

**TOWN OF CLARKSTOWN
TOWN BOARD WORKSHOP MEETING**

March 22, 2016, 7:30 pm

Town Hall – Room 301

AGENDA

Police Matters:

- Chief Michael Sullivan to present.

SPECIAL TOWN BOARD MEETING

(immediately following Workshop)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

SPECIAL PRESENTATION:

**Town Board Recognition of
Rudolph J. Yacyshyn
for his 50 Years of Service to the Town of Clarkstown.**

PUBLIC HEARINGS:

1. Proposed Local Law entitled: "A Local Law Amending Chapter 278 (Vehicles and Traffic) of the Code of the Town of Clarkstown".
2. Proposed Local Law entitled: "A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering & Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown.
3. Proposed Local Law entitled: "A Local Law amending the Zoning Map and Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to regulating non-residential uses in residential zoning districts.

PUBLIC COMMENTS REGARDING AGENDA ITEMS

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Authorizing the Installation of a street light on Pole #0374/40665, located on Fulle Drive, V.C.

2. Authorizing the following refunds:
 - a) Partial Refund of Building Permit Fee – Solarcity Corp (Neumann)
 - b) Partial Refund of Building Permit Fee – Roof Diagnostics Solar & Electric NY, LLC (Daez)
 - c) Partial Refund of Building Permit Fee – Roof Diagnostics Solar & Electric NY, LLC (Lembo)
 - d) Partial Refund of Building Permit Fee – Roof Diagnostics Solar & Electric NY, LLC (Dela Pena)
 - e) Partial Refund of Building Permit Fee – Roof Diagnostics Solar & Electric NY, LLC (Kwateng)
3. Amending Resolution No. 406-2015 (Traphagen House)
4. Authorizing the following Personnel Changes:
 - a) Resignation: James Timmings, Assessor
 - b) Creation: Code Enforcement Officer I, Building Department
Abolish: Code Enforcement Officer I, Town Attorney's Office
 - c) Creation: Code Enforcement Officer I (P/T) – Building Department
 - d) Creation: Clerk Typist (P/T), Town Justice Court
 - e) Appointment: Mary Maloney, Deputy Comptroller
 - f) Appointment (Permanent): Nicholas Szkodzinsky, Assistant Automotive Mechanic, Town Garage
 - g) Appointment (Provisional): Charles Corletta, Maintenance Supervisor, Department of Sewers
 - h) Reassignment: John Fay, MEO II, Highway Department to Department of Solid Waste;
Reassignment: Christopher Hughes, MEO II, Department of Solid Waste to Highway Department.
 - i) Appointment: Bernard Louisthelmy, Municipal Bus Driver (P/T), Clarkstown Mini Transportation.
 - j) Resignation: Paul P. Greenblath, Crossing Guard (F/T), Clarkstown Police Department.
 - k) Appointment: Rosa Plata, Crossing Guard (P/T), Clarkstown Police Department.
5. Authorizing the Supervisor to enter into an Amendment to the License Agreement with the Rockland County Radio Control Club to utilize a portion of the Capped Clarkstown Sanitary Landfill site for Radio Control Model Airplane Airdrome.
6. Authorizing Amending the Budget.
7. Authorizing the Supervisor to enter into a Pilot Agreement with CRH Realty, IX, LLC and Crystal Run Healthcare LLP, the Clarkstown Central School District, the County of Rockland and the County of Rockland Industrial Development Agency with respect to payment in lieu of taxes for property known on the Clarkstown tax map as 6-4.08-3-7.3.
8. Authorizing the Supervisor to enter into an Engagement Letter with Suzanne Dugan, Esq. of Cohen Milstein to serve as Ethics Counsel.
9. Proclaiming the Month of October, 2016 as "Town of Clarkstown History Month"
10. Defaulting Performance Bond on the Wolfe Landing, LLC Site Plan/Subdivision, West Nyack (Tax Map 64.07-1-9.2)

GENERAL PUBLIC COMMENTS
(Limited to 3 minutes per person)

PLEASE NOTE
Additional items may be added to this Agenda

PH-1

**RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2016**

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Noto at a Town Board meeting held on March 8, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on March 8, 2016, directed that a public hearing be held on March 22, 2016 immediately following the 7:30 p.m. Workshop meeting, or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on March 15, 2016, and

WHEREAS, a pdf copy of the proposed local law was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 11, 2016, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on March 22, 2016;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2016 entitled:

"A LOCAL LAW AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- George Hoehmann, Supervisor
- Frank Borelli, Councilman
- Stephanie G. Hausner, Councilwoman
- John J. Noto, Councilman
- Valerie Moldow, Councilwoman

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

Dated: March 22, 2016

TOWN OF CLARKSTOWN

LOCAL LAW NO. - 2016

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A Local Law amending Chapter 278 - Vehicles and Traffic of the Clarkstown Town Code.

Section 2. Legislative Intent.

The purpose of this local law is to amend Section 278-11 to provide for a violation of parking in non-designated areas.

Section 3. Amend Section 278-11. Parking. by adding the following to the end:

L. Parking in non-designated areas. No person shall cause or permit a motor vehicle to be parked or to stand, except in designated areas.

Section 4. Effective Date.

This Local Law shall become effective immediately upon filing with the Secretary of State.

PH-2
AMENDED

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2016

WHEREAS, a proposed local law entitled,

"A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

was introduced by Councilperson Noto at a Town Board meeting held on February 9, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on February 9, 2016, directed that a public hearing be held on March 22, 2016 immediately following the 7:30 p.m. Workshop, 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 22, 2016, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on March 15, 2016, and

WHEREAS, by resolution adopted February 9, 2016, 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

position are Type II actions, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. - 2016 entitled:

"A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

George Hoehmann, Supervisor
Frank Borelli, Councilman
Stephanie G. Hausner, Councilwoman . .
John J. Noto, Councilman
Valerie Moldow, 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 22, 2016

TB 03-22 TA RES Adopt LL-Eliminate ZA & Amend Various Chap-pm

LOCAL LAW NO. 2 - 2016

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown.

Section 2. Amend Chapter 4 - Appearance Tickets as follows:

Change § 4-2. Authority to issue appearance tickets. To read as follows:

"The Code Enforcement personnel, inspectors and staff of the Office of the Building Inspector, as designated by the Building Inspector (also known as the Chief Code Enforcement Officer); Town Attorney or designee or deputy; inspectors and staff of the Department of Environmental Control, as designated by the Director; deputies and staff of the Clarkstown Highway Department, as designated by the Superintendent, and Animal Control Officers of the Town of Clarkstown shall have the power to issue appearance tickets as the same are defined in Article 150 of the Criminal Procedure Law."

Section 3. Amend Chapter 109 - Building Construction Administration as follows:

Change § 109-1. Definitions. by deleting the Zoning Administrator definition.

Change § 109-2.A.(10) Code Enforcement Officer and inspectors. by deleting the words "Zoning Administrator" and replacing them with the words "Building Inspector."

Change § 109-3.F. Issuance of building permits. by amending the third sentence to read "He shall approve or disapprove the application within a reasonable time."

Section 4. Amend Chapter 126 - Massage Establishments as follows:

Change § 126-3.B. Business license for massage establishments. by deleting the words "Zoning Administrator and" from the first sentence.

Section 5. Amend Chapter 153 - Historic Road Preservation as follows:

Change § 153.6. Recording of historic road boundaries. by deleting "H. The Zoning Administrator" and re-lettering the remaining agencies.

Section 6. Amend Chapter 173 - Littering and Posting as follows:

Change § 173.5. Enforcement. by deleting the words "and the Zoning Administrator" from the first and second sentence and replacing them in the second sentence with the words "and/or their designee".

Section 7. Amend Chapter 240 - Shopping Center Parking Areas as follows:

Change § 240-4. Repair and maintenance. by deleting the words "Zoning Administrator" from the third sentence in "A." and from "B."

Change § 240-5. Rules and regulations. by deleting the words "Zoning Administrator" from the first sentence in "A" and replacing them with the words "or its designee".

Change § 240-6. Enforcement; penalties for offenses. by deleting the words "Zoning Administrator" from "A".

Section 8. Amend Chapter 290 - Zoning as follows:

Change § 290-3.B. Defined words. by amending the definition for "TEMPORARY EVENT PERMIT" by deleting the words "Zoning Administrator" and replacing them with the words "Building Inspector".

Change § 290-17.E.(6) by deleting the words "Zoning Administrator."

Change § 290-17.O(A)(3) by deleting the words "Town Zoning Administrator" and replacing them with the words "Building Inspector" in both places in this paragraph.

Amend § 290-31. Enforcement. as follows:

Delete § 290-31.A. Zoning Administrator. in its entirety.

Change § 290-31.B. Building Inspector. by re-lettering the paragraph to "A." and to read as follows:

"A. Building Inspector. This chapter shall be enforced by the Building Inspector as provided in § 138 of Town Law and in Chapter 109, Building Construction Administration, of the Code of the Town of Clarkstown, and as provided herein.

- (1) Inspect any building, structure or land to determine whether any violations of this Zoning Law have been committed or exist, whether or not such building, structure or land is occupied and whether or not a certificate of occupancy or certificate of use has been issued.
- (2) Keep the Town Board advised of all matters pertaining to the enforcement of this Zoning Ordinance of Town of Clarkstown; to make and keep all records necessary and appropriate to the office, including records of written complaints of violation of this Zoning Law and action taken on same.
- (3) Keep the Planning Board advised of all matters, including written complaints of violation of this Zoning Ordinance of the Town of Clarkstown and action taken on same.
- (4) Issue and post notices of violations, stop work orders, revocation of certificates of occupancy and use and appearance tickets and shall order the remedying of any condition or omission that is found to be in violation of this Zoning Ordinance of Town of Clarkstown. In addition, by resolution, the Town Board, after a public hearing, may direct the Building Inspector to revoke such certificate of occupancy or use, issue such stop work orders, make such inspection and reports, initiate and take such court proceedings

and perform all other actions as required by the Town Board as may be necessary to enforce this Zoning Ordinance of Town of Clarkstown or to invoke penalties for its violation."

Change § 290-31.C. Building permit. by re-lettering the paragraph to "B" and by deleting the words "Zoning Administrator" from the first sentence in (3).

Change the remaining paragraphs in § 290-31. by re-lettering these paragraphs "C." through "G."

Change § 290-32.C. Powers. by deleting the words "Zoning Administrator" from (1) (a) and (b).

Change § 290-45. Responsibility. by deleting the words "only upon certification by the Zoning Administrator" from the first sentence and by deleting the last sentence.

Change § 290-46. Administrative actions. by deleting the words "Zoning Administrator" in both places in this paragraph.

Change § 290-48.A. by deleting the words "Zoning Administrator."

Change § 290-50. Investigation. by deleting the words "Zoning Administrator" from the second sentence of this paragraph.

Change § 290-51. Issuance, denial and revocation of licenses. by deleting the words "Zoning Administrator" from the first sentences in "A" and "B(1)".

Change § 290-60. Records and reports; consent by licensee. by deleting the words "Zoning Administrator."

Section 9. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PH-3

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2016

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING THE ZONING MAP AND CHAPTER 290
(ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH
RESPECT TO REGULATING NON-RESIDENTIAL USES IN RESIDENTIAL
ZONING DISTRICTS"

was introduced by Councilperson Borelli at a Town Board meeting
held on December 17, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown, by
resolution adopted on December 17, 2015, directed that a public
hearing be held on March 8, 2016 at 8:00 p.m., or as soon
thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and
published in the Journal News on February 29, 2016, and

WHEREAS, by resolution adopted December 17, 2015, 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 March 8, 2016 and continued on March 22,
2016 to allow time to review comments made at the March 8th
meeting, and

WHEREAS, a pdf copy of the proposed local law in final form, which addresses some of the comments the Town Board received at the March 8, 2016 meeting, was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 14, 2016, 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, by resolution dated February 10, 2016, the Town of Clarkstown Planning Board found that the current draft of the proposed local law, as amended with changes recommended by the Special Board for the Implementation of the Comprehensive Plan and some modifications recommended by the Planning Board and which said changes and modifications were also reviewed and accepted by the Rockland County Department of Planning, is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and the Planning Board, therefore, recommends in favor of the proposed final version of the local law, and

WHEREAS, the Town Board has clarified and addressed the majority of the recommendations of the Rockland County Department of Planning, dated February 19, 2016, in the current draft of the local law, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code in accordance with the recommendations outlined in the memorandum from Jose Simoes, Principal Town Planner, dated February 26, 2016, except for the following numbered items which require a supermajority (majority plus one) affirmative vote:

No. 3 - Section 290-21D(1) is not proposed to be amended and should be amended to include all utility/drainage easements.

Reason: Underground utilities and drainage easements should not be deducted from the gross lot area as they do not pose the potential hazards or impediments to development as overhead utilities. An unrelated inconsistency in this section was corrected.

No. 9 - The definition for dormitories should be amended to also include that the sleeping facility is associated with an educational or public institution, including religious institutions, as well as camps.

Reason: The requirement that Dormitories be associated with educational institutions or camps is a Special Permit

subject to specified conditions in residential zoning districts and should not be added to the definition of Dormitories, as Dormitories may or may not be associated with these uses in certain zones or circumstances;

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 a Type I action under SEQRA that will not have the potential to adversely affect the environment, (2) that will protect the Town's residential neighborhoods from out of character uses, (3) that overall development potential will be slightly lowered, and (4) 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 a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. - 2016 entitled:

"A LOCAL LAW AMENDING THE ZONING MAP AND CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO REGULATING NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS"

is hereby ADOPTED and passed by a majority plus one affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

George Hoehmann, Supervisor
Frank Borelli, Councilman
Stephanie G. Hausner, Councilwoman . .
John J. Noto, Councilman
Valerie Moldow, 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 22, 2016

**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

Date: March 8, 2016

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: Local Law Amending the Zoning Map and Chapter 290 of the Town Code of Clarkstown - Regulation of Non-Residential Uses in Residential Zoning Districts

Location: Clarkstown, NY

SEQRA Status: Type I

Description of Proposed Action: The General Residence, Low Density (RG-1) and General Residence, Medium Density (RG-2) zoning districts are proposed to be replaced by Multifamily (MF-2 and MF-3) zoning districts.

The majority of the proposed text amendment concerns the Town's residential zones (R-160, R-80, R-40, R-22, R-15, R-10, MF-1, MF-2, MF-3, RG-1 and RG-2). Specifically, the types of non-residential uses and their permitted locations and physical configurations within residential areas are being modified. A number of uses deemed unfit for residential areas are proposed to be removed, and undefined uses were added along with proposed accompanying regulations. Similar modifications are also being made to the AAR zone, which is a floating zone that can be applied in certain residential and nonresidential districts within the Town given specific conditions. Other changes are proposed to the Town Code which will affect land use projects throughout the Town. These proposed changes include a provision that would prohibit the Town Board, Planning Board or Zoning Board of Appeals from reviewing and approving any land use proposal until the owner of property pays the Town any outstanding taxes or fees and resolves any existing Code violations and a requirement that all special permits within residential zones be renewed every five years.

Intent of Proposed Action: The intent of this proposed Local Law is to protect the Town's residential neighborhoods from out of character uses.

This proposed Local Law advances the following goals and objectives of the Comprehensive Plan:

1. Preserve the suburban and remaining semi-rural character of the Town.
2. Develop zoning and building regulations that reduce or restrict odors, sounds, commercial traffic, light pollution and other negative environmental impacts on residential areas.
3. Expand initiatives to safeguard neighborhoods from inappropriately scaled development.

Potential Impacts and Support of Determination: The proposed Zoning Map amendment involves eliminated one type of multifamily zoning from the zoning map and replacing it with another similar existing multifamily zoning type. Very little vacant General Residence, Low Density (RG-1) and General Residence, Medium Density (RG-2) zoned land exists within the Town. The MF-2 and MF-3 zoning districts were created in 1988 and were originally intended to replace the RG zones. The housing densities permitted by the MF-2 and MF-3 are slightly lower than those of the RG-1 and RG-2 zones, respectively. Thus overall development potential will be slightly lowered were this Law to take effect and the change to the total residential capacity of the Town as a result of this change would be negligible.

As stated, it is the overall goal of this text amendment to reduce negative impacts generated by non-residential uses within residential zoning districts. The proposed amendment would decrease the types of non-single-family residential uses permitted in residential zoning districts. Many of the remaining permitted non-single-family residential uses would be restricted to State and County roadways, which are better suited to handle more intensive uses. Additionally, the intensity of these uses will be further reduced by new limits on principal building coverage and total lot coverage within residential zones. Further oversight will be added to Special Permit uses, by requiring them to renew their Permit every 5 years.

Significant changes to demand for public services, public transportation, traffic, air quality, energy use and demand, stormwater runoff and the community character of the area proposed for rezoning or affected by the proposed text amendment are not anticipated. All development within these areas 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.

For further information please refer to the Synopsis of the Local Law.

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

TOWN OF CLARKSTOWN

LOCAL LAW NO. - 2016

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title

A Local Law Amending the Zoning Map and Chapter 290 of the Town Code of Clarkstown Regulating Non-Residential Uses in Residential Zoning Districts

Section 2. Legislative intent.

The purpose of this Local Law is to amend the Zoning Map and Chapter 290 of the Town Code consistent with the following goals and objectives of the Comprehensive Plan:

1. Preserve the suburban and remaining semi-rural character of the Town.
2. Develop zoning and building regulations that reduce or restrict odors, sounds, commercial traffic, light pollution and other negative environmental impacts on residential areas.
3. Expand initiatives to safeguard neighborhoods from inappropriately scaled development.

Section 3. Zoning Map Amendment – Replacement of RG-1 and RG-2 Zoning Districts with MF-2 and MF-3 Zoning Districts

The following changes shall be made to the Zoning Map of the Town of Clarkstown:

All RG-1 zones shall be changed to MF-2 zones.

All RG-2 zones shall be changed to MF-3 zones.

Section 4. Amendments to Use Tables

The following changes shall be made to 290-11A – Use Tables:

Table 1 (R-80), Table 2 (R-40), Table 3(R-22), Table 4 (R-15), Table 5 (R-10), Table 6 (RG-1), Table 7 (RG-2), Table 18 (R-160) and Table 19 (MF-1, MF-2 and MF-3) are to be removed and replaced with the new Table 1 - Residential Zoning Districts Land Use (Attachment 1 of this Local Law)

The Residential Zoning Districts Land Use shall become Table 1 and all following tables shall be renumbered accordingly.

References to the removed tables throughout the Town Code shall be altered to refer to the Residential Zoning Districts Land Use Table.

Section 5. Addition of Residential Use Parking and Loading Table

Add a new table, "Table 2 – Residential Zoning Districts Parking and Loading Requirements," (Attachment 2 of this Local Law).

Section 6. Amendments to Bulk Table

The following changes shall be made to §290-11B – Table 16, General Bulk Regulations:

Remove RG-1 and RG-2 rows from Table 16 General Bulk Regulations.

Insert CO and COS rows from Table 21, General Bulk Regulations (CO/COS District) to Table 16.

Add notes 41 thru 47 from Table 21 to Table 16, General Bulk Regulations.

Remove Table 21, General Bulk Regulations (CO/COS District) from Town Code.

Add new Group row, "N," to R-10 row, which shall read as follows:

Zone	Group	For Use listed below	Max. Floor Area Ratio	Min. Lot Area	Min. Lot Width	Required Front Yard Depth	Required Side Yard Width	Total Width Both Required Side Yards	Required Rear Yard Depth	Max. Bldg. Height in Ft. and In. per Ft. of Distance from DSL
R-10	N	Two-Family Residences (See Note No. 48)	0.20 (See Note No. 31)	15,000	100	30	25 (See Note No. 14)	50	50 (See Note No. 14)	10" (See Note No. 38)

Add Note 48, which shall read:

These uses shall have minimum frontage of 100' and access to either a State or County major or secondary road as classified on the Town Official Map.

Add Note 48 reference to R-160, Group C, Column 3; R-80, Group C, Column 3; R-40 Group F, Column 3; R-22, Group I, Column 3; R-15, Group L, Column 3 and R-10, Group N, Column 3.

Add two new columns, "12 – Maximum Principal Buildings(s) Coverage" and "13 – Maximum Total Lot Coverage" which shall read as follows:

District	Group	Column 12 Maximum Principal Buildings(s) Coverage	Column 13 Maximum Lot Coverage (including Principal Building(s) coverage)
R-160	A	2.50%	5%
	C	2.50%	5%
R-80	A	5.00%	10%
	C	5.00%	10%
R-40	D	6.00%	12%
	F	6.00%	18%
R-22	G	10.00%	20%
	I	7.00%	21%
R-15	J	11.50%	23%
	L	6.60%	20%
R-10	M	12.50%	25%
	N	10.00%	20%
	O	5.00%	15%

Change R-10 row, Group O, Column 5 value from 40,000 to 80,000.

Add the following definition, alphabetically placed, to §290-3B:

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

Section 7. Additional Regulations for Multifamily Residential Uses

Add the following definition, alphabetically placed, to §290-3B:

MULTI-FAMILY: See Multiple Residence.

Modify the table within §290-20F(2) adding a new row, to be inserted below the "Efficiency" row within the MF-2 section of the table, which shall read as follows:

Square Feet of Land Area per Unit	Units Per Acre	Bedrooms in Unit
3,800	11.5	1

Modify §290-20F(2)(a), to read as follows:

Maximum principal buildings(s) coverage and lot coverage shall be as follows:

District	Maximum Principal Buildings(s) Coverage	Maximum Lot Coverage (including Principal Building(s) coverage)
MF-1	16.50%	33%
MF-2	20.00%	40%
MF-3	25.00%	50%

Modify subsection §290-20F(8)(a), to read as follows:

Definitions. For purposes of this section, a "nonconforming building" in the Multifamily (MF-1, MF-2 and MF-3) Districts shall be a building which does not conform to the bulk requirements set forth herein. A "nonconforming use" shall be a use which does not conform to the permitted use requirements set forth herein.

Delete subsections §290-20F(8)(b)[1] & [2] in their entirety.

Modify subsection §290-20F(8)(b), to read as follows:

Reserved

Add new subsections to §290-20F, which shall read:

- (11) For residential uses, the following additional requirements shall apply:
- (a) All open areas not used for buildings, parking spaces and driveways shall be suitably landscaped or left in their natural state, as determined by the Planning Board.
 - (b) A specifically designated area or areas shall be available for recreational use of the residents.
 - (c) In an MF-1 District, 25% of the entire tract shall be reserved as usable open space for use by all residents of the development or at the request of the applicant, prior to final site plan approval and subject to acceptance by the Town Board upon recommendation of the Parks Board and Recreation Commission, may be offered for dedication, in

whole or in part, to the town. Such usable open space, exclusive of any off-street parking areas and access driveways or any other paved areas, shall have no dimension of less than 30 feet, except for access, and the location thereof shall be subject to the approval of the Planning Board. The community building and recreation facilities may be located within the usable open space. In an MF-2 District, the above percentage shall be 15%. In MF-3 districts the above percentage shall be 10%. Density shall be established prior to the identification of usable open space.

- (d) Facilities for refuse disposal shall be provided for all dwelling units. Collection areas shall be maintained and conveniently located for all groups of dwelling units. All storage containers for the collection of solid waste not within principal buildings shall be completely enclosed in a manner which is architecturally compatible with the principal buildings. All storage containers shall have permanently attached covers. The location of enclosures shall be subject to approval by the Planning Board.
- (e) All areas intended for vehicular use, access or parking shall be paved with a hardtop surface upon a suitable subgrade of materials and to specifications acceptable to the Director of Environmental Control. The base shall be properly drained and suitably constructed to support the prospective traffic load.
- (f) Open parking areas and driveways shall not be closer than 20 feet to any building or lot line.
- (g) No active exterior recreation facility, such as, but not limited to, a swimming pool (to edge of fence), tennis court or other recreational facility, shall be closer than 30 feet to any building or 50 feet to any lot line or be between a building line and a public street. Locker rooms and other supporting facilities shall be considered buildings for purposes of this distance requirement between buildings.
- (h) Traffic directional signs shall be provided as required by the Planning Board.
- (i) All walks, outside steps, vehicular entranceways, exitways and intersections of roads shall be adequately lighted; said lighting shall not be directed on adjacent streets or properties.
- (j) Buildings shall be individually identified and clearly marked with signs sufficiently illuminated to be visible from roadways or access drives at all times.
- (k) Group garages, if provided, shall be architecturally compatible with principal buildings.

- (l) Recreational areas and facilities, except where dedicated to the Town shall be solely for the use of residents of the development and their guests.
 - (m) Opaque fencing, aesthetically attractive on both sides, at least 6 feet in height, shall be placed along any property line abutting a nonresidential use or nonresidential zone. The Planning Board may waive this requirement where adequate fencing, properly maintained, already exists on adjacent properties.
 - (n) Internal roads shall be as follows: 2-way internal roads shall be at least 24 feet in width; while 1-way internal roads may be 14 feet in width if not used as parking aisles.
 - (o) A single access road shall be provided and paved to a width of at least 24 feet for developments of not more than 50 units. For developments in excess of 50 units, a double-paved roadway of at least 24 feet and a median of 10 feet shall be provided, or multiple single-access roads shall be provided. Notwithstanding the foregoing, the Planning Board may approve alternates if reasonable safety and access are provided. Internal roads shall be built to town specifications.
 - (p) The property shall have frontage on and access from a public street or streets.
 - (q) The property shall be served by public water and sanitary sewers.
 - (r) Distance between buildings. The distance between any two principal building structures shall be not less than the height of the tallest of the two buildings. The distance between any principal building and any accessory building or between two detached accessory buildings shall be not less than 20 feet for MF-1, MF-2 and MF-3, and no parking shall be located within this area. However, any other provision notwithstanding, a minimum distance of 60 feet shall be maintained between the center of any window in a habitable space other than a window in a bathroom or kitchen and any wall of the same or of another structure, the plane of which is parallel to or which intersects the plane of the wall in which said window is located at an angle of less than 90°, such distance being measured in horizontal projection at the sill level of said window.
- (12) In addition, the site plan shall be accompanied by: sketches showing proposed architectural treatment; single-line floor plans showing layout of all buildings (not construction plans or structural plans) and the text of all filed or proposed restrictions concerning the use of land and buildings. The applicant shall submit a general statement describing the type of development proposed, which shall include a description of the proposed management, maintenance and ownership of the various elements of development, including:

- (a) Dwelling unit.
 - (b) Common areas and facilities maintenance.
 - (c) Ground, building and facility maintenance.
 - (d) Street ownership and maintenance.
- (13) The Planning Board may determine, on application for subdivision approval, if the site is appropriate for fee simple ownership-type units; in such cases, the minimum lot area for each dwelling shall be as determined by the Planning Board. The Planning Board may establish additional requirements.
- (14) A community hall or space shall be provided within each residential development, with a meeting room with an area no less than 15 square feet per dwelling unit, but not less than 400 square feet in area. The location of the community hall or space shall be subject to the approval of the Planning Board.
- (15) There shall be not more than 8 units in any building.

Section 8. Additional Regulations for All Residential Zones

Add new subsection, §290-20I, which shall read:

- I. Additional regulations in R-160, R-80, R-40, R-22, R-15, R-10, MF-1, MF-2 and MF-3 zoning districts shall be as follows:
- (1) All new nonresidential uses are subject to continued enforcement of performance standards procedure (§290-13B)
 - (2) In addition to the particular requirements for any use listed in Table 1, the Board of Appeals, Planning Board, or Town Board, as specified in Table 1 for a particular use, where reasonable and appropriate, may require fences and other safety devices, landscaping, screening, access roads and buffer areas.
 - (3) No use listed in Table 1 shall be permitted for which there shall not be sufficient access suitably located to avert prospective traffic congestion, or hazard.
 - (4) Buffer areas of 75 feet shall be required for special permit uses, except home occupation use. The Planning Board shall have the authority to reduce this buffer, but in no case shall the buffer be reduced to less than the required yard dimensions of the zoning district.
 - (5) Parking spaces of any nonresidential use shall not be located within a required yard and shall be screened from adjoining properties by

permanent landscaping which may include berms or other topographic features as required by the Planning Board.

- (6) All residences with an attached or included garage opening into a side yard shall have a minimum of 30 feet of side yard for access thereto.
- (7) All uses other than single family residences shall have minimum frontage of 100' and access to either a State or County major or secondary road as classified on the Town Official Map.
- (8) Any use in existence by virtue of a Special Permit issued by a municipal board shall be required to obtain a new Special Permit before the issuance of any building permit or within five (5) years of the effective date of this Local Law, whichever is first, regardless of whether any Special Permit was granted for that use before the enactment of this Local Law. The Special Permit shall be periodically renewed every five (5) years from the date of issuance or some other period of time as required by the applicable board.

Modify §290-21B(7) to read as follows:

Accessory buildings in required front yards. Where necessary and appropriate, the Board of Appeals may authorize any one of the following, accessory to a commercial or industrial use in R-160, R-80, R-40, R-22, R-15, R-10, MF-1, MF-2, MF-3, LS, LO, LIO, CS, RS, MRS, M or to an institutional use in any district: one dwelling unit for a caretaker; gatehouse; reception office; or watchman's post, to encroach in a required front yard, provided that such accessory building is set back at least 25 feet from the front lot line and 10 feet from any other lot line, does not cover more than 1% of the area of the lot, and has a height of no more than 25 feet.

Section 9. Development Constraint Changes

Modify §290-21D(1) to read as follows:

Rights-of-way, easements and designated streets. 50% of any land within easements or rights-of-way for overhead utilities or within a designated street line and 100% of any land within easements or rights-of-way for ingress or egress shall not be counted as part of any minimum lot area requirement. No building or structure shall be located within any easement. However, a road may traverse an easement.

Modify §290-21D(2) to read as follows:

Land under water (applicable prior to development). Not more than 50% of the area of any lot proposed to be developed may be counted as part of any lot area if subject to the following: ponds; freshwater wetlands regulated by the Army Corps

of Engineers; streams; areas within the Federal Emergency Management Agency designated special flood hazard or other flood area; that portion of any freshwater wetland and any one-hundred foot control area designated by the New York State Department of Environmental Conservation. No buildings or structures may be located in such areas.

Modify §290-21D(3)(b) to read as follows:

No buildings, structures or land disturbance shall be permitted on that portion of a lot with a slope in excess of the foregoing.

Modify the following definition in §290-3B, "BUFFER AND/OR BUFFER AREA," to read:

BUFFER AND/OR BUFFER AREA: Area(s) on a lot usually within required yard areas, used to screen development or uses on adjoining properties, composed of either undisturbed or landscaped areas subject to the requirements of the Planning Board and Architecture and Landscape Commission, and located according to the provisions of the Zoning Ordinance and the requirements of the Planning Board. The required setback shall be measured from the lot line for side and rear buffers and from the designated street line for front yard buffers. The following types of uses shall not be allowed in a "buffer area":

- (1) Buildings or aboveground structures.
- (2) Driveways and loading areas, except a driveway for ingress and egress to and from the site only shall be allowed to cross a buffer.
- (3) Parking areas or reserve parking areas.
- (4) Identification sign (pylon/movement).
- (5) Dumpster, trash, and recycling receptacles of any type.
- (6) Other structures or uses prohibited by the Planning Board.

Section 10. Changes to Off-Street Loading Berths and Parking

Add the following definitions, alphabetically placed, to §290-3B:

LOADING AREA: A space other than a street, public right-of-way, or required parking space, the principal use of which is for standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

LOADING BERTH: A space adjacent to a loading dock, platform or dedicated receiving area other than a street, public right-of-way, or required parking space,

the principal use of which is for standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

Modify §290-23 to read as follows:

Off-street loading berths, open or enclosed, are permitted accessory to any use except residences for one or two families, subject to §290-25. However, no off-street loading berth shall be located within a required front yard.

Modify the title of §290-25 to read as follows:

Required Off-Street Loading Berths and Loading Areas

Modify the title of §290-25A to read as follows:

- A. Where required. Accessory off-street loading berths and loading areas shall be provided for any lot for any use specified in Column 7 of the Use Tables and Table 2 – Residential Zoning Districts Parking and Loading Requirements. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purposes of such requirements.

Modify §290-25B to read as follows:

Size, location and access. Each required loading area shall be at least 12 feet wide by 20 feet long. Each required loading berth shall be at least 12 feet wide, 33 feet long and 14 feet high and may be located either within a building or in open space but not within required accessory off-street parking spaces or accessory drives thereto. Unobstructed access at least 12 feet wide to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Subsection C.

Add three new subsections, §290-25 D, E, and F which shall read:

- D. Open loading berths are permitted, provided that they are not located in the required front or side yards and are not adjacent to a residential district or residential use permitted by right. No loading area shall be permitted within 50 feet of any property line, and this setback shall be screened.
- E. Completely enclosed loading berths are permitted in all yard areas except the front yard; however, no enclosed loading berth, enclosed loading area or driveways serving either a loading berth or loading area shall be located within 25 feet of any property line.
- F. All loading berths, loading areas and driveways serving either a loading berth or loading area shall be illuminated with indirect lighting and shall have

access only from a major or secondary road as classified on the Official Map of the Town of Clarkstown.

Modify §290-22A(2) to read as follows:

One currently registered commercial vehicle, not exceeding 6,500 pounds gross weight, may be permitted to park in an open parking space, adequately screened, in a residential zone, provided that such parking will not be in the required front or rear yard, or within 10 feet of a side lot line, except where there are driveways abutting lot lines or common driveways in use by two or more homes.

Section 11. Transfer of Specific Requirements for Special Permits and Accessory Uses from Use Tables to Town Code Text and Changes to the Definition of Home Occupation

Modify the following definition in §290-3B, "Home Occupation," to read:

HOME OCCUPATION: Any occupation, business or professional activity which results in a product or service and which is conducted in whole or in part in a dwelling or on a residentially zoned property, is clearly subordinate in space utilization and intensity to the residential use of the dwelling unit and has received a permit from the Building Inspector or the Board of Appeals.

- (1) Home occupations do not include:
 - (a) Outside storage of equipment or material.
 - (b) The use or storage on site of a wheeled vehicle in excess of 6,500 pounds gross weight and no more than one wheeled vehicle other than passenger cars.
 - (c) Activities after the hour of 11:00 p.m. and before 7:00 a.m. on weekdays and from 11:00 p.m. to 9:00 a.m. on Saturdays and legal holidays.
 - (d) The keeping of goods for sale or rent.
- (2) Home occupations do not include animal hospitals, morticians, limousine services, automotive-repair services, barbershops, nail salons, beauty parlors, massage establishments, restaurants, pet grooming, animal breeding or kennels or similar uses which in the opinion of the Building Inspector are not usual and customary to a home occupation.

Add new subsection, §290-17AC which shall read:

AC. Home Occupation - As permitted by Special Permit of the Zoning Board of Appeals, a home occupation may utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet. If the home occupation use, including related storage, utilizes less than 25% of the habitable floor area of the existing principal residence and less than 250 square feet in the principal residence, then this may constitute an Accessory Use subject to §290-20I.

Home occupations as permitted by this Special Permit of the Zoning Board of Appeals shall be subject to the following conditions:

- (1) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.
- (2) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.
- (3) No more than 2 employees may be permitted.
- (4) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.
- (5) The home shall be the actual place of residence of the person conducting the home occupation.
- (6) The home occupation may allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable.
- (7) The lawful use of any premises as a home occupation existing on May 24, 1988 may be continued although neither such use nor bulk conforms to the current regulations. Normal maintenance and repair of premises used as a nonconforming home occupation shall be permitted if it does not extend the area of or the intensity of such use.
- (8) The applicant shall provide a sworn and notarized affidavit indicating how all the aforementioned conditions will be met.

Add new subsection, §290-20I, which shall read:

- I. Home Occupation – Accessory Use. Home occupations shall be accessory uses by right upon issuance of a permit from the Building Inspector if the use, including related storage, is located in and occupies no more than 25% of the habitable floor area of the existing principal residence and no more than 250 sq. ft. in the principal residence, whichever is less. If said home occupation exceeds 250 sq. ft. in the principal residence the use would require a Special Permit of the Zoning Board of Appeals subject to §290-17AC.

Home occupations as accessory uses shall be subject to the following conditions:

- (1) The number of persons who assist or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors or stockholders, shall not exceed 1 person outside those residing in the family unit.
- (2) Visiting clientele may not exceed more than 1 vehicle per 1/2 hour.
- (3) Off-street parking shall be shown on a plan and shall be provided without paving more than 25% of the required front yard.
- (4) The plan shall show 2 parking spaces in addition to those which are required for the residence(s).
- (5) Landscaping or other appropriate screening as required by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.
- (6) The home shall be the actual place of residence of the person conducting the home occupation.
- (7) The home occupation shall not involve the on-site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for 1 vehicle not over 6,500 pounds.
- (8) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment. This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors.
- (9) No manufacturing or assembly shall be permitted using other than manually operated equipment.
- (10) There shall be no more than 1 home occupation per dwelling unit.

- (11) Instructional services or sales meeting shall be limited to no more than 2 participants, including visitors, at a time.
- (12) The applicant shall demonstrate that there will be no noise, odor, smoke, glare or vibration beyond the property line.
- (13) Provision for dust collection or collection of similar by-products shall be provided.
- (14) The lawful use of any premises as a home occupation existing on May 24, 1988 may be continued although neither such use nor bulk conforms to the current regulations. Normal maintenance and repair of premises used as a nonconforming home occupation shall be permitted if it does not extend the area of or the intensity of such use.
- (15) The applicant shall provide a sworn and notarized affidavit indicating how all the aforementioned conditions will be met.

Add new subsection, §290-20J, which shall read:

- J. In the R-160, R-80, R-40, R-22, R-15 and R-10 zoning districts keeping domestic animals (except pigs) for individual domestic purposes shall be permitted provided that not more than 1 horse or cow per acre, 5 cats or dogs over 6 months old, and not more than 25 fowl shall be kept on any lot. No animals (except cats or dogs) shall be penned or housed within 50 feet of any lot line and there shall be no storage of manure, animal waste or odor-or dust-producing substance or use, except spraying or dusting to protect vegetation, within 50 ft. of any lot line, watercourse or wetland.

Add new subsection, §290-20K, which shall read:

K. Retail/Commercial Agricultural Allowable Operations.

In the R-160, R-80, R-40, R-22 and R-15 zoning districts the following commercial agriculture operations shall be permitted, provided that there shall be no greenhouse, heating plant, stable or similar animal housing, or the storage of manure of other odor-or dust-producing substance or use, except spraying or dusting to protect vegetation, within 200 ft. of any lot line, watercourse or wetland and all equipment is kept within a completely enclosed building:

- (a) Nurseries, greenhouse and growing of mushrooms, provided that no smokestack shall exceed the height regulation; buildings for display and sale of agricultural products.
- (b) Orchards, truck gardening and growing of other field crops and vineyards and growing of other bush and berry crops.

- (c) Keeping, breeding and raising of cattle (including dairies), sheep, goats and horses and rental of horses, on lots of 10 acres or more. However, keeping, breeding, and raising of fowl, pigs, rabbits, fox, mink, rodents, primates and other small fur-bearing animals for any commercial or laboratory purpose is not permitted.

Section 12. Changes to the Active Adult Residence (AAR) Zoning District and Senior Housing Requirements

AAR

Modify §290-7.1(I), to read as follows:

- I. Incentive density bonus. In granting an application for rezoning to an Active Adult Residence Zone, the Town Board may, in its discretion, grant up to the following maximum density bonuses:
 - (1) In R-22, R-15 and R-10 Zones, the maximum density bonus is equal to 100% of the maximum residential density, provided that 30% of the additional units permitted as a result of the density bonus shall constitute affordable units.
 - (2) In MF-1, MF-2 and MF-3 Zones, the maximum density bonus is equal to 20% of the maximum residential density, provided that 35% of the additional units permitted as a result of the density bonus shall constitute affordable units.
 - (3) For nonresidential zones, the maximum residential density shall be calculated by applying the zoning district of abutting residential parcels, and calculating a theoretical unit count based upon a standard subdivision map. For nonresidential parcels that abut more than one residentially zoned parcel, the maximum residential density shall be calculated by applying the zoning district of the residential parcel with the greatest percentage of property abutting the subject property. For nonresidential zones abutting R-22, R-15 and R-10 Zones, the maximum density bonus is equal to 100% of the maximum residential density, provided that 30% of the additional units permitted as a result of the density bonus shall constitute affordable units. For nonresidential zones abutting MF-1, MF-2 and MF-3 Zones, the maximum density bonus is equal to 20% of the maximum residential density, provided that 35% of the additional units permitted as a result of the density bonus shall constitute affordable units.
 - (4) The Town Board may, in its discretion, grant less than the maximum density bonus with a corresponding pro-rata reduction in the number of required affordable units. The density bonus shall be established on a case-by-case basis by the Town Board using comparisons of traffic, impervious surface, proposed numbers of affordable units, variety of housing types and any other

development-related factors the Town Board deems to be relevant, including, but not limited to, the surrounding residential zones.

Modify §290-20(G)(1)(c) to read as follows:

Maximum principal building(s) coverage shall be 20% and maximum lot coverage, which includes Principal Building(s) coverage, shall be 50% within the AAR zoning district.

Modify §290-20(G)(1)(d) to read as follows:

(d) Minimum front lot line for overall site shall be 300 feet and access to either a State or County major or secondary road as classified on the Town Official Map.

Senior Housing

Modify §290-17O(A)(8)(b), to read as follows:

At least 10% of the units shall be affordable units, except for Assisted Care Living Quarters.

Modify §290-17O(A)(11)(c), to read as follows:

Minimum front lot line shall be 300 feet along a State or County major or secondary road.

Add new subsection, §290-17O(A)(11)(v), which shall read:

One bedroom dwelling units shall be a maximum of 900 square feet and two bedroom units shall be a maximum of 1,200 square feet.

Add new subsection, §290-17O(B)(2)(l), which shall read:

One bedroom dwelling units shall be a maximum of 900 square feet and two bedroom units shall be a maximum of 1,200 square feet.

Modify §290-17O(A)(11)(f), to read as follows:

Maximum principal building(s) coverage shall be 33% and maximum lot coverage, which includes Principal Building(s) coverage, shall be 50%.

Modify §290-17O(A)(11)(m), to read as follows:

Reserved

Modify §290-17O(A)(11)(n), to read as follows:

Reserved

Modify §290-17O(B)(2)(f), to read as follows:

Maximum principal building(s) coverage shall be 33% and maximum lot coverage, which includes Principal Building(s) coverage, shall be 66%.

Modify §290-17O(B)(2)(b), to read as follows:

Minimum lot area shall be one acre.

Section 13. Requirements for Dormitories/Accessory Sleeping Quarters

Add the following two definitions, alphabetically placed, to §290-3B:

SCHOOL OF GENERAL INSTRUCTION: Any public or private nursery, elementary, junior high, high school or college offering courses in general instruction and accredited by the New York State Education Department, offering courses at least five days per week and seven months per year.

DORMITORIES: A building or part of a building containing private or semiprivate rooms which open to a common hallway, which rooms are sleeping quarters for administrative staff, faculty or students, along with bathroom, dining, cooking, laundry, lounge and recreation facilities, as required. Dormitory rooms shall not contain separate cooking, dining or housekeeping facilities, except that one dwelling unit with complete housekeeping facilities may be provided for use of a superintendent or supervising staff for every 50 dormitory rooms, or major part thereof. No more than one communal dining room shall be provided in the building or structure used for dormitory purposes. Single-family, two-family and/or other multiple residential facilities, other than that described above, are not to be considered as dormitories. Private rooms may be occupied by no more than one person and semiprivate rooms by no more than four persons.

Add new subsection, §290-17AB, which shall read:

AB. Dormitories – Dormitories are permitted by Special Use Permit of the Planning Board only as accessory uses to, and located on the same lot as, Schools of General Instruction or camps subject to the following conditions:

- (1) There shall be a minimum lot area of 2,400 square feet provided per dormitory bed, exclusive of the lot area allocated and devoted to the principal and other accessory buildings on any site including the required yards and/or setbacks, buffers and parking facilities for said buildings.
- (2) The minimum distance between a dormitory and any other building on the lot shall be 50 feet.

- (3) The minimum distance between any dormitory and any interior driveway shall be 25 feet.
- (4) The maximum height of any dormitory shall be two stories or 25 feet, whichever is less.
- (5) No dormitory room or dwelling unit shall be permitted in any cellar or basement.
- (6) All dormitories shall be equipped with sprinkler and fire alarm systems in accordance with the Town of Clarkstown Fire Prevention Code and the New York State Uniform Fire Prevention and Building Codes.
- (7) Required off-street parking (subject to Article VI and Table 2).
 - (8) Additional regulations.
 - (a) No trucking shall be permitted into a site from a collector or local street. No shipping or receiving of goods shall be permitted between the hours of 7:00 p.m. and 7:00 a.m.
 - (b) Access roads:
 - [1] Ingress and egress roads shall be from a State or County major or secondary road. A variance from this provision shall be deemed a use variance.
 - [2] Site access roads shall not be located within 100 feet of any street intersection.
- (9) Floor area ratio shall be 0.30.
- (10) Yard requirements:
 - Front Yard 100 feet
 - Side Yard 100 feet
 - Rear Yard 100 feet

Section 14. Requirement for Payment or Resolution of Taxes, Assessments, Violations and Other Fees

Modify §290-14 to read as follows:

No variances, special permits, subdivision or site plan approvals or authorizations shall be issued, no applications therefore shall be considered, and no review shall be conducted by the Town Board, Planning Board and Zoning Board of Appeals, with respect to any premises within the Town unless and until all outstanding Code violations on said premises are resolved and all amounts due the Town in real estate taxes, special

assessments and any other payment chargeable to the owner or possessor of said premises, together with all penalties and interest thereon, shall have been paid in full.

Section 15. Table Re-Numbering and Referencing

Re-number the tables of the Town Code accordingly to reflect those tables removed and the addition of the new Tables 1 and 2.

Modify all references to the tables to reflect re-numbering.

Section 16. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Attachment #1							
Table #1							
Residential Zoning Districts Land Use							
P=Permitted By Right							
Blank = Not Permitted							
TB = Permitted by Special Permit of the Town Board							
ZBA = Permitted by Special Permit of the ZBA							
PB= Permitted by Special Permit of the PB							
A = Permitted as General Accessory Use							
							MF-1
							MF-2
ALL USES	R-160	R-80	R-40	R-22	R-15	R-10	MF-3
RESIDENTIAL							
Single-family detached residences	P	P	P	P	P	P	P
Two-family residences						P	P
Multi-family Residences							P
Senior citizen housing subject to §290-170(A).				PB	PB	PB	PB
Accommodations for superintendent which shall be part of the overall density of the site.							A
Gatehouse, reception office or watchman's post, subject to §290-21B(7).	A	A	A	A	A	A	A
The following private structures when provided as an integral part of an overall development: garages, tennis (and similar) courts, swimming pools,pump houses, clubhouses. Swimming pools are subject to Chapter 258 of the Town Code.							A

								MF-1
								MF-2
ALL USES	R-160	R-80	R-40	R-22	R-15	R-10		MF-3
The following private structures: greenhouses, barns, tool sheds, garages, tennis (and similar) courts, swimming pools. Swimming pools are subject to Chapter 258 of the Town Code.	A	A	A	A	A	A		
Keeping not more than 2 nontransient boarders or roomers	A	A	A	A	A	A		
Keeping not more than 1 unoccupied trailer, or boat or commercial vehicle subject to §290-22.	A	A	A	A	A	A		
Keeping domestic animals (except pigs) subject to §290-20J.	A	A	A	A	A	A		
Keeping of not more than 3 cats or dogs over 6 months old.								A
CIVIC/RECREATION								
Private Recreational Clubs on lots not less than 10 acres in area, including golf courses, tennis clubs, beaches, marinas, yacht and similar clubs, related uses such as boat rental and picnic grounds. Accessory restaurants shall not be within 200 ft. of any lot line.	PB	PB	PB	PB	PB	PB		PB
Places of worship.	P	P	P	P	P	P		P
Preserves, parks and playgrounds	P	P	P	P	P	P		P
Recreation facilities, indoor and outdoor, incidental to places of worship or to schools.	A	A	A	A	A	A		
Day Camps on lots not less than 10 acres, subject to §290-17D.	PB	PB	PB	PB	PB	PB		
Camps, on lots not less than 10 acres, with dormitories, subject to §290-17D and §290-17AB.	PB	PB	PB	PB	PB	PB		

								MF-1
								MF-2
ALL USES	R-160	R-80	R-40	R-22	R-15	R-10		MF-3
Community Centers, libraries, museums, art galleries and similar facilities.	PB	PB	PB	PB	PB	PB		
SCHOOLS								
Schools of general instruction.		P	P	P	P	P		P
Schools of general instruction with dormitories subject to §290-17AB.		PB	PB	PB	PB	PB		PB
MEDICAL								
Convalescent and nursing homes, and institutions for children or the aged, licensed by the State or authorized by the Department of Health of NYS as a residential health care facility whether or not operated for profit, provided that no building is located within 100 ft. of any lot and the lot has an area of at least 4 acres.								TB
Hospice residences on lots with a minimum of 10 acres, subject to §290-17W.	TB	TB						
RETAIL/COMMERCIAL								
Commercial Agriculture Operations, subject to §290-20K.	P	P	P	P	P			
Child day-care centers, when accessory to places of worship pursuant to §290-17Z.	PB	PB	PB	PB	PB	PB		PB
Home occupations, subject to §290-17AC.	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA		
Home occupations subject to §290-20I.	A	A	A	A	A	A		

								MF-1
								MF-2
ALL USES	R-160	R-80	R-40	R-22	R-15	R-10		MF-3
Professional offices of a doctor, psychologist, dentist, chiropractor, lawyer or accountant, engineer, or surveyor provided that the number of such offices in each development shall not exceed 1 for each 25 dwelling units or major fraction thereof, not to exceed 2,000 square feet per office.								A
Temporary structures for storage of equipment and materials used in connection with the construction of residential development, and temporary sales offices, not to exceed 2 years. The Building Inspector may extend the time period in one-year increments so long as construction and sales activities are underway.	A	A	A	A	A	A	A	A
MISCELLANEOUS								
Cemeteries on plots of at least 5 acres subject to approval of the County Legislature.	P	P	P	P	P	P	P	P
Public utility substations or pumping stations and telephone exchanges, housed in a structure that harmonizes with the character of the neighborhood and having adequate fences and other safety devices and adequate screening and landscaping provided that they provide service to the surrounding area.	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA

								MF-1
								MF-2
ALL USES	R-160	R-80	R-40	R-22	R-15	R-10		MF-3
Public utility right-of-way, towers and lines, provided that they are necessary for the general welfare; neighborhood character and surrounding property values are reasonably safeguarded; and that the towers and poles conform to the height restrictions of the district.	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
Reservoirs	TB							
Water towers and water tanks owned and operated by a public utility, which water tank or water tower is located at or above ground, on plots of 3 acres or more.	TB	TB	TB	TB	TB	TB	TB	TB
MISCELLANEOUS ACCESSORY USES								
Accessory parking, subject to Article VI and Table 2 Residential Zoning Districts Parking and Loading Requirements.	A	A	A	A	A	A	A	A
Accessory loading, subject to Article VI and Table 2 Residential Zoning Districts Parking and Loading Requirements.	A	A	A	A	A	A	A	A

Attachment #2

Table #2

Residential Zoning Districts Parking and Loading Requirements

Minimum Required Off Street Parking and Loading for Zoning Districts R-160, R-80, R-40, R-22, R-15, R-10, MF 1, 2 & 3
(Subject to Article VI)

ALL USES	AT LEAST ONE PARKING SPACE FOR EACH:	LOADING BERTH (LB) OR LOADING AREA (LA) REQUIRED
Residential Districts	1/2 dwelling unit, plus 2 spaces for any accessory home occupation or principal agricultural use.	-
Multi-Family Residences	½ unit. At least ¼ of all required parking shall be enclosed. Additional guest parking shall be provide and shall be no Less than 20% of the required parking. Guest parking shall be in groups of 5 or more spaces and shall be placed to allow convenient use by guests, as determined by the Planning Board. Driveways shall not be considered as Parking spaces for purposes of meeting this requirement.	-
Senior Housing	Refer to §290-170(A)(10) or §290-20G(2)(d),(3)(c)	LB
Private Recreational Clubs, golf courses, tennis clubs, beaches, marinas, yacht and similar clubs.	2 members or accommodations such as lockers, whichever is greater.	LA
Places of worship	200 Square Feet of Floor Area, but not less than 1 space for each 5 seats where provided.	-
Preserves, parks and playgrounds	0.4 acres	-
Recreation facilities, indoor and outdoor, incidental to places of worship.	No additional parking required. Parking provided for Places of Worship.	-
Day camps	Employee	-
Camps with dormitories	10 beds plus 1 for each employee	LA
Community Centers, libraries, museums, art galleries and similar facilities	200 Square Feet of Floor Area, but not less than 1 space for each 5 seats where provided.	LB
Schools of general instruction	12 seats or students for schools of elementary or nursery grades and 6 seats or students for other schools.	-
Schools of general instruction with dormitories	12 seats or students for schools of elementary or nursery grades and 6 seats or students for other schools, plus 1 space per 4 beds for high schools and 1 space per 2 beds for post secondary schools.	LA
Convalescent and nursing homes and institutions for children or the aged	4 beds, plus 1 for each employee.	LB
Hospice residences	4 beds, plus 1 for each employee.	LA
Commercial agriculture operations	200 Square Feet.	LA
Child day-care centers when accessory to places of worship	350 Square Feet.	-
Professional offices of a doctor, psychologist, dentist, chiropractor, lawyer or accountant, engineer, or surveyor.	150 square feet of gross floor area, except that this provision shall not be applicable to premises for which building permits were issued prior to September 30, 1978.	-
Public Utility substations or pumping stations and telephone exchanges	½ site, plus 1 per employee.	-



WHEREAS, a resident of Fulle Drive, Valley Cottage, NY 10989 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 #60374/40665;

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. Install one 5,800 lumen 70 watt sodium vapor streetlight on Pole #60374/40665 located south west of house #346 Fulle Drive, Valley Cottage.

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 \$14.07 per month (\$168.84 per year) for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: March 22, 2016

2A

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE
TO SOLARCITY CORPORATION CONCERNING PROPERTY DESIGNATED AS
TAX MAP NO. 34.14-1-13 (NEUMANN)

WHEREAS, SolarCity Corporation has requested a refund of Building Permit Fee (#16-127) paid in the amount of \$438.00 for property located at 9 Woodglen Drive, New City, New York, more particularly described as Tax Map No. 34.14-1-13, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$288.00 to SolarCity Corporation, 203 Ridgewood Drive, Elmsford, New York 10523 to be charged to Account No. B-02-6-2555-0.

Dated: March 22, 2016

TB 03-22 TA RES Bldg Permit Partial Refund SolarCity-Neumann-pm

LS

2B

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO ROOF DIAGNOSTICS SOLAR & ELECTRIC NY LLC CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 64.12-1-37 (DAEZ)

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#15-1303) paid in the amount of \$348.00 for property located at 4 Timothy Court, West Nyack, New York, more particularly described as Tax Map No. 64.12-1-37, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$198.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

Dated: March 22, 2016

LS

20

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE
TO ROOF DIAGNOSTICS SOLAR & ELECTRIC NY LLC CONCERNING PROPERTY
DESIGNATED AS TAX MAP NO. 64.12-1-36 (LEMBO)

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#15-1270) paid in the amount of \$456.00 for property located at 5 Timothy Court, West Nyack, New York, more particularly described as Tax Map No. 64.12-1-36, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$306.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

Dated: March 22, 2016

TB 03-22 TA RES Bldg Permit Partial Refund Roof Diagnostics-Lembo-pm

2D

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO ROOF DIAGNOSTICS SOLAR & ELECTRIC NY LLC CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 52.16-2-46 (DELA PENA)

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has requested a refund of Building Permit Fee (#14-1156) paid in the amount of \$744.00 for property located at 180 Quaspeck Boulevard, Valley Cottage, New York, more particularly described as Tax Map No. 52.16-2-46, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$594.00 to Roof Diagnostics Solar & Electric NY LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989 to be charged to Account No. B-02-6-2555-0.

Dated: March 22, 2016

TB 03-22 TA RES Bldg Permit Partial Refund Roof Diagnostics-Dela Pena-pm

LS

2E

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE
TO ROOF DIAGNOSTICS SOLAR & ELECTRIC NY LLC CONCERNING PROPERTY
DESIGNATED AS TAX MAP NO. 57.11-1-8 (KWATENG)

WHEREAS, Roof Diagnostics Solar & Electric NY LLC has
requested a refund of Building Permit Fee (#15-1348) paid in the
amount of \$348.00 for property located at 35 Albacon Road,
Nanuet, New York, more particularly described as Tax Map No.
57.11-1-8, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial
refund with retention of a processing review fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building
Inspector, the Town Board hereby authorizes a partial refund in
the amount of \$198.00 to Roof Diagnostics Solar & Electric NY
LLC, 614 Corporate Way, Suite 4, Valley Cottage, New York 10989
to be charged to Account No. B-02-6-2555-0.

Dated: March 22, 2016

TB 03-22 TA RES Bldg Permit Partial Refund Roof Diagnostics-Kwateng-pm

RESOLUTION AMENDING RESOLUTION NO. 406-2015
(TRAPHAGEN HOUSE)

WHEREAS, by Resolution No. 562-2014, adopted December 18, 2014, as amended by Resolution No. 406-2015, adopted November 17, 2015, the Town Board of the Town of Clarkstown appropriated funds to make certain improvements, including asbestos removal and clean-up work in the basement, to the Traphagen House located at 131 Germonds Road, West Nyack, and

WHEREAS, additional funds will be required for the asbestos removal and clean-up and for completion of said improvements, and

WHEREAS, Par Environmental and Quest Environmental Solutions & Technologies, Inc. have submitted proposals, which the Town Attorney has reviewed and found acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 406-2015 is hereby amended to authorize Par Environmental and Quest Environmental Solutions & Technologies, Inc. to perform the improvements and additional required work and asbestos removal and clean-up work at 131 Germonds Road, West Nyack in an amount not to exceed \$70,000, and be it

FURTHER RESOLVED, that the Town Board hereby appropriates up to \$70,000.00 for completion of said improvements to the Traphagen House and such cost shall be a proper charge to Account No. H 8768-409-0-91-10.

DATED: March 22, 2016

4A

RESOLVED, that the resignation of James Timmings,
- Assessor - Assessor's Office - is hereby accepted
effective and retroactive to March 4, 2016 at the close
of the work day.

DATED: March 22, 2016

P

4B

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016, that the position of Code Enforcement Officer I, can be created,

NOW, therefore, be it

RESOLVED, that the position of Code Enforcement Officer I - Building Department - is hereby created - effective March 22, 2016, and be it

FURTHER RESOLVED, that the position of Code Enforcement Officer I - Town Attorney's Office - is hereby abolished - effective March 22, 2016.

DATED: March 22, 2016

P

4C

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016 that the position of Code Enforcement Officer I (PT), can be created,

NOW, therefore, be it

RESOLVED, that the position of Code Enforcement Officer I (PT) - Building Department - is hereby created - effective March 22, 2016.

DATED: March 22, 2016

P

4D

WHEREAS, the Rockland County Personnel Office has certified on March 11, 2016 that the position of Clerk-Typist (PT), can be created,

NOW, therefore, be it

RESOLVED, that the position of Clerk-Typist (PT) - Town Justice Court - is hereby created - effective March 22, 2016.

DATED: March 22, 2016
P

4E

RESOLVED, that Mary Maloney - Comptroller's Office - is
hereby appointed Deputy Comptroller - effective
April 1, 2016 through December 31, 2016.

DATED: March 22, 2016
P

4F

RESOLVED, that Nicholas Szkodzinsky - is hereby appointed
(permanent) to the position of Assistant Automotive Mechanic -
Town Garage - at the current 2016 annual salary of \$51,945 -
effective March 23, 2016.

DATED: March 22, 2016
P

4G

RESOLVED, that Charles Corletta - is hereby appointed (provisionally) to the position of Maintenance Supervisor (Sewerage Systems) - Department of Sewers - at the current 2016 annual salary of \$98,683 - effective March 23, 2016.

DATED: March 22, 2016
P

44

RESOLVED, that the change of assignment of John Fay,
- Motor Equipment Operator II - Highway Department - to
Department of Solid Waste - is hereby accepted - effective
March 23, 2016, and be it,

FURTHER RESOLVED, that the change of assignment of
Christopher Hughes - Motor Equipment Operator II - Department
of Solid Waste - to Highway Department - is accepted effective
March 23, 2016.

DATED: March 22, 2016

P

41

RESOLVED, that Bernard Louisthelmy - is hereby appointed to the position of (part time) Municipal Bus Driver - Clarkstown Mini Transportation at the 2016 hourly rate of \$21.82, effective March 23, 2016.

DATED: March 22, 2016

P

4J

RESOLVED, that the resignation of Paul P. Greenblath, Crossing Guard (FT) –
Police Department – is hereby accepted effective and retroactive to March 17, 2016.

DATED: March 22, 2016

P



RESOLVED, that Rosa Plata – Crossing Guard (substitute) – is hereby appointed to the position Crossing Guard (full time) – Police Department at the current 2016 rate of \$20.20 per crossing – effective March 23, 2016.

DATED: March 22, 2016

P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE ROCKLAND COUNTY RADIO CONTROL CLUB TO UTILIZE A PORTION OF THE CAPPED CLARKSTOWN SANITARY LANDFILL SITE FOR RADIO CONTROL MODEL AIRPLANE AIRDROME

WHEREAS, by Resolution No. 256-2001, adopted March 27, 2001, and amended by Resolution No. 287-2002, adopted April 2, 2002, the Town Board authorized a license agreement with the Rockland County Radio Control Club for the use of a described portion of the capped Clarkstown Sanitary Landfill for the installation of a radio controlled model airplane airdrome, provided that said license may be revoked at any time upon 30 days' notice to the licensee, and provided further that the licensee permit all residents of the Town of Clarkstown the opportunity to participate in the club's activities on a non-discriminatory basis, and

WHEREAS, the Town granted said license to the Club for the fee of One Dollar (\$1.00) per year, beginning March 27, 2001, and

WHEREAS, by Resolutions Nos. 282-2004, 295-2005, 244-2006, 232-2007, 219-2008, 199-2009, 205-2010, 189-2011, 221-2012, 167-2013, 173-2014, and 111-2015, adopted March 23, 2004, April 12, 2005, April 4, 2006, April 17, 2007, April 15, 2008, April 21, 2009, April 13, 2010, April 12, 2011, May 5, 2012, May 9, 2013, April 8, 2014 and March 24, 2015 respectively, the Town Board has extended the license agreement on an annual basis, and

WHEREAS, since the license was granted, there have been changes in the FAA's rules and regulations governing drones and model aircraft, and

WHEREAS, the County of Rockland has adopted Local Law No. 2 of 2015, known as "the Drone Regulation Law," and

WHEREAS, the Town Board wishes to continue the license agreement with the Club, but wishes to amend said agreement to reflect the changing laws and regulations,

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into an amendment to the license agreement, in a form approved by the Town Attorney, with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, for a period of one year commencing March 31, 2016 and ending on March 31, 2017, for the purpose of recognizing current laws and regulations for the use of drones and model aircraft, and be it

FURTHER RESOLVED that the fee for said license shall be the nominal fee of \$1.00 per year.

Dated: March 22, 2016

TB 03-22-16 TA RES Rockland Radio Landfill – kh

RESOLUTION AUTHORIZING AMENDING BUDGET

WHEREAS, the Town has received \$346,338.33 from the Rockland County Sewer District #1 and \$90,000 from the New York Department of State,

NOW, THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Station Improvement Project) by \$346,338.33 and be it,

FURTHER RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-State Aid/Community Projects) and Expense Account H-8766-409-0-89-8 (Capital Projects-Town Clerk/Receiver of Taxes Consolidation) by \$90,000.

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A PILOT AGREEMENT WITH CRH REALTY IX, LLC AND CRYSTAL RUN HEALTHCARE LLP, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO PAYMENT IN LIEU OF TAXES FOR PROPERTY KNOWN ON THE CLARKSTOWN TAX MAP AS 64.08-3-7.3

WHEREAS, the Rockland County Industrial Development Agency (“Agency”) is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the Agency has undertaken a project consisting of the construction of 70,000 sq. ft. medical facility and administrative offices located at 2 Centerock Road, West Nyack, New York (“The Project Realty”), and

WHEREAS, to facilitate the Project, the Agency has entered into a “straight lease transaction” pursuant to the Agency’s uniform tax exemption policy by which the Agency has acquired a leasehold interest in the Project Realty under a Head Lease and the Agency has leased back to CRH Realty IX, LLC, as Lessee, the Agency’s interest in the Project (the “Lease Agreement”), and

WHEREAS, Lessee is a limited liability company formed for the purposes of acting, among other things, as an entity to hold the Project Realty as lessee to the Agency’s interest in the Project, and

WHEREAS, Lessee has simultaneously entered into a sublease agreement with Crystal Run Healthcare, LLP (the Sublessee”), which shall lease from Lessee some of Lessee’s interest in the Project, and

WHEREAS, Lessee and Sublessee agree that the amount payable by them or on their behalf as payment in lieu of taxes ("PILOT") payments for each year of the PILOT period, of fifteen (15) consecutive years from the PILOT commencement date to the PILOT termination date, shall be determined by multiplying the tax rate for the then current tax levy by the assessed improvements valuation of the Project Realty as reduced pursuant to the formulae set forth in the PILOT Agreement. The land value of \$343,000.00 shall not be reduced by the formulae in the PILOT Agreement and the full tax shall be due for the land assessment value of \$343,000.00, and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a PILOT Agreement, in a form acceptable to the Town Attorney, to be executed by all parties;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with CRH REALTY IX, LLC, CRYSTAL RUN HEALTHCARE, LLP, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 64.08-3-7.3, located at 2 Centerock Road, West Nyack, New York.

Dated: March 22, 2016

8

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
ENGAGEMENT LETTER WITH SUZANNE DUGAN, ESQ. OF COHEN MILSTEIN
TO SERVE AS ETHICS COUNSEL

WHEREAS, the Town of Clarkstown posted a Request for Proposals from qualified law firms to serve as the Town Ethics Counsel, and

WHEREAS, the Town Attorney found the proposal from Suzanne Dugan, Esq. of Cohen Milstein acceptable in terms of scope and price and recommends accepting said proposal;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney, the Town Board hereby accepts the proposal from Suzanne Dugan, Esq. of Cohen Milstein to serve as the Town Ethics Counsel, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an engagement letter, in a form approved by the Town Attorney, with Suzanne Dugan, Esq. of Cohen Milstein, 49 Spruce Street, Clifton Park, New York 12065 and be it

FURTHER RESOLVED, that the fee for said services shall be a proper charge to Account No. A-1420-409.

Dated: March 22, 2016

TB 03-22 TA RES Ethics Counsel-pm

RESOLUTION PROCLAIMING THE MONTH OF OCTOBER, 2016
AS TOWN OF CLARKSTOWN HISTORY MONTH

WHEREAS, the Town of Clarkstown was established by an act of the New York State Legislature on March 18, 1791, during President George Washington's first term of office, and

WHEREAS, in the decades and centuries since, people and events connected to the Town of Clarkstown have had a significant effect on the history of our county, state and country, and

WHEREAS, during the past 225 years, the Town has been home to many residents, well-known and not, who have each made, and continue to make, contributions to the vibrant culture and rich heritage enjoyed by the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to celebrate the Town's 225th Anniversary by making everyone aware of the important history of the Town,

NOW, THEREFORE, the Town Board hereby declares October, 2016 as Town of Clarkstown History Month and calls upon all the people of Clarkstown to observe this month by learning and appreciating the history of the Town through appropriate programs, ceremonies, and activities.

DATED: March 22, 2016

TB 03-22-16 TA RES Proclaiming Clarkstown History Month-kh

RESOLUTION DEFAULTING PERFORMANCE BOND ON THE
WOLFE LANDING, LLC SITE PLAN/ SUBDIVISION, WEST NYACK
(TAX MAP 64.07-1-9.2)

WHEREAS, Wolfe Landing, LLC obtained approval for the site plan/subdivision known as "Wolfe Landing, LLC" and as a condition of site plan/subdivision approval Wolfe Landing, LLC, as developer and obligor, provided the Town of Clarkstown with a Letter of Credit No. 130 from Greater Hudson Bank in the principal amount of \$1,178,202.00, together with its Developer's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, Greater Hudson Bank amended said Letter of Credit on March 23, 2015 to reflect a firm expiration date of April 1, 2016, 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 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. 130 the full amount of \$1,178,202.00 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 Wolfe Landing, LLC provides a renewal of Letter of Credit No. 130 by March 25, 2016, Wolfe Landing, 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 Wolfe Landing, LLC Site Plan/Subdivision and the Town Attorney 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. 130 in the principal amount of \$1,178,202.00,
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 22, 2016

TB 03-22 TA RES Wolfe Landing Default-pm