

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/13/82

8:00 P.M.

Present: Supervisor Dusanenko - Not present until 9:30 P.M.
Councilmen Carey, Holbrook, Lettre, Maloney
Philip B. Fogel, Deputy Town Attorney
Virginia DiBlasi, Deputy Town Clerk

Deputy Supervisor Edward Lettre declared the Town Board Meeting open; Assemblage saluted the Flag.

RESOLUTION NO. (656-1982)

EXTENSION OF USE OF THE CLARKSTOWN SANITARY LANDFILL BY THE NEW YORK STATE THRUWAY AUTHORITY AND AUTHORIZING THE TOWN ATTORNEY TO EXECUTE A VOUCHER

Co. Maloney offered the following resolution:

WHEREAS, the New York State Thruway Authority is desirous of continuing its use of the Clarkstown Sanitary Landfill, and

WHEREAS, the Town of Clarkstown is agreeable to permitting the continued use of the Clarkstown Sanitary Landfill for the sum of \$3,600.00

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a voucher for the payment of \$3,600.00 to the Town of Clarkstown for the continued use of the Clarkstown Sanitary Landfill by the New York State Thruway Authority for the period from May 18, 1982 to May 17, 1983.

Seconded by Co. Carey

All voted Aye

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RESOLUTION NO. (657-1982)

AUTHORIZING THE SETTLEMENT OF AN ACTION - MAX ZOBEL AGAINST THE TOWN OF CLARKSTOWN, WILLIAM ARCHACKI AND THE COUNTY OF ROCKLAND

Co. Maloney offered the following resolution:

WHEREAS, an action was commenced in the Supreme Court of the State of New York, Rockland County, entitled, as follows:

"MAX ZOBEL,

Plaintiff,

- against -

THE TOWN OF CLARKSTOWN, WILLIAM ARCHACKI
and THE COUNTY OF ROCKLAND,

Defendant."

WHEREAS, a proposal has been made that the Town of Clarkstown contribute the sum of \$250 toward the case in full compromise of any and all claims asserted against Lt. William Archacki and the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the aforesaid action be settled by the payment of \$250, retroactive to July 6, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (658-1982)

GRANTING REQUEST FOR TOWN LAW
280-a-4 --TOMS MILL ESTATES

Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has reviewed the proposed subdivision entitled, "Toms Mill Estates" for a parcel of property owned by Cedric Garlick, Jr., located in the vicinity of Huffman Road, Valley Cottage, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended that the applicant for said subdivision be permitted to establish an "open development area" pursuant to Section 280-a-4 of the Town Law to allow for access by right-of-way subject to the recommendations of the Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, in accordance with the provisions of Section 280-a-4 of the Town Law "open development area" for the area shown on a certain map entitled "Toms Mill Estates" dated May 17, 1982, is hereby established to allow for the issuance of permits for the erection of structures to which access shall be by right-of-way or easement subject to the following conditions:

1. Developer shall pave existing Huffman Road for its entire length, to a width of 20 feet with a 1 inch thick asphaltic concrete wearing course.
2. Developer shall construct an L shaped turn-around, 20 feet in width to Town specifications and to the satisfaction of the Town Highway Superintendent.
3. Developer shall install sub-surface storm drainage from the above mentioned turn-around, consisting of four (4) catch basins and approximately 325 L.F. of 15 inch RCP, to the satisfaction of the Department of Environmental Control.
4. Developer shall perform necessary cleaning and minor bank improvement on the existing stream.
5. Developer shall file a declaration of Restrictive Covenant in recordable form satisfactory to the Town Attorney binding himself and his successors, heirs or assigns to notify any purchaser of the lots within the Toms Mill Estates Subdivision that they are not entitled to town services of road maintenance and repair, snow removal lighting or any other municipal service.

and be it

FURTHER RESOLVED, that the applicant's subdivision shall be subject to all other requirements of the Planning Board of the Town of Clarkstown, the Department of Environmental Control of the Town of Clarkstown and the Building Inspector of the Town of Clarkstown.

Seconded by Co. Carey

All voted Aye.

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Councilman Carey corrected Councilman Lettre who read 225 L.F. should read 325 L.F.

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RESOLUTION NO. (659-1982)

GRANTING REQUEST FOR TOWN LAW
281 -- TOMS MILL ESTATES

Co. Maloney offered the following resolution:

RESOLUTION NO. (659-1982) Continued

WHEREAS, Cedric Garlick, Jr. has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Tom's Mill 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 as the density plan will provide for improved layout;

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. (660-1982)

ACCEPTING REGULAR TOWN BOARD
MINUTES - MEETING OF MAY 25, 1982

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting held on May 25, 1982, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (661-1982)

AWARDING BID FOR UNIFORMS FOR
CLARKSTOWN POLICE DEPARTMENT
(BEST UNIFORM CO.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Chief of Police that

BID # 42-1982
for
Uniforms for Clarkstown Police Department

is hereby awarded to

BEST UNIFORM CO.
18 WEST 18th STREET
NEW YORK, NEW YORK 10011

as per the following schedule of prices

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>
1.	Shirts	
	WINTER - LONG SLEEVE	\$25.75
2.	SUMMER - SHORT SLEEVE	\$24.25
3.	SUMMER/WINTER TROUSERS	\$44.00

RESOLUTION NO. (661-1982) Continued

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>
4.	CAPS A - WINTER B - SUMMER	\$ 16.00 \$ 16.75
5.	LEATHER JACKET	\$225.00
6 A.	NYLON REEFER (CROSSING-GUARD)	\$ 93.00
6 B.	WAVE HAT (CROSSING-GUARD)	\$ 12.00
7.	DACRON/WOOL JACKET	\$110.00
8.	CHEVRONS - Sergeant (to be sewn on Sgt. shirts)	\$ 2.25
9.	SHIRT BUTTONS (NEW YORK STATE SEAL) SILVER..... GOLD.....	\$.35 \$.35

Seconded by Co. Maloney

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RESOLUTION NO. (662-1982)

AWARDING BID FOR TIRES, RIMS & WHEEL SERVICES TO ROCKLAND TIRE & SERVICE AND DALEY TIRE SERVICE INC.

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the DIRECTOR OF PURCHASING that

BID #45-1982
for
TIRES, TUBES, RIMS & WHEEL SERVICES

is hereby awarded to

ROCKLAND TIRE & SERVICE
88 N. MAIN STREET
NEW CITY, N.Y. 10956

ALL NEW tires & wheel services

DALEY TIRE SERVICE INC.
109 ROUTE 59
MONSEY, N.Y. 10952

as per schedule of RETREAD tires, rims, and tubes on file in Purchasing Department

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (663-1982)

AWARDING BID - SALE OF SURPLUS OFFICE EQUIPMENT TO PATRICIA BARAD AND NICHOLAS LONGO

Co. Holbrook offered the following resolution:

RESOLUTION NO. (663-1982) Continued

RESOLVED, that based upon the recommendation of the DIRECTOR OF PURCHASING that

BID #46-1982

SALE OF SURPLUS OFFICE EQUIPMENT

is hereby awarded as follows

To: PATRICIA BARAD
25 SCHER DRIVE
NEW CITY, N.Y. 10956

awarded - One (1) IBM Electric typewriter #1163115
proposed sum.....\$26.00

To: NICHOLAS LONGO
340 SOUTH MAIN STREET
NEW CITY, N.Y. 10956

<u>QUANTITY</u>	<u>ITEM</u>	<u>PROPOSED SUM</u>
1	<u>VICTOR ADDING MACHINE</u>	
	Serial #2127-930	\$.50
	Serial #2616-443	\$.50
	<u>R.C. ALLEN CALCULATORS</u>	
1	Serial #1644235	\$.50
1	" #1624059 Model 1015CB	\$.50
1	" #1598141	\$.50
	<u>SMITH CORONA TYPEWRITERS</u>	
1	Serial #88E4151171-11 Standard	\$.50
1	" #62E5089761-11	\$.50
1	" #V6LR-429117 Electric	\$.50
	<u>VICTOR CALCULATORS</u>	
1	Serial #4018343 Model #73	\$.50
1	" #3649-744 " #10-471	\$.50
1	" #3083973 " #785-54	\$.50
1	" #5304-014 " #844441	\$.50
1	" #4216896 " #18-3441	\$.50
1	" #5043-044 " #73-85-54	\$.50
	<u>OLIVETTI CALCULATOR</u>	
1	Serial #903749	\$ 1.00
	<u>OLYMPIA ELECTRIC TYPEWRITER</u>	
1	Serial #27290966	\$ 1.50
1	" #27-91532	\$ 1.50
1	" #27-91298	\$ 1.50
1	" #27-54566	\$ 1.50
1	" #27-94334	\$ 1.50
	<u>GESTETNER COLLATORS</u>	
1	Serial #85-1540	\$ 5.00
1	" #85-1395	\$ 5.00
	<u>GESTETNER DUPLICATOR</u>	
1	Serial #20B2436 Model #460	\$ 5.00
	<u>GESTETNER STENCIL MAKER</u>	
1	Serial #F59750 Model #455	\$ 5.00
1	SUPPORTING TABLE	\$ 1.00
1	PITNEY BOWES POSTAGE MACHINE Serial #4200	\$ 1.00

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RESOLUTION NO. (666 - 1982) Continued

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #47-1982

TREMONT AVE. DRAINAGE IMPROVEMENT PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (A.M.) (~~P.M.~~) ON: Tuesday, August 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. (667-1982) ADVERTISING FOR BIDS FOR CULVERT REPLACEMENT Zukor Road

Co. Maloney offered the following resolution:

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #48-1982
PRE CAST CONCRETE BOX CULVERT
CULVERT REPLACEMENT - Zukor Road

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (A.M.) (~~P.M.~~) ON: Tuesday, August 10, 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. (668-1982) ADVERTISING FOR BIDS FOR LEACHATE COLLECTION SYSTEM FOR CLARKSTOWN SANITARY LANDFILL

Co. Maloney offered the following resolution:

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #49-1982
LEACHATE COLLECTION SYSTEM FOR
CLARKSTOWN SANITARY LANDFILL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by _____ (A.M.) (P.M.) ON: _____ 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.

RESOLUTION NO. (669-1982)

ADVERTISING FOR BIDS FOR MILL
STREAM - BARDONIA ROAD CULVERT

Co. Maloney offered the following resolution:

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #50-1982

MILL STREAM - BARDONIA ROAD CULVERT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by _____ (A.M.) (P.M.) ON: _____ 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. (670-1982)

AUTHORIZING ISSUANCE OF BUILDING PERMIT UNDER TOWN LAW SECTION 280-a -- LAVALLE & DESTEFANO

Co. Holbrook offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of the Town Law may be issued to ROBERT LAVALLE and DONNA DESTEFANO for the property situate on the North side of Sherman Avenue, 71.12 feet from Wells Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 127, Block Q, Lot 5, upon compliance with the requirements of the Director of Environmental Control and the Building Inspector and the filing of the Restrictive Covenant pursuant to Section 280-a of the Town Law upon the condition that the applicant agrees to participate in a road improvement district when and if required by the Town Board of the Town of Clarkstown, which Covenant shall be binding on all future owners and run with the land, and which shall contain the following covenants:

1. The proposed driveway on Sherman Avenue should be paved 15 feet wide with a 2 inch base asphaltic concrete and 1 inch wearing course.

2. The sewer spur installation shall be at not cost to the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (671-1982)

ACCEPTING ROADS & RELATED IMPROVEMENTS - OLD MILL ACRES TAMAR DRIVE, HANNAH LANE, FLORENCE COURT AND THOMAS COURT

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds from TURNPIKE WOODS, INC., dated July 8, 1982, and July 9, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Section B & C, OLD MILL ACRES 11", dated 7/8/80 and filed in the Rockland County Clerk's Office on 9/18/80 in Book 96 of Maps at Page 12 as Map No. 5181; and "Subdivision Plat, prepared for Section D-2 Old Mill Acres 11 located at Clarkstown Rockland County, New York", dated June 22, 1981, which said map was filed in the Office of the Rockland County Clerk on July 16, 1981 in Book 97 of Maps at Page 30 as Map No. 5274; and subdivision map Section D-1,

RESOLUTION NO. (671-1982) Continued

Old Mill Acres 11, which map was filed in the Office of the Rockland County Clerk on May 13, 1981 in Book 97 of Maps at Page 10 as Map No. 5254; and subdivision map Section D-3, Old Mill Acres 11, which map was filed in the Office of the Rockland County Clerk on May 7, 1982 in Book 98 of Maps at Page 47 as Map No. 5366, as follows:

TAMAR DRIVE	1,548	L.F.
HANNAH LANE	754	L.F.
FLORENCE COURT	822	L.F.
THOMAS COURT	507	L.F.

together with various drainage and conservation easements, are hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office; and be it

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

Seconded by Co. Holbrook

All voted Aye.

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Deputy Town Attorney Philip Fogel wanted the record to indicate one of the streets also being accepted for dedication is Thomas Court.

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RESOLUTION NO. (672-1982)

ACCEPTING ROADS AND RELATED IMPROVEMENTS IN THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from PHILIP WOLIKOW & GRANDSONS, INC., dated April 15, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "WINDSOR ESTATES" in Book 96 of Maps at Page 17 as Map No. 5186, as follows:

ALICIA COURT	650 L.F.
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is hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (673-1982)

AUTHORIZING ATTENDANCE AT SEMINAR - PATRICIA SHERIDAN, TOWN CLERK

Co. Maloney offered the following resolution:

RESOLVED, that permission is hereby granted for Town Clerk, Patricia Sheridan, to enroll in the 14th Annual Institute for Professional Clerks' Seminar, sponsored by the IIMC (International Institute of Municipal Clerks), and the Continuing Education Center for Public Service of Syracuse University, to be conducted at the Washington Arms

RESOLUTION NO. (673-1982) Continued

Conference Center, Syracuse University Campus, Syracuse, New York, August 14th Through August 20th, 1982, at a total fee of \$265.00 which will cover the tuition, housing, meals, graduation banquet and all materials, and be it

FURTHER RESOLVED, that all necessary and actual expenses not to exceed \$265.00 be allocated against Account No. A 1010-414.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (674-1982)

AUTHORIZING SUPERVISOR OF THE TOWN OF CLARKSTOWN TO EXECUTE A LEASE AGREEMENT WITH THE CLARKSTOWN CENTRAL SCHOOL DISTRICT FOR THE RENTAL OF SCHOOL BUSES

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a lease agreement with the Clarkstown Central School District for the rental of school buses for the transporting of senior citizens for the sum of \$1.00, providing there is no liability to the Town of Clarkstown.

Seconded by Co. Holbrook

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RESOLUTION NO. (675-1982)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE PROCEEDINGS FOR REMOVAL OF VIOLATIONS - PREMISES OWNED BY MADDAMMA ISKANDER MANAGEMENT CORP.

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises owned by:

MADDAMMA ISKANDER MANAGEMENT CORP.

in the Town of Clarkstown, more particularly decribed on the Tax Map of the Town of Clarkstown as MAP 58, BLOCK G, LOT 48, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of September, 1982, at 8:30 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before September 15, 1982.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (676-1982)

AUTHORIZING USE OF SHOWMOBILE MARTIN LUTHER KING MULTI-PURPOSE CENTER

Co. Maloney offered the following resolution:

WHEREAS, the Martin Luther King Multi-purpose Center has requested use of the Town of Clarkstown showmobile on Wednesday, July 28, 1982 and Wednesday, August 25, 1982 for an outdoor concert

RESOLUTION NO. (676-1982) Continued

at 26 North Bethune Boulevard, Spring Valley,

NOW, THE BEFORE, be it

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks permission is hereby granted to the Martin Luther King Multi-purpose Center to use the Town of Clarkstown show-mobile on July 28, 1982 and August 25, 1982 for the above purposes subject to the provision of the necessary insurance policies, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$260.00 per date (total \$520.00) to cover maintenance costs from A-1990-505 to the following accounts:

A-7140-111 - \$496.00

A-7140-301 - \$ 24.00

Seconded by Co. Holbrook

All voted Aye.

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Presentation of Awards for poster contest sponsored by the Clarkstown Drug Abuse Prevention Council.

Awards were given out by Assembly Thomas P. Morahan, Jessie Newman (a Representative from Senator Linda Winikow's Office), Joseph Miele and Councilman John Maloney.

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RESOLUTION NO. (677-1982)

OPENING SCHEDULED PUBLIC HEARING RE: AUTO LAUNDRY (CAL-MART)

Co. Holbrook offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Auto Laundry (Cal-Mart), time: 8:30 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION (678-1982)

CLOSING AND ADOPTING SCHEDULED PUBLIC HEARING AUTO LAUNDRY (CAL-MART) TIME: 8:45 P.M.

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Auto Laundry, (Cal-Mart) be closed, ADOPTED, subject to approval of Planning Board, and regular Town Board Meeting be resumed, time: 8:45 P.M.

Second by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (678A-1982)

SPECIAL FINDINGS AND RESOLUTION GRANTING SPECIAL PERMIT TO CONSTRUCT AN AUTO LAUNDRY

Co. Maloney offered the following resolution:

WHEREAS, CAL MART CONSTRUCTION CORP., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the construction of an Auto Laundry pursuant to the provisions of Section 106-10A, Table of General Use Regulations, RS District, Column 3,

RESOLUTION NO. (678A-1982) Continued

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, and more particularly described on the attached schedule "A", and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 13th day of July, 1982, at 8:10 P.M. to consider such application;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 106-14 B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct an auto laundry on the above described property is hereby GRANTED to the petitioner subject to the receipt of a favorable Planning Board recommendation and the following conditions:

1. Petitioner must comply with Section 106-16 C of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall secure site plan approval from the Planning Board;
3. Approval shall be secured from either the Rockland County Sewer District No. 1 or the Rockland County Health Department for waste water disposal and the plans shall include provision for a grit removal system;
4. A map note to be placed on Exhibit "E" of the petition to read as follows, "This survey is not intended as an approval of a subdivision; there shall be no separate tax map designations and no subdivision of these parcels. The review of a site plan shall not be limited solely to Parcel 1."
5. Applicant shall comply with the recommendations of the Rockland County Soil and Water Conservation District and the New York State Department of Transportation.

RESOLUTION NO. (678A-1982) Continued

and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By: Theodore R. Dusanenko, Supervisor

CAL-MART CONSTRUCTION CORP.
(Car Wash)
(Portion of Tax Lot 106-A-21.01)

BEGINNING at a point on the southerly right-of-way line of Route 59 said point being located at the northwest corner of lands now or formerly of Harry Adler (Tax Lot 106-A-20.02); running thence

- 1) S19-20-40W along the westerly line of lands now or formerly of Harry Adler (Tax Lot 106-A-20.02), a distance of 200.00 feet; running thence along other lands of Cal-Mart Construction Corp., the following two (2) courses and distances:
- 2) N76-18-37W, a distance of 136.01 feet;
- 3) N19-20-40E, a distance of 200.00 feet; running thence along the southerly right-of-way line of Route 59, the following two (2) courses and distances:
- 4) S74-55-55E, a distance of 83.98 feet;
- 5) S78-31-55E, a distance of 52.09 feet to the point or place of BEGINNING.

SCHEDULE "A"

106-16 C of the Zoning Ordinance;

C. Auto laundries, subject to the following conditions:

- (1) The facility is necessary to serve the surrounding residential or retail area.
- (2) The facility is so located as to draw a minimum of vehicular traffic to and through local streets or past an elementary school, park or playground.
- (3) Provided there shall be reservoir space of three hundred (300) square feet per automobile on the lot for not less than fifteen (15) automobiles per laundry machine.
- (4) Adequate provisions are made for disposal of waste water.
- (5) Along streets that are within one hundred (100) feet of a residence district a ten-foot-wide strip of landscaping with shrubs and trees shall be maintained along said street and three (3) feet along the side of the auto laundry facing said street.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (682-1982) Continued

is hereby authorized to enter into an agreement with Star Kay White and other taxing authorities, which agreement provides that Star Kay White will pay stated sums of money in lieu of taxes, which agreement shall be subject to the approval of the Town Attorney.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (683-1982) SETTING DATE FOR PUBLIC HEARING - ASSOCIATES OF ROCKLAND ZONE CHANGE PURSUANT TO COURT JUDGMENT

Co. Maloney offered the following resolution:

WHEREAS, a judgment was entered by the Supreme Court of Rockland County on July 9, 1982 in connection with an action entitled, "Mary Ann Gillan, et al v. Town of Clarkstown, et al", voiding and deleting a certain vote of the Town Board of the Town of Clarkstown taken on December 29, 1981, which granted a zone change for certain property owned by Associates of Rockland County in Valley Cottage, New York, and

WHEREAS, the judgment and order dated July 9, 1982, directs the holding of a new hearing on the petition of Associates of Rockland County for the redistricting of its property provided Associates of Rockland County submits to the Town of Clarkstown a metes and bounds description of the property it requests to be redistricted and maps which show the location of the proposed changes along existing zoning lines with respect to adjoining lands and roads, and

WHEREAS, Associates of Rockland has submitted a metes and bounds description of the land it requests to be redistricted and maps which show the location of the proposed changes along existing zoning lines with respect to adjoining lands and roads;

RESOLVED, that a public hearing pursuant to said judgment and order dated July 9, 1982, and pursuant to Sections 264 and 265 of the Town Law be held at the auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 3rd day of August 1982, at 8:35 P.M., and be it

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

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (684-1982) CREATION OF TOWN NEGOTIATING COMMITTEE - ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATES, INC., FOR THE CLARKSTOWN POLICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that a Town Negotiating Committee is hereby created in order to negotiate with the Rockland County Patrolmen's Benevolent Associates, Inc., for the Clarkstown Police Department, commencing 1982, and be it

FURTHER RESOLVED, that the following are hereby appointed to the Town Negotiating Committee:

RESOLUTION NO. (684-1982) Continued

Francis X. Mascola, Chairman
Dorothy Erard
Philip B. Fogel
George R. Schnakenberg and/or Ronald Fabis
and be it

FURTHER RESOLVED, that the Town Negotiating Committee shall commence negotiations on August 19, 1982.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Councilman Carey.....Abstain
Councilman Holbrook.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes

* * * * *

RESOLUTION NO. (685-1982)

ARBITRATION AWARD OF JOSEPH GULLOTTA, AMERICAN ARBITRATION ASSOCIATION Case No. 1939 0199-81 - ROCKLAND COUNTY PATROLMEN'S ASSOCIATION, INC.

Co. Maloney offered the following resolution:

RESOLVED, that the arbitration award of Joseph Gullotta, American Arbitration Association Case No. 1939 0199-81 in connection with the Rockland County Patrolmen's Association, Inc., be appealed by the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (686-1982)

AUTHORIZING TOWN ATTORNEY TO DEFEND AN ACTION AGAINST THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

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

ROSE STERNGASS, RUBIN STERNGASS,

Plaintiffs,

-against-

ROBERT H. BOWMAN
LESLIE F. BOLLMAN
EDGAR LAWRENCE
MARK R. PAPANMEYER
"PEGGY RIES"
"KATHY KOLKA"
RICHARD E. GARDNER
JOHN A. COSTA
PHILIP B. FOGEL
TOWN OF CLARKSTOWN

GEORGE S. GERBER
JOHN T. PIACENTILE
CHARLES E. HOLBROOK
JOHN R. MALONEY
NICHOLAS A. LONGO
THEODORE DUSANENKO
EDWARD LETTRE
WILLIAM J. CAREY

Defendants.

NOW, THEREFORE, be it

RESOLUTION NO. (686-1982) Continued

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

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (687-1982)

RECOMMENDATION BY THEODORE F. ATZL, ATZL & SCATASSA ASSOCIATES FOR KINGS PARK IMPROVEMENT PROJECT - TOWN COMPTROLLER AUTHORIZED TO TRANSFER FUNDS FROM MONEY-IN-LIEU-OF-LAND ACCOUNT TO PARKLANDS AND IMPROVEMENT ACCOUNT

Co. Carey offered the following resolutions:

WHEREAS, additional drainage is recommended by Theodore F. Atzl, Atzl & Scatassa Associates of 248C North Main Street, New City, for the Kings Park Improvement Project per Town Board Resolution No. 919-1981 dated October 13, 1981,

NOW, THEREFORE BE IT RESOLVED, that the Town Comptroller is hereby authorized to transfer \$15,000. from the Money-in-lieu-of-Land Account to the Parklands and Improvement Account to cover the additional drainage stated above plus contingencies, and

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, not to exceed \$15,000.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (688-1982)

RESIGNATION OF WILLIAM GRUFFI - SHADE TREE COMMISSION

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of William Gruffi, 25 Somerset Drive, Suffern, New York - Member - Shade Tree Commission - is hereby accepted, effective and retroactive to June 30, 1982.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (689-1982)

APPOINTING BARRY SPERMAN - SHADE TREE COMMISSION

Co. Holbrook offered the following resolution:

RESOLVED, that Barry Sperman, 31 Branchville Road, Valley Cottage, New York is hereby appointed to the position of Member - Shade Tree Commission - at the annual 1982 salary of \$100 - effective July 14, 1982 - with a term to expire on July 13, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (690-1982)

APPOINTING EDWARD DOHERTY
RADIO OPERATOR (PROVISIONAL)
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Edward Doherty, 18 Virginia Street,
New City, New York, is hereby appointed to the position of
(provisional) Radio Operator - Police Department - at the annual
1982 salary of \$11,480., - effective and retroactive to June 28, 1982.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (691-1982)

RE-APPOINTING RICHARD GARDNER -
CHAIRMAN, ZONING BOARD OF
APPEALS

Co. Lettre offered the following resolution:

RESOLVED, that Richard Gardner, 34 Freedman Avenue,
Nanuet, New York is hereby re-appointed to the position of Chairman,
Zoning Board of Appeals, at the annual 1982 salary of \$500.,
effective and retroactive to July 8, 1982, with a term to expire
on July 7, 1983.

Seconded by Supervisor Dusanenko

* * * * *

RESOLUTION NO. (692-1982)

TABLING RESOLUTION REGARDING
REAPPOINTMENT OF RICHARD
GARDNER AS CHAIRMAN OF ZONING
BOARD OF APPEALS

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. (692-1982) regarding re-
appointment of Richard Gardner as Chairman of the Zoning Board of
Appeals is hereby tabled.

Seconded by Co. Carey

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (693-1982)

CORRECTING RESOLUTION NO.
(648-1982) REGARDING APPOINT-
MENT OF ELIZABETH SQUILLACE
AS CHAIRMAN OF THE ZONING
BOARD OF APPEALS

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. 648 adopted on June 22, 1982,
is hereby corrected to read as follows:

RESOLVED, that Elizabeth Squillace, 25 Glen Drive,
Bardonia, New York, is hereby appointed as Chairman of
the Zoning Board of Appeals effective July 8, 1982, for
a term to expire on July 7, 1983, at the annual salary
of \$500.00 for 1982.

Seconded by Co. Maloney

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RESOLUTION NO. (693-1982) Continued

On roll call the vote was as follows:

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

Councilman Lettre wanted it noted that he had received a certified resolution from the Town Clerk's office from the June 22nd, 1982 meeting stating that Richard Gardner had been appointed as Chairman of the Zoning Board of Appeals. (This was a proposed resolution and through a clerical error was certified. A proposed resolution should never be certified .)

* * * * *

Councilman Maloney wanted a clarification of a grant of funds to the Martin Luther King Center from the Town of Clarkstown. He stated that at a workshop meeting Mr. John Anthony, President of the Center had left the meeting with the impression that a certain sum of money would be granted to the Center but that after he had departed questions arose about the grant and the exact amount to be granted was in doubt. There was a question of which year's budget the funds were to come from. Councilman Maloney asked Mr. Anthony to clarify if he were asking for \$5,000.00 for this year or \$5,000.00 in the next year's budget.

Mr. Anthony spoke and said that he was requesting \$5,000.00 for next year's budget. Supervisor Dusanenko wished the record to show that the request was definitely for the 1983 budget. Supervisor also stated that there would probably be further discussion regarding this at the workshop meeting to take place on July 29th, 1982.

* * * * *

APPEARANCE:

Mr. James Maloney
Ridge Road
Valley Cottage, New York 10989

Mr. Maloney spoke regarding a complaint he had as to flooding of his property. Mr. Maloney said he wanted a Town Engineer to take care of this problem. He felt the sewer was tied in incorrectly and his ground is caving in. He stated that Mr. Seeger had been taking care of the problem for him but something is still very wrong.

Supervisor Dusanenko said that to the best of his knowledge new homes had been built in the area of Mr. Maloney's home. Supervisor stated that he had requested Mr. Bollman to take a look at the problem personally. Mr. Maloney said that since Mr. Bollman had been there nothing had been resolved and he had been the victim of three floods. Mr. Maloney was highly critical of the work that had been done and upset that his problem had not been corrected.

Mr. Bollman stated that he had visited the property and that there was a berm in front of Mr. Maloney's property. When he saw the water it was not going over the berm onto Mr. Maloney's driveway and he asked Mr. Maloney that when it happened would he please take pictures of it because at that time there was no evidence to support Mr. Maloney's claim of flooding.

At this point a neighbor of Mr. Maloney's stated that he had the same problem of which Mr. Maloney was complaining - that of flooding. He felt the problem was that new homes were being constructed too close together. There was just too much water running down the road.

Continued on Next Page

After further discussion a proposal was made to have Mr. Bollman draw up some sort of plan for catch basins along Ridge Road and present it at the next workshop meeting.

RESOLUTION NO. (694-1982) AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO SUBMIT PLAN TO RESOLVE DRAINAGE PROBLEM (RIDGE ROAD - MALONEY)

Co. Lettre offered the following resolution:

RESOLVED, that Les Bollman, Director of Environmental Control is hereby authorized to submit a reasonable plan for the resolution of drainage problem on Ridge Road complained of by Mr. James Maloney on or before the 29th of July, 1982.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (695-1982) ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARIN RE: AMENDMENT TO ZONING ORDINANCE (NO BUFFER ALONG RAILROAD)

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Amendment to Zoning Ordinance of the Town of Clarkstown - PED Bulk Regulations (no buffer along railroad), time: 9:35 P.M.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (696-1982) CLOSING SCHEDULED PUBLIC HEARING RE: AMENDMENT TO ZONING ORDINANCE (NO BUFFER ALONG RAILROAD) (NOT ADOPTED)

Co. Holbrook offered the following resolution:

RESOLVED, that scheduled Public Hearing be closed re: Amendment to Zoning Ordinance of the Town of Clarkstown - PED Regulations (no buffer along railroad), time: 9:45 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (697-1982) OPENING SCHEDULED PUBLIC HEARING RE: AMENDMENT TO ZONING ORDINANCE (100 FT. BUFFER - MAY BE WAIVED BY PLANNING BOARD)

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amendment to Zoning Ordinance of the Town of Clarkstown PED Bulk Regulations - (100 ft. buffer may be waived by Planning Board) be opened, time: 9:48 P.M.

Seconded by Co. Holbrook All voted Aye.

* * * * *

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RESOLUTION NO. (698-1982)

CLOSING SCHEDULED PUBLIC
HEARING RE: AMENDMENT
TO ZONING ORDINANCE (100
FT. BUFFER - MAY BE WAIVED
BY PLANNING BOARD) ADOPTED

Co. Carey offered the following resolution:

RESOLVED, that Public Hearing re: Amendment to Zoning Ordinance of the Town of Clarkstown PED Bulk Regulations - (100 ft. buffer may be waived by Planning Board) be closed, ADOPTED, time: 10:00 P.M. and return to Regular Meeting.

Seconded by Co. Holbrook

All voted Aye to close but not all voted Aye to Adopt (see roll call vote on Resolution No. 699-1982)

* * * * *

RESOLUTION NO. (699-1982)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN RE: PED BULK REGULATIONS - 100 FT. BUFFER MAY BE WAIVED BY PLANNING BOARD) ADOPTED

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 25th day of May, 1982, provided for a public hearing on July 13, 1982, at 8:30 P.M. to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was held as required by law, and said public hearing was held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Section 106-6.1.C. Bulk regulations, Sub-paragraph (4) to read as follows:

(4) Minimum buffer required around entire PED: one hundred (100) feet, with parking permitted within said buffer, except that no parking shall be permitted within fifty (50) feet of residential zoning districts nor within twenty (20) feet of major or secondary roads as defined by the Official Map of the Town of Clarkstown; except, however, that the Planning Board may, as part of site plan approval, allow a railroad siding and the building or buildings served by said siding, within the one hundred (100) foot buffer, where this will not weaken the integrity of the PED district or adversely affect adjoining or nearby properties.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (699-1982) Continued

Supervisor Dusanenko stated that we have in the Town of Clarkstown and have had for many years a zone called LIO. At the same time the Town of Clarkstown has at present in litigation one site in the Hamlet of Nanuet called PED (Planned Industrial Development). In the event this property, or any other property, and there is much LIO along the railroad right-of-ways throughout the Town of Clarkstown, has the ability for any builder to have something as an automatic right, whether it be Republican, Democrat; handsome, ugly; short, tall; or whatever, without discretion is spelled out in the zoning code - that is one thing. Then with the creation of the PED zone, which is supposed to give builders and developers of industrial lands increased flexibility - it does give increased flexibility in most cases with the exception of this because it makes this resolution more stringent, more subject to individual determination rather than based upon a prescribed set of objectives. It becomes subjective. I am suggesting that we support our Building Inspector's amendment - the one we had a public hearing on at 8:20 P.M. and that you vote against at this time Item 19 which gives the Planning Board additional discretion which raises more questions to industrial users - which raises more questions to applicants and also as a possibility for abuse in the future since it is not clearly stated.

Councilman Lettre said he felt the main problem you have in giving this discretionary power to the Planning Board is the problem that if you have a user interested in coming in and using a large tract of industrial land in the Town of Clarkstown in the PED that they do not know from day one if they are going to be able to have a rail on the side of one of their buildings if they desire one and I would rather have the law state one way or another if they can't have it let the law state plain and clear that it will not be given under any circumstances in the buffer and if the Town desires that there should be one under certain circumstances that the Town law read very clearly exactly when and how one will be permitted. To leave it to the discretion of a Board whose feelings change from time to time is a dangerous thing.

* * * * *

RESOLUTION NO. (700-1982)

ABANDONMENT OF POPLAR STREET, CENTRAL NYACK

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Abandonment of Poplar Street, Central Nyack be opened, time: 10:10 P.M.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (701-1982)

CLOSING PUBLIC HEARING RE: ABANDONMENT OF POPLAR STREET, CENTRAL NYACK AND RETURNING TO REGULAR MEETING (ADOPTED)

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Abandonment of Poplar Street, Central Nyack be closed, ADOPTED, time: 10:14 P.M.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (702-1982)

ABANDONMENT OF POPLAR STREET,
CENTRAL NYACK

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 8th day of June, 1982, provided for a public hearing on July 13, 1982, at 8:45 P.M., to consider the abandonment, pursuant to Section 205 of the Highway Law, and deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of Poplar Street, as shown and designated on a certain map entitled, "Map of Property of David J. Blauvelt of Nyack" filed in the Rockland County Clerk's Office on September 7, 1870, in Book 11 at Page 52 as Map 56, and the Official Map of the Town of Clarkstown, located in the Hamlet of Central Nyack, New York, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that Poplar Street, as described above, is hereby deleted from the Official Map of the Town of Clarkstown subject to the receipt of a favorable Planning Board recommendation, and be it

FURTHER RESOLVED, that Poplar Street, as described above, is hereby abandoned by the Town of Clarkstown subject to the receipt of a favorable Planning Board recommendation, and be it

FURTHER RESOLVED, that the attached Recommendation of Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (703-1982)

OPENING SCHEDULED PUBLIC HEARING RE: AMENDING LOCAL LAW ENTITLED 'A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN'

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Amending Local Law entitled, 'A Local Law Relating to the Control, Confining and Leashing of Dogs within the Town of Clarkstown', be opened, time: 10:15 P.M.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (704-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: AMENDING LOCAL LAW ENTITLED 'A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN' AND RETURNING TO REGULAR MEETING (ADOPTED)

Co. Lettre offered the following resolution:

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RESOLUTION NO. (704-1982) Continued

RESOLVED, that Public Hearing re: Amending Local Law entitled, 'A Local Law Relating to the Control, Confining and Leashing of Dogs within the Town of Clarkstown be closed, ADOPTED, and return to Regular Meeting, time: 10:20 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (705-1982)

ADOPTING LOCAL LAW NO. 10-1982 RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN

Co. Lettre offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 3-1980 ENTITLED, 'A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN,'" was introduced by Councilman Lettre, at a Town Board meeting held on June 8, 1982, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 8th day of June, 1982, directed that a public hearing be held on the 13th day of July, 1982 at 8:47 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 1, 1982, and

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

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 13, 1982;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 10-1982, entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 3-1980 ENTITLED, 'A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN'" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

Seconded by Co. Maloney

All voted Aye.

Supervisor Dusanenko stated that he hoped that this law would go a long way in closing the gaps but I have certain questions and hope that this will be adequate to serve the needs of the Town.

* * * * *

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APPEARANCE: Mr. Frank DiPasqualle
Fringe Court
New City, New York

Mr. DiPasqualle, in answer to a question from Supervisor Dusanenko, stated that he was the resident who had a problem with flooding and to whom Mr. Eterno and Mr. Longo paid a visit and took pictures of the flood conditions. He stated that Mr. Bollman told him he would look into this problem within a few weeks. Mr. DiPasqualle said that the situation was critical. The flooding came from a pond across the street from him and his driveway had been so eroded that he could not even put his car into his garage.

Supervisor Dusanenko suggested that a resolution be prepared authorizing the Director of Environmental Control to prepare a reasonable plan for the solution of Mr. DiPasqualle's problem.

RESOLUTION NO. (706-1982) AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO SUBMIT PLAN TO RESOLVE DRAINAGE PROBELM (FRINGE COURT, NEW CITY)

Co. Lettre offered the following resolution:

RESOLVED, that Les Bollman, Director of Environmental Control is hereby authorized to submit a reasonable plan for the resolution of drainage probelm on Fringe Court complained of by Mr. DiPasqualle on or before the 29th of July, 1982.

Seconded by Co. Holbrook All voted Aye.

* * * * *

Councilman Carey raised a question regarding the traffic light at the Senior Citizens' Complex at Middlewood. Supervisor Dusanenko said he had finally received permission from the State Highway Department and he requested Wood Electric, the contractor for the Highway Department on a temporary basis, at Town expense, with approval of the Town Board to install a manual control so that pedestrians can cross the street safely.

* * * * *

There being no one further wishing to be heard and no further business to come before the Town Board on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:30 P.M.

Respectfully submitted,
Virginia Di Blasi
VIRGINIA DI BLASI,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

121

Town Hall

7/13/82

8:30 P.M.

Present: Councilmen Carey, Holbrook, Lettre, Maloney
Philip Fogel, Deputy Town Attorney
Virginia DiBlasi, Deputy Town Attorney

RE: SPECIAL PERMIT FOR CONSTRUCTION OF AUTO LAUNDRY - CAL MART
CONSTRUCTION

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

Deputy Supervisor Lettre asked Deputy Town Attorney Fogel if there was any pertinent correspondence. Mr. Fogel read the following:

(Letterhead of Rockland County Planning Board)

"Date: June 24, 1982

Agency

Clarkstown Town Board
Town Hall
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)___239(l&m)xx_239(n)___
Map Dated: 5/19/82
Item:
Special Permit: auto laundry, S/S Route 59, West Nyack
Cal Mart Construction Corp)C-967)

The Rockland County Planning Board reviewed the above item at its meeting of June 22, 1982.

*approves___
**approves subject to conditions below XXX
**disapproves___
requests extension of time___

CONDITIONS: That the applicant comply with the recommendations of the Rockland County Soil and Water Conservation District and the New York State Department of Transportation.

cc: Town Attorney
Mr. Lombardi, Chrm., RCPB
Mr. Green, N.Y.S. D.O.T.
Mr. Mack, RCS&WCD

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By /s/ William M. Chase
William M. Chase, Principal Planner

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.
**The GML requires a vote of "two-thirds of all the members" or "majority plus one" of your agency to act contrary to the above findings."

* * * * *

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(Letterhead of Town of Clarkstown Planning Board)

"May 5, 1982

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

TOWN BOARD REFERRAL: SPECIAL PERMIT
REQUEST TO ALLOW FOR AUTO LAUNDRY
CAL MART CONST. CORP. 106A21.01 W. NYACK

Gentlemen:

The above matter was reviewed at the Planning Board meeting of April 28, 1982, and the following was resolved.

Motion of Nowicki, second of Fallon, carried 7:0 with Ayes of Cunningham, Howell, Yacyshyn, Smith and Paris, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The petition for Cal-Mart has been examined in relation to the surrounding area. The Planning Board recommends that the request for Special Permit for use of the premises as auto laundry be granted with the following provisos:

1. If the Honorable Town Board acts affirmatively, applicant will secure site plan approval from the Planning Board,
2. Approval shall be secured from either R.C. Sewer Dist. No. 1 or R.C. Health Dept. for waste water disposal,
3. A map note shall be placed on the exhibit "This survey is not intended as an approval of a subdivision: there shall be no separate tax lot and block numbers and no subdivision of these parcels. Review of a site plan shall not be limited solely to Parcel I."

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,
Chairman

cc: Town Attorney
Town Clerk"

* * * * *

(Letterhead of Rockland County Sewer District No. 1)

"May 3, 1982

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

Att: Ms. P. Sheridan - Town Clerk

Re: Special Permit for Auto Laundry
Cal-Mart Construction Co.

Dear Ms. Sheridan:

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"In an investigation of the proposed site for the auto laundry, the Rockland County Sewer District No. 1 offers the following comments. Since a considerable amount of grit is removed by the washing of vehicles, the Sewer District would recommend that a grit removal system be placed ahead of the discharge point into the sewer. The District recommends that this be done in order to eliminate possible obstruction of flow due to buildup of grit and possible scouring of the piping system.

Should you have any questions, please contact us at your earliest convenience.

Very truly yours,

/s/ Andrew S. Abate

Andrew S. Abate
Engineer II

ASA:pb"

* * * * *

(Letterhead of Soil Conservation Service)

"April 20, 1982

Rockland County Soil & Water
Conservation District
23 New Hempstead Road
New City, N.Y. 10956

Re: Cal Mart Construction (Auto Laundry Permit)

Gentlemen:

The following comments concern the proposed special permit for an auto laundry on filled land along Route 59.

The principal concern is local flooding and disposal of waste water.

We recommend that plans show:

1. The 100 year flood level in the vicinity of this site.
2. The waste water disposal system to be used.

Sincerely,

/s/ George E. Lee

George E. Lee
Resource Conservationist

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

* * * * *

Mr. Fogel read an excerpt from Raymond, Parish, Pine & Weiner which constituted the minutes from the Planning Board of June 16, 1982: "We have no objection in principal to the request

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upon reviewing the site plan should the Special Permit be granted. We were concerned with potential vehicle turning movements, adequate storage capacity, screening from Route 59 and adjoining properties."

* * * * *

Deputy Supervisor Lettre requested that Mr. John Hekker, attorney for the applicant make his presentation and stated that there had been a public hearing almost identical to this one except for the change in location a short while ago. He requested that the presentation be brief.

Mr. Hekker appeared as attorney for the applicant and presented his posting and mailing affidavits to the Deputy Town Clerk.

Mr. Hekker showed an exhibit which detailed the location for which the previous Special Permit had been granted. This was granted for the northwest corner of the parcel. This application presently is for a change of location to the northeast corner as this would provide better traffic flow. That is the nature of the present application.

Mr. Hekker said he would like to incorporate by reference the testimony of Mr. Dennis Coyle given at the May, 1982 public hearing that the applicant did comply with the Clarkstown Code - Special Findings in connection with Section 106.14 in each and every respect. He also wanted to incorporate by reference the testimony of the gentleman from the car wash that we complied with Section 106.16(C) with respect to auto laundries which we will do.

Mr. Hekker showed the site plan to better explain the reason for the change of location. He submitted this site plan as an exhibit. Mr. Hekker stated that the conditions set by the Town Board on May 11, 1982 were agreeable to the applicant. We will obtain site plan approval from the Clarkstown Planning Board. We will secure Rockland County Sewer District approval. We will provide a grit filtration pit.

Councilman Holbrook asked if Mr. Hekker was still acting as Special Counsel for the Town of Clarkstown and Mr. Hekker stated that he had resigned as of July 9, 1982. Councilman Holbrook asked if Mr. Hekker had been Special Counsel when this application had been made. Mr. Hekker said "Yes." Councilman Holbrook asked Mr. Fogel if this was a conflict of interest and Mr. Fogel said he did not see where it would *

Councilman Carey asked if there was a Town of Clarkstown Planning Board report on this yet. Mr. Hekker said this had been scheduled for a Planning Board meeting tomorrow (July 14, 1982) night. Any approval would, of course, be subject to Planning Board approval.

Deputy Supervisor Lettre asked if there was anyone who would like to speak in favor of the proposed petition.

IN FAVOR: No one appeared.

Deputy Supervisor Lettre asked if there was anyone who would like to speak in opposition to the proposed petition.

IN OPPOSITION: No one appeared.

There being no one wishing to speak, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 8:45 P.M.

Respectfully submitted,
Virginia Di Blasi
VIRGINIA DI BLASI,
Deputy Town Clerk

(This was ADOPTED by Resolution No. 678A-1982)

*be. Mr. Hekker said this was placing an unfair burden on Mr. Fogel and that the question was being decided by the Grievance Committee of the 9th Judicial District and had not, as yet, been resolved.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/13/82

9:35 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
Philip Fogel, Deputy Town Attorney
Virginia DiBlasi, Deputy Town Clerk

RE: AMENDMENT TO ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN - PED
BULK REGULATIONS - (NO BUFFER ALONG RAILROAD)

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

Supervisor Dusanenko asked Deputy Town Attorney Philip Fogel if he had any pertinent correspondence.

Mr. Fogel read the following:

(Letterhead of Rockland County Planning Board)

"June 24, 1982

Agency

Clarkstown Town Board
Town Hall
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)___239(l&m) XX239(n)___

Map Dated: _____
Item:

Zoning Amendment, P.E.D. buffer along railroad (C-1053)

The Rockland County Planning Board reviewed the above item at its meeting of June 22, 1982 and

- *approves (Resolution 532B-1982)
- **approves subject to conditions below _____
- **disapproves (Resolution 532A-1982) _____
- requests extension of time _____

REASONS: The Board found that nearby residential areas, as well as future industrial, office, and laboratory uses within the P.E.D., would be best served by giving the Town Planning Board the flexibility of varying the required buffer as part of their site plan review procedure.

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

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By _____

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.
**The GML requires a vote of "two-thirds of all the members " or "majority plus one: of your agency to act contrary to the above findings."

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(Letterhead of the Town of Clarkstown Planning Board)

"June 14, 1982

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

Gentlemen: TOWN BOARD REFERRAL: PROPOSED AMENDMENT TO THE PED DISTRICT PROPOSED LOCATION FOR ROAD FROM ROUTE 303 TO PED PORTION OF SD124C27+ ASSOCIATES OF R.C. OR WATER MILL ESTATES II, VALLEY COTTAGE.

At the Planning Board meeting of June 9, 1982, Member Howell made a motion which was seconded by Yacyshyn, carried 5:0 with Ayes of Smith, Fallon and Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD. The establishment of the PED district was to allow greater than usual flexibility in the design of an industrial park and to promote more economic and efficient use of the land. At the same time there was concern that those PED areas that surround residential areas afford maximum protection to those residents. To accomplish that goal, and to control the quality of development a minimum buffer area requirement was included. In review of the proposed amendments to that section of the Zoning Ordinance, the PB recommends that Resolution No. 532B be approved with the following modification: that portion of the resolution reading that "the PB may... be further amended to read...however, that the Planning Board may, as part of site plan approval, allow a railroad siding and that portion of the building abutting said siding, within the one hundred (100) foot buffer, where this will not weaken the integrity of the PED district or adversely affect adjoining or nearby properties". (Underlined portion to indicate proposed change of wording.) The Planning Board does not wish to completely obliterate the requirement for a buffer around the entire site.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris
Chairman

cc: Town Clerk, Town Attorney"

* * * * *

Supervisor Dusanenko asked Mr. Fogel a question to clarify the request. The request that was asked to be drafted by the Town Attorney's office was to have the restrictions along the railroad track in the PED the same as they are in LIO zone. Not around the entire property just along the portion adjacent to a railroad track. Is that what this amendment is doing?

Mr. Fogel said the one that we are discussing now essentially obliterates any requirement by the railroad siding. Supervisor Dusanenko said so therefore it will have the same provisions as all those lands zoned LIO. Mr. Fogel said there is no such requirement in LIO. Supervisor Dusanenko said that is a matter of right, is that correct? Mr. Fogel said that was correct. Supervisor Dusanenko said so therefore discretions cannot be utilized for one reason or another? Mr. Fogel said that was correct.

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

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IN FAVOR

Appearance: Mr. Arnold Garelik

Mr. Garelik stated that presently he was a partner and owner of a large industrial piece of property zoned L10. He stated that he was presently negotiating with someone who wanted a railroad siding in the PED district. To leave the obtaining of a railroad siding in doubt would certainly be harmful to someone who wanted to invest a large sum of money. He felt the purpose of the PED district was to entice industry to Clarkstown and this doubt would be difficult for potential industrial users to deal with. To leave it up to other people to decide perhaps at a future date after the users had invested money and time in the property was, he felt, unfair and would deter other possible users from coming into Clarkstown.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed amendment or to ask any questions.

IN OPPOSITION

Appearance: Mr. James Hirschberger
Valley Cottage, New York

He stated that he was against this proposed amendment and would recommend that the Town Board adopt the proposal where the Planning Board had authority to grant the buffer zone on a PED when a railroad track does abut and it should be reviewed on a case by case basis because by doing it that way when they do look at a specific situation and decide to grant it they might be able to make the best kind of alternative to minimize any adverse impact that would result from loss of the buffer reviewing it on an individual basis.

There being no one further wishing to be heard on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 9:45 P.M.

Respectfully submitted,

Virginia Di Blasi

VIRGINIA DI BLASI,
Deputy Town Clerk

(THIS WAS NOT ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/13/82

9:48 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
Philip Fogel, Deputy Town Attorney
Virginia Di Blasi, Deputy Town Clerk

RE: AMENDMENT TO ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN -
PED BULK REGULATIONS - (100 FT. BUFFER MAY BE WAIVED BY
PLANNING BOARD)

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open, time: 9:48 P.M. Deputy Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Supervisor Dusanenko asked Deputy Town Attorney Philip Fogel if he had any pertinent correspondence.

Mr. Fogel stated that he had a letter from the Rockland County Planning Board which was read at the previous Public Hearing re PED Bulk Regulations and which stated their approval. He wished to include this letter by reference.

Mr. Fogel also stated that he had a letter from the Town of Clarkstown Planning Board which had been read at the previous Public Hearing re PED Bulk Regulations and which stated their approval. He wished to include this letter by reference.

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

IN FAVOR

Appearance: Mr. James Hirschberger
Valley Cottage, New York

Mr. Hirschberger stated that he was in support of the proposal to allow the Planning Board to permit a waiver to the buffer to a PED zone when it is near a railroad siding providing they have made all the necessary reviews and determined that it is proper for the particular piece of property.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed amendment or if they had any questions.

IN OPPOSITION

Appearance: Mr. Henry Horowitz

Mr. Horowitz stated that he had no interest in the particular parcel which is affected by this proposal. His concern was that he does, on occasion, appear before the Planning Board. What did concern him were the options given to the Planning Board. He stated that in the 100 foot buffer buildings could be erected, etc. and the Planning Board would be given the authority to allow this. He felt there was too much flexibility as to the weakening of the integrity of the PED. It would be too difficult to determine whether or not the integrity had been weakened. As to the railroad siding adversely affecting the nearby or adjoining properties this was also completely subjective criteria. This would definitely be an obstacle to attracting good industry in Clarkstown as the outcome would be too indefinite. It was unfair to both the Planning Board and to the investor who would want to come into Clarkstown.

Continued on Next Page

Councilman Holbrook asked Mr. Geneslaw what he considered the pros and cons of what Mr. Horowitz had just discussed. Mr. Geneslaw said that the entire purpose of the PED as it was adopted was to allow flexibility. If the developer does not want the flexibility the developer can always apply under LIO. The burden to apply for a PED is always on the developer. The ordinance does not permit the Town to impose it. If the developer does not request it he does not get it. If he does not want it he doesn't need to ask for it. As far as flexibility is concerned virtually all of the requirements are on the outside of the parcel. Internally, there are either no specific sideyard, rear yard or front yard requirements. Those are all subject to Planning Board approval. There is a great deal of authority resting with the Planning Board with the PED. The kind of flexibility which a large scale industrial developer needs simply does not exist in the LIO district as we have it in our ordinance. The subject of the previous Public Hearing would allow construction without rear yard or side yard requirements if a railroad right-of-way was present. There is no reference in the amendment or in the LIO district to a siding. You don't need to use the siding. If you have a railroad you have no rear yard requirements, no side yard requirements. From my prospective that provides much less than they do. The Town Board can consider alternates to the subject of the 8:30 hearing. If the LIO requirements are to be transferred to the PED under the 8:20 hearing it would allow no rear yard or side yard requirements whatsoever.

Appearance: Mr. Arnold Garelick

Mr. Garelick said he would like to repeat what he said at the 8:20 hearing and he wanted to agree with Mr. Horowitz and bring up one other point. Everything Mr. Hirschberger said about the Planning Board having the right to judge to see if something is fair. The Planning Board still has because they still have to review a site plan on every individual building and just because it says the building doesn't need a side yard the Planning Board will still review that plan.

Appearance: Mr. John Maraia, Building Inspector
Town of Clarkstown

He stated that he prepared the 8:20 public hearing amendment to the PED regulations. He stated he would be open to amendment to Mr. Geneslaw if Mr. Geneslaw would want to put into that to amend my resolution to read only if a railroad siding is needed or warranted. Then it would be referred to no rear yard or side yard - he would be open to that if that was Mr. Geneslaw's only problem with the bulk requirements. No where in any ordinance in this Town are the bulk requirements left to the discretion of the Planning Board. They are left to the Town zoning ordinance.

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

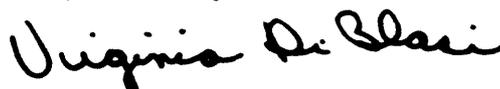
Mr. Granirer wanted to emphasize that PED was a sort of trade. In effect it was granting permission to do whatever you wanted inside so long as the border was kept "pretty." If you are going to interrupt that surrounding it should be justified. You are leaving a decision as to whether a railroad siding can come through a buffer up to a personal judgment. He felt that although the language required some improvement the principle of leaving it to the discretion of the Planning Board makes sense and in the discussion the Planning Board had about this amendment it was agreed that this was not the sort of thing to be turned over the ZBA. It was very much a question that a Planning Board ought to take up. It will be very difficult to decide when the buffer requirement is to be abandoned. There are a number of bulk requirements that a

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Planning Board can review and determine. For example, a Planning Board can determine how many units can be distributed in a 281 and I endorse this amendment over the former one.

There being no one further wishing to be heard on motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 10:00 P.M.

Respectfully submitted,



VIRGINIA DI BLASI,
Deputy Town Clerk

(This was ADOPTED - Resolution No. (699-1982))

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/13/82

10:10 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
Philip Fogel, Deputy Town Attorney
Virginia DiBlasi, Deputy Town Clerk

RE: ABANDONMENT OF POPLAR STREET, CENTRAL NYACK

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

Mr. Fogel, Deputy Town Attorney, stated that he did have a recommendation from Mr. Fred Seeger, Superintendent of Highways for abandonment. In the event the Board passes a resolution abandoning Poplar Street it should be noted that the Planning Board has not yet reviewed this matter and this should be subject to an affirmative vote of the Planning Board.

Supervisor Dusanenko asked if there was anyone wishing to speak in favor of the abandonment.

IN FAVOR:

Appearance: Jack Blecher, Esq.
Attorney for the Property Owner

He stated that it was unnecessary for him to make a speech in favor but he was puzzled about the last remark and wanted to make an inquiry regarding that. If a resolution is passed by this board adopting the abandonment it would be subject to further action by the Planning Board. Is that correct?

Mr. Fogel explained that the resolution also addresses itself to a change in the Official Map under Town Law any change in the Official Map is subject to recommendation of the Planning Board. Although it was referred some time ago the Planning Board has not, as of this date, made a recommendation. In response to a question as to when the Planning Board would consider this Mr. Blecher was told that the Planning Board would meet tomorrow (July 14, 1982) evening.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed abandonment.

IN OPPOSITION: No one appeared.

There being no one further wishing to be heard on motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 10:14 P.M.

Respectfully submitted,

Virginia DiBlasi

VIRGINIA DI BLASI,
Deputy Town Clerk

(This was ADOPTED by Resolution No. (702-1982))

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/13/82

10:15 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
Philip Fogel, Deputy Town Attorney
Virginia DiBlasi, Deputy Town Clerk

RE: AMENDING LOCAL LAW ENTITLED, 'A LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS WITHIN THE TOWN OF CLARKSTOWN'

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the Public Hearing was declared open, time: 10:15 P.M. Deputy Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Mr. Fogel explained that the purpose of this proposed local law is to redefine who an owner shall be because under the old local law an owner is someone who has the license and in certain instances apparently people have not been getting a license. Now an owner is anyone who harbors a dog whether he gets a license or not. Basically the intent of this amendment is that anyone having custody of any dog shall be responsible if that dog is not properly leashed. It also sets fines for first offense of \$25.00, second offense of \$50.00 and third offense of \$75.00.

After giving examples the Supervisor asked if this amendment really addresses the problem or does it leave loopholes too numerous to mention.

Deputy Town Attorney said it is conceivable that it still leaves loopholes but he found it difficult to believe that anyone on a daily basis would walk someone else's dog for the purpose of evading this law.

Supervisor Dusanenko said he thought that the purpose of this law was to close up the gap but the wording of this local law now doesn't necessarily close all the gaps. In response to a question regarding the age of someone walking a dog the Deputy Town Attorney said that anyone under the age of 18 would be exempt from the law anyway. He said there was a provision that in the event anyone breaking the law would be under the age of 18 and is the owner of record, the head of that minor's household shall be deemed in violation. The parents would be responsible for the conduct of the minor children.

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

IN FAVOR: No one appeared

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

IN OPPOSITION: No one appeared.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ADOPTED, time: 10:20 P.M.

Respectfully submitted,

Virginia DiBlasi

VIRGINIA DI BLASI,
Deputy Town Clerk