

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/23/80

8:25 P.M.

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

Supervisor Dusanenko declared Town Board Meeting open; assemblage saluted the Flag.

Supervisor Dusanenko requested a moment of silence in memory of Mark Gardner, who was killed in a tragic automobile accident. Mark Gardner was the son of Clarkstown Bingo Inspector Richard Gardner. The Supervisor extended his sympathy and the sympathy of the Town to the Gardner family who would certainly be experiencing a mournful holiday season.

RESOLUTION NO. (1063-1980) AUTHORIZING ISSUANCE
OF \$1,265,000 TAX
ANTICIPATION NOTE

Co. Longo offered the following resolution:

RESOLVED, by the Town Board of the Town of Clarkstown as follows:

Tax Anticipation Notes of the Town of Clarkstown, County of Rockland, New York, in the principal amount of \$1,265,000.00 and any notes in renewal thereof, are hereby authorized to be issued pursuant to the provisions of Sections 24.00 and 39.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as per attached Extract of Minutes.

(Extract of Minutes on file in Town Clerk's Office.)

Seconded by Co. Lettre

On roll call the vote was as follows:

Supervisor Dusanenko.....Yes
Councilman Holbrook.....No
Councilman Lettre.....Yes
Councilman Longo.....Yes
Councilman Maloney.....No

Councilman Holbrook asked if the reason for this was the fact that the tax bills could not be gotten out on time. Supervisor Dusanenko stated that was partially the reason and also that the cash flow was needed to meet payroll plus we are threatened by CSEA with a grievance.

Councilman Holbrook was overruled in his attempt to make a motion at this time.

Former Supervisor George S. Gerber asked to be recognized and was reminded by Supervisor Dusanenko that all appearances of those wishing to speak were limited to the end of the Town Board Meeting.

Supervisor Dusanenko asked Town Attorney Everett Johns if the 3 to 2 vote was adequate to carry this resolution and Mr. Johns replied that he had not heard to the contrary from bonding counsel and therefore this vote was adequate.

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AAJ375

RESOLUTION NO. (1064-1980)

TOWN CLERK TO MAINTAIN
TAPES OF PUBLIC HEARINGS
FOR PERIOD OF ONE YEAR
FROM DATE OF PUBLIC HEARING

Co. Longo offered the following resolution:

WHEREAS, the Town Clerk of the Town of Clarkstown is responsible for the maintenance and custody of the recording tapes used at Town Board meetings, and

WHEREAS, the Town Attorney has requested the Town Clerk to retain in her custody the tapes of those public hearings held during the public meetings of the Town Board of the Town of Clarkstown, and

WHEREAS, the Town Board may require the Town Clerk to maintain the tapes containing verbatim transcripts of the public hearings;

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk of the Town of Clarkstown be and she hereby is directed to maintain those portions of the tapes that contain the public hearings held by the Town Board for those public hearings designated by the Supervisor or the Town Attorney, and be it

FURTHER RESOLVED, that the Town Clerk maintain in her custody in the Town Clerk's Office the tapes for a period of one year from the public hearing.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1065-1980)

AUTHORIZING REMOVAL OF
HAZARD AND UNSAFE
STRUCTURE FROM PRIVATE
PROPERTY (WILLIAM MULDERIG)

Co. Maloney offered the following resolution:

WHEREAS, Section 31-12 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Building Inspector of the Town of Clarkstown to immediately demolish an unsafe building if it reasonably appears that there is a present and a clear imminent danger to life, safety or health, and

WHEREAS, WILLIAM MULDERIG was duly notified that certain violations consisting of a collapsed garage which was causing fire and health hazards existed on his property more particularly designated on the Clarkstown Tax Map as Map 58, Block G, Lot 31, and

WHEREAS, said owner has failed to comply with the Violation Notice No. 8-92 and has failed to remove such hazard, to wit, a collapsed garage which is a clear and imminent danger to life, safety or health of persons and property;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 31-12 of the Code of the Town of Clarkstown the Building Inspector of the Town of Clarkstown, or private contractors when necessary are hereby authorized to immediately remove the hazard and unsafe structure consisting of a collapsed garage from the aforesaid premises, and be it

RESOLUTION NO. (1065-1980) Continued

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1066-1980) AUTHORIZING TOWN ATTORNEY TO DEFEND A PROCEEDING

Co. Longo offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of

FRANK DEVITO and MARIA DEVITO,

Petitioners,

FOR A JUDGMENT PURSUANT TO ARTICLE 78 OF THE CIVIL PRACTICE LAW AND RULES

-against-

ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (1067-1980) AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH NANUET LITTLE LEAGUE AND WEST NYACK LITTLE LEAGUE FOR USE OF GERMONDS PARK (SENIOR LITTLE LEAGUE BALL FIELD)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Nanuet Little League and the West Nyack Little League for use of a portion of Germonds Park as a senior little league ball field.

Seconded by Co. Lettre All voted Aye.

Councilmen Maloney and Holbrook also wished it noted that they seconded this resolution also.)

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AAJ375

RESOLUTION NO. (1068-1980)

REFERRING PETITION FOR
CHANGE OF ZONE TO PLANNING
BOARDS (WARREN LEWIN)

Co. Longo offered the following resolution:

RESOLVED, that the application of Warren Lewin for a change of zoning from PO District to RG-2 District, on property located in the southwesterly portion of the Town of Clarkstown, generally bounded on the north and west by the N.Y.S. Thruway, on the south by Old Nyack Turnpike and on the east by the Spring Valley Indoor Tennis Club, designated on the Tax Map of the Town of Clarkstown as Map 163, Block D, Lots 38 and 38.01 be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1069-1980)

ADJOURNING REGULAR TOWN
BOARD MEETING TO HOLD
SCHEDULED PUBLIC HEARING
(SIEMENS CONSTRUCTION CORP.)

Co. Longo offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold scheduled Public Hearing re: Siemens Construction Corp., zone change, time: 8:31 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1070-1980)

CLOSING PUBLIC HEARING
RE: (SIEMENS CONSTRUCTION
CORP.)

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Siemens Construction Corp., zone change be closed, DECISION RESERVED, time: 10:15 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1071-1980)

OPENING PUBLIC HEARING
RE: EXTENSION OF
CLARKSTOWN CONSOLIDATED
WATER SUPPLY DISTRICT
NO. 1 (DELLWOOD PARK
WEST)

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 re: Dellwood Park West be opened, time: 10:35 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1072-1980)

CLOSING PUBLIC HEARING RE:
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 (DELLWOOD
PARK WEST)

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Extension of Clarkstown
Consolidated Water Supply District No. 1 re: Dellwood Park West
be closed, ORDER SIGNED, time: 10:37 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1073-1980)

OPENING PUBLIC HEARING
RE: PROPOSED LOCAL LAW
REGULATING LANDFILLS IN
THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Proposed Local Law re:
Regulating Landfills in the Town of Clarkstown be opened, time:
10:37 P.M.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1074-1980)

CLOSING PUBLIC HEARING
RE: LOCAL LAW REGULATING
LANDFILLS (ADOPTED) AND
RETURNING TO REGULAR
TOWN BOARD MEETING

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Proposed Local Law re:
Regulating Landfills in the Town of Clarkstown be closed, ADOPTED,
time: 10:38 P.M., and return to regular Town Board meeting.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1075-1980)

ADOPTING LOCAL LAW NO.
10-1980 (REGULATING
LANDFILLS)

Co. Longo offered the following resolution:

WHEREAS, a proposed local law entitled, "AMENDMENT TO
LOCAL LAW NO. 7-1980, AS AMENDED, ENTITLED, 'A LOCAL LAW REGULATING
LANDFILLS IN THE TOWN OF CLARKSTOWN'" was introduced by Councilman
Longo, at a Town Board meeting held on December 9, 1980, and

WHEREAS, the Town Board of the Town of Clarkstown by resolu-
tion adopted on the 9th day of December, 1980, directed that a public
hearing be held on the 23rd day of December, 1980 at 8:40 P.M., and

WHEREAS, a notice of said hearing was duly prepared and
published in the Journal News on December 13, 1980, and

AAJ375

RESOLUTION NO. (1075-1980) Continued

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on December 5, 1980, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 23, 1980;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 10-1980, entitled, "AMENDMENT TO LOCAL LAW NO. 7-1980, AS AMENDED, ENTITLED, 'A LOCAL LAW REGULATING LANDFILLS IN 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 Nicholas A. Longo.....Yes
- Councilman Edward Lettre.....Yes
- Councilman John R. Maloney.....Yes
- Councilman Charles E. Holbrook.....Yes

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1076-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (CHAPTER 83 OF CODE OF TOWN OF CLARKSTOWN "SEWER DISTRICT REGULATIONS")

Co. Longo offered the following resolution:

RESOLVED, that regular Town Board Meeting be closed, in order to hold scheduled Public Hearing re: Amendment to Chapter 83 of the Code of the Town of Clarkstown entitled "Sewer District Regulations", time: 10:40 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1077-1980)

CLOSING PUBLIC HEARING RE: CHAPTER 83 OF CODE "SEWER DISTRICT REGULATIONS" AND RETURN TO REGULAR MEETING

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Amendment to Chapter 83 of the Code of the Town of Clarkstown entitled "Sewer District Regulations", be closed, ADOPTED, time: 10:45 P.M. and return to regular meeting.

Seconded by Co. Maloney

All voted Aye.

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TBM - 12/23/80
Page 7

RESOLUTION NO. (1078-1980)

AMENDING CHAPTER 83 OF
CODE OF TOWN OF CLARKSTOWN
(SEWER DISTRICT REGULATIONS)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 9th day of December, 1980, provided for a public hearing on the 23rd day of December, 1980, at 8:45 P.M., to consider amendments to Chapter 83 of the Code of the Town of Clarkstown, entitled, "SEWER DISTRICT REGULATIONS", and

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

NOW, THEREFORE, be it

RESOLVED, that Chapter 83 of the Code of the Town of Clarkstown is hereby amended to read as follows:

Amend Sec. 83-63. Permit required for replacement work to read as follows:

One (1) permit shall be issued to cover the excavation and construction of the house sewer and/or to disconnect the existing house drain or sewer pipe from the cesspool or septic tank and then to connect it to the newly laid house sewer discharging into the street sewer, the fee for which shall be twenty-five dollars (\$25.00) per sewer unit. If no permit is issued within thirty (30) days, the fee shall be returned to the applicant, together with one (1) copy of the filed application with the reasons for rejection noted thereon and signed by the Superintendent.

Amend Sec. 83-64. Owner's responsibilities, Paragraph A. to read as follows:

A. All house sewer construction, including that portion between the main and the curb and/or street line (which shall be of five-inch pipe unless the Superintendent shall direct that a larger size shall be used), shall be done by the owner at his own cost and expense. The district shall charge a fee of twenty-five dollars (\$25.00) for making the physical connection between the house sewer and the main whenever no Y-branch is available. The owner shall furnish all materials required for this connection.

Amend Sec. 83-65, Paragraph B to read as follows:

B. The applicant shall furnish certificate of liability insurance with a combined single limit of \$500,000 for bodily injury and property damage with coverage for collapse, explosion and underground property damage, which shall be for the benefit of any aggrieved party including the town, and indemnify and save harmless the district and town, its officers, agents and employees from all suits and actions for the recovery of damages, money or otherwise, for and on account of any injury or damages resulting in death or otherwise, received or sustained by any person, persons or property as a direct or indirect result of any work, labor or materials used by the applicant and/or as a result of any act of omission or commission of said applicant. Said applicant shall have workmen's compensation insurance as required by law, and the applications shall be accompanied by certificates thereof or by

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AAJ375

RESOLUTION NO. (1078-1980) Continued

satisfactory proof of the exemption. All of said policies of insurance shall bear an endorsement in favor of the Town of Clarkstown.

Amend Sec. 83-92. Penalties for offenses, Paragraph B, to read as follows:

B. In addition thereto, an action or proceeding may also be maintained in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any such provision, notwithstanding that the provision may provide a penalty or punishment for such violation. All moneys recovered hereunder by the town shall be credited to the operation and maintenance fund of the district. The Board may at any time in its discretion stop and prevent the discharge into the system of any substance deemed by it liable to injure the system or any pertinent part thereof or to interfere with the normal operation of the system or any pertinent part thereof, and said Board may at any time without notice and without liability, obligation or recourse, sever the house sewer connection or drain from the system through which said detrimental substances are discharged. Upon proof of the abatement of the detrimental discharge or correction of the cause of such discharge, the Board may cause the disconnected house sewer or drain to be reconnected to the system upon receipt of a fee of twenty-five dollars (\$25.00) for such reconnection.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1079-1980)

REFERRING PETITION FOR CHANGE OF ZONE (4M CHEVRON STATION, INC.)

Co. Longo offered the following resolution:

RESOLVED, that the application of 4M Chevron Station, Inc., for a change of zoning from LS and R-15 District to RS District, on property located at 9 North Middletown Road, New City, New York, be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1080-1980)

SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW (DELEGATING POWERS TO REQUEST OR GRANT POLICE ASSISTANCE TO THE POLICE CHIEF)

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW DELEGATING TO THE CHIEF OF POLICE OF THE TOWN OF CLARKSTOWN POLICE DEPARTMENT THE POWERS GRANTED TO THE SUPERVISOR OF THE TOWN OF CLARKSTOWN BY SECTION 209-M OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK TO REQUEST OR TO GRANT POLICE ASSISTANCE".

RESOLUTION NO. (1080-1980) Continued

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1981, at 8:45 P.M., relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1081-1980)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
(LOT AND PROPERTY
MAINTENANCE)

Co. Longo offered the following resolution:

WHEREAS, Councilman Longo, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 1-1969, AS AMENDED, ENTITLED, 'LOCAL LAW RELATING TO LOT AND PROPERTY MAINTENANCE'"

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1981, at 9:00 P.M., relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

Seconded by Co. Lettre

All voted Aye.

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AAJ375

RESOLUTION NO. (1082-1980)

FEDERAL REVENUE SHARING
AUDIT (JANUARY 1, 1977
THROUGH DECEMBER 31, 1979)

Co. Longo offered the following resolution:

WHEREAS, the Office of the State Comptroller of the State of New York has furnished an audit of the Town of Clarkstown from January 1, 1977 through December 31, 1979 of Federal Revenue Sharing;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown does hereby accept and file the audit report from the State Comptroller which report shall be filed in the Office of the Town Clerk of the Town of Clarkstown and the Office of the Town Comptroller of the Town of Clarkstown and will be available for inspection by all interested persons during the Town's business hours; and be it

FURTHER RESOLVED, that the Town Clerk be and the same hereby is authorized to publish the following notice:

NOTICE IS HEREBY GIVEN THAT THE STATE COMPTROLLER HAS CAUSED AN EXAMINATION TO BE MADE OF THE ACCOUNTS AND FISCAL AFFAIRS OF FEDERAL REVENUE SHARING - TOWN OF CLARKSTOWN - ROCKLAND COUNTY FOR THE PERIOD BEGINNING ON JANUARY 1, 1977 AND ENDING ON DECEMBER 31, 1979. THE REPORT OF SUCH EXAMINATION HAS BEEN FILED IN MY OFFICE WHERE IT IS A PUBLIC RECORD, AVAILABLE FOR INSPECTION BY ALL INTERESTED PERSONS.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1083-1980)

AUTHORIZING RECEIVER OF
TAXES TO DEPOSIT MONIES
COLLECTED FOR WARRANTS
IN INTEREST BEARING ACCOUNT
(APPROVED BY TOWN COMPTROLLER)

Co. Longo offered the following resolution:

WHEREAS, the Receiver of Taxes of the Town of Clarkstown collectes various tax sums on behalf of the Town of Clarkstown, and

WHEREAS, the Comptroller of the State of New York has recently rendered an opinion that the Receiver of Taxes may be authorized by resolution of the Town Board to temporarily invest town tax monies while in his custody and interest earned on such investment would be credited to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Receiver of Taxes of the Town of Clarkstown is hereby ordered and directed to deposit monies collected by the Receiver of Taxes for the warrants issued for the collection of the 1981 State, County and Town Taxes, in an interest bearing checking account in a lending institution designated and approved by the Town Comptroller of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1084-1980)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO UNIFORMLY
MARK ROAD FOR LOCATION OF
FIRE HYDRANTS

Co. Longo offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby
authorized to uniformly mark roads as to location of fire hydrants.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1085-1980)

AUTHORIZING INSTALLATION
OF HANDICAPPED PARKING
SPACES (RED LOBSTER INN,
NANUET, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, the Building Inspector of the Town of Clarkstown
recommends implementing certain provisions of Local Law No. 9-1971,
as amended by Local Law #4, 1978, known as the Vehicle and Traffic
Local Law, more particularly designated as Chapter 102-12D of the Code
of the Town of Clarkstown, at Route 59 and Hutton Avenue, Nanuet,
New York (163-A-12.01) by the installation of handicapped parking
spaces, and

WHEREAS, John David Romanick, the owner and/or person in
general charge of the operation and control of the parking area located
in the Town of Clarkstown, has authorized that the Town of Clarkstown
install said handicapped parking spaces;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as
amended by Local Law #4, 1978, the Town Board hereby directs that
the aforementioned recommendations of the Building Inspector with
regard to the installation of certain handicapped parking spaces
shall be installed by the Superintendent of Highways upon the review
and approval of the Traffic and Traffic Fire Safety Advisory Board of
the Town of Clarkstown.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1086-1980)

AUTHORIZING INSTALLATION
OF FIRE LANE DESIGNATIONS
(RED LOBSTER INN, NANUET,
NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of
the Town of Clarkstown recommend implementing certain provisions of
Local Law No. 9-1971, as amended, known as the Vehicle and Traffic
Local Law, more particularly designated as Chapter 102, Sec. 14, of
the Code of the Town of Clarkstown, at Route 59 and Hutton Avenue,
Nanuet, New York (163-A-12.01) by the installation of fire lane
designations, and

WHEREAS, John David Romanick, the owner and/or person in
general charge of the operation and control of the parking area
located in the Town of Clarkstown, has authorized that the Town of
Clarkstown install said fire lane designations;

AAJ375

RESOLUTION NO. (1086-1980) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1087-1980)

REFERRING PETITION FOR
CHANGE OF ZONE R-15 TO
RG-2 (APFELBAUM)

Co. Maloney offered the following resolution:

RESOLVED, that the application of Manny Apfelbaum, Alan Apfelbaum, Lawrence Apfelbaum and Elaine Apfelbaum for a change of zoning from R-15 District to RG-2 District, on property located on North Main Street, New City, New York, be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Longo

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Councilman Holbrook.....	No
Councilman Lettre.....	Yes
Councilman Longo.....	Yes
Councilman Maloney.....	Yes

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RESOLUTION NO. (1088-1980)

ADVANCING FUNDS FOR
SENIOR NUTRITION PROGRAM
(FURTHER SOLICITED FUNDS
TO BE DEPOSITED TO
CLARKSTOWN RECREATION
DEPARTMENT-ECONOMIC ASSIST-
ANCE)

Co. Lettre offered the following resolution:

RESOLVED, that \$800.00 be advanced to the Senior Nutrition Program, and be it

FURTHER RESOLVED, that all further funds that are solicited for this program will be turned over to the Town of Clarkstown Recreation Department - Economic Assistance.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1089-1980)

AUTHORIZING AGREEMENT
FOR ROAD EASEMENT IN
WEST NYACK, NEW YORK
(ST. REGIS PAPER COMPANY)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with St. Regis Paper Company for a road easement in West Nyack, New York.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1090-1980)

AUTHORIZING AGREEMENT
FOR ROAD EASEMENT WITH
PALISADES INTERSTATE
PARK COMMISSION (ST.
REGIS PAPER COMPANY)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the Palisades Interstate Park Commission for a road easement in West Nyack, New York.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1091-1980)

AUTHORIZING DIRECTOR OF
PURCHASING TO CONTRACT
WITH MOVING COMPANIES

Co. Longo offered the following resolution:

RESOLVED, that the Director of Purchasing is authorized to contract with moving companies in anticipation of future purchasing or acquiring of equipment needed by the Town.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1092-1980)

AWARDING BID FOR PURCHASE
OF SIX (6) DUMP TRUCKS
(UNIVERSAL FORD, INC.)
REJECTING BID FOR EIGHT
(8) SURPLUS DUMP TRUCKS
AND READVERTISING FOR
BID FOR FOUR (4) SURPLUS
DUMP TRUCKS

Co. Longo offerered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that the bid to purchase six (6) - four cubic yard dump trucks for the Clarkstown Highway Department is hereby awarded to:

Universal Ford, Inc.
40-40 Northern Blvd.
Long Island City, New York 11101

as per the lowest bid proposal meeting specifications of \$30,248.00 each, and be it

AAJ375

RESOLUTION NO. (1092-1980) Continued

RESOLVED, that funds for same be charged to the Capital Account, and be it

RESOLVED, that all proposals received for the eight (8) surplus dump trucks offered for sale/trade are hereby rejected, and be it

RESOLVED, that the Director of Purchasing is hereby authorized to re-advertise for bids for,

Bid #5 - 1981

Sale of Four (4) Surplus 4 cubic yard Dump Trucks

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 Tuesday, January 20, 1981 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.

* * * * *

RESOLUTION NO. (1093-1980)

AWARDING BID FOR FOUR (4) FIVE (5) CUBIC YARD BODY-TYPE SAND, SALT AND STONE SPREADERS TO TRIUS, INC. - CHARGE TO CAPITAL 2 ACCOUNT

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Highways that the bid to purchase four (4) new five (5) cubic yard body-type sand, salt and stone spreaders is hereby awarded to

Trius, Inc.
369 Duffy Avenue
Hicksville, New York 11802

at the lowest bid meeting specifications of \$6,233 each, and be it

FURTHER RESOLVED, that funds for same to be charged to Capital 2 Account.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1094-1980)

SETTING PUBLIC HEARING TO CONSIDER DESIGNATION OF HISTORICAL SITE (DE PEW HOUSE, NEW CITY, NEW YORK)

Co. Holbrook offered the following resolution:

WHEREAS, it has been proposed that the De Pew House located at 101 Route 304, New City, New York, more particularly described on

AAJ375

RESOLUTION NO. (1094-1980) Continued

the Tax Map of the Town of Clarkstown as Map 80, Block A, Lot 15, be designated as an Historical Site pursuant to Chapter 12, Section 3, Subdivision C of the Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of January, 1981, at 8:30 P.M., to consider the designation of the aforesaid property as an Historical Site, and be it

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 said Clerk.

Seconded by Co. Longo

All voted Aye.

* * * * *

Councilman Holbrook noted that this house is the oldest house in the Town of Clarkstown, dating from 1713.

* * * * *

RESOLUTION NO. (1095-1980)

SETTING PUBLIC HEARING
TO CONSIDER DESIGNATION
OF HISTORICAL SITE
(JAMES BLAUVELT HOUSE)

Co. Holbrook offered the following resolution:

WHEREAS, it has been proposed that the James Blauvelt House located at 47 Philips Hill Road, New City, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 41, Block A, Lot 7.11, be designated as an Historical Site pursuant to Chapter 12, Section 3, Subdivision C of the Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of January, 1981, at 8:35 P.M., to consider the designation of the aforesaid property as an Historical Site, and be it

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 said Clerk.

Seconded by Co. Longo

All voted Aye.

* * * * *

Councilman Holbrook noted that this house dated from 1730.

* * * * *

RESOLUTION NO. (1096-1980)

AUTHORIZING TOWN ATTORNEY
TO DEFEND AN ACTION
(ROCKLAND COUNTY CENTER
FOR PHYSICALLY HANDICAPPED)

Co. Longo offered the following resolution:

RESOLUTION NO. (1096-1980) Continued

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

ROCKLAND COUNTY CENTER FOR THE
PHYSICALLY HANDICAPPED,

Fourth-Party
Plaintiff,

-against-

TOWN OF CLARKSTOWN and COUNTY OF ROCKLAND,

Fourth-Party
Defendants.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1097-1980)

AUTHORIZING PREPARATION
OF DESCRIPTIONS OF
EASEMENTS IN SEWER
DISTRICT NO. 16
(JACK BOSWELL ASSOCIATES)

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown did obtain Right-of-Entry Agreements from Prentice Hall, Inc. for the installation of sewer lines in Sewer District No. 16 known as Easements Nos. 5 and 6, and

WHEREAS, permanent written easements were never acquired from Prentice Hall, Inc., and

WHEREAS, it is necessary to obtain survey descriptions of Easement Nos. 5 and 6;

NOW, THEREFORE, be it

RESOLVED, that Jack Boswell Associates prepare the necessary survey descriptions for Easement Nos. 5 and 6 at a cost not to exceed \$900.00 and be a charge to MBSIA No. 1.

Seconded by Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1098-1980)

ACCEPTING DRAINAGE
EASEMENT FROM SPRING
VALLEY WATER COMPANY
(APPLEWOOD MANOR, VALLEY
COTTAGE)

Co. Longo offered the following resolution:

TBM - 12/23/80
Page 17

RESOLUTION NO. (1098-1980) Continued

WHEREAS, the Spring Valley Water Company is desirous of granting a drainage easement to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a drainage easement agreement with Spring Valley Water Company for property located south of Applewood Manor, Valley Cottage, New York, in the Waters Mill Estates subdivision.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1099-1980)

GRANTING CERTIFICATES OF REGISTRATION (MARTIN C. WORTENDYKE - CAL MART CONSTRUCTION CORP.; WALTER F. HICK - HICKS EXCAVATING CO., INC.; AND LEO TREMPER)

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Co. Longo offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

MARTIN C. WORTENDYKE
CAL MART CONSTRUCTION CORP.
11 Seeger Drive
Nanuet, New York 10954

WALTER F. HICKS
HICKS EXCAVATING CO., INC.
Chester Avenue
Congers, New York 10920

LEO TREMPER
77 Blauvelt Road
Nanuet, New York 10954

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 81-3 issued to Martin C. Wortendyke (Cal Mart Construction Corp.)
- No. 81-4 issued to Walter F. Hicks (Hicks Excavating Co., Inc.)
- No. 81-5 issued to Leo Tremper

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1100-1980)

AUTHORIZING HANDICAPPED PARKING SPACES AT CLARKSTOWN INN (ROUTE 304 BARDONIA, NEW YORK)

Co. Longo offered the following resolution:

RESOLUTION NO. (1100-1980) Continued

WHEREAS, the Building Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended by Local Law #4, 1978, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102-12D of the Code of the Town of Clarkstown, at Clarkstown Inn, Route 304, Bardonia, New York (33-2-B-5.02) by the installation of handicapped parking spaces, and

WHEREAS, John C. Pappas, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said handicapped parking spaces;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended by Local Law #4, 1978, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector with regard to the installation of certain handicapped parking spaces shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1101-1980)

AUTHORIZING FIRE LANE DESIGNATIONS AT CLARKSTOWN INN (ROUTE 304, BARDONIA, NEW YORK)

Co. Longo offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at Clarkstown Inn, Route 304, Bardonia (33-2-B-5.02) by the installation of fire lane designations, and

WHEREAS, John C. Pappas, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1102-1980)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH KOZMA ASSOCIATES FOR TECHNICAL ASSISTANCE STUDIES

Co. Longo offered the following resolution:

RESOLUTION NO. (1102-1980) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Kozma Associates to prepare Technical Assistance Studies for four buildings owned by the Town of Clarkstown for the sum of \$10,000.00, said agreement to be in a form satisfactory to the Town Attorney.

Seconded by Co. Maloney

All voted Aye.

* * * * *

It was noted that the four buildings to which the above resolution pertained are the Town Hall, Highway Building, Congers Community Center and the New and the Old Justice Court.

* * * * *

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RESOLUTION NO. (1103-1980)

SETTING PUBLIC HEARING WITH REGARD TO ZONING PETITION (CLARKSVILLE CONSTRUCTION CORP.)

Co. Maloney offered the following resolution:

WHEREAS, Clarksville Construction Corp., has 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 PO district to RG-2 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 27th day of January, 1981 at 8:45 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. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (1104-1980)

AMENDING RESOLUTION NO. 647-1980 (SEWER EASEMENT - ACCOUNT A1990-505 TO ACCOUNT A8110-444)

Co. Longo offered the following resolution:

WHEREAS, Resolution No. 647-1980 incorrectly charged sewer easement to account No. A1990-505

NOW, THEREFORE, be it

RESOLVED, that this sewer easement be amended and charged to No. A 8110-444.

Seconded by Co. Lettre

All voted Aye.

* * * * *

At this point Supervisor Dusanenko declared a ten minute recess.

* * * * *

RESOLUTION NO. (1105-1980)

APPOINTING POSITION OF
POLICE OFFICER (TEMPORARY)
POLICE DEPARTMENT
(GERARD F. KING)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #76102 which contains the name of Gerard F. King,

NOW, THEREFORE, be it

RESOLVED, that Gerard F. King, 352 West Clarkstown Road, Spring Valley, New York is hereby appointed to the position of Police Officer - Police Department - temporary position of Police Officer - Police Department - temporary not to exceed thirty days, at the annual salary for 1980 of \$14,666.00, effective and retroactive to December 15, 1980.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1106-1980)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (LOIS DeZAGO)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Lois DeZago, 46 Edward Street, Sparkill, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to December 12, 1980.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1107-1980)

APPOINTING POSITION OF
CROSSING GUARD - POLICE
DEPARTMENT (ROSE SCLAFANI)

Co. Maloney offered the following resolution:

RESOLVED, that Rose Sclafani, 75D Ridge Road, Valley Cottage, New York is hereby appointed to the position of Crossing Guard - Police Department - at the daily rate of \$8.00, effective and retroactive to December 15, 1980.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1108-1980)

ACCEPTING RESIGNATION
(BY RETIREMENT) TOWN
JUSTICE (LOIS JOHNSON)

Co. Longo offered the following resolution:

RESOLVED, that the resignation (by retirement) of Lois Johnson, 1313 Van Houten Fields, West Nyack, New York - Town Justice - is hereby accepted, with regret - effective January 10, 1981.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1109-1980)

INCREASING SALARY OF
VINCENT DeCARLO - SANITARY
LANDFILL (LONGEVITY
INCREMENT)

Co. Longo offered the following resolution:

WHEREAS, the longevity increment was omitted from the salary of Vincent DeCarlo - Sanitary Landfill - on the 1980 Salary Schedule,

NOW, THEREFORE, be it

RESOLVED, that the salary of Vincent DeCarlo for 1980 is hereby increased by \$700.00 effective and retroactive to January 1, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1110-1980)

APPOINTING MEMBER OF
SANITATION COMMISSION
(EDWARD HEED)

Co. Longo offered the following resolution:

RESOLVED, that Edward Heed, 17 Poplar Street, Nanuet, New York is hereby appointed a member of the Sanitation Commission - with a term commencing January 1, 1981 to expire on December 31, 1985 at the annual salary of \$1000.00, effective January 1, 1981.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (1111-1980)

APPOINTING MEMBER OF
PLANNING BOARD (ROBERT
CUNNINGHAM)

Co. Longo offered the following resolution:

RESOLVED, that Robert Cunningham, 34 Parkside Drive, Congers, New York is hereby appointed a member of the Planning Board for a term commencing January 4, 1981 to expire on January 3, 1988, at the annual salary of \$2,000.00 - effective January 4, 1981.

Seconded by Co. Lettre

On roll call the vote was as follows:

Supervisor Dusanenko.....Yes
Councilman Holbrook.....Abstain
Councilman Lettre.....Yes
Councilman Longo.....Yes
Councilman Maloney.....No

* * * * *

RESOLUTION NO. (1112-1980)

CREATING POSITION OF
REGISTRY CLERK AND
STENOGRAPHER - TOWN
CLERK'S OFFICE

Co. Longo offered the following resolution:

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RESOLUTION NO. (1112-1980) Continued

WHEREAS, the Rockland County Personnel Office has certified on July 10, 1979 that the Registry Clerk and Stenographer position can be created due to a reclassification of an existing position,

NOW, THEREFORE, be it

RESOLVED, that the position of Registry Clerk and Stenographer in the Town Clerk's Office is hereby created, effective December 23, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1113-1980)

APPOINTING POSITION OF
CONSTRUCTION COORDINATOR -
ENVIRONMENTAL OFFICE
(JOHN ETERNO)

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Construction Coordinator #80138 which contains the name of John Eterno,

NOW, THEREFORE, be it

RESOLVED, that John Eterno, 63 Verdin Drive, New City, New York is hereby appointed to the position of Construction Coordinator at the annual salary for 1980 of \$20,414.00., effective December 23, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1114-1980)

ACCEPTING RESIGNATION OF
MAINTENANCE HELPER - TOWN
GARAGE (EDWARD LUNDGREN,
JR.,)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Edward Lundgren, Jr., 221 North Highland Avenue, Nyack, New York as Maintenance Helper - Town Garage - is hereby accepted, effective January 1, 1981.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1115-1980)

APPOINTING POSITION OF
MAINTENANCE HELPER -
TOWN GARAGE (MARTIN J.
HAGEDORN)

Co. Longo offered the following resolution:

RESOLVED, that Martin J. Hagedorn, 49 Carolina Drive, New City, New York is hereby appointed to the position of Maintenance Helper - Town Garage - at the annual salary for 1981 of \$10,242.00., effective January 5, 1981.

Seconded by Co. Lettre

RESOLUTION NO. (1115-1980) Continued

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Councilman Holbrook.....	Abstain
Councilman Lettre.....	Yes
Councilman Longo.....	Yes
Councilman Maloney.....	Abstain

* * * * *

RESOLUTION NO. (1116-1980)

HOLDING OF SPECIAL
TOWN BOARD MEETING

Co. Holbrook offered the following resolution:

RESOLVED, that a Special Town Board Meeting be held on
December 31, 1980 at 12:00 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1117-1980)

CHAIR BE OVERRIDDEN
WITH REGARD TO
COUNCILMAN MAKING
MOTION

Co. Holbrook offered the following resolution:

RESOLVED, that the chair be overridden with regard to
councilman making a motion.

Seconded by Co. Maloney

On roll call the vote was as follows:

Supervisor Dusanenko.....	No
Councilman Holbrook.....	Yes
Councilman Lettre.....	No
Councilman Longo.....	No
Councilman Maloney.....	Yes

* * * * *

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

APPEARANCE:

Mr. Harold Peterson
Valley Cottage, New York

Mr. Peterson stated that he would like to commend Councilmen
Holbrook and Maloney for their vote on the position of Maintenance
Helper at the Town Garage. He noted that Mr. Seeger may not have had
the "legal" right to make recommendations for positions but in the six
years preceding this administration Mr. Seeger did make such recommenda-
tions. These recommendations were followed every time. Mr. Seeger does
not know the man appointed and the people who work at the garage do not
know the man appointed. This should have been brought over at a workshop
and discussed with Mr. Seeger, the department head, which is the purpose
for department heads.

Mr. Peterson then wished to discuss the \$1,265,000.00 Tax
Anticipation Note. The indication was that the money was needed for

AAJ375

"payroll, problems with the CSEA and tax bills that were going to be going out late because of a county problem." I spoke with the Receiver of Taxes in Orangetown who told me there was no County problem and their tax bills would be going out on time. I also spoke to the Tax people in Ramapo and their bills are going out on time. Mr. Peterson said that \$200,000.00 was related to the payroll and he questioned what the other \$1,000,000.00 was for. At one point during the year Mr. Peterson said that there was \$600,000.00 available to reduce the 1981 tax budget. He questioned the borrowing of money if there was \$600,000.00 available. He also noted that there was \$400,000.00 being transferred from Capital Funds to the General Funds. That is \$1,000,000.00 available to you on January 2nd. He wanted to know why Mr. Dusanenko needed \$1,000,000.00 when the payroll was \$200,000.00.

Mr. Dusanenko stated that public participation in meetings has been consistent throughout the year no matter if the person is a member of the town's work force, a member of another municipality, etc. I have asked that if anyone has a particular question they should write it out and give it to one of the councilman prior to a public hearing or a vote on a particular matter. There is also a tradition in this town of a public workshop where all matters on the agenda are discussed prior to placement on the agenda. There is ample opportunity for any one to get in touch with any member of the Town Board prior to any meeting.

Mr. Dusanenko stated that with regard to Mr. Seeger's needs there had been many requests he had made which were denied by the past administration. Mr. Seeger had requested highway equipment vitally needed for his department to perform their duties. At one time the previous administration wanted to bond for highway equipment. I wanted it put into the operating budget. You, like the general public, listen to Mr. Seeger when it suits you and deny Mr. Seeger when it suits you.

We have heard members of the public tonight say that we should listen to the Planning Board members because they are experts. No one on this Town Board wants highrise buildings in the hamlet of Nanuet. We want input from everyone because no one has a monopoly on brains, experience or expertise.

Mr. Peterson was invited by Supervisor Dusanenko to take the time to go over the books and find the missing million which has been referred to many times. Mr. Peterson said he would like to do that.

Supervisor Dusanenko then thanked Mr. Peterson for all the help he had given to the Supervisor because without Mr. Peterson's help Mr. Dusanenko felt he would have had a good, quiet administration without vindictiveness. He stated he had gone beyond politics to continue Mr. Peterson as an employee of the Town of Clarkstown. He wished everyone a very Merry Christmas and a Happy New Year.

APPEARANCE: Mr. George Gerber
Valley Cottage, New York

Mr. Gerber stated that he intended to be heard whether it be early or late in the evening. He will not be stifled when his integrity is questioned. He stated many things that were stated were done so to cover up insecurity or incompetence. He questioned the physical break down of the note and asked if anyone could tell him what was in the note. In answer to a question as to the length of the note he was told it was for sixty (60) days.

TBM - 12/23/80
Page 25

Mr. Gerber said that many months ago it had been stated that there was no surplus. Then it was stated that there was a surplus. There was a sufficient budget. This town is owed a specific breakdown, item by item, of what went into the \$1,200,000.00 tax anticipation note. You mentioned a possible CSEA grievance as to sufficient monies for payroll for 1980. In answer to a query from Mr. Gerber as to that grievance Mrs. Erard, Town Comptroller, read the following letter:

"December 16, 1980

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

Dear Mr. Dusanenko:

It has come to our attention that the Town of Clarkstown is intending to pay each of their employees the full amount of wages, contracted for the fiscal year 1980, on or after January 1, 1981, in a new taxable year.

As you can recognize this is not only in violation of the agreement between the parties, but it will in fact cause a tremendous financial hardship on the affected employees by allowing such monies to be taxed at a higher rate, especially by increased Social Security taxes.

We therefore urge your Honorable Board to reconsider such plans, and to make payment of all contracted wages due for the fiscal year 1980, prior to December 31, 1980.

Your failure to do so would necessitate the Union taking legal action to correct this situation, and would, I feel, do much to destroy the "good" relationship that now exists between the parties.

Thanking you in advance for your anticipated cooperation, I remain,

Very truly yours,

/s/ Charles Maneri

Charles Maneri
Clarkstown CSEA, President

cc: Frank Mascola, Labor Negotiator
Ron Mazzola, Collective Bg. Spec."

Mr. Gerber asked Mrs. Erard what the consequences of that letter would be and she stated approximately \$250,000.00.

There was further questioning of Mrs. Erard by Mr. Gerber regarding various aspects of the bond anticipation note.

Supervisor Dusanenko asked Mrs. Erard to read pertinent correspondence:

(Town of Clarkstown letterhead)

"October 21, 1980

Hon. Edward V. Regan
State Comptroller
Gov. Alfred E. Smith Office Building
Albany, New York 12225

Dear Mr. Regan:

CONTINUED ON NEXT PAGE

AAJ375

"As the new Supervisor of the Town of Clarkstown, I am now faced with a most serious fiscal crisis. This town is long overdue for its complete State audit. The last state audit covered the period from 1/1/74 through 12/31/76.

There also exists a serious cash flow problem, too involved to explain without an on-site inspection. The refusal of the Town Board to implement my suggestions for approving a revenue anticipation note and a budget note will further aggravate this cash flow problem.

In the past year, your office altered regularly scheduled audits of communities including ours, to assist with immediate relief for municipalities such as New York City and Yonkers. I urgently request assistance from your office to provide an immediate inventory of the fiscal condition of the town and to immediately start the audit of 1977-1979.

Very truly yours,

/s/ Theodore R. Dusanenko

THEODORE R. DUSANENKO
Supervisor"

(Letterhead of Department of Audit and Control)

"December 16, 1980

Mr. Theodore R. Dusanenko
Supervisor
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Dear Mr. Dusanenko:

The examination of the Town of Clarkstown covering the years 1977 through 1980 will be scheduled for the Spring of 1981, subject to available staff.

Based on a review of the financial condition of the town's general fund by Tim Ryan of this office, we would agree that, under the circumstances, as an alternative to reducing services, the town may avail itself of the authority in the local finance law for the issuance of a budget note to cover the budgetary overexpenditures and a revenue anticipation note to assist the cash flow through the end of the year.

If we can be of any further assistance in the matter, please do not hesitate to contact us.

Very truly yours,

/a/ Michael Vilaro

Michael Vilaro
Chief Examiner of Municipal Affairs

mm

cc: Mr. Daniel Dickens"

Mr. Gerber continued with many comments relating to the above correspondence and the audits to which they referred.

Supervisor Dusanenko made comments with regard to the same and explained again the need for the bond anticipation note.

Mr. Gerber then asked if as of December 24, 1980 there existed a vacancy in the office of the Building Inspector of the Town of Clarkstown. Supervisor Dusanenko answered in the affirmative.

Mr. Gerber asked if the Supervisor and the Town Board had received a decision in the matter of Al Berg against the Town of Clarkstown. Supervisor Dusanenko stated that Mr. Berg had lost his appeal and had no claim against the Town. In response to a query of Mr. Gerber as to notification of the situation to the Town Board members Supervisor Dusanenko noted that Town Board members had been apprised of the decision.

Mr. Gerber asked if a decision had been rendered in the matter of the Baylor Road extension into the Kingsgate and/or Treetops area. Mr. Gerber explained that the Town of Clarkstown had been asked to intervene into a foreclosure case and Mr. Gerber asked if the Town had been given the right to intervene. It was ascertained that the matter had been turned over to the Planning Board. There was discussion pro and con as to whether this should have occurred.

Councilman Longo called for the entire report on Kingsgate and asked that it be made available to the Board for investigation.

APPEARANCE: Ms. Stephanie Reis
27 Renfrew Road
New City, New York 10956

Ms. Reis inquired about the bond anticipation note and again Supervisor Dusanenko gave an explanation as to the necessity for the same. Mrs. Erard gave an explanation regarding tax rates and stated that the other towns had taken a calculated risk in sending out their tax bills and that the Town of Clarkstown had elected not to take that risk.

APPEARANCE: Mr. Theodore Dusanenko (father of Supervisor)
New City, New York

Mr. Dusanenko stated that he had listened to Mr. Gerber and to Mr. Peterson and had been told when he asked questions that it was a matter of record. His statement to Mr. Gerber and to Mr. Peterson would be "It's a matter of record."

Supervisor Dusanenko called upon the Councilmen to wrap up the meeting.

Councilman Longo wished all a Happy Hanukah and a Merry Christmas. He also stated that a certain Nanuet builder would not be eating shortcake at the expense of his vote.

Councilman Holbrook just wanted to say "Goodnight."

Councilman Lettre noted that he thought it was unfortunate that Clarkstown Town Hall was being turned into a political shooting gallery.

Supervisor Dusanenko wished everyone "Goodnight."

The meeting was declared closed by Supervisor Dusanenko, time: 12:30 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

AAJ375

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

12/23/80

8:31 P.M.

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

RE: PETITION FOR CHANGE OF ZONE APPLICATION - SIEMENS CONST. CORP.

On motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Supervisor Dusanenko asked Everett Johns, Town Attorney is he had any pertinent correspondence. Mr. Johns read the following:
(Letterhead of County Planning Board)
"November 20, 1980

Clarkstown Town Board
Town Hall
New City, New York 10956

Re: General Municipal Law (GML) Review: 239(k) ___ 239(l&m) XXX239(n) ___

Map Dated: 10/14/80

Item:
Bankers Trust Co./Siemans Construction Co., W/S N. Main St. opposite
Cavalry Drive, New City (C-947)

The Rockland County Planning Board reviewed the above item at its meeting of November 14, 1980 and

- * approves XXX
- ** approves subject to conditions below _____
- ** disapproves _____
requests extension of time _____

The proposed zone change from P0 to RG will not adversely affect the County road.

cc: Supervisor Dusanenko
Mr. Lombardi, member, RCPB
Clarkstown Planning Board
Mr. Hornik, Supt. RCHD
Town Atty.-Everett Johns

Very truly yours,
ROCKLAND COUNTY PLANNING Board

By /s/ William M. Chase

William M. Chase, Principal Planner

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the action is for local determination. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.

** The GML requires a vote of "two-thirds of all the members" or "majority plus one" of your agency to act contrary to the above findings."

AAJ375

(Letterhead of Town Planning Board)

"December 16, 1980

The Honorable Town Board
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
PO TO RG-2, SIEMENS CONST. CORP./BANKERS
TRUST CO., 59A7.02 NEW CITY (Request for
change of zone from PO to RG-2 for 5 acres
to W. side N. Main St., opposite New City
Garden Apts/ & Cavalry Drive).

The Members discussed the above matter at several meetings. The residents were concerned that ample buffer be provided so as to protect their privacy and backyard. They also expressed concern for drainage and increase in traffic.

After considerable discussion the consensus appeared to be that from a drainage and traffic perspective the propose change to RG-2 is a good alternative use.

Therefore, motion of Nowicki, second of Thormann, carried 4:2 with Ayes of Yacyshyn and Paikin, Nays of Fallon and Paris, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition for Zone Change Request of Siemens Const. Corp./ Bankers Trust Co. 59A7.02 New City, in relation to the surrounding area, the topography, the comprehensive plan and the statutory requirements and finds that the proposed use to RG-2 is a good alternative use and therefore recommends that the petition be granted with the following conditions:

- 1) A 50 foot buffer area along the southwestern and western boundary of the property be provided. The buffer area to be left in its natural state, with no site development or encroachment of any kind to be within this buffer, this meaning there shall be no parking, driveway, or recreation facilities located within the 50-foot undisturbed area,
- 2) Dedication of a widening strip, 30 foot from the center line of the road, to be provided along North Main Street, the full length of the property,
- 3) Prior to the dedication of the widening strip, a 4-foot concrete sidewalk and concrete curbing shall be installed,
- 4) Provide driveway access opposite Cavalry Drive, with a median island to separate incoming and outgoing traffic,
- 5) Recreation facilities shall be provided as shown on the drawing entitled "Omni Court,"
- 6) Applicant shall return to the Planning Board for site plan review and approval, with payment of all fees for money-in-lieu-of-land.

In response to the statutory requirements, the Planning Board has made the following determination:

- a) The uses permitted by the proposed change would be appropriate in the area concerned,
- b) Adequate public school facilities and other public services do exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change,
- c) The proposed change is in accord with any existing or proposed plans for providing public water supply and supply of sanitary sewers in this vicinity,

PH - 12/23/80
Page 3

- d) The amount of vacant land currently zoned for similar development in the Town is minimal, and there is none in the vicinity of the area included in the proposed amendment,
- e) There is considerable RG-2 land being developed in the proposed district in the Town, i.e., Treetops, and the proposed Village Green, but none in the vicinity of the area included in the proposed amendment,
- f) The Comprehensive Plan for the Town has shown this area as office service and in our updated proposal as multi-family. This could have some effect upon the growth of the existing community but we do not see it as a detrimental effect,
- g) The proposed amendment will result in an increase in the total zoned residential capacity of the Town, but we do not see this as having damaging effect on the cost of providing public services.

For your information and guidance we attach copy of Planning Consultants' report dated November 26, 1980.

Very truly yours,

/s/ Richard J. Paris (TMS)

Richard J. Paris,
Chairman

cc: Town Attorney
Town Clerk

att:"

(Letterhead of Raymond, Parish, Pine & Weiner, Inc.)

"November 26, 1980

TO: Clarkstown Planning Board

FROM: Robert Geneslaw

SUBJECT: ZONE CHANGE PETITION, PO TO RG-2, BANKERS TRUST CO. AND
SIEMENS CONSTRUCTION CORP., 59A7.02, NEW CITY

SUMMARY

The subject parcel is located along the west side of North Main Street, opposite the New City Garden Apartments. It is one parcel in a group that are undeveloped or have primarily single family homes. In the Preliminary Hamlet Plans report completed in 1979 it was noted that there was little or no demand for office development at this location. The long range proposals included a recommendation that the Town "Amend the Zoning Ordinance to allow multi-family development in several areas. Potential areas are along the west side of North Main Street..." (p. 98). The reference was generally to the west side of North Main Street to Concord Drive. Since 1977 there has been no office construction along this frontage. We continue to favor this position and therefore recommend in favor of the zone change. There are a number of points relating to site development that we believe should be considered, either as conditions of the zone change, or as part of the site review process. These are further described later in this memorandum.

INTRODUCTION

The area of which the subject property is a part has been discussed at several Planning Board meetings and is referred to in the Preliminary

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AAJ375

Hamlet Plans report, and this memorandum therefore is less detailed than it would otherwise be.

EXISTING LAND USE & ZONING

The site is currently undeveloped. The area to the west is developed as single-family homes fronting on Eberling Drive, and zoned R-15. The area to the south of the subject along North Main Street is zoned Professional Office, but the uses are made up of several residences and several vacant parcels. The area to the north of the subject along North Main Street is similarly developed and zoned, except that the parcel on the south side of Concord Drive is zoned R-15.

To the east of Main Street development is more intense, with the New City Garden Apartments located directly across the street. Other uses within the immediate area include a bank, a movie theater, gas station, offices, and a short distance away a larger shopping center. The apartments are zoned RG-2, the zoning district requested by the applicant, while the commercial uses are zoned CS, or Community Shopping.

NATURAL CHARACTERISTICS

The site is generally wooded. Topographically, the low point is along North Main Street with an elevation of about 155. In the first hundred and fifty feet from North Main Street the land rises about twenty-five feet, or about 16%. The slope then becomes less pronounced as the property extends toward Eberling Drive. The steeper portion can be either a handicap to developing the site or as a desirable site feature, depending on how development is handled.

TRAFFIC

North Main Street is a county road, and any detailed information on traffic movement would typically be collected and analyzed by the County Highway Department as part of their review of the proposed change. A few points can be made however. Over the past decade or so traffic volumes on North Main Street have been increasing as residential development has taken place in North New City. Most through traffic destined for points north of Clarkstown now uses Route 304, so through traffic should not be a significant influence. The proposed use will generate far less traffic than the use for which the site is zoned. It is likely that only a small proportion of the traffic generated by the site will use North Main Street further north than the Bradlee's shopping center. Except for using the center's facilities, the bulk of this site generated traffic will be oriented to the south on North Main Street and to Route 304, presumably via Cavalry Drive. Turning movements to and from the site off North Main Street are likely to have some effect on the roadway. But again, this impact should be far less than if the site were developed for offices.

CONCLUSION & RECOMMENDATIONS

As noted above, in our opinion the change to RG-2 is reasonable for the subject parcel. It must be emphasized that a change of this type is likely to encourage other property owners along the west side of North Main Street to request a similar change. Because there are several single family homes in this area, any transition is likely to occur over a period of years.

The Town should consider several requirements as conditions of the zone change or of site plan approval if the zone change is granted. These include:

1. Dedication of a widening strip along North Main Street along the full length of the property.

PH - 12/23/80
Page 5

2. Installation of pavement widening, concrete curbing and a four foot wide concrete sidewalk in the right of way prior to dedication.
3. Driveway access opposite Cavalry Drive, with a median island to separate incoming and outgoing traffic.
4. Installation of a traffic signal at the developers expense if determined to be necessary by the County Highway Department. Since North Main Street is a County road, items 1,2 & 3 above are also subject to County Highway Dept. requirements.
5. Providing an undisturbed buffer fifty feet in depth along the western and southwestern boundary of the property, to provide protection to the homes on Eberling Drive.
6. The provision of recreation facilities generally as shown on the drawing entitled "Omni Court" at New City, undated.
7. The payment of money in lieu of land fees as provided in the Site Plan Regulations."

84 Eberling Drive
New City, N. Y. 10956

Dec. 17, 1980

SUBJ: CHANGE OF ZONING
ORDINANCE PO TO RG 2 ON
NORTH MAIN STREET

Town Board of the Town of Clarkstown
10 Maple Avenue
New City, Rockland County, N.Y. 10956

To Whom It May Concern:

My family and I have been residents of 84 Eberling Drive, New City, N.Y. for the past 12 1/2 years.

The property behind us has always been very densely wooded and rustic looking. It is my feeling that the recommendation of the Planning Board to maintain a 50 foot buffer between the proposed change zoning and the present residential area should be part of the requirement if the change is to be approved. A 50 foot buffer will continue the rustic nature of our neighborhood and maintain its' rural character.

I would have like to attend the Town Board meeting on Dec. 23rd at 8:30 P.M., but unfortunately will be out of town with my family.

Very truly yours,

/s/ Ronald Lass

Ronald Lass

copy:

Everett J. Johns, Town Attorney
Theodore Dusanenko, Clarkstown Supervisor
Patricia Sheridan, Town Clerk of Clarkstown"

Mr. Walter Siemens, President of Siemens Construction Corp., James Tanner, Architect and Ted Atzl, Engineer.

Supervisor Dusanenko requested an explanation of RG-2, asked for the amount of acres involved and just how many units are being considered. It was determined that the area involved was 229,866 square feet. The proposal was for 42, one bedroom units and 38 two bedroom units for a total of 80 units.

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AAJ375

The proposal was for RG-2 which is residential zoning. This would be built in a town house, condominium style, each individual unit having a garage underneath and one parking space outside. There would be guest parking provided in various other areas.

Mr. Tanner stated the style of the buildings would be contemporary in nature, with sloped roofs. The concept of the project is to form a loop with parking around the exterior of the proposed units. There would be a middle, common area for recreation.

Mr. Siemens displayed a map showing the proposal and also discussed what effect a 50 foot buffer zone would have on the area, particularly on the recreational area. After discussion and explanation Mr. Siemens stated that he disagreed with Mr. Geneslaw as to how much of a buffer zone is needed.

Councilman Longo and Councilman Lettre asked specific questions with regard to existing homes and Mr. Siemens answered. He also stated he had no problem with the other suggestions of the Planning Board with regard to traffic light, road widening and sidewalks, etc.

In answer to Supervisor Dusanenko's inquiry with regard to a bus shelter, Mr. Siemens stated he would be in favor of such a shelter. This would be built in the same design as the units involved.

There was extensive discussion between Councilman Holbrook, Mr. Siemens, Supervisor Dusanenko as to the buffer area once again.

The price range was determined to be in the \$80,000.00 to \$100,000.00 category.

There was discussion between Mr. Atzl, Councilman Holbrook and Councilman Longo with regard to drainage.

Councilman Lettre had dialogue with Mr. Siemens with regard to previously discussed buffer zone, etc.

Supervisor Dusanenko asked if there was anyone wishing to speak in favor of the proposed zone change.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed zone change.

IN OPPOSITION:

APPEARANCE: Mr. Robert Ranni
44 Verdin Drive
New City, New York

Mr. Ranni raised several questions (1) Why is the petition presented jointly with a bank; (2) What time period is going to elapse as to the building of different sections of this proposed project; (3) Our complaint with the Planning Board with regard to the buffer zone - we want the preservation of the fifty foot buffer zone.

APPEARANCE: Ms. Betty Ramey
North Main Street
New City, New York

Ms. Ramey raised questions with regard to buffer zone and how much protection would be provided for the existing residents. They

PH - 12/23/80
Page 7

do not want to have to move and they want to be assured that they will not have children climbing into their backyards and possibly getting injured, etc. She also raised a question as to drainage.

APPEARANCE: Mr. Louis Maione(?)
26 Verdin Drive
New City, New York

He read from a petition signed by many surrounding property owners calling for a fifty foot buffer zone, a fence and the maintenance of the virgin land.

APPEARANCE: Mrs. Lucille Broadheim
43 Verdin Drive
New City, New York

Mrs. Broadhem raised questions with regard to the number of bedrooms in the proposed units. She questioned who would be responsible for the overbearing of the stream and for the additional traffic on Main Street.

APPEARANCE: Mr. Charles Brodil
163 North Main Street
New City, New York

Mr. Brodil raised the question of additional traffic. He felt that this road could not handle any more traffic. He sometimes must wait five to ten minutes to get out of his driveway.

APPEARANCE: Rev. Charles Leber
19 Concord Drive
New City, New York

Rev. Leber stated that he was concerned with the quality and desirability of our community and hoped that the builder was concerned with that also. He expressed concern as to the traffic problem and to the fact that most of the families moving in would probably be two car families which increases the traffic considerably. He mentioned the traffic generated from the proposed senior citizen housing and the already existing new New City Library building. He raised the question of how many less units could be built and still have the proposed project be financially feasible. He also wanted to know just how the property would be landscaped, expressing the desire for keeping the area beautiful.

APPEARANCE: Mr. Mark Posner
31 Verdin Drive
New City, New York

Mr. Posner reiterated that there were major concerns: privacy, drainage and traffic. He wanted the fifty foot buffer to be an integral part of this project. He wanted to know the capacity of the Demarest Kill particularly in light of the fact that there are more applications for condominiums in the area. He raised the question of children walking along North Main Street as a potential safety hazard or the alternative of cutting through residents backyards to get to school. He felt this was also dangerous. He requested a reserve decision.

APPEARANCE: Mr. Joseph Hershfield
96 Susan Drive
New City, New York

Mr. Hershfield questioned the entire proposal because of drainage problems, traffic problems, etc. He also requested the fifty foot buffer zone. Residents entitled to privacy and quiet. Requested lower number of units if proposal approved.

APPEARANCE: Mrs. Arlene Maione
26 Verdin Drive
New City, New York

Mr. Maione stressed that she and the other residents were not against the concept of condominiums as that would keep the area residential. She was against the fact that the woods would be cut down in order to put up a buffer when the woods themselves are a natural buffer. She urged the architect to come up with another plan.

APPEARANCE: Mr. Fred Peck
3 Dorchester Avenue
New City, New York

Mr. Peck discussed the adequacy of the drainage. There have been comprehensive drainage studies made which show that to put a development above this area might cause problems. The engineering people would have to prevent backup problems and this must be dealt with.

APPEARANCE: Mr. Larry Huhn
6 Dorchester Avenue
New City, New York

Mr. Huhn wanted to know exactly what was meant by a "screening fence." He asked for detailed descriptions of the plantings which are supposed to ensure privacy for both new and old residents of the area. The quality of life here is most important and once a project goes through it is irreversible. Profit is adjustable. Put in less units and let them sell for higher price.

APPEARANCE: Mr. Martus Granier
President, West Branch
Conservation Association
to

Mr. Granier felt that there was no way/camouflage congestion. With 80 units on 5 acres there has to be congestion and we are not really talking about five acres. What we are really talking about here is the entire North end of New City. All of the land between this piece and Phillips Hill Road is waiting to be decided on. The Buckley parcel across the road is also waiting. We have a big planning problem in Clarkstown. The Planning Board, five years ago, began a Master Plan which is still unfinished. Plans to siphon traffic off Main Street were set aside when the new Shop-Rite Super Market went in. At present there is no way to siphon that traffic off Main Street. If this goes in as high density then the rest follows. There has been no plan worked out for the traffic. We must look at the impact this proposal will have on the Town. I urge you to do the job that the Planning Board should have done. Please do not approve this project. Mr. Granier also criticized the Planning Board for what, in his view, was a very narrow outlook as far as this proposal was concerned. They state that services will not increase in cost. That is impossible. We do not need to okay this right now. What we do need is for you Town Board members to take a good look at all of Clarkstown and in particular at New City zoning.

APPEARANCE: Mrs. Carol Felenstein
10 Verdin Drive
New City, New York

Mrs. Felenstein reiterated the objections to taking down the natural woods to create an artificial barrier. Ms. Felenstein also discussed the drainage problem.

PH - 12/23/80
Page 9

APPEARANCE:

Mr. Walter Fleisher
443 Buena Vista
New City, New York

High density zoning should be allowed when there will be rentals involved. This parcel will not be for rentals - it is for a condominium. At \$100,000.00 you will obviously not get apartments for the elderly or the young couples starting out. What is the value of this project for the Town of Clarkstown? A zoning change must be of benefit to the Town. If it is not of benefit I can see no advantage. It has been said that Clarkstown is a zoning disaster. This proposal needs much more thought. I take exception to both the County and the Town Planning Boards in their recommendations. The cost of government must go up especially when high density zoning is granted. I hope you will deny this petition.

APPEARANCE:

Mr. Stephen Abel
14 Shore Road
New City, New York

Mr. Abel represented the Lake Lucille property owners. We feel this particular zone change should be denied because there has not been sufficient attention paid to the tax impact of this project. Taking a piece of property out of commercial zoning and putting it into a residential zone, and an extremely dense residential zone, is certain to have an adverse tax impact on the town. There has been very little study, if at all, from the point of view of not just this parcel but of the planning that should go on for downtown New City as to the impact of traffic, as well. We are dealing here with what might be called spot planning or spot zoning.

Supervisor Dusanenko called upon Mr. Siemens, Mr. Atzl and Mr. Tanner to come to the front of the room and try to answer the questions raised by the residents.

The bank presently owns the property and Siemens Construction is the contract purchaser. This will probably be built in two sections - 40 units one year and 40 the following year. As to the fence going to the north to provide some buffer for that property and we are in total agreement with that. It is my intention to put this fence and screen planting around the entire project. People get the idea that people put in one or two foot shrubs and that is the right thing to do. It obviously isn't the right thing to do. I propose a six foot stockade fence and in front of that a six to eight foot earthen mound and on top of that earthen mound we would have trees that would be approximately twelve feet in height when we plant them. These would be evergreens.

When you have a condominium set up part of the common charges are to maintain the grounds. The people who will be living in these units will be just as interested in the esthetics as those who are living in the surrounding areas. People have stated that drainage and traffic problems have not been examined. That is incorrect. Professional consultants and the engineers were of the opinion that the zone change from PO to RG would have a desirable effect on both in as much as the traffic generated in a PO zone would be least 50% or 60% greater than in RG-2. This same principle would apply to the drainage. One of the town engineers was asked by a member of the Planning Board as to the drainage. He stated that RG would have at least a 40% reduction in the drainage as compared to its development in a PO zone. With regard to the drainage to the back of the property the lots to the west do have a drainage problem. Approximately two to two and one half acres of our property presently drain on to that property. If we were to build this project with its

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AAJ375

present configuration that would be cut off so that all of the drainage would be going east and the houses to the west would no longer have that drainage going on to it and we would improve the drainage in those houses behind it.

Although the school is very close, going by road the site is more than one mile from the school and thus the children would be bussed. Obviously, if you have additional people, additional services are required. However, we are talking about a change from professional office use to garden apartment use. Are there more services required by a garden apartment use than an office use. I doubt it.

With regard to taxes, certainly the taxes collected and the assessed value of garden apartments would be far greater than an office complex. I think that we would be able to reduce the number of units to between 70 and 75 and still be able to afford the amenities which we have discussed.

Councilman Holbrook inquired as to the fifty foot buffer. Are you willing to consider this project with a fifty foot buffer?

Mr. Siemens said he was not in a position to answer that question right at the moment. The project we are proposing is very well conceived and its a good plan and is designed with the people who are going to move in in mind as well as those who are already there. The screen planting that we are suggesting in this twenty foot area will provide a greater buffer than the fifty foot of undisturbed area.

Councilman Holbrook stated that it seemed to be ludicrous to cut down a natural buffer and then plant miniscule trees.

Mr. Atzl stated that in the wintertime with the existing trees you can see through for 200 feet. Evergreen trees of 12 feet will be planted. What you have now is no buffer in the wintertime. There may be a buffer in the summertime. Trees without leaves is not a buffer.

Councilman Longo questioned a 20 to 50 inch water table. He was assured that all the driveways, parking areas and buildings, etc. will all go into an underground drainage system.

Councilman Maloney asked if there was a possibility that one bedroom units could be converted into two bedroom units. It is our plan to have the one bedroom units stay as one bedroom units. We are talking about a one bedroom unit with a kitchen, living room dining room, possibly a recreation room with a garage and that would be it. The two bedroom unit would be the same exact layout except for the additional bedroom. Without knowing what the final decision would be it is silly to try to come up with a final design.

Supervisor Dusanenko requested that if anyone has any question, suggestion or comment of any kind please contact one of the members of the Town Board as your comments may be important to our deliberations before we come up with a yes or no vote.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Longo, DECISION RESERVED, and unanimously adopted, the Public Hearing was closed, time: 10:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/23/80

10:35 P.M.

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

RE: PETITION FOR EXTENSION OF CLARKSTOWN CONSOLIDATED WATER DISTRICT
NO. 1 TO INCLUDE - DELLWOOD PARK WEST, NEW CITY, NEW YORK

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

Town Clerk 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 Lettre, and unanimously adopted, ORDER SIGNED, the Public Hearing was closed, time: 10:37 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAJ375

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/23/80

10:37 P.M.

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

RE: PROPOSED LOCAL LAW ENTITLED "AMENDMENT TO LOCAL LAW NO. 7-1980,
AS AMENDED, ENTITLED, 'A LOCAL LAW REGULATING LANDFILLS 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 with regard
to this proposed local law but he did give an explanation of it.
He stated that this pertains to the fee scheduled when the weight
scale is inoperable. The existing charge is \$1.00 per cubic yard -
the change is for \$2.00 per cubic yard.

Supervisor Dusanenko noted that this was an oversight at
our last public hearing. He also noted that the price is higher
when the scale is inoperable which should cause care to be taken of
the weight scale by those using it.

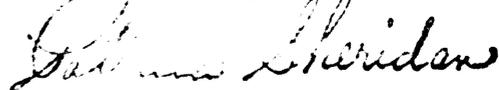
Supervisor Dusanenko asked if there was anyone wishing to
be heard in favor of or in opposition to the proposed amendment.

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard on motion of
Councilman Longo, seconded by Councilman Maloney and unanimously
adopted, LOCAL LAW ADOPTED, the Public Hearing was closed, time:
10:38 P.M. This law to take effect January 1, 1981.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

AAJ375

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/23/80

10:38 P.M.

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

RE: PROPOSED AMENDMENTS TO CHAPTER 83 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, "SEWER DISTRICT REGULATIONS"

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 pertinent to the proposed amendments. He stated that this covered an increase in the fees in each of the sections where the fee was \$10.00 it will now be \$25.00. In Section 83-65 upon the recommendation of our Town insurance carrier the applicant must now furnish a certificate of liability with a combined single limit of \$500,000.00 for bodily injury and property damage.

Supervisor Dusanenko stated that this was added protection for the Town and also increased revenue due to the raising of the fees.

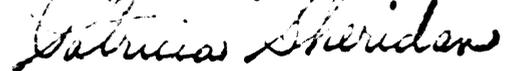
Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of or in opposition to the proposed amendments.

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, AMENDMENTS ADOPTED, the Public Hearing was declared closed, time: 10:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

AAJ375