

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/10/81

8:20 P.M.

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

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

All in attendance observed a moment of silence in honor of former Connecticut Governor Ella Grasso who had recently died.

Supervisor Dusanenko spoke regarding Student Government Day which had been observed in the Town of Clarkstown earlier this same day. A proclamation was presented to Syd Bauman who represented the Nanuet High School students participating in this Government Day. Mr. Bauman in turn presented copies of the proclamation to the other students. He then thanked the Town Board, Department Heads, the Youth Commission, Mr. Hilton Kaufman and Mrs. Doris Kinsler, who had all helped to make this day a success.

The proclamation read as follows:

"STUDENT GOVERNMENT DAY

Tuesday, February 10, 1981

WHEREAS, Clarkstown Supervisor Theodore R. Dusanenko has designated February 10, 1981 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown, and

WHEREAS, "STUDENT GOVERNMENT DAY" is sponsored by the CLARKSTOWN YOUTH COMMISSION in an effort to help youth experience "Government in Action," and

WHEREAS, on this day, civic minded students from the POLITICAL SCIENCE CLUB OF NANUET HIGH SCHOOL and from the STUDENT COUNCIL OF LAUREL PLAINS ELEMENTARY SCHOOL will work directly with department heads and councilmen and will participate in a simulated Town Board meeting, solving problems and making decisions, in order to better understand the running of government on a local level, and

WHEREAS, these young men and women are to be commended for their interest in civic service and in developing their knowledge of government towards the goal of preparing themselves to become better citizens and leaders of tomorrow

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, do hereby proclaim Tuesday, February 10, 1981 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown and urge all our residents to join with me in recognizing the good citizenship of these young men and women in their active participation in government affairs."

RESOLUTION NO. (120-1981)

AUTHORIZING REMOVAL
OF HAZARD AND UNSAFE
STRUCTURE FROM
PRIVATE PROPERTY
(JULIA AND ISADORE
KARTEN)

Co. Longo offered the following resolution:

RESOLUTION NO. (120-1981) Continued

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, JULIA and ISADORE KARTEN were duly notified that certain violations existed on their property, more particularly described on the Tax Map of the Town of Clarkstown as Map 124, Block A, Lot 2, consisting of a structure which has been destroyed by fire and which has not been removed, to wit, a structure designated by the Town of Clarkstown on a survey map prepared by Atzl & Scatassa dated December 11, 1974, as Building No. 51, and

WHEREAS, said owners have failed to comply with the Violation Notice No. 80-165 and have failed to remove such hazard, to wit, a structure destroyed by fire and 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 building destroyed by fire from the aforesaid premises and designated as Building No. 51, and be it

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. Maloney

All voted Aye.

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RESOLUTION NO. (121-1981)

ACCEPTING FEASIBILITY
STUDY RE: CLARKSTOWN
YOUTH COMMISSION AND
DIRECTING TOWN BOARD TO
APPLY TO NEW YORK STATE
DIVISION OF YOUTH TO
CREATE YOUTH BUREAU

Co. Longo offered the following resolution:

RESOLVED, that the Feasibility Study prepared and submitted by Hilton Kaufman, Chairman of the Clarkstown Youth Commission is hereby accepted, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown apply to the New York State Division of Youth to create a Youth Bureau.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (122-1981)

ESTABLISHING A SENIOR
CITIZEN CLUB (MONTEREY
GARDENS SENIOR CITIZEN
COMPLEX) TRANSFER OF
FUNDS FROM A1990-505 to
VARIOUS ACCOUNTS

Co. Lettre offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission that \$5,000.00 be appropriated for the purposes of establishing a senior citizen club in the Monterey Gardens Senior Citizen Complex,

FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer \$5,000.00 from A1990-505 to the following accounts:

7610-114	\$1,000.00
7610-222	1,000.00
7610-329	1,500.00
7610-404	1,500.00

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (123-1981)

AUTHORIZING SUPERVISOR
TO APPROVE AND ADMINISTER
COMMUNITY DEVELOPMENT
FUNDS FOR 1981

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to approve and administer the Community Development Funds for 1981.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (124-1981)

AUTHORIZING CHANGE OF
NAMES OF STREETS IN
SUBDIVISION (TARRY HILL)

Co. Longo offered the following resolution:

WHEREAS, a request has been made that the streets shown as Tarry Hill Drive and Demar Court on a final map entitled "Subdivision Plat of Tarry Hill", be changed to Crum Creek Road and The Rookery, respectively;

NOW, THEREFORE, be it

RESOLVED, that the name of Tarry Hill Drive is hereby changed to CRUM CREEK ROAD and the name of Demar Court is hereby changed to THE ROOKERY, and be it

FURTHER RESOLVED, that the Highway Superintendent take notice of this resolution and make appropriate changes in the street signs as may be necessary and that a copy of this resolution be forwarded to the residents of the aforementioned Tarry Hill Drive and Demar Court, the Clarkstown School District, New City Post Office, New City Fire Department, New City Ambulance Corp. and the Clarkstown Police Department and that a certified copy of this resolution be filed with the Rockland County Clerk, and be it

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RESOLUTION NO. (124-1981) Continued

FURTHER RESOLVED, that this resolution take effect immediately.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (125-1981)

SETTING PUBLIC HEARING
RE: SPECIAL PERMIT OF
CAL-MART CONSTRUCTION
CORP.(TO CONDUCT A LAND-
FILL OPERATION)

Co. Longo offered the following resolution:

WHEREAS, CAL-MART CONSTRUCTION CORP., has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation for property located on Route 59, West Nyack, New York, pursuant to Chapter 106-10A, Table 14, Column 3, Item B-3 of the Zoning Ordinance of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Ordinance be had at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 10th day of March, 1981, at 8:20 P.M., to consider the application of CAL-MART CONSTRUCTION CORP., relative to said Special Permit, 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 Journal News, the official newspaper of the Town of Clarkstown, as aforesaid, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that this application be referred to the Clarkstown Planning Board and the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law and to the Department of Environmental Control of the Town of Clarkstown for report.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (126-1981)

AUTHORIZING PLANNING
BOARD TO APPLY TOWN
LAW, SEC. 281 (NICHOLS
PROPERTY)

Co. Maloney offered the following resolution:

WHEREAS, William Youngblood Associates, engineers for the applicant have made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Nichols Property, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 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 281 is used in this subdivision in order to provide a more efficient and desirable development as shown on the density layout last revised on January 12, 1981;

RESOLUTION NO. (126-1981) Continued

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281 in connection with this subdivision, subject to the condition that the applicant provide and install at its sole cost and expense a drainage line along the northerly lines of lots 1 and 6 and the easterly line of lot 6 to the catch basin in Lexow Avenue of pipe size and location as determined by the Department of Environmental Control.

Seconded by Co. Longo

All voted Aye.

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AAJ381

RESOLUTION NO. (127-1981)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR WASHED SAND AND GRAVEL

Co. Longo offered the following resolution:

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

BID # 16-1981
WASHED SAND AND GRAVEL

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, March 13, 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. Lettre

All voted Aye.

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RESOLUTION NO. (128-1981)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BITUMINOUS CONCRETE

Co. Longo offered the following resolution:

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

BID # 15-1981
BITUMINOUS CONCRETE

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 Thursday, March 12, 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.

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RESOLUTION NO. (129-1981)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
REINFORCED CONCRETE
CULVERT PIPE AND CONCRETE
CATCH BASIN BLOCK AND
BRICKS

Co. Longo offered the following resolution:

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

BID # 13-1981
REINFORCED CONCRETE CULVERT PIPE AND CONCRETE CATCH
BASIN BLOCK AND BRICKS

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 Monday, March 2, 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.

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RESOLUTION NO. (130-1981)

AUTHORIZING DIRECTOR OF
PURCHASING TO READVERTISE
FOR BIDS FOR SALE OF
SURPLUS TOWN DUMP TRUCKS

Co. Longo offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to readvertise for bids for:

BID # 17-1981
SALE OF SURPLUS TOWN 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, March 3, 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.

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RESOLUTION NO. (131-1981)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR TWO (2)
TRANSIT TYPE MINI BUSES

Co. Longo offered the following resolution:

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

BID # 14-1981
TWO (2) TRANSIT TYPE MINI BUSES

RESOLUTION NO. (131-1981) Continued

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 March 11, 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.

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AAJ381

RESOLUTION NO. (132-1981)

AWARDING OF BID FOR
PAPER AND PLASTIC
SUPPLIES (M & I SUPPLY
CO. - MT. ELLIS PAPER
CO. - TOTAL PAPER & SUPPLY
CO., INC. - BORDA PRODUCTS
INC. - E.A. MORSE & CO.,
INC.)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that the bid for

PAPER & PLASTIC SUPPLIES

is hereby awarded to the following suppliers as per the attached schedule:

M & I Supply Co.
37 New Main Street
Haverstraw, N.Y. 10927

Mt. Ellis Paper Co.
214 MacArthur Ave.,
Newburgh, N.Y. 12550

Total Paper & Supply Co., Inc.
Garnerville Industrial
Terminal
Railroad Avenue - Bldg. 3B
Garnerville, N.Y. 10923

Borda Products Inc.
80 Bruckner Blvd.
Bronx, N.Y. 10454

E. A. Morse & Co., Inc.
11-25 Harding St.,
Middletown, N.Y. 10940

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (133-1981)

AWARDING BID FOR
CUSTODIAL SUPPLIES AND
EQUIPMENT (HALBRO CONTROL
INDUSTRIES, INC. - E.A.
MORSE & CO., INC. -
QUICK CHEMICAL CO., INC.)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that the bid for:

CUSTODIAL SUPPLIES AND EQUIPMENT

RESOLUTION NO. (133-1981) Continued

is hereby awarded to the following suppliers as per the attached schedule:

Halbro Control Industries, Inc. 2090 Route 110 Farmingdale, N.Y. 11735	E. A. Morse & Co., Inc. 11-25 Harding Street Middletown, N.Y. 10940
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Quick Chemical Co., Inc.
3 Ellen Street
Spring Valley, N.Y. 10977

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (134-1981)

OPENING PUBLIC HEARING
RE: RINNE ZONE CHANGE

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Rinne Zone Change be opened, time: 8:34 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (135-1981)

CLOSING PUBLIC HEARING
RE: RINNE ZONE CHANGE

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Rinne Zone Change be closed, time: 9:20 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (136-1981)

OPENING PUBLIC HEARING
RE: LOCAL LAW AMENDING
LOCAL LAW REGULATING
GARBAGE REMOVAL

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Local Law Amending Local Law Regulating Garbage Removal in the Town of Clarkstown be opened, time: 9:21 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (137-1981)

CLOSING PUBLIC HEARING
RE: LOCAL LAW AMENDING
LOCAL LAW REGULATING
GARBAGE REMOVAL

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Local Law Amending Local Law Regulating Garbage Removal in the Town of Clarkstown be closed, ADOPTED, time: 9:24 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (137-A-1981)

ADOPTING LOCAL LAW NO. 3-1981 (AMENDING LOCAL LAW NO. 8-1967 ENTITLED 'LOCAL LAW REGULATING GARBAGE REMOVAL IN THE TOWN OF CLARKSTOWN', AS AMENDED

Co. Longo offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 8-1967, ENTITLED, 'LOCAL LAW REGULATING GARBAGE REMOVAL IN THE TOWN OF CLARKSTOWN', AS AMENDED", was introduced by Councilman Longo, at a Town Board meeting held on January 27, 1981, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 27th day of January, 1981 directed that a public hearing be held on the 10th day of February, 1981, at 8:45 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 3, 1981, and

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 January 19, 1981, and

WHEREAS, public hearing was held by the Town Board of the Town of Clarkstown on February 10, 1981;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1981, entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 8-1967, ENTITLED, 'LOCAL LAW REGULATING GARBAGE REMOVAL IN THE TOWN OF CLARKSTOWN', AS AMENDED", 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. (138-1981)

OPENING PUBLIC HEARING
RE: IRON GUILD DEVELOPMENT CORP. ZONE CHANGE

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Iron Guild Development Corp. Zone Change be opened, time: 9:24 P.M.

Seconded by Co. Maloney

All voted Aye.

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AAJ381

RESOLUTION NO. (139-1981)

CLOSING PUBLIC HEARING
RE: IRON GUILD DEVELOP-
MENT CORP. ZONE CHANGE

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Iron Guild Development Corp. Zone Change be closed, time: 11:55 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (140-1981)

OPENING PUBLIC HEARING
RE: WARREN LEWIN ZONE
CHANGE (ON THE GREEN)

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Warren Lewin Zone Change be opened, time: 11:55 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (141-1981)

CLOSING PUBLIC HEARING
RE: WARREN LEWIN ZONE
CHANGE (ON THE GREEN)

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Warren Lewin Zone Change be closed, DENIED, time: 12:57 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (142-1981)

DENYING ZONE CHANGE
TO WARREN LEWIN (ON
THE GREEN)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of January, 1981, provided for a public hearing on the 10th day of February, 1981, at 9:30 P.M., to consider the application of Warren Lewin to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from a PO district to an RG-2 district, and

WHEREAS, notice of the 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 application be DENIED.

Seconded by Co. Lettre

All voted Aye.

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At this point Supervisor Dusanenko declared a recess until 1:30 A.M.

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RESOLUTION NO. (143-1981)

AUTHORIZING ATTENDANCE
AT FOURTH ANNUAL STATE-
WIDE CONFERENCE ON
SUBSTANCE ABUSE (PATRICIA
MORITZ - CLARKSTOWN
COUNSELING CENTER) TRANSFER
OF FUNDS FROM A 4210-201
AND A 4210-110 TO
A 4210-414

Co. Longo offered the following resolution:

RESOLVED, that Patricia Moritz, Assistant Director, Municipal Counseling Services, Clarkstown Counseling Center, is hereby authorized to attend the Fourth Annual Statewide Conference on Substance Abuse, from March 24th to March 27th, 1981, and be it

FURTHER RESOLVED, that all expenses will be reimbursed by the Division of Substance Abuse, and be it

FURTHER RESOLVED, that \$300.00 be transferred to appropriations account no. A-4210-414 from the following appropriation account nos.:

A-4210-201	\$200.00
A 4210-110	100.00

Seconded by Co. Maloney

All voted Aye.

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AAJ381

RESOLUTION NO. (144-1981)

AUTHORIZING AMENDMENT
TO RESOLUTION NO. 1017-
1980 (INTERFACE DEVICES
TO BE ELIMINATED FROM
TOWN) ACCOUNT # 3020-409

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, Resolution No. 1017-1980 be amended to add an additional \$100.00 to the elimination of connecting arrangement interface devices from the Town and the cost of said project shall not exceed \$2,500.00, plus New York Telephone Company one time charges, and be it

FURTHER RESOLVED, that funds for same be charged to account #3020-409.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (145-1981)

SETTING PUBLIC HEARING
REGARDING CONVALESCENT
HOME (RICHARD E. VOIGT)

Co. Longo offered the following resolution:

WHEREAS, RICHARD E. VOIGT has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the operation of a Convalescent Home pursuant to Section 106.10A of the Zoning Ordinance for property located at Hi Tor Road, New City, New York, more particularly designated on the Clarkstown Tax Map as Map 99, Block A, Lot 14;

NOW, THEREFORE, be it

RESOLUTION NO. (145-1981) Continued

RESOLVED, that a public hearing pursuant to said Ordinance be had at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 10th day of March, 1981, at 8:30 P.M., to consider the application of RICHARD E. VOIGT relative to said Special Permit, 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 Journal News, the official newspaper of the Town of Clarkstown, as aforesaid, and file proof thereof in the office of the said Clerk.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (146-1981)

AUTHORIZING SUPERVISOR TO SIGN HOME RULE REQUEST CONCERNING BILL TO AMEND SECTION 271 OF HIGHWAY LAW (RAISING OF TAXES FOR PURCHASE OF HIGHWAY EQUIPMENT)(FROM \$60,000. TO \$400,000)

Co. Longo offered the following resolution:

WHEREAS, the cost of the purchase of certain highway equipment has risen rapidly in recent years, and

WHEREAS, the previous administration was forced to borrow monies to buy highway equipment to deliver basic services because of Section 271 of the Highway Law, and

WHEREAS, the payment of this past debt has made it impossible for the Highway Superintendent of the Town of Clarkstown to buy new equipment and remain within the regulation of Section 271 of the Highway Law, and

WHEREAS, the Town of Clarkstown will be unable to purchase any vitally needed highway equipment to serve the residents of the Town of Clarkstown particularly in emergency conditions during 1981 or through 1983, and

WHEREAS, Section 271 of the Highway Law, as amended, other as excepted from said law, provides in subdivision 3a(4) that a limitation of \$60,000 only may be raised by taxes for highway equipment, and

WHEREAS, the immediate emergency needs of the Town of Clarkstown require the amendment of Section 271 of the Highway Law from the present limit of \$60,000 to \$400,000;

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town of Clarkstown to sign a Home Rule request concerning such a bill amending Section 271 of the Highway Law, and be it

FURTHER RESOLVED, that such Home Rule request shall be forwarded to the Assembly and Senate of the State of New York.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (147-1981)

AUTHORIZING SUPERVISOR TO SIGN HOME RULE REQUEST CONCERNING BILL TO AMEND SECTION 271 OF HIGHWAY LAW (RAISING OF TAXES FOR PURCHASE OF HIGHWAY EQUIPMENT) (FROM \$60,000. TO \$200,000.)

Co. Longo offered the following resolution:

WHEREAS, the cost of the purchase of certain highway equipment has risen rapidly in recent years, and

WHEREAS, the previous administration was forced to borrow monies to buy highway equipment to deliver basic services because of Section 271 of the Highway Law, and

WHEREAS, the payment of this past debt has made it impossible for the Highway Superintendent of the Town of Clarkstown to buy new equipment and remain within the regulation of Section 271 of the Highway Law, and

WHEREAS, the Town of Clarkstown will be unable to purchase any vitally needed highway equipment to serve the residents of the Town of Clarkstown particularly in emergency conditions during 1981 or through 1983, and

WHEREAS, Section 271 of the Highway Law, as amended, other as excepted from said law, provides in subdivision 3a(4) that a limitation of \$60,000 only may be raised by taxes for highway equipment, and

WHEREAS, the immediate emergency needs of the Town of Clarkstown require the amendment of Section 271 of the Highway Law from the present limit of \$60,000 to \$200,000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town of Clarkstown to sign a Home Rule request concerning Senate Bill No. 1515 amending Section 271 of the Highway Law, and be it

FURTHER RESOLVED, that such Home Rule request shall be forwarded to the Assembly and Senate of the State of New York.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (148-1981)

AUTHORIZING HARRY LEVIN TO CORRECT ZONING MAP OF TOWN OF CLARKSTOWN (MAP 120, BLOCK A, LOT 31.01)(NYACK RURAL CEMETERY)

Co. Maloney offered the following resolution:

WHEREAS, Clarkstown Tax Map 120, Block A, Lot 31.01 was zoned on the 1972 Zoning Map as CS along Route 59 and the balance L0, and

WHEREAS, the 1975 Zoning Map erroneously showed the parcel as R-15, and

AAJ381

RESOLUTION NO. (148-1981) Continued

WHEREAS, the error was confirmed by the Building Inspector and Town Attorney in 1977 and the map corrected to read L0 in its entirety, and

WHEREAS, further investigation by the Town Attorney and Town Planning Consultant has determined that the correction should show the said parcel to conform to the 1972 Zoning Map in CS and L0 Zoning Districts;

NOW, THEREFORE, be it

RESOLVED, that Harry Levin, Draftsman, is hereby authorized to correct the Zoning Map of the Town of Clarkstown affecting Map 120, Block A, Lot 31.01 as follows:

CS along Route 59 for a depth measured from Route 59 to a point which is the prolongation easterly of the northerly line of the Nyack Rural Cemetery as shown on the Zoning Map, and the balance of the parcel L0 Zoning District.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (149-1981)

ADOPTING REPORT OF BARNET S. SELMAN, HEARING OFFICER RE: ACCEPTANCE OF VALLEY COTTAGE FIRE DISTRICT MAP

Co. Longo offered the following resolution:

RESOLVED, that the report submitted by Barnet S. Selman, Hearing Officer, dated November 11, 1980, be and the same is hereby adopted.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (150-1981)

AFFIRMING MAP SUBMITTED BY VALLEY COTTAGE FIRE DISTRICT AND RESOLUTION OF TOWN BOARD DATED JULY 2, 1971

Co. Longo offered the following resolution:

WHEREAS, by resolution dated July 2, 1971, the Town Board of the Town of Clarkstown approved for acceptance a map submitted and prepared by the Valley Cottage Fire District pursuant to Section 176(5) of the Town Law, and

WHEREAS, by Order dated January 24, 1973, an Order was made and entered by the Supreme Court of the State of New York, County of Rockland, remitting the matter of the acceptance of the Valley Cottage Fire District map to the Town Board for a hearing pursuant to Section 172(a) and 172(c) of the Town Law, and

RESOLUTION NO. (150-1981) Continued

WHEREAS, by Order dated March 5, 1976, a further Order was made and entered in the Supreme Court of the State of New York, County of Rockland, directing that a hearing be held within sixty days after the date of the aforesaid Order, and

WHEREAS, Barnet S. Selman was appointed Hearing Officer for the purposes of conducting such hearings, and

WHEREAS, hearings were held on various dates between May 7, 1976 and July 3, 1980, and

WHEREAS, the Town Board of the Town of Clarktown on February 10, 1981, adopted the report of the Hearing Officer, Barnet S. Selman;

NOW, THEREFORE, be it

RESOLVED, that the map submitted by the Valley Cottage Fire District and the resolution of the Town Board of the Town of Clarkstown dated July 2, 1971, be and the same are hereby affirmed.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (151-1981)

AUTHORIZING SUPERVISOR TO ACCEPT APPROVED RECREATION PROJECT APPLICATION (NEW YORK STATE EXECUTIVE DEPARTMENT DIVISION FOR YOUTH)

Co. Longo offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks, the Supervisor is hereby authorized to accept the approved Recreation Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$29,569.20.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (152-1981)

AUTHORIZING SUPERVISOR TO ACCEPT APPROVED COMMUNITY INFORMATION REFERRAL CENTER - YOUTH BOOTH, NANUET MALL PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Community Information Referral Center - Youth Booth, Nanuet Mall Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$14,683.50.

Seconded by Co. Maloney

All voted Aye.

* * * * *

AAJ381

RESOLUTION NO. (153-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED
JUVENILE AID BUREAU
PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Juvenile Aid Bureau Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$14,189.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (154-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED YOUTH
BUREAU FEASIBILITY STUDY
PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Youth Bureau Feasibility Study Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$445.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (155-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED YOUTH
COURT PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Youth Court Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$21,205.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (156-1981)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES
INC. FOR STREET LIGHTING
(TARRY HILL SUBDIVISION)

Co. Longo offered the following resolution:

RESOLUTION NO. (150-1981) Continued

WHEREAS, by Order dated March 5, 1976, a further Order was made and entered in the Supreme Court of the State of New York, County of Rockland, directing that a hearing be held within sixty days after the date of the aforesaid Order, and

WHEREAS, Barnet S. Selman was appointed Hearing Officer for the purposes of conducting such hearings, and

WHEREAS, hearings were held on various dates between May 7, 1976 and July 3, 1980, and

WHEREAS, the Town Board of the Town of Clarktown on February 10, 1981, adopted the report of the Hearing Officer, Barnet S. Selman;

NOW, THEREFORE, be it

RESOLVED, that the map submitted by the Valley Cottage Fire District and the resolution of the Town Board of the Town of Clarkstown dated July 2, 1971, be and the same are hereby affirmed.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (151-1981)

AUTHORIZING SUPERVISOR TO ACCEPT APPROVED RECREATION PROJECT APPLICATION (NEW YORK STATE EXECUTIVE DEPARTMENT DIVISION FOR YOUTH)

Co. Longo offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks, the Supervisor is hereby authorized to accept the approved Recreation Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$29,569.20.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (152-1981)

AUTHORIZING SUPERVISOR TO ACCEPT APPROVED COMMUNITY INFORMATION REFERRAL CENTER - YOUTH BOOTH, NANUET MALL PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Community Information Referral Center - Youth Booth, Nanuet Mall Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$14,683.50.

Seconded by Co. Maloney

All voted Aye.

* * * * *

AAJ381

RESOLUTION NO. (153-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED
JUVENILE AID BUREAU
PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Juvenile Aid Bureau Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$14,189.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (154-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED YOUTH
BUREAU FEASIBILITY STUDY
PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Youth Bureau Feasibility Study Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$445.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (155-1981)

AUTHORIZING SUPERVISOR
TO ACCEPT APPROVED YOUTH
COURT PROJECT APPLICATION

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Finance, the Supervisor is hereby authorized to accept the approved Youth Court Project Application with the New York State Executive Department Division for Youth, for the period commencing January 1, 1981 through December 31, 1981; and be it

FURTHER RESOLVED, that the total aid for this period will be \$21,205.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (156-1981)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES
INC. FOR STREET LIGHTING
(TARRY HILL SUBDIVISION)

Co. Longo offered the following resolution:

RESOLUTION NO. (159-1981)

TRANSFER OF FUNDS
FOR PAYRAISE (VARIOUS
DEPARTMENTS AND
ACCOUNTS)

Co. Longo offered the following resolution:

WHEREAS, the salary lines in the 1981 Budget did not contain a provision for a payraise,

NOW, THEREFORE, be it

RESOLVED, that the following be transferred:

FROM:	9000-801.....	\$48,820.00	
	9000-804.....	35,000.00	
	3120-114.....	9,113.00	
TO:	1010-110 Town Justice.....	\$ 3,422	
	1220-110 Supervisor.....	3,656	
	1315-110 Comptroller.....	3,744	
	1345-110 Purchasing.....	1,103	
	1355-110 Assessor.....	3,158	
	1410-110 Town Clerk.....	1,228	
	1410-114 Town Clerk.....	186	
	1420-110 Town Attorney.....	1,355	
	1430-110 Personnel.....	1,335	
	1490-110 Public Works Administrator.....	687	
	1620-110 Town Hall Building & Maintenance.....	4,042	
	1640-110 Town Garage.....	255	
	3010-110 Safety Compliance.....	630	
	3020-110 Central Communications.....	342	
	3120-110 Police Department (CSEA).....	25,978	
	3510-110 Control of Animals.....	393	
	4210-110 Counseling Service.....	2,440	
	5630-110 Mini-Trans.....	21,000	
	7020-110 Parks & Recreation.....	2,745	
	7140-110 Parks & Playgrounds.....	5,520	
	7141-110 Com. Recreation Centers.....	821	
	8160-110 Sanitary Landfill.....	6,393	
	8830-114 Consumer Affairs.....	500	
	1330-114 Receiver of Taxes.....	2,000	

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (160-1981)

GRANTING CERTIFICATE
OF REGISTRATION PURSUANT
TO SEC. 83-65 OF THE
CODE OF TOWN OF CLARKSTOWN
(MICHAEL MOUCADIE -
PHOENIX EXCAVATORS CORP.)

Co. Longo offered the following resolution:

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

MICHAEL MOUCADIE
PHOENIX EXCAVATORS CORP.
62 Rose Road
West Nyack, New York 10994

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RESOLUTION NO. (160-1981) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

81-9 issued to Michael Moucadie
(Phoenix Excavators Corp.)

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (161-1981)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING (ZITOLI
V. FLYNN, GRIBETZ AND
CLARKSTOWN POLICE)

AAJ381

Co. Longo offered the following resolution:

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

JOSEPHINE ZITOLI,

Petitioner,

-against-

EDWARD J. FLYNN, Town Justice of the
Town of Clarkstown; KENNETH GRIBETZ,
District Attorney of the County of
Rockland and the Police Department 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.

* * * * *

RESOLUTION NO. (162-1981)

GRANTING PERMISSION
TO POPE JOHN XXIII COUNCIL
KNIGHTS OF COLUMBUS FOR
USE OF CONGERS COMMUNITY
BUILDING (FEBRUARY 28,
1981)

Co. Lettre offered the following resolution:

WHEREAS, the Pope John XXIII Council, Knights of Columbus,
have requested that the Town Board grant them permission to use the
Congers Community Building on February 28, 1981, in order to show the
film "Star Wars" and serve hot dogs and hamburgers as refreshments;

NOW, THEREFORE, be it

RESOLUTION NO. (162-1981) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Pope John XXIII Council, Knights of Columbus to use the Congers Community Building on February 28, 1981 for the above purposes subject to the provision of the necessary insurance policies and further subject to the availability of the premises for the date in question.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (163-1981)

SETTING PUBLIC HEARING
ON PROPOSED AMENDMENTS
TO THE ZONING ORDINANCE
(THEATERS)

Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of March, 1981, at 8:45 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10A, Table of General Use Regulations, CS District, Column 2, by deleting Paragraphy 10.

Amend Section 106-10A, Table of General Use Regulations, CS District, Column 3, Section B, by adding a new Paragraph 5 to read as follows:

5. Theaters, except drive-in theaters. Subject to the additional following conditions:

a. No theater whether standard or mini shall be located within 500 feet of any residential district or within 1,000 feet of any church or school or similar place of education or worship, said measurement to be from property line to property line.

b. There shall be no more than two theaters whether standard or mini located on any single parcel of land.

Amend Section 106-10A, Table of General Use Regulations, RS District, Column 2, by deleting Paragraph 10.

Amend Section 106-10A, Table of General Use Regulations, RS District, Column 3, Section B, by adding a new Paragraph 6 to read as follows:

6. Theaters, except drive-in theaters. Subject to the additional following conditions:

RESOLUTION NO. (163-1981) Continued

a. No theater whether standard or mini shall be located within 500 feet of any residential district or within 1,000 feet of any church or school, or similar place of education or worship, said measurement to be from property line to property line.

b. There shall be no more than two theaters whether standard or mini located on any single parcel of land.

and be it,

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

FURTHER RESOLVED, that the above proposed amendments be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and report.

Seconded by Co. Longo

All voted Aye.

* * * * *

Supervisor Dusanenko then noted that he had certain documents and correspondence which he wanted to make part of the record with regard to the Siemens Construction Company zone change request. He read the following:

"January 27, 1981

Bankers Trust Company
65 North Main St.
Spring Valley, N.Y. 10977

Att: Mrs. Patrissi:

It has been brought to the attention of the Town Board that you have requested Siemens Construction Company, Co-Petitioner before this Board for a change of zoning from P.O. to R.G.2 for a parcel of land described in the Petition and owned by you, to withdraw its Petition and proceed to build a six story professional office building with a minimum rental space of 80,000 square feet and parking for 550 vehicles. Due to the fact that differences that have arisen with adjoining property owners are in the process of resolution, we respectfully urge and request that you reconsider and await the decision of this Board at its next meeting on February 10, 1981. It is the intent of this Board to put this Petition to a vote at that meeting, without further adjournment.

/s/ Theodore R. Dusanenko
/s/ Edward J. Lettre
/s/ Nicholas A. Longo
/s/ John R. Maloney"

(Letterhead of Bankers Trust Company of Hudson Valley, N.A.)

"January 30, 1981

Mr. Theodore R. Dusanenko
Supervisor
Town of Clarkstown
Ten Maple Avenue
New City, New York 10956

Dear Mr. Dusanenko:

AAJ381

We are in receipt of your letter dated January 27, 1981, advising that Bank of a meeting to be held on February 10, 1981, to further consider the change of zoning on the parcel of land owned by the Bank. As you know, it is of the utmost urgency that this matter be concluded as soon as possible; but upon your advice that differences are in the process of resolution, we most certainly will comply and will not withdraw our petition.

Yours truly,

/s/ Ensley A. Tower

EAT:rp"

(Memo from Supervisor Dusanenko to Mark Posner)

"Mark Posner
31 Verdin Drive
New City, N.Y. 634-9572

date 2/6/81
subject Siemens Zone Change

message from: Supervisor T. Dusanenko

I just received the latest plan today which gives special attention to the S.W. corner of the project as it affects the Pestrick, Kaplan and Maione residences. Note the same consideration is now given to all residences. The preliminary traffic report is also very favorable. Please share this with all the neighbors as you have agreed to do so this weekend and reply in writings to what is best for the neighborhood.

Very truly yours,

/s/ Theodore R. Dusanenko

P.S. The Restrictive Covenants are spelled out and included also."

Supervisor Dusanenko then read the covenants which are spelled out in the resolution (164-1981) which follows in these minutes.**

"February 10, 1981

TO: Supervisor Theodore R. Dusanenko & the Town Board

FROM: Robert Geneslaw

SUBJECT: SIEMENS ZONE CHANGE - TRAFFIC IMPACT

This follows several discussions and an examination of various impacts, related to potential zone changes undertaken at the request of the Town Board. The potential traffic impact has been of greatest concern to the Board.

In our memorandum to the Planning Board on the subject of the Siemens property, dated November 26, 1980, we stated that "The proposed use will generate far less traffic than the use for which the site is zoned."

Because of concern over another requested zone change, for the Buckley Farm property, from R-15 to RG-2, and the potential for additional changes should these be granted, the Town Board asked that we examine the impacts of such possible changes, with special regard to traffic.

**Supervisor Dusanenko asked Mr. Walter Siemens if he would be agreeable to these restrictive covenants and Mr. Siemens answered in the affirmative.

CONTINUED NEXT PAGE

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In a separate traffic report, dated February 9, our traffic consultants stated as one of several conclusions that "The existing road system is close to capacity now at the peak traffic hours. Without improvements ..., it does not have a sufficient capacity to accommodate the potential residential growth (north of Phillips Hill Road) under existing zoning. All zoning changes which will increase traffic generation should be discouraged."

The traffic report also indicates that, for purposes of general comparison, PM peak hour traffic generation for various uses is as follows: 100,000 square feet of general office space (administrative-type offices) will generate the same amount of traffic as 50,000 square feet of professional office (generally medical type offices), 220 single-family homes, or 310 multi-family units. The PO zoning designation would allow either type of office, or a mix. It should be clear that at an assumed balance of each type of office, the traffic generation of 60 units (which we understand to be the latest proposed) of multi-family units will be far less than development under current zoning. This clearly confirms, and quantifies, our earlier report.

Even with such a zone change, the Town Board should also consider the overall traffic improvements recommended in the traffic consultants report.

In closing we must point out that, if a series of similar zone changes is made to other parcels along the west side of Main Street now zoned PO, the potential for traffic generation will be similarly reduced, although development may occur sooner.

RG:lw

/s/

RG"

(Letterhead of DMJM/TPG - Architects and Engineers)

"February 9, 1981

Mr. Theodore Dusanenko, Supervisor
Town of Clarkstown
Town Hall - 10 Maple Avenue
New City, New York 10956

Dear Supervisor Dusanenko:

As a part of our analysis of traffic operations in the North Main Street corridor of New City, we have identified several traffic improvements which will be necessary to relieve the present traffic congestion and to permit the road system to accommodate further development beyond existing levels. These improvements are outlined in the report which we are submitting to the town, but we are summarizing them in this letter for your convenience.

North Main Street is essentially a two lane country road which is developing in use into a significant arterial highway. While its volumes have not yet reached a critical level, the large numbers of turning movements, particularly left turns, and the lack of turning lanes are starting to cause slowdowns and backups at intersections and major driveways. This can only get worse as traffic volumes build up. Furthermore, the intersection of Main Street with Congers Road/Hempstead Road and N.Y.S. Route 304 with Congers Road are now operating close to capacity at peak hour; and represent a significant capacity restraint to future traffic growth.

In order to accommodate both present and future traffic in this area, we recommend the following improvements:

CONTINUED ON NEXT PAGE

AAJ381

1. Re-phase and re-time the signals at the Main Street-Congers Road/ New Hempstead Road intersection. This signalization recently was upgraded and new equipment installed, but it does not appear to be working properly. First, the phase where both left and right turn out of Congers and New Hempstead Roads are permitted (but the clearing north-south movements, from between the two signals are not) is causing problems by leaving vehicles trapped between the two signals. This in turn causes through traffic to back behind it when the light changes and the intersection "locks". This phasing may have to be changed and "No Turn on Red" regulations posted on Congers Road and New Hempstead Roads to keep traffic moving freely.

Second, the vehicle detectors appear either to be working improperly or not to be working at all. The phase changes do not seem to be responding to traffic volume (or presence), and the recall to main street seems inoperative. As a result, during off-peak hours, vehicles on Main Street frequently have to wait for extended periods with no traffic on the side streets. Since this installation is operating on a (timed) cycle length of 154 seconds, this wait is excessive.

In addition, better signing, particularly lane designations, is required.

2. Widen N.Y.S. Route 304 at its intersection with Congers Road to provide both northbound and southbound left turn lanes. The lack of the second lane on these approaches causes considerable delay and back-ups at peak hours, and many drivers are using the shoulders to by-pass standing left turn vehicles, a maneuver which is both dangerous and illegal. Further study would be required to determine if separate left-turn phase, would be required.

An alternative to the above, if substantial new development is contemplated for north New City, is to extend the four-lane section of Route 304 north from Laurel Avenue to (say) Squadron Boulevard.

3. Widen North Main Street between New Hempstead Road and Phillip Hill Road to provide two traffic lanes in each direction (or at an absolute minimum a three-lane section with the center lane used as a continuous marked left-turn lane) be an absolute requirement for any future development of the area. The intermittent widenings in front of the various developments are totally inadequate as they cannot be used as through lanes, and generally are not built to highway standards. This reconstruction is necessary, and without it improvements to Route 304 will not solve the congestion problem, but will merely relocate it to North Main Street.

Since it appears that new road construction in Clarkstown is not likely in the foreseeable future, it is necessary to make optimum use of existing facilities.

Sincerely,

/s/ John L. Sarna

John L. Sarna, P.C.

JLS/mm"

Supervisor Dusanenko noted that he wanted to read all these reports and letters into the record so that there would be an accurate account of what had actually transpired.

RESOLUTION NO. (164-1981)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
(SIEMENS CONSTRUCTION
CORP.)

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 8:30 P.M., to consider the application of BANKERS TRUST COMPANY OF HUDSON VALLEY, NA and SIEMENS CONSTRUCTION CORP., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioners from a PO district to an RG-2 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 a PO district to an RG-2 district the following described property in the Hamlet of New City, New York, in said Town; described further on the attached Schedule "A"; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney made by the certified record owner containing the following covenants:

1. That building permits or certificates of occupancy will be limited to no more than 60 single family units, to be sold as condominiums and not rentals.

2. Prior to the issuance of certificates of occupancy, the record owner shall at its own cost and expense erect, install and maintain subject to the approval of the Planning Board and the Department of Environmental Control:

- A. Bus stop shelter;
- B. Actuated traffic light or contribution to town of cost of such for future needs.
- C. Totally opaque privacy fence no less than 10 feet of property boundary along adjacent parcels residentially zoned, the height of said privacy fence to be the maximum permitted by law.
- D. Donation of land and construction of 3rd lane with curbs as to requests of Rockland Highway Department.

3. Provide, create and maintain a 50 foot buffer area long the entire westerly property line, said buffer to remain as an undisturbed area containing no permanent fixtures or encroachments of any kind and along said westerly line an additional 15 foot building set-back, said 15 foot being measured from the easterly line of the 50 foot buffer area and a further planting of evergreens between the 15 foot set-back and the easterly line of the 50 foot buffer area, said planting of evergreens to be on top of a berm of at least three feet in height.

RESOLUTION NO. (164-1981) Continued

4. Provide, create and maintain a 50 foot buffer area along the southerly property line adjoining residentially zoned parcels, said buffer to remain as an undisturbed area containing no permanent fixtures or encroachments of any kind and along this southerly portion inside the 50 foot buffer a further planting of evergreens of at least ten feet in height, and extending 75 feet past the adjoining residentially zoned parcels.

5. These Restrictive Covenants shall be binding upon the successors and assigns of the current certified record owner.

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 said he would support Councilman Maloney on a moritorium until the adoption of a Master Plan. He said there was pressure brought on the Town Board to grant this change and he refused to be blackjacked.

Councilman Lettre said he did not think they should play poker with the citizens and taxpayers and this proposal had been looked at by all five board members and that all board members had said at the informational meeting re Siemens that it would be beneficial to the Town and he certainly had not been put under any pressure. He stated that he did not know what pressure Councilman Holbrook was talking about. He said that maybe they will not build an office building. He certainly hopes they do not but all information appears that it will be put up. All reports have shown that P0 would be detrimental to this area and RG-2 favorable.

Councilman Longo said we have a new thing in Clarkstown called political zoning. He said we have a master plan; not the one from 1971 but the one we are using today is the pressure brought by a political party.

Councilman Maloney said we have had fifty-two Americans held hostage. He said he did not want to see 80,000 residents of Clarkstown held hostage by the lack of a master plan. It is not easy to make decisions. There are a tremendous number of changes being requested for RG-2 zoning. He made mention of the traffic study. He noted that the original proposal called for eighty units. As a result of delay of the Town Board coming in with an answer the number of units was dropped to sixty and he did not like that kind of thing. He then read the following citing the engineer's report:

"3. Widen North Main Street between New Hempstead Road and Phillip Hill Road to provide two traffic lanes in each direction (or at an absolute minimum a three-lane section with the center lane used as a continuous marked left-turn lane) be an absolute requirement for any future development of the area. The intermittent widenings in front of the various developments are totally inadequate as they cannot be used as through lanes, and generally are not built to highway standards. This reconstruction is necessary, and without it improvements to Route 304 will not solve the congestion problem, but will merely relocate it to North Main Street."

Supervisor Dusanenko stated that what happens here tonight will affect the Town for many years to come. He noted that experts had stated that traffic problems would be reduced under RG-2. (PLEASE NOTE- SUPERVISOR'S COMMENTS CONTINUE ON PAGE 134 OF THESE MINUTES)
* * * * *

RESOLUTION NO. (165-1981)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH TOWN OF ORANGETOWN FOR USE OF SANITARY LANDFILL

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the Town of Orangetown for their use of the Clarkstown Sanitary Landfill in a form satisfactory to the Town Attorney.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (166-1981)

TRANSFERRING POSITION OF MAINTENANCE HELPER FROM TOWN GARAGE TO HIGHWAY DEPARTMENT (MARTIN J. HAGEDORN)

Co. Longo offered the following resolution:

WHEREAS, there is a vacancy in the position of Maintenance Helper - Highway Department,

NOW, THEREFORE, be it

RESOLVED, that Martin J. Hagedorn, 49 Carolina Drive, New City, New York - Maintenance Helper - Town Garage - is hereby transferred to the position of Maintenance Helper - Highway Department - at the annual salary for 1981 of \$10,242.00, effective February 11, 1981.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (167-1981)

APPOINTING POSITION OF MAINTENANCE HELPER - TOWN GARAGE (CHARLES T. NEWCOMB)

Co. Longo offered the following resolution:

RESOLVED, that Charles T. Newcomb, 21 South Congers Avenue, Congers, New York is hereby appointed to the position of Maintenance Helper - Town Garage - at the annual salary for 1981 of \$10,242.00, effective February 16, 1981.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (168-1981)

APPOINTING POSITION OF (TEMPORARY) REAL PROPERTY DATA COLLECTOR - ASSESSOR'S OFFICE (WILLIAM F. BOWLER)

Co. Longo offered the following resolution:

AAJ381

RESOLUTION NO. (168-1981) Continued

RESOLVED, that William F. Bowler, 13 Pigeon Hill Road, Nanuet, New York is hereby appointed to the position of (Temporary) Real Property Data Collector - Assessor's Office - at the annual salary for 1981 of \$8,508.00, effective February 11, 1981.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (169-1981) ACCEPTING RESIGNATION OF BUS DRIVER - PART-TIME - MINI TRANS (GRACE IMBIMBO)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Grace Imbimbo, 22 Clay Street, Spring Valley, New York - Bus Driver - Part-time - Mini Trans - is hereby accepted, effective and retroactive to December 20, 1980.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (170-1981) APPOINTING POSITION OF BUS DRIVER - PART-TIME-MINI TRANS (KLAUS S. BURMEISTER)

Co. Longo offered the following resolution:

RESOLVED, that Klaus S. Burmeister, 3 Leona Avenue, New City, New York is hereby appointed to the position of Bus Driver, part-time - Mini Trans - at the hourly wage of \$5.12, effective and retroactive to February 2, 1981.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (171-1981) CREATING POSITION OF SECRETARIAL ASSISTANT II - SUPERVISOR'S OFFICE

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 4, 1980 that the Secretarial Assistant II position - Supervisor's Office - can be created due to a reclassification of an existing position,

NOW, THEREFORE, be it

RESOLVED, that the position of Secretarial Assistant II - Supervisor's Office - is hereby created, effective February 23, 1981.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (172-1981)

APPOINTING (PROVISIONAL-
PROMOTIONAL) SECRETARIAL
ASSISTANT II - SUPERVISOR'S
OFFICE (MARIE MOLINARE)

Co. Longo offered the following resolution:

RESOLVED, that Marie Molinare, R.R.2, Box 130, Cortland Lane, Tomkins Cove, New York, is hereby appointed (Provisional-Promotional) to the position of Secretarial Assistant II - Supervisor's Office - at the annual salary for 1981 of \$15,624.00, effective February 23, 1981.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (173-1981)

ACCEPTING RESIGNATION
OF MEMBER OF SHADE
TREE COMMISSION
(SUSAN BARD)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Susan Bard, 480 Strawtown Road, West Nyack, New York - member of the Shade Tree Commission - is hereby accepted effective and retroactive to January 28, 1981.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (174-1981)

EXTENDING TEMPORARY
APPOINTMENT OF POLICE
OFFICER - POLICE
DEPARTMENT (GERARD F.
KING)

Co. Maloney offered the following resolution:

RESOLVED, that the temporary appointment of Gerard F. King, 352 West Clarkstown Road, Spring Valley, New York as Police Officer - Police Department - is hereby extended for a period not to exceed sixty days, effective and retroactive to January 14, 1981.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (175-1981)

AUTHORIZING REPAIRS
TO RESIDENCE IN DAVENPORT
PRESERVE (CHARGE TO
PARKLANDS AND IMPROVEMENT
ACCOUNT)

Co. Maloney offered the following resolution:

WHEREAS, the house owned by the Town of Clarkstown in the Davenport Preserve is in need of repair as attested to by the Town's Safety Coordinator and the Superintendent of Parks & Recreation,

NOW, THEREFORE, be it

AAJ381

RESOLUTION NO. (175-1981)Continued

RESOLVED, that repairs for this residence are authorized in the amount not to exceed \$2,000.00, to be charged to the Parklands and Improvement Account.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (176-1981)

RESCINDING RESOLUTION OF TOWN BOARD OF MAY 22, 1961 (CREATION OF PARKS BOARD AND RECREATION COMMISSION) AUTHORIZING SUPERVISOR TO IMPLEMENT FUNCTIONS AND DUTIES OF FORMER PARKS BOARD AND RECREATION COMMISSION

Co. Lettre offered the following resolution:

RESOLVED, that the resolution dated May 22, 1961, establishing the Parks Board and Recreation Commission of the Town of Clarkstown pursuant to Section 243 of the General Municipal Law is hereby rescinded, and be it

FURTHER RESOLVED, that the Supervisor be, and he is hereby, authorized and directed to implement all the functions and duties of the former Parks Board and Recreation Commission.

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.....	No

* * * * *

RESOLUTION NO. (177-1981)

MINI TRANS BUS SYSTEM RATES TO BE CONSISTENT WITH ROCKLAND COUNTY TOR SYSTEMS

Co. Longo offered the following resolution:

RESOLVED, that Clarkstown Mini Trans Bus System rates are to be consistent and on parity with the Rockland County TOR Systems effective March 1, 1981.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (178-1981)

CHANGE ORDER FOR CAL-MART CONSTRUCTION CORP. TO RECTIFY DRAINAGE PROBLEM ALONG DEMEREST KILL

Co. Longo offered the following resolution:

RESOLUTION NO. (178-1981) Continued

WHEREAS, the contractor, Cal-Mart Construction Corp., is in the midst of construction along the Demerest Kill under contract with the Town of Clarkstown, and

WHEREAS, Cal-Mart Construction Corp. has brought to the attention of the Town an additional drainage problem,

NOW, THEREFORE, be it

RESOLVED, that the plans and contract be modified by a change order authorizing Cal-Mart Construction Corp. to rectify such problem at a sum not to exceed the sum of \$15,000.00, the exact amount to be determined by Les Bollman, Director of Environmental Control of the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (179-1981)

AUTHORIZING SUPERVISOR TO SIGN CETA GRANTS AND ADMINISTER CETA PROGRAM

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is authorized to sign CETA grants for the Town of Clarkstown and administer the entire CETA Program.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (180-1981)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN (IRON GUILD REALTY & DEVELOPMENT CORP.)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of January, 1981, provided for a public hearing on the 10th day of February, 1981, at 9:00 P.M., to consider the application of IRON GUILD REALTY & DEVELOPMENT CORP., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from CS to RS District and RS to RG-2 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 RS to RG-2 District the property in the Hamlet of Nanuet, New York, described on the attached Schedule "A", and be it

AAJ381

RESOLUTION NO. (180-1981) Continued

FURTHER RESOLVED, that decision is reserved in connection with that portion of the petition that requests a redistricting of the property described on the attached Schedule "B" from a CS to an RS District.

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

* * * * *

RESOLUTION NO. (181-1981)

TRANSFERRING POSITION
OF STENOGRAPHER - PARKS
BOARD & RECREATION TO
TOWN CLERK'S OFFICE
(MARJORIE LUBA)

Co. Longo offered the following resolution:

WHEREAS, there is a vacancy in the position of Stenographer - Town Clerk's Office, and

WHEREAS, the necessary transfer papers have been approved by the Rockland County Personnel Office,

NOW, THEREFORE, be it

RESOLVED, that Marjorie Luba, 4 Wren Lane, New City, New York - Stenographer - Parks Board & Recreation - is hereby transferred to the position of Stenographer - Town Clerk's Office effective February 11, 1981.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (182-1981)

TRANSFERRING OF FUNDS
FROM APPROPRIATION
ACCOUNT NO. A 7020-110
TO A 1410-110

Co. Longo offered the following resolution:

RESOLVED, that \$11,645.00 be transferred from Appropriation Account No. A 7020-110 to Appropriation Account No. A 1410-110.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (183-1981)

AUTHORIZING CHAIRMAN
OF ZONING BOARD OF APPEALS
TO ATTEND ASSOCIATION OF
TOWNS CONVENTION (FEBRUARY
15 THROUGH FEBRUARY 18,
1981)

Co. Longo offered the following resolution:

RESOLUTION NO. (183-1981) Continued

RESOLVED, that the Chairman of the Zoning Board of Appeals is hereby authorized to attend the Association of Towns Convention to be held in New York City on February 15 through February 18, 1981, and be it

FURTHER RESOLVED, that all proper expenses including registration, meals and mileage and/or transportation be made Town charges.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (184-1981)

CALLING FOR MORITORIUM
ON ZONE CHANGES WHICH
WOULD AFFECT THE HIGH
DENSITY RESIDENTIAL
CAPACITY

AAJ381

Co. Maloney offered the following resolution:

WHEREAS, there have been many zone change applications all of which would increase the number and density of residential units in Clarkstown, and

WHEREAS, large portions of land in Clarkstown are already dedicated to residential use, and

WHEREAS, the Town has not always been prepared for the consequences of residential development, and

WHEREAS, good management requires a town to periodically reconsider the uses of land within its jurisdiction; that it consider not only those uses requested by would-be developers but that it study the broadest range of feasible uses for each location; that possible changes of use be seen not in isolation but that they be considered all together; not only for their impact on adjacent properties but for their effect upon one another and upon the Town as a whole, and

WHEREAS, to best accomplish these aims, the Town should prepare a plan that envisions and provides for desired change, and

WHEREAS, the Planning Board of the Town of Clarkstown is now revising the Master Plan;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown will approve no changes in the Zoning Ordinance that would create new high density residential capacity until the following planning process is completed:

1. The Master Plan is revised.
2. The Master Plan is adopted by the Town.
3. It becomes the basis for a comprehensive review of the Zoning Map by the Town Board.
4. That review will include meetings, formal or informal, with all interested parties, including residents, landowners, officials and consultants.
5. A comprehensive revision of the Zoning Map is adopted.

Seconded by Co. Holbrook

There was no roll call. Councilman Lettre asked for a legal opinion on the motion. Town Attorney said that it was an illegal

RESOLUTION NO. (184-1981) Continued

resolution. You cannot impose a freeze like that.

RESOLUTION NO. (185-1981)

TABLING RESOLUTION
NO. (184-1981)

Co. Lettre offered the following resolution:

RESOLVED, that the proposed resolution No. (184-1981) be
tabled.

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.....	No

Councilman Lettre questioned Councilman Maloney as to his concern regarding condominiums now. How come you were not concerned when you voted for the Degenshein property.

Supervisor Dusanenko said that he felt that Councilman Maloney's resolution was an illegal one with improper forethought. He felt it had to be resolved and should have been brought before the Board at a Workshop Meeting.

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

There being no one wishing to be heard and no further business to come before the meeting, Town Board Meeting was adjourned, time: 2:45 A.M.

Respectfully submitted,

 PATRICIA SHERIDAN,
 Town Clerk

Supervisor's Comments re: Resolution No. (164-1981) - Siemens' Zone Change

This is a sad vote. Regardless of how one votes here tonight, even if everyone is sincere, there is a heavy problem. What happens here tonight may - I am not saying it will but it may - affect this section of New City for many years to come. After studying the reports of traffic experts whom the Town pays I believe a vote against this project is voting for additional congestion. The Town Planner and our own traffic consultants have stated that "Yes, there are traffic problems along Main Street but a change to RG-2 will reduce the traffic as opposed to the traffic generated by a P0 zone." The other alternative, if the Bank is so disposed and what is legally allowed, would be to develop this property under the present zoning. The professional opinion, according to the Town Code Book, is that what could be built on this property under present zoning is a 90,000 square foot building with 600 parking spaces. To accommodate this 90,000 square foot building there would have to be a multi-story building of up to nine stories. This would take into account the set back from the front property line and the no parking within ten feet of any property line or building. The number of stories would not be limited under present law for this type use. It is public knowledge that P0 has been used as a holding zone but because

CONTINUATION OF SUPERVISOR'S COMMENTS RE: Resolution No. 164-1981)

of taxes and financing it has come to the point where the owners of PO zoning are looking to develop it. It is not realistic to believe that PO property will be left forever green. As in this instance, the owners are looking to develop. Regardless of who is on the Town Board they are going to have their share of headaches. We have a beautiful Town but from a planning point it is an abomination. New City, for lack of a better description, could be labelled "cul de sac city." The planning in this Town has allowed cul de sacs everywhere instead of the necessary additional east-west, north-south parallel roads. The old two-lane country highway has become a major artery. The choice, the stamp, the die was cast many years ago and we have to live with that abomination and do the best we can. It has been suggested that the Town could build an east-west parallel road. However, the fact is that it is a county road. As your County Legislator, I have seen the Town and County work together for the good of the Town. Sometimes the Town, when granting a change of zoning, has required that the builders, at their expense, gratuitously donate the third lane along many of the roads affected. If the people here tonight are concerned about traffic congestion, would they be willing to sign petitions for a bond issue to build that road? I doubt that this will happen. The only way they are going to build that road is to have the builders, at their expense, pick up that third lane whenever a change of zoning or approval of a site plan is granted and whatever residential and commercial properties are left would have to be condemned and bought by the County in order to complete the road. Time will judge this decision - if it is a good decision for the Town or a bad decision. Reiterating what I previously stated, I do not know if the Bank is serious; if Walter Siemens is serious, but that if sometime in the near future there is a towering professional office building there, then I want to be on record, which is why I went through the unusual procedure of entering so many documents into the record. When the political season starts this November, I do not want to see my friends and neighbors in my Town say anything because I have done everything in my power to keep that alternative from happening.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/10/81

8:34 P.M.

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

RE: PETITION FOR CHANGE OF ZONE APPLICATION - R-15 DISTRICT TO PO DISTRICT - JOHANNES AND MARIE RINNE, NANUET, NEW YORK

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

(Letterhead of County Planning Board)

"December 15, 1980

Clarkstown Town Board
Town Hall
New City, New York 10956

Re: General Municipal Law (GML) Review: 239(k) _____ 239(1&m) XX 239(n) _____

Map Dated: _____

Item:

Johannes & Marie Rinne, E/S N. Middletown Rd/Oakland Pl., Nanuet (C-444)

The Rockland County Planning Board reviewed the above items at its meeting of December 9, 1980, and

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

Changing the zone from R-15 to PO is a spot zone. This is a heavily trafficked area and may lead to other zone changes.

cc: Supervisor Dusanenko
Clarkstown Planning Board
Mr. Lombardi, member, RCPB
RCHD

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By s/s Aaron D. Fried
Aaron D. Fried, Planning Director

*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."

CONTINUED ON NEXT PAGE

AAJ381

(Letterhead of Clarkstown Planning Board)

"January 8, 1981

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

Gentlemen: TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
R-15 TO PO, RINNE 17A7.31 NANUET (Within
filed SD Rinne II: approx. one acre R-15
land to E. side N. Middletown Rd./Oakland Pl.)

At the Planning Board meeting of December 17, 1980 motion of Nowicki, second of Howell, carried 6:0 with Ayes of Yacyshyn, Fallon, Thormann and Paris, to approve the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition of Johannes and Marie Rinne 17A7.31, Nanuet, in relation to the topography, the surrounding area, existing conditions and statutory requirements and recommends that the petition be granted. In this particular case it is felt that the PO use would be an upgrading of the area. It is respectfully recommended that the following conditions be imposed:

- 1) Concrete curbing shall be provided around the periphery of the parking area,
- 2) A detailed landscaping plan shall be provided,
- 3) As agreed to by applicant, ingress and egress shall be solely from Oakland Place.

In response to the statutory requirements the Planning Board has made the following determinations, where applicable,

- a) The use permitted by the proposed change would be appropriate in the area concerned,
- b) Adequate public services exist or can be created to serve the needs of this proposed 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 the vicinity,
- d) Not applicable,
- e) There is not much PO land being developed in the vicinity of the area included in the proposed amendment,
- f) We do not see this as having undesirable effect upon the growth of the community as envisaged by the comprehensive plan,
- g) Not applicable,
- h) There is a possibility that other areas designated for similar development may also request such change, but each case would have to be handled on its own merits: this particular case lends itself to the proposed change.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,
Chairman

cc: Town Attorney
Town Clerk

Attached is copy of Planning Consultants report."

CONTINUED ON NEXT PAGE

(Memorandum from RPPW - Planning Consultants)

"12/9/80

TO: CLARKSTOWN PLANNING BOARD
FROM: ROBERT GENESLAW
SUBJECT: ZONE CHANGE REQUEST R-15 TO PO, RINNE, NANUET, 17A7.31

AAJ381

The application referred by the Town Board to the Planning Board is for a zone change from R-15 to PO for a parcel approximately one acre in size located at the southeasterly corner of the intersection of North Middletown Road and Oakland Place. The parcel is improved with a small building and parking area, and has been used as a nursery. It is not far from the Macri property, for which a similar change was requested and not granted. Since the properties are near one another, and the circumstances are somewhat similar, we have borrowed from our memorandum to the Planning Board on that item.

The property has been involved in a series of applications to the Zoning Board of Appeals since 1963, and these are summarized in the background material provided to the Planning Board.

In addition to being bound by two streets as noted above, the area to the east and south of the subject parcel is a single family residential area. Slightly to the north on the east side of North Middletown Road is a municipal commuter parking lot built on land owned by the Palisades Interstate Park Commission, and further to the north is a professional medical office building opposite the PIP off ramp, and the Parkway itself.

The immediate adjacent area on the west side of North Middletown Road is single family residential. Further to the north and south there are single family homes with intermittent professional offices, (some in homes) although the land use pattern along North Middletown Road in the vicinity of the subject property is primarily residential in nature.

The zoning along North Middletown Road in the area of the subject is R-15, confirming the land use pattern. Middletown Road has been under some pressure for intensification of zoning levels over the past few years as traffic volumes have increased. In some respects the situation with respect to Middletown Road and the pressures of conversion from residential to non-residential use is similar to and at a lower scale than the same sort of pressure seen along Route 304 in New City. The current Comprehensive Plan recommends 2-3 dwellings per acre throughout the area, and the R-15 zoning is consistent with this.

At present Middletown Road appears to be satisfactory living environment for single-family residential use, so long as the traffic volumes do not increase significantly. The Official Map shows Middletown Road as a major road, with an overall right-of-way of 80 feet and a pavement width of 60 feet. As widening continues to the south of Smith Road, it is possible that traffic levels will increase, and the Planning Board may in the future be faced with the same sort of dilemma presented on Route 304 but at a much lower level.

In land use terms the situation now before the Planning Board should not be viewed as an isolated case. The granting of PO designation will be likely to encourage additional requests of a similar nature and the Planning Board should be aware of this. The Town has attempted to direct office development to hamlet centers and more heavily travelled roads. Granting this request may weaken that objective.

CONCLUSION

While it is true that the PO zoning designation has been designed as a transitional use between single-family areas and more intensive

activities, the application of the PO designation to a specific parcel must be viewed against the effect of such a change on the parcel and the surrounding area, as well as against overall planning objectives. In the case of the subject parcel the primary factors to be considered are: the overall need for additional professional office use, and the effect of a change on other properties along Middletown Road.

We do not believe that granting the change will be desirable for the Town because it is likely to encourage additional requests for similar changes along North Middletown Road. We therefore recommend against the granting of a zone change. We suggest that, if the owner can demonstrate to the ZBA that the property is not useable for the purposes allowed, that relief be sought from the ZBA.

RG:lw

/s/ RG"

Donald Tracy, attorney for applicant, appeared and stated that the building concerned was 4,028 square feet and that he wanted to inform the public that this property has an existing variance for a wholesale and retail nursery. It could be rented and an enterprising nurseryman could create a booming business which would generate a tremendous amount of traffic. It is presently being used by a fellow who sells flowers, plants, Christmas trees, etc. He was hesitating to go before the ZBA because he felt it would be difficult to prove economic distress since it could be made into a successful business. The change to PO he deemed to be a good choice. It was not spot zoning and it would actually be an upgrading of the site. He reiterated that there was a present variance on the site which allowed retail use.

APPEARANCE:

Dr. Ferrante
2 Inland Road
Spring Valley, New York

Dr. Ferrante stated that he is a chiropractor and the lessee of this property with an option to buy. He would have an assistant, Dr. Roger Russo, in the office with him. They would be open Monday, Wednesday and Friday from 10:00 A.M. to 7:00 P.M. and Saturday from 9:00 A.M. to 1:00 P.M. He would have a projected client load of a maximum of four patients at one time. There was no plan to enlarge the existing structure. They would improve it cosmetically interiorly and exteriorly as its present condition is very bad. No further black-topping was planned. There would be extensive additional landscaping.

APPEARANCE:

Mr. Burt Cross
Architect

Mr. Cross gave an explanation as to the improvements planned on the property and stated that there were two structures on the property, both painted barn red, one of the structures was boarded up; the other structure with rot and deterioration. A chain link fence was overgrown with weeds and debris and the property was described as being almost a junkyard. His client plans to clean up the overall area, remove the fence, remove the boarded up structure and renovate the remaining existing building. He noted that extensive landscaping was planned and they would reduce the amount of macadam that was there and possibly close off the Middletown Road ingress and egress. There would be eleven parking spaces, four to be used by staff with the remaining spaces reserved for patients. Trees would be planted to the east and south. There are existing willow trees which will remain. The area bordering Middletown Road and Oakland would be improved with landscaping with lawn area and shrubs to the south and trees to the north.

Supervisor Dusanenko asked if there was anyone wishing to be heard 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. Frank Nuzzi
319 North Middletown Road
Nanuet, New York 10954

Mr. Nuzzi stated that the variance on this property was granted fifty years ago. Middletown Road is heavily trafficked.

APPEARANCE: Mr. Thomas Noonan
333 North Middletown Road
Nanuet, New York 10954

He was in opposition because of the traffic problem.

APPEARANCE: Mr. Steve Kopelman
15 Rinne Road
Nanuet, New York 10954

He felt the area should be kept residential.

APPEARANCE: Mr. Eugene Bryda
1 Wesel Road
Nanuet, New York 10954

He spoke regarding the traffic problem in the area.

APPEARANCE: Mr. John Moolick
42 Oakland Place
Nanuet, New York 10954

He felt this would further aggravate the traffic problem and hurt property values.

Mr. Tracy spoke in rebuttal and he said that as far as traffic being a problem around the residential area if the PO zoning were granted the time that they would be in operation from 10:00 A.M. to 7:00 P.M. would not interfere or add to the traffic problem because they would not be affecting the peak time.

Councilman Longo asked if they could effect a covenant as to the time of business operations - if that was legal.

Mr. Tracy said that legally it certainly could be struck down.

Supervisor Dusanenko said since Oakland Road was a residential road would they use Middletown Road.

Mr. Tracy said that there is a curb cut into Middletown Road but the Town and County Planning Boards requested it not be used. The Town Board could dictate that that road be used. As things now stand they would prefer to use Middletown Road. The reason for Oakland Place being suggested in the plan was to comply with the requests of the Planning Boards who tell us what to do. He said that in the spring a fellow brought in flat beds of plants which brought in \$15,000.00 and then he relocated to Pomona. During the winter season Christmas trees were sold there and in the spring someone generally rents it, sells plants and moves on. People fear change until they see the change.

He stated that this would be an ideal buffer for people who live off Middletown Road and for the people who live on Middletown Road it would at least be something decent for them to look at.

Councilman Holbrook asked how large the property was. Mr. Tracy said it was approximately 42,000 feet or one acre.

Councilman Holbrook asked how many single family homes could be put there. Mr. Tracy said at least two homes.

Mr. Cross spoke regarding the anxiety of the residents as to the danger to the children because of the traffic generated. He said that there really would be no danger to the residents and as an example stated that they could set up their office there right away if they choose to live in the building as had many doctors, dentists, chiropractors, etc. in the area. Where such a condition exists there have been no problems and no complaints from the neighbors. He did not understand why this should be considered more dangerous than that which is presently existing throughout the Town.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 9:20 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/10/81

9:21 P.M.

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

RE: PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NO. 8-1967, ENTITLED, 'LOCAL LAW REGULATING GARBAGE REMOVAL IN THE TOWN OF CLARKSTOWN', AS AMENDED."

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

Town Attorney explained that this was requiring Clarkstown licensed carter to have at least \$500,000.00 in liability insurance. The question was asked about the contractors other than the licensed Clarkstown carters having to have this insurance and the Town Attorney stated when their contracts come up for renewal they will be obligated to obtain this insurance.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of this proposed local law.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to this proposed local law.

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 the Public Hearing was closed, ADOPTED, time: 9:24 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAJ381

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/10/81

9:24 P.M.

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

RE: PETITION FOR CHANGE OF ZONE APPLICATION - CS DISTRICT TO RS
DISTRICT, RS DISTRICT TO RG-2 DISTRICT - IRON GUILD REALTY
AND DEVELOPMENT CORPORATION

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

Town Attorney read following correspondence:

(Letterhead of Rockland County Planning Board)

"December 15, 1980

Clarkstown Town Board
Town Hall
New City, New York 10956

RE: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) 239(1&m)XXX239(n)

Map dated:

Item: Iron Guild Realty, S/Middletown Rd/Nauraushaun Creek/College Ave.,
Nanuet (C-958)

The Rockland County Planning Board reviewed the above item at its meeting of December 9, 1980 and

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

cc: Supervisor Dusanenko
Mr. Lombardi, member, RCPB
Clarkstown Planning Board

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By /s/ Aaron D. Fried
Aaron D. Fried, Planning Director

*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."

(Letterhead of Clarkstown Planning Board)

"January 20, 1981

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

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
CS TO RS, RS/RG-2 TO RG-2: IRON GUILD
DEVELOPMENT CORP. 14B10.01+NANUET (11.4
acres to South Middletown Road)

AAJ381

Gentlemen:

For many years the Town has been studying means of providing housing and housing choices. In 1977 the Town Board established a Citizens Housing Task Force and during the course of that year this Planning Board met with Task Force to discuss possible solutions to the problems. The big question is, and has been, how to provide affordable housing for young adults, young married, less affluent households for all ages, and sizes, and alternatives for those with changing needs.

During the discussions on the Hamlet Plans, part of the Master Plan Update, there clearly was an opportunity to address ourselves to the problem of housing, but also to the concerns for energy conservation and transportation. It was in Nanuet that we saw an area that could be set aside to where the Town can now offer a possible solution to the problem.

Nanuet Center is an intensely developed area as compared with the other hamlets in Clarkstown. Its character is more urban and is a commercial hub. It is also more accessible to all major highways than any other hamlet center. This clearly gave the Planning Board a significant opportunity to respond to the needs of all the residents.

It is to this end that the following evolved. At the Planning Board meeting of January 7, 1981, motion of Thormann, second of Nowicki, carried 4:0:1 with Ayes of Yacyshyn and Paris, abstention of Cunningham, approving the following...

This matter is coming before the Planning Board at a most crucial time, prior to the Planning Board holding the public hearing on the Comprehensive Plan Update. In 1971 when the Planning Board adopted the Comprehensive Plan, this area was shown as multiple-family. In refining and re-examining the Comprehensive Plan, we concur with that designation and strongly recommend that this area be designated for higher density multi-family housing for the following reasons: 1) public interest, 2) traffic, 3) noise pollution and glare, 4) energy conservation, 5) environmental considerations and 6) economic factors.

To elaborate further, the public interest would be best served by providing much needed affordable housing. By permitting higher density the housing can be built so that it can serve the needs of the young adult, young marrieds, and the middle-aged or older folks who no longer wish to own their own home, or cannot maintain and care for their home any longer.

In terms of traffic, in order to limit any additional traffic onto South Middletown Road, allowing multi-family with ingress/egress onto College Avenue, or possibly First Street, would further reduce traffic back-ups and congestion on South Middletown Road, and curtail traffic accidents which would surely result with more access points onto South Middletown Road.

The noise levels and fumes would be sharply reduced with less automobiles, and would further benefit the existing multi-family development, Normandy Village.

National interest in energy conservation leads us to believe the best alternative for this site would be higher density multi-family. This area is so located as to be within walking distance of mass transit, the buses running to all parts of the County, New York City and Westchester, the trains running to Hoboken for easy access to New York.

The site is within easy walking distance to both the public and parochial schools, easy walking distances to many religious institutions, within walking distance of the Nanuet Library and in convenient proximity to a large open area, Lake Nanuet. The site is certainly within easy walking distance of many commercial areas.

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Page 3

Allowing for higher density multi-family can prohibit development in an environmentally critical area. The proposed development could be so designed as to protect a large area around the Naurashaun making maximum use of the natural amenities, leaving it as open space area, allowing for more human needs relating to planning.

Further we are not in agreement that a five acre parcel be rezoned to RS. It is a general principle that the RS zone be located on a much larger parcel of land. In terms of orderly development, a new regional shopping center should be located where there is an unsatisfied market potential. The Nanuet Mall and the surrounding shopping centers must be allowed to maintain their economic vitality and allowing additional shopping centers would only reduce their economic viability.

In conclusion the Planning Board recommends disapproval of the zone change as requested and recommends that the Honorable Town Board defer any action on this matter until such time as the Planning Board has held its public hearing on the Master Plan, and/or researched the possibility of a change for the entire parcel of 12 acres to a higher density multi-family with maximum performance criteria for the creation of a new zone to be established in concert with the Building Inspector, the Planning Consultant and any other essential personnel.

We attach copy of Planning Consultants recommendation for your information and guidance.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,
Chairman

cc: Town Attorney
Town Clerk

att: RPP & W letter"

(Letterhead of RPPW - Planning Consultants)

"December 11, 1980

TO: CLARKSTOWN PLANNING BOARD
FROM: ROBERT GENESLAW
SUBJECT: ZONE CHANGE REQUEST, IRON GUILD REALTY, NANUET, 14B10.01

INTRODUCTION

This is an application for a zone change for a parcel commonly known as the Stark property in Nanuet. It is approximately 12 acres in size, and has been the subject of considerable discussion by the Planning Board as part of the update of the Nanuet center portion of the Master Plan. The Preliminary Hamlet Plans report dated September 1979 contains extensive discussion of this area, and this memorandum is shorter than would otherwise be the case.

EXISTING LAND USE & ZONING

The property is located on the east side of Middletown Road, at the northerly signalized entrance to the Nanuet Mall. It extends through to College Ave. and is bounded on the south by a carpet store and the Normandy Village multi-family development. On the north it is bounded by the Nanuet Hebrew Center, an open area recently used for parking of vehicles for sale, two small retail stores and two homes.

CONTINUED ON NEXT PAGE

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The site is presently in two zones, CS or Community Shopping and RS or Regional Shopping. The line separating these two zoning categories runs parallel to Middletown Road, with the CS occupying the area along Middletown Road, approximately 300 feet deep. The adjoining properties along Middletown Road are similarly zoned CS, while the RS district extends to the north to Route 59, and also includes the Nanuet Mall, but not the frontage along the west side of Middletown Road.

The CS district does not permit as many uses by right as the RS district. The latter, for example, allows auto repairs without special restrictions, commercial recreation establishments, a wider range of retail stores and facilities and wholesale sales or storage and warehousing. The RS also allows a greater number of uses subject to the issuance of a special permit by the Board of Appeals or the Town Board. The intensity of development allowed in the two districts is similar, although the RS requires somewhat greater setbacks for yards.

The Normandy Village complex is zoned RG-2, permitting rental or condominium multi-family development.

COMPREHENSIVE PLAN

The 1971 Comprehensive Plan recommended a medium to high density multi-family residential use, at a density of up to 20 units per acre. This was based on a study of the Nanuet area by the Town Planner at that time.

As part of the update of the Comprehensive Plan over the past year or so the consultant has recommended, and the Planning Board has generally agreed with, a continuation of that form of development. However, a density was not established other than that it be greater than permitted in the RG-2 zoning district.

The reasons for this recommendation are explained at length in the Preliminary Hamlet Plans report, referred to earlier. In summary the site is near shopping, the railroad and bus transportation, major highways, and is appropriate for a higher density residential development than the RG-2 district.

For purposes of our evaluation of this zone change request, we are suggesting a density of 25 units per acre for this area. This would have to be analyzed further with respect to a number of factors, but may serve as an illustration. It represents an approximately 50% increase over the RG-2 density.

TRAFFIC AND ACCESS

The property is served by several roadways, with Route 59 nearby, and frontage along both College Avenue and South Middletown Road. Traffic levels can be quite high at the intersection of Route 59 and South Middletown Road, particularly at peak hours. Somewhat lower levels of traffic, but enough to be troublesome, are experienced along South Middletown Road at the entrances to the Nanuet Mall.

Any development of the subject property will generate additional traffic. This alone is rarely sufficient to deny the owner of a property the right to develop in some way that will be economically feasible. However, traffic generation can not be accurately forecast without knowing in considerable detail the types of development that will occur. It is possible to make some estimates, however. The estimates assume that no retention area will be needed for the Naurausaun. This gives a "worst case" analysis for traffic and development intensity.

The applicant proposes to rezone the eastern portion of the property to RG-2, permitting condominium or garden apartments. On the 6 acres in

this area, at an assumed average density of perhaps 17 units per acre, some 100 or so units, and 200 parking spaces, could be built. (The applicant has indicated that 95 would be built.) These would presumably have access only to College Avenue. Depending on the size of units and the characteristics of the residents, traffic generated could range from 6-8 trips per unit per day, for a total of 600 to 800 trips, and something on the order of 60-70% of these trips could be expected to be made during peak periods.

AAJ381

The western portion of the property, proposed to be zoned as RS, has 5.4 acres. As noted, it is difficult to estimate traffic generation without knowing the types of businesses that will be present. However, some examples can be illustrative. If the 5.4 acres is fully developed, approximately 60,000 square feet of floor area could be developed. This would require from 240 to 320 parking spaces, depending on the ratio of net to gross space. Recent traffic generation studies indicate that the average for shopping centers of this general size is 79 trip ends per day per 1,000 of gross floor area. At that rate, the RS portion of the site would be likely to generate 4,800 trip ends per day. Access to the site would be at the presently northerly traffic light to the Mall. Unless the Nauraushaun were to be crossed, and a roadway extended through the RG-2 portion of the site to College Avenue, all of this shopping center traffic would gain access at a single signal on Middletown Road.

As noted elsewhere, the consultant had previously recommended multi-family residential development on this site, at a density greater than the RG-2 district. For purposes of the traffic analysis, it is assumed that a reasonable density would be 25 units per acre. The portion of the site that is requested for RS could then accommodate about 122 units, which would generate (according to average figures) about 7 trip ends per day, or a total of about 850 trip ends per day. If the easterly section were similarly zoned, about 150 additional units could be built, producing about 1,050 trip ends per day. Without a crossing of the Nauraushaun, the 850 trip ends would use Middletown Road and the 1,050 trip ends would use College Ave. In fact however, volumes would be lower, because the site is within walking distance of the Nanuet Mall, the Nanuet railroad station, and buses.

From a traffic perspective the requested change raises serious questions. While it is true that development under current zoning would generate even greater levels of traffic, the distribution of that traffic may be different. If the entire site were developed RS, the likelihood of a crossing of the Nauraushaun would be greater, thereby distributing traffic between Middletown Road and College Avenue. But either way, there are questions as to the ability of the access roads to handle the volumes of traffic that would be generated.

DRAINAGE - A NOTE

The Nauraushaun Brook crosses the site from north to south. One of the major streams in the Town, it has caused flooding in various areas. Several communications have been received by the Town with respect to the Nauraushaun and potential plans to carry out upstream improvements. At the time of writing, the nature of upstream improvements, and their timing, is uncertain. This makes it difficult to determine steps that might need to be undertaken on site to meet drainage requirements, whatever the zoning.

It is clear that from a drainage perspective, the form of development that produces the least runoff will be preferable. The requested change should produce less runoff than the current zoning, and therefore would be preferable as between these two choices. However, the needed treatment of the site to accommodate drainage appears to be uncertain because the extent of future upstream improvements to the Nauraushaun has not been determined.

CONCLUSION

Our recommendation to the Town is unusual in that we generally recommend either against requested zone changes, or in favor, with or without conditions. It is true that the requested change will have a lesser impact in terms of drainage and traffic than the current zoning. It is also true that the zones requested largely represent a continuation and extension of the present zoning pattern in the area.

In our opinion, in this case this is not sufficient reason to approve the requested change. Nor do we recommend that the property be developed in accordance with its present zoning.

Rather, we recommend that the Town further investigate the impact of the requested change and the impact of our previously proposed medium to higher density multi-family designation for all or part of the site. This is not intended to be a delaying tactic, and we recommend that such an evaluation be limited to readily available information. If this process confirms the logic of our recommendation, the developer should be so advised, and the Town should promptly devise a new zoning district to accommodate this proposal.

In the event that the Town rezones the property as the petitioner requests, we strongly urge that a condition be imposed prohibiting supermarkets on the site, as well as other uses that may have similar characteristics. This recommendation is made for three reasons: supermarkets tend to generate more traffic than other commercial uses; recent introduction of 24 hour stores and all night deliveries will be likely to adversely affect the residents of Normandy Village and the RG-2 portion of the property once developed; and rodents will be attracted to the site by the presence of food. The truck problem and rodent problem have been the cause of numerous complaints to the Town by residents in the East Greenbush Road area of West Nyack and we believe a repetition of such a situation must be avoided. The best way to avoid these problems is to not allow construction of supermarkets within close proximity of homes.

RG:lw

/s/ RG

cc: Dept. of Environmental Control"

"January 20, 1981

"My neighbors and I along East Alison and West Alison Avenue, April Lane and May Place applaud your stand against high-rise apartments on Middletown Road, Nanuet. The reasons which you give are absolutely correct. Nanuet has already been exploited by high density business and residence. The Town is like Swiss cheese - full of holes. The back roads are fully saturated with shoppers from all nearby areas. We need relief not additional residences and businesses. Nobody cares about Nanuet. We have had it up to here with people.

/s/ Nicholas M. Patsis
Licensed Professional Engineer"

"Dorothy Liu
Bldg. 12 Apt. 8
Normandy Village
Nanuet, New York 10954
Feb. 7, 1981

Mr. Pgfrett J. Johns (sic)
Town Attorney
Town of Clarkstown 10 Maple Ave.
New City, N.Y. 10956

Dear Mr. Pgfrett:

PH - 2/10/81
Page 7

I received your notice of a public hearing on Feb. 10th, 1981 at 9:00 P.M. at the Rockland Town Hall to consider the application of Iron Guild Realty & Development Corp. for a change of the zoning ordinance from CS to RS District and RS to R2 District.

Since I can not attend this hearing at the particular time, I would like to let my position be known that I am against the application of Iron Guild for a change of the zoning ordinance.

Your attention to this matter is deeply appreciated.

Thank you.

Very truly yours,

/s/ Dorothy Liu"

I will be unable to attend the public hearing on the change of the zoning ordinance requested by Iron Guild Realty & Development on February 10th. I wish to register my opposition to zoning change. The proposed building would overtax already over-burdened streets that are now choked with traffic and will be deleterious to the community both esthetically and in its drain on services.

/s/ David O. Chuboff"

Supervisor Dusanenko requested a point of information regarding the application. If the Town Board changed the lands that are currently zoned RS to RG-2 on the one side could they on the other side grant approval for a CS rather than an RS. Town Attorney said no, another public hearing would be necessary.

Supervisor Dusanenko said could they covenant the use of the land. Town Attorney said yes except that it would leave two zones existing and it would be extremely difficult to develop.

Councilman Lettre said in developing the RS-CS portion could the Town Board covenant that only CS use be allowed in the RS zoning.

Supervisor Dusanenko said could the portion of land zoned RS be covenanted for CS use only.

Henry Horowitz, Engineer and Attorney for the applicant said the subject parcel had 300 foot frontage on College Avenue and approximately 300 foot frontage on South Middletown Road. On the south it was bordered by Normandy Village and on the north by Nanuet Hebrew Center. His client entered into contract in 1980 after discussions with Rockland County Drainage Agency regarding Naurashaun Creek. He also had discussions with various Town agencies. The parcel is presently zoned three zones. 2.5 acres are zoned CS; 9 acres are zoned RS; and 1/2 acre is zoned RG-2. We are requesting elimination of the CS zoning which is a parcel in the RS zoning. The dividing line is the Naurashaun Creek and on the other side of the creek, approximately 6 to 6-1/2 acres off College Avenue, we are requesting a zoning of RG-2.

The Rockland County Drainage Agency has plans prepared for improvement of the Naurashaun Creek by obtaining a retention basin by the airport. If this retention basis was obtained the improvements to

CONTINUED ON NEXT PAGE

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the Creek would not have to be extensive. However, this would depend on the retention basin in the vicinity of the airport being obtained. The Rockland County Drainage Agency said that if, when the applicant is ready to build, the retention basin has not been obtained much more extensive work would be necessary.

Mr. Horowitz made reference to the letters read at the beginning of the public hearing from the various planning consultants and the Planning Boards.

He said that the change they are requesting on the parcels is from College Avenue to the stream - RG-2 and from the stream to Middletown Road - RS. The present zoning line was placed on the property in 1939. There have been many recommendations to develop this property with high density. He wanted it noted that the applicant is not now nor has he ever requested high rise apartments or high density. He said the applicant is only requesting what the Board can give and is not requesting anything that is not in the present existing zoning code and is not requesting the creation of a new zone. The land has been vacant for 42 years. This proposal comes closer to conforming with the Master Plan. The requested zoning conforms with the surrounding property. He presented a map which pointed out that they are surrounded by RG-2 and CS. The number of units planned would be 95 two bedroom units. More units could be requested if the proposal was for one bedroom or studio apartments and less units if they were 3 bedrooms.

Explaining the difference between RS and CS he stated there is a broader base covered by RS than CS. He said his client agrees that no food market will go into the area. He said that if the Board would prefer CS to RS his client will agree and they would come back with a request for CS at another time and he requested the Board to grant the change from RS to RG-2 now.

They do not request the RG-2 for Middletown Road because they do not feel that it was good for a residential development. They wanted to keep RG-2 in the back off College Avenue and keep the RS or CS in the front of the parcel off Middletown Road. The request is for unanimity and for a change that can be presently granted. We cannot change to what does not exist. He reiterated that this change goes in the direction of the Master Plan.

Councilman Holbrook asked why the whole parcel could not be residential.

Mr. Horowitz said they did not request residential for the entire area because of the traffic problem and because the surrounding area was commercial and it was not an ideal place for children because of the horrendous traffic conditions.

Councilman Holbrook said he felt the zoning would create a worse traffic problem. Mr. Horowitz stated that they were requesting that the zoning area be reduced from 11 acres to 5 acres.

Councilman Longo asked how many units were planned for the RG-2 parcel. Mr. Horowitz said 95 two bedroom units.

Councilman Lettre asked that there be no food store in the area and inquired as to what type of store was planned and if anyone was interested. Mr. Horowitz said he did not know what kind of stores were planned or if there had been any attempt to secure tenants but that he would check. He stated that the applicant presently owns two shopping centers in Clarkstown.

Supervisor Dusanenko asked Town Attorney if it was possible to grant part of the application and hold the other part. Town Attorney said "Yes."

Supervisor Dusanenko asked what the difference was between RG-1 and RG-2. Town Attorney explained that you would have greater development under RG-2 than under RG-1.

Councilman Longo asked for more information regarding RG-1. Mr. Horowitz said RG-1 would give you approximately 10% less development than RG-2.

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

IN FAVOR:

APPEARANCE: Mr. Kenneth Torsoe
Normandy Village - Part Owner

Mr. Torsoe said that the Board had only two choices - houses or shopping. He felt that the Planning Board's proposal was a pipe dream. He said that he had been interested in buying this property and had made inquiry but the price was prohibitive. He said the present applicant had paid a high price for the land because of the shopping.

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

IN OPPOSITION:

APPEARANCE: Mr. Kenneth Hart, President
Normandy Village Association

He said there was a terrible traffic problem and he did not want to see any more traffic on his street. He wanted no more shops, condominiums or garden apartments.

APPEARANCE: Mr. Chuck Drachman
22 Argow Place
Nanuet, New York 10954

Mr. Drachman stated that he had no objection to the RG-2 but was absolutely opposed to shopping. He did not want RS or CS zones.

APPEARANCE: Ms. Joyce Siegel
76 Eberling Drive
New City, New York 10956

Ms. Siegel had questions regarding various zones.

APPEARANCE: Mr. Robert Fornaro
Nanuet, New York

He objected to the the erection of condominiums and stated that Nanuet has had enough building.

APPEARANCE: Rabbi Simon Potark
Nanuet Hebrew Center

He said there was no more shopping needed in Nanuet. The traffic situation is impossible and it virtually comes to a standstill in October, November and December. He said if the shopping center were granted traffic would be the same all year round as it is now in October, November and December. He urged the Board to create something else.

APPEARANCE: Mr. Jim Shoppee
Normandy Village
Nanuet, New York 10954

Mr. Shoppee was very concerned with regard to traffic problems on College Avenue.

APPEARANCE: Ms. Gladys Gordon
10 Terrace Avenue
Nanuet, New York 10954

Mrs. Gordon stated that traffic is impossible. She urged the Board to consider the good citizens who live in the area now and not do this.

APPEARANCE: Ms. Shirley Mosner
109 Briar Road
Nanuet, New York 10954

Mrs. Mosner stated that the people in the area deserved consideration. Synagogue should be considered. Middletown Road would be impossible to use. There are enough stores. This would just create another tax burden.

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

Mrs. Russo represented the Nanuet Civic Association. She called for a Master Plan.

APPEARANCE: Mr. Norman Eisenkraft
142 Prospect Street
Nanuet, New York 10954

Mr. Eisenkraft said he was against RS or CS development and recommended RG-2 for the entire tract.

APPEARANCE: Mr. James Hirshberger
43 Sedge Road
Valley Cottage, New York

He urged completion of the Master Plan and adoption by the Town Board of the Comprehensive Zoning Map. He said if the Town Board votes "No" the property will not be developed.

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

He said the rights of the Town are greater than the rights of the individual. We do not want them to develop this.

APPEARANCE: Ms. Karen Karlewicz
20 Pigeon Hill Road
Nanuet, New York 10954

She does not want any condominiums or any more shopping in Nanuet.

APPEARANCE: Mr. Myron Peskin
20 Strathmore Drive
Spring Valley, New York 10977

He stated that if the title to the property had not already been transferred the applicant should not buy the property.

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APPEARANCE: Mr. Mike Falco
Normandy Village
Nanuet, New York 10954

Mr. Falco recommended RG-2 for the entire area. He said that there was access to Middletown Road and College Avenue. Also he had waited three years to get into Normandy Village, lives off Middletown Road and has no regrets.

APPEARANCE: Ms. Roberta Maloney
16 Ludvigh Road
Nanuet, New York 10954

She called for a Master Plan.

Mr. Horowitz spoke in rebuttal. He said that the request is for RG-2 and the Town cannot grant RG-1. They can grant less use of RG-2 but not RG-1. He reiterated that they have never requested, nor do they request, high rise apartments. He said that this zone change request was neither spot zoning, down zoning or strip zoning. If anything it was an up zoning. He said if the zone change was not granted maybe the applicant would leave but there is always the risk that he could develop it as it is. He stated that there would be no through street created from Middletown Road to College Avenue. There would be a buffer at the stream with a walk bridge over the stream. At present the applicant is under contract for the property. The purchase of the property is not subject to the zone change being granted. The applicant is a firm from New York City and they have built the A & P in New City on Main Street and the shopping center on Germonds Road off Route 304.

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, time: 11:55 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAJ381

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/10/81

11:55 P.M.

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

RE: PETITION FOR CHANGE OF ZONE APPLICATION - PO DISTRICT TO
RG-2 DISTRICT - WARREN LEWIN, NANUET, NEW YORK (ON THE GREEN)

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

Town Attorney read the following correspondence:

(Letterhead of Rockland County Planning Board)

"January 15, 1981

Clarkstown Town Board
Town Hall
New City, New York 10956

RE: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) 239(1&m)XXX239(n)

Map Dated: _____

Item:

Warren Lewin (On the Green) (C-964)
Old Nyack Turnpike, Nanuet, Zone Change PO to RG-2

The Rockland County Planning Board reviewed the above item at its meeting of January 7, 1981

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

Subject to Rockland County Soil and Water Conservation District letter of December 11, 1980.

Enc.

cc: Supervisor Dusanenko
Clarkstown Planning Board
Mr. Lombardi, member, RCPB
Mr. G. Lee, RCS& WCD

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By /s/ Aaron D. Fried
Aaron D. Fried, Planning Director

*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."

AAJ381

(Letterhead of Clarkstown Planning Board)

"January 29, 1981

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, WARREN LEWIN/ON THE GREEN
163D38+NANUET (7.5 acre parcel bounded
on the N and W by the NYS Thruway, on the
S. by Old Nyack Turnpike

Gentlemen:

The above matter was discussed at length at several meetings. The Planning Board advised the applicant that in making the recommendation, the Planning Board does not waive the right or agree to a number of units as proposed: will want to take another look at this in relation to number of units at time of site plan review and may make recommendation for a potential reduction.

At the meeting of January 21, 1981, motion of Howell, second of Nowicki, carried 5:0 with Ayes of Cunningham, Fallon and Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition and supporting documents for the zone change request of Warren Lewin 163D38+ Nanuet in relation to the topography, the surrounding proper , the comprehensive plan, previous zoning studies made of the area and finds that the petition should be granted with the following modifications:

1. The number of units shall be in accordance with yield as may be determined by Building Inspector,
2. The development should be generally consistent with the preliminary site plan prepared by Harsen & Johns, architects, with Planning Board receipt date of December 4, 1980,
3. A widening strip along Old Nyack Turnpike shall be provided in accordance with width as on the Official Map of the Town of Clarkstown,
4. Applicant shall return to PB for site plan review and approval.

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

- a) the uses permitted by the proposed change would be appropriate in the area concerned, as it will not adversely affect neighboring properties, and help to maintain the desired residential character of the area,
- b) adequate public school facilities do exist; it is unlikely that other public services will need to be created to serve the needs of any additional residences,
- c) the proposed change is in accord with any existing or proposed plans for providing public water supply and supply of sanitary sewers in the vicinity. Applicant will, if NYSDT so requires, install additional pipe to make sure drainage will be adequate,

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- d) there will be much additional vacant land in the vicinity of the area left for similar development, most of the area being built-up,
- e) there is land being developed in the RG-2 district in the Town, i.e. Treetops, but it is a distance away,
- f) there is not expected to be any adverse effect as a result of the proposed amendment to the Comprehensive Plan, since the 1971 Master Plan indicated this area as office-service-apartments,
- g) we do not see the proposed amendment as having substantial increase in the total zoned residential capacity of the Town, and do not see it having substantial effect on the cost of providing public services.

We attach copy of letter from RPP&W for your information and guidance.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris
Chairman

cc: Town Attorney
Town Clerk

att:"

(Letterhead of RPPW - Planning Consultants)

"January 9, 1981

TO: Clarkstown Planning Board
FROM: Robert Geneslaw
SUBJECT: TB REFERRAL: ZONE CHANGE REQUEST PO TO RG-2, WARREN LEWIN, 163D38+

In 1978 a petition was submitted to change the zoning of the subject parcel from PO (Professional Office) to RS (Regional Shopping), to allow use of the property as a dinner theater, with covenants that would limit the property to this use. The neighboring community was largely opposed to the requested change because of concerns over traffic generation, hours of operation, and the problems anticipated to be associated with large scale food service and waste handling. This memorandum draws from our memorandum prepared in 1978 to the extent that it is applicable.

The applicant is requested a change of zone for a parcel of 7.5 acres, now zoned for PO, to the RG-2 (General Residence, Medium Density) district. Most of the multi-family developments in the Town are in the RG-2 zone. Granting of the change as requested would allow for the construction of approximately 117 units.

The parcel is presently wooded, and slopes downward from its eastern end toward the Thruway ramp, leading from Old Nyack Turnpike, which is its western boundary. The boundary on the north is the Thruway and the Howard Johnson Motor Lodge, which has access from Route 59 and is zoned RS. To the east the subject is bounded by a private indoor tennis club, which is also zoned RS, as are the developed properties further to the east. However, most of these RS zoned

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(and commercially developed) properties have access to Route 59, a characteristic that sets them apart from the subject property. Old Nyack Turnpike is the immediate boundary on the south. Across this local road is an area zoned R-15 which is developed with single-family homes. A residential condominium garden type development (New Holland Village) is located on the south side of Old Nyack Turnpike, just west of the subject property, and has 164 units.

The property has access only from Old Nyack Turnpike, which is presently a two lane road. The Official Map calls for a sixty foot right of way and forty foot pavement as the future width. This section of Old Nyack Turnpike begins at Pascack Road on the west and extends easterly to the intersection of Grandview Avenue and Route 59. This intersection is presently undergoing physical improvements sponsored by the New York State Department of Transportation, based on recommendations developed several years ago under the TOPICS (Traffic Operations Program to Improve Capacity & Safety) program with significant local cooperation.

From a land use/zoning/traffic perspective the important points are:

1. The presence of an established single-family residential area to the south.
2. The lack of access to Route 59.
3. The use of Old Nyack Turnpike as the only access.

From a larger perspective points to be examined are:

4. Whether there is a need for condominium, or multiple-dwelling units, in the Town.
5. Whether the granting of the change is likely to encourage similar requests elsewhere in the Town, and whether this would be undesirable.

In examining these points, it is helpful to look at other examples. The presence of New Holland Village does not appear to have caused substantial adverse impacts on the surrounding neighborhood. The subject property can accommodate approximately 117 units, so it is about 30% smaller than the nearby New Holland Village. Impacts on the residential neighborhood can be minimized by having access points opposite Fredric Street and Judith Street, by having screening along the Old Nyack Turnpike frontage, and by providing buildings that do not have an unrelieved blank wall facing the adjoining residential community.

Traffic impacts from the property if developed as proposed are likely to be less than if developed as offices under its present zoning. At an average of 7 trip ends (either in or out), the traffic from 117 units would be about 819 trip ends per day. If the site were developed for offices under its present zoning, the 7.5 acre site could accommodate a building of some 78,000 square feet (at an assumed Floor Area Ratio of 0.24). The traffic generation in a PO use can vary considerably, depending on the type of office. The variation can be in total trips generated as well as the distribution of these trips throughout the day. A reasonable estimate could result in about 2600 trip ends per day, based on 34 trip ends per 1,000 square feet of floor area. The RG-2 use is therefore likely to generate considerably less traffic.

With respect to the larger question of whether there is a need in the Town for additional multi-family units in the Town, in our opinion the answer is clearly in the affirmative. Based on Town needs and already approved, but not built proposals, the need for affordable rental units is greatest. Unfortunately, virtually all the evidence available to us points to the inability of the private development industry to be able to provide new rental units at rental levels appropriate to Clarkstown's needs. We do believe there is also a need for additional condominium units in the Town.

While it is true that the granting of any zone change may encourage similar requests, this site is located near major roads (the Thruway and Route 59); and it is one of the last vacant parcels in the immediate area and is therefore not likely to encourage others close by.

As the petition points out, the amount of storm water runoff that would result from the proposed use is significantly less than would be the case if the property were developed as presently zoned.

CONCLUSION

In our opinion the requested change is generally suitable for the site and the area. There are several factors that need to be pointed out. Development should be generally consistent with the Preliminary Site Plan prepared by the Harsen & Johns partnership, architects, received December 4, 1980. In particular, access points should be opposite Fredric Street & Judith Street, screening should be provided along Old Nyack Turnpike, a widening strip should be dedicated after being improved to Town specifications by the developer, protection should be provided to the proposed development along the Thruway and commercial uses through screening and distance, recreation facilities should be provided, payments in lieu of land should be required, and the architectural treatment of the buildings should respect the single-family residential neighborhood to the south.

RG:lw

/s/ RG"

"February 9, 1981

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

Re: Application by Warren Lewin for Zone Change from PO to RG-2
on Lots 163-D-38 and 163-D-38.01 "On the Green"

Dear Sirs:

Please read this into the record as I may not have an opportunity to speak at the Town Board meeting on February 10, 1981.

I live directly across the street from the above-mentioned lots and I am very concerned about the way these lots will eventually be developed. I have worked very hard during the past twelve years in opposing down-zoning applications for lots in my neighborhood. However, I am not opposed to a zone change from PO to RG-2 on lots 163-D-38 and 163-D-38.01, as I don't feel that condominiums would be less desirable than a professional office building. However, I am very concerned about the fact that some one may eventually try to down-zone these lots for commercial purposes again.

I would like to also mention that I would be strongly opposed to high-rise buildings on these lots or any other lots in Clarkstown.

Yours truly,

/s/ John Ricki Cunningham

Joan Ricki Cunningham
56 Old Nyack Turnpike
Nanuet, New York
Lot 5-A-1

cc: Planning Board Office"

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"Feb. 11, 1981

The Honorable Town Board
10 Maple Ave
New City, New York 10956

Re: Zone Change from P0 to RG-2 on Lot 163-D-38 and 163-D-38.01

Dear Mr. Chairman and Board Members,

A bout with the flu has made it impossible for me to appear in front of this board in person but I just want to make it clear that I was the one who appeared before the Planning Board and asked them to recommend passing of this zone application. At the time it seemed that it might be best for the neighborhood considering all the other things that had been proposed for these lots.

Since that time, I have been in touch with many of my neighbors and I have discussed this project and what else we might possibly end up with. I tried to be as fair as I possible could to Mr. Lewin by having him over at my house to explain to some of the leaders of the community, just what his plans were and to give them a chance to judge the impact of this zoning change on our neighborhood. The consensus among my neighbors is that this condominium project would not be good for this area, in fact in a lot of ways it might be considered very undesirable, especially because of its impact on traffic and the sewer system.

I have balanced the positive aspects against the negative aspects in this zoning change request and have come to the conclusion that condominiums are not appropriate for these lots. Although I know I may some day have to fight against down-zoning again on this parcel of land, at this time I must agree with my neighbors and ask you to refuse this zoning change. Thank you.

Yours truly,

Bill Cunningham
56 Old Nyack Turnpike
Nanuet, New York 10954"

(The above letter was unsigned.)

Mr. Warren Lewin made a presentation and presented drawings for the audience and Town Board which he used to explain his proposal. He said noise from the Thruway would be minimal. The residents on the south side would be least affected. The buildings would be set back and landscaped. He gave an explanation of the recreational facilities and the parking facilities. He said there would be 15 units per acre which would be significantly under what is allowed for a total of 117 units. Garbage containers would be enclosed.

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

IN FAVOR:

APPEARANCE: Mr. Howard Wllenstein
13 Judith Street
Nanuet, New York 10954

Mr. Wallenstein asked if they would all be condominiums or would there be rentals.

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APPEARANCE: Mr. Larry Muller
New Holland Village

Mr. Muller said he felt that New Holland Village was one of the loveliest developments in Clarkstown, an asset to the community and it benefited the people. He was most definitely in favor.

IN OPPOSITION:

APPEARANCE: Mr. Arne Gustafson
20 Frederic Street
Nanuet, New York 10954

Mr. Gustafson spoke against the proposed change.

APPEARANCE: Mr. Anthony Camilli
5 Freedman Avenue
Nanuet, New York 10954

He presented a petition in opposition and he presented pictures of Old Nyack Turnpike which were taken on Thanksgiving. He also presented pictures of the parcel of land to be developed set under two feet of water. He said traffic problems would be generated by the change. He stated that condominiums would fall within two school zones and the he wanted a professional building.

APPEARANCE: Mr. Stanley Danser
26 Will Rogers Lane
Nanuet, New York 10954

He discussed the traffic problem which would be generated and stated that he wanted to keep the woods.

APPEARANCE: Ms. Joan Cea
28 Freedman Avenue
Nanuet, New York 10954

She stated she was opposed to town houses and condominiums.

APPEARANCE: Mr. Anton Wagner
13 Charles Avenue
Nanuet, New York 10954

He felt this zone change would have a negative impact on the community, schools, would create an added tax burden, etc. He felt they should be high priced units but stated that he would really prefer professional office building.

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

Ms. Russo presented petitions in opposition to the proposed change. She was definitely in opposition to it.

APPEARANCE: Ms. Helen Douglas
25 New Holland Village
Nanuet, New York 10954

Ms. Douglas read the following letter:

"Myself and several condominium homeowners are concered that the construction may not be beneficial to the area for the following reasons:

1. Traffic
2. Water table/water pressure
3. The land is not situated in an area which is conducive to condominiums:

Borders: NYS Thruway
Howard Johnsons
Tennis Club

Only road - Old Nyack Turnpike.

/s/ Helen Douglas
25 New Holland Village
623-7541"

APPEARANCE: Mr. James Lallie
11 Charles Street
Nanuet, New York 10954

He said if the Town Board does this they will be engaged in a legal battle and they will go the Supreme Court if necessary.

APPEARANCE: Mr. David Hirshfield
9 Susan Drive
New City, New York 10956

He called for a Master Plan and for a study of a complete Comprehensive Zoning Map. He wanted orderly development.

APPEARANCE: Mr. Steve Bitner
Howard Johnsons
New York City

Wanted to keep the P0 zoning.

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

He said we must consider the water shortage and the utility crises.

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

He said not to grant any zone changes but to study our land use and comprehensive zoning plan. Also called for a study of the Master Plan.

APPEARANCE: Mr. Andrew Heller
18 Judith Street
Nanuet, New York 10954

He stated that he was the owner of one of 14 houses and he would be across the street from 117 units and it would be a traffic problem.

Mr. Warren Lewin spoke in rebuttal. He said the pictures showing the water condition on the proposed site would be corrected by proper drainage and the water table would be improved. He stated that there is an existing problem with traffic and it would not be significantly affected by this development. Profession Office zoning would result in more traffic than condominiums. The buildings would not increase the noise from the Thruway rather it would reduce the

noise because it would act as a sound chamber. He said the landscaping would be esthetic and would provide a buffer from the existing houses. He explained the difference between town houses and condominiums. He stated that this was a good application and requested the Town Board's consideration.

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 declared closed, DENIED, time: 12:57 A.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

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