

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

12/17/81

8:43 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. Supervisor Dusanenko announced that Items 9 and 15(d) on the agenda would be tabled.

RESOLUTION NO. (1151-1981)

ADJOURNING SPECIAL TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: ASSOCIATES OF ROCKLAND

AAJ338

Co. Maloney offered the following resolution:

RESOLVED, that Special Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Associates of Rockland, time: 8:45 P.M.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1152-1981)

CLOSING PUBLIC HEARING RE: ASSOCIATES OF ROCKLAND AND RESUMING SPECIAL TOWN BOARD MEETING

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Associates of Rockland be closed, DECISION RESERVED, and resuming Special Town Board Meeting, time: 10:30 P.M.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1153-1981)

AUTHORIZING TOWN ATTORNEY TO DEFEND AN ACTION - PAUL CORUTKY AND MARION A. CORUTKY

Co. Longo offered the following resolution:

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

PAUL CORUTKY and MARION A. CORUTKY,
Plaintiffs,

-against-

THE TOWN OF CLARKSTOWN - ROCKLAND COUNTY, N.Y., LEIF BERGSTOL, MILTON A. SHAPIRO, and JOHN DOE and RICHARD DOE, the last two names being fictitious and persons intended being the principals, agents, officers and stockholders of BARD-ROCK CORPORATION, who participated in the acts herein complained of,

RESOLUTION NO. (1153-1981) Continued

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1154-1981)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
RUMFORD REALTY BY REDISTRICT-
ING FROM AN RS TO AN RG-2
DISTRICT

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 24th day of November, 1981, provided for a public hearing on the 8th day of December, 1981, at 8:45 P.M., to consider the application of RUMFORD REALTY CORP., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioners from an RS 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 an RS District to an RG-2 District the following described property in the Hamlet of Manuet, New York, in said Town; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants running with the land in a form satisfactory to the Office of the Town Attorney and to contain the following covenants made by the certified record owner:

1. The number of units are to be limited to approximately twelve (12) per acre for the entire parcel.

2. Of the total of thirty (30) units, fifteen (15) shall be one bedroom or less. Of the remaining fifteen (15) units, fifteen (15) shall be two bedrooms or less.

3. Applicant shall return to the Planning Board for site plan review and approval.

Seconded by Co. Longo
*See below

* * * * *

RESOLUTION NO. (1155-1981)

ADOPTING SPECIAL ASSESS-
MENT ROLL - SOUTH GRANT
AVENUE, CONGERS

Co. Holbrook offered the following resolution:

CONTINUED ON NEXT PAGE

* On roll call the vote was as follows:

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

RESOLUTION NO. (1155-1981) Continued

WHEREAS, a special road improvement has been completed for South Grant Avenue, Congers, New York, pursuant to Article 12 of the Town Law, and

WHEREAS, an assessment roll has been prepared, notice duly given, and a public hearing held to hear objections to said roll, and

WHEREAS, the Town Board of the Town of Clarkstown has adopted said assessment roll, and

WHEREAS, financing pursuant to Section 231 (2) of the Town Law has been made;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown shall transmit said assessment roll to the Rockland County Legislature at the meeting thereof at which taxes are levied for further action pursuant to Section 243 of the Town Law.

Seconded by Co. Lettre

All voted Aye.

*See bottom of page.

* * * * *

RESOLUTION NO. (1156-1981)

AUTHORIZING THE SUPERVISOR TO EXECUTE A LABOR AGREEMENT BETWEEN THE TOWN OF CLARKSTOWN AND CSEA

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to execute a Labor Agreement between the Town of Clarkstown and the Clarkstown Special Bargaining Unit of the Civil Service Employees Association for a period of three years commencing retroactively January 1, 1981, through December 31, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1157-1981)

AUTHORIZING SUPERVISOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF CLARKSTOWN AND CHIEF GEORGE R. SCHNAKENBERG AND CAPTAIN RONALD W. FABIS

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to execute an employment agreement between the Town of Clarkstown and Chief George R. Schnakenberg and Captain Ronald W. Fabis, and be it

FURTHER RESOLVED, that the employment agreement is effective and retroactive to January 1, 1980 through December 31, 1982.

Seconded by Co. Maloney

All voted Aye.

* * * * *

* Assessment roll on file in Town Clerk's Office.

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RESOLUTION NO. (1158-1981)

AUTHORIZING SUPERVISOR TO
MAKE AVAILABLE TWO MINI-
TRANS BUSES FOR SENIOR
CITIZENS

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to make available the use of two mini-trans buses for a senior citizen party on Christmas Day, and be it

FURTHER RESOLVED, that Mr. Joseph Lewis, Transportation Coordinator, is hereby directed to contact Sgt. George O'Shea of the Clarkstown Police Department to make all necessary arrangements.

Seconded by Co.Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1159-1981)

JOINING TOWN OF CLARKSTOWN
AS A MEMBER OF CLASS ACTION
IN CONNECTION WITH REMOVAL
OF TREES BY ORANGE & ROCKLAND
UTILITIES, INC.

Co. Longo offered the following resolution:

WHEREAS, an action has been commenced by Janice and Michael Smith and others to enjoin Orange and Rockland Utilities, Inc., from cutting down trees at the base which lie beneath the primary transmission lines of Orange and Rockland Utilities, Inc., and

WHEREAS, as a result of such action the Court has certified said action as a class action in which the Town of Clarkstown is considered a member of the class action, and

WHEREAS, the Town of Clarkstown has received notification from Thomas J. Leyden, Sr., Esq., attorney for the Smiths and others pursuant to order of the Court which would require the Town of Clarkstown to send notice to the Court stating if the Town does not desire to become a part of the class action to send notice to that effect to Court, and

WHEREAS, if the Town of Clarkstown decides to remain as a member of the class action, no action has to be taken by the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown will not incur any legal fees or disbursements;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown desires to become a member of the class action and, therefore, directs the Town Attorney to not notify the Court that it does not wish to become a part of the class action.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1160-1981)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO USE MEN AND EQUIPMENT TO PLOW UNDEDICATED STREETS

Co. Longo offered the following resolution:

WHEREAS, heavy snowfalls may create a state of emergency in the Town of Clarkstown because of the danger of fire, sickness, lack of food and material assistance to persons on unplowed streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under the Executive Law, Sec. 24 (4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with the natural emergency created by an extraordinary fall of snow, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use men and equipment to plow undedicated streets in the Town of Clarkstown during a snowfall through the end of 1982.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1160-A-1981)

AUTHORIZING PLANNING BOARD OF THE TOWN OF CLARKSTOWN TO APPLY TOWN LAW, SEC.281-THEISE TERRACE TWO

Co. Longo offered the following resolution:

WHEREAS, ATZL & SCATASSA ASSOCIATES, P.C., agents for the applicant, has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Theise Terrace Two, 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;

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 provided that the house on lot 2 is relocated to the south to permit off-street parking.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1161-1981)

TRANSFERRING \$2,860.00 FROM APPROPRIATION ACCOUNT NO. A 3120-417 to APPROPRIATION ACCOUNT NO.A3120-230

Co. Longo offered the following resolution:

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RESOLUTION NO. (1161-1981) Continued

RESOLVED, to transfer \$2,860.00 from Appropriation Account No. A 3120-417 to Appropriation Account No. A 3120-230.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1162- 1981)

TRANSFERRING THE FOLLOW-
ING APPROPRIATION ACCOUNTS
FROM B 3620-407 TO B 3620-313
AMOUNT - \$200.
FROM B 3620-416 TO B 3620-328
AMOUNT - \$40.00
FROM B 3620-438 TO B 3620-313
AMOUNT - \$30.00

Co. Longo offered the following resolution:

RESOLVED, to make the following Appropriation Account transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B 3620-407	B 3620-313	\$ 200.00
B 3620-416	B 3620-328	40.00
B 3620-438	B 3620-313	30.00

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1163-1981)

ACCEPTING BIDS FOR
PAPER PLASTIC SUPPLIES

Co. Longo offered the following resolution:

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

BID #2-1982 Paper Plastic Supplies

is hereby awarded to

Total Paper & Supply Co., Inc.
Garnerville Industrial Term-Bldg. 3B
Railroad Ave.
Garnerville, NY 10923

E.A. Morse & Co., Inc.
11-25 Harding Street
Middletown, NY 10940

Mt. Ellis Paper
P.O. Box 4083
Newburgh, NY 12550

Century Paper & Box Co., Inc.
25 Lincoln Street
Haverstraw, NY 10927

as per schedule of bid prices on file in the Purchasing Department.

Seconded by Co. Maloney All voted Aye.

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*NOTE: SEE PAGE 10 - RESOLUTION NO. (1163-A-1981)

RESOLUTION NO. (1164-1981)

ACCEPTING DEEDS FOR ROADS
CLARKSVILLE ESTATES, WEST
NYACK

Co. Longo offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from CLARKSVILLE CONSTRUCTION dated September 28, 1981 conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "CLARKSVILLE ESTATES, New York State, Town of Clarkstown, Rockland County" filed in the Rockland County Clerk's Office on January 29, 1980 in Book 95 of maps at page 25 as Map No. 5119 as follows: Davenport Terrace 890 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(s) with security posted by the developer is hereby accepted, together with a check in the sum of \$90.00 for Maintenance purposes.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1165-1981)

WITHDRAWING ZONE CHANGE
DALO PETROLEUM CORP.

Co. Longo offered the following resolution:

WHEREAS, a public hearing had been scheduled for December 17, 1981, at 8:15 P.M., to consider the application of DALO PETROLEUM CORP. to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from CS district to an RS district, and

WHEREAS, the petitioner by letter dated December 14, 1981, has withdrawn its application for amendment to the Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the public hearing set for December 17, 1981, at 8:15 P.M., is hereby cancelled.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1166-1981)

WITHDRAWING SPECIAL PERMIT
AMENDED PETITION - DALO
PETROLEUM CORP.

Co. Longo offered the following resolution:

WHEREAS, a public hearing had been scheduled for December 17, 1981, at 8:30 P.M., to consider the application of Dalo Petroleum Corp., for a Special Permit for the construction of an auto laundry pursuant to the provisions of Section 106-10A, Table of General Use Regulations, RS District, Column 3, Section B, Paragraph 5 of the Zoning Ordinance of the Town of Clarkstown for property located at

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RESOLUTION NO. (1166-1981) Continued

255 South Main Street, New City, New York, designated on the Clarkstown Tax Map as Map 57, Block D, Lot 21, at the intersection of the west side of South Main Street, at the intersection of South Main Street, with the north side of Elinor Place, and

WHEREAS, by letter dated December 17, 1981, petitioner has withdrawn its original petition dated November 24, 1981, and its amended petition dated December 14, 1981;

NOW, THEREFORE, be it

RESOLVED, that the public hearing set for December 17, 1981, at 8:30 P.M., is hereby Cancelled.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1167-1981) ACCEPTING RESIGNATION OF VITO MOLA, CLEANER MAINTENANCE (PART-TIME,NIGHTS)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Vito Mola, 129 Laurel Road, New City, New York - Cleaner (part-time) (Nights) - Maintenance Department - is hereby accepted effective and retroactive to December 12, 1981.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (1168-1981) APPOINTING RAYMOND DEFOREST, CLEANER (PART-TIME,NIGHTS) MAINTENANCE

Co. Longo offered the following resolution:

RESOLVED, that Raymond DeForest, 22 Old Brick Road, New City, New York, is hereby appointed to the position of Cleaner (part-time) (Nights) - Maintenance Department - at the hourly rate of \$5.00 - effective and retroactive to December 14, 1981.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1169-1981) ACCEPTING RESIGNATION OF RICHARD W. ANDERSON - YOUTH COMMISSION

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Richard W. Anderson, 76 South Conger Avenue, Congers, New York - Youth Commission Member (Student) - is hereby accepted effective and retroactive to September 1, 1981.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1170-1981)

APPOINTING JOY EMANUELE
SENIOR RECREATION LEADER
#81096 (PERMANENT) RECRE-
ATION DEPARTMENT

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Recreation Leader #81096 which contains the name of Joy Emanuele.

Now, therefore, be it

RESOLVED, that Joy Emanuele, 604 South Main Street, New City, New York is hereby appointed to the (permanent) position of Senior Recreation Leader - Parks & Recreation - at the annual 1981 salary of \$15,166., effective December 18, 1981.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1171-1981)

APPOINTING BRUCE GOLDFARB
YOUTH COMMISSION MEMBER
(Student)

Co. Longo offered the following resolution:

RESOLVED, that Bruce Goldfarb, 16 Stonehedge Drive, West Nyack, New York 10994, is hereby appointed to the position of Youth Commission Member (Student) to serve without compensation effective December 18, 1981 through December 17, 1982.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1172-1981)

AUTHORIZING THE DIRECTOR
OF ENVIRONMENTAL CONTROL
TO EXECUTE A CHANGE ORDER
FOR EAST AVENUE DRAINAGE
IMPROVEMENT PROJECT -
CAL MART CONSTRUCTION CORP.

Co. Longo 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

WHEREAS, it is recommended by the Director of Environmental Control that a change order and extra be executed for \$24,938.08 for tying in footing drains, relocating individual house sewer, water and gas lines, placement of stone, rock removal, planting of trees and the replacement of concrete headwalls with flaired end sections and grouted stone headwalls.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to execute a change order and extra for the above at a cost not to exceed \$24,938.08.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1173-1981)

GRANTING CLARKSTOWN
PLANNING BOARD A 60
DAY EXTENSION OF TIME
TO REVIEW ZONE CHANGE
APPLICATION - JEROME
PAIKEN - FROM LO TO
R-15 DISTRICT

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants the Clarkstown Planning Board a 60 day extension of time to review the Zone Change Application of Jerome Paikin from an LO District to an R-15 District for property located in the vicinity of Convent Road., Nanuet, New York.

Seconded by Co. Maloney

All voted Aye.

* * * * *

On motion be Co. Lettre, seconded by Co. Longo and unanimously adopted, the Town Board Meeting was declared adjourned by Supervisor Dusanenko, time: 10:30 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

*PLEASE NOTE THIS NUMBER OMITTED.

RESOLUTION NO. (1163-A-1981)

ACCEPTING BIDS FOR
ONE 1982 FOUR DOOR
PASSENGER SEDAN

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that BID #65-1981 for one 1982 four door passenger sedan is hereby awarded to NANUET CHRYSLER PLYMOUTH, INC. 60 Route 304, Nanuet, NY 10954, for one 1982 Plymouth Gran Fury as per low bid proposal of \$10,303.85, and be it,

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to increase the estimated revenue account #01-2401 and appropriation account #A 1220-203 by \$10,303.85.

Seconded by Co. Maloney

All voted Aye.

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/17/81

8:45 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 - L10 to R-15 AND PED ASSOCIATES
of Rockland

On motion of Councilman Maloney, seconded by Councilman Longo 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 following correspondence:

Letterhead of County of Rockland Planning Board

" August 27, 1981

Agency
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: 9/13/81
Item:

Zone Change: L10 to PED & R-15
N/S Route 303, Valley Cottage
Associates of Rockland County (C-993)

The Rockland County Planning Board reviewed the above item at its meeting of August 25, 1981 and

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

CONDITIONS: That the applicant comply with recommendations #1 thru #4 of the Rockland County Soil and Water Conservation District letter of August 17, 1981.

cc: Supervisor Dusanenko
Mr. Lombardi, member, RCPB
Mr. Mack, RCS&WCD

Very truly yours,
Rockland County Planning Board

By _____
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."

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Letterhead of Rockland County Soil & Water
Conservation District

"August 17, 1981

RE: Associates of R.C. (T.B. Ref. Zone Change Request)

Gentlemen:

This is in response to your request for review of the tentative land use plans prepared by Atzl & Scatassa Associates, dated August 1, 1981.

Soils Data

The following soils are found on this property:

- (a) Sodus gravelly fine sandy loam;
- (b) Alden silt loam;
- (c) Barre mucky silt loam.

Sodus is a gently sloping to sloping, well drained soil. It has fair to good potential for most uses. It is found on the higher ground east and west of the Kill Von Beaste Creek.

Alden and Barre are level and gently sloping, deep, poorly drained soils formed in till. They are found along the three drainage ways and in some of the mucky and flat areas away from the streams. In their natural state, both of these soils have low potential because of a high water table and/or ponding.

Land Evaluation

Most of the better drained land is located north of the propose street having access from Route 303. The area to the south is poorly drained except for high areas.

The proposed residential zone will need some additional drainage on the more level lots along the extension of Tilton Road. L.I.O. areas will likewise have numerous drainage problems that will need to be evaluated and resolved when individual site plans are prepared.

The proposed retention area may be easier to construct and maintain if kept separate from the Kill Von Beaste Creek. Fill taken from the retention site can be used to raise other low areas.

Suggested guide lines for development are:

1. Provide an easement or greenway along the Kill Von Beaste in the proposed P.E.D. Zone.
2. Arrange to have the retention area constructed early in the development period.
3. Provide sediment basins at key locations so that sediment can be trapped from the beginning of site development.
4. Control the area that can be cleared at any one time. Rough graded areas should be promptly seeded and/or mulched to minimize erosion and sediment problems.
5. Cut and remove trees for lumber or fire wood on areas to be cleared.
6. Avoid burning by using a wood chipper for brush and limbs.

Sincerely,

George E. Lee
Resource Conservarionist

cc: Brenner
Bollman
RCPB
Clarkstown Planning Board
Atzl & Scatassa "

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Letterhead of Town of Clarkstown
Planning Board

"December 16, 1981

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

Gentlemen: TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
ASSOCIATES OF ROCKLAND 124C27+ VAL. COTTAGE

The Planning Board has discussed the above requested zone change at length at several meetings, and expressed a number of concerns:

- a) consistency with the recently adopted Master Plan;
- b) reduction of available industrial lands from the industrial land bank in the Town;
- c) traffic and traffic circulation impact on the area; and
- d) access and impact of various combinations of access points.

The major planning issue is that the Master Plan as adopted by this Planning Board October 14, 1981 indicates this entire area as industrial. This was done after careful study and public input from various industrial committees in the Town i.e. Private Industry Council and Industrial Development Agency. It is this Planning Board's unanimous position that wherever possible, land that is good for industrial purposes should remain in the industrial land bank. The big concern is that if we keep chipping away here and there we are not going to have much left. The proposed PED district should allow this applicant to develop a fine industrial area for the Town.

Traffic is also an important issue: the Planning Board does not wish industrial traffic to go through residential roads. Gilchrest Road is a problem road now: residents avoid using it because of the poor alignment. It was pointed out that there have been a number of dangerous accidents there, and it is not suitable for industrial traffic. Careful consideration should be given to use of Gilchrest Road. It is important, in fairness to the community, that there be a clear understanding of what roads are going to be connected and which will not, in particular as it relates to the existing residential lands.

There appears to be a problem with the proposed extension of Green Avenue: attorney for the applicant did not know the legal status of Green Avenue, or whether an adjoining property owner could extend Green Avenue to the proposed residential property. This must be resolved prior to any change, but the Planning Board opposes a direct access from Green Avenue to the proposed industrial road. There is also the question of access with regard to Tilton Road, which may depend on whether or not the R-15 portion of the above request is granted.

Subsequent to the above, at the meeting of December 2, 1981, motion of Thormann, second of Cunningham, carried 7:0 with Ayes of Fallon, Howell, Nowicki, Yacyshyn and Paris, to approve the following ...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the above petition in relation to the surrounding area, the topography, the recently adopted Comprehensive Plan, and finds that it cannot recommend in favor of the requested zone change from L10 to R-15 for 28 acres for all of the above cited reasons. The Planning Board respectfully recommends that the entire area be changed from L10 to PED as this has been one of the targetted areas for such use in that it is an area of over 50 acres in size and off a major road. This designation would enable the applicant to have flexibility in design and allow for economic and efficient use of the land, providing a well designed industrial executive park.

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

- a) the residential uses would not be appropriate in the area but the PED would be as this will allow for the flexibility of design and development,
- b) adequate public school facilities do exist to serve the needs of additional residences, but a change to residential would reduce the industrial land bank in the Town,
- c) public water supply would have to be extended or created to serve this area; sanitary sewers can be provided,
- d) there are vacant lands zoned R-15/R-22 in Valley Cottage, most of which can be developed, i.e. Klein Property, portion of Perry property, Joy Acres, and smaller parcels to E. side of Route 303,
- e) there are several new subdivisions under construction in Valley Cottage, Old Mill Acres (total of 104 homes) and Gateway,
- f) this proposed amendment is not in accordance with the updated Master Plan, as this area is indicated for industrial land use,
- g) this proposed amendment will result in an increase in residentially zoned lands which would require more public services, and a decrease in industrial lands,
- h) if the request is granted, it is expected that other areas will request similar zone changes. We also have no guarantee that this applicant will not request further similar amendments.

Very truly yours,

Richard J. Paris
Chairman

cc: Town Attorney
Town Clerk "

Mr. Johns here made reference to Mr. Bollman's letter of 12/17/81 and the SEQR report, both of which are on file in the Town Clerk's office.

Mr. John's quoted:

"ENVIRONMENTAL ASSESSMENT PART III

The Evaluation of the Importance of Impacts

After evaluating Part II, there are three items that are considered to have a potentially large impact as a result of this proposed project. They concern drainage, traffic generation and public controversy.

The Applicant has agreed to the installation of a detention basin at the downstream corner of the project site to mitigate the drainage impact. It will be of sufficient capacity to insure that the additional runoff resulting from the development of this site will not increase flows downstream.

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A traffic report prepared by Harry Baker & Associates has been reviewed in draft form by Raymond, Parish, Pine & Weiner. Based on the information provided by the applicant, the road system in the area is adequate to handle traffic to be generated from the site. In Mr. Geneslaw's report we note that the most important traffic related impact of the proposed project is the greater volume of traffic that will utilize the intersection of Lake Road and Route 303 which is presently a problem. Supervisor Dusanenko, by resolution of the Town Board, has requested that the New York State Department of Transportation look into the intersection of Route 303 and Lake Road and provide suggestions for the improvement and modifications necessary to allow a greater capacity of traffic. The State has responded by indicating that they would do this if the Town or County would contribute their share to the portion that effects their roads. I understand that the Supervisor has responded that the Town will provide monies for the improvement as long as the amounts are reasonable. Mr. Geneslaw also indicates that if the residential request is granted, the traffic generated could be ameliorated by providing a connection between the residential and industrial portions.

In the event that the R-15 is built prior to the industrial portion, the residential property has access either in an easterly direction past the Town park, which itself generates a fair amount of traffic in the summer, or in a westerly direction to Kings Highway. The affect of this additional load on Gilchrest Road could be mitigated by the early construction of a road through the PED portion to Route 303 and an internal connection from the residential portion.

The present controversy revolves around the issue of whether or not 28 acres of industrial property should be converted to residential use. The chairman of the Private Industrial Council and the Planning Board of the Town of Clarkstown believe that the existing industrial land should not be diminished in any way.

The chairman of the Industrial Development Council has suggested that in these hard economic times the proposal seems reasonable but that the developer be prohibited from building lots contiguous to the industrial park until such time as the PED portion contiguous to the residential is constructed. This controversy could also be mitigated by the elimination or reduction of the area designated for residential use or that some restriction be placed on the residential portion until access is gained onto Route 303."

Letterhead of Private Industry Council of Rockland County

"December 17, 1981

The Honorable Theodore R. Dusanenko
Supervisor
Town Hall
10 Maple Ave.
New City, New York 10956

Dear Teddy:

We would appreciate it if you would bring to the attention of the Town Board our response to the inquiry of the Planning Board concerning the application of Associates of Rockland for a zone change.

We will work with the Town and the developers to create a fine industrial park. It is our experience that the larger the tract of land available for industrial development, the greater the possibility of attracting quality industries, and achieving aesthetic buffering for neighboring residential properties.

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We have already referred quality industrial developers to the owners for purposes of outright purchase, shared development or turn-key building. We believe that Valley Cottage has the possibility of duplicating Montvale's success in attracting quality ratables northward.

Very truly yours,

Diana W. Rivet, Esqu.
Executive Director

DWR:mb
Enc."

Letterhead of Private Industry Council of Rockland County

"November 23, 1981

Mr. Robert Geneslaw
Planning Consultant
Town of Clarkstown
Planning Board
10 Maple Avenue
New City, New York 10956

Dear Mr. Geneslaw:

Thank you for your inquiry of November 17th concerning Associates of Rockland County.

Our position regarding rezoning of LI0 property in Clarkstown remains unchanged. We strongly feel that any migration of existing non-residential property to residential use is doubly damaging to the Clarkstown economy. We have already learned that residential usage requires town and school services far in excess of tax revenues. Conversely, desirable industrial usage provides large tax profits to the town. Even more important, the provision of jobs and expenditures for goods and services by industrial firms provides a multiple stimulus to our economy. Loss of industrial land will severely inhibit our ability to convert from a high tax bedroom suburb to a self-sufficient tax-balanced county.

In the instant case, the property involved is ideally suited to light industrial development, has been zoned for this use for many years, is located in an area which is producing frequent inquiries from potential users, and is relatively free from nearby residential usage. The continuing success of the Brenner Industrial Park, just two miles north of the Associates site is testimony to its salability as presently zoned.

The insertion of any additional residential usage, especially if it is contiguous to a dedicated industrial development area is an invitation to future controversy. I feel that the existing residences in the northwest corner of the tract can be properly buffered by proper site design and that the town can gain the maximum benefit from this fine site as it is now zoned. We have indicated to the owners that we are ready and able to provide contacts with either industrial users or quality site developers, and several meetings have ensued.

Please call upon us if you desire further information.

Very truly yours,

J. Herbert Dahm, Jr.
Chairman

JHD:mb"

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Appearance: John Hekker, Esq.
Burd Street
Nyack, New York

Mr. Hekker appeared as attorney for petitioner. He presented affidavits of posting and mailing to the Town Clerk. He said he represented the partnership of Mann, Garelick and Sasson, who were the owners of the property in question. He stated that Mr. Harry Baker of Harry Baker Associates would be called upon later to discuss traffic patterns. Mr. Hekker said that the PED district was first approved by the Clarkstown Town Board in March 1976 and to date there is one PED parcel in the Town of Clarkstown which is known as the Ramapo Airport. There have been no applications other than this for PED. The requirement for PED classification is fifty (50) acres. The parcel in question is approximately 100 acres with approximately 25 acres to be RG-15 and 75 acres as PED. Mr. Hekker used a map to explain the surrounding area. He discussed the various arteries surrounding the property and the ingress and egress to same. He explained that there were very few areas in Clarkstown that were large enough to qualify for PED designation. The County Planning Board approved the proposal and while the Town Planning Board did not approve, both the County and Town did agree that this parcel should be developed as a PED district. If this petition is denied it still will remain an LIO despite the fact that the Town Planning Board would like it to be a PED classification.

Supervisor Dusanenko inquired if the Town Board could amend the petition and the Town Attorney said "Yes" - after the public hearing was held.

Mr. Hekker went on to explain that they had requested R-15 because they thought that the people in the rear would want that. By having the R-15 they were creating their own buffer zone. Mr. Hekker said they would make Tilton Road a dead end and by having R-15 would make Congers Lake Estates immune to the PED development.

Mr. Hekker stated that it would take a great deal of financing to develop a PED or an industrial complex. The road improvement alone would cost \$1,500,000.00. He asked the Town Board to give them a chance to develop this as an industrial park. He guaranteed to hold back the lots abutting on the PED which would be approximately 25% of the homes to be built until the PED development is started. Mr. Hekker said they would agree to place restrictive covenants both on the land and on any map that is filed. That would prohibit the issuance of a building permit for any lot bounding on the PED zone until such time as we commence the building of the PED district.

Mr. Hekker further stated that the County and Town had lost approximately \$900,000.00 in taxes and that this parcel was put up for public auction four (4) times. He then quoted the following:

Letterhead of County of Rockland, Office of the County
Treasurer

"December 17, 1981

Associates of Rockland
2816 203rd Street
Bayside, New York 11360

Re: Town of Clarkstown - Map 124, Block C, Lot 27 Com. Vac.
Map 125, Block B, Lot 12.01 Com. Vac.
Map 125, Block B, Lot 12.02 Com. Vac.
Map 125, Block B, Lot 13 Com. Vac.

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Gentlemen:

Please be advised that the above captioned parcels were placed on the following Auctions:

- | | | |
|----------------------|---|------------------------|
| 1. June 10, 1980 | - | 100% Public Auction |
| 2. July 23, 1980 | - | 100% Public Auction |
| 3. November 19, 1980 | - | Sealed Bid-60% Auction |
| 4. March 18, 1981 | - | 10% Public Auction |

Said parcels were sold at the last Auction (10%) and title was conveyed by Quitclaim Deeds dated April 8, 1981.

If I can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

JOSEPH T. ST. LAWRENCE
County Treasurer

By: BARBARA BAKER-HUGHES
Paralegal Specialist"

The property was finally sold for 10% of taxes and was not the most sought after parcel of land. We now have builders who want to develop this. In 1980-81 taxes would be \$75,000.00 and then it would be at least two years before any industrial development could be built as there are no users. Since the town wants the PED district, one way is to have the twenty-five (25) acres R-15 so that we can develop the industrial portion.

There are at least four (4) real estate brokers who want exclusive listing for this PED. There has also been an inquiry on behalf of Caldwell Banking who would like to be the exclusive broker for the next two years.

Town Attorney said at this point that the Town would not designate the layout of the street pattern. That would be up to the Planning Board. Mr. Hekker followed this with some comments regarding the roads in the area.

Councilman Lettre asked that if the Town Board wished could it covenant that certain streets not be through streets. Town Attorney said the Town Board could covenant but it could not bind the Planning Board in the layout and design of the streets. Mr. Hekker said that they could covenant that Tilton Road would be a cul de sac in the property.

Appearance: Mr. Harry Baker
40 Second Street
New City, New York

Mr. Baker presented the Town Board with a traffic impact report and gave a detailed explanation using a prepared book which covered traffic volume, ingress and egress and traffic flow.

This booklet is on file in the Town Clerk's Office.

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

IN FAVOR

Appearance: Ms. Joanne Rausch
Congers, New York

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Ms. Rausch stated that she had known Philip Mann for a number of years and is familiar with the type of housing he creates. She further stated that Clarkstown was in need of moderate priced housing and urged the board to approve this request.

Appearance: Ms. Sue Helmke
Valley Cottage, New York

Ms. Helmke stated that her family owned this land and were unable to get people interested in buying it for over twenty years. She felt the residences were needed.

Appearance: Mr. Alan Yassky
Rollingwood Way
Valley Cottage, New York

Mr. Yassky was not in favor or in opposition but just wanted to speak regarding this proposal. He stated that he had been a resident of Valley Cottage for most of his life and he personally would like to see the parcel left alone but as we did not buy the parcel we cannot decide what is done with it.

Mr. Yassky said that he was the sole owner of a PED district in Clarkstown and that he was also the Chairman of the Industrial Development Committee. He said if this change goes through that he will actually be in competition with it since they will both be competing for the same type of industry. However, it is right that this be developed as a PED and not as LIO. He worked to have the PED district created in the Town of Clarkstown. There are limited amounts of land that can be used for this type of development and he said that the mountain and the landfill cannot be used. He also mentioned that the Kohl property has a drainage problem and that cannot be used. He mentioned his own property which is being developed as PED. He said Clarkstown is not going to get major corporate developments such as are presently in Westchester and New Jersey. PED is a multi-type development and therefore you can maintain it in accordance with sensible development.

He stated that when he developed the PED district in Ramapo he did not ask for R-15 but that if he had he would be five to ten years ahead of where he is now with the development. He is not happy with the proposal to hold-back homes. He would like to see more of a hold-back. He would also like to see development of the roads in the industrial park, in whatever fashion the Planning Board thinks it should be done. It should be done in connection with the development.

He requested map notes and an addendum to every contract that everyone who buys there will have full knowledge that an industrial park is going to be developed there. The Town should not finance this project but there should be some compromise if the development is to take place in the foreseeable future.

Appearance: Mr. Ned Meara
Congers Lake Estates
Valley Cottage, New York

Mr. Meara stated that he had received a letter in opposition to this proposal but that he did not agree. He liked what was proposed. He would rather have homes with some industry.

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

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IN OPPOSITION

Appearance: Mrs. Alice Bory
Association for Sensible Zoning
c/o 43 Sedge Road
Valley Cottage, New York

Letterhead of Association for Sensible Zoning

"December 17, 1981

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

Gentlemen:

The Association for Sensible Zoning wishes to submit the following statement regarding the Associates of Rockland application for a zone change for the 101 acre light industrial parcel known as the Huffman Property.

We firmly believe that there is a need to attract clean ratables to Clarkstown. The Private Industry Council, the Clarkstown Industrial Development Committee and you gentlemen on the Town Board, have been and are continuing to search for quality light industrial tenants for what remains of the developable industrially-zoned property in the Town. Your efforts and successes are to be commended.

The 101 acre Associates of Rockland property on Route 303 in Valley Cottage is regarded by the Private Industry Council and Clarkstown Industrial Development Committee as a prime parcel of light industrial land ideally suited for a well-planned industrial park under the Planned Economic Development district concept.

The Associates of Rockland zone change application would divide this prime 101 acre light industrial site into two parcels: one of 73 acres which would change to PED or Planned Economic Development district; one of 28 acres which would change to an R-15 residential district permitting approximately 60 homes. The Association for Sensible Zoning believes that a re-zoning to PED would be a positive step to ensure that the property would be developed with quality tenants as a well-designed, well-buffered industrial park, acceptable to the existing adjoining residential area. Such an industrial park would provide local jobs and much needed tax revenue for the Town.

However, re-zoning the 28 acre portion of this parcel to R-15 would only serve to move a residential area closer to the industrial park and would reduce the land available for properly-spaced buildings, well-planned roads and maximum buffer zones. Prime industrial land would be lost forever and the development of the larger 73 acre tract as PED would be jeopardized.

After taking all this into consideration, and after meeting with many homeowners in the adjacent residential area, the Association for Sensible Zoning recommends that the Town Board deny the Associates of Rockland application to divide and re-zone this property from LIO to PED and R-15. Furthermore, we recommend that the entire 101 acre parcel be re-zoned to Planned Economic Development (PED) district. However, because of our concern for nearby residents, our recommendation is contingent upon the following provisions:

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1. Tilton Road should be made into a permanent dead end. That is, there should be no possibility of industrial traffic passing through residential neighborhoods.
2. All roads from the PED site should exit onto Route 303, but not through the congested Lake Ridge Shopping Center.
3. The industrial road planned to exit onto Gilchrist Road should be eliminated. Gilchrist is a narrow, winding road, not suitable for industrial traffic. Moreover, the planned industrial road would be too close to St. Paul's school and would endanger school children. In addition, it is located close to the railroad intersection where a serious school bus accident occurred a number of years ago.
4. There should be a maximum wooded buffer between residential and industrial areas, screening industry from homes.

Moreover, during the subsequent planning phase, we would make the following recommendations:

1. The type of industry attracted should be administrative offices, warehouseing, light manufacturing and assembly. Industries that should be openly and actively discouraged are retailing, heavy trucking or any industry causing air or noise pollution.
2. The site plan should call for well-spaced buildings interspersed with landscaped grounds. The buildings should be of sufficient distance from frontal roads and not detract from natural land contours.

We request that you carefully consider our recommendations which we believe are in the best interests of the nearby residents, the Hamlet of Valley Cottage and the Town of Clarkstown.

Sincerely,

James E. Hershberger, President

Alice Bory, Secretary"

Appearance:

Maryann Gillen
957 Tilton Road
Valley Cottage, New York

Ms. Gillen said she has been a resident of Clarkstown for seventeen and one half years and felt that Clarkstown is a bedroom community. Our taxes reflect this. We need industry. She was concerned with the traffic which would be generated by the type of development being proposed. From September to June they have traffic which is generated from St. Paul's Elementary School and then from June to September traffic which is generated from Congers Lake so that there is a constant traffic flow. She asked the Board to consider a reserved decision and that the change would be from LIO to PED.

Appearance:

Mr. Donald Devine
954 Starke Lane
Valley Cottage, New York

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Mr. Devine said he had been a resident for eight years. He did not want to see homes in the area which would increase traffic and permanently disrupt their neighborhood. He wanted the area to be all PED.

Appearance: Mr. Walter Fleisher
New City, New York

Mr. Fleisher said he has lived in Clarkstown for fifty-eight years. The first time a proposal such as this was offered was by Mr. Nemeroff. We got the houses, streets had to be rebuilt and a sewer plant was proposed but we never got the industry. He said he was not opposed to PED and if it is such a good idea why stop at seventy-five acres; why not the entire one hundred acres. He did not believe the Town should allow houses in order to finance PED. Rockland County is faced with limited resources - water, energy, roads, et.

Supervisor Dusanenko stated that the proposed sewer plant in District 13 was eliminated.

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

Mr. Granirer said everyone was in favor of the PED district. However, he felt that what was being said here tonight was that the only way the Town would get the PED district is if they granted the R-15 change. The applicant was attempting to trade with the Town and that was an unacceptable way to zone.

Appearance: Mr. George Fazio
Gilchrist Road
Valley Cottage, New York

Mr. Fazio said he was opposed to the zone change because of the entrance on to Gilchrist Road and the traffic problem which existed there.

Appearance: Mrs. Pat Fazio

Mrs. Fazio stated that she was unable to get out of her driveway now and traffic is a great problem.

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

Mr. Lodico said that the PED zone was better than L10 zone and he thought that the Town Board should consider reducing the number of acres required for a PED district from fifty to thirty-five and he supported the Association for Sensible Zoning's proposal.

Appearance : Mr. Kodecha
Valley Cottage, New York

Mr. Kodecha questioned the traffic flow and did not feel it was possible to have only one entrance from Route 303. There should be a "U" shaped entrance and he believed that a traffic light would be needed.

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Appearance: Mr. Ben Conforte
Gilchrist Road
Valley Cottage, New York

Mr. Conforte had questions regarding the traffic flow.

Appearance: Mr. Ron Mosher
Gilchrist Road
Valley Cottage, New York

Mr. Mosher spoke regarding traffic problems also.

Councilman Maloney asked a question about a commitment to really build a PED if they build the R-15 first. Mr. Hekker said the ideal situation would be to have them built simultaneously to prevent any type of misrepresentation. We are willing to hold back on the development of the residential and put in restrictive covenants that would run with the land to assure that we will give up the right to develop fifteen lots. This is certainly an inducement to any developer to see that the PED is developed. Once you get the first user in the PED, the PED becomes more valuable than the R-15 district.

Councilman Holbrook asked why change it then? Mr. Hekker said because it has lain without being used for years and it is costing the taxpayers money in possible taxes. We are looking for relief to bring industrials and ratables into the area.

Councilman Maloney asked if applicant planned to build a retention basis. Mr. Bollman, Director of Environmental Control said that it is a detention pond. Mr. Hekker said "immediately."

Councilman Maloney asked what prices the houses would be and received an answer of \$100,000.00 to \$140,000.00.

Councilman Longo then asked a question about not building on 25% of the lots and Mr. Hekker said that he would not build on the lots abutting the PED and had given 25% as an approximate figure.

Councilman Longo then asked if they were willing to covenant no access to Gilchrist. Mr. Hekker said absolutely. However, as a practical matter you would have to have some access from Gilchrist onto Route 303 for the residential portion if it were granted.

Mr. Atzl said in terms of residential if you look at the way it is laid out if you cul de sac Tilton Road it can never be used as a through street. The impact would be that traffic would be heavier on other roads than it is today.

Supervisor Dusanenko asked about straightening Gilchrist Road. He made various suggestions and also made some inquiries regarding same. Mr. Hekker said that they would be flexible on the road. Supervisor Dusanenko said that the Town Board had no authority and that it was up to the Planning Board as far as roads were concerned.

Mr. Hekker then spoke in rebuttal and he mentioned that even the Association for Sensible Zoning agreed that PED zoning is good. It is the R-15 designation which is creating the problem and the developers do want the PED. R-15 was not meant to be taken as a threat but that it was a practical necessity since industrial development is so expensive.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Longo and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time; 10:30 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

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