

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/22/81

8:16 P.M.

Present: Supervisor Dusanenko  
Councilmen Holbrook, Lettre, Maloney (Co. Longo absent)  
Everett Johns, Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor Dusanenko asked that it be noted that Deputy Supervisor-Councilman Longo is still in Nyack Hospital and that he had requested that the Public Hearing transcript be made available to him so that he could study the proposals and comments in order to reach his decision.

Supervisor Dusanenko then called for a moment of silence for Bernard McKeever, a devoted Town employee and announced that a mass would be held on Thursday, September 24th at 11:00 A.M. at St. Paul's Roman Catholic Church in Congers.

RESOLUTION NO. (838-1981)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH COUNTY OF ROCKLAND FOR 1981 COMMUNITY DEVELOPMENT PROJECTS

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the County of Rockland in order to carry out the 1981 Community Development projects within the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (839-1981)

AMENDING RESOLUTION NO. 696-1981 TO AWARD ENTIRE BID FOR STREAM IMPROVEMENT PROJECT (PARSIPPANY CONSTRUCTION CO., INC.) (CAPITAL II ACCOUNT-DRAINAGE)

Co. Lettre offered the following resolution:

RESOLVED, that resolution #696-1981 partially awarding

BID # 45-1981 entitled  
STREAM IMPROVEMENT PROJECT  
NJ1-13-1A, VALLEY COTTAGE, N.Y.  
PROJECT # 25R

to

PARSIPPANY CONSTRUCTION CO., INC.  
1236 ROUTE 46  
PARSIPPANY, NEW JERSEY 07054

is hereby amended to award entire bid (PHASES I, II & III) to same company as per the following schedule:

PHASE I	\$40,000
PHASE II	45,500
PHASE III	<u>35,500</u>
TOTAL PROJECT COST	\$121,000

AAJ338

RESOLUTION NO. (839-1981) Continued

and be it,

FURTHER RESOLVED, that funds for same be charged to CAPITAL II ACCOUNT-DRAINAGE.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (840-1981)

AWARDING BID FOR MULTI-PURPOSE VACUUM TYPE STREET SWEEPER (TRIOUS, INC.) (CAPITAL II HIGHWAY EQUIPMENT)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that

BID # 32A for  
One Mulipurpose Vacuum Type  
Street Sweeper

is hereby awarded to

TRIOUS, INC.  
369 DUFFY AVE.  
HICKSVILLE, N.Y. 11802

for one new Tymco Model 600 Vacuum Sweeper with side mounted auxiliary suction hose @ \$ 66,583.00

LESS: Trade-in Allowance  
one Elgin Pelican Sweeper  
Model S-1195 - 1,000.00

Net Cost \$ 65,583.00

and be it

FURTHER RESOLVED, that funds for same be charged to Capital II HIGHWAY EQUIPMENT ACCOUNT.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (841-1981)

AWARDING BID FOR ONE NEW SNOW PLOW (J. C. TRUCK EQUIPMENT INC.)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation and Parks that

BID # 50-1981  
for  
One New Snow Plow

is hereby awarded to

J. C. TRUCK EQUIPMENT INC.  
2107 JERICHO TPKE.  
GARDEN CITY PARK, N.Y. 11040

RESOLUTION NO. (841-1981) Continued

for one new Meyer ST-90 E47 Snow Plow at the cost of \$1,350.00 and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer the above sum from the Money-in-Lieu-of-Land Account to Parklands & Improvements to pay for the above item.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (842-1981)

AWARDING BID FOR ONE SELF CONTAINED MATERIAL SPREADER (MUNICIPAL MACHINERY CO., INC.)

AAJ338

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation & Parks that

BID # 49-1981  
for  
One Self Contained Material Spreader

is hereby awarded to

MUNICIPAL MACHINERY CO., INC.  
EDWARDS AVENUE  
CALVERTON, NEW YORK 11933

for one Tarrant Highlander Jr. gasoline operated hopper type material spreader for \$1,837.00, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer the above sum from the Money-in-Lieu-of-Land Account to Parklands & Improvements Account to pay for the above item.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (843-1981)

AWARDING BID FOR ONE NEW FORD F-250 PICK-UP TRUCK (TED SCHULTZ FORD)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation & Parks that

BID # 48-1981  
for  
One New Ford F-250 Pick-Up Truck

is hereby awarded to

TED SCHULTZ FORD  
80 ROUTE 304  
NANUET, NEW YORK 10954

for one 1982 Ford F-250 Pick-Up Truck as per specifications for \$9,950.00 and be it

RESOLUTION NO. (843-1981) Continued

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer the above sum from the Money-in-Lieu-of-Land Account to Parklands & Improvements account to pay for the above item.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (844-1981) SETTING PUBLIC HEARING RE ASSESSMENT OF PAST AND PRESENT COMMUNITY DEVELOPMENT PROJECTS

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing concerning the assessment of past and present Community Development Projects on October 13, 1981, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (845-1981) REGARDING ROADS AND RELATED IMPROVEMENTS ACCEPTED BY TOWN (JAKLA CONSTRUCTION CORP. - ABERDEEN DRIVE)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of Environmental Control, deed(s) from: JAKLA CONSTRUCTION CORP., dated September 8, 1981, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Aberdeen Heights" filed in the Rockland County Clerk's Office on August 30, 1979, in Book 94, at Page 60, as Map No. 5079, as follows:

ABERDEEN DRIVE (Turnaround) 240 L.F.

is hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer is hereby accepted.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (846-1981) REGARDING ROADS AND RELATED IMPROVEMENTS ACCEPTED BY TOWN (GREAT ROCK & TREE CORPORATION - FREMONT AVENUE)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of Environmental Control, deed(s) from:

RESOLUTION NO. (846-1981) Continued

Great Rock & Tree Corporation, dated September 2, 1981, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of John C. Forni recorded in the Rockland County Clerk's Office on May 29, 1975, in Book No. 88 at Page No. 55 as Map No. 4626, as follows:

FREMONT AVENUE 800 L.F.

is hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer is hereby accepted.

Seconded by Co. Lettre All voted Aye.

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AAJ338

RESOLUTION NO. (847-1981) REGARDING ROADS AND RELATED IMPROVEMENTS ACCEPTED BY THE TOWN (PHILIP WOLIKOW AND DAUGHTERS, INC. - CULVER DRIVE AND SQUIRRELWOOD COURT)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of Environmental Control, deed(s) from: Philip Wolikow and Daughters, Inc. dated July 22, 1981, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Philip Wolikow and Daughters, Inc. filed in the Rockland County Clerk's Office on May 25, 1977, in Book 91, at Page 28 as Map No. 4822, as follows:

CULVER DRIVE 565 L.F.  
SQUIRRELWOOD COURT 475 L.F.

is hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer is hereby accepted.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (848-1981) ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING (PELHAM MANOR TOO)

Co. Maloney offered the following resolution:

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

Pelham Manor Too Nanuet

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (849-1981)

APPOINTING SPECIAL COUNSEL  
TO PROCESS TAX CERTIORARI  
(ARNOLD BECKER, ESQ.)

Co. Maloney offered the following resolution:

WHEREAS, a number of tax certiorari proceedings are still pending against the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that Arnold Becker, Esq., is hereby reappointed Special Counsel to the Town of Clarkstown for the purpose of continuing to process all tax certiorari proceedings for the years prior to 1981 still pending against the Town of Clarkstown, including those brought by Spring Valley Water Company, Inc. and Corwick Realty Corp., and all tax certiorari proceedings concerning the 1981 tax assessment roll, at a fee for the year August 15, 1981 to August 15, 1982 of \$19,000.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (850-1981)

DECLARING SECURITY DEPOSIT  
FORFEITED AND AUTHORIZING  
TOWN ATTORNEY TO COMMENCE  
LEGAL PROCEEDINGS TO  
RECOVER SUMS (CLARKSTOWN  
RECYCLING CENTER, INC.)

Co. Lettre offered the following resolution:

RESOLVED, that the security deposit in the amount of \$1,200.00 deposited by the Clarkstown Recycling Center, Inc., pursuant to its lease with the Town of Clarkstown dated June 15, 1976, is hereby declared forfeited by reason of the failure of the Clarkstown Recycling Center, Inc., to perform its obligations under the said lease, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to commence any and all necessary legal proceedings to recover from Clarkstown Recycling Center, Inc., all sums expended for the repair of the premises formerly occupied by Clarkstown Recycling Center, Inc., by reason of the failure of Clarkstown Recycling Center, Inc., to perform all of the obligations of the said lease arising out of its use and occupancy of said premises.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (851-1981)

AUTHORIZING STANDARDIZATION  
OF RADIO SHACK TRS-80  
MICROCOMPUTER AS THE COMPUTER  
TO BE USED BY CLARKSTOWN  
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Town is preparing to purchase a Microcomputer for use by the Clarkstown Police Department, and

WHEREAS, the Town Radio-Computer technician being both completely familiar and trained in the operations and functioning of the Radio Shack TRS-80 microcomputer and has thus strongly recommended this unit, and

RESOLUTION NO. (851-1981) Continued

WHEREAS, Radio Shack has successfully sold more microcomputers than all other brands combined thus resulting in a vast amount of available inexpensive programs and repair parts, and

WHEREAS, Radio Shack maintains a large number of service centers resulting in speedy repairs when necessary, and

WHEREAS, the Radio Shack Computer takes advantage of current state-of-the-art technology not likely to become obsolete in the immediate future,

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 103(5) of the General Municipal Law that the Town of Clarkstown will hereby standardize on the purchase of Radio Shack TRS-80 microcomputer hardware for the Clarkstown Police Department.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (852-1981)

RESCINDING RESOLUTION #707-1981 (ALICIA COURT AT WEST NYACK ROAD, WEST NYACK

Co. Maloney offered the following resolution:

RESOLVED, that resolution #707-1981 pertaining to a Stop sign on Alicia Court at West Nyack Road, West Nyack, is hereby rescinded.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (853-1981)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN AT ALICIA COURT, WEST NYACK ROAD, WEST NYACK

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 707-1981 was in error in that "West Clarkstown Road" should have read "West Nyack Road",

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install a Stop sign to be erected on Alicia Court at West Nyack Road, West Nyack.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (854-1981)

AUTHORIZING GHI COMPREHENSIVE BENEFITS PACKAGE OF NEW YORK STATE EMPLOYEES HEALTH INSURANCE PLAN TO BE OFFERED AS ADDITIONAL OPTION TO TOWN EMPLOYEES - PERSONNEL DEPARTMENT TO MAKE NECESSARY CLERICAL CHANGES

Co. Lettre offered the following resolution:

AAJ338

RESOLUTION NO. (854-1981) Continued

RESOLVED, that based upon the recommendations of the Director of Finance, the Town Board does hereby authorize the GHI Comprehensive Benefits Package of the New York State Employees Health Insurance Plan to be offered as an additional option for Town employees, and be it

FURTHER RESOLVED, that the Personnel Department is authorized to make any necessary clerical changes to effect this change.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (855-1981)

AUTHORIZING CLARKSTOWN  
MINI TRANS OPERATIONS SUPER-  
VISOR TO TAKE COURSE RE:  
STATE LICENSED BUS DRIVER  
INSTRUCTOR

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Mini Trans bus drivers are required by Section 19A of the Motor Vehicle Code to have a behind-the-wheel examination each year, and

and WHEREAS, each examination costs the Town \$126.00 per year,

and WHEREAS, Westchester Community College offers a course to qualify people to be state licensed bus driver instructors, suitable for giving the exams under Section 19A

NOW, THEREFORE, be it

RESOLVED, that the Clarkstown Mini Trans Operations Supervisor be sent to take this course (10 Monday nights starting in October) for a cost of approximately \$70.00 and thus eliminate from the next year's budget the hiring of an outside examiner for \$126.00. Additional charges to be \$25.00 application fee and \$20.00 license fee for the balance of the fiscal year.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (856-1981)

AUTHORIZING ATTENDANCE AT  
SEMINAR ON COMPUTER ASSISTED  
MASS APPRAISAL (ROSS VALENZA  
AND DATA MANAGER - ASSESSOR'S  
OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, that Mr. Ross Valenza and the person to be working as Data Manager of the Assessor's Office of the Town of Clarkstown, are hereby authorized to attend a seminar on Computer Assisted Mass Appraisal in White Plains, from October 26 through October 30, 1981, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$240.00 be charged against Account No. 1010-414.

Seconded by Co. Lettre

All voted Aye.

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AAJ338

RESOLUTION NO. (857-1981)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL ONE WAY SIGN AT SOUTHERN HALF OF SQUADRON BOULEVARD ISLAND OPPOSITE DRIVEWAY OF SQUADRON GARDENS SENIOR CITIZENS COMPLEX

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendations of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a One Way sign to be erected on the southern half of Squadron Boulevard Island, opposite the driveway of the Squadron Gardens Senior Citizens Complex, New City.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (858-1981)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON FULLE DRIVE AT OLD MILL ROAD, VALLEY COTTAGE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a Stop sign on Fulle Drive at Old Mill Road, Valley Cottage.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (859-1981)

GRANTING ACCESS TO OLD LAKE ROAD TO ALBERT LAMBORN

Co. Lettre offered the following resolution:

WHEREAS, Albert Lamborn owner of property situate on the south side of Old Lake Road, Congers, New York, has requested permission of the Town Board pursuant to Section 106-25D of the Zoning Ordinance of the Town of Clarkstown, for access to Old Lake Road, a non-major road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby grant access to Albert Lamborn pursuant to Section 106-25D of the Zoning Ordinance of the Town of Clarkstown to Old Lake Road, Congers, New York.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (860-1981)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR CHAIN LINK FENCING ALONG SOUTH ROCKLAND AVENUE, CONGERS

Co. Lettre offered the following resolution:

RESOLUTION NO. (860-1981) Continued

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

BID # 59-1981  
CHIAN LINK FENCING ALONG  
SOUTH ROCKLAND AVENUE, CONGERS, NEW YORK

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, October 9, 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. (861-1981)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND PROCEEDING AGAINST  
TOWN (COLUCCI V. MEMBERS OF  
TOWN BOARD)

Co. Lettre offered the following resolution:

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

IN THE MATTER OF THE APPLICATION OF  
GERALD D. COLUCCI,

Petitioner,

-against-

THEODORE R. DUSANENKO, as Supervisor of  
the Town of Clarkstown, and THEODORE R.  
DUSANENKO, CHARLES HOLBROOK, EDWARD  
LETTRE, NICHOLAS A. LONGO, JOHN MALONEY,  
as members of the Town Board 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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (861-1981) Continued

Supervisor Dusanenko asked if Councilman Holbrook realized that the entire Town Board was being sued. Councilman Holbrook responded "nolo contendere."

\* \* \* \* \*

RESOLUTION NO. (862-1981)

TRANSFER OF FUNDS FROM  
APPROPRIATION ACCOUNT  
A 1220-114 TO APPROPRIATION  
ACCOUNT A 1430-409

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$4,317.00 from Appropriation Account No. A 1220-114 to Appropriation Account No. A 1430-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (863-1981)

TRANSFERRING FUNDS FROM  
GENERAL FUND TO CAPITAL  
FUND AND INCREASING  
ESTIMATED REVENUE ACCOUNT  
01-2401 AND APPROPRIATION  
ACCOUNT A 9550-910 (SOUTH  
HARRISON AVENUE ROAD  
IMPROVEMENT DISTRICT)

Co. Lettre offered the following resolution:

WHEREAS, the Road Improvement District known as South Harrison Avenue, situated in Congers, New York, established in 1977, is no longer being desired, and

WHEREAS, \$1,500 was expended by the Capital Fund for a survey, be it

RESOLVED, that \$1,500 be transferred from the General Fund to the Capital Fund, and be it

FURTHER RESOLVED, that Estimated Revenue Account No. 01-2401 and Appropriation Account No. A 9550-910 be increased by \$1,500.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (864-1981)

AUTHORIZING SUPERVISOR  
TO SIGN 5 YEAR LEASE  
WITH NATIONAL RECREATION AND  
PARKS ASSOCIATION - LIFE.  
BE IN IT

Co. Lettre offered the following resolution:

AAJ338

RESOLUTION NO. (864-1981) Continued

RESOLVED, that the Supervisor is hereby authorized to sign a 5-year license agreement with the National Recreation and Parks Association, 1601 N. Kent Street, Arlington, Virginia, for the "Life. Be in it." program at a one-time fee of \$25.00, and be it

FURTHER RESOLVED, that the Superintendent of Recreation and Parks be authorized to implement this license agreement.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (865-1981)

AUTHORIZING REDUCTION IN  
PERFORMANCE GUARANTY  
(MILBA CONSTRUCTION CORP.)

Co. Lettre offered the following resolution:

WHEREAS, MILBA CONSTRUCTION CORP., Anthony Baletta, president, assigned to the Town of Clarkstown a passbook containing the sum of \$18,000 in lieu of a performance bond covering the improvements and other facilities as shown on the Final Plat of MILBA HOMES, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that said performance guaranty be reduced to \$6,600 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that MILBA CONSTRUCTION CORP. replace the aforementioned passbook with a new passbook containing the sum of \$6,600.00.

Seconded by Co. Maloney

All voted Aye.

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Councilman Lettre asked John Maraia if he had checked out the buildings at the location and Mr. Maraia said "Yes" and that everything was satisfactory.

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RESOLUTION NO. (866-1981)

AUTHORIZING SUPERVISOR  
TO ENTER INTO AGREEMENT  
WITH CHARLES FREIHOFFER  
BANKING COMPANY, INC. FOR  
PAYMENT OF SUMS OF MONEY  
IN LIEU OF TAXES

Co. Maloney offered the following resolution:

WHEREAS, Charles Freihofer Baking Company, Inc., has agreed to make payments of sums of money in lieu of taxes amounting to what the taxes would be for an ordinary business facility, exclusive of land;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Charles Freihofer Baking Company, Inc., and other taxing authorities, which agreement provides that Charles Freihofer Baking Company, Inc., will pay stated sums of money in lieu of taxes.

Seconded by Co. Lettre

All voted Aye.

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AAJ338

RESOLUTION NO. (867-1981)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BID FOR OPERATION OF  
TOWN MINI-TRANS SYSTEM

Co. Maloney offered the following resolution:

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

BID # 60-1981-OPERATION OF TOWN MINI-TRANS SYSTEM

- A. Contractor Buses, Staffing & Equipment Maintenance
- B. Contractor Staffing and Equipment Maintenance using Town-Owned buses
- C. Contractor Buses and Equipment Maintenance using Town Staffing

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, October 26, 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. (868-1981)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR MAINTENANCE  
OF TOWN MINI BUSES

Co. Maloney offered the following resolution:

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

BID # 61-1981  
Maintenance of Town Mini Buses

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, October 26, 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. (869-1981)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
SPRING VALLEY WATER COMPANY  
FOR EASEMENT FOR PROPERTY  
LOCATED IN BED OF PHILLIPS  
HILL ROAD EXTENSION

Co. Lettre offered the following resolution:

RESOLUTION NO. (869-1981)

WHEREAS, the Spring Valley Water Company is desirous of accepting an easement from the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an easement agreement with Spring Valley Water Company for property located in the bed of the Phillips Hill Road Extension which has been deleted from the Official Map of the Town of Clarkstown, more particularly described in the easement agreement without costs to the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (870-1981)

ADOPTING AND ACCEPTING  
MINUTES OF TOWN BOARD  
MEETING OF AUGUST 11, 1981

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on August 11, 1981, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (871-1981)

AUTHORIZING ATTENDANCE AT  
NEW YORK POLICE JUVENILE  
OFFICERS ASSOCIATION'S  
ANNUAL TRAINING CONFERENCE  
(DET. W. CURTIS SETTLE)

Co. Maloney offered the following resolution:

RESOLVED, that Detective W. Curtis Settle, Clarkstown Police Department, is hereby authorized to attend the State of New York Police Juvenile Officers Association's annual Training Conference from October 5th to October 8, 1981 at Lake Luzerne, New York, and be it

FURTHER RESOLVED, that expenses are not be exceed \$250.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (872-1981)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
TWO HYDRANTS (ONE ON NORTH  
SIDE OF ROBERTS ROAD EAST  
OF CENTER LINE OF LITTLE  
TOR ROAD AND ONE ON NORTH  
SIDE OF ROBERTS ROAD EAST  
OF CENTER LINE OF LITTLE  
TOR ROAD

Co. Maloney offered the following resolution:

RESOLUTION NO. (872-1981) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Co. is hereby authorized to install two (2) hydrants, one on the north side of Roberts Road, approximately 400 feet east of the center line of Little Tor Road, New City and one on the north side of Roberts Road, approximately 1,000 feet east of the center line of Little Tor Road, New City. (Hydrant Investigation No. 9073.)

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (873-1981)

GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SEC. 83-65 OF CODE OF TOWN OF CLARKSTOWN (MICHAEL BERTOLINO)

Co. Maloney 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 Bertolino  
277 Old Haverstraw Road  
Congers, New York 10920

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 81-19 issued to Michael Bertolino

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (874-1981)

SCHEDULING SPECIAL TOWN BOARD MEETING FOR OCTOBER 2, 1981

Co. Maloney offered the following resolution:

RESOLVED, that a Special Town Board meeting is hereby scheduled for October 2, 1981, at 5:30 P.M., in the Auditorium, Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (875-1981)

APPOINTING POSITION OF SENIOR TYPIST - DEPARTMENT OF ENVIRONMENTAL CONTROL (GERALDINE KELLY)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Typist # 81137 RC-NCP which contains the name of Geraldine Kelly,

NOW, THEREFORE, be it

AAJ338

RESOLUTION NO. (875-1981) Continued

RESOLVED, that Geraldine Kelly, 39 Twin Elms Lane, New City, New York, is hereby appointed to the position of Senior Typist - Department of Environmental Control - at the annual 1981 salary of \$10,959.00, effective and retroactive to September 10, 1981.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (876-1981) APPOINTING POSITION OF COUNSELING AIDE - COUNSELING CENTER - TEMPORARY (PART-TIME) (JILL FITZGERALD)

Co. Maloney offered the following resolution:

RESOLVED, that Jill Fitzgerald, 46 Susan Drive, New City, New York is hereby appointed to the position of Counseling Aide - Counseling Center - temporary (part-time) not to exceed 90 days - at the hourly rate of \$5.50 - effective and retroactive to September 14, 1981.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (877-1981) APPOINTING POSITION OF COUNSELING ASSISTANT - COUNSELING CENTER - TEMPORARY (JOSEPH LANZONE)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Lanzone, 99 Union Road, L70, Spring Valley, New York, is hereby appointed to the position of Counseling Assisant - Counseling Center - temporary not to exceed 30 days - at the annual 1981 salary of \$12,000.00, effective and retroactive to September 14, 1981.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (878-1981) PROMOTING POSITION OF DETECTIVE (ROBERT McDERMOTT)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Police Officer Robert McDermott, 176 Red Hill Road, New City, New York is hereby promoted to the position of Detective with the Clarkstown Police Department, effective and retroactive to September 21, 1981, at the annual salary for 1981 of \$28,391.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (879-1981)

APPOINTING DEPUTY DIRECTOR  
OF EMERGENCY SERVICES  
(JOHN MARAIA)

Co. Maloney offered the following resolution:

RESOLVED, that John Maraia, 12 Randy Lane, New City,  
New York is hereby appointed Deputy Director of Emergency Services,  
effective September 22, 1981, to serve without compensation, at the  
pleasure of the Town Board.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (880-1981)

REAPPOINTING POSITION OF  
MEMBER OF ASSESSMENT AND  
REVIEW BOARD (EDWARD  
KENNEY)

Co. Lettre offered the following resolution:

RESOLVED, that Edward Kenney, 8 Birchwood Terrace, Nanuet,  
New York, is hereby reappointed to the position of member - Assessment  
and Review Board - with a term to expire on September 30, 1986 - at  
the per diem rate of \$50.00, per meeting, when the Board is in session.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (881-1981)

AUTHORIZING SUPERVISOR TO  
EXECUTE MODIFICATION AND  
EXTENSION AGREEMENT  
(YOUTHFUL DRUG ABUSE PRO-  
GRAM)

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is  
hereby authorized to enter into an agreement with the County of  
Rockland to extend the agreement for the operation of the Youthful  
Drug Abuse Program which expired on March 31, 1981, to March 31, 1982.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (882-1981)

AUTHORIZING SUPERVISOR  
TO EXECUTE CHANGE ORDER  
CAL-MART CONSTRUCTION CORP.  
(EAST AVENUE DRAINAGE  
IMPROVEMENT PROJECT)

Co. Lettre offered the following resolution:

WHEREAS, on August 11, 1981, the Town of Clarkstown entered  
into a contract with Cal-Mart Construction Corp. for the East Avenue  
Drainage Improvement Project, and

AAJ338

RESOLUTION NO. (882-1981) Continued

WHEREAS, it is recommended by the Director of Environmental Control that a change order and extra be executed for \$14,366.98 based on a letter from Kozma Associates, the engineer for the project dated September 22, 1981,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a change order and extra for the above at a cost not to exceed \$14,366.98.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

There was recess declared at this point from 8:40 P.M. until 9:05 P.M.

\* \* \* \* \*

RESOLUTION NO. (883-1981)

GRANTING PERMISSION TO  
FEDERATION CATHOLIC SCHOOL  
PARENTS TO USE TOWN OF  
CLARKSTOWN SHOWMOBILE

Co. Lettre offered the following resolution:

WHEREAS, the Federation of Catholic School Parents have requested use of the Town of Clarkstown showmobile on Saturday, October 3, 1981, for the 2nd Annual Marathon for Catholic Schools to be held at Rockland Lake North State Park of the Palisades Interstate Park Commission,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Federation of Catholic School Parents to use the Town of Clarkstown showmobile on Saturday, October 3, 1981 for the above purposes subject to the provision of the necessary insurance policies.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (884-1981)

ADJOURNING REGULAR TOWN  
BOARD MEETING IN ORDER  
TO HOLD SCHEDULE PUBLIC  
HEARING (OMNI COURT)

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Omni Court, time: 9:05 P.M.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (885-1981)

CLOSING SCHEDULED PUBLIC  
HEARING RE: OMNI COURT  
AND RESUMING REGULAR TOWN  
BOARD MEETING

Co. Maloney offered the following resolution:

RESOLUTION NO. (885-1981) Continued

RESOLVED, that scheduled Public Hearing re: Omni Court, be closed and regular Town Board Meeting be resumed, time: 9:55 P.M.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (886-1981) RESERVING DECISION ON MATTER OF OMNI COURT

Co. Lettre offered the following resolution:

RESOLVED, that the decision be reserved on the matter of Omni Court rezoning.

Seconded by Supervisor Dusanenko

On roll call the vote was as follows:

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

\* \* \* \* \*

Councilman Lettre stated that out of respect for the missing Councilman (Co. Longo) he felt that the decision should be reserved so that Councilman Longo could study this proposal and have a chance to vote on it which is a procedure which has been followed in other situations of this type.

Councilman Holbrook asked to be recognized for the purpose of making a motion.

Supervisor Dusanenko refused to recognize him for the purpose of making a motion.

Councilman Holbrook made a statement that he would like to make a motion and clear up this issue once and for all rather than sit up here and go over it again and again.

Supervisor Dusanenko then asked Councilman Holbrook if he would like to make a motion to challenge the Chair.

RESOLUTION NO. (887-1981) CHALLENGING THE CHAIR FOR PURPOSE OF MAKING A MOTION

Co. Holbrook offered the following resolution:

RESOLVED, that Councilman Holbrook be allowed to challenge the Chair for the purpose of his making a motion.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\* \* \* \* \*

AAJ338

Councilman Holbrook then stated that he was trying to bring this motion to put this issue to rest once and for all. We are faced with a 265 petition which requires a 4 to 1 vote. That vote will not be forthcoming since I will not change my mind. Mr. Maloney will not change his mind and this is a waste of time.

Councilman Maloney stated that this was ludicrous. He said that in March Mr. Siemens came in with a petition for 70 or 80 units which was denied. Now he is back with a petition for 50 units which he is reducing here tonight to 45 units. What bothers me is why didn't he come in originally for 45 units. The people have been brow-beaten and intimidated by all these various proposals; first 80 units; then a proposed office building; and now finally 45 units.

Councilman Lettre said that he found it hard to believe that his fellow board members would not be considerate enough to allow one of their fellow board members to study this issue and thereby have an opportunity to participate in the vote. We are now zoning Clarkstown by political whim. The Democratic councilmen are making a political issue out of the zoning. He stated that the traffic on North Main Street is largely a result of the New City Condominiums which was granted under a Democratic Town Board when Paul Mundt was Supervisor. He inquired as to where Mr. Stein was when this proposal came up in March.

Supervisor Dusanenko said he had an obligation to answer Mr. Stein's allegations - an obligation to himself and his very good name and to the people of Clarkstown - and to his mother and father, who were present at the Town Board Meeting and who are present at all the Town Board meetings.

Supervisor Dusanenko went on to say that what Mr. Stein did not state was that he is a candidate for political office, in fact a candidate for my position. Mr. Stein had a vested interest because he resides on Concord Drive and uses it more than I do and I am sure that he uses Concord Drive to go shopping, to go to church and to go to work. Mr. Dusanenko, as Supervisor, has to think of the welfare of the whole town. He further stated that Mr. Stein or anyone else could not demand a vote on this issue before election. No one can demand anything especially a "Yes" or "No" vote. All they can demand, and here I speak for myself and my parents, who are here tonight, are good decisions for the overall good of the town. There were people who objected to the Tappan Zee Bridge but the bridge is here and so are we.

As far as contributions to my campaign I would ask people to send their checks to Citizens for Dusanenko, P.O. Box 251, New City, New York and the list of contributors will be on file in the Board of Elections.

Mr. Mundt and the majority downzoned property and as a result of this downzoning we have the New City Condominiums which have caused traffic problems and cost this town a great deal of money because of the flooding. We have Bradleys and a five story office building. Mr. Mundt expanded the Planning Board from five to seven members in order to stack that board and control it.

North Main Street is now a county road but it used to be a state road when it was Old Route 304 but now we have a new 304 and the town is fortunate that the county has the road and not the town because it is now the county's responsibility. However, the town is meeting with Mr. Hornik of the County Highway Department to work out the problems on North Main Street.

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Supervisor Dusanenko called for a motion to close the Town Board meeting.

RESOLUTION NO. (888-1981)

CLOSING REGULAR TOWN BOARD MEETING

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be closed, time: 10:15 P.M.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

AAJ338

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall 9/22/81 9:06 P.M.  
Re: Petition for Change of Zone - PO to RG-1 - Omni Court, New City  
Present: Supervisor Dusanenko  
Councilmen Holbrook, Lettre, Maloney (Co. Longo absent)  
Everett J. Johns, Town Attorney  
Patricia Sheridan, Town Clerk

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

Town Attorney read the following pertinent correspondence:

(Letterhead of Rockland County Planning Board)

"July 27, 1981

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: General Municipal Law (GML) Review: 239(k)\_\_\_239(l&m)XXX239(n)\_\_\_

Map Dated: \_\_\_\_\_

Item:

Change of Zone: PO to RG-1, W/S N. Main St., Opposite Cavalry Drive  
Omni Court Ltd. (C-947)

The Rockland County Planning Board reviewed the above item at its meeting of July 21, 1981 and

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

CONDITIONS:

1. That the applicant be bound by the attached list of proposed restrictions.
2. That the applicant construct sidewalks along North Main Street as per Rockland County Highway Department specifications.
3. That the dwelling units be restricted to a maximum of two bedrooms per unit.

cc: Supervisor Dusanenko  
Mr. Lombardi, member, RCPB  
Mr. Hornik, Supt., RCHD  
Enc.- 2 page list of covenants.

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."

\* \* \* \* \*

AAJ338

PROPOSED COVENANTS AND RESTRICTIONS

1. That the building permits or certificates of occupancy will be limited to no more than 50 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 to be the maximum permitted by law.
- D. Donation of land and construction of 3rd lane with curbs as to requests of Rockland Highway Dept.

3. Provide, create and maintain a 50 foot buffer area along 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.

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 said southerly line an additional 15 foot building set-back said 15 foot being measured from northerly line of 50 foot buffer area, said planting of evergreens to be on top of a berm of at least three feet in height.

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

\* \* \* \* \*

(Letterhead of Town of Clarkstown Planning Board)

"July 6, 1981

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

Gentlemen: TOWN BOARD REFERRAL: ZONE CHANGE REQUEST  
PO TO RG-1, SIEMENS/BANKERS TRUST 59A7.02  
NEW CITY

The above matter had been under considerable discussion and review at Planning Board meetings. A good deal of study was required to determine the potential impact on drainage, traffic, the surrounding neighborhood and the Master Plan Update.

At the Planning Board meeting of June 24, 1981 the following was resolved:

Motion of Nowicki, second of Howell, with Ayes of Cunningham and Thormann (solely in terms of multi-family designation and not for a particular plan), Nays of Fallon and Paris, vote 4:2 approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the zone change request for Siemens/Bankers Trust Co. 59A7.02 New City in light of the topography, the surrounding area, and the statutory requirements and finds that the petition should be granted with the following modifications:

1. The number of units that shall be derived from the parcel shall be in accordance with the Z.O. requirements, but shall be no greater than 50 dwelling units,
2. Applicant shall return to the PB for site Plan review and approval, with payment of all fees and assessments,
3. A 50-foot buffer area along the southwestern and western boundary of the property be provided. The buffer area to be left in its natural state, with no site development or encroachment of any kind to be within this buffer, this meaning there shall be no parking, driveway, or recreation facilities located within the 50-foot undisturbed area,
4. Dedication of a widening strip, 30 foot from the center line of the road, to be provided along North Main Street, the full length of the property, after being improved with pavement widening, curb and sidewalk,
5. Provide driveway access opposite Cavalry Drive, with a median island to separate incoming and outgoing traffic,
6. Provide recreation facilities in accordance with regulations requirements,
7. Provide traffic signal in accordance with previously agreed to covenant,

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

- a) the uses permitted by the proposed change would be appropriate in the area concerned,
- b) adequate public school facilities and other public services do exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change,
- c) the proposed change is in accord with any existing or proposed plans for providing public water supply and supply of sanitary sewers in this vicinity,
- d) the amount of vacant land currently zoned for similar development in the Town is minimal, and there is none in the vicinity of the area included in the proposed amendment,
- e) there is presently no land being developed under RG-1 in the area or in the Town,
- f) the Comprehensive Plan-Update shows this area as multi-family 4-8 units per acre, but the PB feels that 10 units will not create havoc in the area,
- g) the proposed amendment will result in an increase in the total zoned residential capacity of the Town, but we do not see this as having adverse effect on the cost of providing public services.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,  
Chairman

cc: Town Attorney  
Town Clerk"

\* \* \* \* \*

AAJ338

Town Attorney explained that the majority plus one vote was necessary to pass this because a 265 petition had been filed and therefore four votes were needed.

Walter Siemens spoke and said that the restrictive covenants that were recommended by the Rockland County Planning Board were prepared and supplied by him and given to the Rockland County Planning Board and they are exactly as submitted by him.

Mr. Siemens stated that he had met with surrounding property owners and he was led to believe that they would not oppose him if he put these restrictions and covenants into his application. However, they did not file objections. He met with them again since the objections were filed and after discussion with the surrounding homeowners he has agreed to reduce the number of units from fifty (50) to forty-five (45). At this point in the hearing Mr. Siemens requested that the number of units be reduced to forty-five (45).

Supervisor Dusanenko asked Mr. Siemens about the large buffer zone surrounding his proposed project and inquired as to whether this will be common property that will be on the tax rolls and have to be maintained by the taxpayer or if it will be fee simple and would then be maintained by the owners of the condominiums. Mr. Siemens replied that it would be common land.

Supervisor Dusanenko further inquired as to the recreation facilities since he did not see any provision for a meeting room in the proposed plan and inquired if there was a room large enough for the owners of the condominiums to conduct meetings and not be a burden on the Town by having to use Town Hall facilities. He wanted to know if there was a room large enough to accommodate at least one person from each unit for meeting purposes. Mr. Siemens said that the recreation facilities included a swimming pool and a clubhouse and that the clubhouse contained a room which could hold 100 people.

Supervisor Dusanenko also inquired of Mr. Siemens whether these units would be condominiums or town houses. Mr. Siemens said they would be town houses, fee simple, where the homeowners own the units directly, inside and out, and pay to have the grounds and recreational facilities maintained out of a common charge.

Supervisor Dusanenko went on to explain the difference between town houses and condominiums stating that the exterior of the condominiums as well as the grounds are maintained by the association in a condominium whereas a town house is maintained both inside and out by the unit owner.

Mr. Siemens said that this was true. However, while the owners of a town house would do their own repairs and could employ whomever they wished to do the repairs there were guidelines that they would have to abide by and they would be kept within these esthetic guidelines as far as exterior repairs.

The Town Attorney then questioned Mr. Siemens regarding his statement that he wished to reduce his application from fifty (50) units to forty-five (45) units. He asked Mr. Siemens if he was stating for the record that the covenants and restrictions attached to the County and Town Planning Board reports will be abided by. Mr. Siemens stated "Yes."

Supervisor Dusanenko then asked the question in regard to Mr. Siemen's request that the fifty (50) units in the petition would now be reduced to only forty-five (45) and inquired how that would affect the petitions presently before the Town Board.

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The Town Attorney replied that this statement would be considered an amendment to the petition. Supervisor Dusanenko then inquired as to the size of the parcel that would contain these forty-five (45) units. Mr. Siemens said it was 5.7 acres.

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

IN FAVOR: No one appeared.

Supervisor Dusanenko then asked if there was anyone wishing to speak in opposition to the proposed zone change or if there was anyone with questions regarding same.

IN OPPOSITION:

Appearance: Mr. Charles Brodil  
163 North Main Street  
New City, New York 10956

Mr. Brodil said that the last meeting Mrs. Ramey had asked a question about a fence around the parcel so that people won't be cutting through their property. Mr. Brodil wanted to know what happened to that fence. He also asked how his property would be screened and how far the proposed road would be from his property. The property line was one foot from his property line and his property was lined with trees which he did not want to lose because of the construction. He also had a question regarding the traffic because it was his opinion that an office building would only generate traffic twice a day five days a week whereas condominiums would generate traffic seven days a week all day. He further stated that the traffic light on Cavalry Drive is set on caution and has never been activated as a stop and go light. Cavalry Drive needed to be widened since trucks and buses cannot turn without turning into the oncoming lane. Right now there was too much traffic going to and coming from the area and that the traffic backs up on New Hempstead and Congers Roads.

Appearance: Ms. Cynthia Streeter  
37B Gail Drive  
Nyack, New York 10960

Ms. Streeter asked whether there was anything in the public law preventing town houses from being turned into condominiums. The Town Attorney answered "No."

Appearance: Mr. Martus Granirer, President  
West Branch Conservation Association  
South Mountain Road  
New City, New York 10956

Mr. Granirer said that the Rockland County Planning Board had switched its position on this proposal because the road could be widened. However, North Main Street barely functions now. The widening of the road in piecemeal steps is not desirable and to improve this road to accommodate more traffic would take \$1,000,000.00 and this money would come out of our pockets. He urged the Town Board to adopt the Master Plan before they granted any zone changes and not to do zoning in a piecemeal fashion. He further stated that the reason people filed a 265 petition was that they do not trust the Town Board. Since the members are anxious to spot zone the people will continue to be suspicious. At this point Mr. Granirer filed an additional name to be added to the 265 petition and a map to show that they have complied with the requirements for the homeowners who have signed a 265 petition. He concluded by saying that the people do not want piecemeal zoning.

CONTINUED ON NEXT PAGE

AAJ338

Appearance: Mr. William Stein  
Concord Drive  
New City, New York 10956

Mr. Stein said that twenty years ago on December 6, 1961, Valentine J. Pianka submitted a petition to the Town Board for downzoning this parcel of land, and twenty years ago on March 26, 1962 the Town Board rejected the application.

In October 1980 Bankers Trust Company and Siemens Construction Company petitioned the Town of Clarkstown for a zone change from P0 to RG-2 on the 5.27 acre parcel of land on the west side of North Main Street in New City. The proposal was to construct 80 one-bedroom units with a density of approximately 15 units per acre. On November 14, 1980, the Rockland County Planning Board recommended approval.

On February 10, 1981, after a public hearing held the day before Christmas Eve, the town resisted the petition for downzoning by virtue of a 265 petition and the two negative votes of Councilmen Charles Holbrook and John Maloney.

These votes were cast in spite of a threat by the Supervisor of a six-story professional office building with a minimum rental space of 80,000 square feet described in his letter to the Bankers Trust Company of January 27, 1981. This threat was further magnified in his closing statement in which he said that "a vote against his project was a vote for additional congestion" and the Supervisor further exaggerated and expanded the size of the structure to nine stories with 90,000 square feet.

In April 1981, Bankers Trust and Siemens Construction Company petitioned the Town Board for a zone change from professional office to RG-1 defining the proposed development as a 50 unit multi-bedroom condominium. On April 28, 1981, the Rockland County Planning Board recommended disapproval citing traffic hazards as the primary condition.

Shortly thereafter, on May 26, 1981, the Supervisor through Robert Geneslaw, Planning Consultant, requested a rehearing and on June 2, 1981, the Rockland County Planning Board again recommended disapproval for largely the same reasons.

On July 16, 1981, the Town Attorney, invoking the Superintendent's name and implicating him in the petition requested a second reconsideration. Under the heavy political pressure from the incumbent Supervisor, the Rockland County Planning Board yielded and recommended approval.

Examination of the records of the Board of Elections shows that Siemens is a substantial contributor to the Dusanenko Campaign.

In as much as the incumbent Supervisor is both an advocate and benefactor of the proposed downzoning, a downzoning which will increase the property values \$500,000 to \$600,000 for the petitioner how can he, the incumbent Supervisor, represent our interests, we the people of the Town of Clarkstown.

I demand on behalf of all the people of the Town of Clarkstown that the Supervisor disqualify himself from voting on this matter and abstain from the vote. I further demand that this vote be taken prior to November 3, 1981.

Throughout the planning process the impact of this proposed development has been masked in shrubs and fences, in setbacks, in minor concessions, in traffic signals and widening strips. However, what is at issue here is the overall density of New City north from New Hempstead Road to South Mountain. If this petition be granted, and those on the vacant land on both sides of Main Street north to the Dells follow suit, the congestion in New City will be intolerable.

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Appearance: Mr. Ira Siegel  
Eberling Drive  
New City, New York 10956

Mr. Siegel stated that if you widen the road this will just generate a greater bottleneck of traffic at the New Hempstead and Congers Roads area.

Supervisor Dusanenko asked Mr. Siemens if it was not his understanding that his petition, if it be amended to 45 units, that the people would withdraw the 265 petition. Mr. Siemens replied that he was told that if he reduced the number of units to 45 the 265 petition would be withdrawn.

Supervisor Dusanenko further stated that he did not see anyone here this evening who had come forward to say they wished the 265 petition withdrawn. Walter Siemens concurred with that statement.

Mr. Siemens said in response to Mr. Brodil about the fencing that it will surround the entire parcel except for the entry way and would also have a screen of evergreens at least three feet high on the top of the berm and that the road would be fifteen feet from Mr. Brodil's property line and would not disturb his tree line in any way.

As far as the comment regarding traffic it was Mr. Siemen's contention that the traffic would be decreased in the area when the change was made from P0 to RG-1. Traffic reports have been written and the bottleneck would be alleviated by a very simple procedure. The signal lights are out of sync and this can be corrected.

Mr. Siemens said that as far as the widening of North Main Street being piecemeal this was true. As developers build they will widen the road and that the County should fulfill its obligation since it is a County road. It has been in the same condition for over thirty years. He further stated that this was not a down-zoning since his request is for a less dense proposal than would be allowed under the present zoning - and his petition is for a change of zone.

There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney, and unanimously adopted, the Public Hearing was declared closed, time: 9:55 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

AAJ338