

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
**March 3, 2015 – 8:00 pm**  
Town Hall Auditorium  
**AGENDA**  
(Tentative)

**SALUTE TO THE FLAG**

**CLERK CALLS THE ROLL**

**PUBLIC HEARINGS:**

- PH1 *Continuation:* Proposed Local Law entitled: "A Local Law Amending the Zoning Map of the Town of Clarkstown, Nanuet Hamlet Commercial Zone"
- PH2 2015 Community Development Block Grant Funds

**PUBLIC COMMENTS REGARDING AGENDA ITEMS:**

(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Approving Town Board Minutes of February 3, 2015 as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
  - a) Appointment: Aaron Izquierdo, Senior Groundswoker, Parks & Recreation Department.
  - b) Appointment: Rabbi Jill Hackell, Member, Board of Ethics.
  - c) Re-Appointment: Rudolph Yacyshyn, Vice-Chairman, Planning Board.
  - d) Appointment: Paul P. Greenblath, Crossing Guard, Police Department.
3. Awarding the following Bids:
  - a) Bid #4-2015 – Athletic Field and Turf Maintenance
  - b) Bid #12-2015 – Weed Control Spraying
4. Accepting Proposal of CLG Insurance with Respect to Insurance Coverage of the Mini-Trans Bus System of the Town of Clarkstown.
5. Accepting Proposal for Engineering Services for Engineering Assessment of the Lake Lucille Dam, New City.
6. Authorizing Refund of Building Permit Fee to RO-DYL Realty, LLC for Property known as Tax Map No. 44.15-3-10
7. Authorizing Acceptance of Deed for Road Widening regarding Shields Property Subdivision (Tax Map 64.18-3-2)

8. Authorizing Change Order #1, Contract-G, General Construction, Bid #15-2014G, CLKT 13-06, Pump Station Upgrade Project, Road Pump Station, Forest Brook Road Pump Station and Route 9W Congers Pump Station.
9. Authorizing Settlement of a Tax Certiorari regarding TMCD Realty Corp. (Tax Map No: 51.11-4-73).
10. Authorizing Special Counsel to Appeal to the Appellate Division Regarding Ballard --v- Town of Clarkstown.
11. Authorizing Release of Escrow Funds for Stormwater Control Facility Maintenance Agreement (Eden Park Homes Subdivision - 64.07-1-8)
12. Authorizing Installation of Street Lighting:  
Pole #59217/42180 located between house #22 & 28 Joyce Drive, New City
13. Authorizing the Planning Board of the Town of Clarkstown to Apply Town Law §278 to the Greany Estates Subdivision (Map 58.16-1-61 & 69)
14. Waiving the Notice Requirement in §64 of the New York State ABC Law with Respect to a Liquor License for Lenna's Lanes, LLC d/b/a New City Bowl (90 No. Main Street, New City)
15. Authorizing Settlement of Tax Certiorari Regarding Haber Realty, LLC (Tax Map 57.15-1-31)
16. Defaulting Performance Bond on the Davies Farm LLC, Phase II Subdivision, Congers (Tax Map 35.18-1-5, 6,7,11, 12 & P/O 4)

**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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**SPECIAL MEETING:** Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

PH-1

RESOLUTION OF THE TOWN BOARD  
ADOPTING LOCAL LAW NO. - 2015

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF  
CLARKSTOWN, NANUET HAMLET COMMERCIAL ZONE"

was introduced by Councilperson Lasker at a Town Board meeting  
held on December 18, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown, by  
resolution adopted on December 18, 2014, directed that a public  
hearing be held on February 3, 2015 at 8:00 p.m., or as soon  
thereafter as possible, relative to such proposed local law, and

WHEREAS, by resolution adopted December 18, 2014, 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 public hearing was held by the Town Board of the  
Town of Clarkstown on February 3, 2015, and said public hearing  
was continued on March 3, 2015, and

WHEREAS, notice of said hearing and continuation were duly  
prepared and published in the Journal News on January 27, 2015  
and February 20, 2015, respectively, 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 23, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by the Jose Simoes, Principal Town Planner, 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 reports dated February 3, 2015 and February 27, 2015, both of which remanded this matter for local determination since the proposed local law will have no adverse impacts on any County-wide interests, and

WHEREAS, by resolution dated January 28, 2015, 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 the Board recommends in favor of the proposed local law, except for the rezoning of any property to the east of Main Street, Nanuet to the RS zone, which has been addressed by removing the text rezoning these parcels;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Town 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 that will not have the potential to adversely affect the environment, (2) the majority of the proposed action will rezone parcels fronting Main Street, Nanuet to the HC zoning district which is better suited to this area as it permits and promotes reduced setbacks and mixed-use building types which currently exist along the traditionally configured Main Street in Nanuet and will allow for easier redevelopment and fewer variances and would adjust the zoning lines so they more closely follow property boundaries and bisect fewer parcels and would correctly zone these properties to match their use, and (3) is consistent with the Town's Comprehensive Plan, 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. - 2015 entitled:

"A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF CLARKSTOWN, NANUET HAMLET COMMERCIAL ZONE"

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, and be it

FURTHER RESOLVED, that the GIS Coordinator for the Town of Clarkstown is hereby authorized and directed to amend the Zoning Map as set forth herein.

Dated: March 3, 2015

TB 03-03 TA RES Adopt LL-Amend Zoning Map-Nanuet Hamlet Comm Zone-pm

*AWM*

**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: Zoning Map Amendment – Nanuet Hamlet Center

Date: February 20, 2015

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: Zoning Map Amendment – Nanuet Hamlet Center

Location: Area of Main Street, Nanuet – Rockland County, New York

SEQRA Status: Unlisted

Description of Proposed Action: Amendments to the Zoning Map which would rezone most properties fronting Main Street, Nanuet (18 acres) to Hamlet Commercial (HC); several parcels or parts thereof would also be rezoned to Regional Shopping (RS). One parcel in this area is proposed to be rezoned to General Residence, Medium Density (RG-2). One parcel which is currently split between the RS, LIO and Community Shopping (CS) zoning districts will be rezoned RS and HC. One parcel currently zoned Medium High Density Residence, 10,000 square feet (R-10) and one parcel zoned Medium Density Residence, 15,000 square feet (R-15) will be zoned HC.

Intent of Proposed Action: The majority of this action involves the rezoning of parcels fronting Main Street, Nanuet to the HC zoning district. The HC zoning district is better suited to this area than the current commercial zoning types as it permits and promotes the reduced setbacks and mixed-use building types which currently exist along the traditionally configured Main Street in Nanuet. The application of the HC zone will allow for easier redevelopment in this area, as fewer variances will be required. Additionally, this action would adjust the zoning lines so they more closely follow property boundaries and bisect fewer parcels, and would correctly zone these properties to match their use.

Specifically, this action involves rezoning small portions of two lots comprising the Shops at Nanuet property to RS. This action would adjust the zoning lines so they more closely follow property boundaries and bisect fewer parcels, and would correctly zone these properties to match their use.

This action also proposes the rezoning of a small (0.12 acre) portion of a large parcel from CS to RG-2. This parcel is currently fully developed as an RG-2 use (Normandy Village) and this action will both eliminate a bisecting zoning line and bring the zoning for this parcel into full conformance with its use.

One parcel currently developed as a parking lot serving an adjacent commercial parcel is proposed to be zoned HC, which will bring this parcels zoning into conformance with its use and match its zoning with the business it is connected with.

One parcel at the southeastern corner of the intersection of Main Street, Old Middletown Road and South Middletown Road is proposed to be rezoned from R-15 to HC. This property is currently being used for bus storage and maintenance and this rezoning will bring the zoning of this property into conformance with its use.

This action also proposes the rezoning of a parcel currently bisected by a zoning line and zoned RS and LIO to a new zoning configuration of RS and HC. While the parcel will continue to be bisected by a zoning line, the new line will run parallel to Main Street and offer this property better development potential while keeping an orderly layout of the proposed HC zone.

Potential Impacts and Support of Determination: The majority of this zone change involves the application of the HC zoning district to Main Street, Nanuet. This zoning district is unique, and was specifically created for use within hamlet centers. No other HC zoning exists within the vicinity of this action. The areas proposed to receive RS zoning are already developed as such; nearly all RS zoned land in the Town is currently developed.

This rezoning will make redevelopment easier by bringing the existing and desired development into conformance with zoning, eliminating the need for many variances.

The additional permitted residential capacity generated by the dwelling units permitted within the HC zone are unlikely to impact the cost of public services within the Town. In their buildout analysis for the proposed HC zone in Nanuet, Cambridge Systematics concluded that, at maximum buildout density, approximately 100 dwelling units could be built within the zone. This figure does not take into account the existing grandfathered dwelling units within the area proposed for the HC zone, which is estimated to be approximately 40 units based on data received from the Town Assessor. Thus, the net change in total dwelling units would be far less than 100 units. The HC permits 1 and 2 bedroom apartments, and limits total dwelling unit size to 1,200 square feet. These smaller apartment types are less suitable for larger families and families with children, thus a significant increase in school age children as a result of this action is not anticipated.

While this rezoning may add some additional traffic as a result of the increase in residential capacity, this additional traffic will be generated during off-peak hours.

Public water supply and sanitary sewers are available in the areas to be rezoned. 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

RESOLVED, that the Town Board Minutes of February 3, 2015, are hereby  
accepted, as submitted by the Town Clerk.

DATED: March 3, 2015

2A  
AMENDED

RESOLVED, that Aaron Izquierdo, 16 New York Avenue,  
Congers, New York - is hereby appointed to the (perm)  
position of Senior Groundswoker - Parks and Recreation  
Department - at the 2015 annual salary of \$44,735.,  
effective April 01, 2015.

DATED: March 3, 2015

P

2B

RESOLVED, that the appointment of Rabbi Jill Hackell,  
33 Brookline Way, New City, New York - Member - Board of  
Ethics - at the annual salary of \$2,270. - is hereby  
accepted effective March 3, 2015.

DATED: March 3, 2015  
P

20

RESOLVED, that Rudolph Yacyshyn, 48 Washington Circle,  
New City, New York - is hereby reappointed to the position  
of Vice Chairman - Planning Board - term effective and  
retroactive to January 15, 2015 and to expire on January 15,  
2016 - at the current 2015 annual salary of \$3,570.

DATED: March 3, 2015

P

20

**RESOLVED, that Paul P. Greenblath, 56 Newport Drive, Nanuet,  
New York – is hereby appointed to the position of Crossing Guard  
(substitute) - Police Department - at the 2015 rate of \$19.81 per crossing  
effective March 3, 2015.**

**DATED: March 3, 2015**

**P**

3A

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

BID# 4-2015 – 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 \$33,875.00

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 3, 2015

*awm*

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID # 12-2015 - WEED CONTROL SPRAYING

is hereby awarded to: MAJESTIC LAWN & LANDSCAPE, INC.  
424 BUENA VISTA ROAD  
NEW CITY, NY 10956  
PRINCIPAL: JOSEPH HOLLAND III, PRESIDENT

as per their proposed project cost of \$50,000.00 and be it

FURTHER RESOLVED, that the Town shall have the option to extend the agreement an additional three years and be it

FURTHER RESOLVED, that changes in contract prices from 2016 through 2018 shall be based on the Consumer Price Index (CPI) 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 Public Works Administrator.

DATED: MARCH 3, 2015

*awm*

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, 2015 and expiring March 14, 2016, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$105,127 to be charged to Account No. CS 1910-420.

Dated: March 3, 2015

*awm*

**RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES  
FOR ENGINEERING ASSESSMENT OF THE  
LAKE LUCILLE DAM, NEW CITY**

WHEREAS, the Town holds an easement over the Lake Lucille Dam per the requirements of the grant for reconstruction of the Dam, and

WHEREAS, the revisions to 6 NYCRR Part 673.13 require the preparation of an Engineering Assessment by a Professional Engineer every ten years, and

WHEREAS, said Engineering Assessment was due to be performed in 2014, and

WHEREAS, Brooker Engineering PLLC prepared the original analysis and design of the improvements to the Dam which were constructed in 2000, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated February 6, 2015 to perform said Engineering Assessment in the amount of \$25,000.00, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control finds the proposal acceptable in terms of scope and price and recommends acceptance of said proposal;

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the engineering services to prepare and submit an Engineering Assessment to the NYS DEC Dam Safety Section in an amount not to exceed \$25,000.00 effective and retroactive to February 23, 2015, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8765-409-0-88-26, and

BE IT FURTHER RESOLVED that the fees authorized above shall be a proper charge to the Lake Lucille Aquatic Improvement District.

Dated: March 3, 2015



RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT  
FEE TO RO-DYL REALTY LLC FOR PROPERTY KNOWN  
AS TAX MAP NO. 44.15-3-10

WHEREAS, Edward Bertolino of RO-DYL Realty LLC has requested a refund of ZBA Permit Fee (No. 14-3950) paid in the amount of \$400.00 for property located at 44-46 Lake Road, Congers, New York, more particularly described as Tax Map No. 44.15-3-10, and

WHEREAS, the Building Inspector has advised that the ZBA permit application was submitted in error and recommends a full refund of \$400.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$400.00 to RO-DYL Realty LLC to be charged to Account No. B 02-6-2555-0.

Dated: March 3, 2015

TB 03-03 TA RES RO-DYL Refund Fee-pm

*awm*

RESOLUTION AUTHORIZING ACCEPTANCE OF DEED FOR ROAD WIDENING  
REGARDING SHIELDS PROPERTY SUBDIVISION  
(TAX MAP 64.18-3-2)

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 Shields Property subdivision (tax map 64.18-3-2), Cherry Valley Builders, Inc. has provided a deed for road widening to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance, subject to review and approval of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts the deed for road widening from Cherry Valley Builders, Inc. in connection with the Shields Property subdivision, subject to review and approval of the Department of Environmental Control and the Town Attorney, and orders it recorded in the Rockland County Clerk's Office at the expense of the applicant.

Dated: March 3, 2015

TB 03-03 TA RES Shields Subd Deed-pm

*awm*

8

**RESOLUTION AUTHORIZING CHANGE ORDER #1, CONTRACT-G, GENERAL CONSTRUCTION, BID #15-2014G, CLKT 13-06, PUMP STATION UPGRADE PROJECT, LAUREL ROAD PUMP STATION, FOREST BROOK ROAD PUMP STATION AND RT. 9W CONGERS PUMP STATION**

**WHEREAS**, the Town's Engineering Consultant, H2M Engineers and Architects, 538 Broad Hollow Road, 4<sup>th</sup> Floor, East Melville, New York 11747 has performed a re-evaluation of the pump requirements for the Rt. 9W Congers Pump Station, and

**WHEREAS**, their re-evaluation has determined that the pump motors should be changed to a variable speed drive (VFD) motor to provide for additional flow capabilities, and

**WHEREAS**, the Contractor for the project, Fred Devens Construction, 403 Stonetown Road, Ringwood, New Jersey 07456 has submitted a proposal for the additional cost associated with the change in the pump motors, and

**WHEREAS**, the Town's Consultant has reviewed the proposal for the change in motors and finds it to be acceptable in terms of scope and price, and

**WHEREAS**, the additional cost for the change in motors is \$15,654.95;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Change Order #1, Contract – G, General Construction for Bid#15-2014, CLKT 13-06 is hereby approved for the additional cost of \$15,654.95, and

**BE IT FURTHER RESOLVED**, that the total cost for Contract G, General Construction shall not exceed \$1,250,654.95, and

**BE IT FURTHER RESOLVED**, that the cost for the project is being reimbursed by the Rockland County Sewer District #1.

Dated: March 3, 2015

TB 3 3 15 DEC RES CLKT 13 06 Change Order 1Contract G

*awm*

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI  
REGARDING TMCD REALTY CORP  
TAX MAP NO.: 51.11-4-73**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TMCD Realty Corp. v. the Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 4979/11, 033544/12, 033420/13 and 032897/14, affecting parcel designated as Tax Map No. 51.11-4-73 and more commonly known as 490 Route 304, New City, New York for the year(s) 2011/12, 2012/13, 2013/14 and 2014/15, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2011/12 from \$414,400 to \$275,800 at a cost to the Town of \$3,410.15;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2012/13 from \$414,400 to \$277,900 at a cost to the Town of \$3,581.72;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2013/14 from \$414,400 to \$280,500 at a cost to the Town of \$4,097.01;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2014/15 from \$414,400 to \$272,000 at a cost to the Town of \$4,499.60;

5. Reimbursement for the year(s) 2011/12, 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 51.11-4-73, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

Dated: March 3, 2015

TB 03-03-15 TA RES TMCD Realty Corp. Settlement-dt

*awm*

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO APPEAL TO THE APPELLATE DIVISION REGARDING BALLARD V. TOWN OF CLARKSTOWN

WHEREAS, the Town Board wishes to appeal to the Appellate Division from an Order of the Supreme Court, Rockland County in an action entitled "Wayne Ballard v. Town of Clarkstown", Index No. 2224/12, and

WHEREAS, the Town Attorney will review a proposal from the law office of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as Special Counsel to the Town Board, to appeal said matter to the Appellate Division;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, in a form approved by the Town Attorney, to appeal to the Appellate Division from the Decision of the lower Court, and be it

FURTHER RESOLVED, the fee shall not exceed \$30,000 without further authorization from the Town Board and shall constitute a proper charge to Account No. A-1420-409.

Dated: March 3, 2015

TB 03-03 TA RES Wilson Elser-Supts Appeal-pm

*awm*

RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS FOR  
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT  
(EDEN PARK HOMES SUBDIVISION – 64.07-1-8)

WHEREAS, Eden Park Homes, LLC provided escrow in the amount of \$26,760 as security for a Stormwater Control Facility Maintenance Agreement, dated January 20, 2010, which escrow was subsequently reduced to \$2,500 by Resolution No. 496-2013 adopted on December 19, 2013, in connection with the Eden Park Homes Subdivision (64.07-1-8), and

WHEREAS, the First Deputy Director of the Department of Environmental Control has advised that pursuant to the agreement, the five (5) year maintenance period has expired and the escrow funds are no longer required;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the escrow funds in the amount of \$2,500.00 being held as security for the Stormwater Control Facility Maintenance Agreement may now be released.

Dated: March 3, 2015

TB 03-03 TA RES Release Escrow-Eden Pk Stormwater-pm

**WHEREAS**, a resident of Joyce Drive, New City, NY 10956 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 #59217/42180;

**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:

1. Pole #59217/42180 located between house #22 & #28 Joyce Drive, New City.  
Install one (1) each - 5,800 lumen 70 watt sodium vapor street light on Pole 59217/42180.

**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 \$14.56 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 03, 2015**

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN TO APPLY TOWN LAW SECTION 278 TO THE GREANY ESTATES SUBDIVISION - MAP 58.16-1-61 & 69

WHEREAS, at the Planning Board meeting held on February 11, 2015, the Planning Board adopted a resolution requesting the Town Board to authorize the Planning Board to require the use of Town Law § 278 (Cluster Development) in connection with the Greany Estates Subdivision, which consists of two (2) parcels and is located on the south side of Demarest Mill Road and the southwest side of Germonds Road, adjacent to Clarkstown South High School to the west and south, West Nyack, New York, and is designated on the Clarkstown Tax Map as 58.16-1-61 & 69 (the "Property"), and

WHEREAS, the Planning Board seeks authorization to utilize Town Law § 278 with respect to said subdivision, and

WHEREAS, the Planning Board found that the proposed clustering of the eight (8) residential lot subdivision meets the goals of the 2009 Comprehensive Plan, and will provide protection for the viewshed and the stream; shortening of the proposed public road approximately 270 feet, thus ending the area of disturbance farther from the stream and elimination of the need for individual house ejector pumps for sanitary sewage; a conservation easement proposed along the rear of lots 1 through 4 to protect the steep slope areas and over lot 10 to

protect the wetland; and the creation of approximately 4.95 acres of open space to be dedicated to the Town of Clarkstown, and

WHEREAS, 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 on the Greany Estates Subdivision and that the First Deputy Director of the Department of Environmental Control shall act as agent for the Town Board with respect to SEQRA review, and

WHEREAS, by memorandum dated February 27, 2015, the First Deputy Director of the Department of Environmental Control, as agent for SEQRA, found that this is a Type 2 action under the provisions of 6NYCRR (SEQRA) Part 617, and no further review under the provisions of SEQRA is required, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law § 278 in connection with this subdivision for the reasons outlined above, and

WHEREAS, the Town Board of the Town of Clarkstown agrees with the Planning Board's determination that it would be a benefit to the Town if Town Law § 278 authorization is granted for the development of the property in connection with this subdivision for the reasons outlined above, including, but not limited to, providing protection for the viewshed and the stream; shortening of the proposed public road approximately 270

feet, thus ending the area of disturbance farther from the stream and elimination of the need for individual house ejector pumps for sanitary sewage; a conservation easement proposed along the rear of lots 1 through 4 to protect the steep slope areas and over lot 10 to protect the wetland; and the creation of approximately 4.95 acres of open space to be dedicated to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts and incorporates by reference the Department of Environmental Control's SEQRA findings herein, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to require the use Town Law § 278 for the proposed Greany Estates Subdivision, which is designated on the Clarkstown Tax Map as 58.16-1-61 & 69, subject to the applicant complying with all rules, regulations and requirements of law, and any additional requirements imposed by the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be recorded as a Covenant in the Rockland County Clerk's office, to run with the land.

Dated: March 3, 2015

TB 03-03 TA RES Greany Est Subd-TL 278-pm

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RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64  
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A  
LIQUOR LICENSE FOR LENNA'S LANES LLC D/B/A NEW CITY BOWL  
(90 NORTH MAIN STREET, NEW CITY)

WHEREAS, Jonathan B. Schloss, Esq., attorney for  
Lenna's Lanes LLC d/b/a New City Bowl, has advised the Town  
by letter dated March 2, 2015, pursuant to Section 64-2(a)  
of the Alcoholic Beverage Control Law, that Lenna's Lanes  
LLC d/b/a New City Bowl has applied for an on-premises  
liquor license at 90 North Main Street, New City, New York,  
and

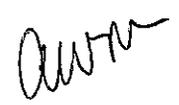
WHEREAS, to expedite processing said corporation's  
license application, Mr. Schloss has requested that the  
Town Board waive the thirty day waiting period provided by  
law, and

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  
Lenna's Lanes LLC d/b/a New City Bowl for a license at  
premises located at 90 North Main Street, New City, New  
York.

Dated: March 3, 2015  
TB 03-03 TA RES Waive Liquor Notice-NC Bowl-pm



**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI  
REGARDING HABER REALTY, LLC  
TAX MAP NO.: 57.15-1-31**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Haber Realty, LLC, v. Cathy Conklin, Tax Assessor of the Town of Clarkstown, Board of Assessment Review of the Town of Clarkstown, Town of Clarkstown, and East Ramapo School District, Index No(s). 031083/11, 034246/12, 034095/13 and 033725/14, affecting parcel designated as Tax Map No. 57.15-1-31 and more commonly known as 300 Airport Executive Park, Nanuet, New York for the year(s) 2011/12, 2012/13, 2013/14 and 2014/15, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the East Ramapo School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 57.15-1-31 be reduced for the year(s) 2011/12 and 2012/13 from \$1,377,000 to \$1,352,000 at a total cost to the Town of \$1,271.10;

2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 57.15-1-31 for the year(s) 2013/14 and 2014/15;

4. Reimbursement for the year(s) 2011/12 and 2012/13 on the parcel(s) described as Tax Map No. 57.15-1-31, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

Dated: March 3, 2015

TB-03-03-15 TA RES Haber Realty, LLC Settlement-dt

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**RESOLUTION DEFAULTING PERFORMANCE BOND ON THE  
DAVIES FARM LLC, PHASE II SUBDIVISION, CONGERS  
(TAX MAP 35.18-1-5, 6, 7, 11, 12 & P/O 4)**

WHEREAS, GLW Developers, LLC obtained approval for the subdivision known as "Davies Farm LLC, Phase II" and as a condition of subdivision approval GLW Developers, LLC., as developer and obligor, provided the Town of Clarkstown with a Letter of Credit No. 2318 from Provident Bank in the principal amount of \$581,884.25, together with its Developer's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, Provident Bank amended said Letter of Credit on February 26, 2015 to reflect a firm expiration date of April 1, 2015, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations during the two (2) year time period pursuant to the terms of the Developer's Performance Bond or anytime thereafter through the date of this resolution, and that the letter of credit is still required to secure completion of said obligations, and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended that the developer be declared in default of its Developer's Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. 2318 in the full amount of \$581,884.25 to be held pending completion of the remaining items by the developer or, if necessary, by the Town's contractors in the discretion of the Town Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that unless GLW Developers, LLC provides a renewal of Letter of Credit No. 2318 by March 16, 2015 which includes language making said letter of credit automatically renewable consistent with the original Letter of Credit No. 2318, GLW Developers, LLC, as

developer and obligor, is hereby declared in default of its Developer's Performance Bond to complete the public and other required improvements in the Davies Farm LLC, Phase II Subdivision, and the Town Attorney and/or Comptroller of the Town of Clarkstown is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 2318 in the principal amount of \$581,884.25, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and, if necessary, to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

Dated: March 3, 2015

TB 03-03-15 TA RES Davies Farm, Phase II Default-dt

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