

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/8/80

8:37 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett Johns, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor Dusanenko declared the Public Hearing open;
assemblage saluted the Flag.

RESOLUTION NO. (557-1980)

ADJOURNING REGULAR TOWN
BOARD MEETING IN ORDER TO
HOLD SCHEDULED PUBLIC
HEARING RE ZONING AMEND-
MENTS

AAE505

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned
in order to hold scheduled Public Hearing with regard to amendments to
the Zoning Ordinance of the Town of Clarkstown, time: 8:39 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (558-1980)

RESUMING REGULAR TOWN
BOARD MEETING SCHEDULED
PUBLIC HEARING HAVING BEEN
HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed,
scheduled Public Hearing with regard to amendments to the Zoning
Ordinance having been held and said amendments having been DENIED,
time: 10:10 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (559-1980)

RESOLUTION DENYING AMEND-
MENTS TO THE ZONING
ORDINANCE, ADJOURNING
REGULAR TOWN BOARD MEETING
AND OPENING SCHEDULED PUBLIC
HEARING

Co. Longo offered the following resolution:

RESOLVED, that the amendments to the Zoning Ordinance of
the Town of Clarkstown, which were the subject of a Public Hearing held
July 8, 1980 be and the same hereby are DENIED, and be it

FURTHER RESOLVED, that the Regular Town Board Meeting be
adjourned in order to hold Public Hearing with regard to a Local Law
pertaining to Peddling and Hawking, time: 10:10 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (560-1980)

RESUMING REGULAR TOWN BOARD MEETING, SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the Public Hearing with regard to a new Local Law pertaining to Peddling and Hawking be closed, said Local Law being ADOPTED, and be it

FURTHER RESOLVED, that the regular Town Board Meeting be resumed, time: 10:19 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (561-1980)

ADOPTING NEW LOCAL LAW NO. 4-1980 (PEDDLING AND HAWKING)

Co. Longo offered the following resolution:

RESOLVED, that Local Law No. 4-1980 entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CLARKSTOWN BY DELETING AND REPEALING CHAPTER 75 THEREOF ENTITLED 'PEDDLING AND HAWKING' AND REPLACING IT WITH A NEW CHAPTER 75 TO BE ENTITLED 'A LOCAL LAW REGULATING THE ACTIVITY OF PEDDLING AND HAWKING IN THE TOWN OF CLARKSTOWN' " be and it hereby is ADOPTED.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (562-1980)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE NEWPORT ESTATES

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be closed in order to hold next scheduled Public Hearing regarding the extension of the Clarkstown Consolidated Water Supply District No. 1 to include NEWPORT ESTATES, time: 10:21 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (563-1980)

RESUMING REGULAR TOWN BOARD MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the Public Hearing with regard to the extension of the Clarkstown Consolidated Water Supply District No. 1 to include NEWPORT ESTATES, be closed and regular Town Board Meeting be resumed, time: 10:23 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (564-1980)

REPEALING CHAPTER 36
OF THE CODE OF THE TOWN
OF CLARKSTOWN (DOGS)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 27th day of May, 1980, provided for a public hearing on the 24th day of June, 1980, at 8:45 P.M., to consider the repeal of Chapter 36 of the Code of the Town of Clarkstown entitled "Dogs", and

WHEREAS, notice of said public hearing was duly published as required by law and was duly held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that Chapter 36 of the Code of the Town of Clarkstown is hereby REPEALED.

Seconded by Co. Maloney

All voted Aye.

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AAE505

RESOLUTION NO. (565-1980)

ADOPTING LOCAL LAW NO. 3-1980 ("A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN")

Co. Longo offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN", was introduced by Councilman Longo at a Town Board meeting held on May 27, 1980, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 27th day of May, 1980, directed that a public hearing be held on the 24th day of June, 1980, at 9:00 P.M., to consider the adoption of the local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 10, 1980, and

and WHEREAS, a public hearing was held on the 24th day of June, 1980 and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at 10 Maple Avenue, New City, New York, on June 25, 1980;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1980 entitled, "A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN 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:

- Hon. Theodore R. Dusanenko, Supervisor.....Yes
- Councilman John R. Maloney.....Yes
- Councilman Charles E. Holbrook.....Yes
- Councilman Nicholas A. Longo.....Yes
- Councilman Edward Lettre.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 26 of the Municipal Home Rule Law.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (566-1980)

GRANTING AN EXTENSION OF
TIME TO PERFORM AGREEMENT
(BRIDGING THE GAP THROUGH
COMMUNICATIONS, INC.)

Co. Longo offered the following resolution:

RESOLVED, that Bridging the Gap Through Communications, Inc., is hereby granted a sixty day extension of time in which to complete performance of its agreement with the Town of Clarkstown dated March 28, 1980.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (567-1980)

ACCEPTING A SEWER EASEMENT
AT 249 OLD HAVERSTRAW ROAD
CONGERS, NEW YORK (FERSCH)
(COOK)

Co. Longo offered the following resolution:

WHEREAS, Rudolf Fersch, Anton Fersch and Wendelin Fersch are desirous of granting a sewer easement to the Town of Clarkstown located at 249 Old Haverstraw Road, Congers, New York, and

WHEREAS, Raymond T. Cook and Veronica Cook have released that part of the mortgaged premises on which the easement lies;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts a sewer easement from Rudolf Fersch, Anton Fersch and Wendelin Fersch covering premises located at 249 Old Haverstraw Road, Congers, New York, more particularly described in said agreement dated July 1, 1980, and be it

FURTHER RESOLVED, that the easement agreement and the release of mortgaged premises are hereby ordered filed in the Rockland County Clerk's Office.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (568-1980)

AUTHORIZING SUPERVISOR
TO EXECUTE LICENSE AGREEMENT
(MERCURIO AND LEVY)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to execute a year to year license agreement between the Town of Clarkstown, John A. Mercurio and William B. Levy permitting a structure of John A. Mercurio and William B. Levy to encroach on property of the Town of Clarkstown as described in the license agreement in consideration of \$100.00 yearly to be paid to the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (569-1980)

SETTING PUBLIC HEARING WITH
REGARD TO ZONING PETITION
(MILLER AND BALLETTA D/B/A
MILBA HOMES)

Co. Longo offered the following resolution:

WHEREAS, George Miller and Anthony Balletta d/b/a Milba Homes have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from LS & PO district to R-15 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of August 1980 at 9:00 P.M., relative to the proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (570-1980)

PLEASE NOTE THAT THIS RESOLUTION ALTHOUGH OFFERED AND SECONDED WAS WITHDRAWN BY THE OFFERER, COUNCILMAN LONGO, AND WILL BE TAKEN UP AT A WORKSHOP MEETING ON AUGUST 7, 1980.

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At this point Supervisor Dusanenko declared a recess.

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RESOLUTION NO. (571-1980)

AUTHORIZING PLANNING BOARD
TO APPLY TOWN LAW SECTION
281 (PELHAM MANOR)

Co. Maloney offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., agents for the applicant has made written application for the use of Town Law Section 281 in connection with a subdivision known as Pelham Manor, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law Section 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as the homes will be located in such a way as to promote the most appropriate use of the land and keep homes away from the wetlands;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision subject to the following conditions:

AAE505

RESOLUTION NO. (571-1980) Continued

1. Conservation easements on Lots 23 and 24 are to be reserved in the event that the County of Rockland desires to acquire said easements and upon the County of Rockland's refusal to accept said easements, lots 23 and 24 shall be subject to conservation restrictions.
2. On advise of the Town Attorney, the Town Board cannot design street layouts but recommends to the Planning Board that two cul-de-sacs be shown on Pelham Avenue and Allison Avenue.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (572-1980)

ACCEPTANCE OF FUNDS FOR
EMERGENCY REPAIRS (NOB
HILL ROAD, NEW CITY) -
INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002774 AND APPROPRIATION
ACCOUNT NO. A 8110-424

Co. Longo offered the following resolution:

WHEREAS, Harry Degenshein contributed \$210.00 for emergency repairs at 7 Nob Hill Road, New City,

NOW, THEREFORE, be it

RESOLVED, that the budget be amended by increasing Esimtated Revenue Account No. 01-002774 and Appropriation Account No. A 8110-424 in the amount of \$210.00.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (573-1980)

AUTHORIZING SUPERVISOR
TO ENTER INTO AGREEMENT
(AMERICAN APPRAISAL COMPANY)
DIRECTOR OF PURCHASING
APPOINTED PROJECT MANAGER
AND CHARGING ACCOUNT
A1315-0409

Co. Longo offered the following resolution:

WHEREAS, New York State requires that municipalities prepare fixed asset inventories and appoint a project manager;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with The American Appraisal Company, 1200 Beford Street, Stamford, Connecticut, to prepare a fixed asset inventory for the Town of Clarkstown for the sum of \$10,200.00 and for a first year continuance service for \$1,020.00, and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby appointed project manager, and be it

FURTHER RESOLVED, that the sum of \$10,200.00 be charged to Account No. A1315-0409.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (574-1980)

INCREASING REVENUE ACCOUNT
NO. 01-00299 and APPROPRIA-
TION ACCOUNT NO. A1315-0409

Co. Longo offered the following resolution:

RESOLVED, that the budget be amended by increasing
Revenue Account No. 01-00299 by \$10,200.00, and be it

FURTHER RESOLVED, that the Appropriation Account No.
A1315-0409 is hereby increased by \$10,200.00.

Seconded by Co. Holbrook

All voted Aye.

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AAE505

RESOLUTION NO. (575-1980)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
THREE (3) FIRE HYDRANTS
(CYR COURT - ROCHELLE
DRIVE, NEW CITY)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendations of the
Director of Environmental Control, the Spring Valley Water Co., is
hereby authorized to install three (3) fire hydrants at the following
locations:

- (1) North side of Cyr Court, approximately 350 feet
north and west from the center line of Rochelle
Drive;
- (2) North side of Rochelle Drive, approximately 325
feet west from the center line of Cyr Court, New
City;
- (3) North side of Rochelle Drive, approximately 285
feet east from the center line of Cyr Court,
New City.

Hydrant Investigations No. 8961.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (576-1980)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC., FOR STREET LIGHTING
(Squadron Blvd.-New City
Library and Tor View, New
City)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendations of the
Director of the Department of Environmental Control, the Town Board
of the Town of Clarkstown hereby accepts proposals from Orange &
Rockland Utilities, Inc. for street lighting at the following locations:

Squadron Blvd. (New City Library)	New City
Tor View	New City

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (577-1980)

ADOPTING AND ACCEPTING
REGULAR TOWN BOARD MINUTES
OF JUNE 24, 1980

Co. Longo offered the following resolution:

RESOLVED, that the minutes of the regular Town Board Meeting held on June 24, 1980, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (578-1980)

CANCELLING TOWN BOARD
MEETING OF JULY 22, 1980

Co. Longo offered the following resolution:

RESOLVED, that the Town Board meeting originally scheduled for July 22, 1980, is hereby cancelled.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (579-1980)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID FOR REPAIR OF FIAT
ALLIS CRAWLER BOTTOM

Co. Longo offered the following resolution:

RESOLVED that the Director of Purchasing is hereby authorized to advertise for bid for: Bid #33-1980 - Repair of Fiat Allis Crawler Bottom, bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, July 18, 1980 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (580-1980)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID FOR SCAVENGER
SERVICE AT SANITARY LANDFILL

Co. Longo offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for: Bid #32-1980 - Scavenger Service at Sanitary Landfill, bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, July 23, 1980, at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (581-1980)

AUTHORIZING PLANNING BOARD
TO APPLY TOWN LAW SECTION
281 (CLOVERDALE SUBDIVISION)

Co. Longo offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, on behalf of the applicant, have made written application for the use of Town Law Section 281 in connection with a subdivision known as Cloverdale, New City, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law Section 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as it would allow for the following:

- (a) more tree cover;
- (b) houses will be located further from Route 304;
- (c) preservation of poorly drained soils;
- (d) space for storm water management on the westerly portion of the subdivision;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision providing the following modifications are added to the map:

1. Elimination of the continuation of East Phillips Hill Road from Route 304 to lands owned by the Town of Clarkstown with a temporary T-turn around to have been provided.
2. Eliminate conservation easement and substitute conservation restrictions on Lots 17, 18, 24, 25, 31 and 32.
3. Lot yield shall be as determined by the application of all pertinent parts of the Zoning Ordinance.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (582-1980)

AUTHORIZING EXPENSE FOR
PARTIAL DEMOLITION OF
BUILDING (VACANT HOUSE)
GREEN ROAD, WEST NYACK

Co. Longo offered the following resolution:

WHEREAS, a condition dangerous to life and health existed at the premises situate at 79 Green Road, West Nyack, New York, and more particularly described on the Clarkstown Tax Map as Map 88, Block B, Lot 1 being a building destroyed by fire, and

WHEREAS, imminent danger to the public health, safety and welfare necessitated the immediate demolition of said building,

AAE505

RESOLUTION NO. (582-1980) Continued

due to collapse of part of the building, extinguishment of the fire was not possible and in conjunction with the Assistant Fire Inspector of the Town of Clarkstown, the Deputy Building Inspector of the Town Of Clarkstown and the Assistant Fire Chief of the West Nyack Fire Department;

NOW, THEREFORE, be it

RESOLVED, that the expense for the demolition of said building be a charge against the land on which it is located and shall be levied and collected in the same manner as provided in Article Fifteen of the Town Law for the levy and collection of a special ad valorem levy.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (583-1980)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT
WITH CONSULTANT FOR
WORKMEN'S COMPENSATION
INSURANCE COVERAGE

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown at its meeting of May 27, 1980, unanimously adopted a resolution signifying its intent to participate in the proposed local law of the County of Rockland entitled, "Rockland County Worker's Compensation Self-Insurance Plan", and

WHEREAS, the Legislature of the County of Rockland has scheduled the public hearing for this proposed local law for September 2, 1980, at 9:15 P.M., and

WHEREAS, the adoption of this local law and approval of this plan will enable the participants to realize estimated savings;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute and administer changes in Workmen's Compensation insurance coverage in order to implement the Rockland County Worker's Compensation Self-insurance Plan when this local law is adopted by the Rockland County Legislature, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the plan's designated consultant for the implementation of Workmen's Compensation insurance coverage, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Clerk of the Rockland County Legislature.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (584-1980)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 AND CONTINGENCY
ACCOUNT NO. A 1990-505

Co. Longo offered the following resolution:

RESOLVED, that the budget be amended by increasing
estimated Revenue Account No. 01-002999 and Contingency Account
No. A 1990-505 in the amount of \$10,000.00.

Seconded by Co. Maloney

All voted Aye.

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At this point Councilman Longo stated that a proposed
proclamation would be forthcoming regarding the children of Northern
Ireland and proclaiming that July should be Project Children Month.

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RESOLUTION NO. (585-1980)

APPOINTING SPECIAL STUDIES
INTERN - COMPTROLLER'S
OFFICE (SHARON D'AMICO)

Co. Longo offered the following resolution:

RESOLVED, that Sharon D'Amico, 65 Havermill Road, New
City, New York 10956, is hereby appointed to serve in a training
program as a Special Studies Intern - Comptroller's Office - without
compensation, effective and retroactive to June 30, 1980.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (586-1980)

ACCEPTING RESIGNATION
OF OFFICE WORKER -
STUDENT - COUNSELING
CENTER (STACEY DRUSS)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Stacey Druss, 12
Eastlyn Drive, Bardonia, New York as Office Worker-Student -
Counseling Center - is hereby accepted, effective and retroactive
to July 1, 1980.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (587-1980)

APPOINTING OFFICE WORKER-
STUDENT - COUNSELING
CENTER (MARIE WHELAN)

Co. Longo offered the following resolution:

RESOLVED, that Marie Whelan, 6 Acorn Terrace, New City,
New York is hereby appointed to the position of Office Worker-Student -
Counseling Center - at the hourly wage of \$3.10, effective July 9, 1980.

Seconded by Co. Maloney

All voted Aye.

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AAE505

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RESOLUTION NO. (588-1980)

APPOINTING LABORER (CETA)
SANITARY LANDFILL (JOHN
WHITFIELD)

Co. Longo offered the following resolution:

RESOLVED, that John Whitfield, 211 Route 59, Nanuet,
New York is hereby appointed to the position of Laborer (CETA) -
Sanitary Landfill - at the hourly wage of \$4.67, effective and retro-
active to June 23, 1980.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (589-1980)

APPOINTING POLICE MATRONS
(PART-TIME) POLICE
DEPARTMENT (BULLERDICK,
KIVLEHAN, TAPP, TERMINELLO)

Co. Longo offered the following resolution:

RESOLVED, that the following are hereby appointed to the
position of Police Matron (part-time) - Police Department - effective
immediately, at the hourly wage of \$4.50:

Carol A. Bullerdick, 3 Liberty Street, Congers, New York
Kathleen M. Kivlehan, 177 Rose Road, West Nyack, New York
Joan M. Tapp, 6 Tor View Avenue, New City, New York
Jean M. Terminello, 19 Park Terrace South, Congers, New York

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (590-1980)

ACCEPTING RESIGNATION OF
COUNSELING AIDE - COUNSELING
CENTER (COSMO R. CAMPODONICO)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Cosmo R. Campodonico,
11 Johnson Lane, Blauvelt, New York as Counseling Aide - Counseling
Center - is hereby accepted, effective July 11, 1980.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (591-1980)

ACCEPTING RESIGNATION OF
MEMBER OF PARKS, BOARD &
RECREATION COMMISSION
(R. CLINTON TAPLIN)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of R. Clinton Taplin,
22 Judith Street, Nanuet, New York - Parks Board and Recreation
Commission - is hereby accepted, effective and retroactive to July 1,
1980.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (592-1980)

APPOINTING GROUNDWORKER
(CETA) - PARKS AND RECREATION
(RICHARD SWIFT)

Co. Longo offered the following resolution:

RESOLVED, that Richard Swift, 132 South Middletown Road, Nanuet, New York is hereby appointed to the position of Groundswoker (CETA) - Parks and Recreation - at the annual salary for 1980 of \$10,729.00, effective July 14, 1980.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (593-1980)

GRANTING A ONE YEAR LEAVE
OF ABSENCE (POLICE
DEPARTMENT) (HARRY COVERT)

Co. Maloney offered the following resolution:

RESOLVED, that Harry Covert, 23 Elmwood Drive, New City, New York be granted a one year leave of absence without pay and benefits, commencing July 14, 1980.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (594-1980)

AMENDING ZONING ORDINANCE
OF THE TOWN OF CLARKSTOWN
(HAY)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of May, 1980, provided for a public hearing on the 24th day of June, 1980, at 8:15 P.M., to consider the application of Michael J. Hay and Kathleen M. Hay to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an L10 district to R-15 district, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an L10 district to R-15 district, the following described property in the Hamlet of Bardonia, New York, in said Town.

(Description of property on file in Town Clerk's Office.)

Seconded by Co. Maloney

All voted Aye.

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Supervisor Dusanenko asked if there was anyone wishing to be heard.

AAE505

APPEARANCE: Mr. John Lodico
2 Birch Lane
New City, New York 10956

Mr. Lodico stated that he was appearing as a Director of the Independent Contractors Association of Rockland County. The Board had directed at the last meeting that we get a letter simplifying our request. In view of the fact that I do not agree with the Town Attorney I will only read a part of the letter:

(Letterhead of Independent Contractors Association)

"This letter is in response to your request for a letter, in short detail, about a uniform rate.

"The ICA is composed of members in the construction, excavation and demolition business. We urge the Town to have one uniform weight fee for the use of the landfill, and recommend all refuse be charged at \$2.50 per ton."

In response to a query Mr. Lodico stated that the Town of Greenburg had nothing to do with a uniform rate. That Town is an exception.

"The prime reasons for this are that the present dual structure of \$5.00 and \$2.50 present several basic issues; to quote a few: ..."

Mr. Lodico stated that he would not quote them now.

"The ICA would appreciate your correcting this unequitable situation for our Clarkstown Contractors, Businessmen and Taxpayers."

Mr. Lodico stated that the ICA had met in full session and endorse this request. We are hopeful of avoiding litigation.

* * * * *

Supervisor Dusanenko asked if there was any further business to come before the meeting or if there was anyone else wishing to be heard.

There being no one wishing to be heard and no further business to come before the meeting, the Town Board Meeting was adjourned, time: 11:15 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/8/80

8:39 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDING THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN

Supervisor Dusanenko declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Mr. Johns stated that in lieu of reading the recommendations of the Planners at this time he would call upon Mr. Robert Bowman, Building Inspector of the Town of Clarkstown to explain in layman's language these amendments.

Mr. Bowman gave a detailed explanation of the proposed amendments.

Mr. Johns noted that he had a letter from the County of Rockland Planning Board stating that they approve all of the proposed amendments except those relating to signs with the comment "Sign areas may continue to increase in all zones and create a proliferation of signs in the Town."

Mr. Johns noted that the Town Planning Board has asked this Board to extend the time to give them an opportunity to properly evaluate the proposals. Since we have not received a direct comment on them this Board can reserve decision until the Planning Board recommendations come in.

Mr. Johns stated that there was a report from the Planning Consultant which is nine pages in length. He read the following:

"1. Amendments related to two family units in R-10, RG-1 and RG-2.

These changes raise several issues:

-allowing two family homes on local streets in the R-10 district.

-allowing construction of new two family homes in the R-10, RG-1 and RG-2 districts, as well as conversion.

-allowing two-family homes, as conversion or new construction, by right rather than by special permit of the Town Board.

Over the past couple of years the Planning Board and the Housing Task Force have devoted considerable attention to the subject of two family homes. Among their concerns were conversions for family members, a consideration of limiting conversion to owner occupied buildings, and location criteria. We recommend that these proposed amendments be referred to the Housing Task Force. We assume that all proposed amendments will be referred to the Planning Board.

2. Amendments relating to Definitions:

-Area, Building - We concur

- Floor Area, Building - the definition as proposed uses the term "habitable," which applies to residential space in another

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proposed amendment to the Ordinance. Rather than provide an additional definition applying to non residential space we suggest alternate language. In addition, we would exclude accessory off-street parking spaces from the calculation. A proposed revised definition is as follows:

"The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building, but including the area of roofed porches and roofed terraces. Floor area shall not include accessory off-street parking spaces. All dimensions shall be measured between exterior faces of walls."

-Floor Area, Habitable - the definition as proposed does not indicate how habitable floor area is to be measured; and does not appear to be completely clear with respect to second floor space. We recommend the following definition:

"All spaces within the exterior walls of a dwelling unit not including attached or built-in garages, or unheated open porches, terraces, breezeways, cellars, heater rooms, or basements having a window area of less than twenty (20) percent of the square foot area of the room. Usable floor area shall be deemed to include all spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit. On the first floor it shall be construed to mean all finished floor area having a clear headroom of seven and one-half (7-1/2) feet, or over, including stairwells; in the upper floors or attic all finished or unfinished floor area having a clear headroom of seven and one-half (7-1/2) feet or over from finished floor level to ceiling level over fifty (50) percent of the area, with sidewalls not less than five and one-half (5-1/2) feet from finished floor level to ceiling. Spaces below grade shall also meet the requirements of the Building Code for habitable space."

Note: The above definition uses the term "cellar", for which a definition is proposed below:

"Cellar - a portion of a building that is partly or entirely below grade, which has more than one-half (1/2) its interior height measured from floor to finished ceiling, below the average finished grade of the ground adjoining the building".

-Lot - The proposed definition does not appear to significantly improve upon the present definition.

-Individual and Separate Ownership - This proposed amendment is closely related to the proposed amendment of Section 106.20, which is referred to later. In our opinion this definition is not desirable. Any definition of this term should reflect Town Board policy with respect to undersized lots.

3. Amendment of Section 106-19A concerning front yards. This change will make the zoning ordinance consistent with state law concerning streets shown on the Town and County Official Map. We concur.

4. Amendment of Section 106-19E concerning distance between buildings on the same lot. This extends the definition from residential buildings to all principal buildings. We concur.

5. Amendment of Section 106-20 concerning exceptions. In 1967 a comprehensive amendment to the Zoning Ordinance was approved by the Town Board. One of the purposes of that amendment was to limit development on small lots, a problem particularly pronounced in Congers, but evident in other areas as well. This purpose was to be achieved in two ways: by increasing the minimum lot size in the areas of concern, and by encouraging the joining of abutting parcels in the same ownership in those instances in which the individual lots did not conform to the minimum lot size of the Zoning Ordinance as amended. This was an attempt to upgrade the level of development in these areas of the Town, and to reduce the number of exceptionally small lots which could be built upon. A subsequent amendment was made in 1978 in an attempt to clarify the intent of the 1967 amendment.

After passage of the 1967 amendment numerous homes were built in the affected areas, many on larger lots than would have been the case had the amendments not been made. Purchasers of these homes relied on the zoning of the area as being indicative of the upgrading intended by the legislative adoption by the Town of the zoning changes.

The effect of the amendment now proposed will be to substantially change the legislative intent of the Town Board in 1967 when it attempted to provide for more contemporary lot sizes. The proposed amendment to Section 106-20.A., and the closely related proposed definition of Individual and Separate Ownership will be to allow construction on a great many currently undersized lots. The effect in Congers, in particular, is likely to be the construction of single family detached homes on very small lots. The amendment is contrary to the intent of the Town Board in 1967, and destructive to the expectations of many families that have moved into these areas since 1967.

We recommend against the adoption of this proposed amendment in its present form since we believe it to be contrary to the best interests of the Town as a whole. We suggest that the Town Board consider the effect of such a change by examining the geographic area in which it could occur. There have been indications that the use of the present section 106-20.A is sometimes difficult. An effort should be made to correct any difficulties in enforcement without destroying the intent of this section of the Zoning Ordinance.

6. Amendment of Section 106-20.B(6) concerning accessory buildings in required side or rear yards. The present language includes a limitation on height, while the proposed amendment does not. If the height is controlled elsewhere in the ordinance, we suggest that reference be made to it in this section. We would also suggest the continuation of a requirement that links distance from property line to building height; and a limitation on the total percentage of floor area of all buildings on the lot that may be in accessory buildings. In our opinion the kinds of restrictions presently found in 106-20.B(6) are desirable and should be retained.

7. Amendment of Section 106-20E concerning small lots in non-residential districts. The addition of the words "lots in" after the words "E. small lots other than" would add clarity to the sentence. For the reasons stated above concerning 106.20, we do not favor dropping the reference to the 1967 amendment, since it is likely to reduce the beneficial intent of that amendment. We also do not favor the elimination of the sliding scale for lot width, since, for example, a lot may be undersize in a district with a minimum lot size of 100,000 square feet by only a small amount, and could, under the proposed amendment, have a side yard reduced from 60 feet to 15 feet, or the total of two

side yards reduced from 150 feet to 30 feet. Such loosening of requirements in non-residential districts will not encourage desirable commercial or industrial development. It is much more likely to encourage more marginal development. In our opinion the reduction of the front yard depth would be likely to have a similar effect. We therefore recommend against the adoption of this proposed amendment in its present form.

8. Amendment of Section 106-29C concerning existing permits. Apart from several minor changes in language, the purpose of this proposed amendment appears to be to empower the Building Inspector to extend special permits or variances issued by the Town Board or the Board of Appeals, subject to certain limitations. At present, the ordinance empowers the board that issues the permit to extend the permit. In our opinion, good administrative practices call for the extension of a special approval only by the board or agency which is empowered to initially approve the permit, and we therefore recommend against adoption of this proposed amendment."

Mr. Johns noted that the language in this previous paragraph was slightly different from that as submitted in another version of this Ordinance.

"Although not referred to in the Building Inspectors memorandum of 4/11/80, we note another section of the Zoning Ordinance which we believe should be reviewed." (Here were listed other recommendations.

Mr. Johns stated that these were proposals which he did not consider relative to this hearing.

Mr. Johns read the following letter from Henry Horowitz, dated June 24, 1980:

"Supervisor Theodore Dusanenko
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Dear Supervisor Dusanenko:

I wish to go on record as wholeheartedly supporting the Proposed Amendments to the Zoning Ordinance of the Town of Clarkstown, which will be the subject of a Public Hearing on July 8th, 1980.

Of particular interest is the amendment to Section 106-20E relating to small lots in other than residential districts. The Proposed amendment will save some six months in processing time, substantially reduce applicant's costs, result in ratables appearing sooner on the tax rolls, all with no lessening of Town protection since site plan approval must still be obtained from the Planning Board.

Finally, if adopted, the proposal will markedly reduce the number of matters before an already overburdened Board of Appeals, which could expeditiously concentrate on those items for which the Board was established."

Mr. Johns stated that he no further correspondence to read.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of the proposed amendments.

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IN FAVOR:

APPEARANCE: Mr. James Farkas
183 North Little Tor Road
New City, New York 10956

Mr. Farkas stated he was in favor because he himself was a victim of the law and he has brought suit against the Building Inspector. He has a parcel of land on which he cannot build nor can he sell it. However, he is still required to pay taxes. He felt that all those who own pre-existing single family lots (prior to 1962) should be permitted to divest themselves of this type of property.

APPEARANCE: Mr. Robert Castignoli

Mr. Castignoli stated that he was here representing his mother-in-law and father-in-law who brought property in 1954 and cannot sell or build on it. When the law was adopted it did not take into consideration people owning these small lots.

Councilman Longo said that approval could be gotten from the Zoning Board of Appeals with no problem if you had the property before 1967. Here tonight we want approval for a 4,000 square foot lot.

Councilman Holbrook said nothing unusual took place in 1978. All you need to get approval is proof of date of ownership.

Mr. Farkas stated that he has owned a piece of property since 1963 and cannot get approval to sell or build.

Councilman Longo stated that he felt if we adopt any part of this tonight we will be opening a Pandora's box and he would like to make a motion to close the Public Hearing and deny the amendments. Councilman Longo then made that resolution and Councilman Holbrook seconded it.

Councilman Holbrook then said that after seconding that resolution he thought we ought to allow the people to speak since they came for a Public Hearing.

Supervisor Dusanenko said that Councilman Holbrook seconds a resolution to close the Public Hearing and deny the application and then wants to allow the people to speak. There is a motion on the floor.

Councilman Holbrook withdrew his second.

Supervisor Dusanenko then asked if there was anyone wishing to be heard in opposition.

IN OPPOSITION

APPEARANCE: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York 10956

Mr. Bernstein said he was against this hearing and the amendments because the Planning Board was working for a revision of the Zoning Ordinance and we should accept the recommendations of the Building Inspector, the Planning Director, etc., and turn them over to the Planning Board for study.

CONTINUED ON NEXT PAGE

APPEARANCE: Mr. Martus Granirer
100 South Mountain Road
New City, New York 10956

Mr. Granirer said that the Town needs a comprehensive Zoning Plan. The Planning Board should propose one and the Town Board should adopt a Master Plan. He said that the Planning Board has been very slo in working on a proposed plan and maybe this hearing tonight will goose them into action.

APPEARANCE: Mr. Paul
48 Sedge Road
Valley Cottage, New York 10989

Spoke in opposition to the amendments.

APPEARANCE: Mr. Walter Plotnik
Kings Highway
Valley Cottage, New York 10989

Mr. Plotnik appeared in opposition and he said that he has been appearing for twenty years and things are still the same. He felt that the Town Board should close the Public Hearing early and hopefully the Town Board will protect the most of us against the least of us.

APPEARANCE: Mrs. Marjorie Russo
April Lane
Nanuet, New York 10954

Mrs. Russo stated that nine pages was very difficult to understand in such a short period of time. She needed more time to study the proposals.

APPEARANCE: Mrs. Penny Leonard
7 North Conger Avenue
Congers, New York 10920

She appeared in opposition to the proposed amendments.

APPEARANCE: Mr. Richard Cohen
12 Raleigh Drive
New City, New York 10956

Mr. Cohen appeared in opposition to the proposed amendments.

APPEARANCE: Mr. John Mangan
25 North Conger Avenue
Congers, New York 10920

He read from the Anderson's New York Zoning Law and Practice, Second Edition. He read from that report with regard to exceptions.

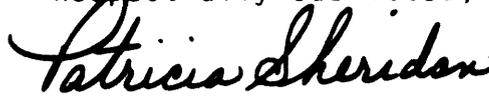
Supervisor Dusanenko said that he had a letter from the Planning Board asking for a postponement of this Public Hearing. Instead he replied to the Planning Board and suggested that we have a Public Hearing as scheduled and allow the public to have input which is what is happening here tonight. He wanted to know where were the people when the Planning Board was conducting the Hamlet Hearings. No one came out. He wanted the people to address their comments to the Building Inspector, the Planning Board, the Zoning Board and all other agencies. It was originally hoped that this Public Hearing would take place so that we could have as much information available to us to enable us to make our decision.

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Mr. Robert Bowman stated that he was pleased that so many people turned out for this Public Hearing. He said he agreed with Mr. Bernstein that the Planning Board should be reviewing these proposals. He asked that the Town Board consider a resolution to reserve decision so as to receive the Planning Board report. He felt that consideration should be given to what is good and discard the bad.

There being no one further wishing to be heard, on motion of Councilman Longo, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was closed, DENIED, time: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/8/80

10:10 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDING LOCAL LAW AND REPLACING IT WITH A NEW CHAPTER 75 ENTITLED
"A LOCAL LAW REGULATING THE ACTIVITY OF PEDDLING AND HAWKING IN
THE TOWN OF CLARKSTOWN"

Supervisor Dusanenko declared the Public Hearing open;
Town Clerk read notice calling Public Hearing and testified as to
proper posting and publication.

Mr. Johns stated that he had no correspondence but that
this local law has been enacted as a result of various problems which
the Town had encountered during the earlier part of this year wherein
solicitors came into the Town and created some problems for our loca-
citizens. Our present ordinance was found to be lacking in enforcing
as promptly as we had wished. It did not detail, as this one does,
as to requirements in order for anyone to obtain a license from the
Town Clerk. It provides for bonding, it also charges a fee whereas
the existing ordinance did not charge a fee for such a license. It
also provides that persons soliciting from door to door must wear a
badge identifying themselves to be exhibited at all times. There are
numerous other requirements before someone can enter the Town for purposes
of hawking and peddling. This ordinance has been approved and recommended
by the Association of Towns of the State of New York. It has been approved
by General Code Publishers. This would replace the existing ordinance now
in effect. Mr. Johns called on the Town Clerk for comment.

Mrs. Sheridan stated that this law was desperately needed
in the Town because as of right now there is virtually no protection for
our residents. We have had no control because our ordinance was not
strong enough. We have had numerous complaints of harassment by our
residents. Mr. Farkas, of Consumer Protection, has also worked towards
this ordinance. I feel that the residents of our Town have the right
to know that if someone comes to their door that they have been checked
out and that there is some sort of validity behind them and that they
cannot just intimidate you into buying their merchandise because you
are afraid to turn them away. That has been the situation in this Town
up to this point.

Supervisor Dusanenko asked if there was anyone wishing to
be heard in favor of or in opposition to this proposed Local Law.

IN FAVOR

Appearance: No one appeared.

IN OPPOSITION

Appearance: No one appeared.

Supervisor Dusanenko stated that he had a question
regarding Section 75-4 as to additional authorization being required
in certain areas under private ownership. He had hoped that that could
be further clarified without changing the intent of the law to say
condominium associations or malls. Is it possible to spell it out or
are we limited to this wording?

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Mr. Johns replied that he thought it was best not to enumerate for the fear of excluding some and have a general, overall wording.

There being no one further wishing to be heard, on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, ADOPTED, time: 10:19 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/8/80

10:20 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT NO. 1 TO INCLUDE NEWPORT ESTATES

Supervisor Dusanenko declared the Public Hearing open;
Town Clerk read notice calling Public Hearing and testified as to
proper posting and publication.

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Patricia Sheridan presented a signed affidavit of Mr.
Leslie F. Bollman, Director of Environmental Control, stating that
the proposed extension meets the requirements of all regulations of
the Town.

Supervisor Dusanenko asked if there was anyone wishing
to be heard in favor of or in opposition to the proposed extension.

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard and on motion of
Councilman Longo, seconded by Councilman Maloney and unanimously adopted,
the Public Hearing was declared closed, time: 10:23 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk