

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

3/16/82

8:05 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor Dusanenko read the following proclamation:

"KNIGHTS OF COLUMBUS WEEK  
March 25-31, 1982

- WHEREAS, on March 29, 1882, the Knights of Columbus, a vision in the mind and heart of its Founder, Father Michael J. McGivney, was chartered by the General Assembly of the State of Connecticut, and
- WHEREAS, from that day even until now, over 7,000 councils representing some 1,350,000 members and their families in the United States, Canada, Mexico, Guam, Puerto Rico, Virgin Islands, and the Philippines have given untiring service towards building up the moral and spiritual fiber of the communities in which they live, and
- WHEREAS, the generous dedication of the Knights of Columbus throughout the past 99 years of its life has been of significant importance towards fostering the mission of Evangelization of the Catholic Church in the modern world, and
- WHEREAS, this love and support for the Catholic Church and its Popes, especially John Paul II, has given cause for our Holy Father John Paul II to compliment and encourage the Knights of Columbus during his pastoral visitations around the globe, and
- WHEREAS, the Town of Clarkstown is fortunate in having within its borders two councils of the Knights of Columbus, Cardinal McCloskey Council in New City and Pope John XXIII Council in Congers-Valley Cottage, both of whom have engaged in many programs for the good of the community,

NOW, THEREFORE, BE IT RESOLVED, that in celebration with the Knights of Columbus, one hundred years of dedication to the virtuous principles of charity, unity, fraternity and patriotism, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, do hereby proclaim March 25th to March 31st, 1982 as "KNIGHTS OF COLUMBUS WEEK" and ask every official and citizen of Clarkstown to recognize and offer congratulations to the Knights of Columbus and their families.

IN WITNESS WHEREOF, I HAVE HEREUNTO  
SET MY HAND AND CAUSED THE SEAL OF  
THE TOWN OF CLARKSTOWN TO BE AFFIXED  
THIS 9TH DAY OF MARCH, 1982.

( S E A L )

/s/ Theodore R. Dusanenko  
THEODORE R. DUSANENKO, Supervisor

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

APPEARANCE: Mildred Lawton  
5 Lucille Boulevard  
New City, New York 10956

Mrs. Lawton stated that she was the President of Clarkstown PTA and was speaking regarding the raising of the drinking age. She read a resolution passed by the New York State PTA which recommended that the drinking age be raised from 18 to 21 and another resolution passed by the New York State PTA against the sale of hard liquor in supermarkets, delicatessens, etc. Mrs. Lawton further stated that New York State is one of 8 states that allows hard liquor to be sold to 18 year olds.

APPEARANCE: Carlos Carofaro  
26 Hillside Avenue  
West Haverstraw, New York

He spoke in opposition to legislation to raise the drinking age. He said as a tavern owner he felt there was too much legislation now.

APPEARANCE: Judy Costa  
27 Concord Drive  
New City, New York 10956

Mrs. Costa spoke as President of CANDLE and stated that alcohol is a drug. The 18 year old who is allowed to buy liquor could very well be the friend or sweetheart of a 17 or 16 year old. The 18 year old could be used as the vehicle to provide liquor for your children. CANDLE is in favor of a minimum drinking age of at least 19 and would support a higher age requirement.

APPEARANCE: Bruce Goldfarb  
16 Stonehedge Drive  
West Nyack, New York

Mr. Goldfarb spoke regarding a request for five voting machines for Clarkstown South student elections which were to take place in May.

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RESOLUTION NO. (274-1982)

SETTING PUBLIC HEARING  
RE: AMENDMENT TO OFFICIAL  
MAP OF TOWN OF CLARKSTOWN  
(CONNECTIONS AMONG RIDGE  
ROAD, LAKE ROAD, VIRGINIA  
STREET, SEDGE DRIVE,  
PENNSYLVANIA AVENUE AND  
MACE DRIVE, VALLEY COTTAGE)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is considering an amendment to the Official Map of the Town of Clarkstown to provide for connections among Ridge Road, Lake Road, Virginia Street, Sedge Drive, Pennsylvania Avenue and Mace Drive, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York, on the 13th day of April, 1982, at 9:00 P.M., relative to the proposed amendment to the Official Map, and be it

RESOLUTION NO. (274-1982) Continued

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (275-1982)

GRANTING PERMISSION TO  
ROCKLAND COUNTY HISTORICAL  
SOCIETY TO USE SHOWMOBILE

Co. Maloney offered the following resolution:

WHEREAS, the Historical Society of Rockland County have requested use of the Town of Clarkstown showmobile on May 31, 1982 for the dedication of their historical marker in West Nyack,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Rockland County Historical Society to use the Town of Clarkstown showmobile on May 31, 1982 for the above purposes subject to the provision of the necessary insurance policies.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (276-1982)

AUTHORIZING SUPERVISOR  
TO PROVIDE MINI-BUSES  
FOR DEDICATION CEREMONIES  
OF ROCKLAND COUNTY  
HISTORICAL SOCIETY

Co. Lettre offered the following resolution:

WHEREAS, the Historical Society of Rockland County is in need of Clarkstown's Mini-buses for their dedication of historical markers on May 31, 1982,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to provide mini-buses for the dedication ceremonies of the Rockland County Historical Society.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (277-1982)

TRANSFER OF FUNDS FROM  
CONTINGENCY ACCOUNT  
NO. A 1990-505 TO  
APPROPRIATION ACCOUNT NO.  
A 8840-424 (ECONOMIC ASSIST-  
ANCE)

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$200.00 from Contingency Account No. A 1990-505 to Appropriation Account No. A 8840-424.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (278-1982)

AUTHORIZING ATTENDANCE  
AT SMALL CLAIM ASSESS-  
MENT REVIEW LAW SEMINAR  
AT PACE UNIVERSITY  
(VALENZA, DAVIES & COSTA)  
(CHARGE TO 81010-414)

Co. Lettre offered the following resolution:

RESOLVED, that the following persons are hereby authorized to attend a seminar in connection with Small Claim Assessment Review Law on Friday, April 2, 1982, at 8:30 A.M., at Pace University School of Law, 78 North Broadway, White Plains, New York, at a cost of \$10.00 per person, said sum to be charged to Account No. 81010-414:

Ross Valenza, Assessor  
Robert Davies, Supervising Appraiser  
John A. Costa, Town Attorney

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (279-1982)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL A  
"NO STOPPING FROM HERE TO  
CORNER" SIGN EAST SIDE OF  
MAIN STREET AT MOST SOUTH-  
ERLY POINT OF KEVIN LANDAU  
PARK. ARROW POINTING NORTH  
TOWARD NEW CITY, CONGERS  
ROAD, NEW CITY - REMOVE  
EXISTING "NO PARKING"  
SIGNS

Co. Lettre 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 sign to read, "No Stopping from Here to Corner." This sign should be erected on the east side of Main Street at the most southerly point of the Kevin Landau Park. The sign should also have an arrow pointing North toward New City/Congers Road, New City. The existing "No Parking" signs should be removed.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (280-1982)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO POST SIGNS  
15 MPH (SCHOOL ZONE) ON  
BOTH SIDES OF CHURCH STREET,  
300 FT. EAST AND WEST FROM  
THE NANUET MIDDLE SCHOOL  
BUILDING, NANUET. "30 MPH"  
SIGNS TO BE POSTED ON  
BOTH SIDES OF CHURCH  
STREET AFTER LEAVING  
SCHOOL ZONE

Co. Lettre 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 post signs, 15 MPH (School Zone) on both sides of Church Street, 300 feet east and west from the Nanuet Middle School building, Nanuet, according to Section 208.9 of the NYS Department of Transportation's Manual of Uniform Traffic Control Devices.

RESOLUTION NO. (280-1982) Continued

Signs reading "30 MPH" should also be posted on both sides of Church Street after leaving the School zone.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (281-1982)

AMENDING RESOLUTION NO. (185-1982) TO ALLOW FOR NEW DATES FOR TURKEY SHOOT (WILLIS POLHEMUS POST, UPPER NYACK)

Co. Lettre offered the following resolution:

WHEREAS, the Veterans of Foreign Wars Post # 9215- Willis Polhemus Post, Upper Nyack, New York has been granted approval to hold a Turkey Shoot by Resolution No. (185-1982) dated February 9, 1982 on March 14th, 21st and 28th and on April 4th, 1982; and

WHEREAS, the Veterans of Foreign Wars Post # 9215 - Willis Polhemus Post, Upper Nyack, New York wish to change those dates because of possible adverse weather conditions;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. (185-1982) is hereby amended so that the aforesaid Turkey Shoot may be held on April 18th and 25th and on May 2nd and 9th; and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (282-1982)

AUTHORIZING ATTENDANCE AT SECOND ANNUAL YOUTH FORUM AWARDS DINNER (TRANSFER OF FUNDS FROM APPROPRIATION ACCOUNT NO. A 1010-414 TO APPROPRIATION ACCOUNT NO. 4210-414 (COUNSELING STAFF CHARGES) BALANCE TO BE CHARGED TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Lettre offered the following resolution:

WHEREAS, the following people are authorized to attend the Second Annual Youth Forum and Awards Dinner of the County of Rockland Youth Bureau to be held on May 12, 1982 at the Tappan Zee Towne House, Nyack, New York:

- Theodore R. Dusanenko, Supervisor
- Nicholas A. Longo, Confidential Aide
- Robert S. Hoffmann, Director of Finance
- Charles Holbrook, Councilman
- Edward Lettre, Councilman
- John Maloney, Councilman
- William Carey, Councilman

RESOLUTION NO. (282-1982) Continued

Edward Ghiazza, Supt. Parks & Recreation  
Charles Connington, Recreation Supervisor  
Bruce D. Knarich, Maintenance Supervisor  
Alex J. Gromack, Senior Recreation Leader  
Jo Anne Oldenburger, Recreation Leader  
William Downes, Recreation Leader  
Wilbur T. Oswald, Member, Parks Bd. & Recreation Comm.  
Ned Meara, Member, Parks Bd. & Recreation Comm.  
John Mauro, Member, Parks Bd. & Recreation Comm.  
Curt Settle, JAB  
John Kubran, JAB  
Bob McDermott, JAB  
Hilton Kaufman, Chairman, Clarkstown Youth Comm.  
Bruce Goldfarb, Youth Member, Clarkstown Youth Comm.  
Chief Schnakenberg and Captain Fabis  
Ellen Cohen, Director, Clarkstown Counseling Center  
Corinne Aaron, Youth Booth Counselor  
Jill Fitzgerald, P/T Youth Booth Counselor  
Joseph Lanzone, Temporary Youth Booth Personnel  
Grant Konno, Y.E.S., Youth Employment Counselor

RESOLVED, that \$90.00 be transferred from Appropriation Account No. A 1010-414 to Appropriation Account No. 4210-414 Counseling Center Staff charges and the balance of \$345.00 be charged to Appropriation Account No. A 1010-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (283-1982)

AUTHORIZING ATTENDANCE  
AT COURSE "AIR CONDITION-  
ING AND REFRIGERATION"  
(RICHARD TIGUE - PARKS  
BOARD AND RECREATION)  
TRANSFER OF FUNDS FROM  
7140-323 TO 7140-414

Co. Lettre offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that Richard Tigie, Groundskeeper of 58 Parker Avenue, New City, is hereby authorized to attend the Board of Cooperative Education ten (10) week course entitled "Air Conditioning and Refrigeration I," and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$60.00 for tuition reimbursement from 7140-323 to 7140-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (284-1982)

AUTHORIZING ATTENDANCE  
AT COURSE "PLUMBING AND  
PIPE FITTING" (FRED  
HASTINGS - PARKS BOARD  
AND RECREATION) TRANSFER  
OF FUNDS FROM 7140-323  
TO 7140-414

Co. Lettre offered the following resolution:

RESOLUTION NO. (284-1982) Continued

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, Fred Hastings, Groundswoker of Lake Nanuet Drive, Nanuet, is hereby authorized to attend the Board of Cooperative Education ten (10) week course entitled "Plumbing and Pipe Fitting," and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$60.00 plus \$5.00 for materials for tuition reimbursement from 7140-323 to 7140-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (285-1982)

TOWN BOARD FAVORING  
PASSAGE OF SENATE BILL  
NO. S 1581-A AND ASSEMBLY  
BILL NO. A 1995-A RAISING  
DRINKING AGE FROM 18  
YEARS TO 19 YEARS OF AGE

Co. Maloney offered the following resolution:

WHEREAS, alcohol abuse among young people is epidemic, and

WHEREAS, imprudent use of alcohol by young people has resulted in numerous tragedies and has placed a heavy burden on society, and

WHEREAS, the 18 year old drinking age in the State of New York has encouraged young people from neighboring New Jersey areas to travel by automobile to Rockland County to consume alcoholic beverages and who thereby become a danger to themselves and the residents of Rockland County, and

WHEREAS, there is presently pending in the Senate and Assembly legislation to raise the drinking age in the State of New York from 18 years of age to 19 years of age;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby goes on record as favoring the passage of Sentate Bill No. S. 1581-A and Assembly Bill No. A. 1995-A which will raise the drinking age from 18 years of age to 19 years of age, and be it

FURTHER RESOLVED, that copies of this resolution be sent to the Governor, State Senator Linda Winikow and State Assemblyman Thomas Morahan.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Supervisor Dusanenko said he had spent many years working for the 18 year old to have the vote which helped to calm many problems on the campuses. He also said that 18 year olds were subject to the draft.

RESOLUTION NO. (285-1982) Continued

Councilman Lettre said he would like it noted that he concurred with the Supervisor's remarks.

Councilman Holbrook said that he was in favor of raising the drinking age to 19 years because that is the age in the surrounding states and states contiguous to one another should have the same age to avoid caravans of youngsters coming across the state line.

Councilman Maloney said that he felt that we have to take a hard look at the problems caused by teenage drinking and bring the age up to 19.

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RESOLUTION NO. (286-1982)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS FRED SEEGER TO COMPLETE CONSTRUCTION FOR EXPANDED COMMUTER PARKING LOT AT NANUET RAILROAD STATION - INCREASING ESTIMATED REVENUE 04-102999 AND APPROPRIATION ACCOUNT #D5110-381

Co. Maloney offered the following resolution:

RESOLVED, to increase estimated revenue 04-102999 and appropriation account #D 5110-381 by \$12,000.00, and be it

FURTHER RESOLVED, that Fred Seeger, Superintendent of Highways is hereby directed to complete construction for the expanded commuter parking lot at the Nanuet Railroad Station.

Seconded by Co. Lettre

All voted Aye.

Councilman Carey inquired as to who was allowed to park in our commuter parking lots and whether the Town Board should consider restricting Clarkstown commuter lots to residents only since other towns have restrictions that limit parking to their residents only.

Supervisor Dusanenko said that this had been discussed in the past and could be taken up at a workshop meeting.

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RESOLUTION NO. (287-1982)

ADOPTING SIGN PERMIT APPEAL PROCEDURES (ARCHITECTURAL REVIEW BOARD)

Co. Lettre offered the following resolution:

RESOLVED, that the Sign Permit Appeal Procedures for appeals to the Town Board from denials of applications for sign permit by the Architectural Review Board, dated March 12, 1982 as shown on the attached Schedule "A" are hereby adopted by the Town Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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(Schedule "A" on file in Town Clerk's Office.)

RESOLUTION NO. (288-1982)

SETTING HEARING ON APPEAL  
OF BOUTIQUES USA (SIGN  
PERMIT - ARCHITECTURAL  
REVIEW BOARD)

Co. Maloney offered the following resolution:

WHEREAS, the Board of Architectural Review rendered a decision on November 9, 1981, denying the application of U.S. Boutique for a sign permit, and

WHEREAS, Milton B. Heilweil, President of Boutiques USA has requested a hearing in order to appeal this decision pursuant to Section 4-5 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown will hold a hearing on April 13, 1982, at 8:30 P.M., in order to hear the appeal of Boutiques USA from the decision of the Board of Architectural Review on November 9, 1981.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (289-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR OBLATE &  
ROUND CORRUGATED STEEL  
PIPE

Co. Lettre offered the following resolution:

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

BID # 29-1982  
OBLATE & ROUND CORRUGATED STEEL PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 10:30 A.M. on Monday, April 19, 1982 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. (290-1982)

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

Co. Lettre offered the following resolution:

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

BID # 30-1982  
REINFORCED CONCRETE CULVERT PIPE  
AND CONCRETE CATCH BASIN BLOCK & BRICK

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, April 19, 1982

RESOLUTION NO. (290-1982) Continued

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. (291-1982)

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

Co. Lettre offered the following resolution:

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

BID # 31-1982  
WASHED SAND AND GRAVEL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, April 20, 1982 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 or Purchasing.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (292-1982)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR ONE COMPUTER PRINTOUT BURSTER/SIGNOR/DECOLLATOR AND OTHER MISC. COMPUTER ROOM FURNITURE

Co. Lettre offered the following resolution:

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

BID # 32-1982  
ONE COMPUTER PRINTOUT BURSTER/SIGNOR/DECOLLATOR  
AND OTHER MISC. COMPUTER ROOM FURNITURE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, April 6, 1982 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. (293-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR MAINTENANCE  
OF TOWN CUL-DE-SACS

Co. Lettre offered the following resolution:

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

BID # 33-1982  
MAINTENANCE OF TOWN CUL-DE-SACS

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, April 12, 1982 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. (294-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR IMPROVEMENTS TO TOWN  
CUL-DE-SACS

Co. Lettre offered the following resolution:

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

BID # 34-1982  
IMPROVEMENTS TO TOWN CUL-DE-SACS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:15 A.M. on Monday, April 12, 1982 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. (295-1982)

AWARDED BID FOR PRINTING  
OF TOWN ENVELOPES (LONG  
ISLAND ENVELOPE CO. -  
FRANKLIN ENVELOPE CO.)

Co. Lettre offered the following resolution:

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

BID # 15-1982  
PRINTING OF TOWN ENVELOPES

is hereby awarded to:

RESOLUTION NO. (295-1982) Continued

Long Island Envelope Co.  
88-06 Van Wyck Expressway  
Jamaica, New York 11418

Franklin Envelope Co.  
30-94 31st Street  
Long Island City, New York 11102

as per the attached schedule of prices.

Seconded by Co. Maloney

All voted Aye.

(Schedule of prices on file in Town Clerk's Office.)

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RESOLUTION NO. (296-1982)

AWARDING BIDS FOR  
HIGHWAY SIGNING & ROAD  
SUPPLIES (BRIGHTON  
STEEL COMPANY INC. -  
CAPITOL HIGHWAY MATERIALS  
INC. - 3M COMPANY -  
CHEMUNG SUPPLY CORP. -  
EMPIRE MUNICIPAL SUPPLY  
CORP. - AMERICAN HIGHWAY  
SIGN CORP.)

Co. Lettre offered the following resolution:

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

BID # 17-1982  
HIGHWAY SIGNING & ROAD SUPPLIES

is hereby awarded to the following vendors:

Brighton Steel Company Inc.  
Route 52  
Hopewell Juntion, New York 12533

Capitol Highway Materials Inc.  
Route 6  
Baldwin Place, New York

3M Company  
3M Center - Bldg. 223-3N  
St. Paul, Minnesota 55144

Chemung Supply Corp.  
P.O. Box 527  
Elmira, New York 14902

Empire Municipal Supply Corp.  
250 Route 303  
Blauvelt, New York 10913

American Highway Sign Corp.  
P.O. Box 188  
East Longmeadow, Massachusetts 01028

as per the attached schedule of prices.

Seconded by Co. Maloney

All voted Aye.

(Schedule of prices on file in Town Clerk's Office.)

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RESOLUTION NO. (297-1982)

AWARDING BID FOR NEW  
HIGH VELOCITY SEWER CLEAN-  
ING TRUCK (TED SCHULTZ  
FORD, INC.)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director  
of Purchasing and the Sewer Maintenance Supervisor that

BID # 8-1982  
NEW HIGH VELOCITY SEWER CLEANING TRUCK

is hereby awarded to:

Ted Schultz Ford, Inc.  
80 Route 304  
Nanuet, New York 10954

as per low bid proposal as follows:

Gross Cost - 1982 Ford F600 with FMC Model 6540	\$34,414.00
Less: Trade-in Allowance on a 1972 Ford F600 Vin #F 61CCP40264 with Aquatech 1200 Sewer Jet Body	- 5,576.00
<b>Total Net Bid:</b>	<b>\$28,838.00</b>

and be it

FURTHER RESOLVED, that funds for same be charged to account  
B 8110-203.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (298-1982)

SETTING PUBLIC HEARING  
ON PROPOSED LOCAL LAW  
RELATING TO THE  
ESTABLISHMENT OF A BOARD  
OF ARCHITECTURAL REVIEW

Co. Holbrook offered the following resolution:

WHEREAS, Councilman Holbrook, a member of the Town Board  
of the Town of Clarkstown, has introduced a proposed local law entitled  
'AMENDMENT TO LOCAL LAW NO. 1-1965 AS AMENDED, ENTITLED, 'A LOCAL LAW  
RELATING TO THE ESTABLISHMENT OF A BOARD OF ARCHITECTURAL REVIEW' "

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of  
the Municipal Home Rule Law, be had at the Auditorium of the Town Hall,  
10 Maple Avenue, New City, New York, on the 27th day of April, 1982,  
at 9:00 P.M., relative to such proposed local law, and be it

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

RESOLUTION NO. (298-1982) Continued

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

Supervisor Dusanenko said that this will cost business men at least three months in time and they will have to hire an attorney to have a sign in the Town of Clarkstown and therefore he was voting "No."

\* \* \* \* \*

RESOLUTION NO. (299-1982)

TRANSFER OF FUNDS FROM  
APPROPRIATION ACCOUNT  
NO. A 1620-416 TO  
APPROPRIATION ACCOUNT  
NO. A 1620-307 (MAINTENANCE  
OF UNIFORMS)

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$845.00 from Appropriation Account No. A 1620-416 to Appropriation Account No. A 1620-307.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (300-1982)

APPOINTING POSITION OF  
TYPIST - TOWN JUSTICE  
DEPARTMENT (NINA KAY)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist CR-1 82-5 which contains the name of Nina Kay,

NOW, THEREFORE, be it

RESOLVED, that Nina Kay, 568 South Main Street, New City, New York, is hereby appointed to the position of Typist - Town Justice Department - at the annual 1982 salary of \$8,692.00., effective and retroactive to March 12, 1982.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (301-1982)

ACCEPTING RESIGNATION OF  
POLICE MATRON - POLICE  
DEPARTMENT (KATHLEEN M.  
KIVLEHAN)

Co. Lettre offered the following resolution:

RESOLUTION NO. (301-1982) Continued

RESOLVED, that the resignation of Kathleen M. Kivlehan, 177 Rose Road, West Nyack, New York as Police Matron - Police Department - is hereby accepted, effective and retroactive to March 4, 1982.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (302-1982) ACCEPTING RESIGNATION OF CROSSING GUARD - POLICE DEPARTMENT (ETHEL WATSON)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Ethel Watson, 12 Hillside Drive, New City, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to March 5, 1982.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (303-1982) APPOINTING POSITION OF CROSSING GUARD - POLICE DEPARTMENT (DIANE CERRETTA)

Co. Lettre offered the following resolution:

RESOLVED, that Diane Cerretta, 110 South Conger Avenue, Congers, New York is hereby appointed to the position of Crossing Guard - Police Department - at the rate of \$5.00 per post covered, effective and retroactive to March 5, 1982.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (304-1982) APPOINTING POSITION OF CROSSING GUARD - POLICE DEPARTMENT (PATRICIA A McMAHON)

Co. Lettre offered the following resolution:

RESOLVED, that Patricia A. McMahon, 16 Old Schoolhouse Road, New City, New York is hereby appointed to the position of Crossing Guard - Police Department - at the rate of \$5.00 per post covered, effective and retroactive to March 5, 1982.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (305-1982) APPOINTING (PROVISIONAL) POSITION OF STOREKEEPER (AUTOMOTIVE) - TOWN GARAGE (JOHN YUDA)

Co. Lettre offered the following resolution:

RESOLUTION NO. (305-1982) Continued

RESOLVED, that John Yuda, 62 Third Street, New City, New York, is hereby appointed (Provisional) to the position of Storekeeper (Automotive) - Town Garage - at the annual 1982 salary of \$12,026.00, effective and retroactive to March 8, 1982.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (306-1982)

APPOINTING POSITION OF  
(PART-TIME) COUNSELING  
ASSISTANT (DRUG ABUSE)  
(JOSEPH HAZUCHA)

Co. Lettre offered the following resolution:

RESOLVED, that Joseph Hazucha, 413 Cedar Avenue, Nyack, New York, is hereby appointed to the position of (part-time) Counseling Assistant (Drug Abuse) - (temporary) at the hourly rate of \$6.00, effective and retroactive to December 14, 1981, through June 13, 1982.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (307-1982)

REAPPOINTING POSITION OF  
MEMBER - TRAFFIC &  
TRAFFIC FIRE SAFETY  
ADVISORY BOARD (RALPH J.  
CONTENTO)

Supv. Dusanenko offered the following resolution:

RESOLVED, that Ralph J. Contento, 47 Beechwood Drive, Congers, New York is hereby re-appointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the annual 1982 salary of \$1,000.00, effective and retroactive to March 1, 1982 - with a term to expire on March 1, 1987.

Seconded by Co. Lettre

\* \* \* \* \*

RESOLUTION NO. (308-1982)

TABLING RESOLUTION  
NO. 9307-1982 RE:  
REAPPOINTMENT OF RALPH  
J. CONTENTO TO TRAFFIC  
& TRAFFIC FIRE SAFETY  
ADVISORY BOARD

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. (307-1982) regarding reappointment of member of Traffic & Traffic Fire Safety Advisory Board be tabled.

Seconded by Co. Holbrook

On roll call the vote was as follows:

RESOLUTION NO. (308-1982) Continued

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

\* \* \* \* \*

RESOLUTION NO. (309-1982)

REAPPOINTING POSITION OF  
MEMBER OF TRAFFIC &  
TRAFFIC FIRE SAFETY  
ADVISORY BOARD (DAVID  
HOBBS)

Supv. Dusanenko offered the following resolution:

RESOLVED, that David Hobbs, 21 Fernwood Drive, New City, New York, is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the annual 1982 salary of \$1,000.00, effective and retroactive to March 1, 1982 - with a term to expire on March 1, 1987.

Seconded by Co. Lettre

\* \* \* \* \*

RESOLUTION NO. (310-1982)

TABLING RESOLUTION  
NO. (308-1982) RE:  
REAPPOINTMENT OF DAVID  
HOBBS TO TRAFFIC &  
TRAFFIC ADVISORY BOARD

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. (309-1982) regarding re-appointment of member of Traffic and Traffic Fire Safety Advisory Board be tabled.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Supervisor Dusanenko read the following letter from Mr. Peachey, Chairman of the Traffic and Traffic Fire Safety Advisory Board:

"March 12, 1982

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

Gentlemen:

It has been brought to my attention that the current terms of Mr. David Hobbs and Mr. Ralph Contento are about to expire on the Traffic and Traffic Fire Safety Advisory Board. Both Mr. Hobbs and

RESOLUTION NO. (310-1982) Continued

Mr. Contento have expressed their desire to serve again on this Board.

Mr. Hobbs is a Safety Engineer with Lederle Laboratories and a long-time resident of New City. His knowledge of traffic patterns and his field investigations in the New City area, along with his overall input with respect to the Town, have been most beneficial to this Board in making recommendations to the Town Board.

Mr. Contento is a retired New York City police officer and a long-time resident of Congers. His knowledge of the Congers-Valley Cottage area, like that of Mr. Hobbs, has been invaluable to this Board.

I request the Town Board to give consideration to the re-appointment of Mr. Hobbs and Mr. Contento to the Traffic and Traffic Fire Safety Advisory Board.

I want to thank the Town Board for their time in this matter.

Respectfully yours,

/s/ Norman B. Peachey

Norman B. Peachey, Chairman  
Traffic and Traffic Fire  
Safety Advisory Board  
260 Germonds Road  
West Nyack, New York 10994"

Councilman Lettre said that he thought it was unfortunate that Mr. Holbrook, Mr. Carey and Mr. Maloney seem to want to play politics with a board such as the Traffic Advisory Board. This Board is a non-political board - a board that serves the people of the Town of Clarkstown and it has been the policy of myself on most positions of non-political nature to reappoint the members that were on that term regardless of political affiliation or regardless of my personal feeling and here we have a letter from the Chairman of that board asking for their reappointment and I don't see why this matter has to be tabled, should be tabled and I vote "No" on the tabling motion.

Councilman Carey said that letter sounds very similar to a letter I sent to the Board last year appointing someone to the Zoning Board of Appeals and I think you took a different tack at that time.

Councilman Maloney said he was voting "Yes." Mr. Peachey has asked us in his letter to give consideration to the reappointment. He doesn't ask us to reappoint but to consider and that's what we intend to do.

\* \* \* \* \*

RESOLUTION NO. (311-1982)

BOND AND CAPITAL NOTE  
RESOLUTION OF THE TOWN OF  
CLARKSTOWN, NEW YORK,  
ADOPTED MARCH 16, 1982,  
AUTHORIZING THE CONSTRUCTION OF A LEACHATE COLLECTION SYSTEM AT THE SANITARY LANDFILL

Co. Holbrook offered the following resolution:

RESOLUTION NO. (311-1982) Continued

"BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 16, 1982, AUTHORIZING THE CONSTRUCTION OF A LEACHATE COLLECTION SYSTEM AT THE SANITARY LANDFILL OWNED BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000 APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$50,000 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT AND \$950,000 SERIAL BONDS OF THE TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board), AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (the "Town"), is hereby authorized to construct a leachate collection and drainage system at the sanitary landfill owned by the Town, including acquisition of land or rights in land, and original furnishings, equipment and apparatus required therefor. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 Capital Notes to provide the required down payment, the issuance of \$950,000 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable.

Section 2. Capital Notes in the principal amount of \$50,000 to provide the required down payment and serial bonds of the Town are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the balance of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which the \$950,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00a.6-a of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of serial bonds authorized pursuant to this resolution, or any bond anticipation notes issued in anticipation of the sale of such bonds, and such current funds will be provided from the proceeds of the capital notes hereinabove authorized to be issued. The Supervisor, the chief fiscal officer of the Town, is hereby authorized and directed to set aside said current funds and to apply the same to the cost of said reconstruction.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said notes and bonds and any notes issued

RESOLUTION NO. (311-1982) Continued

in anticipation thereof, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the Notes and bonds and any Notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes, or, renewals of said notes and of Sec. 50.00 and Secs. 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the notes and bonds authorized pursuant to this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced, within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to a permissive referendum.

\* \* \*

The adoption of the foregoing resolution was seconded by Councilman Lettre and duly put to a vote on roll call which resulted as follows:

AYES: Supervisor Dusanenko,  
Councilman Carey, Holbrook,  
Lettre and Maloney

NOES:

The resolution was declared adopted.

\* \* \* \* \*

RESOLUTION NO. (312-1982)

DIRECTING TOWN CLERK TO  
PUBLISH ADOPTION OF BOND  
AND CAPITAL NOTE RESOLUTION

Co. Holbrook offered the following resolution:

RESOLUTION NO. (312-1982) Continued

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 2 hereof, cause to be published at least once in "THE JOURNAL NEWS", a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated as the official newspaper of said Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town law, and in at least five (5) public places in the Town, a notice which shall set forth the date of adoption of the foregoing bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. The Notice referred to in Section 1 hereof, shall be in substantially the following form:

TOWN OF CLARKSTOWN, IN THE COUNTY  
OF ROCKLAND, NEW YORK

PLEASE TAKE NOTICE that on March 16, 1982, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted March 16, 1982, authorizing the construction of a leachate collection system at the sanitary landfill owned by the Town, stating the estimated maximum cost thereof is \$1,000,000, appropriating said amount therefor and authorizing the issuance of \$50,000 capital notes to provide the required down payment and \$950,000 serial bonds of the Town to finance the balance of said appropriation,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Town of Clarkstown ("Town"), to construct a leachate collection and drainage system at the sanitary landfill owned by the Town, including acquisition of land or rights in land, and original furnishings, equipment and apparatus required therefor. STATING the estimated maximum cost thereof is \$1,000,000; APPROPRIATING the said amount therefor; STATING the plan of financing includes the issuance of \$50,000 Capital Notes to provide the down payment required by law, the issuance of \$950,000 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property within the Town, to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING \$50,000 Capital Notes and \$950,000 serial bonds to be issued pursuant to the provisions of the Local Finance Law ("Law");

THIRD: DETERMINING AND STATING that the period of probable usefulness of said buildings as reconstructed, being the specific object or purpose for which said \$950,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Sec. 11.00 a.6-a of the Law, is twenty (20) years; that current funds are required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or of any notes in anticipation of the sale of said bonds, and such current funds will be provided from the proceeds of the capital notes authorized to be issued; DIRECTING

RESOLUTION NO. (312-1982) Continued

the Supervisor to set aside said current funds and to apply the same solely to the specific object or purpose herein described; STATING the maturity of the bonds herein authorized to be issued will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of the notes and bonds and any notes issued in anticipation of said bonds or the renewals thereof; and

SIXTH: PROVIDING that the resolution shall be subject to a permissive referendum.

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF CLARKSTOWN, NEW YORK.

Town Clerk

DATED: March 16, 1982

Section 3. After said bond and capital note shall take effect, the Town Clerk is hereby directed to cause said resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 4. This resolution shall take effect immediately.

\* \* \* \* \*

The adoption of the foregoing resolution was seconded by Councilman Lettre and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Dusanenko  
Councilman Carey, Holbrook,  
Lettre and Maloney

NOES:

The resolution was declared adopted.

\* \* \* \* \*

RESOLUTION NO. (313-1982)

MEMORIALIZING STATE  
LEGISLATURE ON  
AMBULANCE DISTRICTS

Co. Lettre offered the following resolution:

WHEREAS, the State Legislature is currently considering a bill to create Ambulance Districts, and

WHEREAS, the Town of Clarkstown is desirous of the formulation of these Ambulance Districts for the benefit of its residents, but has two Ambulance Corps that serve portions of the Town of Clarkstown as well as portions of other communities, and

RESOLUTION NO. (313-1982) Continued

WHEREAS, the Town of Clarkstown wishes to avoid border disputes which are anti-productive and time consuming,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown memorializes the State Legislature to amend pending legislation to allow for all Ambulance Corps within Clarkstown to be created as Special Districts in any legal manner so as to allow the crossing of town and village lines in part or total.

Seconded by Co. Maloney

All voted Aye.

Supervisor Dusanenko said that he checked this out with the Assemblyman's office and the reservations he had several months ago about these ambulance districts are correct. The bill, as it's now in the State hopper will only allow for three ambulance corps of the five within Clarkstown to establish special districts. The two others, which serve many, many people in the Town of Clarkstown, namely Springhill Volunteer Ambulance Corps which serves people particularly in the West Clarkstown area and also Nyack Community which serves people from Upper Nyack, portions of Valley Cottage, portions of Central Nyack and including portions of the Clarkstown portion of Nyack will not be able to, according to Mr. Morahan's office, be funded as a special district placing them in jeopardy for competition of funds.

This resolution, as you see, memorializes the State to amend the pending legislation to allow all ambulance districts to be created in the same manner as the prior districts to cross town lines so that all five volunteers will have the opportunity to establish a district rather than just some of our ambulance corps districts.

In response to a question from Councilman Holbrook, Town Attorney stated that he had spoken to an aide in Senator Winikow's office. The information received as not conclusive on the point and he had every intention of looking further into this problem. If it is correct that the ambulance corps that have lines that extend beyond the town lines then they could not form districts.

Mr. Costa asked if the intent of this resolution was to recall the request for home rule legislation.

Supervisor Dusanenko said the resolution was intended to amend pending legislation not to recall it.

Mr. Costa said that it was his understanding, after speaking with an aide to Senator Winkow, that an attempt was made in the Legislature a year or two ago to establish ambulance districts as a separate entity and that attempt was defeated by veto. The legislation that was passed subsequently to that defeat was to tack on Section 219a of the Town Law a definition that says a special improvement district may be considered an ambulance district. If the request of the town is not to have that kind of an approach but to ask for legislation to set up an ambulance district in the same manner as fire district lines are set up I think that this memorializing resolution in effect cancels the home rule request that is pending. That would be my opinion.

Councilman Lettre said he thought it was the intent of this Board to create ambulance districts in the Town of Clarkstown that will be able to enable all ambulance service in the Town of Clarkstown to be covered by taxing districts so that they will continue to serve the people of this community. He said he was not really concerned with the method so long as it was done and done property. It would

RESOLUTION NO. (313-1982) Continued

seem that all this is saying is to allow districts such as Nyack and Springhill to cross over boundaries to be able to create an ambulance district also because they happen to cross over town boundary lines so that they can serve their people and also be able to get revenue through the tax district.

Mr. Costa said he was not convinced that the bill that is presently pending would not allow that. In the effort I have made to find that out I have received conflicting information.

Councilman Carey said that he agreed that these districts should be established provided they are established in a legal manner. I think these questions should be pursued.

Supervisor Dusanenko stated that he had received a letter from Assemblyman Morahan who stated that he has a time limit on home rule requests which I believe will expire on the 31st of this month. I forwarded a copy of that letter to all of the gentlemen on the Town Board. I received no information for additional home rule requests. Since that will be a deadline - for those who know how bills which are sent are altered in some fashion in the committee system and very few, regardless of how many hours or days we debate about a particular bill, will be passed in the very same form that we requested because of considerations, as Mr. Costa alluded to, which might be constitutional questions, those of law, those of finance or those of political persuasion or those of a nature that the Governor chooses to veto and he has that input on a bill on occasion beforehand. If you want to have some protection for all five ambulance corps here, all this is doing is allowing us to cross town lines however you deem necessary to create in a manner we can alter this in the same manner as five districts or in a similar manner for the five districts but however we do it so it will enable all five ambulance corps to be formed even when they go across a village. In fact I should add that in there - even if it transcends a village or a town line. Otherwise we will have a situation that we will have probably border wars which will use up tens of thousands of dollars of expense of taxpayers' money and ten years' of lawyers' time as we have experienced with Valley Cottage and Central Nyack and all of the good taxpayer money will be going to fight disputed borders rather than serving the people with oxygen, fresh linen, etc.

Councilman Lettre asked if it was possible to amend this resolution so that rather than it amending the previous one which we sent to Albany that either of these resolutions could be accepted in Albany rather than this one saying to scratch the previous one that was sent up.

Supervisor said that this resolution did not say that. It says to amend the "pending legislation" to allow ambulance districts to be created in any fashion deemed legal where it transcends town and village lines.

Town Attorney said in the town law with respect to town improvement districts does contemplate districts that extend into the villages and the town law requires the village to give approval to such a special improvement district. There is a mechanism in the law presently for establishing such districts within villages that are located within the town. As to ambulance districts whose district lines extend beyond the town as I said before I haven't had sufficient time to study that problem.

RESOLUTION NO. (313-1982) Continued

Councilman Lettre said he did not want this to become a stagnant issue where it passes through and it doesn't get acted on by the assembly and the senate in the session they are in now.

Town Attorney said the primary responsibility with respect to the special improvement district method of establishing these districts is for the town to set the boundary lines after a public hearing and the town, under the theme of the present legislation, would, of necessity, be involved in setting boundaries on these districts. It is a process only just begun.

\* \* \* \* \*

RESOLUTION NO. (314-1982)

RESCHEDULING PUBLIC HEARING FOR ZONE CHANGE (ESQUIRE VILLAGE SUB-DIVISION)

Co. Carey offered the following resolution:

RESOLVED, that the public hearing in connection with the zone change from PO (Professional Office) to R-15 residential use on Parcel I of the proposed Equire Village subdivision and parcels designated on the Clarkstown Tax Map as Map 57, Block D, Lots 21.01, 21.02, 21.03 and 21.04 is hereby rescheduled from April 27, 1982, at 8:45 P.M., to April 13, 1982, at 8:45 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Councilman Lettre said that he would be unable to be present at the meeting of April 13, 1982 and that he would like to take part in any discussions on this zone change.

Councilman Holbrook said that he would read into the record a statement prepared by Councilman Lettre for insertion into the minutes of the public hearing on Elinor Place on the evening of April 13, 1982.

\* \* \* \* \*

RESOLUTION NO. (315-1982)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: COMMUNITY DEVELOPMENT FUNDS

Co. Lettre offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Community Development Funds, time: 8:55 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (316-1982)

CLOSING SCHEDULED  
PUBLIC HEARING RE:  
COMMUNITY DEVELOPMENT  
FUNDS

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Community  
Development Funds, be closed, time: 9:30 P.M.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (317-1982)

OPENING SCHEDULED PUBLIC  
HEARING RE: LOCAL LAW  
ON HANDICAPPED PARKING

Co. Lettre offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amending Local  
Law re: Handicapped Parking, be opened, time: 9:30 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (318-1982)

CLOSING SCHEDULED PUBLIC  
HEARING RE: HANDICAPPED  
PARKING AND RETURNING TO  
REGULAR MEETING

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amending  
Local Law re: Handicapped Parking, be closed and regular Town Board  
Meeting be resumed, time: 9:40 P.M.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (319-1982)

ADOPTING LOCAL LAW  
RE: AMENDMENT TO LOCAL  
LAW NO. 9-1971 (HANDI-  
CAPPED PARKING)- LOCAL LAW  
NO. 4-1982

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled, "AMENDMENT TO LOCAL  
LAW NO. 9-1971, AS AMENDED, 'A LOCAL LAW PROVIDING FOR SAFETY OF MOTOR  
VEHICLE OPERATION AND FOR REGULATION, MAINTENANCE AND MANAGEMENT OF  
SAFETY IN PUBLIC PLACES WITH RESPECT TO PARKING, INGRESS AND EGRESS  
AND SAFETY IN THE UPKEEP OF PLACES ACCESSIBLE TO THE PUBLIC (EXERCISE  
OF THE POWERS GRANTED TO THE TOWN OF CLARKSTOWN BY ARTICLE 41 OF THE  
VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK)' " was introduced  
by Councilman Maloney, at a Town Board meeting held on March 2, 1982,  
and

WHEREAS, the Town Board of the Town of Clarkstown by  
resolution adopted on the 2nd day of March, 1982, directed that a public  
hearing be held on the 16th day of March, 1982, at 8:40 P.M., and

RESOLUTION NO. (319-1982) Continued

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on March 6, 1982, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on March 2, 1982, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on March 16, 1982;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1982, entitled, "AMENDMENT TO LOCAL LAW NO. 9-1971, AS AMENDED, ENTITLED, 'A LOCAL LAW PROVIDING FOR SAFETY OF MOTOR VEHICLE OPERATION AND FOR REGULATION, MAINTENANCE AND MANAGEMENT OF SAFETY IN PUBLIC PLACES WITH RESPECT TO PARKING, INGRESS AND EGRESS AND SAFETY IN THE UPKEEP OF PLACES ACCESSIBLE TO THE PUBLIC (EXERCISE OF THE POWERS GRANTED TO THE TOWN OF CLARKSTOWN BY ARTICLE 41 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK)' " is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. Theodore R. Dusanenko, Supervisor.....Yes  
Councilman William J. Carey.....Yes  
Councilman Edward Lettre.....Yes  
Councilman John R. Maloney.....Yes  
Councilman Charles E. Holbrook.....Yes

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

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (320-1982)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: OMNI COURT AND OMNI PROFESSIONAL BUILDING

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Omni Court and Omni Professional Building be opened, time: 9:40 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (321-1982)

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

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Omni Court and Omni Professional Building be closed, time: 10:50 P.M., ADOPTED, and regular Town Board Meeting be resumed.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

Supervisor Dusanenko stated that Plan A showed no dedication to the Town and was not to Town specifications. Plan B is to use "modified" Town street specifications with no dedication to the Town and Plan C is the roadway to be constructed to Town specifications and dedications to the Town of Clarkstown.

Councilman Holbrook said he would like to suggest Plan C for the following reasons: (1) I think that the parcel that Mr. Siemens has can be redesigned to accommodate that and (2) I think that if the Town is involved in any serious planning I think that there is an opportunity to relieve congestion on Main Street which has been the subject of much debate over the last year and a half. I think if we have the opportunity to pick up parcels all the way along the line and to use one road, Cavalry Drive, with a street light. I think that is a much saner plan than to depend upon the contingency of whether or not a road is private and whether or not a particular owner is going to allow the town to use it. For those two reasons I would like to suggest Plan C and the approval of the zone change.

Councilman Maloney said that he had been opposed, along with Councilman Holbrook, to the original zone change of Mr. Siemens' property because it was coming in starting with 125, then down to 85, then 65 and finally we were satisfied when it got down to 45 but we still did not vote for the zone change because we were still concerned about the road patterns, traffic, etc. The fait accompli was that the Town Board saw fit back in last December to approve the zone change by a 3-2 vote when a 4 vote was no longer needed. As a Town Councilman my job is to make the best out of what we have. We have a zone change. We have a Master Plan and we have a piece of property that has been zoned for condominiums. Now we have come before us this swap which everybody says makes a lot of sense. I have been at the Planning Board meetings and I know how Mr. Deutsch felt wondering what he was getting into because he was willing to go along with his own piece of property as it was. Everyone feels that this swap should be made and we are gaining something from it. We are getting less curb cuts on Main Street and my concern is that we listen to what the Planning Board says, we listen to the Town Planner and we have to try to make decisions. No one is perfect. No one can come out with the best plan. I'm listening here to all sides. I've asked some questions tonight that were answered - some insight that I have received and therefore, based on my feeling and based on what I've heard from the Planning Board, the Planning Consultants and the fact that if the road is built to 50 foot specifications, my concern is that it will, perhaps, open up the northern part of New City to greater density and that's the question I asked Mr. Granirer. Therefore, I am proposing that we adopt the zone swap, utilizing Plan B - that the roadway be constructed to Town specifications and I would like to see if we could work out with the Planning Board - perhaps working out a 30 foot road, if that could be done. I would opt for Plan B.

Supervisor Dusanenko stated that he was glad that the number of units has been reduced but at no time did I ever see a site plan or a layout plan for a hundred and some odd units which was mentioned earlier. He then asked Mr. Siemens for the record what was the largest number of units he had ever submitted to any agency of this Town for that parcel to which Mr. Siemens replied "80." I would like that question to be on the record and also Mr. Siemens' answer. I believe I have a different recollection and I'm not trying to call anyone a liar but just to have it on the record I thought that maybe the largest number of plans was for 80 but at most it was only discussed - I believe 82 was the most at the original inception. I stand to be corrected at 80 but not at 100. I want it on the record that this came down to 45 from 80 so that we are all dealing with the same set of facts.

Councilman Maloney said it was a pretty good reduction and the Supervisor said it was an excellent reduction. Councilman Maloney said he stood corrected on the 100 figure.

RESOLUTION NO. (322-1982)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN  
(DEUTSCH, WOLIKOW AND  
OMNI COURT, LTD. - SIEMENS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 2, 1982, provided for a public hearing on the 16th day of March, 1982, at 8:50 P.M., to consider the application of Joseph Deutsch, Philip Wolikow and Omni Court Ltd., to amend the zoning ordinance of the Town of Clarkstown by redistricting the property of the petitioners described as Parcel A from a PO District to an RG-1 District and property of the petitioners described as Parcel C from an RG-1 District to a PO 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 is hereby amended by redistricting the property of the petitioners described as Parcel A from a PO District to an RG-1 District and the property of the petitioners described as Parcel C from an RG-1 District to a PO District, 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 owners, which Parcels A and C are described on the attached Schedule "A":

1. The owner of Parcel C will grant an easement to the owner of Parcel A and to the owner of the balance of Clarkstown Tax Lot 59 A 7.02 (the Omni Court Apartment Project) for the parking of automobiles at all times except during the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding legal holidays.

2. The Petitioners, who together own all of Clarkstown Tax Lots 59 A 7.01 and 59 A 7.02, will grant cross easements to each other for ingress and egress over the streets shown on the site plan and the subdivision map and will further grant to the owners of all parcels located on the westerly side of North Main Street between Concord Drive and Spruce Drive, easements of ingress and egress over the streets shown on the site plan and subdivision map in perpetuity providing:

A. The parcels are used for residential purposes only.

B. The parcels located to the south have a density of no greater than nine units per acre.

C. The parcels to the south are not permitted access to a public road and the parcels to the north are only permitted access to North Main Street and not Concord Drive.

D. All users of the proposed North-South internal roadway as shown on the Site Development Plan revised on March 3, 1982, will pay their proportionate share for the upkeep and maintenance of this roadway, and be it

RESOLUTION NO. (322-1982) Continued

FURTHER RESOLVED, that the zone change is subject to and conditioned upon the approval of a subdivision and site plan for the property by the Planning Board of the Town of Clarkstown within three months from the date of publication of the notice of amendment to the zoning ordinance, and be it

FURTHER RESOLVED, that the Clarkstown Planning Board is hereby authorized to apply Town Law Section 281 to the development of Parcel A, and be it

FURTHER RESOLVED, that the North-South internal roadway as shown on the site plan development plan dated March 3, 1982, parallel to North Main Street, from the northerly edge of Lot 58 F 1 to the Southerly edge of Lot 59 A 8, and extending to North Main Street, be constructed to Town Street specifications, and be it

FURTHER RESOLVED, that all conditions set forth in Resolution No. 911 of 1981 shall remain in effect.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

(Schedule "A" is on file in Town Clerk's Office.)

Councilman Carey said he had no problem on the swap but that he would opt for Plan C. As far as the road is concerned I concur with Mr. Holbrook that that particular part of northern New City deserves a better fate and on that I vote "No."

Councilman Holbrook said that again he thinks that the swap is excellent planning. I think it stops just one step short of doing what it really should do and that is to guarantee that all the parcels along there to the south and to the north up to Concord on the south and toward the center of town in New City should be able to be picked up and I think that if it did that the plan would be acceptable to me. Seeing that it doesn't do that I have to vote "No" on this.

Councilman Lettre said that he didn't think there was one member on this Board or probably one citizen in the Town of Clarkstown that doesn't agree that Main Street from one end north to the other end south is probably overtaxed with traffic and that something must be done and done immediately to rectify the situation. I believe that when Omni Court was originally passed - I myself voted for it - one of the considerations was that the developer donate a strip of land running parallel with his property to the Town of Clarkstown in the event that in the future Clarkstown could widen Main Street and I think that that's the answer to alleviating the traffic problems on Main Street - is probably to widen Main Street, not to create another main street running parallel with present Main Street, not to increase the cuts on Main Street making it a more dangerous road to travel than it already is and I find it quite convenient that Mr. Holbrook again states that he is against something that the Planning Board recommended and that the Town Planner recommends. It would seem that about a year ago his cry was that he couldn't vote for something because the Planning Board was for it and the Town Planner was for it or against it and it was his cry that he had to go with the recommendations of the Planning Board. It seems

RESOLUTION NO. (322-1982) Continued

again that it is quite convenient for him to do as he pleases and when it's convenient for him and that he totally now throws aside the recommendations of the Planning Board. I think it is a good plan. I think that it's a plan that is beneficial to the Town of Clarkstown. I think that we can't just close our eyes to something because we don't like a part of it. I feel that it is better to have this plan than to have added cuts onto Main Street and I hope that in future if and when the rest of the land is developed on Main Street that we can do the same - acquire frontage property and in the very near future be able to widen Main Street and that, I believe, is the answer to alleviating the traffic problems on Main Street and I vote "Yes."

Councilman Maloney stated that the traffic on Main Street is not going to be solved by just the widening of a road through a development. I think that many things have to take place and we have to look to make sure that the property to the north comes in at the density approved by the Master Plan and I think we have to get after the County to take a look at the traffic patterns. We've had studies after studies. We must give some serious thought to widening that part of Main Street. But I can't, in thinking about the plan and wondering whether I would want to live in that particular development with a 50 foot road going through there. Being concerned if I did have children or being concerned of getting from one side to the other. I think that we gain more than we might have lost if we can say that by going with this particular way of developing it. We certainly save the curb cuts that would have developed on Main Street which would have been an abomination and I think we all agree, everyone of us here, that the swap makes sense in putting the building on the corner. So I do vote "Yes."

Supervisor Dusanenko said that there are certain types of development in this Town which require that type of development to have access to a public street. Is that correct? Is there certain type of building that must have access or abut a public street in order to get approval? Is that correct or not correct? If those properties to the north and south were deprived, because of topography or whatever, of a decent, safe access out it might become more essential for them to have a public street then to be tied into it from another area, from another direction, would it not?

Mr. Geneslaw stated it is possible, but another alternative would be for them to have a driveway directly onto the main street and not connect to the internal road. It is something we try to avoid but it is a possibility.

For the record, for the following reasons, I cast my vote in the following way: (1) I'm proud, okay, that the fact that a 65 foot buffer which is approximately how many feet, John, more than is normally required? Mr. Maraia said 15. It is approximately 15 feet greater than required under the existing ordinance will be provided to the residential homeowners next to this project. I am further proud of the fact that a third lane will be widened at the builder's expense, including the curbing, sidewalks and drainage on that side of the street and also that they'll be paying \$50,000.00 for traffic improvements mainly for a traffic signal and for other - as a contribution to the town or county, for the improvement of items on Main Street in New City. They will also provide at their expense a bus shelter and also the roads it seems will appear from this evening's discussion appear to be a private road so that the other 77,000 taxpayers will not have to pay for increased burdens of maintenance, improvement, resurfacing, restriping the street in this particular area and furthermore it still provides access to adjacent properties to the north and south to eliminate additional curb cuts off Main Street. And for all these reasons, which will be a better benefit

RESOLUTION NO. (322-1982) Continued

to most of the people of the Town of Clarkstown and reduce taxes I  
vote for Mr. Maloney's and Mr. Lettre's resolution and adopt Plan B.

\* \* \* \* \*

RESOLUTION NO. (323-1982)

OPENING SCHEDULED PUBLIC  
HEARING RE: EXTENSION  
OF CLARKSTOWN CONSOLIDATED  
WATER SUPPLY DISTRICT NO.  
1 - QUAIL HOLLOW

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Extension of Clarkstown  
Consolidated Water Supply District No. 1 to include - Quail Hollow,  
be opened, time: 11:02 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (324-1982)

CLOSING SCHEDULED PUBLIC  
HEARING RE: EXTENSION OF  
CLARKSTOWN CONSOLIDATED  
WATER SUPPLY DISTRICT NO.  
1 - QUAIL HOLLOW

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Extension of Clarkstown  
Consolidated Water Supply District No. 1 to include - Quail Hollow,  
be closed, ORDER SIGNED, time: 11:06 P.M.

Seconded by Supv. Dusanenko

All voted Aye.

\* \* \* \* \*

There being no one further wishing to be heard and no further  
business to come before the Town Board meeting, Town Board Meeting was  
adjourned by motion of Councilman Maloney, seconded by Councilman Carey  
and unanimously adopted, time: 11:07 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/16/82

8:55 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: 1982 COMMUNITY DEVELOPMENT PROGRAM

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

Supervisor Dusanenko gave an explanation of how funds were spent in the past. He also mentioned that HUD ruled that child care center was not eligible under their guidelines.

Supervisor Dusanenko introduced Mr. Giallombardo, who requested all the people present who served on the Citizens Advisory Board to introduce themselves, which they did.

Supervisor Dusanenko said that no decision would be made tonight on this matter as he had to have another meeting after the public hearing with the Citizens Advisory Board which will come back to the Town Board to make final recommendations at the next workshop.

Supervisor Dusanenko said that approximately \$55,000.00 is the amount the Town has for its discretionary use right now. He stated that the amount dwindles down each year.

Supervisor called for speakers.

APPEARANCE: Hezekiah Easter  
Rockland County Legislator

Mr. Easter said he was 13 years as a County Legislator and was speaking as a senior citizen representing the Nyack Senior Citizen Center. He stated that they were in the process of improving the senior citizen center in Nyack and that 33% of the people being served in that center are from Clarkstown. The center was requesting approximately 15% of monies from the Discretionary Fund. This would be a one-shot deal. He said the senior citizen program is a very positive, dynamic program. One of the outstanding assets of the Village of Nyack is their service to senior citizens. He urged the Board to consider this request.

APPEARANCE: Dr. Niles Davies  
Present  
Rockland Center for the Arts

Dr. Davies spoke for the Rockland Center for the Arts. He said he had lived all of his life in Clarkstown and all of his life had been spent as a farmer, volunteer fireman and that he has been President of the Rockland Center for the Arts for the past five years. He felt this played an important part in helping the quality of life in the community. He then read the following prepared statement:

(Letter head of Rockland Center for the Arts)

"REQUEST FOR FUNDS: ROCKLAND COUNTY COMMUNITY DEVELOPMENT CONSORTIUM

The Rockland Center for the Arts, established in 1946, is a non-profit, multi-discipline cultural center. The free program for senior citizens and the handicapped is a vital aspect of the Center's countywide

Continued on Next Page

activities providing them with the same quality offerings as the community at large. We bring this seriously neglected population into the mainstream of the cultural life of this community.

Since 1975, the Center has provided free concerts, dance recitals, lectures, demonstrations and free workshops in the arts to more than eight-thousand (8,000) senior citizens yearly at our facility. These programs are supported by the New York State Council on the Arts, Orange and Rockland Utilities, foundations and Rockland businesses. They restrict these funds to programming and providing free busing.

Each year we experience a greater demand for these programs from the handicapped population. Architectural barriers force us to limit the numbers of handicapped persons who might take advantage of our facilities. Under present circumstances seriously handicapped individuals cannot attend our programs without being accompanied by someone to assist them.

In 1980, we prepared plans to remove architectural barriers which restrict the mobility and accessibility of elderly and handicapped to the Center in order to comply with Federal Law Section 405 of the Rehabilitation Act. Since extensive structural changes were necessary, we divided the project into three (3) stages. We requested support from the Rockland County Community Development Consortium and in 1980 we were allocated \$10,000 and in 1981, \$20,000 to provide walkways and entrance ramps, parking for the handicapped and adequate lavatory facilities. In 1982, we requested \$20,000 for the final phase which was rejected. Without this phase the validity of the total design tends to become substantially less useful.

The proposed renovation for which we are seeking assistance from the Community Development Consortium, will enable us to serve greater numbers of handicapped on an equal basis with other citizens and therefore restore dignity and provide this population with the right of safe access. This is of deep concern to the Board of Trustees and members of the Center who share the national awareness of the plight of the handicapped and who fervently hope that this decision will be reviewed."

Dr. Davies further explained that the Center had received two previous grants, one of \$20,000.00 and one of \$10,000.00. He said he had not received any money as yet because the money was being held awaiting the requested additional \$20,000.00 so that the project can be started and completed.

Councilman Holbrook asked what would happen if they did not receive this money to which Dr. Davies replied that it would certainly hamper the project.

APPEARANCE:

Mr. Kelly Bernard  
Spring Valley, New York

Mr. Bernard said he had approached the Town Board to get the Community Development funds to help him restore property he owned on Second Street in the Town of Clarkstown which was inhabited by only low income people. He said that most of the residents of Clarkstown were unaware or had seen what a run-down area this was. He said that he had four buildings with a total of six family units. He was being held back from rehabilitating them because of lack of funds. The property that he obtained had been abandoned by the previous owners and was in terrible shape. Mr. Geneslaw has been to the site and he said that Community Development funds should be available for restorative purposes. However, the County has excluded investor-owned property. Mr. Bernard reiterated that he was not responsible for the condition of the buildings, they were that way when he purchased them with a desire to rehabilitate them. He requested that Mr. Dusanenko use his influence with the County Consortium to change their minds and include investor owner properties.

Councilman Holbrook inquired if the Town Board were to allocate funds for this project. Mr. Bernard said that the County must approve before the Town could allocate funds for this project. Councilman Holbrook agreed that this was a forgotten area in Clarkstown and he commended Mr. Bernard for his work there.

Councilman Maloney inquired as to what amount of money Mr. Bernard was seeking. Mr. Bernard said that he had not calculated any amount of money. He was there for the purpose of asking that the law be changed so that he could remove the blight which existed.

Supervisor Duanenko then referred back to Dr. Davies and said that he and several other communities did attempt at the County Consortium to move his resolution there. Unfortunately, it did not meet with a majority but I felt that since you provide services not only for Clarkstown but for the entire County it was indeed worthwhile. Unfortunately, the majority vote was not there that evening.

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

Mr. Lodico said that the money Clarkstown receives has continued to go down and he placed the blame on the Town Board for failing to negotiate for Clarkstown's fair share of the funds. He said he was aware of what the funds were available for and he was glad that the notice read tonight explained what the funds were available for. Clarkstown is only getting \$55,000.00. We should be getting \$125,000.00. He said that in previous statements he had suggested that the Town Board negotiate with Con Rail to purchase land and the Board has failed to do this although it would be proper to use the funds in this way as specified in the notice read. He felt that the Town Board should consider equipping the two new pieces of landfill equipment with radios. This is important for the health and safety of the operators of this equipment.

APPEARANCE: Ms. Shelly Berger  
Meals-on-Wheels

She was representing the Board of Directors. She urged the Board to support the proposal made by Hezekiah Easter regarding the Nyack Community Center.

APPEARANCE: Ms. Carla Lindgren  
Director of Child Day  
Care Center in Nyack

She was requesting \$3,000.00 from Clarkstown which would be part of a total request of \$15,000.00. There was a need to expand. It was a very fine program and she would appreciate the Board's consideration. She filed a report with the Town.

APPEARANCE: Ms. Phylis Helber  
Director of Children's  
Services - Rockland County

She encouraged the Town Board to consider Carla Lindgren's request. This is a very worthwhile project and they serve low and middle income families.

Supervisor Dusanenko asked if there was anyone else wishing to be heard. There being no one, on motion of Councilman Maloney,

seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, time: 9:30 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/16/82

9:30 P.M.

Present: Supervisor Dusanenko  
Councilman Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: AMENDING LOCAL LAW RE: HANDICAPPED PARKING

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

Supervisor Dusanenko asked if there was any correspondence to be read. Town Attorney said "No."

Town Attorney gave a brief explanation of the proposed local law.

Supervisor asked if there was anyone wishing to speak in favor.

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

Supervisor Dusanenko said that there had been a problem where the pavement marking had been covered by ice or snow or where a sign had been removed and people were receiving tickets for parking in handicapped spaces, which they were unaware of. Whatever happens here tonight still will not change the State law which was passed and went into effect in January of 1982 which calls for all persons who are not covered under the Local Law - this particular local law as amended - for handicapped parking spaces will have to, in the very near future, be submitted to the Town. He said that 5% of parking spaces or a minimum of a certain specified number in most commercial establishments or retail establishments that is under state law. Mr. Maraia will be writing to various establishments to conform to the law. Mr. Costa said that he had a memo from John Maraia regarding the removal of spaces. Supervisor Dusanenko said there would be a \$250.00 fine for any establishment that does not conform.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted the Public Hearing was declared closed, ADOPTED, time: 9:40 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/16/82

9:40 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: ZONE CHANGE - PARCEL SWAP - OMNI COURT (DEUTSCH, WOLIKOW, OMNI)

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

Town Attorney read the following pertinent correspondence:

(Letterhead of Town of Clarkstown Planning Board)

"March 5, 1982

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

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST  
PO TO RG-1, 59A7.01+ OMNI COURT AND OMNI  
PROFESSIONAL BUILDING, NEW CITY (Request  
for land exchange to allow PO portion  
Opposite Cavalry Drive, and to allow for  
RG-1 where professional building was  
approved by ZBA, to W. side N. Main Street)

Gentlemen:

At the Planning Board meeting of February 24, 1982, motion of Fallon, second of Yacyshyn, carried 6:0 with Ayes of Howell, Smith, Cunningham and Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board is in full accord with the requested exchange of lands to allow Parcel "C" to be changed from RG-1 to PO and Parcel "A" to be changed from PO to RG-1 as shown on the map entitled Wolikow, Deutsch & Omni Court Ltd. with revision date of February 5, 1982. The Planning Board respectfully requests that the Honorable Town Board authorize use of Section 281 of Town Law to the Planning Board to modify sideyard requirements for Parcel A & C, if necessary.

The Planning Board further respectfully requests that the following conditions be attached to such zone change.

- a. Items 7a & 7b of the petition to be made part of the zone change, with item 7b to be amended to reflect that not only will abutting parcels be residential, but will be at a density not greater than 9 units per acre to the south, and residential to the north with no connection to Concord Drive,
- b. A north-south roadway to be shown on the plan as previously agreed to at many prior Planning Board meetings, such roadway need not be dedicated to the Town,
- c. Prior to the public hearing the petition will be amended to include a stipulation that "all users of the proposed roadway will pay their proportionate share for the upkeep and maintenance of this roadway nunc pro tunc,"

Continued on Next Page

- d. Applicant to return to Planning Board for subdivision and site plan review and approval.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,  
Chairman

cc: Town Attorney  
Town Clerk"

\* \* \* \* \*

(Letterhead of Rockland County Planning Board)

"Date March 10, 1982

Agency

Clarkstown Town Hall  
Town Hall

New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)\_\_\_239(l&m)XXX239(n)\_\_\_

Map dated: 2/5/82

Item:

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

The Rockland County Planning Board reviewed the above item at its meeting of March 4, 1982, and

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

Conditions: The Board was concerned that the wording of applicant's petition Paragraph 7b was unduly restrictive in limiting interior access to the north and south to residential uses. The Board found that there are compatible nonresidential land uses (i.e., houses or worship) that could use these interior roads without harming the general character of the proposed condominium complex. The Board found that the wording "or as otherwise negotiated between the Town and the property owners" be added to Paragraph 7b to allow for greater flexibility in future years.

cc: Town Attorney  
Mr. Lombardi, Chrm., RCPB  
Mr. Hornik, Supt., RCHD  
Clarkstown Plng. Bd.

Very truly yours,  
ROCKLAND COUNTY PLANNING BOARD

By \_\_\_\_\_  
Aaron D. Fried, Planning Dir.

\*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."

\* \* \* \* \*

In response to request for report and recommendation from the Town of Clarkstown Planning Board the Rockland County Highway Department responded as follows:

"February 22, 1982

1. This Department prefers the plan that shows the two parcels in question abutting each other.

/s/ Thomas A. Gill, Jr.  
PRINCIPAL ENGINEERING TECHN."

\* \* \* \* \*

Town Attorney John Costa showed a map explaining Rockland County Planning Board preference.

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

IN FAVOR:  
APPEARANCE:

Walter Siemens, President  
Omni Court Limited

Mr. Siemens said that as the Town Board members were aware this proposal was being brought at the request of the Planning Board. His development would be 45 town house condominiums and Mr. Deutsch's was for a 3,000 foot office building. The Planning Board asked that they combine the two site plans because of the close proximity of the two sites and to be able to reduce the number of accesses onto North Main Street. Mr. Siemens stated that agreement was reached after a lengthy meeting and both parties agreed to a cross easement where the condominium owners will have use of the parking lot of the office building during off hours. They were to give access to five separate parcels on the west side of North Main - his own parcel, Mr. Brodel's, Mr. Raimy's, Mr. Deutsch's and Dr. Chu's - for the purpose of reducing curb cuts from five to one. This plan was favored by various town and county agencies.

Mr. Siemens said he had no objection regarding the roadway. The only objection he would have was if it were to be recommended that there be a public right-of-way. That would be out of the question. If the property were to be developed as commercial, PO or industrial we certainly would not want that kind of traffic coming through our development.

Mr. Siemens said that the road was built to town specifications as far as the construction of the road is concerned. He said that it was only good sense to build the road to the town specifications. He said that we concur with the Planning Board to have another access on to North Main Street but we would not accept through traffic and he objected violently to the lack of privacy that that would create. As a private road it would be maintained by the condominium owners as far as maintenance, snow removal and protection. Mr. Siemens further stated that the project was ready to go and he was anxious to get building and that this would put carpenters to work. Assuming that there would be children living in the condominiums they would attend the schools since there has been so much talk of school closings.

APPEARANCE: Patrick Rohan, Atty.

Mr. Rohan specializes in condominiums and cooperatives and homeowner association practice. He said he has been in this business about twenty-five years. He stated that for 45 condominiums the road would be approximately two city blocks and a public road through this development would severely damage its marketability since there was

a pool and recreation house. Public traffic would definitely be a detriment especially since these homes were going to cost \$150,000.00. He mentioned the difficulties that had been experienced in the building of Mountainview Condominiums and the legal battles which ensued because of public roads.

Councilman Maloney inquired as to the development of the property to the south which was industrial and Walter Siemens said that working from the Master Plan 1.9 acres to the south is zoned RG and the remaining property is P0.

Councilman Lettre inquired as to what would happen if the Board made the determination to make it a town road. Mr. Siemens said that that he would withdraw his application in that event.

Councilman Carey inquired why the road would have to be extended past the 1.9 acres of RG property and Mr. Siemens said he felt that it would not be extended further than that.

Councilman Maloney inquired as to why the width of the road was only twenty-five feet. Mr. Siemens said that to make the road any wider they would have to move the condominiums back and they could infringe on the buffer zone.

APPEARANCE: Joseph Deutsch, Esq.

Mr. Deutsch said he had bought the property with the intention of constructing an office building and was granted the variance to construct an office building. Because of the recommendation of the Planning Board to exchange parcels his building would be moved to the corner and the residential area would be moved away from the corner. He felt this was a good idea since it was better to have an office building on the corner and residences set back. He was in favor of the swap and it would be an esthetic layout. He said no one petitions the Town Board to come out a loser and that if the Town Board turns down this proposal he will not come out any the worse because of it.

In response to an inquiry John Costa said that a town road should have a fifty foot easement with thirty feet of pavement. Plan B does not allow this. A twenty-five foot road would not conform to town specifications but the resolution could be maintained. Mr. Siemens explained that he meant that the twenty-five foot road would be paved according to town specifications. Both Walter Siemens and Joseph Deutsch agreed that either Plan A or B would be acceptable but that Plan C would be a problem. He stated that he had been assured by the Planning Board that he would have prompt action regarding this matter and he wanted to know where he stood even if it was voted down. However, if Plan C was proposed he would withdraw the petition and that he had agreed reluctantly to go along with the changes even if he was in favor because he did not want to get caught up in the red tape. It was only after the promise from the Planning Board to expedite this matter that he agreed.

Supervisor Dusanenko inquired as to the difference in the roadway between Plan A and Plan B. Mr. Siemens said there was no difference in A and B as far as the road construction. Both parcels called for a twenty-five foot paved road.

Supervisor Dusanenko said that the record should show that this road was not a road built to town specifications but modified town specifications applying only to the construction of the paved road itself.

Councilman Holbrook inquired what benefit there would be to the Town between Plan A and Plan B versus Plan C.

Continued on Next Page

Mr. Robert Geneslaw stated that in Plans A and B all costs for maintenance would be borne by the condominium owners. Plan C the Town would be required to maintain the road but it would be a public road. Five persons would have access to this road up to Concord Drive and between the five parcels. Mr. Siemens said the five parcels immediately abutting his property would have access to the road.

Councilman Lettre asked Mr. Geneslaw, as Town Planner, if it was more beneficial to the town to go with Plan A or Plan B.

Mr. Geneslaw said that he was generally in agreement with either Plan A or Plan B.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed change or if there was anyone with any questions.

#### IN OPPOSITION

#### APPEARANCE:

Mr. Marus Granirer  
South Mountain Road  
New City, New York 10956

Mr. Granirer stated he was President of the West Branch Conservation Association. He stated that he agreed that there was some benefit to this swap. From the Town's point of view I think the only reason to consider any zone change is for the town's benefit. Mr. Siemens said that if you adopt Plan C he would have to go into the buffer zone. Could Mr. Costa answer if the covenant defining that buffer zone could be violated because the town added a new requirement.

Mr. Costa stated that all three of the resolutions require that all the conditions set forth in Resolution (911-1981) shall remain in effect. That is the resolution which granted Mr. Siemens the approval that he sought with respect to the condominiums.

Mr. Granirer said that in other words if you adopt Plan C he will not build in the buffer zone unless he wants to violate his own promise which I'm sure he doesn't want to do.

Supervisor Dusanenko asked if this switch were granted, do all the covenants which were adopted before remain in effect?

Town Attorney said that would be his opinion.

Mr. Granirer asked Mr. Costa if the Town Board could tonight adopt Plan A, B or C, even if the applicants withdraw their petition?

Mr. Costa replied in the affirmative.

Mr. Granirer stated that the Town Board had the right to change the zone of anything heard in a Public Hearing. My real question is whether you think you would be pulling a fast one on the applicants because they don't get what they want. The problem in zoning is very often people don't get what they want. The town gets what is best for the town. I don't think it's such a bad idea. He stated he had been concerned about the question on this road for some time. None of us can forecast what the development will be west of North Main Street just now. You have right now a property in front of you which is now supposedly zoned RG-1 which was until not long ago a PO property. There is no telling which of the PO properties to the north or to the south will become R-something in the future. To limit the development of an internal road because somebody says I want the integrity of my project protected is to miss the reasons why towns insist on roads in the first place. There is a serious problem on North Main Street. We all recognize that this swap would

get rid of at least one curb cut. An internal road would get rid of them all and empty traffic out onto Cavalry Drive and from there it could very well go on to 304. That saves North Main Street. That's worth a lot to this town. I think it may be worth as much to the town as the price of snow plowing a 500 foot road because it is just about 500 feet of road that Mr. Siemens would have to build from north to south to town specifications to provide what Plan C calls for - a tenth of a mile. I think it might be worth maintaining the cost of a tenth of a mile of internal road to be ready to carry the traffic that would otherwise hit North Main Street. A developer should provide connections to adjacent parcels - you hook them up. The idea of saying you're building a road to town specifications when actually you mean the town thickness but not the town width is a surprise to me. The idea of building to town standards and not providing sufficient right-of-way so that if in the future, if not in the present, you couldn't take these roads over for the town's benefit is a way of shutting the door unless faithfully you accept Mr. Siemens condition. No connections on this private road to the property to the north or to the south if a development should come in at any higher density than he has. From his point of view isn't that exactly when you have the greatest needs for an internal road - when the development intensifies. That's when you're going to have more cars pouring out onto North Main Street from an additional curb cut if you forbid the connection.

Mr. Deutsch insisted up until tonight that he was going to be injured severely if he were forced to have a private road next to him. Now he says he doesn't know where he would stand legally. Up to now he objected to the roads himself. But I think the real objections, and I think the real objections Mr. Siemens has, have never been mentioned here tonight. If Mr. Siemens has to provide a town road he would also have to provide a 50 foot right-of-way which might cost him some units. The number of units which Mr. Siemens is going to build always was up to this Board. You gave him previously a maximum of 45 but you didn't say it must be 45 and you never made a deal that it could only be 45 - 45 if Planning would allow it. You now have a very serious planning precedent to set. Up to now many of you have said more than once that you are opposed to cul-de-sac development in Clarkstown, lollypop roads, separate developments where people say "This is my road - we want to control who comes in and we want to have tabs on everybody who comes in or else we don't want to let them in. You've never allowed that in the way Clarkstown was to be developed before. Tonight you are being asked to do it in the first of what I believe would be a series of medium sized condominium developments. Nobody will remember how the decision was made or arrived at but will only remember that you build in Clarkstown private roads for condominiums or public roads for condominiums and if it's private roads you have made yet another reason to encourage lollypop condominium development and this one would be a crater. If you look at the site plans you would have a crater off North Main Street. I think the town would do very well to set a precedent that it would be willing to see apply to all the other condominiums that may come if you adopted the Master Plan into zoning.

If any parcel to the north or to the south of Mr. Siemens' property right now were to go with a PO development like Mr. Deutsch's which seems to be exempt from special restriction about no PO on this road, even as a private road, would be cut off by the plan that Mr. Siemens has given you and you would get no circulation.

If on the other hand, you make it public there might be some traffic from two lawyers' office, an engineer's office going toward the condominiums - as it's been pointed out to you the traffic from these offices occurs at a different time usually than the traffic from the residential users and it's very hard to forecast how far south the residential development could go but it could easily go one

property beyond Dr. Chu's property to the south. You already have a residential use in there with a very large front lawn that could be changed over in the future zoning. If you take Plan C or some plan that gets you a public right-of-way to the north and the south and opposite Cavalry - if that were the case then I would back the swap.

Mr. Granirer further stated that for many reasons he was opposed to a private road 25 feet wide and felt that it should be a standardized public road which would benefit the town and alleviate the traffic problem.

Councilman Maloney asked Mr. Siemens if he would consider a 30 foot road.

Mr. Siemens said if you are talking about the north-south segments, in other words that one piece that goes between the office building and the swimming pool area, I wouldn't violently object to its being widened to 30 feet. However, we would then have to put the buildings slightly closer to North Main Street in order to pick up the other 5 feet. You have a front yard requirement of 50 feet off the right-of-way and it's off Main Street - the backyard of the condominiums presently. That would mean that that would have to be decreased to 45 feet and we have a 30 foot set back to the office building which then would have to be decreased to 25 feet. Personally, I don't see any great need for that. I believe that if you really take a look at the amount of traffic and the number of cars that are going to be serviced by that road you kind of get confused in talking about a north-south roadway. It's really not a roadway - it is an access. It is a driveway. It is a roadway that is servicing 14 or 15 apartments. It's not a main thoroughfare.

Not to belabor the point, I suggest to you gentlemen in the spirit of good planning and in the spirit in which we brought this application and in the cooperation of the Town Planning Board and the various agencies of the town that you vote upon this thing favorably in the way that I have submitted this application. I would like to further suggest or request that you act upon this application, whether it be affirmatively or negatively, this evening so that I can get to work and move ahead and build my project either as we originally proposed it or using this new scheme. Thank you very much.

Councilman Carey said that Mr. Granirer states that there is still a court challenge to the underlying RG-1 zone. If it prevails after the swap there could be a separate 30,000 square foot piece of RG-1 and this should not take place.

Town Attorney said that the Omni Court Limited condominium is presently in litigation and the West Branch Conservation Association and two other individual plaintiffs have challenged this zone change. The case is still pending. Mr. Granirer is saying that if that case is successful and this zone change is wiped out the Town, if it grants the application, will have created in Parcel A a separate RG-1 parcel of 30,000 square feet which would not be contiguous to any other RG parcel. He's suggesting that that could pose a problem to the town.

Supervisor Dusanenko inquired of the Building Inspector if you had a 30,000 square foot piece of RG-1 how many units could be built on that parcel. The Building Inspector said that a variance would be needed through the Zoning Board of Appeals.

Councilman Lettre said then the Board could always change that piece back. Town Attorney said that was correct.

Mr. Deutsch said that if the Town Board were not going to enact the proposal before them using either Plan A or Plan B it would be his intention to withdraw his application and he would not exchange properties with Mr. Siemens.

Supervisor Dusanenko said that we have not had an opportunity to discuss this to see in which direction to go. There was someone who made a statement here early this evening in regard to this public hearing that private roads are terrible. I don't think private roads are terrible and if there is going to be more private roads than public roads then Mr. Seeger's Highway Department does not have to expand. I don't have to build another highway barn which is overcrowded and I shared that fact with you gentlemen earlier because his highway barn has exceeded its capacity now because of the existing roads in the town and at the same time those persons have to pay for the maintenance and the plowing, repairs and drainage work for their roads like they do in Van Houten Fields and most stretches of Sierra Vista Drive. I do not look at private roads as being a detriment.

In regard to lollypop road patterns, I prefer a public road or a private road because the town has 182 dead-end streets that go no place, which is a detriment when they are public roads for the highway vehicles to plow them, for policemen to go from one area of the town to the next and at the same time when there are private roads there is probably better litter control and more pride because people own it themselves; whereas, if there are public roads people have the attitude - Mr. Seeger will come around with his men. Throw your garbage in the street. I personally prefer private roads.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 10:50 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

(This swap was ADOPTED later on in the meeting -  
Resolution No. 322-1982)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/16/82

11:03 P.M.

Present: Supervisor Dusanenko  
Councilman Carey, Holbrook, Lettre, Maloney  
Patricia Sheridan, Town Clerk  
John Costa, Town Attorney

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER  
SUPPLY DISTRICT NO. 1 TO INCLUDE - QUAIL HOLLOW, WEST NYACK

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

Town Attorney asked if a statement had been filed by the Director of Environmental Control pursuant to Section 194 of the Town Law. Town Clerk answered in the affirmative.

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Supervisor Dusanenko and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 11:06 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk