed \$9,800.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be funded through seizure funds and be a proper charge to Account # A-3120-409.

Dated: March 4, 2014

TB 03-04-14 TA RES DCAK-MSA feasibility study and assessment-kh

Aum

14

RESOLUTION GRANTING PERMISSION TO WEST NYACK FIRE ENGINE CO. #1 INC.
TO HAVE A LICENSED FIREWORKS DISPLAY AT
GERMONDS PARK, WEST NYACK, NY

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 18, 2014 and hold a carnival from May 15, 2014 through May 18, 2014 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan,, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have 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 West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 18, 2014 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 February 24, 2014 memo; and
5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED MARCH 4, 2014, AUTHORIZING
THE ACQUISITION OF HIGHWAY EQUIPMENT, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$195,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$195,000 TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY
OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York
(herein called the "Town"), is hereby authorized to acquire highway equipment. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$195,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$195,000 serial bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Serial bonds of the Town in the principal amount of \$195,000 are
hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting
Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such

publication and posted on the sign board of the Town maintained pursuant to the Town Law, a
Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on March 4, 2014, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted March 4, 2014, authorizing the acquisition of highway equipment, stating the estimated maximum cost thereof is \$195,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$195,000 to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire highway equipment; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$195,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$195,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$195,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$195,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 4, 2014

Justin Sweet
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

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16

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A
LIQUOR LICENSE FOR P.F. CHANG'S CHINA BISTRO, INC.
(SHOPS AT NANUET)

WHEREAS, Alissa M. Yohey, Esq., attorney for P.F.
Chang's China Bistro, Inc., has advised the Town by letter
dated February 28, 2014, pursuant to Section 64-2(a) of the
Alcoholic Beverage Control Law, that P.F. Chang's China
Bistro, Inc. has applied for an on-premises liquor license
at 1125 Fashion Drive, Room 1107, Nanuet, New York, and

WHEREAS, to expedite processing said corporation's
license application, Ms. Yohey has requested that the Town
Board waive the thirty day waiting period provided by law,
and

WHEREAS, the Town Board does not intend to comment
upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty
day notice requirement contained in Section 64 of the
Alcoholic Beverage Control Law, and states that it does not
intend to offer any comments regarding the application of
P.F. Chang's China Bistro, Inc. for a license at premises
located at 1125 Fashion Drive, Room 1107, Nanuet, New York.

Dated: March 4, 2014

TB 03-04 TA RES Waive Liquor Notice-PF Changs-pm

awm

RESOLUTION AMENDING RESOLUTION NOS. 140-2013 AND 36-2014

WHEREAS, the Town Board previously passed Resolution Nos. 140-2013 and 36-2014, reallocating the positions of Security Administrator and Registry Clerk Stenographer, respectively, and

WHEREAS, the resolutions contained an error relating to the proper step within the reallocated grade;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 140-2013 is hereby amended to read as follows:

“FURTHER RESOLVED, that Robert Paul Jr., 26 Ohio Avenue, Congers, New York – who presently encumbers the position of Security Administrator (Town) – Data Processing – is now appointed to a grade 31 and his salary will reflect the 2013 current annual salary of \$97,051., effective April 9, 2013.”

and be it

FURTHER RESOLVED, that Resolution No. 36-2014 is hereby amended to read as follows:

“FURTHER RESOLVED, that Kathleen Carleo, 150 Sixth Avenue, Nyack, New York – who presently encumbers the position of Registry Clerk – Stenographer – Town Clerk’s Office – is now appointed to a grade 24 and her salary will reflect the 2014 current annual salary of \$84,693., effective and retroactive to January 1, 2014.”

Dated: March 4, 2014



RESOLUTION REQUESTING NYS DOT TO CONDUCT
SPEED LIMIT ANALYSIS ON NYS ROUTE 304

WHEREAS, the Planning Board of the Town of Clarkstown voted in favor of a proposed local law establishing a new zoning district called "Neighborhood Shopping", and they recommended that the Town request that the New York State Department of Transportation ("NYSDOT") consider reducing the speed limit on Route 304 in Clarkstown, and

WHEREAS, the Town Board wishes to have the NYSDOT reassess the speed limits and consider a speed limit reduction on New York State Route 304 in Clarkstown, similar to what was conducted on New York State Route 303 in Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the New York State Department of Transportation conduct an analysis of the various speed limits on the length of New York State Route 304 located in the Town of Clarkstown and reassess said speed limits and consider reducing them to ensure safer speeds on the roadway.

Dated: March 4, 2014

TB 03-04 TA RES NYS Rt 304 Speed Limit Analysis-pm

AWM

RESOLUTION REFERRING AND SETTING A PUBLIC HEARING REGARDING A PETITION FOR THE PROPOSED ABANDONMENT AND/OR DEMAPPING OF A PORTION OF WILL ROGERS LANE, NANUET, NEW YORK, AND AMENDMENT TO THE OFFICIAL MAP

WHEREAS, an application has been made by Anthony Capasso that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare the unimproved portion of Will Rogers Lane, as described in the metes and bounds description attached as Schedule "A," upon the grounds that same has never been used by the public, and therefore the portion of said road may be deemed abandoned, and

WHEREAS, said street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law, or alternately, deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law of said portion as described above;

NOW, THEREFORE, be it

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RESOLVED, that the a copy of the Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review, report and recommendation, 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 the Deputy Director of Environmental Control Dennis Letson, P.E., is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby requested to render his report and recommendation to the Town Board pursuant to Highway Law Section 205 on or before March 19, 2014.

FURTHER RESOLVED, that a public hearing shall be held in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on April 8, 2014, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and/or deletion of same from the Official Map pursuant to Section 273 of Town Law, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices 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 April 8, 2014.

Dated: March 4, 2014

TB 03-04-14 TA RES Abandonment Will Rogers Lane - dt

SCHEDULE "A"

June 28, 2011

DESCRIPTION OF A PARCEL OF LAND
APPROXIMATELY 50 FEET BY 234 FEET AT THE
EASTERLY END OF WILL ROGERS LANE TO BE VACATED BY THE
TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK

BEGINNING at a point in the westerly line of Corral Street where the same is intersected by the dividing line between lands now or formerly of Anthony Capasso on the north and lands now or formerly of William & Phyliss Borgherd on the south. Said dividing line also being the dividing line between tax lot 51 Block 2 Section 63.07 on the north and lot 55 Block 2 Section 63.07 on the south also lands now or formerly of Borgherd and running thence:

- 1) North $82^{\circ}43'10''$ West 234.87 feet along said dividing line aforementioned in the beginning point description across the Pascack Brook to a point thence
- 2) North $7^{\circ}-16'-50''$ East-50 feet to a point thence
- 3) South $82^{\circ}-43'-10''$ East-233.95 feet along a line parallel to and distant 50 feet at right angles northeasterly from the herein described first course crossing said Pascack Brook to the westerly line of Corral Street and thence
- 4) South $6^{\circ}-13'-20''$ West 50.01 feet along said westerly line of Corral Street to the point or place of BEGINNING.

Subject however to easements for an existing sanitary sewer main and existing drainage line.