

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/13/82

8:03 P.M.

Present: Supervisor Theodore R. Dusanenko
Councilmen: William J. Carey, Charles E. Holbrook,
John R. Maloney, Edward J. Lettre (absent)
Town Attorney: John A. Costa
Town Clerk: Patricia Sheridan

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

Supervisor Dusanenko wished it noted that the agenda was prepared in part late last week since there had been no workshops because of the Holy days. The councilmen did not have a chance to review some of the items on the agenda. However, any items not voted upon tonight would be rescheduled for the April 27 meeting.

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

NO ONE APPEARED:

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RESOLUTION NO. (325-1982)

REFERRAL OF PETITION FOR
ZONE CHANGE FROM PO DISTRICT
TO LIO DISTRICT TO PLANNING
BOARD - WARREN LEWIN

Co. Carey offered the following resolution:

RESOLVED, that the application of Warren Lewin for a change of zoning from PO District to LIO District, on property located in vicinity of Old Nyack Turnpike, Nanuet, NY be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (326-1982)

AUTHORIZATION FOR TOWN LAW
281 - ROBERT AND BERNADETTE
BURKERT, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, ATZL & Scatassa Associated, P.C./engineers for the applicant has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Subdivision of property for Robert and Bernadette Burkert, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision as it will provide for better lot design;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281 in connection with this subdivision.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (327-1982)

AUTHORIZING PLANNING BOARD TO
USE TOWN LAW, SEC. 281 -
SUBDIVISION, RED HILL ESTATES

Co. Carey offered the following resolution:

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RESOLUTION NO. (327-1982) Continued

WHEREAS, ATZL & SCATASSA ASSOCIATES, P.C./engineers for the applicant has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Red Hill Estates, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision in that it will provide for a detention area that is needed for drainage problems and will provide for a layout that will be compatible with the area;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281 in connection with this subdivision.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (328-1982)

AUTHORIZING TRANSFER OF FUNDS-
RECEIVER OF TAXES-\$525.00
ACCT. NO. A 1990-505 to
APPROPRIATION ACCTS.
\$250.- A 1330-313;\$175-A1330-407
\$100.-A 1330-201

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$525.00 from Contingency Account No.A 1990-505 to the following Appropriation Account Nos.: \$250. - A 1330-313; \$175. - A 1330-407; \$100.-A 1330-201.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (329-1982)

MEMORIALIZING RESOLUTION RE:
CHANGE IN ROCKLAND COMMUNITY
COLLEGE FORMULA

Co. Maloney offered the following resolution:

WHEREAS, Rockland Community College and all of the community colleges of the State of New York are expected to provide the trained technical and skilled man and womanpower on which our business and industrial development depends; and

WHEREAS, Rockland Community College is expected to continue and accelerate its growth as a result of the county's need for education and training, and the impact of the reduction in student aid programs; and

WHEREAS, the Governor's budget proposals provide no increase in the community college state aid formula, despite drastic escalations in the costs of teaching and operating in the community college; and

WHEREAS, the improvements in the formula proposed by the Trustees of the State University of New York are modest in the light of these inflationary impacts; therefore, be it

RESOLVED, that the State Legislature take those actions which will change the community college formula as recommended by the Trustees of the State University of New York, namely

1. Increase the base aid from \$930. per full-time equivalent student to \$1,110 per full-time equivalent student.
2. Increase the aid for disadvantaged students from \$193 per full-time equivalent student to \$232 per full-time equivalent student.
3. Increase the aid for students in technical programs from \$178 per full-time equivalent student to \$214 per full-time equivalent student.
4. Increase the aid for students in business curricula from \$75 per full-time equivalent student to \$90 per full-time equivalent student.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (330-1982)

RECOMMENDATIONS FROM TRAFFIC
ADVISORY BOARD

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to do the following:

Extension of guide rails on the East side of Blauvelt Rd. from Laran Court, South to Brookhaven Court.

Two (2) curve signs (see attached page for design) The left curve sign to be erected on the East side of Blauvelt Rd. just North of Lake Nanuet Drive. The right curve sign to be erected on the West side of Blauvelt Rd. opposite Laran Court.

We request resolution for supplemental signs to read, "20 MPH" below these curve signs. Also supplemental "20 MPH" signs to be erected below the existing curve signs located in the vicinity of the George Miller School.

Finally, we request that the Supervisor contact the Nanuet Superintendent of Schools to initiate an educational program for the High School students as it concerns driving and alcohol abuse. We feel that such a program would have merit as many of the accidents in this area involved youths drinking. Perhaps the County's "Stop DWI" program can assist in this endeavor.

Seconded by Co. Carey

All voted Aye

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RESOLUTION NO. (331-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL A
STOP SIGN ON BUTLER STREET
AT HIGHWAY AVENUE, CONGERS.

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a Stop sign on Butler Street at Highway Avenue, Congers.

Seconded by Co. Carey

All voted Aye

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RESOLUTION NO. (332-1982)

ACCEPTING RECONSIDERATION OF
PAYMENT FOR TOWN CODE BOOK -
NEW CITY LIBRARY AND REFUNDING
MONEY TO LIBRARIES WHO HAVE
PURCHASED SUPPLEMENTS FOR
1982

Co. Holbrook offered the following resolution:

RESOLVED, that the libraries within the Town of Clarkstown are hereby exempted from payment of the \$20.00 annual fee for supplements to the Town Code of the Town of Clarkstown. A refund in the full amount will be paid to the libraries that have purchased the supplements to the Town Code for the year 1982.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (333-1982)

GRANTING USE OF SHOWMOBILE
FOR INSPECTION PARADE - UPPER
NYACK - EMPIRE HOOK & LADDER
CO.

Co. Maloney offered the following resolution:

RESOLUTION NO. (333-1982) Continued

WHEREAS, the Empire Hook & Ladder Co. No. 1 of Upper Nyack, New York has requested use of the Town of Clarkstown Showmobile on October 2, 1982 for an inspection parade,

NOW THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, the Empire Hook & Ladder Co. No.1 is hereby granted permission to use the Town of Clarkstown showmobile on October 2, 1982 for the above purpose, subject to the provision of the necessary insurance policies.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (334-1982)

INSTALLATION OF STREET LIGHTS:
FINCH ROAD, NEW CITY
KINGS HIGHWAY, VALLEY COTTAGE
DEER TRACK LANE, VALLEY COTTAGE
PLEASANT HILL ROAD, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly effected by this proposed lighting was conducted and,

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

- Finch Road - New City
- Kings Highway - Valley Cottage
- Deer Track Lane - Valley Cottage
- Pleasant Hill Road - New City

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (336-1982)

ADVERTISING BID FOR REFUSE
PICK-UP SERVICE

Co. Maloney offered the following resolution:

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

BID # 36-1982
RESFUSE PICK-UP SERVICE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, April 26, 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. Carey

All voted Aye.

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(PLEASE NOTE RESOLUTION 335 and 336 ORDER IS REVERSED)

RESOLUTION NO. (335-1982)

INSTALLATION OF STREET LIGHTS
ESQUIRE VILLAGE SUBDIVISION,
NEW CITY
WALTHAM ESTATES- CONGERS

Co. Maloney offered the following resolution:

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

Esquire Village subdivision - New City
Waltham Estates - Congers

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (337-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #37-1982 CHEMICALS

Co. Maloney offered the following resolution:

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

BID #37-1982
CHEMICALS

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 27, 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. Carey

All voted Aye.

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RESOLUTION NO. (338-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #40-1982
SOFT DRINKS

Co. Maloney offered the following resolution:

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

BID #40-1982
SOFT DRINKS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Wednesday, May 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. Carey

All voted Aye.

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RESOLUTION NO. (339-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #39-1982 - ICE CREAM

Co. Maloney offered the following resolution:

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

BID #39-1982
ICE CREAM

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 Wednesday,
May 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. Carey

All voted Aye.

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RESOLUTION NO. (340-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #38-1982 - 1982
MODEL VAN - SEWER DEPT.

Co. Maloney offered the following resolution:

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

BID #38-1982
ONE 1982 MODEL VAN FOR CLARKSTOWN SEWER DEPT.

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, May 11,
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. Carey

All voted Aye.

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RESOLUTION NO. (341-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #41-1982 - FOOD
PRODUCTS - TOWN REFRESHMENT
STANDS

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby autho-
rized to advertise for bids for:

BID #41-1982
FOOD PRODUCTS FOR TOWN REFRESHMENT STANDS

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, May 17,
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. Carey

All voted Aye.

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RESOLUTION NO. (342-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #35-1982 - BUS TRANS-
PORTATION

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby autho-
rized to advertise for bids for:

BID #35-1982
BUS TRANSPORTATION

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 Wednesday,
April 21, 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. Carey

All voted Aye.

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RESOLUTION NO. (343-1982)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
CONTROL TECHNOLOGY, INC.
PURSUANT TO BID #19-1982

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is
hereby authorized to enter into an agreement with

Control Technology, Inc.
3000 Hempstead Turnpike
Levittown, NY 11756

pursuant to Bid #19-1982 for the purpose of performing an audit of
our Orange & Rockland electric utility bills for the last five years
for the purpose of potentially uncovering any mischarges, overcharges
or other errors on such bills resulting in unnecessary expense to the
Town, and be it

FURTHER RESOLVED, that in the event any mischarges,
overcharges or other errors are disclosed, the Town shall share on
a 50/50 basis any refund of revenues.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (344-192)

AWARDING BID #20-1982
MINI BUSES TO RAMP TRANS-
PORTATION CO., INC. AND
FUNDS CHARGED TO ACCOUNT
NO. A5630-203

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing and the Transit Operations Supervisor that

RESOLUTION NO. (344-1982) Continued

BID #20-1982
for
1982 MODEL TRANSIT TYPE MINI BUSES

is hereby awarded to

RAMP TRANSPORTATION CO., INC.
P.O. BOX AT
NESCONSET HIGHWAY
PORT JEFFERSON STATION, NY 11776

for two (2) 1982 International Harvester chassis/bluebird body Mini Buses as per the following low bid proposal
Proposed cost for each new vehicle \$34,770.00 = \$69,540.00
Less: Trade in Allowances

- (a) Bus #4-1977 GMC Vin: #TPL3273603983 (7,000.00)
- (b) Bus #6-1978 International Vin: #D0812HHB25515(4,500.00)

Total Trade-in allowance.....11,500.00

Total Net Bid\$58,040.00

and be it,

FURTHER RESOLVED, that funds for same be hereby charged to account A5630-203.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (345-1982)

AWARDING BID #18-1982
FIRST AID SUPPLIES TO
MICRO BIO-MEDICS INC.
VOLUNTEER FIRST AID SUPPLY
DRUG WORLD

Co. Maloney offered the following resolution:

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

#BID # 18-1982
FIRST AID SUPPLIES

is hereby awarded to,

Micro Bio-Medics Inc.
50 Webster Ave.
New Rochelle, NY 10801
Volunteer First Aid Supply
P.O. Box 458
Spring Valley, NY 10977
Drug World
182 South Main St.
New City, NY 10956

as per the attached scedule of prices.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (346-1982)

AWARDING BID #21-1982
TO AMERICAN CASH
REGISTER CO. AND CHARGED
TO ACCOUNT A7020-204

Co. Maloney offered the following resolution:

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

BID #21-1982
for
CASH REGISTERS

is hereby awarded to

AMERICAN CASH REGISTER CO.
46 E. Route 59
Nanuet, NY 10954

as per the following schedule

Two (2) Sharp Model #ER3320 @ 695.00 = \$ 1,390.00

and

Two (2) Sharp Model #ER2533 @ 500.00 = \$ 1,000.00

and be it,

FURTHER RESOLVED, that funds for same be charge to account
A7020-204.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (347-1982)

AWARDING BID #22-1982 TO
URBAN SUBURBAN RECREATION,
INC. FOR CONGERS LAKE POOL
RENOVATION

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Gaston L.
Raffaelli, P.E.; Laurence Kohler, Director of Purchasing and Edward J.
Ghiazza, Supt. of Recreation and Parks, that

BID #22-1982
for
CONGERS LAKE POOL RENOVATION

is hereby awarded to Urban Suburban Recreation, Inc., of 1072 Sunrise
Highway, Amityville, New York, in the amount of \$251,274.00 as
indicated below:

Base Bid	\$ 245,484.00
Alt. A-1 (deduct vacuum pump)	(-) 710.00
Alt. A-4 (deduct Wading Pool Bottom)	(-) <u>2,030.00</u>
CONTRACT PRICE.....	\$ 242,744.00
Change Order No. 1:	
Fiberglass liner (Wading Pool Bottom)(+)	2,030.00
Filter system (Wading Pool)..... (+)	<u>6,500.00</u>
TOTAL AWARD	\$ 251,274.00

FURTHER RESOLVED, that the Town Comptroller is hereby
authorized to transfer \$275,000. from the Money-in-lieu-of-land
Account to the Parklands and Improvement Account to cover the above
construction award plus contingencies, and

FURTHER RESOLVED, that the Superintendent of Recreation
and Parks is hereby authorized to execute any necessary change orders

RESOLUTION NO. (347-1982) Continued

on behalf of the Town of Clarkstown, based upon the recommendation of Gaston L. Raffaelli, P.E., not to exceed \$275,000. and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract with Urban Suburban Recreation, Inc., in connection with this bid award.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (348-1982) GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO SEC. 83-65 OF THE CODE OF THE TOWN OF CLARKSTOWN

Co. Holbrook offered the following resolution:

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

Sagar Contracting Corp
Arnold Garelick
115 North Main Street
New City, NY 10956

CHIEF PLUMBING AND HEATING, INC.
Richard Garrison
26-28 New Street
Nyack, NY 10960

HY DYNAMICS EQUIPMENT
Cedric Garlick Jr.
311 Strawtown Road
New City, New York 10956

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 82-12 issued to Sagar Contracting Corp. (Arnold Garelick)
- No. 82-13 issued to Chief Plumbing and Heating, Inc. (Richard Garrison)
- No. 82-14 issued to Hy Dynamics Equipment
d/b/a Strawtown Builders, Inc. (Cedric Garlick, Jr.)

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (349-1982) AUTHORIZING SUPERVISOR TO PURCHASE ONE IBM MODEL II PHOTO-COPIER, WITH COLLATER - COST \$2,700.00 ALSO A COPIER COIN-OP ACCESSORY PACKAGE AUDITRON CONTROL DEVICE - COST NOT TO EXCEED \$1,000.

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to purchase one IBM Model II Photo-Copier, with collater, at a cost of \$2,700.00, and be it

FURTHER RESOLVED, that the Supervisor is further authorized to purchase a Copier Coin-Op accessory package, auditron control device, at an additional cost not to exceed \$1,000.00.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION (No. 350-1982)

AUTHORIZING TOWN ATTORNEY
TO DEFEND A PROCEEDING
AGAINST THE TOWN OF CLARKS-
TOWN, RE: RONALD PROBER

Co. Maloney offered the following resolution:

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

RONALD PROBER,

Plaintiff,

-against-

THE TOWN OF CLARKSTOWN, JOHN COSTA,
and THEODORE DUSANENKO

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION (No. 351-1982)

AUTHORIZING SUPERVISOR TO
ENTER INTO AN AGREEMENT
WITH COUNTY OF ROCKLAND
RE OPERATION OF PUBLIC
TRANSPORTATION ROUTES WITH
CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, Section 18 (b) of the Transportation Law provides
for the appropriation of funds for the operation of bus transportation
systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal
Law and Local Law No. 9-1974, the County of Rockland is authorized to
contract for mass transportation services to be rendered to the
people of the County of Rockland by a municipality for a fair and
reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
hereby authorizes the Supervisor to enter into an agreement with the
County of Rockland, in a form satisfactory to the Town Attorney, to
provide for the operation of public transportation routes within the
Town of Clarkstown, retroactive to March 29, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (352-1982)

SETTING PUBLIC HEARING AND
REFERRING PETITION WITH
REGARD TO SPECIAL PERMIT
FOR AN AUTO LAUNDRY

Co. Maloney offered the following resolution:

RESOLUTION NO. (352-1982) Continued

WHEREAS, Cal-Mart Construction Corp. has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the constructin of an auto laundry pursuant to the provisions of Section 106-10A, Table of General Use Regulations, RS District, Column 3, Section B, Paragraph 5 of the Zoning Ordinance of the Town of Clarkstown for property located on the south side of Route 59, West Nyack, New York diagonally opposite Besso Street located on the north side of Route 59, designated on the Clarkstown Tax Map as Map 106, Block A, Lot 21.01;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said ordinance be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 11th day of May 1982, at 8:30 P.M., to consider the application of Cal-Mart Construction Corp.;, relative to said Special Permit, and be it

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

FURTHER RESOLVED, that the application of Cal-Mart Construction Corp. is hereby referred to the Clarkstown Planning Board for report and recommendation.

Seconded by Supervisor Dusanenko

All voted Aye.

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RESOLUTION NO. (353-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE LEGAL STEPS TO RECOVER DAMAGES TO THE CLARKSTOWN RECYCLING CENTER RE: JOSEPH MIELE AND OTHERS

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary legal steps in order to recover for damages to the Clarkstown Recycling Center as a result of the negligence or intentional conduct of Joseph Miele and/or other persons arising out of use of Town owned property at the Sanitary Landfill.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (354-1982)

AUTHORIZING TOWN ATTORNEY TO DEFEND A PROCEEDING AGAINST THE TOWN OF CLARKSTOWN MAX MITTLEMAN FOR ESTATE OF JAMES JACOBSON

Co. Maloney offered the following resolution:

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

MAX MITTLEMAN as preliminary executor of the Estate of James Jacobson, Deceased,

Petitioner,

-against-

RESOLUTION NO. (354-1982) Continued

Richard Paris and Rudolph Yakyshyn, Francis Fallon, Richard Howell, Catherine Nowicki, Robert Cunningham, and Ann M. Smith, Constituting the Chairman and Members of the Planning Board of the Town of Clarkstown, Rockland County, New York.

Respondents,

For an Order pursuant to Article 78, CPLR, reviewing and annulling a determination of the Planning Board of the Town of Clarkstown, which denied Petitioner's application for preliminary subdivision approval.

NOW, THEREFORE, be it

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (355-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE LEGAL STEPS TO RECOVER MONIES FROM ANTONIO LETO RE: DAMAGED FIRE HYDRANT

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized totake all necessary legal steps in order to recover the sum of \$836.45 from Antonio Leto in connection with damage to Fire Hydrant No.561.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (356-1982)

AUTHORIZING RECEIVER OF TAXES TO CHARGE PENALTY FEE OF 5% FOR LATE SCHOOL DISTRICT TAX PAYMENTS

Co. Holbrook offered the following resolution:

WHEREAS, Section 37 of the Town Law of the State of New York provides that the Town Board may, by resolution, authorize the Receiver of Taxes to charge not more than 5% upon such school taxes as the Receiver of Taxes may collect after the first 30 days after the first day specified in the notice for the payment of said taxes, and

WHEREAS, the Town Receiver of Taxes had been authorized by resolution no. 383-1980 to charge not more than a 3% penalty for late payments due in the month of October;

NOW, THEREFORE, be it

RESOLVED, that the Town Receiver of Taxes of the Town of Clarkstown is authorized to charge a penalty of 5% collected by the Town for late school district tax payments collected during the month of October.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (357-1982)

ACCEPTING DEED FOR PORTION
OF DYKES PARK ROAD, NANUET

Co. Maloney offered the following resolution:

RESOLVED, that deed dated March 15, 1982 from Annie E. Harrington, Administratrix CTA of the Estate of Isabella Johnston (also known as Isabella Williams) for a portion of Dykes Park Road, Nanuet, New York, is hereby accepted by the Town of Clarkstown and ordered to be filed in the Rockland County Clerk's office.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (358-1982)

AUTHORIZING SUPERVISOR
TO ENTER INTO A LOCATION
RELEASE - "THAT'S
INCREDIBLE"

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a location release with Alan Landsburg Productions, Inc., for the filming of the activities of the Clarkstown Youth Court in and around the Clarkstown Town Hall, Police Station and Justice Courts, retroactive to March 24, 1982 in connection with the "That's Incredible" television program.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (359-1982)

AMENDING BID AWARD
#64-1981, CRAWLER
DOZER FOR SANITARY
LANDFILL

Co. Carey offered the following resolution:

RESOLVED, that Resolution #69-1982 awarding
#BID #64-1981

for

CRAWLER DOZER FOR SANITARY LANDFILL

to

H.O. PENN MACHINERY CO., INC.
P.O. BOX 3238, Noxon Road
POUGHKEEPSIE, NY 12603

is hereby amended to reflect the correct serial number of Caterpillar D8 TRADED-IN.

Correct serial number should read 46A23161.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (360-1982)

GRANTING USE OF SHOWMOBILE
TO NYACK CHAMBER OF
COMMERCE FOR OLD TIME
FIDDLER CONTEST

Co. Maloney offered the following resolution:

WHEREAS, the Nyack Chamber of Commerce has requested use of the Town of Clarkstown showmobile on Saturday, July 17, 1982 for an "Old Time Fiddlers Contest" to be held in Nyack, New York,

RESOLUTION NO. (360-1982) Continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, the Nyack Chamber of Commerce is hereby granted permission to use the Town of Clarkstown showmobile on Saturday, July 17, 1982 for the above purposes at a fee of \$675.00 and subject to the provision of the necessary insurance policies, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to increase Revenue Account No. 2001 by \$675.00 and Expenditure Account No. 7140-111 by \$675.00.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (361-1982)

GRANTING USE OF SHOWMOBILE TO NYACK CHAMBER OF COMMERCE FOR "SEPTEMBERFEST"

Co. Maloney offered the following resolution:

WHEREAS, the Nyack Chamber of Commerce has requested use of the Town of Clarkstown showmobile on Sunday, September 12, 1982 for the "Septemberfest" to be held in Nyack, New York,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, the Nyack Chamber of Commerce is hereby granted permission to use the Town of Clarkstown showmobile on Sunday, September 12, 1982 for the above purposes at a fee of \$375.00 and subject to the provision of the necessary insurance policies, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to increase Revenue Account No. 2001 by \$375.00 and Expenditure Account No. 7140-111 by \$375.00.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (362-1982)

GRANTING PERMISSION TO DISPENSE ALCOHOLIC BEVERAGES- PARKS BOARD & RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Parks Board and Recreation Commission has requested that they be granted permission to dispense alcoholic beverages;

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RESOLUTION NO. (362-1982) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Parks Board and Recreation Commission to dispense alcoholic beverages at the following events:

1. Eighth Annual Senior Citizen Show
Saturday, April 17, 1982

Congers Community Center
Gilchrest Road
Congers, New York
2. Fifteenth Annual Senior Citizens Picnic
Tuesday, June 8, 1982 (Raindate: June 9, 1982)

Congers Lake Memorial Park
Gilchrest Road
Congers, New York

Seconded by Co.Carey All voted Aye.

* * * * *

RESOLUTION NO. (363-1982)

TRANSFERRING \$3,000. FROM
CONTINGENCY ACCOUNT NO.
A 1990-505 TO APPROPRIATION
ACCOUNT NO. A 1670-114

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$3,000 from Contingency Account No. A 1990-505 to Appropriation Account No. A 1670-114.

Seconded by Co.Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (364-1982)

TRANSFERRING \$255.00
FROM APPROPRIATION ACCOUNT
NO. A 5630-203 TO THE
FOLLOWING APPROPRIATION
ACCOUNT NOS.
\$250.00.... A 5630-424
5.00 ... A 5630-305

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$255.00 from Appropriation Account No. A 5630-203 to the following Appropriation Account Nos.:

\$250.00A 5630-424
5.00A 5630-305

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. 365-1982

TRANSFERRING \$780. FROM
APPROPRIATION ACCT. NO.
A 7140-416 TO APPROPRIATION
ACCOUNT NO. 7140-307

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$780.00 from Appropriation Account No. A 7140-416 to Appropriation Account No. 7140-307.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (366-1982)

TRANSFERRING \$1,760.
FROM APPROPRIATION ACCT.
NOS. B 8110-416-\$828.00
B 8110-430- 932.00
TO APPROPRIATION ACCT.
NO. B 8110-307

Co. Maloney offered the following resolution:

RESOLVED to transfer \$1,760.00 from the following
Appropriation Account Nos.:

B 8110-416\$ 828.00
B 8110-430\$ 932.00

to Appropriation Account No. B 8110-307.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (367-1982)

TRANSFERRING \$8.00 FROM
APPROPRIATION ACCOUNT
NO. A 1120-313 TO APPRO-
PRIATION ACCOUNT NO.
A 1120-219

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$8.00 from Appropriation Account
No. A 1120-303 to Appropriation Account No. A 1120-219.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (368-1982)

TRANSFERRING \$700.00
FROM CONTINGENCY ACCOUNT
NO. A 1990-505 TO APPRO-
PRIATION ACCOUNT NO.
A 1420-201

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$700.00 from Contingency Account
No. A 1990-505 to Appropriation Account No. A 1420-201.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (369-1982)

AUTHORIZING ROBERT S.
HOFFMANN, DIRECTOR OF
FINANCE TO ATTEND
COMMISSION ON STATE AND
LOCAL GOVERNMENT STATE
AID CONFERENCE

Co. Maloney offered the following resolution:

RESOLVED, that Robert S. Hoffmann, Director of Finance
of the Town of Clarkstown, is hereby authorized to attend the
Commission on State and Local Government State Aid Conference, to
be held in Albany, New York from April 26, 1982 to April 28, 1982
and be it

FURTHER RESOLVED, that all costs be made a proper Town
charge.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (370-1982)

MEMORIALIZING RESOLUTION
RE HUDSON VALLEY ECONOMIC
DEVELOPMENT DISTRICT, INC.

Co. Maloney offered the following resolution:

WHEREAS, Economic Development Districts in New York State represent economically distressed areas in the State, and

WHEREAS, Economic Development Districts in New York State receive financial support from the U.S. Department of Commerce, Economic Development Administration, to engage in economic development activities and projects in these distressed areas, and

WHEREAS, cutting Economic Development Administration expenditures will substantially reduce each District's economic development program resources and activities, and

WHEREAS, the Economic Development Administration can be a vital part of the economic revitalization program proposed by President Reagan, now therefore be it

RESOLVED, that the Town Board of the Town of Clarkstown asks the New York State Congressional delegation to support Economic Development Administration appropriations for FY 1983 at levels which enable the agency to function.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (371-1982)

ADOPTING AND ACCEPTING
MINUTES OF TOWN BOARD
MEETING - JAN. 26TH,
FEB. 9TH AND MARCH 2ND,
1982

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meetings held on January 26th, February 9th and March 2nd, 1982, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (372-1982)

AUTHORIZING ATTENDANCE
AT NYSAC REGIONAL SEMINAR
SUPERVISOR'S OFFICE

Co. Maloney offered the following resolution:

WHEREAS, President George Arney announced a regional seminar dealing with cutback management and

WHEREAS, the one day Seminar will focus on cutback management in the areas of finance, service delivery and productivity, with guest speakers from local and state government addressing such topics as money management, contracting out to private sector or other municipalities and employee assistance programs,

NOW THEREFORE, BE IT

CONTINUED ON NEXT PAGE

RESOLUTION NO. (372-1982) Continued

RESOLVED, that Nicholas A. Longo, Confidential Secretary to Supervisor Dusanenko, and Robert S. Hoffmann, Director of Finance of the Town of Clarkstown, are hereby authorized to attend this NYSAC Regional Seminar on Thursday, May 13 at Poughkeepsie, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$30.00 be made a proper Town charge.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO.(373-1982)

SETTING DATE FOR PUBLIC HEARING RE LEACHATE COLLECTION SYSTEM- CLARKSTOWN SANITARY LANDFILL

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of land adjacent to and within the confines of the Clarkstown Sanitary Landfill for the purpose of constructing a leachate collection system as required pursuant to a consent order with the New York State Department of Environmental Conservation, which public hearing shall be held on May 11, 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 at least five consecutive days in the official newspaper of the Town of Clarkstown and file proof thereof in the office of the said Town Clerk.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (374-1982)

AUTHORIZING COMPTROLLER'S OFFICE TO RETAIN PETTY CASH (\$10.00) FOR COPY MACHINE IN LOBBY

Co. Maloney offered the following resolution:

RESOLVED, to authorize the Comptroller's Office to retain Petty Cash of \$10.00 in change for the copy machine in the lobby of Town Hall.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (375-1982)

AWARDING COMPUTER BID AND AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH BURROUGHS

Co. Maloney offered the following resolution:

WHEREAS, Burroughs Corporation was the lowest responsible bidder for a computer configuration for hardware, software and education BE IT THEREFORE

RESOLUTION NO. (375-1982) Continued

RESOLVED, that the Supervisor is authorized to enter into a contract upon final approval of our legal consultant with the Burroughs Corporation.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (376-1982)

MEMORIALIZING PUBLIC SERVICE COMMISSION RE: INCREASE IN WATER RATES FOR FIRE HYDRANTS

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown has been notified by the Spring Valley Water Company that the New York State Public Service Commission has granted to the Water Company a 31% increase in rates for fire protection services and

WHEREAS, such an increase will raise the Town's cost for fire hydrant service from \$457,075 to \$601,007, and

WHEREAS, said increase is not based on any increase in water consumption, capital costs, labor costs, maintenance costs, or other increase in services, or other costs, but is related only as to a standing service and cost and

WHEREAS, said increase is further distributed to the ratepayer in the form of increased taxes which are a further unreasonable burden on both the ratepayer and the taxpayer, it is hereby

RESOLVED, that this Board objects to and protests said rate increase. It is not related to either consumption or conservation and is a restriction on this Board with respect to the extension of fire protection services and it is further

RESOLVED, that a copy of this resolution shall be sent by the Town Clerk to the New York State Public Service Commission, the Rockland County Legislature, and to the Town and Village Governments in Rockland County and the State Legislators from Rockland County in the New York State Legislature, Senator Linda Winikow and Richard Schermerhorn, and Assemblymen Thomas Morahan and Eugene Levy.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (377-1982)

CREATING TYPIST POSITION SAFETY COMPLIANCE OFFICE

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 24, 1982 that the Typist position - Safety Compliance Office - can be created,

Now, therefore, be it

RESOLVED, that the Typist position - Safety Compliance Office is hereby created, effective and retroactive to March 29, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

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RESOLUTION NO. (378-1982)

TRANSFERRING - TYPIST
(ASSESSOR'S OFFICE)
TO SAFETY OFFICE

Co. Maloney offered the following resolution:

RESOLVED, that Dorothy Collins, 290 Brookway, Valley Cottage, New York is hereby transferred from the position of Typist, Assessor's Office, to the position of Typist - Safety Office, effective and retroactive to March 29, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (379-1982)

APPOINTING BRIDGET McNAMARA
POLICE DEPT. AS CLERK
ANNUAL SALARY \$11,726.
EFFECTIVE AND RETROACTIVE
TO APRIL 5, 1982

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Cerification of Eligibles Clerk #81112 which contains the name of Bridget McNamara,

Now, therefore, be it

RESOLVED, that Bridget McNamara, 119 Laurel Road, New City, New York is hereby appointed to the position of Clerk - Police Department, at the annual 1982 salary of \$11,726., effective and retroactive to April 5, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO.(380-1982)

APPOINTING CAROL A.
O'BOYLE TO THE POSITION
OF TELEPHONE OPERATOR
TYPIST, ANNUAL 1982 SALARY
OF \$8,692. EFFECTIVE AND
RETROACTIVE TO MARCH 29,
1982.

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Cerification of Eligibles Telephone Operator Typist #81071A which contains the name of Carol A. O'Boyle,

Now, therefore, be it

RESOLVED, that Carol A. O'Boyle, 38 Beechwood Drive, Congers, New York, is hereby appointed to the position of Telephone Operator Typist, at the annual 1982 salary of \$8,692., effective and retroactive to March 29, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (381-1982)

CREATING PART-TIME
COUNSELING ASSISTANT -
COUNSELING CENTER
EFFECTIVE AND RETROACTIVE
TO APRIL 12, 1982

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RESOLUTION NO. (381-1982) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 24, 1982 that the part-time Counseling Assistant position - Counseling Center, can be created,

Now, therefore, be it

RESOLVED, that the part-time Counseling Assistant position - Counseling Center - is hereby created, effective and retroactive to April 12, 1982.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (382-1982)

APPOINTING JOSEPH HAZUCHA PART-TIME POSITION COUNSELING ASSISTANT - COUNSELING CENTER - HOURLY RATE OF \$6.00 EFFECTIVE APRIL 14, 1982

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Hazucha, 413 Cedar Avenue, Upper Nyack, New York is hereby appointed to the part-time position of Counseling Assistant - Counseling Center - at the hourly rate of \$6.00, effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (383-1982)

GRANTING FRANK WARD, COURT ATTENDANT, TOWN JUSTICE DEPARTMENT, ONE YEAR LEAVE OF ABSENCE WITHOUT PAY, EFFECTIVE AND RETROACTIVE TO MARCH 28, 1982

Co. Maloney offered the following resolution:

WHEREAS, Frank Ward has requested a Leave of Absence for one year, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement provides for a leave of absence without pay,

Now, therefore, be it

RESOLVED, that Frank Ward, 143 Huffman Road, Valley Cottage, New York - Court Attendant - Town Justice Department - is hereby granted a one year leave of absence, without pay - effective and retroactive to March 28, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (384-1982)

APPOINTING JANE BARWENKO
TO THE POSITION OF SUB-
STITUTE CROSSING GUARD-
POLICE DEPARTMENT -
AT THE RATE OF \$5.00
PER CROSSING COVERED,
EFFECTIVE AND RETROACTIVE
TO MARCH 19, 1982

Co. Maloney offered the following resolution:

RESOLVED, that Jane Barwenko, Lake Road, Valley
Cottage, New York is hereby appointed to the position of Sub-
stitute Crossing Guard - Police Department - at the rate of \$5.00
per crossing covered, effective and retroactive to March 19, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (385-1982)

ACCEPTING RESIGNATION
OF NINA KAY, TYPIST,
TOWN JUSTICE DEPARTMENT,
EFFECTIVE AND RETROACTIVE
TO MARCH 19, 1982

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Nina Kay, 568 South
Main Street, New City, New York - Typist - Town Justice Department -
is hereby accepted, effective and retroactive to March 19, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (386-1982)

APPOINTING DOROTHY
MARSHALL TO THE POSI-
TION OF TYPIST - TOWN
JUSTICE DEPARTMENT -
AT THE ANNUAL SALARY OF
\$8,692., EFFECTIVE AND
RETROACTIVE TO APRIL 12,
1982

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Typist CR-1 82-23 which
contains the name of Dorothy Marshall,

Now, therefore, be it

RESOLVED, that Dorothy Marshall, 16 Jerrys Avenue,
Nanuet, New York, is hereby appointed to the position of Typist -
Town Justice Department - at the annual 1982 salary of \$8,692.,
effective and retroactive to April 12, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (387-1982)

APPOINTING LESLIE
BOLLMAN, POSITION OF
DIRECTOR OF ENVIRON-
MENTAL CONTROL, AT THE
ANNUAL 1982 SALARY OF
\$37,513. EFFECTIVE APRIL
14, 1982

Co. Maloney offered the following resolution:

RESOLUTION NO. (387-1982) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Director of Environmental Control - RC-NCP # 82097 which contains the name of Leslie Bollman,

Now, therefore, be it

RESOLVED, that Leslie Bollman, 2 Norlen Lane, New City, New York is hereby appointed to the position of Director of Environmental Control, at the annual 1982 salary of \$37,513., effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (388-1982)

APPOINTING TOBIA MARRAZZO,
POSITION OF ENVIRONMENTAL
CONTROL SUPERVISOR (OPERATIONS)
AT THE ANNUAL SALARY OF
\$30,871., EFFECTIVE APRIL 14,
1982

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Environmental Control Supervisor (Operations) RC-NCP #82096 which contains the name of Tobia Marrazzo,

Now, therefore, be it

RESOLVED, that Tobia Marrazzo, 44 Ablondi Road, Pearl River, New York is hereby appointed to the position of Environmental Control Supervisor (Operations) - Department of Environmental Control - at the annual 1982 salary of \$30,871., effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (389-1982)

APPOINTING BRUCE KNARICH
TO THE POSITION OF MAINTENANCE
SUPERVISOR (GROUNDS) AT THE
ANNUAL SALARY OF \$19,536.,
EFFECTIVE APRIL 14, 1982

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Maintenance Supervisor (Grounds) which contains the name of Bruce Knarich,

Now, therefore, be it

RESOLVED, that Bruce Knarich, 916 Ashland Street, Valley Cottage, New York is hereby appointed to the position of Maintenance Supervisor (Grounds) - Parks Board & Recreation Commission - at the annual 1982 salary of \$19,536., effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (390-1982)

APPOINTING ARLETTE DEBOK
TO THE POSITION OF DRAFTER

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Drafter #81138, which contains the name of Arlette DeBok,

Now, therefore, be it

RESOLVED, that Arlette DeBok, 3 Trimble St., Garnerville, NY is hereby appointed to the position of Drafter at the annual 1982 salary of \$12,284., effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (391-1982)

APPOINTING WILLIAM DOWNES
TO THE POSITION OF RECREATION
LEADER AT THE ANNUAL SALARY 1982
OF \$12,026 EFFECTIVE APRIL 14,
1982

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished
Certification of Eligibles Recreation Leader #82007 which contains
the name of William Downes,

Now, therefore, be it

RESOLVED, that William Downes, 28 Old Brick Road, New City,
New York is hereby appointed to the position of Recreation Leader -
Parks Board & Recreation Commission - at the annual 1982 salary of
\$12,026., effective April 14, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (392-1982)

ACCEPTING RESIGNATION OF
JAMES ROWAN AS A MEMBER OF
THE CONDOMINIUM INFORMATION
BOARD, EFFECTIVE AND RETRO-
ACTIVE TO FEBRUARY 26, 1982

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of James Rowan, 23-6 Normandy
Village, Nanuet, New York as a Member of the Condominium Information
Board is hereby accepted, effective and retroactive to February 26,
1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (393-1982)

ACCEPTING RESIGNATION (BY
RETIREMENT) OF MARGARET
MILONE EFFECTIVE MAY 1, 1982

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of Margaret
Milone, 6 Deerfield Drive, New City, New York - Clerk - Assessor's
Office - is hereby accepted, effective May 1, 1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (394-1982)

RE-APPOINTING TO THE POSITION
OF MEMBER - INDUSTRIAL DEVEL-
OPMENT COMMITTEE TO SERVE
WITHOUT COMPENSATION - EFFEC-
TIVE APRIL 15, 1982 THE
FOLLOWING: DENNIS L. COYLE,
FREDERICK J. HENSEY, ROBERT
JACARUSO, ALAN YASSKY

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby re-appointed to the
position of Member - Industrial Development Committee - to serve
without compensation - effective April 15, 1982 - with a term to

RESOLUTION NO. (394-1982) Continued

expire on April 15, 1985:

Dennis L. Coyle
1 Sherwood Drive
Congers, NY

Robert Jacaruso
317 South Middletown Road
Nanuet, New York

Frederick J. Hensey
19 North Harrison Avenue
Congers, NY

Alan Yassky
679 Rollingwood Way
Valley Cottage, New York

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (395-1982)

APPOINTING ALEXANDER BAREISS,
SPECIAL STUDIES INTERN,
PURCHASING DEPT. TO SERVE
WITHOUT COMPENSATION -
EFFECTIVE AND RETROACTIVE TO
MARCH 26, 1982

Co. Maloney offered the following resolution:

RESOLVED, that Alexander Bareiss, 17 Prides Crossing,
New City, New York, is hereby appointed to serve in a training
program as a Special Studies Intern - Purchasing Department - to
serve without compensation - effective and retroactive to March 26,
1982.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (396-1982)

RE-APPOINTING MARYJANE
DINEEN TO THE POSITION OF
MEMBER - CONSUMER AFFAIRS
COMMISSION - TO SERVE WITHOUT
COMPENSATION - EFFECTIVE AND
RETROACTIVE TO APRIL 4, 1982
TO EXPIRE ON APRIL 4, 1985

Co. Maloney offered the following resolution:

RESOLVED, that Maryjane Dineen, 36 Carolina Drive, New
City, New York is hereby re-appointed to the position of Member -
Consumer Affairs Commission - to serve without compensation -
effective and retroactive to April 4, 1982 - with a term to expire
on April 4, 1985.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (397-1982)

RE-APPOINTING DR. HAROLD
GLUCK TO CONSULTING
CRIMINOLOGIST TO THE TOWN
OF CLARKSTOWN FOR TWO YEARS
RETROACTIVE TO APRIL 1, 1982
TO MARCH 31, 1984 AT THE
YEARLY FEE OF ONE DOLLAR

Co. Maloney offered the following resolution:

WHEREAS, the Board of Police Commissioners and Police Chief
Schnakenberg of the Town of Clarkstown have recommended Dr. Harold
Gluck to be reappointed as consulting criminologist to the Town of

RESOLUTION NO. (397-1982) Continued

Clarkstown,

NOW THEREFORE, BE IT

RESOLVED, that Dr. Harold Gluck is hereby reappointed consulting criminologist to the Town of Clarkstown for a period of two years retroactive to April 1, 1982 to March 31, 1984, at the yearly fee of One Dollar (1.00).

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (398-1982)

MEMORIALIZING STATE LEGISLATURE TO INCREASE LIMITS ON EXPENDITURES FOR NECESSARY HIGHWAY EQUIPMENT

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown appreciates the actions of the State Legislature for its 1981 amendment to Section 271 of the Highway Law of the State of New York which raised the spending limits for the purchase of necessary highway equipment from \$60,000 to \$200,000 per year and

WHEREAS, large suburban Towns such as the Town of Clarkstown must expend monies in excess of this present state mandated limit in order to maintain a Highway Department with the necessary equipment and

WHEREAS, our local legislators, Assemblyman Thomas P. Morahan and State Senator Linda Winikow were unsuccessful in their attempts to raise the limits to \$400,000 in 1981 and

WHEREAS, the Town of Clarkstown has determined it needs in excess of \$500,000 of Highway equipment annually,

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby humbly requests the State Legislature and the Governor to amend Section 271 of the Highway Law as it pertains to the Town of Clarkstown to increase the limits on expenditures for necessary Highway equipment from the current \$200,000 to \$500,000 a year or to an increased figure that the Legislature deems appropriate.

Seconded by Co. Holbrook

All voted Aye.

Supervisor Dusanenko explained that the previous resolution passed by the Town Board was not a proper resolution for Home Rule. This resolution hopefully will be acceptable by the State Legislature.

* * * * *

At this point, Supervisor Dusanenko opened the hearing on Appeal for Sign Permit re Boutique U.S.A.

Town Attorney, John Costa explained that this was an appeal from a denial by the Architectural Review Board for a sign permit. The applicant is a Mr. Heilweil who under the Town Code

CONTINUED ON NEXT PAGE

Appeal to Town Board Re: Sign for Boutiques, U.S.A. Continued

is permitted to appeal that denial. Sign permit appeal procedures were adopted at a recent Town Board meeting and at that meeting this appeal was set for a hearing.

Town Attorney said that Mr. Heilweil was in attendance at this meeting tonight and so is Mr. Amster, who is Chairman of the Architectural Review Board.

In response to a question from Supervisor Dusanenko, Town Attorney stated that the Board may limit each person speaking to a period of fifteen minutes. During the presentation, the members of the Town Board may question the persons presenting both sides of the appeal.

Supervisor Dusanenko noted that this appeal procedure was starting at 8:45 P.M. and therefore would end at 9:15 P.M. pursuant to the rules governing such procedures.

Appearance: Mr. Milton Heilweil
307 South Main Street
New City, New York 10956

Mr. Heilweil stated that in September of 1981, he appeared before the Architectural Review Board regarding his sign and he was denied without reason. In November of 1981, he appealed and was again denied. He felt he needed a sign placed directly on the building because of the loss of business due to the fact that people did not recognize that this was a business despite the lawn sign. He said he had spent thousands of dollars in advertising and had not been successful. He believed that he had lost this business because it had not been recognized as a commercial establishment but had been looked upon as a residence. He felt that the denial by the Architectural Review Board was arbitrary.

Supervisor Dusanenko said it was located between Higgins Funeral Parlor and Bassett Flower Shop and was set back from the road. The man had inquired before purchasing if a sign would be permitted. He then asked Mr. Heilweil if he had a copy of the sign which he wanted to erect. Mr. Heilweil showed the Town Board a copy of the sign which he wished to put on the right side of the building.

Councilman Holbrook inquired whether any sign had been approved and Mr. Heilweil said that the sign presently on the lawn had been approved.

Councilman Carey stated that "Knitting Pretty" which is located upstairs in the building had a sign on the side of the building and Mr. Heilweil said that there had been a sign on the side of the building when he purchased it - a wooden sign which identified the law firm which had previously owned the building.

Mr. Arnold Amster, Chairman
Architectural Review Board

Mr. Amster stated that the Architectural Review Board did not deny the sign but their suggestion was to review the sign with Mr. Heilweil personally and to work any changes into the existing sign. Regarding the sign that Mr. Heilweil had submitted to the Architectural Review Board, they were against the words "Open to the Public" on the sign. He further stated that the building was a very nice building and rather than putting a sign on the building he thought it would make more sense to have a more

Appeal to Town Board Re: Sign for Boutiques, U.S.A. Continued

effective lawn sign.

Supervisor Dusanenko read a report from the Architectural Review Board:

"Under the provisions of 4-1 of the Town Code of the Town of Clarkstown your application for (Sign) permit is hereby (Disapproved) for the following reasons.

Board suggested remove open to public, also remove open on door. Would like a pylon sign, rather than put a sign on building wall.

The Board finds that the proposed (Building) (Sign) for which application has been made (would) (would not) if erected or altered be so detrimental to the desirability, property values or development of the surrounding areas as to provoke one or more of the harmful effects set forth in 4-1 of the code."

Mr. Amster said that they had not denied the sign but just that part of the sign where it said "Open to the Public." He said they had suggested that Mr. Heilweil work with a contractor to rework the existing sign into a directory sign. He also mentioned that a sign was not meant to advertise but merely locate.

Supervisor Dusanenko stated that where there is a problem we should try for a solution. He could see Mr. Heilweil's point of wanting it to say "Open to the Public" because this would assist in keeping burglars away and invite the public in.

Mr. Amster said that they felt that the sign in front of the building could be effective if reworked. The purpose of the Architectural Review Board was service - that is to best serve the people of the Town. He believed that the words "Open to the Public" should be removed.

Councilman Maloney said that you would not then preclude a sign on the building?

Mr. Amster said a business is open to the public. Why shouldn't we allow every business on Main Street (which is not Route 59 or Route 304) to erect such a sign. It is the area in which the sign is to be placed that we should consider. Mr. Amster said they had given Mr. Heilweil several alternatives - one of which was that he could place the sign in the window where he already has a sign. Mr. Heilweil did come before the Board and contacted Councilman Holbrook. We asked that he rework the existing sign and come before the Board for approval again.

Supervisor Dusanenko asked how many other residences which look like Mr. Heilweil's are actually businesses in Clarkstown?

Councilman Holbrook said they had tried to work out a compromise but had been unsuccessful. He felt that Dr. Amster's suggestions were good ones and that they were trying to preserve the look of the building on Main Street. He said the house has merit as a structure and should not be defaced in this manner.

RESOLUTION NO. (399-1982)

UPHOLDING DECISION OF
ARCHITECTURAL REVIEW
BOARD (RE: BOUTIQUES U.S.A.)

Co. Holbrook offered the following resolution:

Appeal to Town Board re: Sign for Boutiques, U.S.A. Continued

RESOLVED, that the decision of the Architectural Review Board regarding the matter of Boutiques, U.S.A. be upheld.

Seconded by Co. Carey

Supervisor Dusanenko stated that there was 100% cooperation in support of programs to bring ratables into the Town of Clarkstown. He mentioned the Journal News moving to West Nyack - St. Regis with over 400 jobs moving to West Nyack, Seiki Corporation moving to Congers, Lazzarone moving to Congers, Freihofer Bakery in Nanuet and Deer Park Water Company on Route 303. He stated that while there are many large companies in America they employ less than one half of the working force in America. It is businesses such as Mr. Heilweil's and Deer Park Water and other small retail businesses which employ most of the people throughout Clarkstown and America. He questioned the length of time involved in a business trying to obtain a sign in the Town of Clarkstown. He felt that the delay involved would force businesses to seek out other locations or if they are losing money because they cannot advertise they are forced to raise their prices. He wanted to reject the Architectural Board's decision. He wanted to know why it had been converted from residential to business purposes if esthetics were involved? Why had the Zoning Board of Appeals granted this variance? He felt the man should be given a lifeline to bring business to his store and to the Town.

Councilman Carey stated that the Zoning Board of Appeals had nothing to do with granting a change from residential to business for this particular location. He said this proposal should have gone before Dr. Amster, which it did. If the Zoning Board of Appeals was left alone and this Board did not try to absorb or abolish the whole Town on things they didn't like then this whole situation would probably not be where it is tonight.

Supervisor Dusanenko said that he stood corrected. If it was not the Zoning Board of Appeals then it was the Planning Board which he also raised questions with from time to time.

Councilman Carey said he should not make statements without having the facts.

Supervisor Dusanenko said he wanted to assist the small businessman and he would reject this resolution.

Councilman Maloney said he was concerned about the esthetics but the Architectural Review Board did say they would allow the sign on the building without changing the length and width but just eliminating the words "Open to the Public." He would reject this resolution.

Supervisor Dusanenko said this Town has 77,000 persons and the political enrollment of the Democratic Party is 7,000 more than my political affiliation. I have been elected and re-elected by a majority of the voters of the Town of Clarkstown to do the best job not for Democrats, not for Republicans, not for friends of, nor for enemies of but for any citizen who is in this Town regardless of their political affiliation. I would hope and pray that this Town Board will take actions on all questions on their merit not because in the hall at some of these meetings - and I have no disrespect for Dr. Amster - but in discussions outside these meetings, businessmen from time to time are harassed by members and their friends of boards and commissions of this Town and it has been said that certain people in this Town will not receive signs because they have personally made contributions

CONTINUED ON NEXT PAGE

Appeal to Town Board re: Sign for Boutiques, U.S.A. Continued

to the Citizens for Dusanenko for his continued re-election to serve the people of the Town of Clarkstown. The merits of the question of a sign applicant should be denied because they had the audacity to continue the political serving of a supervisor. A merchant cannot make that statement in public. I can because I fear no one and I'll fight for one little businessman or one little citizen and I say this is a sham, gentlemen and vote "No" and I thank Mr. Maloney for not being political for the benefit of the business community of this Town.

Town Attorney John Costa said that the procedure requires that any action by the Town Board be by a majority vote. In view of the vote there is no majority and I would recommend that it be tabled until the whole board is in attendance and Mr. Lettre may be able to consider the matter from the record. The Board has the following options available to it. It may direct the issuance of the sign permit; deny the appeal in its entirety or remand the matter to the Architectural Review Board for further consideration on matters as specified by the Town Board. The motion that was put forth by Mr. Holbrook for a denial of the appeal and affirmance of the Architectural Review Board's decision has failed.

The roll call vote was as follows:

Supervisor Dusanenkow No
Councilman Cary Yes
Councilman Holbrook..... Yes
Councilman Maloney..... No

Supervisor Dusanenko requested a speedy completion of this portion of the transcript so that Councilman Lettre will have ample time upon his return from vacation with his family so that copies of the minutes will be given, not only to Councilman Lettre but to members of the Town Board, hopefully at our Workshop on April 22nd and they will be able to reschedule for April 27th to either affirm, deny or resubmit this application so that Boutiques, U.S.A. will not be deadlocked any further.

* * * * *

RESOLUTION NO. (400-1982)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: ESQUIRE VILLAGE TIME: 9:15 P.M.

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Esquire Village, time: 9:15 P.M.

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (401-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: ESQUIRE VILLAGE

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Esquire Village be closed.

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (402-1982)

RESERVING DECISION IN THE
MATTER OF ZONE CHANGE FOR
ESQUIRE VILLAGE

Co. Holbrook offered the following resolution:

RESOLVED, that decision be reserved in the matter of
zone change for Esquire Village.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (403-1982)

OPENING PUBLIC HEARING RE
AMENDING OFFICIAL MAP RE
ROADS IN VALLEY COTTAGE
TIME: 10:30 P.M.

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amending
Official Map, re: roads in Valley Cottage be opened, time:
10:30 P.M.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (404-1982)

CLOSING SCHEDULED PUBLIC
HEARING RE: AMENDING OFFI-
CIAL MAP: RE ROADS IN
VALLEY COTTAGE: 11:45 P.M.

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amending
Official Map: roads in Valley Cottage be closed: 11:45 P.M.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (405-1982)

RESCHEDULING PUBLIC HEARING
TO APRIL 27, 1982 AT 8:30
P.M. AND PUBLIC HEARING
NOTICE TO BE REPUBLISHED

Co. Maloney offered the following resolution:

RESOLVED, that due to error in Public Notice, Public
Hearing re: Amending Official Map regarding roads in Valley
Cottage is hereby rescheduled for April 27, 1982 at 8:30 P.M.
and said Public Hearing Notice is to be republished.

Seconded by Co. Carey

All voted Aye.

* * * * *

The following comments were made referring back to resolution
343(b) cul-de-sac maintenance and (c) cul-de-sac improvements
that were pulled from the Agenda:

Supervisor Dusanenko said in regard to youngsters main-
taining the cul-de-sacs, the maintenance has been a dismal failure

COMMENTS ON MAINTENANCE ON CUL-DE-SACS RESOLUTION NO. 343 (c) and (d) - Continued

and perhaps the Board may decide to go to a private contractor for the maintenance. The Supervisor further stated that he would be willing to have funds transferred to the Highway account for the summer employment of twelve youngsters to work on the Dumpsters for the annual pickup. Supervisor urged implementation of these bids in order to be prepared for the weeding of the cul-de-sacs.

Les Bollman stated that the Board would have to act tonight in order to have the program ready by May.

Supervisor said that the maintenance takes months before bid procedures are completed.

Co. Holbrook said he would still like to look into the hiring of summer youths for the summer project.

Co. Maloney requested that this item be brought up at the next workshop because he would like to examine this properly with input by Highway Superintendent Fred Seeger.

Supervisor Dusananko said he was prepared to move both items but would concede to the wishes of the members of the Town Board to bring it up at workshop. However, he wished it noted that if this program were delayed and the project did not get started until June or July then the Town Board members that were present would be responsible for the delay.

* * * * *

The following comments were made referring back to Resolution 26 on the Town Agenda that was pulled:

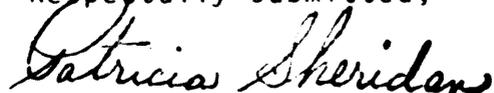
Co. Holbrook wanted this resolution pulled and discussed at workshop.

John Costa, Town Attorney said there were papers returnable prior to this meeting in regard to this action and Deputy Town Attorney Phil Fogel had submitted the necessary papers.

Supervisor Dusanenko and the members of the Town Board gave their approval for any actions deemed necessary for the Town Attorney on behalf of the Town.

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 Supervisor Dusanenko and unanimously adopted, time: 11:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/13/82

9:15 P.M.

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

RE: PETITION FOR CHANGE OF ZONE, PO TO R-15, ESQUIRE VILLAGE, NEW CITY

On motion of Councilman Maloney, seconded by Councilman Carey 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 spoke regarding the 265 Town Law which required that in this instance a vote of a "majority plus one" would be required.

Town Attorney read the following correspondence:

(Letterhead of Rockland County Planning Board)

"April 1, 1982

Agency

Clarkstown Town Hall
Town Hall
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)___239(l&m) XX 239(n)___

Map Dated: _____

Item:

Change of zone: PO to R-15, North and south side of Elinor Place
New City (C-995)

The Rockland County Planning Board reviewed the above item at its meeting of March 30, 1982, and

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

REASONS: The Board found that all changes of zone in and around the New City business district should be undertaken in a comprehensive manner and not on an isolated block by block basis as in the case of this proposal. A comprehensive, hamlet-wide rezoning would make it easier to assess the effects on State and County roads located in the hamlet.

cc: Town Attorney
Mr. Lombardi, Chrm., RCPB

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."

(Letterhead of Clarkstown Town Planning Board)

"February 3, 1982

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

PO PORTION OF LAND TO S. SIDE ELINOR PLACE,
 ABUTTING PROPOSED SD ESQUIRE VILLAGE, AND
 PO LAND ON NORTH SIDE OF ELINOR PLACE

Gentlemen:

As part of the on-going planning process of making changes to allow for conformity with the Master Plan, the Planning Board unanimously adopted the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD:

WHEREAS the Planning Board, after extensive study and review, on October 14, 1981 adopted the 1981 Master Plan Update, and

WHEREAS the Planning Board in its on-going review of the proposed Esquire Village subdivision now has an opportunity to provide for consistency with their adopted Master Plan, and

WHEREAS after re-examination by the Planning Consultant, who recommended that a change be made of this parcel and four residential properties to the north, and

WHEREAS Planning Board concurs with such recommendation that the designation be changed,

NOW THEREFORE BE IT RESOLVED THAT PARCEL I OF THE PROPOSED ESQUIRE VILLAGE SD AND PARCELS 57D21.01, 57D21.02, 57D21.03, and 57D21.04 BE CHANGED TO REFLECT THE UPDATED MASTER PLAN LAND USE FROM PROFESSIONAL OFFICE TO RESIDENTIAL USE, SUCH AMENDMENT TO BE INCORPORATED ON THE ZONING MAP OF THE TOWN OF CLARKSTOWN.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,
 Chairman

cc: Town Attorney
 Town Clerk"

Supervisor Dusanenko read the following letter from
 Raymond, Parish, Pine & Weiner, Inc.

(Letterhead of Raymond, Parish, Pine & Weiner)

"January 20, 1982

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Memo to: Clarkstown Planning Board
From: Robert Geneslaw
Subject: Zone Change, Elinor Place, New York

During the December meeting at which the Planning Board discussed Esquire Village, we noted that the Planning Board Master Plan proposed a portion of Esquire Village to be residential (the portion now zoned Professional Office). The plan also changed from the Professional Office designation to a residential designation four existing homes on the north side of Elinor Place.

We have indicated that we would examine the balance of the PO district extending further north.

We have completed that examination and recommend that a change made at this time be limited to the four residential properties. 57D21.01, 21.02, 21.03, 21.04; and the PO portion of Esquire Village. To make such a change at this time would help to protect the residents along Elinor Place.

/s/ RG

(Letterhead of Clarkstown Planning Board)

"REQUEST FOR REPORT AND RECOMMENDATIONS

ECG	REC	RCHWY	PIPC	<u>Other Consultants</u>
BI	TRF	RC DRG	O & R	
SCS	STC	RC HLTH	NY TEL	
BAR	RCPB	NYS DT	RPP&W	

Gentlemen:

Sent 3/1/82

We would appreciate your examining the enclosures as below, as soon as possible. It will be very helpful if you make your recommendations in brief form as numbered Resolution items. So that all information can be processed regularly and Members given ample time for study before meeting, please arrange for reply by 3/15/82

SUBJECT: SL 56B2.04 ESQUIRE VILLAGE OFFICE COMPLEX, NEW CITY

ENCLOSURES PUBLIC HEARING AT PRELIMINARY
AND COMMENTS: Copy of Site Plan

DRAFT RESOLUTION ITEMS ON: SL56B2.04 ESQUIRE VILLAGE OFFICE COMPLEX, NEW CITY
(Requesting 25,800 sq.ft. office building on
2.94 acres PO land S. side Elinor Place).

RECOMMENDATIONS FROM: T & TFSAB - MEETING 3/8/82

We strongly recommend that no ingress or egress be provided from Esquire Rd. As Esquire Road is a residential street, we believe, for traffic and traffic safety, it should not carry or receive traffic from a commercial area.

Copy to the Town Board
(In response to Town Board Resolution dated 3/2/82 requesting recommendations from this Board.)lp

Continued on Next Page

Town Attorney stated that the Town Board members had called for this Public Hearing which differs from the usual procedure where a petitioner requests a hearing on a zone change.

Supervisor Dusanenko read the following letter:

(Letterhead of Town of Clarkstown - Edward J. Lettre, Councilman)

"April 5, 1982

TO BE READ INTO THE MINUTES OF THE TOWN BOARD
MEETING SCHEDULED FOR TUESDAY, APRIL 13, 1982

THE HONORABLE TOWN BOARD
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

RE: April 13, 1982 Public Hearing
PETITION FOR CHANGE OF ZONE,
PO to R-15, Esquire Village

Dear Sirs:

I regret that I cannot be in attendance, however, for the record I would like to state that I was against scheduling a Public Hearing for this zone change in the first place.

I am in complete agreement with the Rockland County Planning Board's reason for disapproval. The new majority voted for a moratorium on zone changes that would increase residential density because there was no Master Plan or Zoning Map adopted by the Town Board. However, it seems to me that they pick and choose which zone changes they would like to see in this Town, which is certainly not consistent with the moratorium.

I also asked that this Hearing be postponed until the next Town Board Meeting for two reasons. First, that it now falls on the Passover Holy Days, and the property owner happens to be of the Jewish faith. Secondly, I wanted to be part of the Public Hearing to express my views in person.

Sincerely

/s/ Edward J. Lettre(NAL)

Edward J. Lettre
Councilman
Deputy Supervisor

EJL:tab"

Councilman Carey made the following statement:

"Some people may be confused by what is happening here tonight. Ordinarily, the builder brings a petition for a zone change -- but tonight, this procedure is being reversed.

On behalf of the residents of this area, Mr. Holbrook, Mr. Maloney, and I, in conformity with the proposed Master Plan for this area have called this public hearing to change this P.O. Zone to an R-15 designation.

This change is not only acceptable to the residents of this area -- but highly desirable. The northwest corner of Elinor Place, presently the site of a gas station without curbing -- has unlimited

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access to Elinor Place. In the past, this property has been the target for a car wash application which would have added to the drainage and traffic problems. -- On the southwest corner, there is a piggy-back shopping center -- the side of which is one continuous unbroken driveway. The local residents have lived with terrible traffic conditions for several years. I, for one, do not wish to see these conditions worsened.

Property zoned P.O. in Clarkstown -- has often been thought of by both planners and builders as a holding zone. Even J.H.M. Homes' original application was for garden apartments -- which would have necessitated a change of zone. But, because of over-utilization of the property, the request was denied by the Planning Board -- and then, that petition was withdrawn.

This area will be developed and I believe that an R-15 Zone will have the least adverse impact on drainage, traffic and aesthetics on Elinor Place."

Councilman Holbrook said he wished to support what Councilman Carey said.

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

IN FAVOR:

Appearance: Mrs. Antonia Vilkelis
 8 Elinor Place
 New City, New York 10956

Mrs. Vilkelis said she believed that her property was Parcel #4. She stated that the developer had bought this property on December 20, 1980. Three weeks later he submitted a petition for change of zone to RG-2. He withdrew the RG-2 petition and changed it to RG-1. The Planning Board held a hearing on the Master Plan. We, as residents of Clarkstown, appeared before that Board and apprised them of our wishes - that the area be zoned R-15 to maintain the integrity of the neighborhood. The builders were at that meeting but did not speak and made no requests. Apparently Mr. Mann feels that there are two sets of rules, one for the developer and one for the homeowners. We live in a democratic society and this is why we have public hearings - so that the Town Board can have our input.

Supervisor Dusanenko asked Mrs. Vilkelis what the Planning Board's recommendation was for the property early in 1981 and Mrs. Vilkelis said RG-1.

In June, Mr. Mann submitted drawings to the Planning Board with no back-up. In August he filed the same petition for RG-1 with no site plan and the residents objected. Mr. Mann approached us and stated that a six story office building would be built. In fact he filed plans for this building with 172 parking spaces. She had a copy of the plan submitted. She mentioned there were no trees or shrubs and she also discussed traffic problems. She stated that the street is lower than the parking lot. Any water would go right into her driveway.

She stated that she had heard that Esquire Road should be closed because it is residential. What is Elinor Place? Mrs. Vilkelis stated that the developer lives in Queens and is interested in his own economics. He does not care about the residents. She mentioned the impact this would have on Main Street. What we want in this town are

Continued on Next Page

viable businesses. The developer has a lack of social responsibility. She stated that she has lived here for 13 years and loves the Town. It is not just the value of residences; these are our homes. Mr. Mann's investment is not more important than mine. PO would be a mistake. Houses were built there before the zoning was changed to PO. It is the function of the Town Board to protect the residents and be responsive to us. They should conform to the Master Plan and not be intimidated by law suits.

Appearance: Mr. James Johansen
72 Schriever Lane
New City, New York 10956

If this office complex is allowed to be built we have a parking lot which holds 172 cars, more than the Clarkstown Plaza which holds 125 cars. It is the only office complex in the Town of Clarkstown which will feed onto residential streets. There would be no way to handle this kind of traffic on Elinor Place. You only have to look at the Clarkstown Mall and the Clarkstown Plaza to see what happens on Friday nights and Saturday nights. The kids make a mess of these malls. How long do you think it would take them to find this perfect parking place. It will become a lover's lane and a beer drinking place. This can go on all night. The police do not have the capability of protecting the mall. There will be kids in there until 3 in the morning every morning. PO zoning would be a mistake. While the builder has a right to develop his property he should be required to conform to the new zone and the Town Board can upgrade and should have the courage to do so.

Appearance: Mr. John McElligott
10 Elinor Place
New City, New York 10956

Fear of law suits did not keep the Town Board from adopting a drug accessory law in Clarkstown. He said that Associates of Rockland had received a PED zone change. He read from Section 261 of the Town Law which delegates to Town Boards the responsibility to enact responsible zoning and building codes. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements.

Mr. McElligott then proceeded to read from Mr. Mann's petition of last February in which he requested residential zoning for the area - "A PO professional office classification having no frontage on a main traffic artery is not practical, could be economically unfeasible, would create traffic problems on residential streets as well as South Main Street during the entire working day and because of the possible height of a building in a PO zone would not be an adequate buffer between a CS and R-15 zone." I agree with that. We all do. The Planning Board agrees with it. Everything seems to fall into place. I don't see any problem at all tonight or in a couple of weeks, when you have a full complement, with changing the zone. After quoting from Tennyson's "Charge of the Light Brigade" he stated that PO zoning had no place in our neighborhood.

Appearance: Mr. Harvey Logan
2 Tilda Lane
New City, New York 10956

Mr. Logan said he had lived herefor two years and spoke regarding traffic, drainage, etc.

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Appearance: Mr. Daniel Moscato
8 Esquire Road
New City, New York 10956

He stated that the builder had bought this on speculation and never intended to build PO but wanted RG-2. They took a chance and they lost. Councilman Lettre mentioned in his letter the moratorium on zone changes. I think that is something worth discussing. We all know that the original intention of the moratorium was to control residential density as to the condominium and town house problems and to avoid the ripple effect within the town. I think what we would be doing here is adding a few more houses in an already residential area and doing away with a tremendous traffic problem and drainage problem that this town or neighborhood cannot handle. You have a change to correct something that has been a mistake for a very long period of time.

Appearance: Mr. James Hyland
6 Elinor Place
New City, New York 10956

My Hyland questioned what a 172 space parking lot would do to a residential road like Esquire Road or Elinor Place.

Appearance: Mrs. Judith Trust
1 Southerly Place
New City, New York 10956

As a resident and taxpayer of Clarkstown she stated she was in favor of the zone change.

Appearance: Mrs. Gloria Janelli
10 Cyr Court
New City, New York 10956

She stated that she had been a resident of Clarkstown for twenty years and had raised two children here. She has been quite active in the community. I have seen this area grow from a rural to a suburban area and wish to see it go no further. Allowing PO zoning would destroy this area. She said that Mr. Mann plans to build an office building in an area surrounded by residences when right across the street there is a piece of property (7 acres) that has been up for sale which would be more conducive to this type of facility. At the corner of Elinor Place, children of all ages must stand and wait to be transported to their various schools. They start from 6:50 A.M. until 9:00 A.M. and come back home to be dropped off there from 2:15 P.M. until 3:45 P.M. She hoped that the safety of the children would not be put aside for the interests of a New York City builder.

Appearance: Mrs. Madeline Cavegn
New City, New York 10956

Mrs. Cavegn stated that she was in full agreement with whatever the previous speakers have had to say. She was concerned for the safety of the children and wanted the Town Board to avoid making any more zoning mistakes in Clarkstown.

Appearance: Mr. Sid Kreven
14 Elinor Place
New City, New York 10956

He stated he was in favor of the change to an R-15. He said he had been born in the Town of Clarkstown and had seen a great many changes. We have an obligation to people who want to move into this area. We have to put a stop to the proliferation of this type of construction and this type of increase in traffic, problems with water and the general result of increased construction.

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

IN OPPOSITION:

Appearance: JHM Homes, Inc.
Represented by Howard Mann, Esq.
of the law firm of Baskin & Sears

Mr. Mann directed a question to Mr. Costa. An exhibit was presented to the Town Board - a site plan map - which was presented by Mrs. Vilkelis and I would like to know if I could see that map. Town Attorney had no objection. He wanted the record to reflect that this is a map which is dated as having been received by the Department of Planning and Development at 10 Maple Avenue, New City, New York on March 1, 1982 which is apparently a public document and he did not know how it would up in private hands.

He stated that his client opposes the redistricting of property in the hamlet of New City designated on the Clarkstown Tax Map as Map No. 56, Block B, Lot 2.04 from a PO Zone to an R-15 Zone. The power to regulate zoning is an important one granted to you by the entire community. On January 26, 1982 you adopted by resolution a moratorium which reinstated this obligation. In that resolution you acknowledge, among other things, the following facts: (1) that there has been too much unplanned residential development in Clarkstown; (2) that the Town is not prepared for such development; (3) that possible changes of use must be analyzed in light of their impact upon the Town as a whole. Your responses to the above are directly in line with your duty in protecting the general welfare of the community. May I quote just two sentences from your resolution: "RESOLVED, that the Town Board will approve no petition for changes in zoning that would create new residential capacity until the following planning process is complete: 1. The Town Board, using the Planning Board's Master Plan as a basis, undertakes a comprehensive review of land use and zoning in the Town."

Gentlemen, I say to you that the proposed change of zoning must be defeated. Your proposal on the table is directly contrary to the best interests of the landowners affected and general welfare of the community. This is an isolated plan which will cause severe problems in the Town's future comprehensive zoning plan. JHM Homes owns only a parcel of the property which is within the PO zone. It does not own all of the property within the PO zone. At the March 30, 1982 meeting of the Planning Board of Rockland County this plan was reviewed and rejected. The Planning Board stated "that all changes of zone in and around the New City business district should be undertaken in a comprehensive manner and not on an isolated block by block basis" as in the case of this proposal. As evidence that this proposal was not part of a comprehensive plan I submit to you that there were no meetings at which all property owners affected were consulted or were invited or asked for suggestions. No consultants were brought in to consult with regard to any sort of a comprehensive plan for the welfare of the Town or the community. There have been no comprehensive revisions of the zoning map or the official map or the zoning ordinance which are adopted by the Town Board. He submitted a small map which showed the property affected by the proposed zone change. He felt the proposal did not promote the general welfare of the community. He mentioned residences that are within a PO zone now. This area has been a PO zone for at least ten years. He referred to a recent Court of Appeals case Town of Bedford vs. Mount Kisco, 33 NY.2d 190 which was decided on November 21, 1973. The court stated that zoning changes must be compatible with total planning strategy and it is mandated that there be comprehensiveness of planning. He said the proposal before this board is not one of comprehensive planning. It does not even allow you to

consider the entire P0 Zone parcel. In conclusion he wanted the Board to vote against the proposal because it was arbitrary, not part of a comprehensive plan, is not in the interest of the general welfare of the community, is opposed by the County Planning Board, it is directly contrary to your own expressed will and the resolution before you is possibly unconstitutional.

He then submitted an additional 265 petition against the proposed zone change.

Appearance: Mr. Joseph Quinlan
Hall Avenue
New City, New York 10956

Mr. Quinlan asked if anyone had checked the quotes of the attorney for JHM Homes. Is he taking them out of context?

Appearance: Mr. Marvin Trager
New City, New York 10956

Mr. Trager questioned if the land next to his property is to be developed. It was not supposed to be developed and is to be retained on an environmental retention basis.

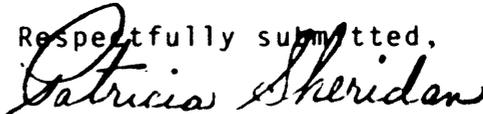
Appearance: Mr. Eugene Gannon
3 Cedarcraft Lane
New City, New York 10956

Mr. Gannon requested a copy of the map which had been shown at the public hearing and was given one.

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

(Note: there was a resolution presented at this point RESERVING DECISION which was offered by Councilman Holbrook, seconded by Councilman Carey and unanimously adopted.)

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/13/82

10:30 P.M.

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

RE: AMENDING OFFICIAL MAP RE: ROADS IN VALLEY COTTAGE

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

Town Attorney read correspondence:

(Letterhead of Clarkstown Planning Board)

"March 18, 1982

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

Gentlemen: TOWN BOARD REFERRAL: PROPOSED AMENDMENT TO OFFICIAL MAP TO PROVIDE FOR CONNECTIONS AMONG RIDGE ROAD, LAKE ROAD, VIRGINIA STREET, SEDGE ROAD, MACE DRIVE AND PENNSYLVANIA AVENUE IN VALLEY COTTAGE.

In response to the proposed amendment to the Official Map, at the Planning Board meeting of March 10, 1982... motion of Yacyshyn, second of Cunningham, carried 6:0 with Ayes of Smith, Nowicki, Howell and Paris, approving the following...

WHEREAS the Planning Board has completed its review of the Master Plan Update - 1981 and has adopted the Master Plan Update October 14, 1982, and

WHEREAS said Master Plan Update indicated several road extensions which are part of the circulation and transportation review of the Master Plan Update and,

WHEREAS the Town Board has referred Resolution No. 151-1982 for recommendation for Official Map amendments, and,

WHEREAS the Planning Board re-reviewed its proposals in light of existing conditions,

NOW THEREFORE BE IT RESOLVED that the Planning Board respectfully makes the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD.

The Planning Board strongly urges that the Official Map of the Town of Clarkstown be amended to include the following road extensions or connections in order of priority from a planning point of view.

PRIORITY I: most essential and strongly recommend:
the proposed extension of Ridge Road to Lake Road;
extension of Sedge Road to Lake Road to Ridge Road;
extension of Virginia to Ridge, such to be as much
as possible on the parcels 124A1.01 and 124A2.

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PRIORITY II: less critical due to extenuating circumstances, i.e. topography and areas subject to NYSDEC wetlands determination: extension of Pennsylvania southerly to meet up with Virginia to Ridge; and extension of Mace to Ridge or to Sedge.

PRIORITY III: if the Town Board determines that the alternate proposal as submitted by the Association for Sensible Zoning should be considered and wishes the PB to further examine the possibility for the bypass road proposed to cut through the Town parklands, Twin Ponds, PB will study the feasibility for such road upon Town Board request.

Very truly yours,

/s/ Richard J. Paris,
Chairman

RJP:lw cc: Town Clerk
Town Attorney"

Supervisor Dusanenko read a petition which had been filed with his office:

"March 30, 1982

Mr. Theodore Dusenenko
Town Supervisor
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Re: TOWN BOARD REFERRAL: Proposed Amendment to Official Map to Provide for Connections Among Ridge Road, Lake Road, Virginia Street, Sedge Road, Mace Drive and Pennsylvania Avenue in Valley Cottage

Dear Mr. Dusenenko:

On March 18, 1982 the Planning Board outlined their recommendations to the Town Board regarding above subject matter and ordered their priorities from a planning point of view as follows:

Priority I - Most essential and strongly recommend:
The proposed extension of Ridge Road to Lake Road;
extension of Sedge Road to Lake Road to Ridge Road;
extension of Virginia Street to Ridge Road, such to be as much as possible on parcels 124A2 and 124A1.01.

Priority II - Less critical due to extenuating circumstances, i.e., topography and areas subject to NYSDEC wetlands determination; extension of Pennsylvania southerly to meet up with Virginia to Ridge; and extension of Mace to Ridge or to Sedge.

Priority III - If the Town Board determines that the alternate proposal as submitted by The Association for Sensible Zoning should be considered and wishes the PB to further examine the possibility for the bypass road proposed to cut through the Town park lands, Twin Ponds Park, PB will study the feasibility for such road, upon TB request.

Further to the above recommendations, we, Mace Drive residents, draw your attention to Planning Board Consultant, Mr. Bob Geneslaw's opinions on the extension of Mace:

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"Believe Mace will be surely affected by the wetlands; exhibited large scale topographic map which was fairly representative of the wetlands boundary area as one sees it in the field, does not represent NYSDEC designation."

Mr. Geneslaw further states:

"That there are 12 homes on Mace; could depend on how property is to be developed; do not see it as critical to extend Mace, if Sedge can come through; can make Mace a cul-de-sac, to provide adequate turnaround."

Again, further to Mr. Geneslaw's opinion, we ask the Town Board to draw their attention to the regulation of the Planning Board regarding subdivision:

<u>Length of Cul-De-Sac</u>	<u>1 Acre</u>	<u>1/2 & 1/3 Acre</u>	<u>Industrial Commercial</u>
Permanent	6 X min. lot width	serving no more than 15 families	500 feet
Temporary	12 X 12 min. lot width	serving no more than 30 families	1000 feet

In closing, we wish to ask the Town Board to consider making Mace Drive a permanent dead-end or cul-de-sac for the following reasons:

- A. As per Mr. Geneslaw's recommendation that the extension of Mace could create extensive problems due to the existing wetland area.
- B. As per regulation of the Planning Board regarding subdivision as stated above substantiating Mr. Geneslaw's opinion.
- C. As per the Official Map, you will see that where Mace ends is not parallel to where Sedge ends, therefore, the Planning Board Priority II to connect Mace to Sedge would not be economically practical and may mean going through the wetlands.

We thank the Honorable Town Board for their kind attention to this matter and looking forward to their fullest cooperation, we remain,

Respectfully yours,

HOUSE NO.	Name	Signature
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(Here were inserted Names and addresses and signatures of the 12 homeowners on Mace Drive.)

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

IN FAVOR:

Appearance:	Mr. Robert Coyne 257 Cottage Road Valley Cottage, New York 10989
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Mr. Coyne distributed fact sheets to the Supervisor and members of the Town Board from which he and fellow residents read pertinent information as follows:

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"While considering the facts pertaining to this issue, I feel it would be helpfull for you to have a clear understanding of the area's history. Approximately 25 yrs. ago, Cottage Rd. was designed and built as a dead end along with Valley Rd. Cottage Rd. is extremely narrow and has no curbs or sidewalks. It is obvious that the street was intended to be nothing more than a typical little residential side street to serve only those homes built on it.

Approximately 10 yrs. ago, the Twin Ponds area was developed. This development contains roads designed and partially built to serve as it's access. These roads are of an appropriate width with high curbs and recessed sidewalks. On file in the Planning office is a 10 yr. old map showing, for example, Sedge Rd. connecting to Lake Rd. through the Joy Acres property.

The situation to date is backwards. Cottage Rd. is serving as the access to the Tiwn Ponds area, while the intended access roads are serving as dead ends! The result of this ludicrous mistake has created a series of obvious hazards to all of the residents of the Twin Ponds area. Primarily, in the form of an overburdenning of Cottage Rd. with an amount and type of traffic it cannot safely handle, as well as a totally inadequate ability of emergency services to function properly in the area.

It may also be helpfull for you to know that our effort to seek help with this problem has been continually persued for approximately six years. During this period there have been countless letters written, phone calls made, three petitions created, and, in addition to numerous community meetings, we have attended seventeen meetings with various town agencies including this board. The Traffic and Fire Safety Advisory Board, the Board of Fire Commissioners, the Police Commission, the Highway Department and the Planning Board have all expressed to us their support for what has been termed the "Priority I" amendment. Also noteworthy is the fact that the Planning Board's vote was unanimous and consistent with the recommendation it received from it's professional consultants.

It is our request that you help alleviate this serious safety problem by amending the Official Map of the Town of Clarkstown in accordance with the Planning Board's "Priority I" recommendation which they have termed "most essential". "

Appearance: Mr. Tom Bassnight
254 Cottage Road
Valley Cottage, New York

Mr. Bassnight read the following:

The issue before you is one of safety! It is our opinion that an issue of safety must be decided upon based solely on the facts, rather than public opinion. However, should the will of the majority have a significant impact on your decision tonight, it becomes vital for you to clearly understand just who the majority is.

The roads in question have a direct affect only on the residents of the immediate area. These roads do not affect the people of Valley Cottage as a whole. For example, the completion of Sedge Rd. has no impact on the lives of the residents of Kings Highway. As opposed to a matter of zoning, which this issue is not, these roads will have no impact on any aspect of the quality of life for the residents of Valley Cottage as a whole. Therefore, we submit that this board cannot allow itself to conclude that the people of Valley Cottage, represented by any group, are opposed to or in favor of any part of this proposed amendment.

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"We feel that it should be clear to the members of this board that, realistically, those residents who have a real stake in this issue are the individual residents of the Twin Ponds area. There has been no association of any kind created by the people of the Twin Ponds area to represent the unified will of those people in terms of it's roadways. There is, however, a responsible petition that was confined, door to door, to the immediately affected area. This petition, in support of what is essentially the Planning Board's "Priority I" recommendation, represents the overwhelming majority of the people directly affected. A copy of this petition was presented to this board at it's November 19, 1981 workshop meeting.

It is our sincere hope that you see clearly where the majority stands on this issue. Opposed to "Priority I" are individual residents who do not want any traffic on their street, in spite of the fact that it was openly and obviously designed and intended to serve as access, prior to the sale of the first of it's homes. In favor of "Priority I" is the clear and overwhelming majority of the affected residents as illustrated by the petition that you have on file.

Appearance: Mrs. Susan Sharkey
264 Cottage Road
Valley Cottage, New York 10989

One of the serious problems resulting from the current inadequate access to the Twin Ponds is improper traffic flow. As I'm sure you're already aware, Cottage Rd. is excessively overburdened with an amount and type of traffic far greater than that for which it was designed to handle safely. In addition to the hazards this creates for the residents of Cottage Rd., it is dangerous as well as extremely inconvenient for the motorists who are forced to rely on it. Better access to the Twin Ponds to reduce this traffic hazard is mandatory. This improvement is contained within the "Priority I" amendment to the Town Map.

Because the flow of traffic from the area is southerly to all major employment, shopping and entertainment, Sedge Rd. is likely to be used more than the other proposed roads. However, none of the proposed roads will, singularly or collectively, ever get as much traffic as Cottage Rd. now bears! Since Cottage Rd. was not designed to safely handle any of this traffic, but yet it will continue to get some of it, short of returning Cottage Rd. to its original dead end nature, nothing can be done that can make the traffic totally equitable to Cottage Rd. and unequitable to any of the other roads involved. However, the "Priority I" recommendation from the Planning Board will certainly be of great help in bringing some desperately needed relief to the traffic problems of the area.

There has been a concern expressed that a backflow of traffic up Sedge Rd. north to Massachusetts Ave. will overburden Sedge Rd. If you are familiar with the area, I'm sure you realize that there is nothing in that direction to attract any measureable, consistent flow of traffic. The future residents of Joy Acres, regardless of how many of them there may be, and regardless of what kind of units they may ultimately inhabit, will have no regular reason for travelling north to that residential part of Valley Cottage and Congers. Therefore, the amount of backflow of traffic up Sedge Rd. generated by whatever the ultimate nature of the development of Joy Acres should become will be negligible if not non-existent!

The Planning Board's "Priority I" recommendation is not a cure-all, but it will provide the greatest degree of help in bringing some desperately needed relief to the area."

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Appearance: Mr. Paul Vesio
253 Cottage Road
Valley Cottage, New York 10989

After checking with the engineering department of the Spring Valley Water Company, it was substantiated that the present water main on Sedge Rd. is a dead end water main (the water main stops where the street ends), causing a complication to responding fire companies that would bring about quite a delay in rapidly applying water to a burning structure. There are presently two fire hydrants on Sedge Rd. beyond Mace Dr. They are the primary hydrants to be used in case of fire. The last hydrant is 375' away from the end of the street, the next available hydrant is an additional 800' away. The problem with dead end mains is that once you operate from the last hydrant, the subsequent hydrants on the same main are not recommended to be used. Hooking to that hydrant behind the initial one would steal water from the first hydrant already in operation, thereby seriously reducing the available water for hand lines already in operation, either for extinguishment or to protect the persons doing a search and rescue operation. Spring Valley Water Company said that they would probably continue the present dead end main when the road was continued, connecting to Lake Rd. This would solve the problem mentioned above by forming a loop, supplying the hydrants from both ends of the same main, thus, giving ample water for fire fighting.

The present route that emergency services are forced to use is far from adequate. The present condition would allow only two apparatus to operate in the proximity of a fire beyond Mace Dr., all other equipment would "stack up". The VCFD has a 75' aerial apparatus that is primarily used for rescue and ventilation. There is no guarantee that this apparatus would be one of the first two to arrive at the scene. If this were the case, it's tremendous capabilities would stand idle and precious time would be lost carrying heavy ladders and other equipment to the scene. The completion of Sedge Rd. would provide an alternate route for all responding apparatus, thus placing them at the points they are needed.

There is one other point that is relative to the problem, that is one of response time. The distance from the VCFD to Sedge Rd. is presently 1.9 miles. It would take approximately 4 minutes to travel this route by the existing street layout. Cottage Rd. is narrow and there is not much room for maneuverability for a large piece of equipment. The route to be travelled would in fact form a horseshoe. Completing Sedge Rd. would reduce the distance by 42% thereby reducing the response time by 50%, due to a more direct route, wider street, and less maneuvering required. All of these points are to be considered when dealing with a situation where seconds could mean the difference between life and death.

This would not only benefit the fire fighting capabilities of the VCFD, but would also be beneficial to the response of the Congers Valley Cottage Ambulance Corps as they would respond to the area via Lake Rd. The same increase in response time would apply to the Clarkstown Police when providing the varied services they are called on to perform."

Appearance: Mr. Paul Bogosian (251 Cottage Road)
Valley Cottage, New York 10989

While thinking about the Official Town Map, which is something we've been doing a lot of lately, we've found that we have been asking ourselves a number of questions. Collectively the questions always come down to, "what qualifies a road for the honor of being on the Official Town Map?" In answering that question we find ourselves applying three specific questions, which may be considered criteria, to any given road. When applying these criteria, we find ourselves requiring an affirmative answer to all three in order for us to feel a particular road belongs on the Map. These three questions or criteria are:

1. Is the road needed?
2. Is it's construction feasible?
3. Is the expense justifiable to the taxpayers?

When we apply this criteria to the Planning Board's three priority recommendations, we find that only "Priority I" qualifies, therefore agreeing with the Planning Board's separation of these roads into three categories, calling "Priority I" "most essential", because yes it is absolutely needed, yes it's construction is totally feasible beyond question, and yes the expense is justifiable because it's absolutely free.

"Priority II" is not absolutely needed but would be helpful, so it's therefore positive. However, the Planning Board found it's feasibility questionable due to Pennsylvania possibly having a house in it's way as well as topographical problems, and Mace definitely involves Designated Wetlands. We question the advisability of putting a road on the Town Map when you know beforehand that it may not be buildable. Not only might this set an undesirable precedent, but you would be creating the great likelihood of having to go through the time consuming process of amending the Town Map all over again to remove from it the very same road. By deciding not to put "Priority II" on the Map, you are not precluding it from construction, merely reserving the option for the Town when, at a later date, it's feasibility can be more closely examined. We feel that committing the Town to a road by putting it on the Official Map without first knowing whether or not it can be built would be inadvisable.

"Priority III" involves such complex problems that it would take the Planning Board and its consultants, at your request, several months to investigate. In addition to the fact that it is not needed and it would be costly to the taxpayers of this town, we feel that this road does not warrant any further consideration or comment, even though considerable comment could be made.

In summation, I would like to point out that the opposition to the "Priority I" amendment consists primarily of individual residents who do not want any traffic on their street in spite of the fact that it was openly and obviously designed and intended to serve as access and handle within acceptable safety limits at least the amount of traffic that it will have. While these residents have, as do all of us when facing the number one killer of our youth in this country today, the almighty automobile, an understandable concern, and they do have an understandable concern, in this case, an understandable concern does not constitute a valid position.

In favor of the "Priority I" amendment are the original design of the area, the experienced need of the area, all applicable town agencies, all of the facts, every degree of logic, every degree of common sense as well as the clear and overwhelming majority. Virtually everything pertaining to this issue is in support of amending the Official Map of the Town of Clarkstown in accordance with the "Priority I" recommendation made by the Planning Board.

This final note may be very helpful to you in making your decision. There is a fifteen unit limit allowable for a permanent dead end, a thirty unit limit allowable for a temporary dead end. The dead end portion of Pennsylvania has ten units on it, Mace has twelve. Therefore, should the feasibility obstacles for these two roads prove insurmountable, they can be designated permanent dead ends. However, since the dead end portion of Sedge Rd. has twenty four units on it, this far exceeds the fifteen unit limit allowable for a permanent dead end requiring the completion of Sedge Rd. as originally planned."

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There also followed lengthy dialogue between the Supervisor and Mr. Bogosian with regard to various problems, priorities, etc., in connection with the proposal.

Appearance: Mr. Paul Del Uomo
48 Sedge Road
Valley Cottage, New York 10989

He said the comments made by the previous speakers are valid and he agrees with them. He said his house is the last house on Sedge Road and adjacent to the Joy Acres property. He feels that the only road that will be open is Sedge Road. He didn't believe that would be enough to relieve the traffic. What's going to happen is that the traffic from Cottage is going to be shifted onto Sedge. The problem will still remain but it will be in a different area. He suggested that the Town Board study the feasibility of Alternate III from the Planning Board. The alternate road that would extend from Massachusetts through the Twin Ponds area would not directly affect any resident there now and would provide additional relief for the traffic proceeding from Massachusetts and up through the Lake Ridge connections.

Appearance: Mrs. Sue Angelone
7 Mace Drive
Valley Cottage, New York

She discussed Mace Drive and said that it had been stated that Mace Drive is a Priority II and that Mace Drive is less critical to be opened. We'd like to put on record that as residents of Mace Drive we'd like to recommend that it be brought to the Town Board and that you designate us either as a permanent dead end or a cul-de-sac. Due to the fact that we are only 12 homes which brings us to the limit of less than 15 families. We feel that a cul-de-sac would be to the advantage rather than a permanent dead-end because of the turn around. If we have a cul-de-sac there would be room for emergency vehicles to turn around so that problem would be solved. If Mace is open it will not really help the situation of the traffic being diverted through to Sedge Road. Only the residents who live on Mace Drive will actually be using Mace Drive on an extension which certainly, for the expense which might be involved with the problems at the end of Mace Drive, I am not so sure that would warrant the expense when only maybe 12 homes would be using that road.

Supervisor Dusanenko requested that Mrs. Angelone make her comments also to the Planning Board. He explained the reasons for requesting her to do this. Mrs. Angelone stated that her comments have been addressed to the Planning Board. She said Mr. Geneslaw did state that he feels that if Sedge comes through that Mace can become a cul-de-sac which will provide the adequate turn around.

Supervisor Dusanenko then read the following letter:

"April 5, 1982

TO BE READ INTO THE MINUTES OF THE TOWN BOARD
MEETING SCHEDULED FOR TUESDAY, APRIL 13, 1982

THE HONORABLE TOWN BOARD
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

RE: April 13, 1982 Public Hearing
AMENDING OFFICIAL MAP -
RE: Roads, Valley Cottage

Dear Sirs

Due to a long standing scheduled vacation, I regret that I cannot be at this Public Hearing. I have, however, asked that this Public Hearing be postponed until the next Town Board Meeting so that I

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may participate and vote in the best interests of the people of the Town of Clarkstown.

I, after receiving the maps, and without benefit of the Public Hearing am in total agreement that Sedge Road should be made a through street. It would certainly improve traffic conditions for that entire section of Valley Cottage. It would provide much needed additional access for emergency vehicles, and I believe would be beneficial to the health, safety and wellbeing of the people of Clarkstown at large.

Sincerely,

/s/ Edward J. Lettre (NAL)

Edward J. Lettre
Councilman
Deputy Supervisor

EJL:tab"

Appearance: Mr. Kotecha
29 Sedge Road
Valley Cottage, New York 10989

He said the main concern is opening up Sedge Road. An intersection of Sedge Road with Massachusetts and Mace is an oddball intersection. If Sedge Road is opened up you will have to put traffic lights at Mace as well as at Sedge and provide safety for the children going to school. By opening up Sedge Road you are creating the hypotenus of a right-handed triangle and as you all know that is the shortest spot between two points. You are connecting Route 9W north of Massachusetts Avenue to Route 303 through Sedge Road and through Lake Road which is a much shorter path than any other path existing today. Extending Sedge Road will aggravate an existing problem. Our recommendation is to adopt Priority III.

Appearance: Mr. Mark Jacobs
39 Sedge Road
Valley Cottage, New York 10989

He was in favor of all the comments made by the previous speakers. He cited need, feasibility and justification of cost.

Appearance: James Hirschberger, President
Association for Sensible Zoning
Valley Cottage, New York

He emphasized that the Cottage Road situation has to be resolved by the Town Board one way or another because it is a severe problem. We are not, as an association, going to recommend that any of the roads be opened. We have been fighting the proposed Joy Acres so we hope that you will take that into account when you decide on any of these roads. We ask for your future support in fighting multi-family developments that have been proposed there.

He said he understood that what the Planning Board was saying was that if you, the Town Board, want them to consider the feasibility of Priority III they will be glad to do so, regardless of what you decide to do one way or another about Priority I or Priority II.

Appearance: Mrs. Helen Eisdorfer
248 Cottage Road
Valley Cottage, New York 10989

She stated that she had no children but that Cottage Road was not dangerous only for children. She cannot get out of her driveway at 6:30 A.M. and cannot get back in again at 4:00 P.M. In Priority III the proposed road goes through wetlands - it needs approval.

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Supervisor Dusanenko stated that the sketch to which Mrs. Eisdorfer referred was not a map and a more detailed map was available for her perusal.

Appearance: Mr. Christopher Klegg
258 Cottage Road
Valley Cottage, New York

He said that by opening up Sedge Road from the Massachusetts area does not create a triangle, Massachusetts does not interest Route 9W. It intersects Lake Road in Congers. He also said it is very tough to hit a dead end water main and try to save a building - this speaking as a Lieutenant of the Valley Cottage Fire Department. He stated he had been in buildings where they had lost water because they were on a dead end main and had to shut down to let West Nyack or Congers hit another main. You need a grid system - you need a water main flow.

Appearance: Mr. Ed Lising
5 Mace Drive
Valley Cottage, New York 10989

He had a question regarding a cul-de-sac for Mace Drive.

Supervisor Dusanenko said there were a couple of alternatives but that this matter should be brought up with the Planning Board.

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

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk