

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/3/82

8:03 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Sheila Reiter, Deputy Town Clerk

Supervisor Dusanenko declared the Town Board meeting open; Assemblage saluted the Flag.

Supervisor Dusanenko asked if there was anyone wishing to speak at the public portion of the meeting.

Appearance: Ms. Sylvia Campbell
West Nyack, New York

Ms. Campbell spoke regarding a one hundred and nine year old proposed street which is only on her property and which presently is causing her a great hardship. Ms. Campbell read from a prepared letter. "This is to advise that I own the property at 43 Demarest Avenue in West Nyack and I am in contract for the sale of this property. I am attaching herewith a survey of my property which will be designated as Exhibit A. Please note the survey shows a proposed street, Prospect Avenue, which dates back to 1873. I call your attention to the fact that this proposed street now exists only on my property - at the southerly end of my property. This proposed street was abandoned by the Town when Heather Hill was constructed about twenty years ago. I have attached a survey of Heather Hill which is contiguous to the southerly line of my property. This will be Exhibit B. I call your attention to Exhibit B and house located at Number 4 - now called Number 5 Heather Hills in the subdivision which is situated on what would have been a continuation of the proposed Prospect Avenue. I appeal to the Town Board to adopt a resolution abandoning the proposed Prospect Avenue which runs across my property from Demarest Avenue and dead ends at the southerly line of my property thereby relieving me of a grave hardship."

Ms. Campbell presented a tax map which the Supervisor perused. Supervisor Dusanenko said he would request the input of Mr. Seeger, Highway Superintendent. We should be able to have some disposition of this within a month.

Ms. Campbell said she had contracts pending and would appreciate swift action. Ms. Campbell said that Mr. Seeger had already looked at this property. Supervisor Dusanenko said that perhaps it was already on the agenda and Councilman Holbrook said that Agenda Item #47 on tonight's agenda related to this. He also mentioned that the Town Attorney had been looking into this.

Town Attorney John Costa said he thought it would be appropriate that in the first meeting in September it would be appropriate for the Town to direct that notice be given to those who would possibly be interested in the abandonment and at the last meeting in September to be considered by the Board. Ms. Campbell said that would present great hardship for her considering the contracts she now has.

Supervisor Dusanenko asked if there had to be a public hearing for a road abandonment. John Costa said he believed it would be appropriate under Section 205 of the Highway Law.

Appearance: Mr. Charles Gialombardi

Mr. Gialombardi requested that a voting place be established at the Senior Citizens Community Hall at Squadron Gardens in New City. He presented a petition requesting just that. He mentioned the dangers of the present voting place for the senior citizens (New City Condominiums) to justify his request.

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Appearance: Mr. Joel Karp

Mr. Karp said that he is a resident of the condominiums in question and he objected because no one in the condominiums knew that this was to be on the agenda tonight. He stated that there were over 700 people who vote on a regular basis. He felt that the people in the condominiums should have been made aware that there was to be a change. He said there had been a major effort by the people in the condominiums to set up District 22 so that a convenient place would be provided for the many people who vote on the way to work and on the way home from work. He wanted this deferred until talks between the senior citizens and the condominium dwellers could be effected.

RESOLUTION NO. (707-1982) CHANGING POLLING PLACE FOR ELECTION DISTRICT NO. 22

Co. Lettre offered the following resolution:

WHEREAS, it appears that it is in the public interest that the polling place for Election District No. 22 be changed to Squadron Gardens, Squadron Boulevard, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the polling place for Election District No. 22 be changed accordingly effective immediately.

Seconded by Supv. Dusanenko

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RESOLUTION NO. (708-1982) TABLING RESOLUTION NO. (707-1982) RE: CHANGE OF DISTRICT NO. 22 (ADOPTED)

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. (707-1982) regarding change of polling place for Election District No. 22 be tabled.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

During discussion on the above two resolutions Councilman Carey felt that the Town Board should look into the possibility of establishing a special district for senior citizens not necessarily part of District 22.

Supervisor Dusanenko had the following comments. Sometime after last year senior citizen residents and handicapped of Squadron Boulevard approached members of the Town government - elected and appointed - to switch a polling place after they were moved into that facility sometime last summer. After checking the records and finding out that polling places have to be changed at a certain point in time it came to my attention that their wishes were not complied with. I brought this to the attention of the Town Board at last Thursday evening's Town Board Workshop and in doing so the Town Board suggested that the polling place not be changed. Certain people would expect the residents to either drive or walk up a hill, north on Main Street, down a potential ski slope, look for a parking spot on private property which is very, very restricted in

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RESOLUTION NO. (708-1982) Continued

finding ample parking places and would have those residents of 101 units travel to private property. On the other hand I realize that there are approximately 700 voters on Heritage Drive but at the same time where is the concern for our senior citizens and handicapped? When I raised the question I was told by certain residents that they should vote absentee ballots. In the meantime if they don't want to travel by walking or car they will have to traverse a stream, perhaps climb a fence and perhaps be mugged because it is dangerous during certain hours in this Town where you don't have adequate lighting. I am suggesting that this be done for the benefit of senior citizens and the handicapped who live there and besides, for the convenience of all those persons as well who reside at Heritage Drive—its along a public street. All persons can park there, as there is adequate parking on both sides of Squadron Boulevard at that facility so that more people can vote instead of spending the time looking for a parking spot.

RESOLUTION NO. (709-1982)

AMENDING SPECIAL PERMIT
GRANTED ON JULY 13, 1982
TO CAL MART CONSTRUCTION
FOR THE CONSTRUCTION OF AN
AUTO LAUNDRY

Co. Lettre offered the following resolution:

WHEREAS, by Town Board Resolution No. 678-A adopted on July 13, 1982, the Town Board of the Town of Clarkstown granted a Special Permit to Cal Mart Construction Corp., for the construction of an auto laundry pursuant to the provisions of Section 106-10A, Table of General Use Regulations, RS District, Column 3, Section B, Paragraph 5 of the Zoning Ordinance of the Town of Clarkstown for property located 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

WHEREAS, it has been determined by the Building Inspector that the portion of the above lot where the auto laundry is proposed to be constructed does not contain enough area for required parking;

NOW, THEREFORE, be it

RESOLVED, that the Special Permit granted on July 13, 1982, is hereby amended by revising the description of the property as shown on the attached Schedule "A", and be it

FURTHER RESOLVED, that the within Amended Special Findings and Resolution and the Special Findings and Resolution dated July 13, 1982, shall constitute a written report pursuant to Section 106-14 of the Town Code to be filed with the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (710-1982)

SETTING PUBLIC HEARING RE:
PROPOSED LOCAL LAW PROVIDING
FOR THE AMENDMENT OF LOCAL
LAW NO. 3-1966 'LOCAL LAW
PROVIDING FOR GRANTING OF
PARTIAL EXEMPTIONS FROM REAL
PROPERTY TAXATION FOR REAL
PROPERTY OWNED BY CERTAIN PERSONS
WITH LIMITED INCOME WHO ARE
SIXTY-FIVE YEARS OF AGE OR OLDER'

Co. Lettre offered the following resolution:

Continued on Next Page

RESOLUTION NO. (710-1982) Continued

WHEREAS, Councilman Lettre, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED, ENTITLED, 'LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTIONS FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER'", and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of September, 1982, at 8:30 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (711-1982)

TRANSFER OF FUNDS FROM
ACCOUNT NO. 4210-204 TO
ACCOUNT NO. 4210-0328
(REIMBURSEMENT OF TRAVEL
EXPENSES FOR ELLEN COHEN
AND PATRICIA MORITZ -
CLARKSTOWN COUNSELING CENTER)

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$150.00 from Account No. 4210-204 to Account No. 4210-0328 for reimbursement of travel expenses for Ellen Cohen and Patricia Moritz of Clarkstown Counseling Center.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (712-1982)

RENEWAL OF LEASE FOR PREMISES
AT 44 SOUTH MAIN STREET -
CLARKSTOWN COUNSELING CENTER
(ARTHUR MOSKOFF)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently renting space at 44 South Main Street, New City, New York, for the use of the Clarkstown Counseling Center, and

WHEREAS, the Town of Clarkstown desires to continue the use of said premises;

RESOLUTION NO. (712-1982) Continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor shall execute a lease with Arthur Moskoff for premises located at 44 South Main Street, New City, New York, to be used by the Clarkstown Counseling Center to continue its counseling program at a rental of \$630.00 per month and utilities and taxes as provided in the lease agreement, which lease shall run from September 1, 1982 to August 31, 1983, and be it

FURTHER RESOLVED, that the annual rent of \$7,560 be taken from Line No. 4201-401.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (713-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE NECESSARY STEPS IN CONNECTION WITH ABANDONMENT OF POLLEN STREET, TOWT STREET AND HALL STREET, CENTRAL NYACK, NEW YORK (CHARGE ACCT. NO. 1420-409)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including obtaining a title report and survey, in connection with the proposed abandonment of Pollen Street, Towt Street and Hall Street, Central Nyack, New York, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (714-1982)

SETTING PUBLIC HEARING RE: AMENDMENT TO LOCAL LAW NO. 9-1971 AS AMENDED (PROVIDING FOR RENEWAL OF HANDICAPPED PARKING PERMITS FOR A FIVE YEAR PERIOD RATHER THAN ON AN ANNUAL BASIS)

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 9-1971, AS AMENDED, ENTITLED, 'A LOCAL LAW PROVIDING FOR SAFETY OF MOTOR VEHICLE OPERATION AND FOR REGULATION, MAINTENANCE AND MANAGEMENT OF SAFETY IN PUBLIC PLACES WITH RESPECT TO PARKING, INGRESS AND EGRESS AND SAFETY IN THE UPKEEP OF PLACES ACCESSIBLE TO THE PUBLIC (EXERCISE OF THE POWERS GRANTED TO THE TOWN OF CLARKSTOWN BY ARTICLE 41 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK)'"

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

NOW, THEREFORE, be it

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RESOLUTION NO. (714-1982) Continued

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of September, 1982, at 8:35 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (715-1982)

AUTHORIZING ATTENDANCE AT LABOR CONFERENCE (ROBERT S. HOFFMAN, DIRECTOR OF FINANCE AND NICHOLAS A. LONGO, CONFIDENTIAL SECRETARY)

Co. Maloney offered the following resolution:

RESOLVED, that Robert S. Hoffman, Director of Finance and Nicholas A. Longo, Confidential Secretary, are hereby authorized to attend a Labor Conference on behalf of the Town of Clarkstown, with expenses not to exceed \$150.00 per person and to be charged to appropriations account No. 1010-414.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (716-1982)

AUTHORIZING INSTALLATION OF FIRE HYDRANTS BY SPRING VALLEY WATER COMPANY (WEST SIDE NORMANDY VILLAGE ROAD AND EAST SIDE NORMANDY VILLAGE ROAD, NANUET, NEW YORK)

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) hydrants,

- (1) West side of Normandy Village Road, approximately 260 feet south of the center line of First Street and
- (2) East side of Normandy Village Road, approximately 670 feet south of the center line of First Street, Nanuet.

Investigation No. 9274.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (717-1982)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR SALE OF SURPLUS VEHICLES

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RESOLUTION NO. (717-1982) Continued

Co. Maloney offered the following resolution:

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

BID #51-1982
SALE OF SURPLUS VEHICLES

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, September 8, 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. Lettre All voted Aye.

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RESOLUTION NO. (718-1982) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR CLOSED CIRCUIT TV EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #52-1982
CLOSED CIRCUIT TV EQUIPMENT

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 Thursday, August 19, 1982 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarktown Director of Purchasing.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (719-1982) INCREASE ESTIMATED REVENUE ACCOUNT NO. 01-2070 AND APPROPRIATION ACCOUNT NO. A 1120-319

Co. Lettre offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-2070 and Appropriation Account No. A 1120-319 by \$250.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (720-1982)

TRANSFER OF FUNDS FROM
CONTINGENCY ACCOUNT NO.
A 1990-505 TO APPROPRIATION
ACCOUNT NO. A 1930-505
(JUDGMENT AND CLAIMS)

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$250.00 from Contingency Account
No. A 1990-505 to Appropriation Account No. A 1930-505 (Judgment
and Claims.)

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (721-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
A 1640-311 TO APPROPRIATION
ACCOUNT NO. A 1640-416

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$700.00 from Appropriation Account
No. A 1640-311 to Appropriation Account No. A 1640-416.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (722-1982)

TRANSFER OF FUNDS FROM
CONTINGENCY ACCOUNT NO. A
1990-505 TO APPROPRIATION
ACCOUNTS NOS. A 1315-443
AND A 1315-201

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$4,250.00 from Contingency Account
No. A 1990-505 to the following Appropriation Account Nos.:

A 1315-443.....\$4,000.00
A 1315-201..... 250.00

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (723-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
B 8020-313 TO APPROPRIATION
ACCOUNT NO. B 8020-201

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$125.00 from Appropriation Account
No. B 8020-313 to Appropriation Account No. B 8020-201.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (724-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
A 1620-416 TO APPROPRIATION
ACCOUNT NO. A 1620-111 AND
INCREASE ESTIMATED REVENUE
01-2680 AND APPROPRIATION
ACCOUNT NO. A 1620-407

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$400.00 from Appropriation Account
No. A 1620-416 to Appropriation Account No. A 1620-111 and be it

FURTHER RESOLVED, to increase Estimated Revenue 01-
2680 and Appropriation Account No. A 1620-407 by \$1,445.72.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (725-1982)

TRANSFER OF FUNDS FROM
CONTINGENCY ACCOUNT NO.
A 1990-505 TO APPROPRIATION
ACCOUNT NO. A 8730-409

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$11,000.00 from Contingency Account
No. A 1990-505 to Appropriation Account No. A 8730-409.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (726-1982)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 05-102999 AND
APPROPRIATION ACCOUNT NO.
G 9710-409

Co. Lettre offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 05-
102999 and Appropriation Account No. G 9710-409 by \$800.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (727-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
A 5630-292 TO APPROPRIATION
ACCOUNT NOS. A 5630-408 AND
A 5630-409

Co. Lettre offered the following resolution:

RESOLVED, to transfer \$521.00 from Appropriation Account
No. A 5630-292 to the following Appropriation Account Nos.:

A 5630-408.....\$500.00
A 5630-409..... 21.00

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (728-1982)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDINGS
FOR REMOVAL OF VIOLATIONS ON
PREMISES OWNED BY SAIL
DEVELOPMENT COMPANY

Co. Maloney 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: SAIL DEVELOPMENT COMPANY in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 77, Block A, Lot 26 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 12th day of October, 1982, at 8:30 P.M., providing service of Notice Pursuant to Town Code, Section 21, can be made on or before September 28, 1982.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (729-1982)

ACCEPTING DEED FROM COUNTY
OF ROCKLAND FOR EASEMENT
(MAP 8, BLOCK A, LOT 7)

Co. Maloney offered the following resolution:

RESOLVED, that the deed dated June 7, 1982, from the County of Rockland for a permanent easement over the lot designated on the Clarkstown Tax Map as Map 8, Block A, Lot 7, is hereby accepted by the Town of Clarkstown and directed to be recorded in the Rockland County Clerk's Office.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (730-1982)

SETTING PUBLIC HEARING WITH
REGARD TO ZONING PETITION
(JEROME PAIKIN)

Co. Maloney offered the following resolution:

WHEREAS, Jerome Paikin has petitioned theTown Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from LO district to R-15 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of theTown Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of October, 1982 at 8:40 P.M., or as soon thereafter as possible, relative to the proposed amendment; and it is

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. Carey

RESOLUTION NO. (730-1982) Continued

On roll call the vote was as follows:

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

Councilman Lettre said that this was another instance of setting a public hearing despite the moratorium on zone changes in the Town of Clarkstown. He felt it should wait until the overall public hearing for the Hamlet of Nanuet so that the Town Board could make a decision on what, if any, zone changes could be made in the Hamlet of Nanuet. He said that we have a moratorium and we are not living by it.

Councilman Maloney stated that this was just setting a public hearing for a zone change and the public should be heard on this particular zone change which is requesting R-15 from L0 and was recommended by the Planning Board.

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RESOLUTION NO. (731-1982)

APPROVING REDUCTION IN
AMOUNT OF PERFORMANCE
BOND (URANUS CONSTRUCTION
CORP. AND JOHN BOOTH -
COLONIAL VILLAGE)

Co. Maloney offered the following resolution:

WHEREAS, Performance Bond No. 931027, URANUS CONSTRUCTION CORP., as Principal and JOHN BOOTH, as Co-principal and Republic Insurance Co., as Surety, dated August 11, 1980 in the amount of \$22,000.00, covering the improvements and other facilities as shown on the final plat of COLONIAL VILLAGE, Section 2 dated August 28, 1979, was furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that Bond No. 931027 be reduced to \$15,640.00 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond No. 931027 is hereby reduced to \$15,640.00.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (732-1982)

AUTHORIZING SUPERVISOR TO
EXECUTE GENERAL RELEASE
(RICHARD WALSH)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a General Release on behalf of the Town of Clarkstown in favor of Richard Walsh.

Seconded by Co. Carey

All voted Aye.

Supervisor Dusanenko stated that he was voting yes on advice of counsel.

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RESOLUTION NO. (733-1982)

INCREASING SALARY OF
RECEIVER OF TAXES -
TRANSFER OF FUNDS FROM
ACCOUNT NO. A 1990-505
TO ACCOUNT NO. A 1330-
110

Co. Lettre offered the following resolution:

RESOLVED, that by the authority granted in Section 27-1 of the Town Law as determined by Opinion No. 82-7 of the State Comptroller, the salary of the Receiver of Taxes is hereby increased from \$19,420 to \$23,420, retroactive to January 1, 1982, and be it

FURTHER RESOLVED, that the sum of \$4,000 be transferred from Account No. A 1990-505 to Account No. A 1330-110.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (734-1982)

AUTHORIZING ATTENDANCE AT
NATIONAL RECREATION AND
PARKS ASSOCIATION CONGRESS
(EDWARD J. GHIAZZA)

Co. Holbrook offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission that Edward J. Ghiazza, Supt. of Recreation and Parks, is hereby authorized to attend the 1982 National Recreation and Parks Association Congress, October 24, 1982 through October 28, 1982, to be held in Louisville, Kentucky, and

FURTHER RESOLVED, that a maximum of \$750.00 be allocated for the above purpose, and

FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer \$750.00 from 7620-424 to 7020-414.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (735-1982)

AUTHORIZING TRANSFER OF
FUNDS FROM APPROPRIATION
ACCOUNT NO. 1990-505 TO
VARIOUS A-7141 ACCOUNTS

Co. Maloney offered the following resolution:

RESOLVED, that the Town Comptroller is hereby authorized to transfer \$32,900.00 from Appropriation Account No. 1990-505 to the following A-7141 accounts:

<u>Description</u>	<u>Line</u>	<u>Amount</u>	<u>Total</u>
Salaries - Full-time			
(1 Sr. Rec. Ldr., 1 Custodian	110	\$ 8,500	
Overtime	111	1,000	
Part-time	114	<u>3,500</u>	\$13,000
Park and Recreation Equipment	222	3,000	3,000

RESOLUTION NO. (735-1982) Continued

<u>Description</u>	<u>Line</u>	<u>Amount</u>	<u>Total</u>
Food	301	\$ 500	
Hospital & Medical Supplies	303	200	
Maintenance Supplies	306	1,000	
Books & Publications	328	50	
Recreational Supplies	329	1,500	
Paint & Paint Supplies	380	200	\$3,450
Travel, Mileage, Meals	404	250	
Equipment Repairs	407	1,000	
Bldg. Repairs & Improvements	408	1,000	
Refuse-Window Cleaning	412	200	
Contractual Expenses	424	1,000	
Alarm Systems	430	500	
Electricity & Gas	461	9,000	
Water	462	500	13,450
Gross			\$32,900

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to increase Revenue Account 2001 by \$3,500.

SUMMARY:	GROSS	\$32,900
	REVENUE	- 3,500
	NET	\$29,400

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (736-1982) AWARDING BID FOR UNIFORM MAINTENANCE SERVICE FOR POLICE & PARKS DEPARTMENT (ARTISTIC DRY CLEANERS)

Co. Lettre offered the following resolution:

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

BID #43-1982
UNIFORM MAINTENANCE SERVICE FOR POLICE
& PARKS DEPARTMENTS

is hereby awarded to

Artistic Dry Cleaners
89 North Main Street
Spring Valley, N.Y. 10977

as per the following proposed price schedule

Trousers	@ \$1.00 per unit
Shirts	@ \$1.00 per unit
Leather Jackets	@ No charge
Poplin Jackets	@ " "
Dacron/wool Jackets	@ " "
White Dress Shirts	@ " "
Blankets	@ " "

Seconded by Co. Maloney All Aye.

* * * * *

RESOLUTION NO. (737-1982)

ADOPTING AND ACCEPTING
THE TOWN BOARD MINUTES
FOR JUNE 22, 1982

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting held on June 22nd, 1982, are hereby adopted and accepted as submitted by the Town Clerk

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (738-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PAVE AREA
AROUND TOWN GARAGE FACILITY
TRANSFER OF FUNDS TO
APPROPRIATION ACCOUNT NO.
A 5630-381 FROM APPROPRIA-
TION ACCOUNTS NOS. A 5630-
203 AND A 1990-505

Co. Lettre offered the following resolution:

WHEREAS, there is a need to pave the area around the Town Garage facility, be it

RESOLVED, that Fred Seeger, Superintendent of Highways, is authorized to proceed immediately with the paving and be it therefore

RESOLVED, to transfer \$29,000 to Appropriation Account No. A 5630-381 from the following Appropriation Account Nos.:

A 5630-203.....	\$ 9,600.00
A 1990-505.....	19,400.00

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (739-1982)

AUTHORIZING TOWN ATTORNEY
TO OBTAIN SERVICES OF AN
APPRAISER TO INVESTIGATE
PROPOSED ACQUISITION OF
CLARKSTOWN WAREHOUSE FACILITIES
ON ROUTE 303 IN VALLEY COTTAGE

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of an appraiser to investigate the proposed acquisition of the present Town of Clarkstown warehouse facilities located at Route 303, Valley Cottage, New York, and be it

FURTHER RESOLVED, that payment for such services shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (740-1982)

AUTHORIZING ATTENDANCE AT
TELEPHONE BASICS CONFERENCE
(NICHOLAS A. LONGO)

Co. Maloney offered the following resolution:

RESOLVED, that Nicholas A. Longo, Confidential Secretary, is hereby authorized to attend a Telephone Basics one day seminar at the Roosevelt Hotel in New York on August 25, 1982, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriations account No. A 1010-414.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (741-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PERFORM
CORRECTIVE DRAINAGE WORK
AT 21 FREUND DRIVE, NANUET
AND TO RENT NECESSARY EQUIPMENT
TO SO ACCOMPLISH - CHARGE
CAPITAL NO. 2 DRAINAGE ACCT.

Co. Maloney offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of 21 Freund Drive, Nanuet, New York,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform corrective drainage work in the vicinity of and along Freund Drive in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$16,000.00 and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to rent the necessary equipment to accomplish this corrective drainage work and supply the necessary supervision and be it

FURTHER RESOLVED, that the sum of \$16,000.00 be charged to Capital No. 2 Drainage Account.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (742-1982)

SETTING PUBLIC HEARING RE:
CONSIDERATION OF PROPOSED
AMENDMENTS TO THE ZONING
ORDINANCE AND SETTING PUBLIC
HEARING RE: CONSIDERATION OF
PROPOSED AMENDMENTS TO THE
OFFICIAL MAP

Co. Lettre offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has adopted a Master Plan, and

WHEREAS, the Town's Planning Consultant, by direction of the Town Board, has identified certain parcels of land in the Hamlet of Congers having present zoning designations inconsistent with the

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RESOLUTION NO. (742-1982) Continued

Master Plan and has suggested that certain amendments to the Official Map of the Town of Clarkstown may be required to implement the Master Plan, and

WHEREAS, the Town Board wishes to consider the zoning amendments and changes in the Official Map so as to bring these areas into conformity with the Master Plan;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing on the 20th day of September, 1982, at 8:00 P.M., at the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the proposed amendments to the Zoning Ordinance of the Town of Clarkstown shown on the attached Schedule "A", and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing on the 20th day of September, 1982, at 9:00 P.M., at the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the proposed amendments to the Official Map of the Town of Clarkstown shown on the attached Schedule "B", and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such hearings and that the Town Clerk cause the notice of same to be published in the official newspaper of the Town and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Planning Board for their report and recommendations.

Seconded by Co. Maloney

All voted Aye.

Schedules "A" and "B" on file in Town Clerk's Office.

* * * * *

RESOLUTION NO. (743-1982)

AUTHORIZING ATTENDANCE AT SCHOOL FOR TAX COLLECTING OFFICERS (ANTHONY D'ANTONI) CHARGE APPROPRIATIONS ACCOUNT A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Anthony D'Antoni, Receiver of Taxes of the Town of Clarkstown is hereby authorized to attend the school for tax collecting officers at the Best Western Thruway House, Albany, New York on August 23 and 24, 1982, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriations account No. A 1010-414.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (744-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE NECESSARY STEPS IN CONNECTION WITH PROPOSED ABANDONMENT OF SHERWOOD AVENUE, CONGERS, NEW YORK

Co. Maloney offered the following resolution:

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RESOLUTION NO. (744-1982) Continued

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including obtaining a title report and survey, in connection with the proposed abandonment of Sherwood Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (745-1982)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH KORN, ROSENBAUM, PHILLIPS & JAUNTIG FOR INDEPENDENT AUDIT CHARGE TO ACCOUNT NO. 1320-409

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown shall enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, 117 Route 9W, Haverstraw, New York, for an independent audit for the years 1982 and 1983, for the sums of \$16,500.00 for the year 1982 and \$17,500.00 for the year 1983, said sums to be charged to Account No. 1320-409, which agreement shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (746-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE NECESSARY STEPS TO INVESTIGATE PROPOSED ACQUISITION OF PROPERTY LOCATED AT SOUTHEAST CORNER OF DEMAREST AVENUE AND MAPLE AVENUE, NEW CITY, NEW YORK - CHARGE TO ACCOUNT NO. 1420-409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to investigate the proposed acquisition of property located on the southeast corner of Demarest Avenue and Maple Avenue, New City, New York, including obtaining the services of an appraiser, title report and survey, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (747-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE NECESSARY STEPS IN CONNECTION WITH PROPOSED ACQUISITION OF PROPERTY ADJACENT TO TOWN HIGHWAY DEPARTMENT GARAGE - CHARGE ACCOUNT NO. 1420-409

Co. Maloney offered the following resolution:

RESOLUTION NO. (747-1982) Continued

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including obtaining the services of an appraiser, title report and survey, in connection with the proposed acquisition of property adjacent to the present Town of Clarkstown Highway Department Garage reputedly owned by the Gray Estate, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (748-1982)

AUTHORIZING TOWN ATTORNEY TO TAKE NECESSARY STEPS IN CONNECTION WITH THE PROPOSED ACQUISITION OF PROPERTY ADJACENT TO THE AMERICAN LEGION HALL, NEW CITY, NEW YORK - CHARGE TO ACCOUNT NO. 1420-409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including obtaining the services of an appraiser, title report and survey, in connection with the proposed acquisition of property adjacent to the American Legion Hall, New City, New York, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (749-1982)

AUTHORIZING TOWN ATTORNEY TO INVESTIGATE ALL ADJACENT PROPERTIES TO THE CLARKSTOWN SANITARY LANDFILL FOR DETERMINATION OF ENCROACHMENTS OR EASEMENTS IN CONNECTION WITH CONSTRUCTION OF LEACHATE COLLECTION SYSTEM

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown, by Consent Order dated May 14, 1980, of the New York State Department of Environmental Conservation is required to construct a Leachate Collection System to preserve the environment of the Town of Clarkstown at the Clarkstown Sanitary Landfill;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to investigate all adjacent properties to determine whether or not any encroachments or easements on said property, whether they be temporary or permanent in nature, are required to be obtained by the Town of Clarkstown in connection with the construction of the Leachate Collection System, and be it

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RESOLUTION NO. (749-1982) Continued

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain appraisals, title reports and surveys of affected property, and be it

FURTHER RESOLVED, that the payment for such services shall be charged to the Adler-Waldron Bond.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (750-1982)

APPOINTING ARNOLD BECKER
AND JOEL L. FLICK AS SPECIAL
COUNSEL TO DEFEND TAX
CERTIORARI PROCEEDINGS
ASSIGNMENT BY TOWN ATTORNEY
OF PENDING AND NEW CASES TO
THE SPECIAL COUNSEL - FEES
TO BE TAKEN FROM 1356-409

Co. Lettre offered the following resolution:

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

WHEREAS, it can be anticipated that additional tax certiorari proceedings will be filed in the coming year;

NOW, THEREFORE, be it

RESOLVED, that Arnold Becker and Joel L. Flick are hereby appointed as Special Counsel to the Town of Clarkstown and are authorized to take all steps on behalf of the Town to defend such tax certiorari proceedings which are presently pending and any that may be instituted concerning the 1982 tax assessment roll for an annual retainer of \$9,500.00 per attorney, payable in monthly installments for the period commencing August 15, 1982, and ceasing August 14, 1983, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown shall maintain the records of all tax certiori proceedings pending and filed in his office and shall assign the cases presently pending and any new tax certiorari proceedings to the respective Special Counsel, and be it

FURTHER RESOLVED, that the fees for said Special Counsel shall be taken from Account No. 1356-409.

Seconded by Co. Carey

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (751-1982)

AUTHORIZING SUPERINTENDENT OF
HIGHWAYS TO PERFORM CORRECTIVE
DRAINAGE WORK AT 235 SOUTH
HARRISON AVENUE, CONGERS, NEW
YORK - CHARGE TO CAPITAL
NO. 2 DRAINAGE ACCOUNT

Co. Holbrook offered the following resolution:

RESOLUTION NO. (751-1982) Continued

WHEREAS, a drainage condition exists at 235 South Harrison Avenue, Congers, New York,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform the corrective drainage work on the above property in accordance with the recommendations of the Department of Environmental Control for a sum not to exceed \$1,000.00 and be it

FURTHER RESOLVED, that the sum of \$1,000.00 be charged to the Capital No. 2 Drainage Account, and be it

FURTHER RESOLVED, that prior to commencing work the Director of the Department of Environmental Control obtain permission in writing of the abutting property owners.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (752-1982)

ACCEPTING PROPOSALS FOR STREET LIGHTING FROM ORANGE & ROCKLAND UTILITIES AT BUENA VISTA ROAD, SPRING VALLEY - RAVEN TERRACE, NEW CITY - EAST ORCHARD STREET, NANUET - OLIN DRIVE, SPRING VALLEY and SUSAN DRIVE, NEW CITY

Co. Lettre offered the following resolution:

WHEREAS, residents of the Town of Clarkstown have requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly affected 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:

- | | |
|---------------------|---------------|
| Buena Vista Road | Spring Valley |
| Raven Terrace | New City |
| East Orchard Street | Nanuet |
| Olin Drive | Spring Valley |
| Susan Drive | New City |

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (753-1982)

GRANTING PERMISSION FOR USE OF TOWN OF CLARKSTOWN SHOW-MOBILE TO HISTORICAL SOCIETY OF ROCKLAND FOR HOMELANDS DAY

Co. Holbrook offered the following resolution:

RESOLUTION NO. (753-1982) Continued

WHEREAS, the Historical Society of Rockland County has requested use of the Town of Clarkstown Showmobile on Sunday, September 19, 1982 for Homelands Day to be held at the History Center Museum in New City,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Historical Society of Rockland County to use the Town of Clarkstown showmobile on September 19, 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 \$384.00 to cover maintenance costs from A1990-505 to the following accounts:

A 7140-111	\$360.00
A 7140-301	24.00

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (754-1982)

AUTHORIZING TOWN ATTORNEY TO PREPARE CHARGES AND SERVE NOTICE THEREOF UPON R & R CARTING DISPOSAL, INC. FOR HEARING BEFORE TOWN BOARD ON SEPTEMBER 30, 1982

Co. Maloney offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that R & R Carting Disposal, Inc., 208 Orange Avenue, Suffern, New York, violated Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills" which is required to be observed by carters licensed to dump in the Clarkstown Sanitary Landfill;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to prepare charges and serve notice thereof upon R & R Carting Disposal, Inc., for a hearing before the Town Board of the Town of Clarkstown to be held on September 30, 1982, at 8:00 P.M., at the Andrew Jackson Room of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (755-1982)

REFUND OF VARIANCE FEE TO JOHN JIRGAL

Co. Holbrook offered the following resolution:

WHEREAS, John Jirgal had requested a variance fee for premises located at 424 Storms Road, Valley Cottage and paid an application fee of \$50.00, and

RESOLUTION NO. (755-1982) Continued

WHEREAS, said applicant has withdrawn his appeal,
NOW, THEREFORE, be it

RESOLVED, that the sum of \$50.00 shall be refunded to
said Mr. John Jirgal.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (756-1982) AUTHORIZING ATTENDANCE AT
NEW YORK STATE ASSESSORS
ASSOCIATION SEMINAR (ROSS J.
VALENZA)

Co. Lettre offered the following resolution:

RESOLVED, that Ross J. Valenza, Assessor of the Town of
Clarkstown, is hereby authorized to attend the Annual New York State
Assessors Association Seminar to be held at Swan Lake, New York from
September 19th to September 22, 1982, and be it further

RESOLVED, that all proper charges not to exceed \$300.00
be charged against appropriations account No. A 1010-414.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (757-1982) TRANSFER OF FUNDS FROM
CONTINGENCY ACCOUNT NO. A
1990-5-5 TO APPROPRIATION
ACCOUNTS A 1220-313 AND
A 1220-328

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$850.00 from Contingency Account
No. A 1990-505 to the following Appropriation Account Nos.:

A 1220-313..... \$800.00
A 1220-328..... 50.00

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (758-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
B 8010-459 TO APPROPRIATION
ACCOUNT NO. B 8010-201

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$500.00 from Appropriation Account
No. B 8010-459 to Appropriation Account No. B 8010-201.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (759-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
A 8160-409 TO APPROPRIATION
ACCOUNT NO. A 8160-209

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$479.00 from Appropriation Account
No. A 8160-409 to Appropriation Account No. A 8160-209.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (760-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO.
A 1330-114 TO APPROPRIATION
ACCOUNT NO. A 1330-404

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$100.00 from Appropriation Account
No. A 1330-114 to Appropriation Account No. A 1330-404.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (761-1982)

SETTING PUBLIC HEARING RE:
ABANDONMENT OF PROSPECT
AVENUE, WEST NYACK, NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received a petition
for the abandonment of Prospect Avenue, West Nyack, New York, which
street lies within the lot designated on the Clarkstown Tax Map as
Map 71, Block C, Lot 46, and

WHEREAS, the Town of Clarkstown wishes to give notice of
such request for abandonment of Prospect Avenue, West Nyack, New York,
to the adjoining property owners and provide them with an opportunity
to comment on said abandonment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
will hold a public hearing at the Town Hall of the Town of Clarkstown,
10 Maple Avenue, New City, New York, on the 14th day of September,
1982, at 8:50 P.M. to consider the abandonment of Prospect Avenue,
West Nyack, New York, and be it

RESOLUTION NO. (761-1982) Continued

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

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

FURTHER RESOLVED, that the applicant shall forward by certified mail notice of the public hearing to the property owners in the area which may be affected by said abandonment.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (762-1982)

RESCINDING RESOLUTION NO.
663 ADOPTED ON JULY 13,
1982 HAVING TO DO WITH
SALE OF SURPLUS PROPERTY

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 663 adopted on July 13, 1982 is hereby rescinded.

Seconded by Co. Holbrook

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There was discussion regarding this during which Supervisor Dusanenko requested Town Attorney to write for an opinion on this to State Audit and Control. Councilman Holbrook felt it was merely a resolution to correct an error by the Town Board at the previous meeting. He said according to our Town Code Book surplus property of the town could not be sold to a town employee. Supervisor Dusanenko said this had been done in the past and he wanted an opinion from Audit and Control. Supervisor Dusanenko moved to table the resolution.

RESOLUTION NO. (763-1982)

TABLING RESOLUTION NO.
(762-1982) REGARDING SALE
OF SURPLUS PROPERTY (FAILED)

Supervisor Dusanenko offered the following resolution:

RESOLVED, that Resolution No. (762-1982) is hereby tabled and the Town Attorney directed to forward for an opinion to Audit and Control.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

* * * * *

Supervisor Dusanenko again requested the Town Attorney to write to Audit and Control for an opinion regarding the sale of surplus property to a town employee. Town Attorney felt that they would be reluctant to rule on a local ordinance but the Supervisor stressed that this was what should be done.

Councilman Lettre said the code book was very ambiguous on this. What it says is that no employee may become a contractor or sub-contractor while employed by the town. We have had in the past numerous occasions where surplus equipment and vehicles that were basically worthless to the Town of Clarkstown were offered for sale and were purchased by town employees. He said that notices were sent out to many major businesses and he read from letter received from Bouton's which said in part "I am sorry to say that I cannot bid on said equipment as all pieces are valueless in today's market." He felt that this was being interpreted the way political powers or political powers-to-be might wish to see it and he wanted the opinion from Audit and Control. He stated that if the opinion came back saying that town employees could not bid on such equipment he would be the first one to move to rescind that resolution.

Councilman Maloney said he thought it was interesting that the material was considered worthless by Boutons. He read from a letter which was sent out by the Town of Clarkstown's Purchasing Department. It said in part: "Much of this equipment is highly serviceable and could provide purchaser with satisfactory service. Some might merely require a general cleaning and oiling. Others require repair work. In most cases a small investment and restoration will provide the new owner with a useful piece of equipment."

The vote was then taken on Resolution (762-1982) the tabling resolution having failed. Supervisor Dusanenko attempted to amend the rescinding resolution inserting directions for the Town Attorney to research all resolutions of the Town Board for the last ten years to find out what other instances this practice has been performed. This failed to obtain a second and the vote was taken on the original rescinding motion.

On roll call the vote was as follows:

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

Supervisor Dusanenko stated in response to a remark of Councilman Holbrook's that in the course of the Councilman Holbrook's service as a Councilman that he had made the mistake of approving awarding of surplus material to town employees. Supervisor Dusanenko stated that Councilman Holbrook was raising the question now because it concerned a member of the Supervisor's office. He stated that Councilman Holbrook spent his time in trying to embarrass the Supervisor rather than using his head for good government for all of the people.

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RESOLUTION NO. (764-1982)

APPOINTING POSITION OF
LABORER/STUDENT - ON THE JOB
TRAINING (HUNG LUU)

Co. Lettre offered the following resolution:

RESOLVED, that Hung Luu, 4 Virginia Street, New City, New York is hereby appointed to the positions of Laborer/Student - On

RESOLUTION NO. (764-1982) Continued

The Job Training Program - at the hourly rate of \$3.35, effective and retroactive to July 12, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (765-1982) APPOINTING POSITION OF LABORER/STUDENT - ON THE JOB TRAINING (PATRICK ROCCO)

Co. Lettre offered the following resolution:

RESOLVED, that Patrick Rocco, 160 North Main Street, New York is hereby appointed to the position of Laborer/Student - On The Job Training Program - at the hourly rate of \$3.35, effective and retroactive July 16, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (766-1982) APPOINTING POSITION OF LABORER/STUDENT - ON THE JOB TRAINING (JAMES E. WILLIAMS)

Co. Lettre offered the following resolution:

RESOLVED, that James E. Williams, 10 High Avenue, Nyack, New York, is hereby appointed to the position of Laborer/Student - On The Job Training Program - at the hourly rate of \$3.35, effective and retroactive to July 19, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (767-1982) APPOINTING POSITION OF LABORER/STUDENT - ON THE JOB TRAINING (THANH BUI)

Co. Lettre offered the following resolution:

RESOLVED, that Thanh Bui, 46 Ludvigh Road, Nanuet, New York is hereby appointed to the position of Laborer/Student - On The Job Training Program - at the hourly rate of \$3.35, effective and retroactive to July 20, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (768-1982) APPOINTING POSITION OF LABORER/STUDENT - ON THE JOB TRAINING (TRUNG LAM)

Co. Lettre offered the following resolution:

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RESOLUTION NO. (768-1982) Continued

RESOLVED, that Trung Lam, 46 Ludvigh Road, Nanuet, New York, is hereby appointed to the position of Laborer/Student - On The Job Training Program - at the hourly rate of \$3.35, effective and retroactive to July 26, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (769-1982) APPOINTING POSITION OF LABORER/STUDENT - ON THE JOB TRAINING (QUOC HOANG)

Co. Lettre offered the following resolution:

RESOLVED, that Quoc Hoang, 46 Ludvigh Road, Nanuet, New York is hereby appointed to the position of Laborer/Student - On The Job Training Program - at the hourly rate of \$3.35, effective and retroactive to August 2, 1982, for a period not to exceed 60 days.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (770-1982) APPOINTING POSITION OF CLERK - ASSESSOR'S OFFICE - (FRANCES KOPPEL)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk #81112 which contains the name of Frances Koppel,

NOW, THEREFORE, be it

RESOLVED, that Frances Koppel, 14 Second Street, New City, New York is hereby appointed to the position of Clerk - Assessor's Office, at the annual 1982 salary of \$8,692.00, effective and retroactive to July 26, 1982.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (771-1982) DESIGNATING GRADES FOR POSITION TITLES - CLARKSTOWN COUNSELING CENTER (YOUTH EMPLOYMENT SERVICE AIDE - COUNSELING AIDE - ASSISTANT DIRECTOR OF MUNICIPAL COUNSELING SERVICES - DIRECTOR OF MUNICIPAL COUNSELING SERVICES - COUNSELING ASSISTANT)

Co. Lettre offered the following resolution:

RESOLVED, that in accordance with an agreement between the Town Board and the Clarkstown Unit of the CSEA the following grades have been designated for position titles in the Clarkstown Counseling Center:

RESOLUTION NO. (771-1982) Continued

Youth Employment Service Aide - Grade 14
Counseling Aide - Grade 17
Assistant Director of Municipal Counseling
Services - Grade 24
Director of Municipal Counseling Services -
Grade 27
Counseling Assistant - Grade 19

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (772-1982)

SETTING SALARIES FOR
1982 - COUNSELING CENTER
(AARON, COHEN, LANZONE
AND MORITZ)

Co. Lettre offered the following resolution:

RESOLVED, that the following salaries for 1982 are
hereby effective on August 9, 1982:

Corinne Aaron, Counseling Aide - Grade 17B -
\$13,479
Ellen Cohen, Director of Municipal Counseling
Services - Grade 27C plus one longevity - \$23,256
Joseph Lanzone, Counseling Assistant - Starting
Grade 19 - \$12,026
Patricia Moritz, Asst. Director of Municipal
Counseling Services - Grade 24B - \$18,651

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (773-1982)

ACCEPTING RESIGNATION OF
OFFICE WORKER-STUDENT -
COMPTROLLER'S OFFICE
(LORRAINE A. BERARDO)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Lorraine A. Berardo,
18 Bonnie Lane, New City, New York as Office Worker-Student -
Comptroller's Office - is hereby accepted, effective August 4, 1982.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (774-1982)

AUTHORIZING SUPERVISOR TO
FILL POSITION OF OFFICE
WORKER-STUDENT -
COMPTROLLER'S OFFICE

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to fill
the vacant Office Worker-Student position - Comptroller's Office.

Seconded by Co. Holbrook All voted Aye.

* * * * *

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RESOLUTION NO. (775-1982)

SETTING PUBLIC HEARING
RE: REVENUE SHARING
FUNDS

Co. Lettre offered the following resolution:

RESOLVED, that a public hearing will be held pursuant to Revenue Sharing Regulations, Section 51.13(b), on the 14th day of September, 1982 at 8:45 P.M. in the Auditorium of the Town Hall to hear all written and oral comments of the possible uses for \$425,000.00 of Revenue Sharing Funds for the 1983 Fiscal Year.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (776-1982)

ADJOURNING REGULAR MEETING
IN ORDER TO HOLD SCHEDULED
PUBLIC HEARING RE: CHANGE
OF ZONE - PO TO LIO DISTRICT
(WARREN LEWIN)

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold scheduled Public Hearing re: Change of Zone - PO to LIO District - Warren Lewin, time: 9:00 P.M.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (777-1982)

CLOSING PUBLIC HEARING RE:
CHANGE OF ZONE - PO TO LIO
DISTRICT (WARREN LEWIN)
(DENIED) RETURN TO REGULAR
MEETING

Co. Lettre offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Change of Zone PO to LIO District - Warren Lewin - be closed, DENIED, and return to regular meeting, time: 9:25 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (778-1982)

DENIAL OF ZONE CHANGE
REQUEST - PO TO LIO DISTRICT
(WARREN LEWIN)

Co. Lettre offered the following resolution:

RESOLUTION NO. (778-1982) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 22nd day of June, 1982, provided for a public hearing on the 3rd day of August, 1982, at 8:30 P.M., to consider the application of Warren Lewin to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from a PO district to an LIO district, and

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

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the application be DENIED.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (779-1982)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: HEARING PURSUANT TO COURT ORDER - ASSOCIATES OF ROCKLAND

Co. Holbrook offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Hearing Pursuant to Court Order - Associates of Rockland, time: 9:30 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (780-1982)

RECESS PUBLIC HEARING RE: ASSOCIATES OF ROCKLAND IN ORDER TO OPEN PUBLIC HEARING RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 (ANTON, RUDOLF AND WENDELIN FERSCH)

Co. Maloney offered the following resolution:

RESOLVED, that Associates of Rockland be recessed in order to open Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Anton, Rudolf and Wendelin Fersch, time: 11:55 P.M.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (781-1982)

CLOSE SCHEDULED PUBLIC HEARING RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE ANTON, RUDOLF AND WENDELIN FERSCH - ORDER SIGNED

Co. Maloney offered the following resolution:

RESOLUTION NO. (781-1982) Continued

RESOLVED, that Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Anton, Rudolf and Wendelin Fersch be closed, ORDER SIGNED, time: 11:56 P.M.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (782-1982) OPENING SCHEDULED PUBLIC HEARING RE: PUBLIC MEETING AS TO GROUP HOME SITE

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Group Home Site be opened, time: 11:56 P.M.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (783-1982) RECESSING PUBLIC HEARING RE: PUBLIC MEETING AS TO GROUP HOME SITE AND RETURN TO PUBLIC HEARING RE: ASSOCIATES OF ROCKLAND

Co. Holbrook offered the following resolution:

RESOLVED, that Public Hearing re: Group Home Site be recessed in order to return to Public Hearing re: Associates of Rockland, time: 11:57 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (784-1982) CLOSING SCHEDULED PUBLIC HEARING RE: ASSOCIATES OF ROCKLAND

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Associates of Rockland be closed, DECISION RESERVED, time: 1:20 A.M.(8/4/82).

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (785-1982) RETURNING TO RECESSED PUBLIC HEARING RE: GROUP HOME SITE

Co. Lettre offered the following resolution:

RESOLVED, that Public Hearing re: Group Home Site be resumed, time: 1:20 A.M. (8/4/82).

Seconded by Supv. Dusanenko All voted Aye.

* * * * *

RESOLUTION NO. (786-1982)

CLOSING PUBLIC HEARING
RE: GROUP HOME SITE AND
RETURN TO REGULAR TOWN
BOARD MEETING

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Group Home Site be closed and return to regular Town Board Meeting, time: 2:20 A.M. (8/4/82).

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (787-1982)

AUTHORIZING LABOR RELATIONS
CONSULTANT TO OBTAINS
SERVICES OF ATTORNEY TO
CHALLENGE ARBITRATION AWARD
(JOSEPH GULLOTTA) AND RESCIND-
ING RESOLUTION NO. 685

Co. Lettre offered the following resolution:

RESOLVED, that Francis X. Mascola, Labor Relations Consultant, is hereby authorized to obtain the services of an attorney on behalf of the Town of Clarkstown to challenge the arbitration award of Joseph Gullotta in connection with American Arbitration Award Case No. 19 39 0199-81, and be it

FURTHER RESOLVED, that Resolution No. 685 adopted on July 13, 1982, is hereby rescinded, and be it

FURTHER RESOLVED, that Francis X. Mascola shall be reimbursed for the expense of private counsel so retained up to a maximum of \$2,000.00.

Seconded by Supervisor Dusanenko

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. 788-1982)

AUTHORIZING SUPERVISOR
TO TAKE NECESSARY STEPS
TO IMPROVE TOWN'S INSURANCE
COVERAGE (R.D.T. BROKERAGE
CORP.)

Co. Lettre offered the following resolution:

RESOLVED, that the Superintendent shall take all steps necessary to improve and expand the Town's insurance coverages. This shall be done by entering into an agreement with insurance companies represented by RDT Brokerage Corp. at a great premium savings of approximately \$135,000.00 to the Town.

Seconded by Supervisor Dusanenko

RESOLUTION NO. (788-1982) Continued

On roll call the vote was as follows:

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

Supervisor Dusanenko stated that when he was elected the insurance costs to the Town were approximately \$1,000,000.00. This was ultimately reduced down to \$330,000.00 due to better administration and safety considerations. This resolution would have reduced it down to less than \$200,000.00 and with 80% reduction for expanded coverage. I would just like to have this on the record to show that the Town Board has not taken advantage of \$135,000.00 savings for expanded coverage.

Councilman Holbrook stated that we have not even heard from our present carrier regarding this. He felt that the entire Town Board should sit in on these negotiations. Supervisor Dusanenko asked Councilman Holbrook when he would like this discussion to take place and Councilman Holbrook said at anytime. Supervisor Dusanenko wished Councilman Holbrook's reply for the record - "at anytime."

Supervisor Dusanenko asked if one evening next week at supertime would be convenient and they would try to arrange that. Supervisor Dusanenko said he would be in touch with the members of the Town Board for the purposes of arranging such a meeting.

* * * * *

Supervisor Dusanenko inquired if they would like to get an opinion from the Town Attorney before taking action on the paving of the Grand Plaza Shopping Center. It was agreed that this should be done.

* * * * *

Supervisor Dusanenko said that he wanted it noted that he would like a status report for the next Town Board Meeting regarding what is happening in order to make Pine View Road in West Nyack a public road. He also inquired as to the status of making Monterey Gardens a public street so that we can get a traffic light on Route 304.

* * * * *

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

Appearance: Mr. Joel Karp, President
Chamber of Commerce, New City

Mr. Karp requested on behalf of the Chamber of Commerce that the work be done on Main Street from the Courthouse up to First or Second Street after normal business hours in order to reduce the inconvenience to residents and businesses. Mr. Karp presented a letter to the Town Board requesting Mr. Seeger to see to this.

* * * * *

There being no further business to come before the Town Board and no one further wishing to be heard, the Town Board Meeting

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was adjourned on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, time: 2:45 A.M. (8/4/82).

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/3/82

8:02 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John J. Costa, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PETITION FOR CHANGE OF ZONE - PO TO LIO DISTRICT - WARREN LEWIN

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 Town Attorney if he had any correspondence pertaining to the proposed zone change. Town Attorney read the following correspondence:

(Letterhead of Rockland County Planning Board)

May 4, 1982

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

Re: General Municipal Law (GML) Review: 239(k)___239(1&m)___239(n)___

Map Dated: 12/80

Item: Change of Zone: PO to LIO
N/S Old Nyack Turnpike
Warren Lewin (C-964)

The Rockland County Planning Board reviewed the above item at its meeting of April 27, 1982 and

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

That the applicant (1) provide a densely planted 25 ft. buffer along Old Nyack Turnpike and (2) receive the approval of the New York State Thruway Authority.

cc: Costa, Town Attorney
Lombardi, RCPB

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

By /s/ Aaron D. Fried
Aaron D. Fried, Planning Director

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.

**The GML requires a vote of "two-thirds of all the members" or "majority plus one" of your agency to act contrary to the above findings."

* * * * *

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(Letterhead of Town of Clarkstown Planning Board)

"June 14, 1982

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

Gentlemen: TOWN BOARD REFERRAL: CONTINUATION, ZONE
CHANGE REQUEST PO TO LIO, TO ALLOW FOR MINI-
WAREHOUSE, LEWIN 163D38+ NANUET.

This matter had been carefully reviewed and studied by the Planning Board. There appeared to be concern on the part of the Planning Board that the proposed use is not suitable in a residential area, as well as being inconsistent with the land use as indicated on the Master Plan.

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

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition of Lewin 163D38+ Nanuet, for change of zone from PO to LIO to allow for mini-warehouse, in relation to the surrounding area, the topography, the Comprehensive Plan and the statutory requirements and recommends that the petition be denied for the following reasons:

1. The proposed use is not compatible with the land use as shown on the Master Plan adopted by the PB 10/14/81. The Master Plan indicates this area as multi-family 4-8 units per acre. Housing is a very needed commodity in the Town of Clarkstown and eliminating another parcel from residential use would not be appropriate or beneficial to the Town.
2. The proposed use is more appropriate in a commercial area rather than a residential area.

If the Town Board is favorably disposed towards the granting of the zone change the Planning Board respectfully recommends that strict restrictions be placed on the use; such restrictions to be made part of the zone change. Applicant to return to the PB for site plan review and approval. We attach copy of Planning Consultant report for your information and guidance.

In response to the statutory requirements the Planning Board has made the following determinations, as applicable.

- a) the uses permitted by the proposed change would not be appropriate in the area concerned,
- b) not applicable,
- c) not applicable,
- d) there is ample industrial land available on major roads for the proposed use,
- e) not applicable,
- f) the proposed amendment is not in accordance with the use as proposed in the Comprehensive Plan,
- g) not applicable,
- h) not applicable.

Very truly yours,

/s/ Richard J. Paris,
Chairman

cc: Town Attorney
Town Clerk"

Town Attorney also referred to a memorandum from Raymond, Paris, Pine & Weiner, Inc. which Supervisor Dusanenko stated he would

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like to have made a part of the record. The memo is dated May 7, 1982 and consists of three pages.

Supervisor Dusanenko then read the following letter:

"2 Judith Street
Nanuet, New York
July 29, 1982

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

Gentlemen:

Due to our being on vacation and unable to attend the Town Board hearing on August 3, 1982 we are writing in opposition to the application of Mr. Warren Lewin to down zone the property located on Old Nyack Turnpike in Nanuet from P0 to L10.

The reasons we are opposed to his proposal are as follows:

1. We are concerned that if the L10 down zone is granted, what guarantee do we have that only mini-warehouses will be constructed and the property not put to some other use.

2. If the warehouses are built, what guarantee do we have that no toxic or other hazardous substances will be stored there; or that no foodstuffs are stored there that might attract rodents.

3. Being that the proposed entrance would be directly across the street from our property, we are concerned that:

(A) Old Nyack Turnpike is too narrow for trucks to pull in off the street.

(B) The corner of Old Nyack Turnpike and Judith Street is a major school bus stop where 6-10 school buses stop each morning and afternoon. The traffic generated by the warehouses could be hazardous to the children's safety.

(C) Because of the slight decline of Old Nyack Turnpike to the west of the proposed entrance, it is difficult to see oncoming traffic which may cause accidents and damage to our or our neighbor's property.

4. If the property is down zoned and the warehouses are built, it is uncertain what buffer zone, if any, would be created to protect our property value.

We are asking you as concerned citizens of this town and as property holders in close proximity to the proposed site, to deny Mr. Lewin's petition.

Thank you for your consideration.

Very truly yours,

/a/ John & Adela Gladwell
2 Judith Street
Nanuet, New York"

* * * * *

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Appearance: Mr. Warren Lewin

Mr. Lewin said that initially his reason for wanting mini-warehouses is that they generate the least amount of traffic. The reason for them is that people who have moved from larger homes to smaller quarters need storage space and the need to go back and forth is at a minimal level.

Mr. Lewin said that at the original hearing to zone RG-2 before the Planning Board designated the property as an RG zone the community vehemently objected to the fact of the extra traffic, of the extra children entering the school system, of the extra sewage, etc. This type of useage eliminates any of those considerations.

Mr. Lewin said there would be three lanes entering so that there would not be any build-up of traffic when cars do have to make a left turn across the extra lane on Old Nyack Turnpike.

The buffer zone which has been proposed by the Rockland County Planning Board and accepted by myself is twenty-five feet. He also pointed out that the Planning Board at the meeting prior to its last one voted 3 to 2 in favor of the proposed mini-warehouses.

He pointed out that he would finally like to stabilize that land. In the interest of the community through the Planning Consultant it has been agreed to architect the ends of the buildings so they will resemble residential buildings. He said the property would be open on a 7 to 7 basis and no longer. It will be secured and will have a residential quality. It will not generate traffic. The liability of extra children in the school system and the other objections raised at the prior time will not occur.

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

IN FAVOR: No one appeared.

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

IN OPPOSITION Mr. William Cunningham
56 Old Nyack Turnpike
Appearance: Nanuet, New York

Mr. Cunningham presented petitions in opposition from residents of Frederic Street and Briar Road. He stated that the people who bought this land bought it when it was zoned P0. The builders bought their land for speculation and not to live there. We will accept low density condominiums and not fight it. We do not need storage for people - we need housing for people. He said it was a wet land. He questioned whether there was approval from the Thruway Authority for Mr. Lewin to go under the ramp. He doubted that. He had questions regarding security, the appearance of the buildings, buffer zone, etc. He wanted to know who had the power to say what would be stored in these buildings? Could the Town Board go in and inspect it? He felt it would be an eyesore. He presented a petition which represented 70% of the adjoining property owners who were against this proposal.

Appearance: Mr. Anthony Camilli
5 Freedman Avenue
Nanuet, New York

Mr. Camilli presented a petition from Freedman Avenue and New Holland Village which contained 162 signatures. He questioned a letter which Mr. Lewin claims to have received from the Thruway Authority. He said they were agreeable to low density zoning and accepted P0 but not L10. He said that the proposal would allow 1500 roll-up garage doors and no one would have the right to inspect what would be stored

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there. He said he would like an assurance of what would be stored less than 50 feet from his home. He felt that the people using these warehouses would not be people from the area and therefore they would have no concern for the neighborhood. Mr. Camilli read the following letter:

"August 3, 1982

Memo to: Clarkstown Town Council

From: Helen Douglas
25 New Holland Village
Nanuet, New York 10954

Thank you for holding a public meeting to consider the application of Mr. Warren Lewin for the purpose of redistricting property in the vicinity of New Holland Village from P0 to L10.

I request that an environmental impact study be made, prior to approval of his application.

Perhaps Mr. Lewin can consider purchasing property on Pascack Road, where there are several existing warehouses, and where the zoning is more appropriate for his purposes.

I am unable to attend this evenings meeting, however, I have asked Mr. Camilli to present this memo as well as several petitions signed by other Home Owners.

Please do not allow a warehouse to be constructed on the property in question by approving this zone change request.

/s/ Helen Douglas"

Appearance: Mr. Ira Reese
15 Sherwood Drive
Nanuet, New York

Mr. Reese presented a petition with 45 signatures objecting to the proposal. He stated he was a specialist in warehousing. He is a member of the New York State Custom Seaport Warehouse Task Force and as such inspects warehouses, answers emergency calls, etc. on the East Coast. He questioned the appearance of the warehouse after a short time because of traffic, trucks especially. He worried about the safety of children in the area and also had questions regarding what would be stored there. He requested a "No" vote.

Appearance: Mr. Richard Gardiner
34 Freedman Avenue
Nanuet, New York

He said his property was 400 to 500 feet from the proposed warehouses. He said it is a residential area not commercial. The approach roads to this area are secondary roads and not made for commercial traffic. There are approximately 500 homes in the area. He wanted to know how Board members would feel if these warehouses were in front of their homes. He felt it would be impossible to make residential quality out of warehouses. There could not be an adequate buffer installed. The Planning Board has said "No"; most of the residents have said "No" and we ask that you say "No" too.

Appearance: Mr. Andrew Heller
18 Judith Street
Nanuet, New York

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He presented a petition with 56 signatures from Judith and Charles Streets. Judith Street is the only way you can possibly exit from these proposed warehouses. You would have to install a stop light because now it is difficult to make a left turn to the Thruway. He did not move to this county to have a traffic light on a street that has only 14 houses.

Appearance: Mr. Martin Rubin
737 Park Avenue
New York, New York

Mr. Rubin stated that he was one of the owners of the Howard Johnson Motel, the largest piece of property adjoining the property in question. He objects to the rezoning for many of the reasons that the home owners in the area object. A motel is essentially a residential proposition. People come there because they need a quiet room for the night and also want to feel safe. Warehouses would be a great temptation for potential burglars and since the motel would be in close proximity it would be a temptation for burglars to strike there also. He said for business reasons he objects also. They have a Howard Johnson franchise to protect and that could easily be revoked if the neighborhood is down zoned. We would like to see the residential quality preserved just as much as the residents in the area.

Supervisor asked if there was anyone else wishing to be heard. There being none he called upon Mr. Lewin to speak in rebuttal.

Mr. Lewin stated that a letter from the Thruway Authority is on file with the Town Board stating that they will allow a jacking for the storm drainage to go into Pascack Creek. He stated that the storage of dangerous materials is precluded by ordinance in the L10 zone.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DENIED, time: 9:20 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/3/82

9:30 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: RE-HEARING PURSUANT TO COURT ORDER - ASSOCIATES OF ROCKLAND

On motion of Councilman Holbrook, seconded by Councilman Maloney 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 Town Attorney John Costa if he had any correspondence relating to this proposal. Town Attorney stated that he had a letter from the Rockland County Planning Board dated July 29, 1982 stating that this matter would be discussed at their next meeting scheduled for August 5, 1982 at 3:30 P.M. and it was on the agenda for that day.

Supervisor Dusanenko stated that he thought the Rockland County Planning Board had ruled on this already. Mr. Costa said that the Rockland County Planning Board had acted pursuant to a prior request and referral and the Court had ruled that the zone change was invalid.

Councilman Lettre asked who had referred this to the County Planning Board and Town Attorney replied that he had. Councilman Lettre inquired if it had been referred to any other agencies. Town Attorney said that he had been informed that the Town Planning Board was aware of this matter and would reconsider it as well. I did not refer it to the Town Planning Board. Supervisor Dusanenko asked if the Town Planning Board was going to reconsider this on its own. Town Attorney stated that he was informed that it would be discussed at the Town Planning Board meeting last week. Councilman Lettre noted that when this was discussed at Workshop the Judge had ordered a new Public Hearing be held and that it not be referred to any other agencies. That is why the Board did not take action in referring. Mr. Costa said he had not been at that Workshop as he was on vacation. He said he had read the Judge's decision and that he had determined that the zone change was invalid as the result of the improper notice. It is not specified in the decision of the Court as to what procedures should be followed and in the Town Attorney's opinion the procedures outlined in the General Municipal Law and the Town Law should be followed. Councilman Lettre asked if it was a usual procedure for the Town Attorney to refer something of this nature on his own. Town Attorney said that this was the first time he had ever done so.

Councilman Holbrook said that Mr. Costa was being subjected to unusual questions. He said he was looking out for the best interest of the Town in terms of referring something that should be referred. The Judge did not say that this should not be referred. He felt that Mr. Costa had done the right thing and was protecting the Town.

Supervisor Dusanenko stated that earlier in the evening he had requested that a ruling be obtained from Audit and Control and the majority of the Town Board felt that there was no need to refer to a higher source. Councilman Lettre said every member of the Town Board had a deep concern over this issue. The questions asked and the reasons for their being asked was to find out why and under whose orders the Town Attorney referred something to an agency when the Judge's order specifically stated that it wasn't to be referred to any agency. He said if it was to be referred it should have been referred to the County

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Planning Board, the Town Planning Board, the SEQR and to any and all agencies that would make a report on this to make sure that the right decision was made by the Town Board.

Councilman Maloney asked if we were aware of the fact that the County Planning Board would not render a decision until Thursday, the 5th and we are meeting tonight on the 3rd? Mr. Costa said that this public hearing was scheduled at the July 13th meeting and he did not believe there had been any discussion at that time as to when the Rockland County Planning Board was to meet. The only comment Mr. Costa wished to make was that the referral had been made. The Town Board can act within its own discretion to disregard any comments that the Rockland County Planning Board may make. However, if the Rockland County Planning Board should grant with restrictions or recommendations the Town Board would have to pass, if it so chooses, with a majority plus one. The Rockland County Planning Board has given the Town Board an opportunity to consider comments they have to make. Town Attorney said he felt it was prudent to comply with the General Municipal Law to refer zone changes. The Town Board is free to comply or reject.

Supervisor Dusanenko said for the record that 265 petitions had been referred. Town Attorney said that was correct. Petitions filed on Friday and on this afternoon had been forwarded to Director of Environmental Control for study to determine if there is sufficient signatures to warrant the 265 procedure to come into play. Mr. Costa said he would recommend that no action be taken until determination had been made as to the 265 petitions. He said petitions filed are considered anytime until the Town Board makes a decision. Any calculations necessary to determine whether or not there is 20% or more of the area adjacent to or across from the road frontage have not been done yet. It is a rather involved process.

Mr. Bollman stated that his office had received the petitions last this afternoon. They had not had an opportunity to evaluate them. Hopefully we will be able to do so prior to the end of the week. In answer to Supervisor Dusanenko's question as to how long it would take, Mr. Bollman said that depending on the number of signatures, the amount of property surrounding 100 acres and three different ways to evaluate it, if it is not close you could have an answer quickly but if it comes very close to 20% they would have to go into an extreme amount of detail.

Supervisor Dusanenko called upon Mr. Jack Hekker, attorney for the petitioner.

Mr. Hekker said he is an attorney with an office in Nyack and has had that office since 1965. He stated he had appeared before the board on December 17, 1981 in connection with a similar, if not identical, zone change. This change was approved by this board with a 3 to 2 vote on 12/29/81 which resulted in an Article 78 proceeding being commenced both against the Town of Clarkstown and the applicant. One of the reasons for this proceeding was that the notice as published was an improper notice. Mr. Hekker said that there were approximately 147 notices sent out and he submitted these notices to everyone within a 500 foot distance of the property line.

Mr. Hekker submitted a letter from John Costa stating that there would be a public hearing on August 3, 1982. This letter was dated July 14, 1982.

Mr. Hekker submitted a letter from John Costa to the Rockland County Planning Board dated July 22, 1982 asking for a review with regard to the scheduled Public Hearing on August 3, 1982. Mr. Hekker mentioned that the opinion of the Rockland County Planning Board

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together with 265 petitions are the only means by which a Town Board is forced to have a three fourths majority for an adopted vote on a zone change. A referral to the Town Planning Board would have no effect whatever on the decision of the Town Board. In Mr. Hekker's opinion this was referred to the Rockland County Planning Board because of the critical nature of their recommendations.

Mr. Hekker submitted as an exhibit a letter from the Rockland County Planning Board dated August (date unclear) 1981 in which the Board reviewed the application as it appears today. The Rockland County Planning Board approved this application subject to "the applicant comply with recommendations #1 thru #4 of the Rockland County Soil and Water Conservation District letter of August 17, 1981." This was a unanimous approval by the Rockland County Planning Board. The applicant agreed to comply with this recommendation. As far as Mr. Hekker is concerned the required approval from the Rockland County Planning Board is that approval of August 1981.

Mr. Hekker explained that the Public Hearing was published in the newspaper. He also stated that all persons appearing on the current assessment rolls were notified. He explained that the persons living on Flower Lane did not have their names on the assessment rolls and were not notified of the first public hearing because of that fact. Mr. Hekker apologized for that and said it had now been corrected.

Mr. Hekker then gave a detailed description of the parcel in question. He noted that a certain portion (72.325 acres was already zoned L10). He also mentioned that 0.59 acres in the parcel was zoned R-15 for single family dwellings. This was to be L10 to PED. That is Parcel 2.

Parcel 1 is the main reason we are back for a Public Hearing again tonight. Parcel 1 consists of 26.938 acres. Mr. Hekker said that they were to notify property owners within 500 feet of the property line not the zoning line of the land affected. Mr. Hekker said he interpreted that as being the property line of the particular parcel as he knew it. He said that at the first Public Hearing that property consisted of approximately 28 acres and they so called it 28 acres. It was not truly 28 acres that we were requesting a zone change from L10 to R-15. He stated Associates of Rockland already owned a parcel that was in R-15 consisting of approximately 1.4 acres. He said they played it safe and took the entire property line and mailed notices to all within 500 feet of the perimeter. There followed discussion of the zoning line and the fact that the Building Inspector is the only one who can determine the zone line.

During the course of litigation the Judge decided the first issue - that of defective notice. He said we did not describe the property along the zone line. He felt that Associates of Rockland had made the proper decision in measuring and notifying residents. He stated that a 265 petition would force the Board to a 4 to 1 vote and should have been considered on the entire parcel. The Court disagreed with that. Mr. Hekker presented a lengthy report on the decision and the judgment which followed. Mr. Hekker presented at this time as an exhibit the Judgment of the Petitioners who opposed the zone change and commenced the action against Associates of Rockland. This Judgment was not signed by the Judge and Mr. Hekker directed attention to the second page and paragraphs rejected by the Judge. Basically it said to start over. Start a new petition. Go back to square 1 and begin again.

Mr. Hekker then submitted a letter from Hood & Stein, attorneys for the petitioners (Gillan, et al.) dated July 9, 1982. This followed an order that Mr. Hekker submitted and signed. He read the following excerpt from that letter:

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"We have asked that as an aspect of correcting the records of the town with regard to the now invalidated zone changes, that all administrative decisions made in reliance on the defective changes also be annulled." He said the Judge had this letter before him at the time the Judgment was submitted and he did not sign that Judgment.

The Judgment that was signed was prepared by Mr. Hekker. This directed the Town to hold a new Public Hearing re: Associates of Rockland. Mr. Hekker quoted from this signed Judgment. This made no mention of nullifying any previous decision made prior to this. That is why Mr. Hekker introduced the decision of the Rockland County Planning Board - because he felt it was vital. In effect Mr. Hekker said it was saying file a new petition, gentlemen, revise your description and run along the zone line, file a proper map with the new description. Then the Town Board is required to hold a Public Hearing. Mr. Hekker submitted a copy of the revised exhibits plus the metes and bounds description. He mentioned that he was present when the Public Hearing was scheduled and at that time there was no mention made of referral of this petition to any agency, County or Town. After reading the decision, the correspondence, the decision rejected by the Judge, etc., he felt there was little doubt that the Judge was not concerned about what the recommendations of the administrative agencies were but that the people around the neighborhood had proper notice. He felt that they notified all proper parties even going beyond that which was required.

Mr. Hekker reiterated that the application has not been changed and that it stands as the same one submitted on December 17, 1981. We are asking for exactly the same thing we asked for before. He stated that in his opinion there was no reason to go back before the County Planning Board although he stated he would appear before them on August 5, 1982.

In discussing the fact that they had appeared in the summer of 1981 to see if they would be wasting their time Mr. Hekker presented a letter from the County Treasurer's office showing that these parcels were on tax sales on four different occasions and that there has been over \$900,000.00 in taxes lost. This letter was dated December 17, 1981.

Mr. Hekker stated that they had asked for a buffer zone of R-15 against the industrial development which was the reason for Parcel 1. He believed that Councilman Holbrook had brought up the possibility of putting some R-15 as a buffer zone against the industrial development of the interior parcel. PED requires 50 acres and they are asking for 72 acres.

At this point Mr. Hekker discussed portions of the map regarding LIO. It is impossible to intelligently set this portion of the discussion into the minutes as there was constant referral to maps.

Mr. Hekker said they were under the impression that a PED district would be an ideal use for this particular property. It is already in an LIO district. The differences between LIO and PED are not that great. Mr. Hekker did mention that people had filed a petition not against the PED but against the R-15.

Mr. Hekker said that concern had been expressed that there would be a through street for additional traffic coming off Gilchrist Road going out to Route 303. The only road would be the extension of Tilton Road creating a cul-de-sac which would create approximately eight or nine lots. They did not want any commercial traffic on Gilchrist Road. We agreed to that. At this point Mr. Hekker again referred to the maps and there was discussion regarding streets in the area with regard to traffic.

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Mr. Hekker said that there was a rumor to the effect that they would get the R-15 and then let the PED go. We want to show good faith in developing the PED because we think it is critical to the Town of Clarkstown and the construction industry. We are trying to bring in ratables. We are very close to doing just that.

One of the restrictions which the Town imposed was that we install an industrial road from Route 303 to what is called the sewer intercept at a cost of approximately \$500,000.00. In reliance upon the building of that road we were to hold back 30% of any houses to be built in the subdivision. We agreed to do that.

We agreed Tilton Road would be a dead-end. We would create our buffer between existing R-15 and the R-15 next to the industrial. We would cut off commercial traffic coming in from Gilchrist Road. We agreed to eliminate the turn in Gilchrist Road to come out through our development.

In connection with that road we have gone to the Department of Transportation of the State of New York and have received their approval. Mr. Hekker submitted that letter dated July 6, 1982 as an exhibit.

We have filed restrictive covenants.

We intend to develop the property in a PED district.

Mr. Hekker stated that he had personally negotiated with two office complexes. They refused to have their names mentioned. Both withdrew. He said that they have a corporation which is now seeking financing in the amount of \$5.5 million dollars to construct a building. Mr. Hekker submitted this letter dated August 3, 1982. He quoted from that letter as follows: "As we discussed, with our sales contract for the product, we expect to be able to pay back the entire \$5.5 million in three years, if necessary, but would prefer longer financing terms. We are also comfortable providing equity participation to help obtain financing."

We are not seeking to build an R-15 job and walk away from it.

Supervisor Dusanenko asked what kind of facility they were contemplating. Mr. Hekker said the packaging, distributing of vitamins. He read: "The project is a clean manufacturing cooperation(?) with no hazardous or toxic wastes. In fact, all by-products are sold to other users. The only sewerer wastes are neutralized wash water and there are no chimneys or noxious fumes. The former city engineer for Valley Cottage, Ed Palmenberg, reviewed the plant effluents and sees no problems at all."

Mr. Hekker said we are also negotiating with a beverage firm for the storage and distribution of beverages.

As to the petition distributed which stated they wanted LIO and not PED he wanted to address himself to that. We want to bring in clean ratables. All of this would be subject to the approval of the Clarkstown Planning Board.

Supervisor Dusanenko called upon the Building Inspector, John Maraia for a clarification of what can go into LIO and what can go into a PED zone. There followed a clarification of LIO and PED uses. M zone uses were also discussed. Councilman Lettre asked for a clarification of the hours during which business could be conducted. Councilman Lettre asked if either LIO or PED allowed siding by right. LIO allowed this by right and PED by Special Permit of the Planning Board.

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

IN FAVOR

Appearance: Mr. Bert Dahm
23 Rockford Drive
West Nyack, New York

Mr. Dahm stated that he appeared not only as a resident and taxpayer of the Town of Clarkstown but as the Chairman of the Private Industry Council of Rockland County, Chairman of the Greater Rockland Development Corporation and the Chairman of the Overall Economic Development Committee for Rockland County. We have worked closely with Clarkstown and in particular on this matter with the Clarkstown Planning Board. Clarkstown's industrial heritage must be protected. We must provide for the right kind of industry and provide for as much industry as we can possibly accommodate in this Town. He read from a list of industries who have expressed an interest in coming to Rockland County. They are high quality companies who will meet the most stringent requirements for our own environmental protection here in Town. He said PED is a more restrictive zoning. It does provide greater potential control. It provides for a greater degree of public input in the effective development. He said he hoped the PED zone that was previously approved would continue and that the zoning on the other part of the property would also revert to industrial or PED use so that we can place it in its highest and best use for the Town. He said we had attracted the best quality companies and he hoped we could see this accomplished and accomplished properly.

Appearance: Mr. Martin Feuer
120 Highmount Avenue
Upper Nyack, New York

The entire property that is labeled L10 - can someone go in there and build warehouses at the present time was a question asked by Mr. Feuer. Mr. Maraia answer in the affirmative. Mr. Feuer said he had listened to people a little while ago pleading that warehouses not be allowed to come into their property. As I understand the events here now someone wants to take a piece of property that you could put a million warehouses on and create a buffer zone of private residential houses in a portion of their property. This is what the other people were begging you not to do. These builders are trying to do the opposite. It seems to me that they are appealing to you for permission to upgrade the property. It was his understanding that someone wanted to take a big chunk of L10 out of L10 and put it into R-15 and he thought that was great for the community.

Appearance: Mr. William Hamilton
130 North Main Street
New City, New York

He represented Rockland Carpenters, Inc. He said they have a building in New City now on which they pay combined taxes of \$20,000.00. We have no one in the school system; we pay for our own snow plowing; our own garbage pick-up and are at the end of an easement. We are a clean ratable. The proposed complex will be a clean ratable. We recommend that you approve this change because it will help stabilize our taxes both on houses and in commercial property to prevent them from going up. It will relieve some of the burden on everyone else in the Town.

Appearance: Mr. Alan Yassky
Valley Cottage, New York

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Mr. Yassky said he was extremely responsible for the writing of the PED zone. He said he owned the only piece of property that is zoned PED in the Town of Clarkstown. He stated he was the Chairman of the Clarkstown Industrial Council. He mentioned the present PED zone (Airport Executive Park) and some of the problems they faced in developing it. He also referred to how well it was coming along now. In a PED zone you can have overall planning. He felt PED was not as offensive a zone as the people here may have thought. If you really want to see ratables and jobs it takes very large dollar outlay. If the Town Board put enough restrictions on enough lots being held back the money that would be generated through the building of houses could then be invested in the industrial park.

Appearance: Mr. John Lodico
Birch Drive
New City, New York

Mr. Lodico said that PED was essential for this town. The question is whether or not we can give up land that we no longer can afford to lose for the future destiny of this town. PED was created to push industry in this town. There is nothing in the rules and regulations to prevent the owners of the LIO zone to request that all of it be zoned PED. That is really what it should be - all PED. The Planning Board and the Town Board are calling upon a bank of commercial land in the Town which does not exist. Potential companies are coming to Clarkstown because we have what they need. We have the land available. I think it is important that the Town Board consider this application and that it all be zoned PED. We need a future. We do not have much commercial land left.

Appearance: Mr. Jack Dianis
25 Lenox Avenue
Congers, New York

Mr. Dianis stated that he was a member of Local 964 of the Carpenters Union. It is true that the construction industry in this area is in a deep depression but this is not the only reason I am here to support this proposal. My taxes in Clarkstown are as high as anyone else. My children who are growing up need jobs. We need construction of housing for our children to live in. He mentioned the closing of the Clevepak plant and the loss of those jobs. We need industry. We need housing. This is a good idea.

Appearance: Mr. Brian Brophy
373 Kings Highway
Valley Cottage, New York

Mr. Brophy stated that he was a member of Local 964 of the Carpenters Union. He stated he had recently purchased a house in Rockland County and at times has had to work four jobs to pay for it. He said he had a little house with big taxes. He would like some ratables to help with those taxes. He also would like local work.

Appearance: Mr. Robert Fellows
Main Street
New City, New York

Mr. Fellows stated that he was an attorney practicing in New City and was also a resident of Valley Cottage. He said he was speaking on behalf of Uri Sassoon who is one of the partners in Associates of Rockland, the petitioner herein. He felt Mr. Sassoon had worked hard to attain his success and was now in a position to go beyond that and build something of importance to the Town of Clarkstown. He said that Republicans or Democrats - all had the same interests in the good of the Town. We need ratables.

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Appearance: Mr. Frederick Koehler
798 Brookridge Drive
Valley Cottage, New York

He stated he was definitely in favor of R-15 and the PED zoning. He felt the contractor was going about it in the right way and that it will benefit the Town. In the way that it is being developed there should be no concern with the problem of drainage or traffic congestion. It will be an asset to all of Rockland County.

At this point a fifteen minute recess took place.

Appearance: Mr. Pat Damiani

He stated that he was semi-retired but used to represent the Electricians. He felt we should stop talking about things in the past and do something real right now. We should vote for this project because we need it not only for the work but we need it for the ratables. The only way to help the senior citizens and to bring all the tax bills down is to bring in ratables. Don't let's talk about it ten years from now - what we should have done. Let's vote this project in.

Appearance: Ms. Sue Helmke
Valley Cottage, New York

Ms. Helmke said one way or the other the woods would have to go. The people here tonight are not arguing against the houses. They are arguing against everything. That property is going to go one way or the other. She felt that there should be some houses and some industry.

Appearance: Mr. Walter Boden
Valley Cottage, New York

Mr. Boden said that he was neither for or against this project right now. He had signed a petition against this development. The reason why I signed that petition is because I was told that some kind of drug manufacturing outfit was going to be put into this property - that there would be smokestacks, there would be air pollution, there would be traffic day and night, deliveries - there would be a railroad spur, an access route to 303 - there would be problems with security ad infinitum. That is why all of this sounded very upsetting and I signed the petition. I listened to some of the people and it has cleared the air. At this time Mr. Boden said he would like to appeal to the Town Clerk to have my name withdrawn from that petition until I have been proven wrong that my name should have remained on there by the negative comments that will be forthcoming.

Supervisor Dusanenko stated that Mr. Boden had two choices. Either he could remain part of the proceedings and draw your conclusion at the end of the Public Hearing. At that time you can either keep your name on the petition or sign a statement that you would like to have your name withdrawn from the petition and give that signed statement, dated, to the Deputy Town Clerk.

Mr. Boden said he would listen to the negative comments and then make his decision as to withdrawal of his name from the petition.

Supervisor Dusanenko said that anyone present who wished to have their name withdrawn should see Mrs. Reiter at the end of the meeting and sign a statement requesting their name be withdrawn.

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Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed zone change. However, before those people spoke another person raised their hand wishing to speak for the proposed zone change.

Appearance: Mr. Mario DeMarco
Valley Cottage, New York

Mr. DeMarco stated that he was the owner of a business in Valley Cottage which at first had met opposition from the neighbors but now was favorably received in the community. He employees between 40 and 50 people. He felt we needed this project especially to give employment to people who need it. He owns Atina Construction and he urged the Board to please approve this project. We need it.

IN OPPOSITION:

Appearance: Mr. Malcolm McLaren
Flower Lane
Valley Cottage, New York

Mr. McLaren felt that no one had addressed themselves to the protection of the people living on the west side of the railroad tracks. Mr. McLaren said they were the group of people who had received no notification of the last hearing concerning this matter. He stated they had received notification only eight days ago and in that time had had to discover the facts and work up their protest. Mr. Sassoon came to talk with us one evening and we tried to cooperate with him. Mr. McLaren said they had told Mr. Sassoon if they could have a corporate park such as the one in Montvale, New Jersey they would be delighted. He quoted Mr. Sassoon as saying "You're not going to get that. I'll tell you what you're going to get. You're going to get garbage." He told us about Unitas Pharmaceuticals which is supposed to be a vitamin packaging plant. We have checked with the Department of Commerce, Standard & Poor's, Dunn and Bradstreet. We have called Lederle and we have asked doctors. No one has ever heard of Unitas. They are a letterhead. Mr. McLaren was unsatisfied with Mr. Maraia's definitions of LIO and PED. Mr. McLaren said that as an engineer himself he is very familiar with drainage, engineering etc. Mr. McLaren then read from Town of Clarkstown zoning ordinance with regard to LIO. He did the same with PED. He mentioned the rigid controls and stated that they were all the residents had for their protection. On the PED there is supposed to be an overall Master Plan submitted with a check list of 18 items to be addressed at the time of the application. These were waived by the Board at the time of this application. This is our protection. Where are they? He mentioned in particular a detention area. He mentioned a sluice gate and a flushing out.

Supervisor Dusanenko stated that when a flushing out had been mentioned before the DEC said "No." Mr. McLaren said he meant it should be allowed to flow through. Supervisor Dusanenko said they had also disallowed that.

Mr. McLaren said much of the PED is under control of the Town Board and this Town Board will not be in office forever. They will be living in the area for a long time. He felt they would be under the whim of whatever Town Board would be sitting.

Mr. McLaren summarized that their main concerns were the railroad spur; the type of industry that would be going in there; drainage; hours of operation; and a buffer for protection. Mr. McLaren presented a petition with 470 signatures opposing this zone change.

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At this point Supervisor Dusanenko called for a recess in order to open two other public hearings scheduled for today's date which must by law be opened before midnight.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted the public hearing was recessed.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the public hearing was resumed.

Appearance: Mr. Marshall Genger
8 Flower Lane
Valley Cottage, New York

Mr. Genger said that what they are mainly interested in is protection which is provided for them under the present zoning laws. They are objecting to the tract currently zoned L10 to be zoned PED. He stated that the Building Inspector was as confused as anyone else about the uses under L10 and PED. He said there were some major distinct differences that would have a negative impact on our community, on our homes and our property values. They will not be the panacea to Clarkstown's development problems but may actually worsen Clarkstown. He felt this change would make Valley Cottage and Congers a very unattractive place to live. He discussed noise levels, hours of operation, trucks, bright lights, abutting a residential area right in the middle of Valley Cottage and Congers. He discussed types of industry allowed. He objected to the railroad spur. He stated again that they were not fighting industry and they were not fighting development. We are asking for and fighting for protection.

Appearance: Mr. Peter Span
Flower Lane
Valley Cottage, New York

He felt that everyone was confused about the distinction between L10 and PED. He stated that he shared the same concern as his neighbors. He felt the builders were honorable men but that the problem was not between the builders and the residents. He said the Town Board members had not done their homework. He felt he would get many different opinions on the differences between L10 and PED if he went down the Board and to the department heads. He did not want noise, trains or the other potential dangers already discussed. Please do not let these things happen to us. He wanted assurances that this would not happen.

Appearance: Ms. Shelly Friedman
3 Flower Lane
Valley Cottage, New York

She mentioned talking to a gentlemen from Norwood, New Jersey who had moved from there because living near a railroad spur had made his life unbearable. She did not want that kind of environment here.

Appearance: Mr. Vincent Boccalini, Trustee
St. Paul's School
Valley Cottage, New York

Mr. Boccalini said his particular concern was that the difference between L10 and PED was the power that the Town Board would have in deciding what kind of building would go in either place. He said one of the locations was right opposite the church property where over 400 children go to school. Perhaps in the future it would be necessary to build another school closer to the railroad. Regardless

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of what happened, and he was not against the development, but to be sure that anything built close to the school would not entail any noise, no congestion of traffic, no harmful toxic wastes or anything of that sort. As a trustee of the school it is my business to be concerned. The children are the future of Rockland County as well as Clarkstown and he urged their protection.

Appearance: Mr. Carl Tursiano (?)
Kings Highway
Congers, New York

When he moved here from Westchester County he was sceptical because of the random type of development throughout the county. He felt this proposal was not a well-planned industrial park. He stated that Elmsford in Westchester was no longer a residential town but had become completely industrialized due to the type of development they allowed. He said that you are taking away from the people the reason they moved here - residential flavor. If you do it properly and plan it properly with thought for what the people need you may improve it but only with the correct restrictions. Please be sure that no one loses anything from this.

Appearance: Mr. Lou Buonincontri
1 Vivienne Court
Valley Cottage, New York

He said he was not appearing as an advocate of industry or construction of Valley Cottage. He said all the residents of Clarkstown would like to see their tax base stabilized. Industry is the way to go. Under a PED district we would not have the security that we would have under L10. He referred to security as far as the train spur is concerned - and the danger of what those trains could carry and therefore bring harm to the children. He would not like to see another Lederle Labs developed there. He did not want another cancer community in the United States.

Appearance: Mr. Peter Brega
Kings Highway
Valley Cottage, New York

Mr. Brega stated that he has 15 acres of land, 13 of which are under 4 feet of water. When he purchased the land in 1955 he had 2 feet of water - now its 1982 and I have 4 feet of water. How far does this go up. We need drainage. We need it badly and we cannot build anything on this property in question until the drainage question in Valley Cottage is resolved.

Appearance: Ms. Mary Ann Gillen
957 Tilton Road
Valley Cottage, New York

Ms. Gillen read from a prepared statement as follows:
"My property abuts the area in Parcel 1 that is to be redistricted from L10 to R-15. The change has been very difficult for us - my neighbors and I - to accept because if this plan came in any other year gone by I would be wholeheartedly in support of it. Everyone wants homes developed in their backyard. No one in Clarkstown is in favor of light industry although we want the tax ratables. In past, Town Boards, Zoning Boards and Planning Boards have warned that if we stay a bedroom community we will pay for it. I am living in the community 18 years and my taxes have reflected that statement as true. My neighbors and I got together as neighbors, not as an organised group to discuss this new proposal. The builder wants to zone 26.938 acres of one family homes on one-third acre. This would amount to about

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50 or 60 homes. We are not in favor of this plan because Gilchrist Road can't handle any more traffic than it now has. 50 or 60 home means about 100 more cars on Gilchrist Road. We are a neighborhood of 32 homes and have grown from a bicycle community to a car community. Most have 2 cars per house. Many have more. We have to take a look at Gilchrist Road. It is a road connecting 303 to Kings Highway. It has a school on one end and a park with sports facilities at the other end. Both create traffic. St. Paul's just recently directed traffic in and out of their school because Kings Highway was too dangerous. They now enter and exit from Gilchrist Road. The park is in operation all year with traffic at its heaviest now. When the lake freezes they will have ice skating. The only thing in our favor in talking about Gilchrist Road is the fact that when the park is at its maximum the school is closed. This occurs during July and August. All other activities regarding the park start after traffic from the school has ended. It is a continuous flow of traffic on this road. We are in favor of Parcel No. 2 being changed from LIO to PED. We who oppose Parcel No. 1 ask the Town Board to go along with the Planning Board who voted 7-0 in favor of making the entire parcel PED. Give us residents decent buffers. Keep Tilton Road and Green Avenue dead-ends. All commercial traffic should exit onto 303. We feel we are sacrificing a great deal for this and could be sorry. Please don't make us sorry for what we have decided as it is in the best interests of all taxpayers. Change the LIO but not to R-15. Change it to PED along with the other 72 acres. If this parcel is developed intelligently and thoughtfully maybe people won't cringe at the thought of LIO in their backyard."

Ms. Gillen presented a petition to the Deputy Town Clerk.

Appearance: Mr. Joe Berardi
Flower Lane
Valley Cottage, New York

We do want industry. We want the provisions made on paper - not just hearsay. He stated that he knew his taxes were not going to be cut in half once the industry goes in. Let's be realistic. They are still going to go up regardless of what kind of industry we have. If you can make provisions to protect us please try and do so.

Appearance: Mr. Donald Devine
954 Stark Lane
Valley Cottage, New York

We have two very emotional issues here. I am against the transfer of 26 acres from LIO to homes. I don't want to lose the ratables. Why should be flip flap zoning at the whim of a builder when there is a group of residents who are against it? He said the builder was selfish - he's out for a profit. He said he was selfish - he wanted to keep tax ratables with decent industry, proper buffer, proper protection. We want to keep our neighborhood. The proposal would make 18 houses on a one block street. Traffic will also be run from the turn on Gilchrist Road right at the bridge and snake it out onto 303. That's going to increase the traffic. He mentioned many industries which are presently located there and which exit onto 303. It's designed for it. These industries did not have to build houses to pay for it. He felt he had been personally insulted in December and told to go home. He said he felt that he was denied his rights. He pleaded for sane zoning.

Appearance: Mr. Ron Bohler(?)
Valley Cottage, New York

He discussed the main water line going through this property. It runs from Rockland Lake, through Swarthout Lake, through Congers Lake to Lake DeForest where everyone gets their drinking water. He wanted

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to bring this to the Board's attention so they would be aware of what might happen depending on the type of industry brought into the area.

Appearance: Mrs. Diane McLaren
Flower Lane
Valley Cottage, New York

She discussed noise pollution levels stating that under LIO noise was controlled - under LIO this was not the case. She was very much against the stopping, starting, loading and unloading of trains. She also stated she was against night time hours which are allowed under PED. She felt night time operations would encourage vandalism and crime. She stated that she and other neighbors had been told by one of the builders that they would not have a nice industrial park but that they would have "garbage." She very firmly stated that they do not want garbage.

Appearance: Ms. Eileen Whalen
Flower Lane
Valley Cottage, New York

She stated that they had purchased a new home in Rockland two years ago because of the residential area. She chose Rockland and Valley Cottage because of the esthetic value. Ms. Whalen said she came from Buffalo, New York and had witnessed the horror of Love Canal. She did not want that here.

Appearance: James Hirschberger, Esq.
Sedge Road
Valley Cottage, New York

He stated that a PED district with an industrial park could only be successful if the Town, through the Board and the Planning Department ensures that there are maximum buffers, both visual buffers and noise buffers. He said the right kind of industry can only be attracted by overall planning rather than mini-steps. He urged the buffer be adequate for the protection of the people on Flower Lane as well as anyone abutting the parcel. At this point Mr. Hirschberger used the map to illustrate his discussion of the portion to be changed to residential. He discussed the dangers connected with the placement of so many houses coming onto Gilchrist Road and also exiting onto Route 303.

He stated that Mr. Hekker was incorrect in saying that the application had not changed. He compared the map previously submitted and the current map (I cannot set down here in an intelligent manner as he was pointing out spots on the map.) Although the building of homes would provide work for a time the PED district with a well-planned industrial park would provide many jobs of a permanent nature and he thought that more desirable.

Appearance: Mr. Eugene Sullivan
5 Flower Lane
Valley Cottage, New York

He stated that his major concern was the railroad. He mentioned the major ingress and egress road as being Kings Highway. What we will wind up with is a back-up across Kings Highway. Eventually people will start using Gilchrist Road to avoid traffic. With trains starting and stopping and all this traffic Valley Cottage as a hamlet will just dry up. The businesses already there will have a significant drop-off. He stated that Unitas would use some sort of a chemical to clean their vats and that wash water would run off in back of St. Paul's school. Mr. Sullivan compared the PED in Ramapo with the proposed PED in Clarkstown. We need the tax ratable of the PED in Valley Cottage. He did mention that the builders of the proposed PED district did develop Flower Lane and had sold houses on that street without mentioning to the purchasers that a PED district was proposed.

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Appearance: William Stein, Esq.
Hood & Stein

He stated that he was one of the attorneys representing the petitioners in the law suit which resulted in this re-hearing tonight. Mr. Stein wanted to clarify one point in the judgment referred to by Mr. Hekker. Two judgments were submitted to the Court - one by our office on behalf of the petitioners and one by Mr. Hekker on behalf of the respondents. Neither judgment was actually signed as submitted. A further provision was put into Mr. Hekker's judgment in addition to his original drafting which provided that any acts implementing the purported rezoning be nullified. The judge did not specifically state that a new application had to be made to the Planning Board of Rockland County or that it did not have to be made. All he stated additionally relevant to that point is this language and I ask you to take that into consideration.

Appearance: Ms. Laura Greenberg
9 Flower Lane
Valley Cottage, New York

We want certain protections. We are not against the ratables. We are concerned about our neighborhood. She had one thing she wanted to ask Mr. Hekker. Why back in December was he so concerned about notifying the people not only within the 500 foot limit of the proposed properties but actually going above and beyond that and now my property is about 25 feet from the proposed site and I never received legal notification. Mrs. Greenberg said she immediately abuts the railroad tracks.

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

He stated that he and Mr. Hirschberger were responsible for bringing the law suit which brought this all back up again here tonight. There was a defect in the original notice. A piece of land which could not be rezoned as requested was included in the description of land to be rezoned. He said he has appeared regularly before the Board to ask for a planned Town. We want it planned according to law and done with due process. When we first heard of this back in December, Mr. Hekker represented the applicants, the Town had its own attorney and you made a decision. When we brought a law suit the Town engaged Mr. Hekker as its attorney and he was the Town's attorney until last month. He now stands in front of you as an applicant's attorney again. I am raising this, not as a question of Mr. Hekker's ethics, but as a question for the Town to consider about its own acts. Can you have your own lawyer stand in front of you applying for something that he represented you for last month? It is a serious question. Should the Town hear that applicant with that attorney?

Mr. Granirer also raised the question of referral of the petition under the General Municipal Law to the County Planning Board. The question came up as to whether the Town Attorney could refer to the County Planning Board. Last year we had a series of re-referrals over the same zone change to the County Planning Board. One is also involved in litigation. The Town Attorney then made the referrals on two of those occasions - sent over on his own. They were sent back because that applicant had been turned down by the County. This applicant had been approved and now there is an appeal to you to not re-refer to the County. I do not think the Judge could have been intending to set aside General Municipal Law Section 239. It is still on the statute books and that requires when there is a new zone change, which is what this is, the old zone change is nullified. The County

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has a right to review it. It is not up to the Town to decide whether it wants the County to review it. It is up to the County to look at it and decide for itself whether a substantial change has occurred. In this case there may have been.

We had a problem in the previous zone change that a piece of land was included in the request for zone change that could not be rezoned and I am afraid that it has happened again tonight. In the request for the PED you have a piece that is LIO and a piece that is R-15 which had not been shown before. In the Clarkstown Code 106-6.1(c) refers to what can be changed from anything into PED and it says all planned economic development shall be located in land currently zoned L0, LIO or M. It does not include land zoned R-15. You cannot change that R-15 into PED and what's more there is a piece of land in the notice not segregated, not understood where it lies saying this is a piece that we are changing. We want it changed from R-15 into PED and the two are lumped together. I think the same mistake has been made twice.

Appearance: Mr. Ted Taicner
756 Green Avenue
Valley Cottage, New York

He stated that he had looked at the maps of the property when he moved up here and he knew that the LIO property was to the north of his property. He also knew that the drainage situation was pretty bad there. We all know that it is in a flood plain. I knew the LIO required a buffer zone, etc. I did not know anything about PED. I am in favor of the entire parcel remaining LIO. LIO does not allow a spur but PED does. As an aside he mentioned that the ice skating on Mr. Brega's property gets better every year (referring to the water there.) He said the Town Board members really were the servants of the people and should bow to the majority not the minority.

Appearance: Mr. Howard Reiss
Kings Court
Valley Cottage, New York

Mr. Reiss said he wondered if the Town Board voted "Yes" for PED what they would wind up with. He suspected the Town Board did not really know either. He felt that the Associates of Rockland should have to present a Master Plan for their area before approval was granted. If this is not done we will be back here every time they want to do something - when they want to put in a railroad spur - when we want something done about drainage, etc. It seems a terrible waste of time to do it that way.

Appearance: Mr. Guido Carmassi
Route 303
Valley Cottage, New York

At first tonight I was convinced by Mr. Hekker and the people who praised the plan. However, the opponents to the plan have raised serious questions which have not been answered. The Building Inspector was unable to tell us the difference between LIO and PED. Issues raised have seemed to make this whole thing very questionable. He was in sympathy with the people on the eastern side of the railroad tracks. They do need a good deal of protection. We do need ratables and the PED or the LIO will represent capital investment in the County, possibly speculative capital investment but so do our homes. These are major investments for us. We do not have bankers to support our speculation.

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Appearance: Mr. Raymond Kelly, Trustee
St. Paul's R. C. Church
Valley Cottage, New York

The Pastor felt concerned enough to ask both of us Trustees to come and listen this evening. The health, welfare and safety of 400 children must be protected. I empathize with the homeowners but our immediate concern is for the children. I was not aware until this evening that there could be a possible railroad spur. During the hours of school this could pose a noise pollution problem. It is my understanding that the proposed pharmaceutical plant would be directly across the railroad tracks from the school. Please keep in mind not only our homeowners but also the children of St. Paul's.

Appearance: Mr. Walter Fleisher
443 Buena Vista Road
New City, New York

He stated he has been an opponent of many zone changes since 1955. I oppose the giving of the R-15 land to be developed first purportedly to produce money to develop the balance of the PED. We had an infamous case right next to me, the Dells property. We were to get the greatest thing that ever happened in Rockland County was L0. In order to get that L0 which was to solve all the economic issues of Clarkstown and maybe the County of Rockland we gave Mr. Nemeroff 120 acres of R-22. We created two zones - L0 and R-22. The R-22 was developed and the L0 evaporated. What is left is the Dellwood Country Club. The balance is all residential. There goes all the ratables. What we got was not ratables, was not L0 and we are being asked now to do the same thing. I don't believe that you have any protection that the PED will be developed afterward and therefore I oppose this.

Appearance: Ms. Patricia Sullivan
Flower Lane
Valley Cottage, New York

We have also failed to mention that there is another school which may not abut the property but is very close and that is the Valley Cottage Elementary School. We are not talking about 400 children but over 1,000 children. They will have to cross those railroad tracks. I am most concerned about that. If a spur goes in, traffic will be backed up. I am concerned about chemicals. I am concerned about the general health of the community. She read from a prepared sheet regarding PED. She rebutted some of that. She closed by saying that children are our most precious gift - please protect them.

Appearance: Mr. Robert Paladini
Flower Lane
Valley Cottage, New York

Mr. Paladini had a few specific questions he wanted to ask of the Board. He wanted to know exactly what packaging of vitamins entailed. What are neutralized wash waters? This is a term he had never heard before. He wanted an explanation of these items and many others presented under a PED plan. He resented that Mr. Hekker could just pass off with a mere apology the fact that we were never notified of this. He is talking about our life time investment. He thought it was outrageous. He said "LIO no PED."

Appearance: Mr. Joseph Verrino
15 Flower Lane
Valley Cottage, New York

He said he had just discovered that the builder wanted to put a railroad spur 150 feet from his property. He said the developer had built, ran and left a lot of people with a lot of problems. He is going to do the same to us if he gets his way with the PED. We have problems with flooding and no one can help us. This man wants to put PED in our backyard. Don't let him do it.

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Appearance: Ms. Barbara Taicner
Green Avenue
Valley Cottage, New York

She had questions regarding Green Avenue. She said it was her understanding that Tramquill Associates had an appeal going for houses in that area. She felt it was time the builders stopped running Rockland County and Clarkstown. In response to a question as to why this public hearing was being held, Mr. Dusanenko said that the judge had ordered that a public hearing be held within thirty days. Mr. Dusanenko also said that he is familiar with the area of Green Avenue. Councilman Holbrook said he knows where it is but he has not walked the property. Councilman Carey said he was pretty well versed in what this whole proposal is about. Councilman Holbrook answered a question Ms. Taster had regarding Tramquil and said the reason it was going before the Zoning Board of Appeals is because they cannot get it through the Town Board.

Mr. Hekker spoke in rebuttal. He said it was a sincere apology to the residents who were not notified of the hearing. The law requires we take the list from the assessment rolls and since you were not on the assessment rolls you were not notified and that is the only reason you were not notified. The assessment roll has changed since last June and you are listed on the new rolls and hence were notified.

He said that Mr. Dahm and Mr. Yassky both spoke in favor and they are experts in this field. The only point they differed on was on R-15. He said that Mr. Yassky had said that it took anywhere from 8 to 14 months to negotiate the deals he had made in his PED development. We have been negotiating for approximately seven months now. Yes, we are looking for an R-15 so that we can commence building immediately. We have already started clearing an industrial road. There are no changes and so we do not have to go back to the County Planning Board. The only change there might be is the road (here he pointed to a section of the map) which was imposed upon us because we didn't know it existed at the time and we did not know it would be imposed upon us. There was mention made of a road going over to the Food Emporium but that went by the boards too. The zoning is 79.2 acres of L10 and 26.9 acres of R-15. There was not one single mention by me of a railroad spur tonight. Mr. Hekker said they were amenable to a buffer zone. We have not made any specific commitment about spur - the existence of or lack of. We have never mentioned 100,000 foot building although there was mention made of 35,000 foot building for Unitas. Unitas is in the process of being approved for over \$5,000,000.00 in bond issues in order to develop this property.

Supervisor Dusanenko asked Mr. Hekker if he had made note of all the questions asked. He did not know if Mr. Hekker was able to distinguish between packaging of vitamins and neutralizing washing water. In answer to a question Mr. Hekker said Unitas was a company unto themselves. He said he would have had someone from Unitas here if he had known he was going to have to defend that company.

He said they were not going to develop this property as R-15 and run. PED is a required zone. The petition refers to L10 and not the R-15 district. It is a request to keep L10. The names on the petition are sometimes way outside the realm of this particular parcel. As to the affecting park and sports facilities Mr. Hekker used the map again and referred to the approval of the Board for a particular road. (Impossible to intelligently set forth these remarks as the map was used.)

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In defense of Mr. Maraia Mr. Hekker said it was almost impossible to answer questions as to what is allowed and what is not allowed in the different districts without referral to the code book. Mr. Dahm and Mr. Yassky are correct in saying PED is a proper zone because there is greater control by the Planning Board and it does require pretty much of a layout of the entire 72 acre parcel.

Supervisor Dusanenko said one of the prime new concerns expressed here tonight was the fact of a railroad spur. Many people who are looking to stay LIO are looking for some assurances not to have a railroad spur. Can you find out and ascertain from the applicant, whom you are representing, if they would be willing to concede to the Town's wishes not to do such.

Councilman Lettre said to Mr. Hekker that it was his understanding that if the Board wants to grant a PED and wants to put a restrictive covenant in that there will be no rail spur allowed within the PED it really makes no difference whether your client concedes or not. You may say you don't like it but it is what is called take it or leave it. Mr. Hekker said if the Town placed a restrictive covenant and the industrial company did not sign it there would be no zone change.

Supervisor Dusanenko said if it remained LIO what could the Town do to try to get a concession from the owner of the property that a rail spur would not be built. If a zone change is denied how can you add a restriction to a property. There followed cross dialogue between the Supervisor regarding a railroad spur under LIO and PED. It appeared to be unresolved as the code mentions railroad right-of-way but not spur.

Mr. Hekker said if this Board decides that a railroad spur should not be part of this application all it need do is impose such a restriction as you have done before.

Supervisor Dusaneko said with PED that would be easy but what if it remains LIO. Those are restrictions on a parcel of property whose zone has not been changed was Mr. Hekker's answer to that.

Mr. Costa said he would prefer to answer that question to the Board as their counsel.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 1:20 A.M. (8/4/82).

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/3/82

11:55 P.M.

Present: Supervisor Dusanenko
Councilman Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT NO. 1 TO INCLUDE - ANTON, RUFOLF AND WENDELIN
FERSCH

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.

Deputy Town Clerk testified that the Director of Environmental Control had filed his affidavit testifying as to the benefit to surrounding property owners of this proposed extension.

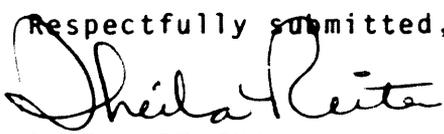
Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of this proposed water extension.

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared closed, ORDER SIGNED, time: 11:56 P.M.

Respectfully submitted,

SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/3/82

11:56 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PUBLIC MEETING RE: GROUP HOME SITE

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Meeting was declared open.

There was immediately proposed a resolution to recess in order to return to a previous public hearing still in progress. On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, a recess was declared, time: 11:57 P.M.

On motion of Councilman Lettre, seconded by Supervisor Dusanenko and unanimously adopted the Public Hearing was declared resumed, time: 1:20 A.M. (8/4/82).

Supervisor Dusanenko introduced Violet Engel, Letchworth Developmental Services and he stated that the Board had been advised that they were interested in a piece of property in New City for a group home facility. He explained the necessity of having this meeting this evening as there would be only one meeting in August and if they waited until the next scheduled Town Board Meeting the forty days would have elapsed and the group home site would be an accomplished fact.

Ms. Engel said she was a Developmental Program Specialist with Letchworth Village Developmental Disabilities Services Office. She stated that she had notified the Town of Clarkstown of the intent to develop a community residential facility on property located on Buena Vista Road, New City. It is approximately 900 feet north of the Old Phillips Hill Road extension. It is the intent to construct on this property a home for ten developmentally disabled people, approximately half of whom will be non-ambulatory. She said that none of these people would be able to exit a house by themselves within two and one-half minutes. Because of this factor the house would be built to institutional codes but it will not be an institution. It will be a ten room ranch house, five bedrooms, family room, large living room, dining room, kitchen, two and one-half baths. There will be a garage and a screened-in porch. The house will be set back from Buena Vista Road approximately 50 feet. It will be placed the long way and there will be an absolute minimum number of trees cut down to accommodate this ranch house. There would be landscaping and lawns. The purpose of this facility is to provide a home-like atmosphere for mentally retarded people who are capable of living in the community.

She stated that when people live in a home where they are comfortable, where there is emotional stability and the furnishings are adequate, there is a stimulus for growth and progress. An institution does not give a stimulus for growth or progress. When you live in a community there is a wider activity choice on a regular basis. There is more mobility from one environment to another and most importantly it means the opportunity to make and carry out decisions independently. It has been found when the mentally retarded person is in such an atmosphere the functioning level is raised enormously and this is what the program is about. We want to give these people an opportunity to have a better self-image and to live their lives with more dignity.

Approximately half of the people who will live in this house will come from Letchworth Village. The other half will come from their relatives in Rockland County. We have applications from families of this type of client in Rockland County for their relatives so they will not have to live the rest of their lives in an institution. Their

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families have kept them home all these years and now for one reason or another they can no longer care for them. They have applied for them to live in a community residence. In Rockland County they have 24 such residential facilities and they serve 277 clients. There are five agencies in Rockland County who operate these units.

We have absolutely been unable to find a home for these non-selfpreserving people who are capable of living in the community. We have decided to have a home constructed that can accommodate them. This home will be completely wheel chair accessible so that they can learn to prepare food for themselves; so they can learn to wash and dry their clothes and put them away; so that they can learn to do things for themselves. This raises their self image and gives them dignity to which they have a right.

Tentatively construction on this site will not take place until 1983. Since everything the state does has to go out to bid it could easily take until the following year. We are in negotiation now. We do not own the property. We cannot give you the proposed price of the property. We can not give you the cost of the building. These are not completed and are not public record. This falls under Article 87 of the Public Officers Law. Once they are completed then they become public knowledge and they are available for everyone.

Ms. Engel said that basically that was their program and she would take questions from residents.

Appearance: Mr. Amado Soriano
6 Tempo Road
New City, New York

Mr. Soriano stated that he was President of the Buena Vista Estates Home Owners of Rockland County. He said he was there to protect the property rights of his members by raising a vigorous and strong opposition to the proposed construction of the facility for the developmentally disabled. He stated that their community is a new development well populated in an excellent area and is also well populated with young children. The price range of these homes is from \$100,000.00 to over a quarter of million dollars. Despite high taxes in this area we decided to move here with the expectation that we would enjoy a higher degree of protection from the municipal government and enjoyment of this community. He said if this is allowed it will result in the devaluation of their properties. He said it would be a poor environment for their young children. He requested that the Board deny the request from Letchworth Village. He submitted a formal petition to the Board.

Supervisor Dusanenko stated that the Town had received a letter of July 21st informing them of the decision to construct a residence. Under the Padovan Law the town has forty days from July 21st to come up with alternate sites. Since the next Town Board Meeting will not be until September 14th tonight was the only night on which something could be done. We can either say "Yes" to this facility; say nothing to this facility; or we have to come up with alternatives to it. When this was mentioned to the members of the Town Board they felt strongly, as did I, that we should have such sort of an informational meeting and this was the only time within the forty day period that we could take any action.

Councilman Holbrook said you cannot just reject a site. You must have strong reasons one of them being that a particular area is saturated with such homes.

Mr. Soriano said that he wanted the Town Board to know that there was not adequate notice given to the residents. Supervisor Dusanenko stated that the Town Board did the best it could once it was given notice. He said the media were notified and it was published as soon as possible.

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Mr. Costa said they were able to have it published on Sunday, not on Monday, and again on Tuesday (today). That was the best the Journal News could do for them.

Councilman Lettre said they discussed this as soon as it was brought to their attention and this hearing was held as soon as possible which was tonight. Otherwise there would not have been any hearing at all. If we had not had the meeting tonight you would not have known about it and we did not want that to happen. We all felt that the residents should be apprised as best we could.

Appearance: Mr. Richard Abajian
8 Red Rock Road
New City, New York

Mr. Abajian asked Ms. Engel what they were looking for in this site for the handicapped. Ms. Engel said they need a site in a residential area that is well maintained - level land - a minimum of three quarters of an acre. The house is a rather large house because of the state criteria that we have to meet. There must be adequate exterior recreational space as well. There must also be adequate parking for the staff. In response to a question about the size of the property Ms. Engel said the property they were looking at now is 2.36 acres. Ms. Engel said they would be leaving the property to go to the library, to go bowling, to go to the doctors, to go out to eat, etc. They will go out to work from Monday to Friday. They will work at the Jawonio Workshop or they will go to ARC to programs they have there. They will go out into the larger community so that they will learn to live and enjoy life as much as the rest of us.

Mr. Abajian said the roads are small and not as well taken care of as other roads are. In the wintertime it is very hazardous. I have talked about this with Mr. Seeger and asked that our roads be cleared on a seniority basis. Now we have to wait several hours for clearing. Supervisor Dusanenko said the main arteries must be cleared first so that the people coming out of the smaller roads will be able to move.

Mr. Abajian said that with that many people taking showers, etc. the septic tanks will not be able to handle it. Ms. Engel said there would be no septic tanks; that they intended to hook up to the sewers. Ms. Engel said that the architect told them that hook up can be effected. Mr. Abajian said that he was against this site.

Appearance: Ms. Eileen Battles
New City, New York

Ms. Battles stated that she lived on the property adjacent to where this proposed home would go. She said she knew the land very well. She stated that they had just purchased another home in the area because they farm the land and they wanted to keep the farm like atmosphere in the area. I just found out about this facility on Sunday night. She said she was not against the mentally retarded but that this was not the spot to put it. She protested the fact that if they hook up to the sewer the blasting would be done in front of her house. Blasting had already taken place which had knocked down a wall in her home which is an historic site. Ms. Battles said she had found an alternate site on Route 304 next to Dr. Plotkin's house. She said it was a brick facility with a swimming pool. There is an acre and a half of flat land. She said there is an existing 15 foot right-of-way so that pulling in and out would not be dangerous. The property belongs to Mr. and Mrs. Charles Simola, 627 South Main Street, New City, New York. Ms. Engel said that this house would not be suitable because they do not have five foot wide hallways. They need a residence suitable for non-ambulatory patients. Ms. Battles said they could renovate and it would be cheaper than blasting on the proposed site. Ms. Battles said the

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area was just not suitable for a residence of this type. Ms. Battles said the area where they live is called "On the Rocks" because it is virtually on rock. You would have to blast and blast.

Appearance: Mr. Art Sloboda
323 Buena Vista Road
New City, New York

Mr. Sloboda said that with the advent of many new three and four car homes there is a lot of heavy traffic in the area. There are no sidewalks. The reason we moved to that area is because we are relatively distant from shopping, houses of worship, etc. There is no public transportation. He stated that less than a mile from this proposed site there is a twenty bed residence. Ms. Engel said these people would be non-independent travelers. They will not be walking up and down the road. Whenever they travel they will travel with the staff. Sidewalks are immaterial. There will be van at their disposal and they will be taken shopping or wherever they will be going. They do not drive.

Appearance: Mr. David Rimberg
256 Buena Vista Road
New City, New York

This is a very expensive way to find property in New City to provide care for these people. This is certainly not good economics for the State. There is no public transportation for families who would like to visit these people. What happens in the event of budget cuts? What is used for one purpose in a budget crunch can be used for many more people than originally planned. Restrictions then are lifted. He said he had visited many community homes throughout Rockland and he wanted to know if the people who would be living in the proposed home would be the same type as the people living in the homes he had visited. Ms. Engel said they would be retarded. They may have some medical problem as well. The population has not been determined but they will be screened for living in the community. Mr. Rimberg said that you want the residents to be on your side but without knowing just what type of people will be living there. Ms. Engel said that their functioning level will be approximately the same. They will be very carefully matched in their personalities, their interests and their hobbies. They will be adults.

Mr. Rimberg said that he has a relatively large piece of property. Since my property was zoned one family I had a studio apartment that I rented out and that was ruled out. I was told I could not do that. Now I see a couple of hundred feet down the road a proposed ranch house that will have 15 people in it. He asked if this was a pilot project. Ms. Engel said there is Samuel Fisher which is a larger facility which houses 20 people. We will only have 10 people and according to the Padovan Law we are one family. Legally we are one family.

Mr. Rimberg said he would like to get feedback from surrounding property owners at that other site to see how it worked there.

Ms. Engel said they will have three 8 hour shifts. Only 10 people will actually be living there. There will be three, sometimes five, staff in the building. Mr. Rimberg asked about the parking lot. He stated that he just felt the residence was not compatible with the area.

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Appearance: Mr. Clem Egolf
338 Buena Vista Road
New City, New York 10956

He stated that this piece of property is completely impractical. You would not be able to have a basement for the house. My house is 140 years old but now, due to the blasting which has taken place in the area, every time it rains I have a stream in my basement. Both he and his wife are board members of Jawonio and are very much in favor of this type of facility. I know that this is not a practical spot for it. There is no practical way to get a sewer system hooked up there.

Appearance: Mr. Walter Fleisher
443 Buena Vista Road
New City, New York 10956

Mr. Fleisher said he was very angry as he only had two days' notice. He felt a reasonable time should have been given so that the residents could make a study of it. How can we make proper alternatives? You have given me two days to go into the real estate business. He felt the Board should reject this out of hand as being unreasonable. He said that because there was such short notice he felt there must be something wrong and they were afraid to give more notice. He could not make a reasoned judgment on this because of such short notice. He said there was another facility just down the road. Ramclark Lane is really an extension of Buena Vista Road. If this is the law then there is something all wrong with it. We must go back to our state representatives and have it changed.

Councilman Holbrook suggested that there be a meeting two weeks from now at which time people could come up with some alternatives. Supervisor Dusanenko stated that he had wanted to have four meetings this summer but because of vacations they were unable to schedule them. Councilman Holbrook said that if they could get a majority of the Board together they would try for another meeting this summer. Supervisor Dusanenko said he would be unavailable for another meeting in August. Councilman Lettre said he would also be away the last two weeks in August.

Appearance: Mrs. Ziporah Fleisher
443 Buena Vista Road
New City, New York 10956

Mrs. Fleisher said that there should be a meeting in the future because everyone was too emotional at this time. Supervisor Dusanenko said that if she could find a way to put the state off she was welcome to try. Mrs. Fleisher said that this may not be legal and she would like to try to have them withdraw their application. She said that the representatives of Letchworth should withdraw their application for the sake of the people involved in the area. Mrs. Fleisher said they should not be put in the position of turning these people down; we should be helping them. But we cannot do this on such short notice. She told Ms. Engel it looked bad to rush us into this.

Supervisor Dusanenko stated that under the law, whether we like it or not, its either giving approval to this site, rejecting the site or coming up with other proposals. If you know of someone who has a site which is less expensive, less grade work or site work to do please inform Violet Engel because he was sure that they did not want to spend money for rock blasting, etc. What it comes down to is they must have an alternative.

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Appearance: Mr. Ray Jasinski
Buena Vista Road
New City, New York

We had the same proposal awhile back except it involved a day nursery. I have the same objections to this. There is a very bad dip in the road right there and you cannot see the driveways on the other side. There are many black tire marks for that reason. The property runs almost 200 feet deep and then you have an almost sheer 30 foot drop which is a poor site when you are talking about this type of handicapped person.

Appearance: Mr. John Boesch
Buena Vista Road
New City, New York

Mr. Boesch stated that this was a very bad location. Many people get almost killed there. To get sewers in there you would have to blast. My house cannot stand any more blasting. Mr. Boesch presented the following letter:

"August 2, 1982

Dear John and Min,

Because we will not be able to attend any meetings, concerning the Letchworth building proposal, during our absence to Taiwan; we would please ask that you represent us in the talks. We give you full permission to make known that we are against the construction of a residential facility, for disabled adults, on Buena Vista Road. Please represent us in any meetings and voting proceedings until we return.

Thank you for your help.

Cordially,

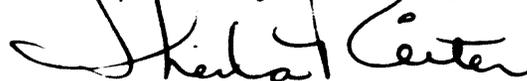
/s/ Ching-Ping Lan
/s/ Ching-Yueh Lan"

Appearance: Mr. William Daberkow
324 Buena Vista Road
New City, New York

Mr. Daberkow said he was speaking for himself and his father-in-law, George Smith, who owns most of the land adjacent to this lot. He said his father-in-law has farmed the land for many years and the lot in question has been vacant all these years for one reason. It is all red rock and has a severe drop-off. The proposal to put a dwelling there which needs parking facilities and which will entail trucking coming in off the crest of the hill is the worst possible proposal you could entertain. The lot is a disaster and you are putting tax money into a disaster. You are going against every engineering plan and every act of common sense.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, in order to return to the regular Town Board Meeting, time: 2:20 A.M. (8/4/82).

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk