

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/28/83

8:10 P.M.

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

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

Supervisor Dusanenko opened Public Portion of the meeting.

Appearance: Mr. Monty Malamed
Treetops - Kingsgate
Nanuet, New York

He was interested in knowing if the Board planned to set a public hearing regarding Kingsgate at tonight's meeting. Supervisor Dusanenko said it was not on the agenda to set a public hearing tonight. Town Attorney stated that the SEQR material had been delivered before the last workshop but it had not been analyzed by the Town Planner or the Director of Environmental Control; and therefore the Board decided not to set public hearing this evening.

Mr. Henry Horowitz said that it had been agreed that when the SEQR report was ready the public hearing would be set. He said it was his understanding that the public hearing would be set for sometime in July or even the first week in August. Mr. Costa said it could still be set for August at the July meeting.

There will be no action on this this evening.

Appearance: Mr. Harold Pressberg
Greenwald Associates

Mr. Pressberg stated that Greenwald Associates had made the lowest bid proposal for the liability insurance which is number 6 on tonight's agenda. The Greenwald proposal estimates \$130,000.00 saving over the amount paid for premiums last year. He said there was a new proposal with a total cost of \$174,447.00 which would have a net cost of \$168,335.00 or a \$30,000.00 saving over the other proposals before the Town Board. He said that acceptance of any other proposal besides the Greenwald proposal would be an abuse of discretion. It would establish a very expensive precedent. With the Greenwald proposal the Town would have the same insurance coverage with a greater savings than last year. He said his client is apprised of his rights in this matter and is fully prepared to persue them. He asked that the Board act in good faith and in the best interests of the Town. Any Town Board member who accepts the higher proposal should set forth his reasons for doing so.

Councilman Maloney asked Mr. Pressberg when the final Greenwald proposal was submitted and Mr. Pressberg said this evening. Councilman Maloney asked if Mr. Liebert had had an opportunity to submit another proposal and Mr. Pressberg said he did not think so.

Appearance: Mr. Stanley Dale
New City, New York

Mr. Dale said he has examined the proposals and there is a \$30,000.00 difference. He said the Greenwald proposal uses the Hartford Insurance Company as the prime carrier and the Hartford is authorized to provide pollution insurance in the State of New York. He said that Liebert uses INA as the prime carrier and to the best of his knowledge INA is not approved for pollution coverage by the State of New York. Mr. Dale said he would seriously question anyone who would vote for the Liebert proposal and he would like a clarification as to whether they have some additional information which should be made available to the public.

Councilman Holbrook asked Mr. Dale when he had obtained the latest figures on the newest proposal. Mr. Dale said from the previous speaker.

Appearance: Mr. Jack Cuff

Mr. Cuff said the longer this insurance proposal hangs on the lower the price seems to get. Mr. Cuff said he saw no reason to accept anything other than the lowest bid if the company which makes the bid is a legitimate company with legitimate backing. A \$30,000.00 saving would almost pay for the cost of a policeman for the Town of Clarkstown or another high ranking employee in the Town of Clarkstown - therefore, he hoped in the best interests of the citizens of the Town of Clarkstown we would go with the lowest bidder.

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On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Acquisition of the Developmental Rights to Parcel Described as "Brook House Subdivision", was opened, time: 8:20 P.M. - Regular Town Board Meeting adjourned.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Acquisition of Developmental Rights to Parcel described as "Brook House Subdivision" was closed, time: 8:28 P.M. - Returned to regular Town Board Meeting.

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RESOLUTION NO. (588-1983)

AUTHORIZING SUPERVISOR TO ACCEPT AND RECORD GRANT OR CONVEYANCE FROM WEST BRANCH CONSERVATION ASSOCIATION OF DEVELOPMENTAL RIGHTS (BROOK HOUSE) - CHARGE TO ACCOUNT NO. 1420-409

Co. Holbrook offered the following resolution:

WHEREAS, a public hearing pursuant to Section 247 of the General Municipal Law was held by the Town Board of the Town of Clarkstown on June 28, 1983, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to determine if the acquisition of the developmental rights by the Town of Clarkstown of the parcel described on the subdivision map of "Brook House" filed in the Rockland County Clerk's Office in Book 100 at Page 17 as Map No. 5485 as Lot 2, further designated on the Clarkstown Tax Map as Map 25, Block B, Lot 8.02, containing 8.48 acres +, would enhance the present or potential value of abutting or surrounding areas or would maintain or enhance the conservation of natural or scenic resources and to determine further, if the proposed acquisition by the Town of Clarkstown of said developmental rights would be in the best interests of the community and in furtherance of the Town of Clarkstown's Master Plan for development;

NOW, THEREFORE, be it

RESOLVED, that after holding the public hearing as aforesaid the Town Board hereby finds:

1. That the acquisition of the developmental rights to the above parcel would enhance the present or potential value of abutting or surrounding areas.

2. That the acquisition would maintain or enhance the conservation of natural or scenic resources.

3. That such acquisition would be in the best interests of the community and in furtherance of the Town of Clarkstown's Master Plan for development, and be it

RESOLUTION NO. (588-1983) Continued

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to accept and record on behalf of the Town a grant or conveyance from West Branch Conservation Association of developmental rights in perpetuity for the property described on the attached Schedule "A" in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain title insurance, if available, for the Town to insure such conveyance, and to record said conveyance in the Rockland County Clerk's Office, the fees for which shall be charged to Account No. 1420-409.

Seconded by Co. Carey

All voted Aye.

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On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Proposed Amendments to Zoning Ordinance re: Multi-Family Zoning Regulations, was opened, time: 8:29 P.M. - Regular Town Board Meeting adjourned.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Amendments to Zoning Ordinance re: Multi-Family Zoning Regulations, was closed, time: 9:20 P.M. - Return to Regular Town Board Meeting.

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Supervisor Dusanenko asked the Town Board if they wished to adopt or deny the foregoing amendments to the Zoning Ordinance. Councilman Holbrook said that he would like to adopt with some considerations. One on the land under water to 10% and he would like it to be set for the second meeting in September.

Supervisor Dusanenko asked Town Attorney if the change requested by Councilman Holbrook would be a major revision? Town Attorney said that if he understood Councilman Holbrook's comments he is suggesting that the R-160 provision for 50% of the land defined to be unusable land, credit only be given for 10% and the balance of the proposed R-160 ordinance remain unchanged. Mr. Costa said he did not believe that that was a substantial change requiring another public hearing. Supervisor Dusanenko said he wanted that noted for the record.

Councilman Holbrook said he had a question regarding the date for the non-conforming use. Instead of a retroactive date that these provisions and changes be effective after passage tonight. Town Attorney said that would not be regarded as a substantive change either.

At this point Supervisor Dusanenko asked that the question be divided into the MF-1, MF-2 and MF-3 Districts and another resolution be made for the R-160 District.

Mr. Geneslaw asked if this removed any districts or just created new ones and he was advised that nothing was removed, just the new ones created.

RESOLUTION NO. (589-1983)

ADOPTING MF-1, MF-2 AND MF-3
ZONING DISTRICTS (MULTI-FAMILY
ZONING REGULATIONS)

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 24th day of May, 1983, provided for a public hearing on June 28, 1983, at 8:15 P.M. to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, and

RESOLUTION NO. (589-1983) Continued

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

NOW, THEREFORE, be it

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

Adopt the proposed MF-1, MF-2 and MF-3 Zoning Districts (Multi-Family Zoning Regulations) as described in the attached Schedule "A".

Seconded by Co. Lettre (Schedule A on file in Town Clerk's Office.)

On roll call the vote was as follows:

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

Councilman Lettre said that he thought the Town Board, the Planning Board and the Town Planners had worked long and hard on these recommended changes and they will definitely be an asset in assisting the Town Board and the Town Planners in completing a Comprehensive Master Plan for the Town of Clarkstown.

Supervisor Dusanenko said along with several people this evening he is for a concept. The concept presented by our Planners to decrease the density and to remove the problems experienced by many condominium and apartment owners. We are not discussing acceptance of a concept tonight. We are in fact passing a law. We are adopting a zoning law, which is passed this evening, becomes a law in the Town of Clarkstown and non-compliance with certain aspects of the zoning ordinance is considered a criminal matter - so we are not just talking about a concept. Many things have not been clarified. Once this becomes a law there are going to be three possible ways in which to readdress this question. One is a similar public hearing sometime in the future. That is my suggestion. I was against having a public hearing until all of the bugs in this were ironed out. It is not a good idea to pass a law about which many people, including myself, have serious doubts. Valuable court time could be wasted in litigation to address the unanswered questions or will put an unfair burden on our quasi-judicial Zoning Board of Appeals. Any variance from this law after adoption will take a three to four month process and the persons will more than likely have to retain an engineer, will have to have any number of surveys of their property, will have to retain qualified attorneys to represent them because they will feel intimidated. I am not against these concepts. Everyone in this room is for the concepts. We are passing a law which becomes the law of the land. For those reasons I am not going to vote for and I am not going to vote against.

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RESOLUTION NO. (590-1983)

ADOPTING R-160 ZONING DISTRICT
(CONSERVATION DENSITY RESIDENCE
DISTRICT)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (590-1983) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 24th day of May, 1983, provided for a public hearing on June 28, 1983, at 8:15 P.M. to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Adopt the proposed R-160 Zoning District (Conservation Density Residence District) as described in the attached Schedule "A".

Seconded by Co. Lettre

All voted Aye.

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

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RESOLUTION NO. (591-1983)

SETTING PUBLIC HEARING FOR CONSIDERATION OF DESIGNATING CERTAIN PARCELS AS BEING WITHIN THE NEWLY CREATED MF-1, MF-2, MF-3 AND R-160 ZONING DISTRICTS AND DIRECTING PLANNING BOARD TO SUBMIT RECOMMENDATIONS BEFORE AUGUST 15, 1983

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown adopted on June 28, 1983, certain amendments to the Zoning Ordinance creating the MF-1, MF-2, and MF-3 and R-160 Zoning Districts;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing on September 27, 1983, at 8:30 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider designating certain parcels as recommended by the Clarkstown Planning Board as being within the newly created MF-1, MF-2, and MF-3 and R-160 Zoning Districts, and be it

FURTHER RESOLVED, that the Planning Board is hereby directed to submit their recommendations for those areas to be considered by the Town Board on or before August 15, 1983.

Seconded by Co. Holbrook

All voted Aye.

Supervisor Dusanenko stated that he would liked to have abstained but because of the implementation of the R-160 zone he would go along. He said he was very reluctant to place property into zones which are not completely identified as far as their restrictions and use.

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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Petition for Amendment to Zoning Ordinance for Change of Zone - LIO to RS - Rondavel Management Corp., was opened, time: 9:34 P.M. - Regular Town Board Meeting adjourned.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Petition for Amendment to Zoning Ordinance for Change of Zone - LIO to RS - Rondavel Management Corp., was closed, time: 12:15 A.M. (June 29, 1983) - Returned to regular Town Board Meeting.

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RESOLUTION NO. (592-1983)

DENYING APPLICATION OF RONDAVEL MANAGEMENT CORP FOR AMENDMENT OF ZONING ORDINANCE OF TOWN OF CLARKSTOWN FROM LIO DISTRICT TO RS DISTRICT

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 24th day of May, 1983, provided for a public hearing on the 28th day of June, 1983, at 8:30 P.M., to consider the application of Rondavel Management Corp., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an LIO district to an RS 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

On roll call the vote was as follows:

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

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Mr. Robert Granik, attorney for Rondavel Management Corp., asked for permission to make a statement. He said that the decision reached by the Board had obviously been decided upon before the meeting. He asked why the Town Board directed him to bring in this petition in the first instance - why he had to spend approximately \$10,000.00 of his client's money to get expert testimony if this was to be the result. He said he did not offer to bring the petition but was asked to. You have caused me three to four months of delay. He said he could not understand how good faith can exist between people in this community when this type of situation occurs. He said that he did not feel that he had to have an affirmative answer but that it should have been considered fully. Why he had to sit here from 8:00 P.M. on and listen to people testify when the Board had already made up its mind was his question. After thirty years of practice in this community he felt that this action was reprehensible. He said the Board owed more courtesy to the applicant. Serious consideration should have been given and it wasn't.

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RESOLUTION NO. (593-1983)

AUTHORIZING PLANNING BOARD
OF TOWN OF CLARKSTOWN TO
USE TOWN LAW SECTION 281
RE: CAMELOT - AUTHORIZING
SUPERVISOR TO APPLY FOR
PERMIT FROM NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
FOR IMPROVEMENT OF ROUTE 304

Co. Lettre offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., agents for the developer has made written application for the use of Town Law Section 281 in connection with the subdivision known as Camelot, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law Section 281 in connection with this subdivision because it will provide a more efficient and effective road pattern, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is authorized for use in this subdivision;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled, "Camelot Sketch Plat Subdivision Density Layout" dated May 12, 1983, last revised May 27, 1983, by Atzl & Scatassa Associates, P.C., and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to apply for a permit from the New York State Department of Transportation for the improvement of Route 304 where the Camelot Subdivision will have access provided, however, that all costs of the improvements and application fees shall be paid by the developer.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (594-1983)

SETTING PUBLIC HEARING WITH
REGARD TO ZONING PETITION
(COLONIAL OPERATING CO. &
ANOTHER (A. GOLDSTEIN) HENGOL
AND SEYMOUR HENDERSON

Co. Maloney offered the following resolution:

WHEREAS, Colonial Operating Co. & Another (A. Goldstein), Hengol and Seymour Henderson has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by re-districting property of the petitioner described from R-22 district to R-15 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town 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 13th day of September, 1983 at 8:00 P.M., relative to the proposed amendment; and it is

RESOLUTION NO. (594-1983) Continued

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (595-1983)

AUTHORIZING PLANNING BOARD OF TOWN OF CLARKSTOWN TO APPLY TOWN LAW, SECTION 281 (ALBERTA REALTY CORP.)

Co. Maloney offered the following resolution:

WHEREAS, Caruso and Haller, P.C., agents for developer has made written application for the use of Town Law, Section 281 in connection with subdivision known as Alberta Realty Corp., and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision as shown on a map entitled, "Average Density SD 121-A-30.02 Sketch Subdivision Plat for Alberta Realty Corp." dated May 12, 1983, which will provide for less disturbance to some environmentally sensitive land and will be compatible with the existing area;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281 in connection with this subdivision as shown on the map entitled, "Average Density SD 121-30.02 Sketch Subdivision Plat for Alberta Realty Corp." dated May 12, 1983.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (596-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK (DEPASQUALE PROPERTY) MAP 96, BLOCK A, LOT 9.06 - CHARGE CAPITAL ACCOUNT DRAINAGE 25P7

Co. Lettre offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to perform corrective drainage work as recommended by the Director of Environmental Control on premises described on the Clarkstown Tax Roll as Map 96, Block A, Lot 9.06, at a cost not to exceed \$4,000.00 for personnel and materials, which sum shall be taken from Captial Account Drainage 25P7.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (597-1983)

GRANTING PERMISSION TO
UNITED STATES MILITARY
ACADEMY TO USE SHOWMOBILE

Co. Carey offered the following resolution:

WHEREAS, the United States Military Academy, West Point, New York, has requested use of the Town of Clarkstown showmobile from August 12, 1983 to August 16, 1983 for Cadet Activity Concerts,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that permission is hereby granted to the United States Military Academy, West Point, New York, to use the showmobile from August 12, 1983 to August 16, 1983 for the above purposes subject to the necessary insurance policies.

Seconded by Co. Maloney

All voted Aye.

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At this point a resolution was offered by Supervisor Dusanenko regarding an insurance proposal by Greenwald Associates. This resolution received no second. Supervisor Dusanenko wanted it noted that this was a low bid proposal. This would have cost \$174,447.00.

RESOLUTION NO. (598-1983)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT WITH
DON LIEBERT INC. FOR INSURANCE
COVERAGE

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract with Don Liebert Inc., 172 South Middletown Road, Nanuet, New York, for the provision of insurance coverage to the Town of Clarkstown in connection with their proposal.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Councilman Maloney said proposals were submitted back in May or June. At that time Mr. Liebert did not have the opportunity to see what was being proposed by Greenwald Associates. Subsequently Mr. Liebert came in with a bid which was lower than Mr. Greenwald. On June 14th we received a revised bid from Mr. Greenwald which again reacted to the bid which was presented by Mr. Liebert. As of last Thursday night at workshop the difference between the two quotes was \$11,000.00 - one was for \$204,000.00 and one was for \$193,000.00. However, if we look at the quote from Mr. Liebert he explains that in his \$204,621.00 proposal there is a \$65,000.00 deductible. This means this can be deducted from our yearly premium and can vary from the full \$65,000.00. This cost to the Town of Clarkstown would be \$139,621.00. Then again, at the eleventh hour, as it happens with many, many things in Town Hall we get a memo handed up to us tonight dated June 28, 1983 indicating that now Greenwald Associates has a new and final proposal of \$168,335.00 which is supposed

RESOLUTION NO. (598-1983) Continued

to be a difference of some \$30,000.00 based on the difference of \$11,000.00. We are playing games with the total insurance question in the Town. I object to the way the members of the Town Board were threatened here tonight that some vile action was going to happen if we dared to consider any other bid. When I asked whether Mr. Liebert was allowed the courtesy of submitting another bid I was told that as far as was known, he wasn't. This is what has been happening. To go back a little further on June 8th when the Supervisor thought we were going to vote on the bid that night, he sent out press releases indicating that we were acting in a way that was detrimental to the Town because he was prepared on the night of June 8th to accept the low bid at that time from Mr. Greenwald. Thank God he didn't. Since June 8th because of the two carriers submitting other bids it is much less than it was on June 8th. There is much more to insurance than the actual price. That has to be considered but also to be considered is the quality of service that this town has had for many years - the type of claim service we get, the availability of the individual who has been handling our Town for many years, the courtesy that he shows to members of departments in the Town. Now we have been given something else, I don't even know what it is, saying that now the premiums will be \$168,335 and I move that we accept the proposal from Mr. Liebert.

Supervisor Dusanenko said that when he was elected Supervisor our liability insurance was \$750,000.00 for the first year's premium. He also noted that the calendar year from budget year to budget year is the same as the calendar year from January to December. Our insurance year is from the month of July through June of the following year. There is a six month overflow. Two of my colleagues who served on the Town Board the first year of my term approved the budget which only had \$450,000.00 to pay a \$750,000.00 premium. I worked with our broker, Mr. Liebert, whom I consider to be a good broker. At the same time the quotation I received was \$1,100,000.00 or thereabouts. I was most concerned and most irritated. This is not a biddable item under the law. Professional services of insurance is a way many politicians can make friends at taxpayer's expense. You do not have to get the best policy. You do not have to get the least cost policy but you can make friends at taxpayer expense. I personally went to carriers and brokers in the County. Many indicated that they were not interested. It was terrible and expensive to insure municipalities. They are growing, with more streets, more liabilities and more suit-happy residents or visitors. I prepared with the former Director of Finance, John McLaughlin, packets and made them available to Mr. Liebert, companies in Connecticut, New Jersey, New York City who normally were not in this business. We created a market. The cost that year was brought in at less than \$500,000.00. This was over a \$500,000.00 savings that first year because of my personal stubbornness. The Town that year could have saved \$52,600.00 more with comparable coverage with a different broker but once again the two colleagues on my left (Councilmen Lettre and Maloney) and the colleague on my right (Councilman Holbrook) had other reasons why not to justify \$52,600.00 savings. The next year I did work cooperatively and my staff did work cooperatively with the present broker, Mr. Liebert, and he did an excellent job. The price was continually reduced although I was told it was not through my hard work and efforts, not my stubbornness but all of a sudden the insurance market all over the world was so soft that premiums were just dropping hundreds of thousands of dollars a year.

Last year I did have the support of my Deputy Supervisor, Councilman Lettre and the cast of characters changed. There was then Mr. Maloney, Mr. Holbrook and Mr. Carey who refused to save for this Town \$135,000.00 for a comparable policy. This amount was meaningless in their opinion because it is the quality of the claim service and other erroneous excuses. \$135,000.00 could buy at least two and one half plow trucks for the Town of Clarkstown, could put on at least two to three full time policemen which would reduce the liabilities of this Town even further

RESOLUTION NO. (598-1983) Continued

and give better police protection in emergencies. \$135,000.00 could have probably paved three more miles of streets in the Town of Clarkstown. For whatever the reasons are, I find myself alone this evening. I find myself very stubborn. I'm bullish on the citizens of the Town of Clarkstown. I want to save money for the Town of Clarkstown reasonably and provide the best services at the lowest prices even if my best friend happens to lose a contract with the Town of Clarkstown. The savings here to bring this up to date - last year the Town Board criticized me for bringing this up at the last minute which is why I started earlier this year and my staff did receive proposals. It so seems that after comments made earlier this evening that when an agent or any business man goes to a lot of time and effort to put together quotes and is not even given consideration by the person requesting them, they get very discouraged and in subsequent years they don't bring in competition that has saved the taxpayers of this Town and many other communities hundreds of thousands of dollars. The savings will be in the magnitude of close to \$900,000.00 a year on one little line item in our budget which I will take credit for on an annual basis every year from where it could have been in 1980.

I don't like to speak this way. I would like to treat my colleagues as equals but I do not throw the first hand grenade. I just give the facts and I say them all for the record. This year we did receive good proposals from Mr. Liebert in Nanuet, an excellent insurance broker and also from Mr. Greenwald, another excellent insurance broker. There were comments made at a workshop which were mentioned earlier. "What's a few hundred thousand dollars difference?" It's amazing how many people were slaughtered and nearly executed for thousands of dollars less, including myself.

Mr. Maloney stated that the proposal offered by Liebert for \$204,000.00 has a credit of \$65,000.00 deductible. That would come out to approximately \$139,000.00.

Supervisor: Mr. Liebert, for the record, are you offering the total cost proposal for \$139,000.00? Yes or No?

Mr. Liebert: No.

Supervisor: Let the record show that Mr. Liebert is on the record that this insurance will not cost the Town of Clarkstown \$139,000.00. It will cost approximately \$204,000.00. Is that correct, Mr. Liebert?

Mr. Liebert: Approximately.

Supervisor: The cost will be approximately \$204,000.00. That's a good savings compared to a million more. Is it as good as it could have been at \$177,447.00 - approximately \$25,000.00 or thereabouts - about \$25,000.00 or \$30,000.00 difference? If that's good enough for us to set a precedent - a dangerous precedent - because this Town might get the best buy for their dollar - that's dangerous if that were to happen - only for some people sometimes.

Let the record show the majority does prevail in the United States of America and I respect the majority's wishes but at the same time I would only hope that you exercise the control and judgment over your family and personal funds as you do with the public coffers of the Town of Clarkstown. I expect you to use the same rules of thumb - never do comparative shopping - never look for bargains for your family - in all your personal costs because I'm sure that's not ever going to happen but there are 82,000 people here who would like to continue to afford their homes and you are not giving them that opportunity in this regard and unless there is any rebuttal from my colleagues here let those remarks suffice for the record and let's proceed with the vote.

RESOLUTION NO. (598-1983) Continued

Councilman Lettre said he was appalled by the actions of Mr. Greenwald and obviously the Supervisor's office in presenting to this Board a proposal at the late hour of 8:00 P.M. this evening. I am not an insurance expert and I don't proclaim to be and I'm sure that the Supervisor isn't also. The letter that was given to the Town Board mainly throws out some figures and shows a total that Greenwald is willing to insure the Town for. I don't have any idea whether we are comparing apples to apples or bananas to apples. These are numbers on a piece of paper which are meaningless to me and should be meaningless to the people of the Town of Clarkstown. We do not know if the people in the Town of Clarkstown will be insured properly or if there will be enough insurance in the event of an emergency.

Councilman Lettre also discussed the pollution insurance question. He said there were probably many other items which if analyzed would show that Mr. Liebert's proposal was better for the Town. He said we know what we have but we do not know what we are getting. He said an approximate savings of \$11,000.00 was not worth taking the risk of losing maybe millions later on. That is why he said he was staying with Mr. Liebert and he hoped he would continue to perform the same excellent job he has done in the past.

Councilman Maloney said he was not about to play "Russian Roulette" with the Town's insurance. He said he would support Mr. Liebert's proposal knowing his track record. He insures not only the Town of Clarkstown but many other municipalities both in Rockland County and Westchester County and he is prepared to support Mr. Liebert.

Supervisor Dusanenko said that he did not know where all these figures were coming from for comparison that people have just alluded to in their recent speeches but the difference is close to approximately \$30,000.00 no matter how you look at it. He said he been accused and been in the minority before and could handle it fortunately. The first year he was Supervisor, four Councilmen wrote a letter that he was fiscally incompetent and didn't know what he was talking about. They approved a budget that was two and one quarter million dollars shy. There were comments of voodoo economics. He said: Thank God I do have a brain. Thank God I can function. Thank God I can do arithmetic. I mean no malice to either broker and I thank you for your cooperation because the taxpayers are going to get the fair shake out of it. I know you are not going to be making much of a commission or a salary at these rates but at the same time I still take exception with my colleagues here - that they have a lot to criticize. They could outvote the Supervisor and not abide by his recommendations and at the same time whatever I said has withstood the test of time and benefitted the 82,000 people in the Town of Clarkstown. With the predictions I've made about the financial dilemma the Town was in were true and proven subsequent by audit. The savings that I have programmed for this Town to reduce cost have come into being and we've enjoyed them. Gentlemen, I only hope and wish you all better days in the future and clearer heads because otherwise we are all in trouble in this Town. He said he would just abstain to avoid any further embarrassment and he thanked both brokers for the many hours in bringing these quotes in.

Councilman Lettre said that the innuendos and the statement that you (the Supervisor) make infer that because a Board member disagrees with you or feels differently on a subject or perceives something different than you that we are undermining you or being belligerent to just disagree with you. He said: I was elected by the people of this Town, the same electorate that elected you, Mr. Supervisor, to do what I feel is correct and to do what I feel is best for the people of the Town of Clarkstown. I will never be construed as a puppet or a fool for any

member of this Board, for any political party, or organization or anything else. I will do what I believe is right. I hope and I pray that I make the right decision. I evaluate each individual situation and I will not be dictated to by yourself or anyone else. I really resent the allegation that I am looking to undermine or do something to disrupt this administration. If you disagree, disagree honestly and with the intention of doing what is best for the people. There is absolutely nothing wrong with that. That is how I have handled myself as a Councilman for the three and half years I have been on the Board and that is the way I will be handling myself as Councilman for the next six months and if the people choose to reelect me that's how I will handle myself for the next four years.

* * * * *

RESOLUTION NO. (599-1983)

AUTHORIZING TOWN ATTORNEY
TO APPEAL DECISION OF
SUPREME COURT (GUBITS v.
ZONING BOARD OF APPEALS)

Co. Carey offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the Matter of Gubits, et al. against the Board of Appeals of the Town of Clarkstown; and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (600-1983)

GRANTING BUILDING PERMIT
UNDER PROVISIONS OF SECTION
280-a(2) OF TOWN LAW
(WILLIAM HELMKE - PROPERTY
ON YONKERS AVENUE, NANUET -
MAP 12, BLOCK K, LOT 6.02)

Co. Lettre offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control and Superintendent of Highways, a building permit for the erection of a one-family residence may be issued to William Helmke for property situate on the north side of Yonkers Avenue, Nanuet, New York, more specifically designated on the Clarkstown Tax Map as Map 12, Block K, Lot 6.02, provided the owner shall be required, prior to the issuance of such building permit, to execute and record a Declaration of Covenant which shall run with the land and which shall provide:

1. That the property owner shall acknowledge that no town services consisting of maintenance, paving, or snow removal shall be provided along Yonkers Avenue.

2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on a mapped street when and if required by the Town Board of the Town of Clarkstown.

RESOLUTION NO. (600-1983) Continued

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of Yonkers Avenue to 50 feet in width.

4. That the applicant shall install a 6 inch sanitary spur with adequate clean-outs at not cost to the Town of Clarkstown.

5. That during construction the applicant shall preserve the trees between the existing gravel drive and the enclosed garden.

6. That after the installation of all utilities required, the applicant shall restore the gravel driveway to its original condition.

7. Any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

8. That the Certificate of Occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided for herein.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (601-1983)

AUTHORIZING TOWN ATTORNEY TO DEFEND ACTION AGAINST TOWN OF CLARKSTOWN (WEISSMAN, WINOKER AND GOLDSTEIN V. PLANNING BOARD AND TOWN OF CLARKSTOWN)

Co. Lettre offered the following resolution:

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

ALFRED WEISSMAN, SIDNEY WINOKER and
SHELDON S. GOLDSTEIN,

Plaintiffs,

-against-

RICHARD PARIS, CHAIRMAN; ANN MARIE SMITH;
RUDOLPH YACYSHYN, RICHARD HOWELL, FRANCIS
FALLON, CATHERINE NOWICKI, ROBERT CUNNING-
HAM, Constituting the Planning Board of
the Town of Clarkstown, Rockland County,
New York; THE PLANNING BOARD OF THE TOWN
OF CLARKSTOWN, NEW YORK, and THE TOWN OF
CLARKSTOWN,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

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RESOLUTION NO. (602-1983)

AWARDING BID FOR TIRES
(ROCKLAND TIRE SERVICE
CO., INC., DALEY TIRE
SERVICE INC. AND NYACK
TIRE CO., INC.)

Co. Maloney offered the following resolution:

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

BID #57-1983
TIRES

is hereby awarded to:

Rockland Tire Service Co., Inc.
88 North Main Street
New City, New York 10956

Daley Tire Service Inc.
109 Route 59
Monsey, New York 10952

Nyack Tire Co., Inc.
DBA: Nyack Firestone
Route 59
Nyack, New York 10960

as per the attached price schedule.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (603-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR REFLECTIVE
DOOR DECALS - HIGHWAY
DEPARTMENT)

Co. Maloney offered the following resolution:

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

BID #63-1983
REFLECTIVE DOOR DECALS
FOR CLARKSTOWN 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 Monday, July 18, 1983,
at which time bids will be opened and read, and be it

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

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (604-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR UNIFORM MAINTEN-
ANCE - CLARKSTOWN POLICE DEPT.

Co. Maloney offered the following resolution:

RESOLUTION NO. (604-1983) Continued

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

BID #64-1983
UNIFORM MAINTENANCE SERVICE
CLARKSTOWN POLICE 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 Monday, July 11, 1983 at which time bides will be opened and read, and be it

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

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (605-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR ONE BACKHOE
FOR HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #65-1983
ONE BACKHOE FOR HIGHWAY DEPARTMENT

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

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (606-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR TWO SHORT
WHEEL BASE PLOW TRUCKS
FOR HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #66-1983
TWO (2) SHORT WHEEL BASE PLOW
TRUCKS FOR HIGHWAY DEPARTMENT

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

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (607-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR ONE SHORT
WHEEL BASE TRACTOR FOR
HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #67-1983
ONE (1) SHORT WHEEL BASE - TRACTOR
FOR HIGHWAY DEPARTMENT

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

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (608-1983)

AUTHORIZING TOWN ATTORNEY
TO OBTAIN SERVICES OF AN
APPRAISER - POSSIBLE SALE
OF STREET STUB AT END OF
WINFIELD AVENUE, NEW CITY
(MAP 36, BLOCK A, LOT 4.13 -
CHARGE TO ACCOUNT NO. 1420-
409

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain
the services of an appraiser in connection with the possible sale of a
mapped but unopened street stub at the end of Winfield Avenue which is no
longer needed for municipal purpose, designated on the Clarkstown Tax
Roll as Map 36, Block A, Lot 4.13, which services shall not exceed the
sum of \$400.00, which sum shall be charged to Account No. 1420-409.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (609-1983)

INCREASE APPROPRIATION
ACCOUNT NO. A 1420-201 AND
DECREASE APPROPRIATION
ACCOUNT A 1420-409 (TOWN
ATTORNEY)

Co. Lettre offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 1420-201
by \$198.00 and decrease Appropriation Account No. A 1420-409 by the same
amount for the purchase of a mobile file.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (610-1983)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNTS FOR
RECREATION

Co. Lettre offered the following resolution:

RESOLUTION NO. (610-1983) Continued

RESOLVED, to make the following transfers from the following Appropriation Accounts for Recreation:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$ 290.00	A 7180-438	A 7020-438
\$ 25.00	A 7140-307	A 7140-416
\$ 800.00	A 7140-386	A 7140-462
\$ 2,000.00	A 7141-222	A 7141-329

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (611-1983)

INCREASING APPROPRIATION ACCOUNTS

Co. Lettre offered the following resolutions:

WHEREAS, the May 31, 1983 Budget Report reflected overdrawn accounts,

BE IT RESOLVED that the following Appropriation Accounts be increased:

Councilmen	A 1010-409	in the amount of	\$ 220.00
	A 1010-414	"	1,500.00
	A 1010-419	"	680.00
	A 1010-423	"	20.00
Supervisor	A 1220-204	"	425.00
	A 1220-319	"	34.00
	A 1220-404	"	50.00
	A 1220-419	"	200.00
Data Processing	A 1680-313	"	1,000.00
Central Communications	A 3020-409	"	3,500.00
Debt Service	A 9710-409	"	10,000.00

and Appropriation Account A 1990-505 be decreased by \$17,629.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (612-1983)

INCREASING APPROPRIATION ACCOUNTS A 3010-409 AND A 3010-428 AND DECREASING APPROPRIATION ACCOUNT A 3010-209(SAFETY)

Co. Lettre offered the following resolution:

RESOLVED, to increase Appropriation Accounts A 3010-409 by \$3,280.00 and A 3010-428 by \$89.00 and decrease Appropriation Account A 3010-209 by \$3,369.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (613-1983)

INCREASE INSURANCE RECOVERIES 01-002680 AND INCREASE APPROPRIATION ACCOUNT A 1450-219 (ELECTION ACCOUNT) - NYACK EXPRESS CO.

Co. Lettre offered the following resolution:

RESOLUTION NO. (613-1983) Continued

RESOLVED, to increase Insurance Recoveries 01-002680 by \$1,390.00 and increase Appropriation Account A 1450-219 for money received by Nyack Express Co. for damage to a voting machine.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (614-1983)

DECREASE APPROPRIATION
ACCOUNT NO. A 1620-407 AND
INCREASE APPROPRIATION
ACCOUNT NO. A 1620-217
(MAINTENANCE)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1620-407 by \$400.00 and increase Appropriation Account No. A 1620-217 by \$400.00.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (615-1983)

DECREASE APPROPRIATION
ACCOUNT NO. A 5630-311 AND
INCREASE APPROPRIATION
ACCOUNTS NOS. A 5630-424
AND A 5630-407(MINI-TRANS)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-311 by \$1,100.00 and increase the following Appropriation Account Nos. A 5630-424 and A 5630-407.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (616-1983)

DECREASE APPROPRIATION
ACCOUNT NO. A 1990-505
AND INCREASE APPROPRIATION
ACCOUNT NO. A 8160-401
(SANITARY LANDFILL)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1990-505 and increase Appropriation Account No. A 8160-401 by \$12,660.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (617-1983)

DECREASE APPROPRIATION
ACCOUNT NO. D 5110-382 AND
INCREASE APPROPRIATION
ACCOUNTS NOS. D 5110-204
AND D 5110-423 (HIGHWAY)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. D 5110-382 by \$245.00 and increase the following Appropriation Accounts Nos.:

D 5110-204.....\$120.00
D 5110-423..... 125.00

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (618-1983)

DECREASE APPROPRIATION
ACCOUNT A 1990-505 AND
INCREASE APPROPRIATION
ACCOUNT A 1430-201 (PERSONNEL)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505 and
increase Appropriation Account A 1430-201 by \$200.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (619-1983)

DECREASE APPROPRIATION
ACCOUNT NO. A 4210-110 AND
INCREASE APPROPRIATION
ACCOUNT NO. A 4210-462
(COUNSELING)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 4210-110
and increase Appropriation Account No. A 4210-462 by \$150.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (620-1983)

SETTING PUBLIC HEARING FOR
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
WAKEFIELD ESTATES II

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated June 2, 1983 in due form
and containing the required signatures has been presented to and filed
with the Town Board of the Town of Clarkstown, Rockland County, New York
for the Extension of the Clarkstown Consolidated Water Supply District
No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of
Clarkstown shall be held at the Meeting Room of the Town Hall of the
Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York,
in said Town of Clarkstown, on the 12th day of July, 1983, at 8:35 P.M.,
EST time to consider the said petition and to hear all persons interested
in the subject thereof, concerning the same and for such other action as
may be required by law or proper in the premises.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (621-1983)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PERFORM
CORRECTIVE DRAINAGE WORK
(MAP 37, BLOCK A, LOT 5.11)
(MOSCATO)

Co. Maloney offered the following resolution:

RESOLUTION NO. (621-1983) Continued

RESOLVED, that the Superintendent of Highways is hereby authorized to perform corrective drainage work on premises described on the Clarkstown Tax Roll as Map 37, Block A, Lot 5.11 at a cost not to exceed \$3,000.00 which sum shall be taken from Drainage, and be it

FURTHER RESOLVED, that the Town Attorney's office is hereby authorized to obtain right of entry agreements, as necessary from the property owners.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (622-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO IMPLEMENT SAFETY MEASURES REGARDING DANGEROUS CONDITIONS ON FOXWOOD ROAD, WEST NYACK

Co. Holbrook 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 implement the following safety measures regarding dangerous conditions on Foxwood Road, West Nyack:

- Foxwood Road be double lined the entire length.
- A Stop sign be installed on Cherry Hill Lane at Foxwood Road.
- A Stop sign be installed on Larch Court at Foxwood Road.
- Installation of W-6-L sign (a winding road sign, see Sec. 231.7 of the NYS DOT Manual of Uniform Traffic Control Devices.) Underneath, install a panel to read, "20 MPH." This sign should be erected on the east side of Foxwood Road in the vicinity of Map 4, Block A, Lot 70.
- Also remove the present Curve sign in the vicinity of Map 4, Block A, Lot 3.08 and replace it with another W-6-L sign.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (623-1983)

AUTHORIZING SUPERVISOR TO EXECUTE VOUCHER TO PENN CENTRAL CORPORATION FOR PAYMENT OF RENTAL FOR PROPERTY LOCATED ON WESTERN HIGHWAY

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a voucher for the sum of \$426.00 to Penn Central Corporation in payment of the rental of certain property located on Western Highway, upon which the Town has a sewer main which is part of the Western Highway Sewer Pump Station.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (624-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE WORK (WEST STREET, WEST NYACK, N.Y.)- CHARGE TO DRAINAGE BOND CAPITAL ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of West Street, West Nyack, 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 West Street, West Nyack in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$17,000.00, and be it

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

FURTHER RESOLVED, that the sum of \$17,000.00 be charged to drainage Bond Capital Account #2.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (625-1983)

RELEASING PERFORMANCE BOND RE: PROPERTY DESCRIBED ON CLARKSTOWN TAX MAP AS MAP 106, BLOCK A, LOT 21.01 (CAL MART CONSTRUCTION CORP.)

Co. Lettre offered the following resolution:

WHEREAS, on April 14, 1981, the Town Board of the Town of Clarkstown granted a special permit for the operation of a landfill pursuant to Section 106.10A, Table 14, Column 13, Item B-3 of the Zoning Ordinance to Cal Mart Construction Corp., for property located on Route 59, West Nyack, New York, more particularly described on the Clarkstown Tax Map as Map 106, Block A, Lot 21.01, and

WHEREAS, the landfill operation has been completed on said site and the applicant has requested termination of said special permit, and the Director of Environmental Control has recommended such termination and release of the applicant's performance bond;

NOW, THEREFORE, be it

RESOLVED, that the \$5,000.00 performance bond posted to insure the rehabilitation of the site is hereby released.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (626-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE WORK IN VICINITY OF TULIP DRIVE, VALLEY COTTAGE, (123-A-17.08) - CAPITAL ACCOUNT DRAINAGE

Co. Lettre offered the following resolution:

RESOLUTION NO. (626-1983) Continued

WHEREAS, a drainage condition exists in the vicinity of Tulip Drive, Valley Cottage on Tax Lots 123-A-17.08 and 123-A-17.09;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to perform corrective drainage work on the above property, consisting of the installation of grouted rip-rap in accordance with the recommendations of the Department of Environmental Control for a sum not to exceed \$4,700.00, and be it

FURTHER RESOLVED, that the Town Attorney obtain the necessary Rights-of-Entry in order to allow the Superintendent of Highways to perform this work, and be it

FURTHER RESOLVED, that the sum of \$4,700.00 shall be taken from the Capital Account Drainage.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (627-1983)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO SELECT ENGINEER FOR SIDE-WALK IMPROVEMENT ON LAKE ROAD, CONGERS, NEW YORK

Co. Holbrook offered the following resolution:

WHEREAS, the Director of Environmental Control is authorized to select an engineer for sidewalk improvement on Lake Road, between Kings Highway and Route 303 in the hamlet of Congers, New York,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with said engineer, at a cost not to exceed \$10,000.00.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (628-1983)

AUTHORIZING SUPERVISOR TO ENTER INTO CONTRACT TO PURCHASE KNAPP PROPERTY CORNER OF DEMAREST AVENUE AND MAPLE AVENUE, NEW CITY, NEW YORK (MAP 57, BLOCK J, LOT 9) - TOWN ATTORNEY AUTHORIZED TO ENGAGE SERVICES OF SURVEYOR AND CHARGE TO ACCOUNT NO. 1420-409 AND TOWN ATTORNEY AUTHORIZED TO OBTAIN TITLE INSURANCE AND CHARGE TO ACCOUNT NO. 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract to purchase the Knapp Property

RESOLUTION NO. (628-1983) Continued

located at the corner of Demarest Avenue and Maple Avenue, New City, New York, designated on the Clarkstown Tax Map as Map 57, Block J, Lot 9, for the cash price of \$125,000.00, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to engage the services of a surveyor to prepare a survey for the above parcel and that the fees for said survey shall not exceed the sum of \$500.00, which sum shall be charged to Account No. 1420-409, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain title insurance for the above parcel and that the sum for said title insurance shall not exceed the sum of \$751.00, which sum shall be charged to Account No. 1420-409.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (629-1983)

SETTING PUBLIC HEARING
PURSUANT TO EMINENT DOMAIN
PROCEDURE LAW RE: MAP 58,
BLOCK E, LOT 1 FOR ACQUISITION FOR CONSTRUCTION OF
PARKING LOT

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of land described on the Clarkstown Tax Map as Map 58, Block E, Lot 1, for the construction of a parking lot which public hearing shall be held on August 9, 1983, at 8:15 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published at least five consecutive days in the official newspaper of the Town of Clarkstown and file proof thereof in the office of the said Town Clerk.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (630-1983)

AMENDING RESOLUTION NO
557-1983 RE: BID #58-1983
UNIFORMS FOR CLARKSTOWN
POLICE DEPARTMENT

Co. Carey offered the following resolution:

RESOLVED, that resolution #557-1983 is hereby amended to read:

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

BID #58-1983
UNIFORMS FOR CLARKSTOWN POLICE 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 Thursday, July 7, 1983 (Date Change) at which time bids will be opened and read, and be it

RESOLUTION NO. (630-1983) Continued

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.

* * * * *

RESOLUTION NO. (631-1983)

AUTHORIZING SUPERVISOR TO SET PUBLIC HEARING FOR FEDERAL REVENUE SHARING "PROPOSED USE HEARING"

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor be authorized to set the date for the Federal Revenue Sharing "Proposed Use Hearing" for July 12, 1983, at 8:45 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (632-1983)

MODIFYING MINI-TRANS BUS ROUTES AND EXTEND THE SERVICE AREAS OF THE MINI-TRANS

Co. Holbrook offered the following resolution:

WHEREAS, pursuant to Section 10 of the Municipal Home Rule Law of the State of New York, the Town of Clarkstown by Local Law No. 2-1975 has established the Clarkstown "Mini-Trans" System, and

WHEREAS, such bus transportation system has been serving the needs of the residents of the Town of Clarkstown, and

WHEREAS, the Town Board wishes to extend the service areas of the "Mini-Trans" to better meet the needs of the residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the present "Mini-Trans" routes are hereby modified to include the routes as set forth on the attached maps dated June 28, 1983, subject where necessary to the receipt of written consents for the use of certain private property as turnarounds; subject further to any required approvals from existing franchised transportation companies or governmental agencies having jurisdiction; and subject to any minor modifications that may be necessary to establish proper scheduling.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (633-1983)

TRANSFERRING FUNDS FROM MONEY-IN-LIEU-OF-LAND ACCOUNT TO PARKLANDS AND IMPROVEMENT ACCOUNT FOR ADDITIONAL FENCING - AUTHORIZING SUPERINTENDENT OF RECREATION AND PARKS TO EXECUTE NECESSARY CHANGE ORDERS

Co. Holbrook offered the following resolution:

RESOLUTION NO. (633-1983) Continued

WHEREAS, Town Board Resolution No. 497, dated May 24, 1983, awarded Item #1 FENCING of Bid No. 55 to Crestwood Fence Company of 9 North Airmont Road, Suffern, New York, in the amount of \$21,483.00, and

WHEREAS, additional fencing is required,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer \$5,000.00 from the Money-in-Lieu-of-Land Account to the Parklands and Improvement Account to cover the additional fencing, and

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, not to exceed \$5,000.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (634-1983)

CREATING POSITION OF
STENOGRAPHER - SUPERVISOR'S
OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 14, 1983 that the Stenographer position can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Stenographer - Supervisor's Office - is hereby created, effective June 28, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (635-1983)

CREATING POSITION (SIX
MONTHS RECEIVER OF TAXES
OFFICE AND SIX MONTHS
ASSESSOR'S OFFICE)

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 9, 1983 that the Typist position - (six months in the Receiver of Taxes Office and six months in the Assessor's Office) can be created,

NOW, THEREFORE, be it

RESOLVED, that the Typist position (Assessor's Office and Receiver of Taxes Office) is hereby created effective and retroactive to June 13, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (636-1983)

APPOINTING POSITION OF
TYPIST - RECEIVER OF TAXES
AND ASSESSOR'S OFFICE (SIX
MONTHS EACH) - MARIE GERONIMO

Co. Holbrook offered the following resolution:

RESOLUTION NO. (636-1983) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist CR-83-34 (Temporary) which contains the name of Marie Geronimo,

NOW, THEREFORE, be it

RESOLVED, that Marie Geronimo, 55 Bluebird Drive, Congers, New York, is hereby appointed to the position of Typist - (Assessor's Office for six (6) months and the Receiver of Taxes Office for six (6) months, at the annual 1983 salary of \$9,300.00, effective and retroactive to June 20, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (637-1983)

APPOINTING POSITION OF
TYPIST - TOWN JUSTICE
DEPARTMENT (DOROTHY E.
MARSHALL)

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist PEL #396 which contains the name of Dorothy E. Marshall,

NOW, THEREFORE, be it

RESOLVED, that Dorothy E. Marshall, 16 Jerrys Lane, Nanuet, New York, is hereby appointed to the position of Typist - Town Justice Department - at the annual 1983 salary of \$10,423.00, effective June 29, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (638-1983)

APPOINTING POSITION OF
PART-TIME BUS DRIVER -
MINI TRANS DEPARTMENT
(RAYMOND C. ROLLER)

Co. Holbrook offered the following resolution:

RESOLVED, that Raymond C. Roller, Cedar Road, Monroe, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the hourly rate of \$5.50 effective and retroactive to June 10, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (639-1983)

APPOINTING PART-TIME
POSITION OF COUNSELING
ASSISTANT - COUNSELING CENTER
(SCOTT H. STEINBERG)

Co. Holbrook offered the following resolution:

RESOLVED, that Scott H. Steinberg, 15 West Funston Avenue, Spring Valley, New York, is hereby appointed to the part-time position of Counseling Assistant - Counseling Center, at the hourly rate of \$6.00, effective June 29, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

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RESOLUTION NO. (640-1983)

EXTENDING FOUR TEMPORARY
DATA ENTRY TERMINAL OPERATOR
POSITIONS - COMPTROLLER'S
OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 2, 1983 (by letter) that the four temporary Data Entry Terminal Operator positions can be extended until August 7, 1983,

NOW, THEREFORE, be it

RESOLVED, that the four temporary Data Entry Terminal Operator positions - Comptroller's Office - are hereby extended to the period up to August 7, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (641-1983)

CREATING DUMP ATTENDANT
POSITION - SANITARY LAND-
FILL

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 14, 1983 that the Dump Attendant position - Sanitary Landfill - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Dump Attendant - Sanitary Landfill - is hereby created, effective June 28, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (642-1983)

CREATING POSITION OF
LABORER - SANITARY LAND-
FILL

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 14, 1983 that the Laborer position - Sanitary Landfill - can be created,

NOW, THEREFORE, be it

RESOLVED, that the Laborer position - Sanitary Landfill, is hereby created, effective June 28, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (643-1983)

APPOINTING POSITION OF
CUSTODIAL WORKER - PARKS
BOARD AND RECREATION
COMMISSION (DOUGLAS
CLEARWATER)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (643-1983)

RESOLVED, that Douglas Clearwater, 105 West Nyack Road, West Nyack, New York, is hereby appointed to the position of Custodial Worker, Parks Board and Recreation Commission, at the annual 1983 salary of \$10,687.00, effective and retroactive to June 20, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (644-1983)

APPOINTING POSITION OF
CUSTODIAN I, PARKS BOARD
AND RECREATION COMMISSION
(FRANK VOCE, SR.)

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #82210 which contains the name of Frank Voce, Sr.,

NOW, THEREFORE, be it

RESOLVED, that Frank Voce, Sr., 33 Parkside Drive, Congers, New York, is hereby appointed to the position of Custodian I, Parks Board and Recreation Commission, at the annual 1983 salary of \$11,726.00, effective July 5, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (645-1983)

CREATING (TEMPORARY)
POSITION OF LEGAL ASSISTANT -
TOWN ATTORNEY'S OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 20, 1983 that the (temporary) position of Legal Assistant - Town Attorney's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the (temporary) position of Legal Assistant - Town Attorney's Office is hereby created for a period not to exceed three months, effective and retroactive to June 27, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (646-1983)

APPOINTING POSITION OF
(TEMPORARY) LEGAL ASSISTANT -
TOWN ATTORNEY'S OFFICE
(JOHN DAVIDSON)

Co. Holbrook offered the following resolution:

RESOLVED, that John Davidson, 14 Chauncy Street, Congers, New York, is hereby appointed to the position of (temporary) Legal Assistant - Town Attorney's Office - at the annual 1983 salary of \$11,726.00, effective July 1, 1983 for a period not to exceed three months.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (647-1983)

APPOINTING POSITION OF
LABORER STUDENT (ON THE
JOB TRAINING PROGRAM)
(PHAM, FINNEN, TRUONG, BUI,
TRUONG, LAM, CORDONE AND
LUU)

Co. Holbrook offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Laborer Student (On the Job Training Program), at the hourly rate of \$3.35:

Lu Pham, 199 Pineview Avenue, Bardonia, N.Y.
effective June 20, 1983.

Thomas Finnen, 168 West Clarkstown Road,
Spring Valley, New York, effective June 13, 1983.

Thanh Truong, 18 Franklin Drive, Stony Point,
New York, effective June 20, 1983.

Thanh Bui, 46 Ludvigh Road, Nanuet, New York,
effective June 20, 1983.

Hung Truong, 18 Franklin Drive, Stony Point,
New York, effective June 20, 1983.

Trung T. Lam, 46 Ludvigh Road, Nanuet, New
York, effective June 20, 1983.

Paul Cordone, 6 Irion Drive, New City, New
York, effective June 27, 1983.

Hung Luu, 4 Virginia Street, New City,
New York, effective June 27, 1983.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (648-1983)

INCREASING HOURLY RATE
FOR HIGHWAY LABORER
STUDENTS (RETURNING
EMPLOYEES FROM 1982)

Co. Holbrook offered the following resolution:

RESOLVED, that the hourly rate for Highway Laborer Students (returning employees from 1982) shall be increased to \$3.60.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (649-1983)

GRANTING ONE MONTH LEAVE
OF ABSENCE AT HALF PAY
SENIOR TYPIST - PURCHASING
DEPARTMENT (LORIAN MACAYLO)

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the CSEA, Lorian Macaylo, Huffman Road, Valley Cottage, New York - Senior Typist - Purchasing Department - is hereby granted a one (1) month leave of absence, at one-half pay, effective and retroactive to June 27, 1983.

Seconded by Co. Holbrook

RESOLUTION NO. (649-1983) Continued

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (650-1983)

INCREASING APPROPRIATION
ACCOUNT 5630-409 AND
DECREASING CONTINGENCY
ACCOUNT 1990-505

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Comptroller is hereby authorized to increase Appropriation Account 5630-409 by \$5,000.00 and decrease Contingency Account 1990-505 by \$5,000.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (651-1983)

AUTHORIZING PAYMENT TO
MARGARETANN RIES FOR
PREPARATION OF TRANSCRIPT
(KARTEN V. BOARD OF APPEALS
OF TOWN OF CLARKSTOWN)

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$1,130.00 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of a transcript required in the Supreme Court proceeding entitled:

Isidore and Julia Karten

-against-

Board of Appeals of the Town of Clarkstown.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

* * * * *

There being no one further wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was adjourned, time: 1:25 A.M. (June 29, 1983).

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/28/83

8:20 P.M.

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

RE: ACQUISITION OF THE DEVELOPMENT RIGHTS TO PARCEL DESCRIBED AS
"BROOK HOUSE" SUBDIVISION, NEW CITY

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

Supervisor Dusanenko asked Mr. Martus Granirer for his presentation before opening the Public Hearing to those wishing to speak.

Mr. Granirer said he was president of the West Branch Conservation Association and said they own the parcel of land in question. In the past West Branch has set aside several hundred acres of land in Clarkstown for the purpose of nature preservation. In recent years Federal and State monies have dried up so now we have to provide the money to buy available green space. Last January we bought a parcel of land in Clarkstown that was 14 acres. We divided out the property where the houses are and restricted that land so that no more houses can be built upon there and set aside 8½ acres for permanent preservation. This land runs on a good portion of the stream where it gets near South Mountain Road and south in the direction of the Davenport Preserve which the Town now owns. To the north of it there is South Mountain Park which belongs to the County of Rockland. He said we intend to continue in our preservation program by acquiring additional parcels of land in the vicinity. This land falls within the area marked both in the Town and the County Master Plans as land meant for preservation for green space. We believe we are contributing to the welfare of the immediate community but also to the Town by preserving open space and the water shed that serves the entire county. We are offering the Town a permanent easement - one where the development rights will be the Towns forever. By doing this, no one will ever be able to develop on the land that is there now and it helps reassure us that our purpose in acquiring the land will be kept.

Supervisor Dusanenko said that if the 8.84 acres of land were to remain in their natural state (wild), the Town is spared the expense of purchasing it by doing it in this fashion and they were amassing this land for further acquisition of open space at no expense to the Town.

Mr. Granirer said the taxes were low because it was undeveloped land.

Supervisor asked if this land would be open to the public for nature walks.

Mr. Granirer said no this was private land not open to the public. They are acquiring it for preservation only at this time. However the Town does get the benefit of the open space. I think that is what the State contemplated when it enacted 247 of the GML.

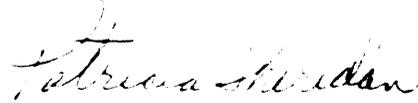
Supervisor Dusanenko asked if there was anyone wishing to speak for or against the proposal.

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There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 8:28 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/28/83

8:29 P.M.

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

RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE RE: MULTI-FAMILY
ZONING REGULATIONS

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing. The Town Attorney attested to the affidavit of posting in the Journal News and read the following letter from the Rockland County Planning Board:

"May 19, 1983

Town Board
Town of Clarkstown
10 Maple Ave.
New City, N.Y. 10956
Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)___239(l&m)XX 239(n)

Map Dated:

Item:

Amendment to zoning ordinance to create R-160, MF-1, MF-2, and MF-3 zoning districts (C-1113)

The Rockland County Planning Board reviewed the above item at its meeting of May 17, 1983 and

*approves XX

**approves subject to conditions below

**disapproves

requests extension of time

Note: The Board noted that the submission contained no mention of where these districts would be mapped on the Town of Clarkstown Zoning Map. It is assumed that the Rockland County Planning Board will be given the opportunity to review the proposed district boundaries when they are mapped. The approval noted above does not, in any way, commit the County Planning Board to future approval of the mapped sites.

cc: John Costa, Clarkstown Town Attorney
Ralph Lombardi, Member of Rockland County Planning Board

Very truly yours,
ROCKLAND COUNTY PLANNING BOARD

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

The Town Attorney read the following memo from Robert Geneslaw, Planning Consultant:

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"April 20, 1983

TO: Clarkstown Town Board

FROM: Robert Geneslaw

SUBJECT: PROPOSED AMENDMENT TO ZONING ORDINANCE: NEW MULTI-FAMILY RESIDENTIAL DISTRICT (MF 1,2,3)

At the Town Board workshop meeting of April 11, 1983, the Town Board discussed an unsigned letter dated April 7, 1983 with Kenneth Torsoe. The Town Board asked us to respond to that letter, and our comments are as follow:

Cover letter

1. Yes, and like the current RG1 and 2, it will be harder to achieve on some sites than on others, based on the configuration and size of parcels.
2. Obviously enclosed parking and a community hall will increase costs. Whether it will be beyond the reach of "most residents" is subjective. Requiring these items does help to meet other Town objectives.
3. We do not think these are infringements on the jurisdiction of other agencies.
4. The proposed amendment is intended to address this question by considering existing developments now conforming to be conforming under the amendment.
5. The proposed amendment did not include a "grandfather" clause because the Planning Board did not know when the Town Board would consider the amendment. The Planning Board did recommend that any application that had received preliminary sit plan not be changed to a lesser density or an alternate use.

GENERAL

No comment necessary.

PARKING

The Planning Board opted for the regulations as shown, in part because it is easy to enforce and calculate. An alternate in an earlier draft was set up as suggested in the letter. It is more realistic, but can be a problem to administer based on the identification of rooms and bedrooms (i.e., dens, sitting rooms, sewing rooms, etc). The requirement should be based on square footage of unit or total number of rooms, not bedrooms.

The second paragraph covers several points, but objects primarily to the inability to count driveway parking for zoning purposes; the requirement that guest parking be in groups of five or more; and the requirement that 25% of the parking be enclosed. The amendment does not allow the use of driveway spaces as second spaces for purposes of meeting zoning requirements because vehicles in these spaces must be moved to utilize garage spaces. In the R-40 district, each lot has 150 feet of frontage on a public street, all of which is available for parking. Guest parking is proposed in groups of 5 or more to avoid isolated spaces being 'shoe horned' in wherever space is available. The requirement for some parking to be enclosed is intended to reduce the paved area of the property, and is a considerable reduction from the earlier proposal that at least one space per unit be

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indoors. We believe that this is a proper matter for a zoning ordinance, as it affects esthetics and drainage.

COMMUNITY BUILDING

This is a policy matter, but we point out that in a condominium or homeowners association there is a need for periodic meetings and this space can be used for such meetings. It is also possible to include such space as an adjunct to the recreation facilities being provided in many developments, or as spaces available for residents use for parties, etc. As to size, there may be building code type requirements as to size in relation to number of users, which is related to number of units.

OPEN SPACE

The yard requirements were kept the same in order to reduce the number of variables. They can be revised to have separate requirements for each district. The latter proposes to reduce the yards in the more dense districts to provide greater flexibility in design and more space within the development. This would be done at the expense of adjoining properties. If the Town Board wishes to introduce separate setback requirements for each district, the setbacks should be increased, not decreased.

SPACE BETWEEN BUILDING & PARKING

We do not agree that the bulk requirements will effectively bar the obtaining of permitted densities.

OPTIONAL REQUIREMENTS

This provision for alternates is intended to allow for some flexibility where conditions justify.

OTHER TOWN AGENCIES

Page 10 - The intent is to allow for the Town to require internal roads to become Town roads if desirable. The language can be modified if the intent is acceptable to the Town Board.

Page 13 - There are situations in which the Planning Board sees a need for landscaping for protection of and from adjoining properties that may go beyond the ordinary review of the Shade Tree Commission.

Page 14 - Final approval is a matter for the Architectural Board of Review, but the Planning Board can understand a plan much better if this information is provided. We note that this information is often provided as part of a zone change application - the amendment would make it a part of site plan review.

YARDS

The Planning Board is primarily concerned with the protection of future residents from high traffic roadways. Why should multi-family units be close to major roadways.

NON-CONFORMING

The comment that the wording is "mere verbage" is unclear. Words are the only way to convey the intent, which is that developments now zoned RG1 and 2, and conforming to those requirements, would be conforming as of right under the proposed amendment.

COMPARISON TABLE

The preparer of the table assumes a mix of 60% one bedroom, 40% two bedroom. This is not a requirement of the amendment.

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At the Town Board meeting a suggestion was made that a Floor Area Ratio requirement be added in place of the land area per unit requirement, which has been in the ordinance for many years. Although this is possible, we do not recommend that it be explored at this time as the concept must be applied very carefully in the drafting of ordinance requirements to be effective and balanced. We feel this could add considerably to the review time necessary. We suggest that, if the Town Board is interested in this approach, that it be investigated as other parts of the ordinance are reviewed, since it is likely to affect the use of floor area ratio requirements elsewhere in the ordinance as it affects non-residential districts.

The proposed multi-family amendments have been under review for some time and there have been numerous drafts, reflecting comments of the Town Board, Planning Board, department heads, and the environmental and development community.

/s/ RG _____

RG:w
cc: Richard Paris, Chairman PB
John Costa, Town Attorney"

The Town attorney read the following letter from the Clarkstown Planning Board:

"March 16, 1983

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

Gentlemen: NEW PROPOSED MULTI_FAMILY REGULATIONS,
MF-1; MF-2; & MF-3

As part of the Master Plan Update, the Planning Board has been in the process of revising the Zoning Ordinance. The proposed new Multi-Family Regulations are intended to totally replace the existing RG-1 & RG-2.

The three new districts primarily differ in decrease in density. The present RG-1 allows 9-17 dwelling units and the present RG-2 allows 11-21 dwelling units. The proposed new regulations are MF-1 4-8 dwelling units per acre; MF-2, 9-13 dwelling units per acre; MF-3 14-18 dwelling units. We believe this is a definite benefit to the Town.

Additional recommended changes in the new Multi Family Regulations are:

1. To eliminate distinction between rental and ownership,
2. Elimination of certain uses by right or by Special Permit,
3. Exclusion of home occupation use from multi-family,
4. Securing additional information at the very earliest stage to secure a better understanding of the entire project,
5. Allowing for better parking arrangements, including some enclosed parking,
6. Requiring on-site recreation and meeting facilities, and,
7. Simplified language.

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Attached please find the regulations as approved by the Planning Board at their meeting of February 23, 1983.

Very truly yours,

/s/ Richard J. Paris

tms

Richard J. Paris,
Chairman

att.

cc: Town Attorney
Town Clerk"

Supervisor Dusanenko gave an explanation of the proposed changes and explained that they would abolish RG1 and RG2 and establish new zones which are MF 1,2 and 3. The MF 1 zone of a lower density will have 4-8 units. Multi-family 2 9-13 units per acre is being proposed which is less than the limits of the current RG-1. The MF-3 district which involves 14-18 units which is less than the ceiling of the present RG2 11-21 units allowed per district. There is also to be considered at this public hearing the creation of a new Residential Zone R160 which would create a minimum of four acres in order to build a home. There are suggestions that there be less uses within certain of these existing and proposed zones. I will introduce Mr. Geneslaw who will be able to fill the gaps of whatever information Mr. Costa did not allude to.

Mr. Geneslaw said that what is before the Board tonight is to create four new districts but there is no proposal before the Board to map those districts. A public hearing will be held as required by law on each one and referred to the County Planning Board as required. For that reason I would like to suggest that the resolution that was read be amended slightly so that RG-1 and RG-2 are not eliminated if you take action tonight on the Multi-family 1,2 and 3. The reason for that is the existing apartment development whether they be condominium or rental need to have some zoning designation until affirmatively changed by the Board. In other words, if you were to eliminate RG-1 and RG-2 tonight and map those locations with one of the new districts, those properties would be unzoned. I suggest that we modify the resolutions until the Multi-family zone is adopted. Mr. Geneslaw referred to excerpts from the Master Plan in 1981. The Plan reduces significantly the number of proposed roads in their importance and therefore allows the reductions in development density in a number of locations. Traffic and drainage will be largely reduced. The Plan is conservative in the preservation of many natural areas not yet developed. The distinction between the present RG-1 and the present RG-2 in the zoning ordinance is about a 10% difference in density. The RG-1 does not allow rental units and the RG-2 does. The Planning Board is suggesting three new zoning densities for Multi-family districts. The 1981 Plan continues in intent as the 1971 Plan to preserving open space, steep slopes, wet lands and hilltops. It goes beyond the 1971 Plan in designating those areas which the Planning Board feels should be protected. The R160 proposal which is before the Town Board as well as the Brookhouse Public Hearing which was held before both have to meet the same objectives. The highlights of the Multi-family 1,2 and 3 zones are that three new zones would replace the two zones that presently exist. One difference between the present zoning and the proposed zoning is that dwelling units of all types would be permitted in the proposed Multi-family 1, 2 and 3 except for single family attached homes. There would be a maximum of eight dwelling units to a building. At least a quarter of the required parking would have to be enclosed. Either within a dwelling unit itself or a separate garage. At least 20% of the required parking must be available for guests not using driveways. A specific site must be reserved for usable open space. Community living space and recreation facilities must be provided. The yard requirements particularly the perimeter of the property are somewhat greater than the present RG-1 and RG-2. These are largely because of trying to protect adjoining properties.

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The conservation density district the R-160 is very similar to the R-80 district except that the minimum lot size would be four acres rather than two acres and there are minor changes within the regulations with respect to language in the uses that would be permitted. Again he stressed that map locations were not before the Board this evening. Once the Board takes action, map locations would be prepared for review first by the Planning Board and for recommendation by the Planning Board to the Town Board.

Supervisor then asked those wishing to be heard could now do so.

Appearance: Thomas A. Trevor, Acting Chairman
Condominium Information Board

At the meeting of the Condominium Information Board, they reviewed the draft of the Multi-family regulations before the Town Board. He said the Condominium Information Board makes the following recommendations unanimously:

1. Of the vehicles allowed in the parking lot, you should add taxi cabs and they may be a family's only means of transportation. There should be designated areas for oversize vehicles with use regulated by permission of management.
2. Enclosed parking should not be considered part of required parking and required parking should be off-street. The reason for that is that any exclusive use of parking spaces creates an artificial shortage. There should be no requirement that remaining parking be designated for the exclusive use of any individual residence.
3. There is a reference to "buildings" as part of the condominiums that word should be changed to "facilities."
4. Tennis Courts and swimming pool should be added to the other requirements of "required residential parking."
5. Generally all roadway specifications should be required to meet Town standards.

These requirements should follow use not form of ownership because :

1. The cost benefit to residents would be comensurate in the long run.
2. Access for fire and other safety services would be impaired if Town specifications were not valid.

Appearance: Joseph Hirschfield, President
North Clarkstown Coordinating Council

Mr. Hirschfield said that the North Clarkstown Coordinating Council have met and support Multi-family 1, 2 and 3 and R-160. It provides for a balanced and controlled growth in Clarkstown. It's a concept that will alllow growth without being a burden to the Town and remain countryfied. Therefore, we say implement the Master Plan.

Appearance: Phyllis Bulhack
Fairhaven Civic Association
9 Westgate Blvd.
New City

Ms. Bulhack said she was in favor of changes. It was a good way to control growth of Clarkstown. She said we should look at our mistakes and learn from them. She was in favor of a conservation zone.

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Appearance: Martus Granirer, President
West Branch Conservation Association
Vice President of the
North Clarkstown Coordinating Council

He said they support the Multi-family 1,2,3 and R-160 because it allows a better planning process by giving the Town the ability to discriminate the level of development and the growth is better in the Town's hands rather than the developer's hands. He said one of the best things that the Board was doing was paring the Multi-unit proposal with the R-160. When you consider increasing the density in the center of the Town, you are at the same time considering a restraint in the density at the periphery. This is a good comprehensive way of looking at the growth of this Town. Far better than looking at it a parcel at a time.

He said that on page 13 on the R-160, #9 in the zoning book that has to do with what is called land under water - we at present allow somebody with two acres of land under water in the one acre zone to build anyway. We now have a better definition of what is meant by land under water. The section refers to land under ponds or marshes in its natural state or shown within the hundred year flood line on the Flood Insurance Rate Map or with rock outcrops greater than fifty square feet or with slopes over thirty percent or within a designated street line of any road. The R-160 zone is for the purpose primarily to protect the most vulnerable critical land in the Town. He said he would propose they amend the R-160 and instead of making it 50% make it 10%. He said that in the last page of R-160 it says that pre-existing residential lots that have less than the required four acres being in effect grandfathered but not on conforming lots but making them conforming. He said to not make the cut off date prior to the adoption of this ordinance but after the adoption of the ordinance and setting up of the districts. He further stated that this should not be retro-active. He urged the Board that if they adopted the four ordinances, they should set a date for adopting the districts. This is the guts of the Master Plan and he urged the Board to set a date establishing the districts.

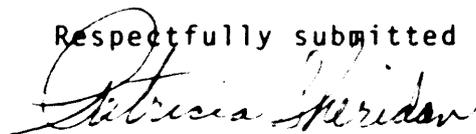
Councilman Lettre inquired when the Planning Board would be ready to to this and Mr. Geneslaw said hopefully they could do it possibly in July or August.

Appearance: Robert Granick

He suggested that if the grandfather clause was appropriate for R-160 then it must be appropriate for Multi-family. He said to Grandfather the 160 zone and not the Multi-family zone begs the issue. He said without the Grandfathering provision, the ordinance affecting the Multi-family zone would be legally defective. He said that if you refer to any of the legislation enacted by the State Legislature, there is almost always a Grandfathering provision. He recommended that the Board give it further consideration.

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

Respectfully submitted



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/28/83

9:34 P.M.

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

RE: PETITION FOR AMENDMENT TO ZONING ORDINANCE FOR CHANGE OF ZONE-
LIO TO RS - RONDAVEL MANAGEMENT CORP.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing. Mrs. Sheridan read the following 265 Petition:

"May 16, 1983

Dear Sirs,

We the undersigned are owners of property contiguous to land on which a zone change from LIO to RS is proposed. This is for the purpose of adding an additon to the Sheraton in Nanuet.

We wish to stress that we are strongly opposed to such a zone change and the aforementioned structure which would, in our opinion, irrevocably damage a residential area. This Petition is submitted pursuant to Sec. 265 of the Town Law.

Sincerely,

(This Petition was signed by ten surrounding property owners.)"

The Town Attorney attested to the affidavit of posting in the Journal News and read the following letter from the Rockland County Planning Board:

"June 28, 1983

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

Re: General Municipal Law (GML) Review: 239(K) 239 (1&m xx 239(n)

Map Dated:

Item: Change of zone: LIO to RS for motel expansion
S/S Route 59, just east of Route 304
Rondavel Management Corp. (C-1101)

The Rockland County Planning Board reviewed the above item at its meeting of June 27, 1983 and

*approves

**approves subject to conditions below XX

***disapproves

requests extension of time

1. That the applicant complies with the New York State Department of Transportation's request that the existing driveway continues to be used to provide access to the new addition and expanded driveway. No new access should be developed closer to Route 59 than presently exists.

Recommendations: The Board strongly recommends that the Town strictly adheres to its parking requirements to resolve existing parking problems and insures ample future parking exists to serve the motel and all associated uses on this site.

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Rockland County Planning Board Letter (Continued)

cc: John Costa, Town Attorney
R. Lombardi, member
RC Planning Board
Don Greene, NYSDOT
Clarkstown Planning Bd.

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."

The Town Attorney read the following letter from the Rockland County Planning Board:

"May 19, 1983

Town Board
Town of Clarkstown
10 Maple Ave.
New City, N.Y. 10956
Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) 239(1&m) XX 239(n)

Map Dated: 3/10/82
Item: Change of zone: ILO to RS to permit motel expansion. South side of Rte. 59, between Rose Rd. & Rte. 304. Rondavel Management Corp. (C-1101)

The Rockland County Planning Board reviewed the above item at its meeting of May 17, 1983 and

- *approves
- **approves subject to conditions below
- **disapproves XX
- requests extension of time

Reasons: The Board found that the applicant's traffic study was insufficient in that it did not encompass those times during the week when both the motel, restaurant, and catering facilities were at maximum utilization. The traffic survey submitted covered one weekday between the hours of 3:15 and 8:00 p.m. when the catering facilities were probably not at their maximum use. The Board found that an assessment of the traffic impact of the proposed expansion should be on a 7 day basis including those evening and weekend hours when all uses within the building were in operation.

cc: J. Costa, Clarkstown Town Atty.
R. Lombardi, Member of Rockland Co. Planning Board
D. Greene, DOT
Clarkstown Planning Board

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."

Councilman Holbrook requested the Town Attorney to explain the difference between the first letter and the second letter.

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The Town Attorney said if the letter from the Rockland County Planning Board disapproving stood, it would be necessary to have a majority plus one vote and it would also have to indicate its reasons for over-riding the negative recommendation of the Rockland County Planning Board. Only three votes are necessary to approve the resolution and that is consistent with the recommendation of the Rockland County Planning Board. If it were not consistent four votes would be needed. However, if the 265 is valid then you would need a majority plus one which is four votes.

The Town Attorney then read the following letter from the Clarkstown Planning Board.

"June 8, 1983

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

Town Board Referral: Zone Change
Request LIO to RS, 31A1 & 31A27
Rondavel Management, West Nyack

Gentlemen:

In order for the Town to try to alleviate and/or ameliorate existing problems on this site, the Planning Board has determined that the proper avenue for the above request is legislative action, and it is the preference of the Planning Board that applicant pursue the zone change rather than request variances and/or extension of a non-conforming use from the Zoning Board of Appeals. A zone change to RS, limited to motel use only, would be more compatible with the abutting residential area, as LIO permits many uses which could have adverse impact on the area. Concurrent with the zone change would be review of the Special Permit which would be required from the Zoning Board of Appeals to allow for motel use.

To satisfactorily accomplish the zone change it is essential that some very specific conditions be set down. We therefore respectfully make the following ...

Motion of Cunningham, second of Nest, carried 5:0 with Ayes of Smith, Yacyshyn and Paris, approving the following ...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition of Rondavel Management, parcels 31A1 & 31A27, West Nyack, in relation to the surrounding area, the topography, the existing conditions, and the statutory requirements and recommends that the petition be approved with the following conditions:

1. The change be limited to Motel Use Only,"
2. The change be solely to RS, and no LIO uses to be permitted,
3. That there be no more than 50 additional units permitted,
4. Applicant is to participate in drainage improvements in concert with New York State Dept. of Transportation and the Town to whatever extent is satisfactory to the Department of Environmental Control,
5. Applicant to return to the Planning Board for site plan review and approval, such review of great importance to ameliorate existing poor conditions such as parking, lighting, landscaping and/or fencing.

As for the statutory requirements as in Section 106-32B(2), the Planning Board has made the following determinations:

- a) the use to be permitted, since it will be limited to motel use only, would be appropriate in the area concerned,
- b) not applicable,
- c) the proposed change would not have detrimental effect on existing or proposed plans for providing public water supply and sanitary sewers in the vicinity,
- d) not applicable,

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Clarkstown Planning Board Letter (Continued)

- e) not applicable, as limited to motel use only,
- f) not applicable,
- g) not applicable,
- h) not applicable as do not expect other areas to request similar change.

Very truly yours,

/s/ Richard J. Paris
Richard J. Paris
Chairman

cc: Town Attorney
Town Clerk"

Mr. Robert Granick presented to the Town Clerk the Affidavit of Service of Notice of Hearing by mailing and also the Affidavit of posting of the Notice as required by the Town law. He stated that this is a petition to amendment of the zoning ordinance an amendment of the zoning map of the Town of Clarkstown to change the zoning designation of the property which is shown on the tax map of the Town of Clarkstown as map 31, block A, lot 1 and 27 which premises are presently designated as LI0 and for which we have requested a change to RS. The purpose of the requested change is to permit the construction of a 50 room addition with indoor swimming pool to the existing Sheraton Motor Inn. A motel cannot be constructed anywhere in the Town of Clarkstown except in two specified zones. One of which is RS and in both cases only by special permit by the Zoning Board of Appeals. If the Town Board grants a change of zone and if it is granted we will proceed with our application which is pending before the Zoning Board of Appeals which has been submitted prior to this petition on various different basis that also included a request for a special permit. If this Town Board should grant this request for a change of zone, those portions of the petition before the Zoning Board of Appeals which call for an extension of a non-conforming use or in the alternative for a use variance will be deleted and we will proceed only on the request for special permit. If this petition is denied then the petition before the Zoning Board of Appeals will be continued as it presently is submitted. He explained that Lot 1 is the lot where the motel is presently situate and Lot 27 is the additional 4.7 acre parcel upon which the addition is supposed to be erected. He said he would like to clarify the situation which transpired with regard to the Rockland County Planning Board since there may or may not have been an implication of impropriety in the actions taken. The petition which was submitted to the Town Board and the petition which was submitted to the Zoning Board of Appeals were referred to the Rockland County Planning Board. Normally that is a meeting where Planning and Zoning are the consideration. The only basis of going to the County Planning Board is under Sec. 239 of the General Municipal Law of the State of New York it requires that when a proposed area may effect or if it lies within 500 feet of a State Highway, State Parkway, State Park, or a Village boundary line or anyone of those categories, it must go to the County Planning Board for consideration of the impact of the request to change on that facility. This application went before the County Planning Board because it effects three State Road systems. It effects 304 which abuts the property on the west. It effects Route 59 which abuts the property on the north. It effects the Palisades Interstate Parkway which lies within 500 feet to the east of the property. The New York State Department of Transportation responded to our application by saying that the impact was minimal in all concern and that the New York State Department of Transportation had no concern with the application. I did not feel that it was

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essential to serve official or formal engineering data. At the public meeting of the County Planning Board the residents of the community commented on the impact upon the State Highways referred to before; the impact upon those roads which is a Town Road and is in the immediate vicinity and the impact upon drainage. The County Planning Board then requested of me that I furnish them with a traffic survey and a drainage study. Upon the advice of the Deputy Town Attorney who was present that they must make a decision within 30 days and that they could not defer their decision pending the submission of these formal surveys, the Town Attorney voted adverse based upon the inadequacy of information which they would require. They asked me to furnish such information. I thereupon retained on behalf of the client, the firm of Raymond Keyes, engineers from Westchester to do the traffic survey and the firm of Henry Horowitz to prepare the drainage study. The Rockland County Planning Board after receiving the studies advised him that in the absence of a request for a reconsideration by the Town Board and the Zoning Board of Appeals, they could not consider it. By letter to the Supervisor and the chairman of the Zoning Board of Appeals, he requested that the matter be submitted for a reconsideration as requested by the Rockland County Planning Board which was done. The Planning Board then called this matter for another hearing. At this time the drainage study and the traffic survey were presented. Mr. Horowitz, at the request of the Rockland County Planning Board, went over the drainage study in detail. The County Planning Board accepted the drainage study as satisfactory for their consideration. When comments were again received from the public as to the alleged inadequacy for failure of explanation of the traffic survey, the County Planning Board took the exact same position it did before that they had to make a decision within 30 days that if submitted they would reconsider further information and they again voted not adverse to that point. I requested that the Supervisor and the Chairman of the Zoning Board of Appeals again request the County Planning Board to reconsider. I asked Raymond Keyes to have a representative present to explain the information on the survey. A motion was made by Mr. Hornick, the Superintendent of Highways of the County of Rockland, that he was more than satisfied with the information submitted and that based upon all the information before them, he moved for a resolution to recommend non-adverse subject to the conditions read by the Town Attorney tonight which conditions the applicant will be pleased to comply with in every detail.

Mr. Granick then called upon Mr. Stern who is a Vice-President of Development and Operations for Prime Motor Inn which is the lessee and operator of the Sheraton Motor Inn.

The Town Attorney swore in Mr. John Stern.

Mr. Stern gave his address 11 Spruce Hill Road, Huntington, Connecticut and said he was Vice-President of Operations for both New York and Connecticut.

Upon the request of Mr. Granick, Mr. Stern explained why they wish to expand the Sheraton Motor Inn in Nanuet. He said that it became evident that additional rooms were necessary at Nanuet. He said that they have major corporations that use the facility and in many cases they do not have enough adequate room space for the company. Because of the competition, they felt they needed the additional rooms.

Mr. Granick asked Mr. Stern to identify the major companies that they serve by contract arrangements.

Mr. Stern said at the present time they have contractual agreements with the A & P, Bambergers, Brook, Cambridge Instrument, Fisher Scientific, Mercedes Benz, Lederle Laboratory, IBM, Pathmark, St. Regis Paper, Sony, Volvo, United Training Technicians, N.Y Telephone Co. and many others.

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Mr. Granick asked Mr. Stern what is the bulk of the business conducted by the Motor Inn?

Mr. Stern said the rooms are really not used for conferences. They have overnight guests for major corporations for their sales and marketing people and financial people. We do have banquets there and some meetings there but mainly we don't have the kind of space that is needed by the companies.

Mr. Granick said is he correct in saying that the bulk is in the rental of rooms.

Mr. Stern replied that more than 2/3 of our financial reports that we have comes from our room business.

Mr. Granick asked if this proposal that is before the Town Board is for the addition of fifty bedrooms and an indoor swimming pool.

Mr. Stern said that is correct.

Mr. Granick asked if they contemplated any additions to the conference, catering, dining room or lounge facilities of any kind.

Mr. Stern replied none whatsoever.

Mr. Granick asked how the people come to and depart from the Motor Inn.

Mr. Stern said they come by their own transportation or by the airport transportation.

Mr. Granick said in most cases they don't come with their own vehicles. Is that correct?

Mr. Stern replied that is correct.

Mr. Stern addressed the Board and said they have been operating now for 14 years. They have tried to upgrade the property in keeping with the Sheraton standards. They have involved themselves in community projects and civic areas such as, Senior Citizens, Boy Scouts, Girl Scouts, etc. They have tried to be a good neighbor. They recently had a complaint from a resident, Nancy Grassow about a filming company and also debris in the vicinity. They immediately took care of the problem to her satisfaction.

Mr. Granick introduced the next speaker as Victor Maslanka, P.E. from the firm of Raymond Keyes Engineers.

The Town Attorney swore in Mr. Maslanka.

Mr. Maslanka said he lived at 316 Beardsly Road, Shelton Connecticut and he is the Product Engineer and Drainage Engineer for Raymond Keyes Engineers since 1981.

Mr. Granick asked Mr. Maslanka to state his academic and professional credentials.

Mr. Maslanka said he has a Bachelor's Degree in Civil Engineering from Lehigh University, Master's Degree in Civil Engineering, specializing in Transportation and Traffic, from Purdue University where he is a member of the Institute of Transportation Engineers and the Society of Civil Engineers, the Transportation Research Board and has been practicing since 1978.

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Mr. Granick asked Mr. Maslanka if he or his firm prepared a traffic survey of the premises which is subject of this discussion tonight and the surrounding area.

Mr. Maslanka said his firm did a study to assess traffic impact of the expansion of the Sheraton and Mr. Maslanka was a principal participant of that study from beginning to end. Mr. Maslanka submitted to the Town Board for the record a report of the study dated April 15, 1983 and in addition a letter from Mr. Raymond Keyes dated June 3, 1983 which was in response to the additional questions the County had regarding the time period of the Traffic study.

Mr. Granick said the original report by Raymond Keyes was forwarded to every member of the Town Board. The subsequent report which was the later one was not. He said if the Town Board wishes, he will make available additional copies to the members of the Town Board.

Mr. Maslanka said he would briefly like to outline what we undertook our study. The reasons why we performed our study and the conclusions we drew upon the study. Our study began by contacting New York State DOT and the county as well to get background information from them regarding traffic finding data in the area and existing plans for the roadways and information of that sort. In addition we physically examined the site to look at the roadway system. Examine items such as site distances, roadway volumes and matters of that sort. We also talked in detail with Mr. Granick regarding the proposed expansion to find out specifically what it entails. The important part of our traffic survey is in order to estimate what future traffic can be expected it is best to know what proposed expansion entails. As it was mentioned the expansion consists of fifty bedrooms and a proposed indoor swimming pool and no expansion to the banquet and conference rooms. They looked at the traffic pattern to see what time of the day the traffic would have its greatest impact. The Institute of Transportation Engineers keeps files of hotels throughout the country to give us this kind of information. There information indicates that the peak time for hotel rooms is during the week not on a Saturday or Sunday. They also indicated the peak time period occurs roughly during the afternoon. The Traffic Engineers find that the peak time period on the roadway system is the afternoon when people are returning home from work. We ascertained the peak time period at the site occurred between 4:30 and 5:30 P.M. Their study revealed that 21 additional vehicles would be entering and about 12 vehicles exiting the site at the peak hour. They found that of the 100% traffic that entered the present hotel facilities about 14% went to the South. If we apply that to the peak hour, we wind up with about 5 additional trips in that peak hour of 4:30 - 5:30 P.M. on week days being added to Rose Road. At the present time Rose Road has about 250 vehicles in that peak hour. With the 50 room expansion we'll have less than 2% impact on Rose Road. At the same time, Route 59 in that general area carries an excess of 2500 vehicles in the peak hour and the additional trips of 28 trips to that area is also rather minimal in comparison to the traffic on the roadway network. That agrees with the earlier determination by the New York State Department of Transportation that the increase in traffic from the hotel expansion would be minimal from impact on the State Roadway. He explained that the weekend traffic on the site was due to the lack of parking and not the amount of traffic entering and exiting the site. As part of this proposal the hazardous parking on Rose Road will be alleviated. To give you an analysis of what the intersection of Rose Road with the driveway and Route 59 with the acceleration and deceleration in Nanuet, we did what is called capacity analysis which is a miracle way of analyzing whether or not the roadway is to end with the traffic. Basically it's graded from A-F. Our analysis which are included in our report indicates a service level A which indicates little or no delays for motorists entering and existing the site. He said the 50 room expansion will be an insignificant impact on the roadway systems.

The Town Attorney swore in Mr. Karl Hess of 254 Sickletown

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Road, West Nyack where I practice architecture.

Mr. Granick asked Mr. Hess if he prepared a proposed site plan and a rendering of the fifty room addition to the Sheraton Motor Inn.

Mr. Hess said yes.

Mr. Granick asked if late this afternoon he made some final revisions at the request of the Rockland County Planning Board.

Mr. Hess said yes.

Mr. Granick asked if Mr. Hess had examined the existing Sheraton Motor Inn and the parking requirements and the parking that is now available.

Mr. Hess said yes.

Mr. Granick asked him to explain it to the Board.

Mr. Hess said the existing parking for the facility is 103 parking spaces. The requirements for the entire facility would require an additional 131 parking spaces.

Mr. Granick said at the present time there is an inadequacy of 130 spaces.

Mr. Hess said that's correct.

Mr. Granick said he assumes that is the reason for the overflow that occurs onto Rose Road and into the neighboring parking facility.

Mr. Hess said that is correct.

Mr. Granick said in the preparation of the proposed site plan we have added an area to the original 1.9 acres which contains 103 rooms. To the fifty room addition, we are showing an area of 4.7 acres. How many parking spaces will be required for the entire facility including the proposed fifty room addition?

Mr. Hess agreed with the above statement and said there would be 286 parking spaces required.

Mr. Granick asked how many spaces do you show?

Mr. Hess said 293.

Mr. Granick asked with the addition of this parking within the new site we will accommodate all the requirements for both the original site and the proposed addition?

Mr. Hess said that's correct.

Mr. Granick said that at the bottom of the plan we show a line of parking spaces which you have now shown as green area.

Mr. Hess said that is correct.

Mr. Granick said that is intended to show that we will be removing those spaces and replacing it with green area, shrubbery and or fencing.

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Mr. Hess said that is correct.

Mr. Granick asked if that will further remove any parking uses from a closer proximity to the immediate abutting residences.

Mr. Hess said that is correct.

Mr. Granick said in the preparation of this site plan all that is contemplated is a fifty bedroom addition with an indoor swimming pool. Is that correct?

Mr. Hess said yes.

Mr. Granick said there are no provisions shown there for any expansion or extension of catering facilities, convention or conference facilities. Is that correct?

Mr. Hess said that is correct.

Mr. Granick asked Mr. Hess to briefly describe since much has been made of the proposed four story height what the actual visual impact of the proposed addition is in comparison to the existing facility.

Mr. Hess said the existing facility is basically a two story unit which has a three story unit on the west side and we are proposing a four story addition which will be approximately one story above the existing three story facility on the west side. We measured about 45 feet from elevation 0 to the top of the new addition.

Mr. Granick said the top of the new addition on the west side will be approximately one story above the existing facility.

Mr. Hess said that's correct.

Mr. Granick asked how far away from the residential development would you estimate it is in feet?

Mr. Hess said approximately 110 feet.

Mr. Granick asked if that area is presently screened by existing trees?

Mr. Hess replied yes it it.

Mr. Granick asked that from the proposed plan we are planning to add additional shrubbery?

Mr. Hess said that's correct.

Mr. Granick then called upon Mr. Henry Horowitz, professional engineer.

The Town Attorney swore in Mr. Horowitz who gave his business address as 55 Virginia Avenue, West Nyack and his home address as New City.

Mr. Granick asked Mr. Horowitz if he undertook at Mr. Granick's request a drainage study of the premises in question in the immediately surrounding area.

Mr. Horowitz said that is correct.

Mr. Granick asked Mr. Horowitz to explain the results of his study.

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Mr. Horowitz said the area in size is approximately 6.5 acres. The summation we used to develop the study was in addition to some site visits. The information was prepared at a good time of the day in connection with the drainage study there performed by the Town of Clarkstown as well as the maps prepared by the County Planning Board as well as the construction drawings prepared by the New York State Department of Transportation in connection with the work performed at Route 304 and Route 59. The site itself is bounded on the north by Route 59 and the south by a sub-division known as Clarkstown Estates. The site itself does run from the southbound to the north. All the drainage on this particular site ends up on the northwest corner of this particular site. The mere boundary line of this site is pretty much on the ridge. The runoff coming from this side stays pretty much on this site as well as the runoff from Clarkstown Estates stays fairly well on that site because of the ridge along the common property line itself. On this particular site there is a low spot which is on the northwest corner. This is a low spot part which is part on the land of the applicant and part of it being on the land of the New York State DOT. Not only was the runoff on this particular site but also a good portion of the drainage of Route 59 of this area also ends up at this particular low area. What is significant is from this low area the drainage bottles in a ditch which was installed by the New York State Department of Transportation when it prepared Route 304 and travelled southerly. During its travels it now becomes the property line of Route 304 and the sub-division itself, there are scores of additional pipes - fifteen, twenty-four, thirty-six, forty-eight inch drain pipes which have been put in by the State and which you discharge in this particular ditch as it travels southerly. It's going into a culvert which is on Lake Nanuet Drive and from there it discharges into Lake Nanuet. We have an area photograph which shows the relationship of the motel; the ditch we were speaking about and the relationship of the home. The entire runoff from the site, even if the site were developed 100% which can't be, the discharge which resulted from this site would be a fraction of the entire discharge. Nothing that we are doing here would exacerbate the conditions that exist. In our discussions with New York State Transportation we did commit with them that we would dovetail any of our activities on our site in order to obtain their approval. Whatever construction we did on that site would add no more runoff than that which exists. No matter what plan is eventually developed, we want the approval of the New York State Department of Transportation. It is on this basis that the Rockland County Planning Board after reviewing the drainage report have also determined to give a non-adverse insofar as the drainage aspect of the report.

Mr. Granick asked Mr. Horowitz in his capacity of engineer if he did a lot of site planning and engineering in the Town of Clarkstown.

Mr. Horowitz said yes.

Mr. Granick asked if in that capacity and at his request if Mr. Horowitz analyzed the provisions of the zoning ordinance for the L10 zone which presently is the designation of the property under discussion tonight.

Mr. Horowitz said yes.

Mr. Granick asked what the present site can be used for under the existing L10 zone referring to the 4.7 acres which are not presently developed.

Mr. Horowitz said the L10 zone as presently constituted would allow industry such as processing, packaging and manufacturing. It would also allow research and development office buildings. It would also permit by right warehouses and wholesale distribution.

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It also permits by right car dealerships and the printing and publishing of newspapers. In addition the LIO zone permits that with the special permit of the Board of Appeals, utility towers. It also permits, with the special permit of the Town Board, gas stations and auto laundries. The primary function of the LIO by right is not special permits. Just by right is not really warehouses, manufacturing and the like. Typical LIO is Aunt Millie's.

Mr. Granick asked if an office building in the LIO zone would be permitted.

Mr. Horowitz said yes.

Mr. Granick asked if he was correct that the floor ratio is 40%.

Mr. Horowitz said yes.

Mr. Granick commented that on 4.7 acres of land how many square feet of office space could be erected either in one building or in a number of buildings.

Mr. Horowitz said that 4.7 acres would be about 70,000 square feet.

Mr. Granick asked if that were elected to be built in one building based upon the present provisions of the zoning ordinance, how high could that building go and on what would that building be built.

Mr. Horowitz said there are very direct limits on the height. There are two factors that control the height of buildings in Clarks-town. One would be the floor area which means there is a maximum size not height of the building you can have. The only control that we have relative to height is that in the LIO zone you are allowed six inches to every foot of yard that you have. In the LIO zone the minimum yard is sixty feet. The front yard is 80 feet but the minimum side yard is sixty feet. You can have a building 70 feet high. If your yard was a 100 feet, you could go up 60 feet. As you set your building back, the higher you can go.

Mr. Granick said that conceivably by right an office building could be constructed on the property of approximately 70,000 square feet which could go as high as 6 - 7 or 8 stories high if the building were set back. Is that a possibility?

Mr. Horowitz said you have to take into account the parking that possibly exists and if you can meet all the other requirements at the same time.

Mr. Granick said if a building with approximately 70,000 square feet how much parking would be required on site.

Mr. Horowitz replied if you have 70,000 square feet, you would require no less than 350 parking spaces on the site.

Mr. Granick asked what the traffic pattern created by a 70,000 square foot office building which houses professionals such as doctors, dentists, lawyers, engineers and architects as well as business concerns with sales reps would be. Do you think the traffic from that building would be more or less than that created by a fifty bedroom and swimming pool addition to the existing motel.

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Mr. Horowitz said the office buildings have an instantaneous impact on the early hours and on the afternoon hours. The impact of an office building where you have 350 vehicles coming up instead of a fifty room motel there would be no comparison.

Mr. Granick asked if the office buildings are open on Saturday.

Mr. Horowitz said they are open on Saturday and some on Sundays.

Mr. William Beckman was sworn in by the Town Attorney and said his office address is 67 Main Street, Tappan, New York and his home address is Blauvelt, New York. He said he has a BBA from Pace University. I am a professional inspector in Rockland County and have been since 1976. I am also the current assessor in Spring Valley. I'm a member of the Rockland County multiple listing system. I am a MAI candidate and I am a member of the Rockland County Society of Real Estate Appraisers and various other organizations.

Mr. Granick asked Mr. Beckman on behalf of his client and at Mr. Granick's request did he do a study of the premises under discussion tonight and the surrounding area with regard to the impact of the proposed fifty room addition of the Sheraton Motor Inn upon the surrounding community.

Mr. Beckman said he did.

Mr. Granick asked Mr. Beckman to explain to the Board the results of his study.

Mr. Beckman said they looked at the proposed expansion of the Sheraton Motor Inn and how it would effect the character of the neighborhood and or the value of the area. We concluded that the proposed expansion would not change the character of the neighborhood. On Route 59 you have motels and in the immediate vicinity you have commercial uses adjoining the site so you would not be out of character with the neighborhood. As to the property value, we had a similar situation in Rockland County where an existing motel was expanded and analyzed if there was any effect on the homeowners in the area. The example he gave was the Stony Point Motel which expanded about a year ago and was similar in the aspect that it is located on a major State Highway and there was both commercial and residential uses in the area. The analysis was that there was no adverse effect from the expansion of the Stony Point Motel both before and after on the property values in that area. The second approach that we took was to look at the immediate residential neighborhood, Clarkstown Estates. We approached it in two ways. We first looked at the initial sales because the Sheraton was there prior to Clarkstown Estates. We looked at the length of appreciation after the homes were sold. Our conclusions were that when the homes were initially sold, we found that prices were similar throughout the whole subdivision and that there was no reduction in values specifically for homes being located near the Sheraton or that was on the other end of Lake Nanuet Drive. The only variations in price were due to the type of the house, the extras, etc. That was the initial review. Then we looked at the resale drop subdivision. We found that the homes had all appreciated throughout the subdivision and I have the rates included in the addendum. We found that there was no adverse affect for location in that subdivision. Whether it was located right next to the Sheraton or whether it was located on the other end of Lake Nanuet Drive or the other parts of the neighborhood. That's all included in the addendum. We concluded that with this proposed expansion of fifty hotel rooms that there would be no adverse effect on the adjoining property areas as far as property values were concerned. That's based upon the fact that the homes were built after the Sheraton was there. There was no adverse effect on the prices of those homes when they were sold. Secondly, the homes have enjoyed similar amounts of appreciation over the years. When we look at a piece of property we talk about

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highest invest use analysis. The adjoining property to the Sheraton right now the uses are very limited in the fact that the Department of Transportation would not allow any access to Route 59 from the adjoining piece of property and the only access to that site would be through the existing Sheraton at this time. Consequently, the highest invest use of this property would be to approve it with motel use.

Supervisor Dusanenko said they would proceed with the Public Hearing now.

Appearance: Patrick Finnegan, Esq.
Short St., Nanuet, NY

Mr. Finnegan said he represented the Rose Road, Route 59 Civic Association which came into existence as a result of the various applications that were filed this evening. He said his group is apposed to the plans that were set forth. Mr. Finnegan said from legal perspective, the applications leave a lot to be desire. We have before this Board a zoning change and we have before the Zoning Board of Appeals an application for either a variance or an extension enlargement of a non-conforming use. We have here these applications relative to two properties identified as lot 1 and lot 27. At the present time they are in single ownership that is Rondavel Development Corp. When we look at the history of the particular lots, we realize that Rondavel was not the original owner of the property but was owned by IJS Construction who built the original motel. The other property, namely, lot #27 which happens to be the 4.6 acre parcel at one time was owned by a builder developer in the town and I believe he lost his ownership for non-payment of taxes and presumably the current owner acquired the title either at a tax sale or from a tax sale purchaser. While we have a single ownership concept, the ownership did not take place in the first instance and the ownership was obtained at times when that particular buyer was still cognizant of the zoning that applied to the particular property. When you look at the Planning Board comments, there is an indication to the effect that the application to the ZBA is still concerned with fifty rooms. The application before this Board for a zoning change does not identify it as 50 rooms although the proponent and his council and other individuals speak of 50 rooms this evening so I assume that there application is being amended to that effect. Similarly, when the applications were filed there is a question as to whether or not the applicants could have a portion of lot 27 zoned from L10 to RS and simultaneously retain for the portion which did not concern the building on which the 50 rooms would appear its L10 designation. I believe that the policy between the Planning Board and the proponent and his council, there is a serious question whether or not such a state could exist. Namely, a property is L10. Someone asked that some part of it be zoned RS with the understanding that they retain the balance in its existing zoning. I appreciate the proponent's council in his explanation to the Planning Board suggested that he was doing that as a matter of reservation of right that in the event he could get a zoning change and went into an adverse decision from the ZBA to whom the applicant must go for the motel approval, he didn't want to be boxed in for having gotten the zone change which would have been no use to him should the ZBA deny a motel application. Mr. Finnegan suggested to the Boards of this Town that some preliminary determination be made by the Town Council as to their relevancy with respect to the existing zoning ordinance and relevancy with respect to the Town law and whether or not the applicant is in the right church but the wrong pew. There is presently pending an appeal for an application before the Zoning Board which should have been before the Town Board. I have difficulty comprehending why it is that if lot #1 on which there presently exists the Sheraton Motor Inn, which obtained its permission pursuant to a variance of the ZBA in 1968 when it was then an L10 zone is seeking a change to RS.

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Mr. Finnegan said he would like to comment further in regard to the application. He said the 4.6 acres happens to be in a designated wetland. It is very doubtful that the price of use described by the speaker in L10 would ever be permitted and it would be doubtful that a building of those proportions would be supported on the land. This Town Board enacted in April of this year "The Flood Plain Law." A law designed to impose responsibility on the Building Department and the Zoning Board of Appeals with regard to if anything could be developed in flood plains. The Environmental Protection Administration of the Federal Government of January of this year adopted a resolution in conjunction with a Federal Grant before the announcement of a prohibition of sewer hookups in wetlands and flood plains for a 50 year period. In regard to the Master Plan, late in 1982 and all of '83, the Planning Board of this Town in a Workshop Session had recommended no change on lot 27, which is now L10. Strangely they have approved the application for in their opinion good planning purposes. Mr. Finnegan said he resides on Rose Road and goes in and out of Rose Road two and three times a day and has been doing it for about 25 years. There was a time when he said he could go straight out and he didn't have the snake turn that they have been subjected to for the last 12 years. The State Highway Department put a metal barrier across Route 59 and heretofore I crossed Route 59 without any problem. I now have to go around to the turn of the PIP. He said that the Sheraton started out as a motel and now has increased the traffic with all the meetings, banquets, etc. He said the good relations with neighbors that was mentioned by one of the speakers relates to commercial neighbors not residents. He said no one who is opposing this objects to the commercial development. However, we think that the Sheraton and the Motor Inn should do what they wish to do somewhere else and not at that particular location. We think that if the zone change to RS occurs the flood gates will open with respect to the commercial use that will go on in that premises. True enough that the applicant and the architect saw there was no need for enhancement of the space now used for restaurants for catering. Of course there is no need because its so used now it would accommodate and has accomodated extremely large crowds who really have no place to park. Add another fifty rooms and you will double the capacity. Change the zone from L10 to RS and you are going to find many uses. We feel that some of the uses that presently transpire there probably are in violation of the ordinance and conceivably should be addressed.

Appearance

Mrs. Nancy Grashow
128 Lake Nanuet Drive
Nanuet, NY

Mrs. Grashow said she is presently president of the Rose Road, Route 59 Civic Association. She said she filed a 265 which is now in the Supervisor's Office. She said she has a peition which was signed by 240 people who are against this proposal. She said she would like to address the Traffic Study. She said the second time the Planning Board disapproved this, the Board asked for a 7 day week study with particular emphasis on holidays and weekends. The third time the applicant came back to the Rockland County Planning Board we still didn't have a 7 day week study. She said the people that come to the Sheraton do not come on a Thursday afternoon when the study was done. The parking was never adequate on the site to begin with. Mrs. Grashow submitted pictures of the parking lot when the Republican Convention was held there. The cars were parked illegally and some were on the grass. Those existing from the Sheraton have to cross a double yellow line in order to proceed to 59 east. Mrs. Grashow said the Traffic Study they represent Route 59 as having three lanes going eastward and there are only two lanes going east on 59. The third lane which is the southern lane is a weaving lane from Route 304. With respect to drainage, she said she had a letter from 1970 which pertains to the Sheraton Motel

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and states that a serious drainage problem exists on the property. In 1974 what was written about the soil was that the principal problem on the site concerns the filling of wetland and the additional surface runoff caused by paving. We're talking about a couple of hundred parking spots and I assume they are going to be paved. It says that we recommend no filling of wetland be permitted. This is signed by Robert S. Jonas, District Conservationist and directed to the Rockland County Planning Board. She also quoted from the Rockland County Sewer and Water Conservation District and said the soil was poorly drained. On the SEQA, she made reference to question #15 which asked "Is there any public controversy concerning the project?" Mr. Hess and Mr. Kalarickal both checked no. The 1968 petition to build was granted by the Rockland County Planning Board so that there would be no adverse effects on the residents. She said the six story building would create more parking problems. She said if they put up a motel, the constant lighting, 24 hours a day, would be objectionable. She said the community expressed the fear that the Sheraton would use rooms for welfare people if the additional rooms were not filled. She said they didn't feel you could trust the Sheraton on their promises to build. Original permit was for 76 units and they advertise for 100 rooms. She submitted pictures of unbagged garbage. The Sheraton has refused for three years to put up a fence between them and their neighbors.

At this point the Supervisor called a recess, time: 11:15 P.M. to 11:30 P.M.

Mrs. Grashow continued and said that the Sheraton is supposed to have two floors. It has two floors in the front and three floors in the back and showed pictures of the floors. She asked if it was legal to have rooms on a basement level. She also showed pictures of the dumping by the Sheraton on a residents property.

Mrs. Grashow read the following letter for the record:

"June 28, 1983

For the past 10 years we have resided at 140 Lake Nanuet Drive; our home backs up to the Sheraton Motor Inn, (on the West side of the Building). We are not in favor of the Sheraton, expanding as we have had many problems with them as our neighbor. Their guests have placed their dogs in our yard to relieve themselves and their children have been placed in our yard to play. We are not employed by the Sheraton as their babysitters or as a dog latrine. I have called numerous managers who have been employed by the Sheraton throughout the past ten years, to no avail. This past summer was a nightmare. They had students from Penn. State staying at the Motel, who spent their time in their trailers or their cars instead of their rooms sitting on the roofs of their cars, vans, and trailers, blasting their stereo's, drinking beer and flinging their beer bottles over our fence into our yard. We are not able to sit on our deck or use our yard for fear that one of our children or our grandson would be hit with a beer bottle. We observed them cleaning out the trunks of their cars and vans; they dumped all their garbage into the woods behind our home and our neighbors. Old tires were dumped into the woods along with food they had not used. As far as we are concerned this is a health hazard. We are oriented people who want to enjoy our home. I have made calls to Prime Management, to no avail. In the future I intend to call a local newspaper, and give a statement so that everyone will be aware of what goes on at this establishment. Our daughters cannot sit on the deck without their guests shouting obscenities at them. Two years ago when Pathmark was on strike, the members of the union stayed at the Sheraton. We had to call the police at 3:00 A.M. to stop them from carrying on in our yard - they covered our trees with toilet paper. They were caught doing it by the Clarkstown police. When we called for a report of the calls we had made, they tell me they have no record of this. So I repeat. In the future, any more disturbances from the Sheraton will be put in the newspapers for everyone to see that they have no regard for their neighbors or our

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property.

Adding any additions to this building would only add to the traffic jam that already exists. There have been many accidents by the motel when people are exiting off Route 59. The existing building is not well maintained. They always have garbage and trash on the lawn and around their building. It is not a beautiful sight to see. Can you imagine setting a lovely dining table and looking out at this view. It is very embarrassing. I am sorry we cannot attend this evening. We have a family function to attend but I want the Planning Board to know we are firmly in agreement with our neighbors as being opposed to any expansion. We have had no pleasure living next to the Sheraton - just disturbances.

Respectfully yours,

/s/ Sylvia Pitcher
Sylvia Pitcher"

Mrs. Grashow addressed herself to the fire safety violations of the motel-restaurant and said they were supposed to be 28 feet from the lot line on the sides of the building. They are by her count 22 feet. She said she was told by the Assistant Fire Commissioner of Nanuet that they could not get fire apparatus around the building. She said she also had a letter from Eileen Alley which is in the Planning Board files who is concerned about the input of the Fire Department. If the RS zone is permitted here, we will have an excess of 50 uses that could occur on the edge of a residential community. instead of the smaller amount of uses that could be permitted in an L10 zone. She read from a copy of the State Building Construction code which defines motel as a multiple dwelling intended primarily for motorists. Not over two stories in height in which the exit from each dwelling unit or sleeping unit is directly to the exterior. What they are proposing is not in keeping with that code. She said that if the Town does not address themselves to the violations then the State will come down.

Appearance: Mrs. Constance Bosco
2 Short Street
West Nyack, NY

Mrs. Bosco stated that she was against any expansion of the motel. She said she did not want any further development unless the property could have direct access to Route 59. She agreed with the statements made by the previous speaker.

Appearance: Mr. John Dianis
25 Lenox Ave.
Congers, NY

Mr. Dianis said he has been a resident of Congers for the past 22 years and a lifelong resident of the County. He stated that he works as a carpenter. He felt they should approve the zoning change because it was a good tax ratable and good for the Town.

Appearance: Mr. George Phelps
18 East Avenue
West Nyack, NY

Mr. Phelps said he lives just below the proposed expansion of the motel and when he first moved into the County in 1955 he could drive across Rose Road. To get to the shopping centers, he

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now has to go a mile out of his way by going to the interchange of the Parkway. To get back to his home, he has to go a mile out of his way because he can no longer make a U turn at the intersection of Smith Street and 59. The traffic conditions at Rose Road when they have a convention plus their other activities is appalling. He suggested a cross intersection out of 59 with a traffic light. He said there should be a stop sign at the exit of the Sheraton Inn onto Rose Road. He said he had no objections to a proper expansion but he agreed with the previous speaker that the access should be directly on 59.

Appearance: Mr. Donald Slige
43 Jockey Hollow Drive
Nanuet, NY

Mr. Slige said when the owner of the land, Mr. Weinberg, wanted to fight the original proposal to build a restaurant, he got the residents together to fight this. Now he wants a zone change and build. Mr. Slige said there are legal and moral reasons to turn down this proposal.

Appearance: Mr. William Pickett
165 Terrace Avenue
Congers, NY

Mr. Pickett said he takes friends and guests to the Sheraton and has had no problem with the Sheraton. He said we should encourage industry to come here as the tax base in this community is the highest in the United States.

Appearance: James Kelly
Business Agent for Plumbers and Steamfitters
of Rockland County

Mr. Kelly said he approved the proposal because it was a good tax rateable and would give people jobs.

Appearance: Mr. Philip Bosco
2 Short St.
West Nyack

Mr. Bosco cited the violations on the building that the Sheraton committed and agreed with the statements of Mrs. Grashow. Mr. Bosco alluded to the Hub Shopping Center stating that they had a restrictive covenant for an exit only on Greenbush road. They built exits and entrances. They went against the wishes of the Town Board and the Zoning Board and did as they pleased. The Sheraton advertises catering facilities up to 350 people. The parking requirements neglect to provide space for employees to park. The Sheraton was never granted a permit for any catering facilities. They were granted a permit for a motel and restaurant.

Appearance: Gail Fleur
28 Lake Nanuet Drive
Nanuet, NY

Mrs. Fleur said she lives at the house at the bottom of Lake Nanuet Drive which Mr. Horowitz had mentioned is the low point. She said they have drainage problems and has flooding problems. She asked who is going to take the responsibility for the flooding the State or the Town. She would like the Town to take the responsibility and watch out for the residents.

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The Supervisor asked Mr. Robert Granick to summarize.

Mr. Granick said that the applicant is sworn in under oath and produces expert witnesses. Whereas, anybody else who wishes to comment are not sworn in. A number of things were said that were deliberately intended to mislead. The RS zone is the only zone that could be used for a motel. He said we state in our petition that in the event that the Town Board shall amend the Zoning Ordinance and Zoning Map as herein requested, the petitioner will execute and acknowledge and deliver to the Town Board a Declaration of Covenants to the favor of the Town Board to the effect that except for the permitted use of the premises as in for a motel under the zoning designation RS, the premises will be limited to the permitted uses under the zoning designation LIO. That means that if it is granted the only thing under the RS zone that we could use is for motel use. The Board here could conceivably grant the change of zone. I go to the Board of Appeals for my special permit and they could deny it. I am then faced with the fact where I have been granted an RS zone which I have agreed would restrict my clients property only as a motel. If the ZBA denies my appeal, I have no use for the property. There is no use for this property intended other than the 50 room motel with indoor pool. This is the best use of the property for the owner and the neighborhood. This property is on Route 59. The only East-West Road in this entire County. It was started in '65 before these people came. All site plans were under the control of the Building Inspector. Mr. Granick said he thought everyone would welcome the fact that they were going to take cars off Rose Road and park them on private property. Relieving them of the problem and take care of the drainage also. You have been given expert testimony. The drainage on this property is separated from Clarkstown Estates by a ridge. What they have is a problem that was created by their developer. Not by this property. This property will drain in the opposite direction to the northwest. Not to the southeast. The motel was there before the developer built. He said the building line was pushed north instead of not being adequate in the first place and that's where the fences are. It may well have been 28 feet when it started out. It may not be anymore. Mr. Granick asked Mr. Finnegan that you stated you examined the 265 petition in your office. Mr. Finnegan said that is correct. Mr. Granick asked if when it was brought to him was it signed. He said absolutely. Mr. Granick asked if the last sentence of the petition appeared on there or if it was typed by Mr. Finnegan's office. Mr. Finnegan said it was typed by his office. Mr. Granick said that the petition was legally defective. Mr. Granick said this petition is submitted pursuant to Section 265 of the Town Law. Any alteration after signature invalidates any document. I may also point out that it is legally defective for a lot of other reasons and your counsel will go over it himself and make his own decision. It fails to identify the property discussed by tax lot and block number. It fails to have the signature of all the owners. There are some that are Mr. and Mrs. The law is clear that each owner husband and wife must both sign separately and individually. Each signature must have the home address next to it and must also have the tax lot and block number so that it can be identified with relation to the premises. In addition to which I don't think that if all the signatures were accepted as valid and if everything else was valid, I don't think it represents 20% of all abutting property owners or all property owners owning property within a 100 feet of the premises or 20% of the tax assessed evaluation of all property so situate. It must meet that criteria or it is legally defective. The addition of the statement alone after signature in my opinion, as a lawyer, it is legally defective. As far as the situation involving the Zoning Board of Appeals, this Board is aware that that application was submitted prior to this petition and that we have asked the Zoning

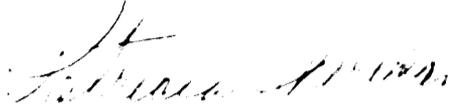
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Board of Appeals to defer any action on it pending a decision by the Board because of the conditions I put forward.

There being no one further wishing to be heard, on motion of Councilman Lettre and seconded by Councilman Maloney and unanimously approved, the Public Hearing was closed, time: 12:15 P.M. Zone change DENIED - Supervisor abstained.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk