

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/12/82

8:10 P.M.

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

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

Supervisor Dusanenko announced that the Town of Clarkstown had been honored at an MTA function in New York City by the naming of a railroad car after the Town. Supervisor Dusanenko read the inscription which had been placed on the plaque attached to that railroad car:

"Clarkstown became a town in 1791 by an act of the New York State Legislature and remained primarily a rural and farming community until the post-war era. Now a business and commercial center and a commuting community due to its proximity to New York City, Clarkstown also houses the seat of Rockland County. Clarkstown still retains areas with pastoral settings of woodlands and waterfalls - inspiration and home to many artists and writers. This car is named in honor of Clarkstown, one of more than three hundred communities whose residents travel on the Port Authority Trans-Hudson Interstate Rail Transit System.

Supervisor said this would be placed in the lobby of the Town Hall for all the residents to view.

Supervisor Dusanenko said that another award had recently been acquired by the Town. This award was directed to the Town Board and all the residents of the Town of Clarkstown. This award was presented by the Rockland County Association for Children with Learning Disabilities for the current year 1982. Supervisor read the following:

"To the Town of Clarkstown in gratitude for your generous support of Camp Promise."

Supervisor said that Camp Promise is a group of dedicated parents who have a summer program for the handicapped children in Rockland County/

Supervisor Dusanenko opened the public portion of the meeting and asked if there was anyone wishing to be heard.

Appearance: Ms. Judith Nelson
Upper Grandview, New York

Ms. Nelson spoke in opposition to a proposed microwave tower to be erected by the International Telephone and Telegraph Company. The South Nyack Planning Board has asked the public to stand with it in opposition to this proposal. She stated that the Nyack School Board was also in opposition to this. The Medical Research Committee and a group of concerned physicians likewise opposed this proposal. She enumerated the many health hazards connected with this type of installation. She requested that Clarkstown send statement before October 21, 1982.

Supervisor Dusanenko said the Board would take up this matter at the end of the meeting.

Appearance: Ms. Helen Dalzell
573 South Mountain Road
New City, New York

Continued on Next Page

RESOLUTION NO. (935-1982) Continued

"2. That a stockade fence subject to the approval of the Department of Environmental Control be erected for screening along Route 59."

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare an amended Restrictive Covenant, have same executed and recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (936-1982)

ADJOURNING REGULAR MEETING
IN ORDER TO HOLD SCHEDULED
PUBLIC HEARING RE: JEROME
PAIKIN ZONE CHANGE

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Jerome Paikin Zone Change, time: 8:41 P.M.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (937-1982)

CLOSING SCHEDULED PUBLIC
HEARING RE: JEROME PAIKIN
ZONE CHANGE WITH NO ACTION
TAKEN UNTIL AFTER HAMLET
HEARING AND TRAFFIC STUDY
AND RETURN TO REGULAR MEETING

Co. Lettre offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Jerome Paikin Zone Change be closed and no action until after hamlet hearing and traffic study and return to regular meeting.

Seconded by Supr. Dusanenko

On roll call the vote was as follows:

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

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RESOLUTION NO. (938-1982)

CLOSING SCHEDULED PUBLIC
HEARING RE: JEROME PAIKIN
ZONE CHANGE AND RESERVE
DECISION PENDING TRAFFIC
STUDY AND RETURN TO REGULAR
MEETING

Co. Holbrook offered the following resolution:

RESOLUTION NO. (938-1982) Continued

RESOLVED, that scheduled Public Hearing re: Jerome Paikin Zone Change be closed and RESERVE DECISION pending traffic study, and return to regular Town Board Meeting, time: 9:50 P.M.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (939-1982)

ACCEPTING DEED FROM JOHN SAETRE (GERMONDS ROAD, NEW CITY, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision of John Saetre, the Planning Board of the Town of Clarkstown requested a deed for a road widening strip along Germonds Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that a deed dated September 24, 1982, from John Saetre gratuitously conveying a strip of land along Germonds Road is hereby accepted and ordered filed in the Rockland County Clerk's Office.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (940-1982)

ALLOWING CLARKSTOWN COUNSELING CENTER TO COLLECT FEES ON SLIDING SCALE

Co. Carey offered the following resolution:

RESOLVED, that the Clarkstown Counseling Center be allowed to collect fees, on a sliding scale, starting immediately.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (941-1982)

AUTHORIZING FIRE LANE DESIGNATIONS AT BOARD OF COOPERATIVE EDUCATIONS SERVICES

Co. Maloney offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at Board of Cooperative Educations Services, West Nyack, New York by the installation of fire lane designations, and

RESOLUTION NO. (941-1982) Continued

WHEREAS, Leonard R. Scharf, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (942-1982)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL A STOP SIGN ON EASTERLY END OF SPUR LOCATED BETWEEN NYS. RTE. 59 AND WEST NYACK ROAD, WEST NYACK (SOUTHSIDE)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a Stop sign on the easterly end of the spur located between NYS Rte. 59 and West Nyack Road, West Nyack (southside).

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (943-1982)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR SALE OF SURPLUS SCRAP METAL AT HIGHWAY DEPARTMENT

Co. Lettre offered the following resolution:

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

BID #54-1982
SALE OF SURPLUS SCRAP METAL AT HIGHWAY DEPARTMENT

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, November 3, 1982 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (944-1982)

AUTHORIZING ATTENDANCE AT
FIREFIGHTER AND CODE EN-
FORCEMENT STANDARDS USERS
CONFERENCE (GERALD D.
COLUCCI OR ALTERNATE AND
JAMES D. COTTLE)

Co. Lettre offered the following resolution:

RESOLVED, that Gerald D. Colucci, Building Inspector or
alternate and James D. Cottle, Fire Inspector of the Town of Clarkstown,
are hereby authorized to attend the Firefighter and Code Enforcement
Standards Users Conference sponsored by the Department of State on
October 25 & 26, 1982 at the Fire Academy, Montour Falls, N.Y., and be
it

FURTHER RESOLVED, that all proper charges not to exceed
\$100.00 to be charged against 1010-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (945-1982)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
KOZMA ASSOCIATES FOR ENGINEER-
ING SERVICES FOR BUILDINGS
OWNED BY TOWN OF CLARKSTOWN
CHARGE TO A 8730-409, INCREASE
APPROPRIATION ACCOUNT A
8730-409 AND REVENUE ACCOUNT
1-2401

Co. Lettre offered the following resolution:

WHEREAS, Kozma Associates, 53 South Broadway, Nyack, New
York, has submitted a proposal for various energy conservation measures
on October 5, 1982 supplemented by a letter dated October 8, 1982, in
the amount of \$9,800.00 to perform the necessary engineering services
including design and/or specifications, bid analysis and review, consulta-
tion and final inspection;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is
hereby authorized to enter into an agreement with Kozma Associates to
furnish the above engineering services for buildings owned by the Town
of Clarkstown for the sum of \$9,800, which agreement shall be in a form
satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$9,800.00 be charged to
Account No. A 8730-409 and that the Appropriation Account No. A 8730-
409 be increased by \$9,800.00 and that Revenue Account No. 1-2401 be
increased by \$9,800.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (946-1982)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
PROVIDING FOR VARIOUS
PAYROLL DEDUCTION PLANS
FOR EMPLOYEES OF THE TOWN
OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLUTION NO. (946-1982) Continued

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "A Local Law Providing for Various Payroll Deduction Plans for Employees of the Town of Clarkstown"

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 26th day of October, 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. (947-1982)

INCREASE ESTIMATED REVENUE ACCOUNT NO. 01-2401 AND APPROPRIATION ACCOUNT NO. A 8730-366

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-2401 and Appropriation Account No. A 8730-366 by \$100.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (948-1982)

TRANSFER OF FUNDS FROM APPROPRIATION ACCOUNT NO. B 8110-203 TO APPROPRIATION ACCOUNT NO. B 8110-324

Co. Carey offered the following resolution:

RESOLVED, to transfer \$2,900.00 from Appropriation Account No. B 8110-203 to Appropriation Account No. B 8110-324.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (949-1982)

REIMBURSEMENT OF MILEAGE TRANSPORTATION OF YOUTH COURT OFFICERS FOR ATTENDANCE AT NEW YORK POLICE JUVENILE OFFICER'S ASSOCIATION TRAINING CONFERENCE CHARGE ACCOUNT NO. A 1120-414

Co. Carey offered the following resolution:

RESOLUTION NO. (949-1982) continued

RESOLVED, to reimburse Pat Barad mileage for transportation of Youth Court members that attended the New York Police Juvenile Officer's Association training Conference on September 22, 1982, and be it

FURTHER RESOLVED, to charge to Account No. A 1120-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (950-1982)

AMENDING TOWN BOARD
RESOLUTION NO. 869 TO
INCREASE APPROPRIATION
ACCOUNT NO. A 1355-114
AND DECREASE APPROPRIATION
ACCOUNT NO. A 1356-114

Co. Carey offered the following resolution:

RESOLVED, to amend Town Board Resolution No. 869 dated September 14, 1982 to increase Appropriation Account No. A 1355-114 and decrease Appropriation Account No. A 1356-114.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (951-1982)

INCREASING ACCOUNT A 6410-405 AND INCREASING ACCOUNT 1-2401 FOR \$5,000.00

Co. Carey offered the following resolution:

RESOLVED, that Account A 6410-405 be increased by \$5,000.00 and increase Revenue Account 1-2401 for \$5,000.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (952-1982)

AUTHORIZING ATTENDANCE AT
NYS MUNICIPAL FINANCE
COUNCIL SEMINAR (DOROTHY
ERARD AND DOLORES LODICO -
CHARGE REGISTRATION FEE TO
APPROPRIATION ACCOUNT NO.
1010-414

Co. Maloney offered the following resolution:

WHEREAS, a NYS Municipal Finance Council Seminar will be held on October 29, 1982 at the Hotel Thayer, West Point, New York, and

WHEREAS, Dorothy Erard, Comptroller/Budget Officer and Dolores Lodico, Principal Account Clerk, will be attending said seminar,

NOW, THEREFORE, be it

RESOLVED, to charge \$35.00 Registration Fee to Appropriation Account No. A 1010-414.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (953-1982)

ACCEPTING DEED FROM KENNETH
JAVENES RE: STRIP OF LAND
ALONG WALTHAM AVENUE, CONGERS
(SUBDIVISION - WALTHAM ESTATES)

Co. Lettre offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Waltham Estates, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Waltham Avenue, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that a deed dated September 17, 1982 from Kenneth Javenes gratuitously conveying a strip of land along Waltham Avenue is hereby accepted and ordered filed in the Rockland County Clerk's Office.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (954-1982)

AUTHORIZING TOWN ATTORNEY
TO CONSENT TO ENTRY OF AN
ORDER RE: ARTICLE 78
PROCEEDINGS (TEMPLE BETH
SHOLOM)(ROCKLAND CENTER FOR
THE ARTS)

Co. Lettre offered the following resolution:

WHEREAS, Rockland Center for the Arts is the owner of property known and designated as Map 120, Block H, Lot 19, and

WHEREAS, Temple Beth Sholom is the owner of property known and designated as Map No. 21, Block A, Lot 10, and

WHEREAS, both organizations have enjoyed tax exempt status with respect to the named properties, and

WHEREAS, the organizations failed to file their annual application for tax exempt status, and

WHEREAS, the organizations have brought Article 78 proceedings against the Town to seek reinstatement of their tax exempt status;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to appear in said proceedings for the purpose of consenting to the entry of an Order which would restore tax exempt status to both petitioners for the tax year 1983, provided, however, the relief granted does not go beyond that which they would have been entitled to had their applications for exemption been timely filed.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (955-1982)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC. FOR STREET LIGHTING
AT MAPLE AVENUE, VALLEY
COTTAGE AND SCHER DRIVE,
NEW CITY

Co. Lettre offered the following resolution:

RESOLUTION NO. (958-1982) Continued

RESOLVED, that a Public Hearing for the 1983 Federal Reserve Sharing expenditures be set for October 27, 1982 at 8:00 P.M.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (959-1982)

AUTHORIZING PAYMENT OF FUNDS TO WILBERT DEHNERT IN SATISFACTION OF ANY AND ALL CLAIMS ARISING OUT OF ACCIDENT INVOLVING TOWN VEHICLE - EXECUTION OF GENERAL RELEASE

Co. Maloney offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to pay the sum of \$244.00 to Wilbert Dehnert, residing at 18 Lynne Drive, New City, New York, in full satisfaction of any and all claims arising out of an accident involving a Town owned vehicle upon receipt of a fully executed general release.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (960-1982)

APPOINTING POSITION OF OFFICE WORKER STUDENT - POLICE DEPARTMENT (DONNA MISTRETТА)

Co. Lettre offered the following resolution:

RESOLVED, that Donna Mistretta, 28 Tor View Lane, New City, New York, is hereby appointed to the position of Office Worker-Student - Police Department - at the hourly rate of \$3.35, effective and retroactive to October 2, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (961-1982)

APPOINTING POSITION OF PART-TIME LEGAL INTERN - TOWN ATTORNEY'S OFFICE (JOHN J. DAVIDSON)

Co. Lettre offered the following resolution:

RESOLVED, that John J. Davidson, 14 Chauncy Street, Congers, New York, is hereby appointed part-time Legal Intern in the Town Attorney's Office - to serve at the pleasure of the Town Board - without compensation - effective and retroactive to September 29, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (962-1982)

GRANTING SIX MONTH LEAVE OF ABSENCE TO ACCOUNT CLERK PART-TIME - TOWN CLERK'S OFFICE (CLAIRE DEERY)

Co. Lettre offered the following resolution:

RESOLUTION NO. (962-1982) Continued

RESOLVED, that Claire Deery, 3 Wheatstone Road, New City, New York, Account Clerk part-time - Town Clerk's Office - is hereby granted a six month leave of absence, without pay, effective October 15, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (963-1982)

APPOINTING POSITION OF
ACCOUNT-CLERK PART TIME -
TOWN CLERK'S OFFICE
(ELEANOR O'BRIEN)

Co. Lettre offered the following resolution:

RESOLVED, that Eleanor O'Brien, 9 Shannon Lane, West Nyack, New York, is hereby appointed to the position of Account Clerk part-time - Town Clerk's Office (to cover the leave of absence of Claire Deery) - at the hourly rate of \$4.98, effective October 12, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (964-1982)

APPOINTING POSITION OF
CUSTODIAL WORKER (NIGHTS) -
MAINTENANCE DEPARTMENT
(IPPOLITO PELLICANO)

Co. Lettre offered the following resolution:

RESOLVED, that Ippolito Pellicano, 11 Third Street, New City, New York, is hereby appointed to the position of Custodial Worker (Nights) - Maintenance Department - at the annual 1982 salary of \$10,986.80, effective October 12, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (965-1982)

APPOINTING POSITION OF
ADMINISTRATIVE ASSISTANT I -
COMPTROLLER'S OFFICE
(DORIS FOGEL)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Administrative Assistant I #82036 which contains the name of Doris Fogel,

NOW, THEREFORE, be it

RESOLVED, that Doris Fogel, 6 Ravenswood Court, West Nyack, New York is hereby appointed to the position of Administrative Assistant I - Comptroller's Office - at the annual 1982 salary of \$15,491.00, effective October 13, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (966-1982)

GRANTING EXTENSION OF SICK
LEAVE OF ABSENCE ON ONE
HALF PAY TO TRANSCRIBER -
PLANNING OFFICE (LUCILLE
WHALEN)

Co. Lettre offered the following resolution:

RESOLVED, that Lucille Whalen, 64 Ridge Road, Valley Cottage,
New York, Transcriber - Planning Office - is hereby granted an extension
of her Sick Leave of Absence at one half pay, effective October 16,
1982 to November 1, 1982.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (967-1982)

AMENDING RESOLUTION NO.
910-1982 TO INCLUDE FOR
POSSIBLE REZONING AN AREA
ADJACENT TO GREEN AVENUE
AND ROCKLAND LAKE ROAD

Co. Maloney offered the following resolution:

WHEREAS, the Town Board has scheduled a public hearing to
consider various amendments to the Zoning Ordinance of the Town of
Clarkstown for certain parcels within the Hamlet of Valley Cottage in
connection with the Master Plan update,

NOW, THEREFORE, be it

RESOLVED, that Resolution 910, dated September 28, 1982 be
amended to include for possible rezoning an area adjacent to Green
Avenue and Rockland Lake Road described as item 70 in the report of the
Town Planning Consultant dated October 6, 1982.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (968-1982)

AUTHORIZING SUPERVISOR OF
TOWN OF CLARKSTOWN TO ENTER
INTO AGREEMENT WITH GRAND
PLAZA SHOPPING CENTER FOR
COMMUTER PARKING LOT (FAILED)

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is
authorized to enter into an agreement for a commuter parking lot, to be
located behind the Grand Plaza Shopping Center on the west side and
adjacent to Middletown Road, Nanuet, and be it

FURTHER RESOLVED, that this agreement will be for a period of
two years, with a mutually agreeable starting date and containing a one-
year renewable clause at the owner's option.

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

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

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On the foregoing resolution Supervisor Dusanenko said
FOR THE RECORD: Since Item 15 is not going to be passed, Item 16 surely
is not going to be passed since its a mute question. I'd like that to
be indicated on the record. Since Item 15 is not going to be passed
authorizing a contract it would be superfluous to expend funds in a
place where there is no contract so I withdraw that and I would like
the record to show that. I would just like to state, gentlemen, in
the event there is any additional problems here I'd like to waive any
and all responsibility and I would request that those gentlemen who
either abstained or "No" use their good time and offices to either
secure the attendance of the owner who usually goes to Florida most of
the winter months and/or their representatives to have such persons
negotiate a better lease. The Supervisor votes "Yes."

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Councilman Carey then read the following memo:

"From: John A. Costa, Town Attorney 10/5/82
To: Theodore R. Dusanenko, Supervisor
Subject: Proposed Commuter Parking Lot at Grand Plaza
Shopping Center

In view of the action of the Town Board at last Tuesday's
meeting directing the Town Attorney to enter into negotia-
tions with the owner/agent of the above shopping center
for a five year commitment for commuter parking, I think
it would aid in negotiations if the Town Board would rescind
Resolution No. 1099-1981 adopted on November 24, 1981, which
purports to provide authorization to the Superintendent of
Highways to make parking improvements up to the sum of
\$30,000.00 at the Grand Plaza Shopping Center. This would
send a clear message to the owner/agent that the Town Board
means business in its desire to have a five year lease. A
proposed resolution rescinding Resolution No. 1099-1981 is
attached hereto.

/s/ John A. Costa
John A. Costa
Town Attorney

JAC:clw
Enc.
cc: Councilmen"

RESOLUTION NO. (969-1982)

RESCINDING RESOLUTION NO.
1099-1981 RE: IMPROVEMENTS
TO GRAND PLAZA SHOPPING
CENTER

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 1099-1981 regarding improvements
to the Grand Plaza Shopping Center is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Supervisor Dusanenko said FOR THE RECORD: "Lest it be thought that I was abrupt when Mr. Costa was speaking I was only most concerned that he not reveal an in-house memo which might be supportive to aid negotiations in getting a lease of a period of longer than two years. Now that Mr. Carey has read that memo in its entirety I doubt if it can assist us with our strategy at the negotiating table now that it's a matter of public record and I only hope and wish that those persons negotiating further will be successful in behalf of the Town and commuters. I vote "No" on rescinding this resolution."

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RESOLUTION NO. (970-1982)

RESOLUTION REQUESTING SOUTH NYACK PLANNING BOARD TO CONSIDER HEALTH, SAFETY AND WELFARE OF RESIDENTS WITH REGARD TO INSTALLATION OF MICROWAVE TOWER

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown has no jurisdiction in the proposal for the microwave telephone relay tower in South Nyack, and

WHEREAS, we do not have ample technical information to be either supportive or contrary to such proposal,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown, since some of its residents are affected by virtue of being in the Nyack public schools, that the South Nyack Planning Board take into consideration all aspects of health, safety and welfare prior to making a decision.

Seconded by Supv. Dusanenko

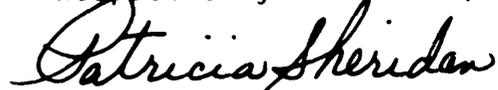
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 10:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/12/82

8:35 P.M.

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

RE: AMENDING RESTRICTIVE COVENANTS - BROOK HILL ESTATES SOUTH
SUBDIVISION, WEST NYACK

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

Town Attorney John Costa said that the Rockland County Planning Board had sent a written communication stating that they were not in favor of the change believing that the evergreens were more appropriate than the stockade fence. Because of this a majority vote would be needed by the members of the Town Board. (Four votes.)

Supervisor Dusanenko stated that the subdivision had been built within the last two or three years and at that time restrictive covenants had been required by the Town Board. One of these restrictive covenants was that there would be a screening of pine trees in the rear yards of these homes where the rear yards faced Route 59 in West Nyack. Both the builder and the residents requested at a meeting here about a month or a month and one half ago that a stockade fence be erected rather than the evergreens. Their reason for this is that their children could conceivably go between the trees and get out on to Route 59. They feel the stockade fence would be much safer. In order to amend this restrictive covenant they had to return here this evening and hold a public hearing to effect such change.

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard on motion of Councilman Lettre, seconded by Councilman Maloney, the Public Hearing was declared closed, ADOPTED, time: 8:40 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/12/82

8:41 P.M.

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

RE: PETITION FOR CHANGE OF ZONE FROM LO DISTRICT TO R-15 DISTRICT
JEROME PAIKIN

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

Town Attorney John Costa stated that there was received from the Clarkstown Planning Board dated July 21, 1982 to the Town Board recommending that the Town Board approve the petition as applied for.

Mr. Hekker, attorney for the petitioner stated that he had a copy of a letter from the Rockland County Planning Board with their recommendations and he would photocopy it and make it available to all Board members.

Supervisor Dusanenko called upon petitioner's attorney to make his presentation.

Mr. Hekker submitted an affidavit of posting and an affidavit of mailing. Notice of Public Hearing was sent to 56 residents in the surrounding area. Mr. Hekker stated that Mr. Paikin had owned the property since 1956 and that it consists of approximately 15 acres of property, 7 acres of which are already in an R-15 district and we are applying for the rear portion of the property which consists of approximately 7-1/2 acres to be placed in an R-15.

Mr. Hekker said he had letters of recommendation from the Clarkstown Planning Board and the Rockland County Planning Board.

Mr. Hekker read the following:

(Letterhead of County of Rockland Planning Board)

"December 23, 1981

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

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

Map Dated: 12/30/80

Item: Change of Zone: LO to R-15
Jerome Paikin (0-1019)
S/S Convent Road

The Rockland County Planning Board reviewed the above item at its meeting of December 15, 1981 and

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

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Conditions:

1. That before any further construction is permitted, the developer should present a viable traffic engineering plan that would demonstrate how adequate ingress and egress is to be achieved.
2. That any improvements to the south side of Convent Road relating to a future subdivision be at a cost borne by the developer.

cc: T. Dusanenko, Supervisor, Clarkstown
 R. Lombardi, member, RCPB
 J. Hornik, Supt. County Highway

Very truly yours,
 Rockland County Planning Board

By Aaron D. Fried, Planning Dir

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State Roads or facilities and, therefore, the Action is for Local Determination. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.

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

Mr. Hekker said that this property has been used as a day camp since 1956 operated by Mr. and Mrs. Paikin. Three hundred to 400 children are serviced during the summer months and it will be used for such purposes again this coming summer. From September til June it has been used as a nursery school for approximately 40 to 50 children. Therefore, if there are any traffic problems they have been dealt with since 1956. Since the realigning of Convent Road there have been no significant accidents.

Mr. Hekker pointed out that this petition had been submitted to the Town Clerk in November of 1981 at which time there was no moratorium on zone changes. It has been delayed until this time because of the request of the Planning Board for further study. The previous zoning did not mean too much to the petitioner because he was using the land for a summer camp. When he thought he might like to retire is when he thought of using the property for some other use besides an LO zone. Mr. Hekker said he felt the rear portion of the property was zoned LO at that time because it was adjacent to Lederle Laboratories which is also in an LO district. He discussed possible homes being placed there with access onto the Convent Road, etc.

Councilman Holbrook said that this was a very dangerous road and he felt that was the crucial problem and wanted to know how that would be addressed.

Mr. Paikin stated that Mr. Atzl had drawn some plans eliminating the two roads which fed into the blind spot because he admitted that Councilman Holbrook was absolutely correct and it was very dangerous. Mr. Paikin said there were plans to move the access road closer to Caravella Road where there is a great stretch with good visibility both to the east and west. This was good for traffic and good for the planning of potential housing. Mr. Paikin said that he was not planning for a subdivision at this time but that in the future there was a good possibility of that happening.

Mr. Hekker stated that it just was not practical to develop this land in an LIO fashion. He also said it was not possible to sell this property to anyone except Lederle and they are not interested in it. Whomever we sell to there will still be the problem of traffic at peak hours of 9:00 A.M. and 5 P.M. if it is developed in a LIO zone. However, we do not have the acreage to develop this as an LIO zone.

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

IN FAVOR

Appearance: Dr. Morris Scharf
179 Grandview Avenue
Nanuet, New York 10954

Dr. Scharf felt there would be no negative impact on the traffic pattern. He stated that in all fairness to the owner it should be approved as it already has been by the Planning Board.

Appearance: Mr. Raymond Roth

Mr. Roth stated that he lived adjacent to the Paikin property on the east side. He was in favor of the zone change and felt that R-15 was the better zoning for the area. Even though he felt there might be traffic and drainage problems these could be solved and he was for it.

Appearance: Mr. Leon Goldman
126 Grandview Avenue
Nanuet, New York 10954

Mr. Goldman stated that he had resided on Grandview Avenue for almost thirty years and had seen the area change. He felt this proposed zone change would be good for the area and he was in favor of it. He also stated that any problems which might arise could be solved by realignment of the access road. He thought it would be fair to the owner and a benefit to the community.

Appearance: Mr. Irving Ravit
74 Convent Road
New City, New York 10956

He stated he was in favor the proposed zone change if there was some type of guarantee that corrections to the ingress and egress of the property were made. He knows that this is a highly trafficked area.

Appearance: Mr. Al Kirsch
Nanuet, New York 10954

Mr. Kirsch said he was happy to hear that there might be houses erected on the property in question. He said he had all the disadvantages of living near Lederle and no advantages. He felt there would be less traffic with housing than with all the traffic generated by the fact that three or four hundred children came there every day during the summer.

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

IN OPPOSITION

Appearance: Mr. Randy Selin
190 Grandview Avenue
Nanuet, New York 10954

Mr. Selin stated that he was against the proposed change because of the traffic problem. He has four young children who play in the area which is very close to the intersection of Convent and Grandview, an extremely dangerous intersection. Any additional building in the area would impact an already dangerous situation severely. It

would be a detriment to the area. While it may increase the value of the property at the Knolls it would decrease the value of all the properties on Grandview Avenue as the traffic escalates. Mr. Selin presented the Board with a petition signed by 44 residents which objected to any building which would increase the traffic in the area. Mr. Selin particularly noted the truck traffic and the speeding problems in the area and wanted assurances that these would be controlled if there were more building done there. Mr. Selin made various proposals for controlling the speeding and the traffic in the area and said they would look to the Board for other suggestions to improve safety in the area. He stated for the record that they were against any increase in planning that would increase the traffic flow at all.

Supervisor Dusanenko asked Mr. Selin to please contact the Traffic and Traffic Fire Safety Advisory Board with his suggestions in the very near future. Mr. Selin said he would forward his remarks to the Supervisor's Office and let him deal with it.

Appearance: Mr. Clifton Freedman
59 Grandview Avenue
Nanuet, New York 10954

Mr. Freedman said that the petitioner or his attorney had stated that the problem of traffic as far as the camp, during the summer, as well as during the year, had been dealt with. He said these problems had not been dealt with. Mr. Freedman stated that literally hundreds of complaints had been lodged with the Clarkstown Police Department regarding the serious traffic problem. He was not really speaking against the zone change but said it must be contingent upon the traffic being decreased and the safety of the residents being increased.

Appearance: Mr. Ralph Falcone
194 Grandview Avenue
Nanuet, New York 10954

He said that although he was not opposed to the zone change per se, his main concern was the traffic increase. He wanted more information on what would be done with the traffic if the building is to be done. He said it should definitely be contingent upon that problem being solved. He felt that there would be a safety factor to consider while the property is being developed regarding delivery trucks and equipment, etc.

Supervisor Dusanenko asked if there was anyone else wishing to speak or if any of the Town Board Members had any questions. There being none he wished to make his own comments.

Supervisor Dusanenko said that it had been stated earlier that the owner had no intention of building for at least two to three years and that the property would be used as a camp at least for the coming year. It was stated that there was no desire on the part of Lederle to purchase the property. This property was zoned LI0 in 1967. Mr. Paikin stated that there had never been an offer of sale but he had received calls from Lederle on two different occasions to discuss the matter. Both times they said they had no interest in purchasing the property.

Supervisor Dusanenko stated that an earlier speaker had stated that from time to time people living in the area experience odors around the property. How would this affect people moving into the area who had no experience with this type of situation? Mr. Paikin said that that had been under discussion with this Board and with the Planning Board for a long period of time. He referred to correspondence from the State which

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said they were no longer detrimental. He felt these problems had been resolved 95% to 100%. He felt the speaker was alluding to a problem of the past and not of the present.

Mr. Hekker said in 1967 the property was zoned L10 and then it was changed to L0. They then created the R-15 buffer of 300 feet. Mr. Hekker said that in regard to a guarantee as to the ingress and egress that this Board could certainly impose restrictive covenants on any access to be implemented by the Planning Board. There will be at least two public hearings before any subdivision approval which would take in the question of ingress and egress.

Mr. Hekker noted that the petition submitted had to do strictly with traffic conditions along Grandview Avenue. The property could contribute to the problem or it could alleviate it. Mr. Hekker said that developing it the way the petitioner requests there would be less traffic problem than commercial development.

Mr. Paikin summed up his feelings by stating that there would be a greater impact on the traffic situation with commercial property than there would be with 15 or so homes in the area.

Supervisor Dusanenko then said FOR THE RECORD: The owner here this evening stated that he is in no immediate rush of developing this land and stated that he will probably have this active as a day camp for at least one more season and possibly as many as three more years. Also, it has also been suggested by some residents of the neighborhood, those living immediately adjacent or in the vicinity that this plan at this time has no traffic or road pattern planned. There is no guarantee that there will not be additional driveways opening up onto Convent Road. A third comment is that it was also stated that the rear portion of this property has limited or no value at the present time and there has been no offer for sale. I, for one, would like to have a formal communication from the owner of the property to Lederle Laboratories, in an updated version in writing, to see if Lederle is or is not interested in such because a mere zone change at this time would increase that land several hundred thousand dollars and at the same time may be preceding the entire Nanuet Master Plan which is scheduled for February or March of 1983. So I am just respectfully suggesting at this time when we close the Public Hearing that we table this matter until we have some additional input on that and I would only be asking personally to Mr. Paikin at that time that he may have a proposed subdivision so that this Town Board, as it did similarly with another client of Mr. Hekker, Rockland Associates, that we perhaps may, in order to take in all of the input stated by people both for and against the project, that we might be able to covenant in those roads to make sure that the Planning Board will have roads without driveways along Convent Road sometime in the future.

Mr. Hekker said they would stipulate that there would be no driveways facing Convent Road at all in the subdivision. Mr. Hekker said this property is not under contract for sale to any subdivider or any other developer. Mr. Paikin is the owner, free and clear. This application is not conditioned upon any zone change nor is there any sale of the property presently under discussion or contemplated.

Councilman Holbrook said he would like to reserve decision on this pending input from the Traffic Advisory Board because where the cuts are made would be crucial to the residents in the area. He thought maybe Mr. Geneslaw should take a look at this. The traffic is a concern to everyone. We have an opportunity to make it better and before we vote on this I would like to have included some of the provisions that would indeed make it better.

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Councilman Lettre said that he would concur with most of what Councilman Holbrook said. We do have a moratorium on residential zone changes at this time. He said he was not prepared to make any decision on this until after the Master Plan Public Hearing on Nanuet which will be coming up a few months from now.

Councilman Maloney said he thought it would be wise to reserve decision now. Mr. Paikin is not asking for a subdivision right now and is just asking for a zone change. The Planning Board, Traffic Advisory Board and Mr. Geneslaw will have much input on this.

Councilman Lettre said that this Board will move along and make changes that will benefit the hamlet and the entire Town. He did not think the Board was prepared to make a decision on this until the hamlet hearing is held for Nanuet.

Mr. Paikin said he was upset to this being subject to a continuous delay by the Planning Board.

Councilman Lettre said that as far as he was concerned the only time a zone change could be granted would be after the hamlet hearing is held.

Supervisor Dusanenko said that the Town Board has unanimously agreed to a timetable within the next five to seven months hamlet hearings will be held on the various hamlets within the Town of Clarkstown.

There was much discussion regarding the outcome of this with Decision Reserved pending traffic study and the outcome of master plan hearings, etc.

Supervisor Dusanenko stated that Town Attorney had just informed him that the master plan hearings for the hamlet of Nanuet were tentatively set for January 10, 1983.

Supervisor Dusanenko said that he wanted the record to show that he had voted "Yes" on the previous motion to hold off any further consideration until after the Nanuet Public Hearing tentatively set for January 10, 1983 and that yes, this particular resolution does request traffic input from the Planning Department but at the same time does not address all those other questions which were mentioned besides traffic, like drainage and like restrictive covenants in a comprehensive way. I will, however, support this motion and vote "Yes."

On motion of Councilman Holbrook, seconded by Councilman Maloney with one dissenting vote of Councilman Lettre, the Public Hearing was declared closed, RESERVING DECISION pending traffic study, time: 9:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk