

TOWN OF CLARKSTOWN

Town Hall

10/25/83

8:55 P.M.

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

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN -

Supervisor explained the first Public Hearing which was called to amend the R160 Zoning District and also the proposed amendments MF1, MF2, MF3 and R160 Zoning Districts.

On motion by Councilman Maloney and seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open at 8:59 P.M.

The Town Clerk, Patricia Sheridan, read notice calling Public Hearing. The Town Attorney testified as to proper posting and publication. The Town Attorney read the following letter from the Clarkstown Planning Board:

"October 20, 1983

Letterhead of the Clarkstown Planning Board

Regular Meeting of 10/5/83 Concerning:

Town Board Referral: Proposed Amendment to R-160 Regulations.

Planning Consultant explained that Mr. Granier had phoned to advise that he would be present sometime this evening: ask that PB consider his viewpoint, previously expressed: would also like another opportunity to discuss this further at the time of the clean-up sessions. Chairman advised that PB has always agreed to discuss this when the entire Ordinance was being revised.

Motion of Smith, second of Cunningham, carried 6:0 with Ayes of Nest, Centra, Nowicki and Paris, approving the following...
RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board supports the proposed amendment to the R-160 Regulations as this reaffirms the recommendations made at the time the regulations were adopted by the Town Board."

Robert Geneslaw spoke and explained that the Planning Board recommended in favor of the 50% which was their original recommendation.

Supervisor Dusanenko asked if anyone wanted to speak on either aspect - recuding 10% or reducing 50%.

Appearance: Martius Granier
President of the West Branch Conservation Association

Mr. Granier said he had endorsed the 10% in the first place. He said the reason you have been asked to take the restriction back to 50% is that some people believe that 10% is a confiscatory ratio. On the question of confiscation, he said that all zoning could be considered confiscatory. When you have unbuildable land; land under water; land with steep slopes; land with a lot of rocks sticking out of it and you get credit for it that's what they're talking about with the 50% question. The joke in Clarkstown was if you had a two acre lake in a one acre zone, you could build a house in the middle of it. That's what 50% meant. If you have environmentally sensitive land, a conservation density area and you give 50% credit for the land in it that's not buildable, you simply increase the pressure to build on the remainder which you've already accepted as sensitive land. Your building on a greater density on what is still vulnerable land. He said that if you take

Continued on Next Page

back the 10% tonight, you set the higher standard soon and do it everywhere. He urged that you stay with this until you come up with a better plan.

Appearance: Kevin O'Malley
Ramsey O'Malley & Gallucci

He said he was an attorney for Martin and Cheryl Horowitz of 462 South Mountain Road, New City. He said that his clients had 25 acres of land presently divided into 4 tax lots. Under the proposed rule, Mr. Horowitz would have the full right to develop the 4 lots. Under the 10% rule, he in effect would be losing approximately 50 or 60% of his land. That clearly is confiscatory. He asked the Town Board to pass the amendment and allow the 50% hardship rule.

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

No one appeared.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Proposed Amendment to the Zoning Ordinance of the Town of Clarkstown was closed, time: 9:10 P.M.

Councilman Carey moved to adopt the Proposal as amended.

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 27th day of September, 1983, provided for a public hearing on October 24, 1983, at 8:30 P.M. to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend R-160 Zoning District, Table 18 General Use Regulations, Column 8, Item 9, to read as follows:

9. For residences, no more than fifty percent (50%) of any land under ponds or marshes in a natural state, or shown as within the hundred year flood line on the Flood Insurance Rate Maps or with rock outcrops greater than fifty (50) square feet, or with slopes over thirty percent (30%) or within a designated street line of any road shall be counted as part of any minimum lot area requirement of this district. For nonresidential uses, the same provisions shall apply except that slopes over twenty (20%) shall be used.

Seconded by Councilman Lettre

Supervisor Dusanenko said that both sides made some good points and that we would exercise our best judgement as to which land and parcels in the Town of Clarkstown will be designated in any one of these four categories. The problem of drainage which we had to borrow millions of dollars for and some of the other major problems deserve additional pondering. On one hand we are asked to provide

relief to those properties that will be designated R160 and none are at this moment. On the other hand, we have these areas which are mainly in what was referred to as environmentally sensitive areas which usually have high steeps and high slopes or wetland. So that we do not wind up building a one acre house on a two acre lake, I think that it might be best to do some kind of compromise in the future and I would like to share that thought with you prior to a vote.

Councilman Holbrook said that we might consider the possibility if not 50% maybe 40 or 35%. He asked Mr. Geneslaw if that would be viable and the Planning Board could look at that. He said that in reality making the designation is because the land is environmentally sensitive.

Mr. Geneslaw said he thought it could require some additional evaluation and that the Town Board could ask the Planning Board to look into it.

Mr. Holbrook said that they could reserve decision on it tonight pending a recommendation from the Planning Board.

Councilman Lettre said he would withdraw his second so it could be sent back to the Planning Board.

Councilman Carey said he would withdraw his motion so that it could be sent back to the Planning Board.

Supervisor Dusanenko said that the motion would be withdrawn and sent back to the Planning Board for further study.

* * * * *

TOWN OF CLARKSTOWN

Town Hall

9:13 P.M.

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

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN. MF-1, MF-2 AND R-160 ZONING DISTRICTS

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk, Patricia Sheridan, read notice calling Public Hearing. The Town Attorney testified as to proper posting and publication and that there is in the Town Attorney's Office affidavits of posting of the Notice of Public Hearing as required by the Town Code as well as an Affidavit of Service by mail of the notices so published upon everyone who resides in or owns a parcel subject to a proposed change or within 500 feet of a parcel proposed to be changed.

The Town Clerk read the following letter from Leslie Bollman, P.E. Director:

"October 21, 1983

From: Leslie F. Bollman, P.E. Director E.C.
To: Town Board
Subject: SEQR and implementation of multi-family zoning and conservation density zoning as part of Master Plan implementation.

Continued on Next Page

Memo from Leslie F. Bollman - Continued

Acting on behalf of the Town Board concerning the SEQR requirements for the subject zone changes, I have reviewed the attached memorandum dated October 13, 1983 from Mr. Robert Geneslaw, Planning Consultant and concur that these zone changes will result in no major impact and therefore will not cause significant damage to the environment. This is done with the assumption that as these areas come in for development that site specific environmental review will be conducted.

/s/ Leslie F. Bollman
Leslie F. Bollman, P.E.
Director

dsg
Att.

CC: File for 1981 Master Plan update
Town Attorney
Robert Geneslaw
Planning Board
Town Clerk"

The Town Clerk stated that there are additional 265's filed this evening.

Mr. Geneslaw stated that zone changes within 500 feet of a variety of facilities such as county and state roads, county property, municipal boundaries must be referred to the County Planning Board for recommendation. The County Planning Board has 30 days in which to make their recommendation. The items on tonight's agenda were received by the County Planning Board on October 11th. It is scheduled for their meeting for November 9th. In the event that the County Planning Board recommends against any of these items, it would require a vote of a majority plus one of the Town Board, four out of five members, and the reason set forth in the resolution for overriding the County Planning Board's recommendation. So even if the Town Board were to vote unanimously on some items tonight they would not know in advance what reasons the county might have for recommending against. For that reason, we have recommended that the Town Board take a more affirmative action this evening on many of the items. The Supervisor indicated that the Town Board will reserve on some and may vote some down depending upon the outcome of the comments that are made tonight. As things stand no items will be voted on affirmatively this evening. They will be set for the first available Town Board Agenda after we hear from the County Planning Board. The Board meeting is scheduled for the 9th of November and we should hear from them within a couple of days after that. We do not anticipate very many if any negative recommendations but we have to wait for the calendar to run in any case. In 1965 a Master Plan for the Town was completed. In 1971, because of the tremendous growth, the Town decided to upgrade that plan. The Master Plan is a guide to the future development of the Town. It shows what the Town would like itself to be, mostly in physical terms, over a long period of time. It can show private development proposals and public development proposals. Some of the kinds of public development proposals it can show are future locations of parks and locations of new roads. Both of these were included in the early Master Plan that the Town prepared. It is important as the Town grows that the Plan be updated to reflect the changes in the Town. Some of the changes are decreases in family size, fewer family car trips, and commuting patterns are changing. These are some of the things that can affect the kind

Continued on Next Page

Geneslaw - Continued

of development that takes place in a municipality. Most of the parks proposals that were made earlier have been carried out by the time the last Plan was adopted. Park locations have changed somewhat but for the most part the facilities were in place and the Town owned some land not being used for active recreation that was potentially available for additional recreation development. Several major road proposals were on that earlier Plan and have been removed. One of them was the Phillips Hill Road extension. That road was taken off the map. The most important portion of it would have been from Main Street East to the Causeway. Because that was taken off the map, the Planning Board when it updated the Master Plan, looked at the possibility of lower densities in northern New City in part so that less traffic would be generated by whatever new development takes place. It is a very clear connection between the loss of the potential road and the reduction in future traffic generations for new development. Mr. Geneslaw said that his firm had done a traffic review on north Main Street in New City and the conclusion they came to is that the present zoning would allow more development than north Main Street can handle. The second road proposal that was removed from the map in 1981 was a new crossing in Lake DeForest. The earlier plan included a road extending from Old Mill Road in Valley Cottage across to McCarthy Way in New City. It was part of the Maple Avenue extension which would have gone from that area to Spring Valley. For various reasons portions of the right of way are no longer available. The Planning Board removed that from the Master Plan and also has considered lower densities in the areas that would be served because the road availability will not occur. The Route 45-59 by-pass is a third example of a road that was on the plan years ago and has been removed. The Town has been trying to get a local road that would meet some of that traffic need for the kind of development that we anticipate in the western portion of the Town. Since 1981 we have had Public Hearings around the Town - Valley Cottage, New City, Congers, Nanuet, Bardonia, West Nyack and Spring Valley Section, on zone changes that would help implement the plan. All of those zone changes involved zoning categories that already existed. They are distinguished from tonight's hearing because tonight's hearing has to do with zoning changes for new districts. The district regulations were adopted over the past several months. The districts themselves have not been mapped. The purpose of tonight's Public Hearing is to give people an opportunity to be heard with respect to mapping the new multi family districts and the proposed R-160 districts. The Planning Board felt that the present multi family districts the RG-1 and the RG-2 needed changing for several reasons. One was that some of the recent development proposals appeared to be using too much of the land and leaving not enough area open either for landscape or recreation. The second reason was that the RG-1 allows only unoccupied units while the RG-2 allows only unoccupied and rental units and there is a serious question at this time as to whether or not that could be upheld in court. Third reason is that there is only a 10% difference in the density between the two districts. The feeling was that there should be a much broader range in terms of the kind of density available to the Town Board and granting zone changes. Whether it is granted on the part of the developers application or on the Town's own initiative. Most of the multi family housing in other developments generally have densities much lower than the present RG-1 and RG-2 that we have in Clarkstown. We found in doing the study several years ago on the Master Plan that there are about 26,000 housing units in the Town. About 3500 are either condominium or rental. Since that time others have been built and others have been proposed for approval.

Continued on Next Page

So there clearly is a record that the Town has approved multi family housing in various locations over the past 10 or 15 years. One of the things that we are suggesting is that there be some new locations in multi family units. The proposition is to completely eliminate the present RG-1 and RG-2 zoning district from the ordinance and from the map. That will not happen tonight in any case. The intention is to replace them with the multi family 1,2 and 3 district. That means that the existing development has to be changed. The proposals that we have before us tonight will change the existing developments generally to MF-3 from RG-1 or 2 but in a few cases to MF-2. It also includes the position that any of the developments that exists and that conform to the RG-2 will be considered to conform to the new district in which they are placed so it does not create a non-conforming problem. There are also several locations that are not built that are presently zoned RG-1 or RG-2 which we are recommending for a change and a series of locations that are not presently zoned for multi family in any way but are zoned for either single family residential or shopping which are being recommended for a change to one of the multi family districts. If all of the changes that are before the Board tonight were where multi family are to be made, the Town could accomodate something on the order of 300 to 350 new multi family units in areas not presently zoned multi family. When we did the background studies for the Master Plan, in addition to looking at housing problems, we looked at the undeveloped lands and we found that the largest areas of undeveloped lands were in north New City and Valley Cottage. They tend to be steep, wooded, rocky, wet and they have bedrock in many cases. They have a whole series of characteristics that argue against intensive development. Some of those areas are presently zoned to R-80, single family homes on two acre lots. Some are zoned R-40. There are several that have other zoning designations. The bulk of them are in those two categories. From our studies, we found that the reason people came here is that they like the natural landscape. They found out about the flooding after they settled in. What we are trying to do is preserve in a reasonable way the open land that still remains. On the one hand, there must be land available for additional development whether it is residential, commercial or industrial. We must try to preserve as much of the difficult to develop land as we can. Several methods have been suggested for doing that. One way is to encourage farms to remain. Another way to preserve some of that open land would be for the Town or the County or the State or PIP to acquire some of it. Although that is legally possible what with the budgetary constraints that we are faced with today we think that is unlikely. There have been instances where people have donated land or they have given up their right to develop their land. They've given a negative easement to a public agency. Another technique is the transferring of one property to another of the ability to build. For example, the owner of the mineral rights is not necessarily the owner of the property. They have the limited use of their property. Transfer of development rights would involve transferring the ability to build to another parcel. The final method is zoning. What is before the Board tonight is the changing of portions of north New City and Valley Cottage from the present zoning to R160 which would be the new four acre designation. He said they had a difficult time establishing the boundaries for that area. There are a lot of small parcels and many of them would be made non-conforming and they are trying to avoid creating serious problems of nonconformity. It becomes very difficult to draw a line that represents existing lot lines that have no relationship to streams, wet lands, hills or any other natural feature that we're looking to preserve. What we try to do is work out some reasonable

Geneslaw - Continued

combination, and where there is one or two small parcels we tended to include them in the R-160. Where there are a series of eight or ten small parcels and more than that adjoining each other, we tried to exclude them and still maintain some kind of balance that made some kind of zoning and planning sense.

Mr. Geneslaw then proceeded to respond to the list of items that were called out that evening.

Item 1 - is in Congers. It's Doxbury Manor. The recommendation is to change it from the existing RG-2 to MF-3. The change is in name only. It would not allow any additional development on the property.

Item 4 - is in Congers. It's on the south and the east side of Swarthout Lake. It goes from the gas station completely around Old Lake Road. The wet area east of the gas station is now zoned for shopping. The recommendation is that be changed to multi family one. That's the lowest density from four to eight units to the acre. All of these that I'm going to be talking about is part of number four change to MF-1. Along the east side of the Lake there are a series of parcels mostly with homes on them that are presently zoned R-15. We're suggesting extending that multi family district up to include them. At the corner of 9W, the large parcel on the corner is zoned regional shopping. That would allow anything that is allowed on Route 59 in Nanuet. Basically, we think that's the wrong place for that kind of intensive commercial activity. The same holds true to the large triangular area across the street between Old Lake Road and Route 9W. We've left the motel alone and we've suggested that another area zoned regional shopping which is the bungalow colony up in the corner of Lakewood in 9W also be changed to multi family.

Item 5 - is in Valley Cottage. There are two items here. Mountainview Condominiums is recommended for a change from RG-2 to MF-3 so we can eliminate the RG-2 category but it has no practical effect on Mountainview. There is a parcel to the northeast of Mountainview that is not part of the Mountainview property as far as we can tell. It is zoned RG-2 and it is undeveloped and they are suggesting that be changed to R-160 to be consistent with what we are recommending to the north of that. It looks to us now that when the zone change was granted for Mountainview that the line may have been put in the wrong place. A piece of an adjoining property was included.

Item 9 - is Vista Gardens in Central Nyack. The recommendation is to change that existing development from R-22 and R-10 to multi family two. That's a case where approval was granted by the Board of Appeals with a variance when that was built. It was not a zone change from the Town Board. The suggestion here is that we recognize what it is and make the zoning conform to the multi family zoning.

Item 10 - is in Rockland Lake on the east side of Route 9W. It includes all of the privately owned land on the east side of 9W. Most of it is zoned local shopping. We don't think it's a good area for local shopping. The recommendation is that the portion of local shopping be changed to MF-1. The balance of several of the parcels to the easterly end where they meet the park is zoned R-80 now. We are suggesting it be zoned MF-1. So if an individual owns a piece of property, he will be completely in the MF-1. There are several parcels owned by the PIP that are zoned for shopping which we are suggesting be changed to R-80 so that they are consistent with everything else in the state park.

MPH - 10/24/83
Page 8

Geneslaw - Continued

Item 11 - is Normandy Village. This would change Normandy Village from RG-2 to MF-3. It is to allow the elimination of the RG-2 district and there is a provision in the regulations that say that if it conforms now to the RG-2 or the RG-1, it will conform under the new regulations even though it has a different designation.

Item 12 - is additional sections of Normandy Village which were approved more recently for exactly the same change.

Item 20 - is in Nanuet on the north side of Prospect Street between Fisher and the railroad. The area behind the electrical contractor and does not include the small building at the north end of the street on the right hand side. It's presently zoned L10 and we are suggesting there that it be changed to multi family 1. That would be multi family, four to eight units to the acre. It includes only the east side. It does not include the homes on the west side.

Item 26 - includes Singers Hotel, the property immediately to the south and several properties which are owned by New York State BOT to the east. All on the south side of Pipetown Hill Road. All of that area is now zoned RG-2, multi family. There are three multi family developments in that general area. Two of them are specifically what we are talking about. What we are suggesting is that the entire area be changed from the RG-2 to the MF-2. The practical impact is that some of those properties in the development will be less than what could take place under the zoning they have right now. On RG-2 they can build roughly from fourteen to twenty-one units to the acre depending upon whether they are efficiencies or one or two bedrooms. Under the MF-2, they would be able to build approximately nine to thirteen to the acre. We can see there is a considerable reduction in density in that area. Since most of this is controlled by New York State DOT, it will not be available for development until DOT sells it and we anticipate that within the next couple of years DOT will be disposing of that land which is no longer needed for the Route 59, Route 45 By-passes. We expect some of it will be coming on the market within the next few years.

Item 28 - which is Western Acres from Pascack Road. A change simply of name in terms of the zoning - not a change in what's permitted. The change to an existing development which is a change from RG-2 to MF-3. The one area that the Planning Board did not make a recommendation as yet, which is now RG-2 and which is not subject to tonight's Public Hearing, is Kingsgate. The reason for that is when the Planning Board was making it's recommendation, that matter was in litigation. Even if we didn't have a County Planning Board decision date to contend with, the Town could not eliminate the RG-1 and RG-2 from the map this evening.

Item 31 - is Monterey Senior Citizens in Bardonia. A change from R-15 with a special permit which is one way the Town approves Senior Citizens' developments to multi family.

Item 32 - is the property immediately to the south of Monterey. It's a former bungalow colony - almost 4½ acres. It is presently zoned R-22 which is single family homes on ½ acre lots. The recommendation there is a change from multi family 1 (multi family at a density of four to eight units to the acre.) The feeling was that it was appropriate because it was adjacent to an existing multi family development.

Continued on Next Page

Geneslaw - Continued

Item 37 - is New City Condominiums. The change again is being recommended for the same reason as the other existing developments.

Item 46 - is the area immediately north of Omni Court extending up to Concord Drive. That entire area is now zoned professional office. The rear portion of lot 12 is R-15 but the bulk of the frontage on Main Street is professional office. I mentioned before that several years ago we prepared a traffic analysis at Main Street in north New City and it was the kind of traffic that can be generated from the professional office zoning that would further burden north Main Street. For that reason as well as others, the recommendation was to change the frontage from professional office to MF-1 - four to eight units to the acre. That is a lower density than what Omni Court was built at. The rear portion of lot 12 is recommended for the change primarily because it was part of the same tax lot. The Board can change part of that tax lot or all of that tax lot or none of that tax lot. We felt it would be easier to develop the front portion and still be possible to provide protection for the people who live to the west and the north of the multi family than the R-15.

Mr. Geneslaw then commented on the R160 areas. He said they tried to establish a pattern that would include as much of the areas that they felt were important from an environmental, esthetic, difficult to build perspective. AA shows the area west of Little Tor from the Haverstraw line south as far as we thought we could go. It includes Davenport Preserve, which is already owned by the Town. It includes part of County Park and it includes some parcels for which negative easements have been granted to the Town or for which the ownership has been granted to the Town and life estates have been retained by the owners. It also includes some properties not in any of those categories which we felt were appropriate to try to make a reasonable boundary to the area. In AA almost all of the property fronting on South Mountain Road except for a few near Little Tor, are included.

On BB most of the South Mountain Road properties are not included. They are not included in some cases because they are flatter or because we felt we would be creating a great many non-conforming lots without achieving a great deal since the houses were already there. We are trying to use a combination of lot lines, steep slopes and in wetland locations to try to establish the line. We did include the golf course, in Kennedy Park, in Street School and the properties in that immediate area. The golf course is presently zoned laboratory/office. Apart from the lease requirements, between the owner and the golf course, if those were not present, the owner could apply for development for the entire golf course property as a laboratory/office location. I mentioned before that at one time there was a Phillips Hill Road extension on the map. It would have served that area. It would have allowed a lot of the traffic that could have come from a development of that kind to get out to Route 304 and over to Congers to 303 and 9W. That option no longer exists and the level of development that could occur in a property like the golf course would totally overwhelm New City. The recommendation here since it is a working golf course is we would like to see it remain open and see it remain in the golf course use and to eliminate the LO zoning and put it in the R-160. It's a little different than the others in that it is not completely natural. It's landscaped but it is man made for the most part. We think it should be preserved as an open property for the kind of uses that are there at the present time.

Continued on Next Page

Geneslaw - Continued

CC takes us the rest of the way east on South Mountain Road. Again we exclude most of the parcels along South Mountain itself because they are small. We tried to include as much of the balance as we could. A lot of that area is owned by Spring Valley Water Company and by the Town. The Town got most of what it has as part of the development of Torne Brook. We did not include the Winery because we consider the Winery a working farm. When we made recommendations for zone changes in the balance of the Town, we excluded the working farms in each case. We mentioned before we are trying to preserve in some way those farms. We felt that it was not fair to the owners to subject them to two sets of zone changes. One set, as we worked our way around the hamlet and another set if and when we found a way to preserve the farm. Smith, Davies and Cropsey is not included. If we find we cannot preserve the working farms, we will have to take another look at the zoning patterns that the Town Board has established for the balance of the area and see what we can do.

The Town Attorney explained that a 265 can be filed any time before the Town Board takes action.

Mr. Geneslaw explained that the DD is the R-160 changes in Valley Cottage. Most of them have poor access. Christian Herald Road and Mountain View Avenue are not good roads to access to those parcels. Some of them derive access from rights of way. These like the ones in north New City are visible from many parts of the Town. The effort here is to try to keep them as open as possible still recognizing that the property owners have rights. The Town cannot take the property for park purposes without payment and that any zone change that is made has to be reasonable. It will be up to the Town Board to decide at some point in the future what changes they want to make.

Mr. Geneslaw explained that 6A is the Burgandy Gardens in Valley Cottage. It will be changed from RG-2 to MF-3. It also includes the parcel immediately adjacent to it which has received approval and is under construction.

Mr. Geneslaw then turned the meeting over to the Supervisor for questions and comments from the floor.

Appearance: George Dougherty
125 North Route 303
Blauvelt, New York

Mr. Dougherty spoke on item #4. He said he owns property on a private lake. The report goes out of its way to rezone and reclassify zoning that has been there for twenty-five or thirty years. He said you cannot deprive a property owner under the laws of the constitution and New York State to use the lake as a private lake. He said he came before the Board a year ago and voiced his objections. He said he owns the property to the center of the lake. He said he was a trial lawyer and the only way the Town could take it away was by condemnation and pay the owners for the property. He said Swart-out Lake was a fresh water lake and used for our drinking water and he did not want the lake polluted.

Appearance: Kenneth Torso
21 Madison Hill Road, Suffern, New York

Mr. Torso spoke on items #11 and 12. He said he would like to leave the zoning RG-2 so that he is not in nonconforming use.

Continued on Next Page

Kenneth Torso - Continued

He said he was involved in the Planning Board stages of many meetings and also the Town Board. He said he noticed that there is a change on the map and that is they went from 50 garages to 25 of garages. He said he would like to see when the first MF-3 comes in how it's going to be built under the zoning with the side depth requirements. You have all the requirements in the three different zones in MF-1, 2 and 3 which is exactly the same. It's like saying R-15, R-22 and R-40 are the same and they are not. He said he thought it a very unworkable plan. He said he hoped they could leave it RG-2. Especially Kingsgate, are you going to leave it or are you going to zone it? Also if you are going to leave one project in Town then you might as well leave the rest of them.

Mr. Geneslaw responded to Mr. Torso's remarks. He said that most of the remarks that Mr. Torso made refer to district regulations which are not a subject of the hearing. Secondly, Mr. Torso had made a misstatement and that was that the Builders' Association had absolutely no affect on the changes that were made. If Mr. Torso would look at the first draft, that was discussed with the builders and was approved, he would see that a great many of the comments were taken into account. They may not have all been Mr. Torso's comments but they were comments that we got from builders during the meetings and from followup correspondence.

Appearance: John Mangan
25 North Conger Avenue, Congers, New York

Mr. Mangum commented on Item #4. He said that what the Planning Board has recommended is that on an R-15 you're taking three family houses that could have been constructed on that parcel and we're putting up to eight units or in a sense eight families in that same one acre parcel. We're increasing the density of the parcel. These particular properties as Mr. Dougherty indicated, are in conformance with the character of Congers and in character of that area of Swartout Lake would be more in line with the remaining R-15. In addition it would be recommended that the CS area go to the R-15 too which is basically maintaining a family community around that area. He raised the question that if MF-1 were implemented what ecological effect might take place on Swartout Lake.

Appearance: Doug Eichele
43 North Conger Avenue, Congers, New York

Mr. Eichele spoke on Item #4. He said he did not believe that area was good for large density housing because the access onto Lake Road would be difficult because of the large curve at that point in the road. He said he thought that area should stay R-15 to keep it in character with the rest of the area in Congers and also keep the character of the Lake property.

Appearance: Justine Picarelli
37 Lakeland Avenue, Congers, New York

Ms. Picarelli spoke on Item #4 and said she also agreed that the current R-15 should not change to the MF-1 nor should the CS change to the MF-1. She said it should stay R-15. As to the RS going to MF-1, she did not object to that but felt that the whole area should stay residential.

Appearance: Loretta Montalto
44 Lakeland Avenue, Congers, New York

Ms. Montalto said she agreed with the previous speakers.

MPH - 10/25/83
Page 12

Appearance: Fran Caponigro
40 Lakeland Avenue
Congers, New York

Ms. Caponigro commented about Mr. Dougherty who claimed ownership to Lake Swartout which we use for drinking water. She asked why he didn't clean up the lake and said she wouldn't fish in that lake. She said she has lived in that area for 17 years and has never seen an attempt to clean the lake. She agreed with Mr. Dougherty that the piece of property he referred to should remain R-15. She said that 9W could tolerate MF.

Appearance: Lauren Johnston
124 Lakewood Road
Congers

She said she didn't think the area could tolerate a large number of people. The traffic is heavy. The cars go fast and there is a school in that area. She agreed with the previous speakers particularly Mr. Dougherty. She said that she and some of her neighbors did not receive a notice on the hearing.

The Town Attorney said that thousands of notices were sent out and it was possible that they were not on the rolls.

Appearance: Louis Zamparo
784 Brookridge Court
Valley Cottage

Mr. Zamparo spoke on Item 6A. He asked if RG-2 to MF-3 is an increase in density. He said he felt that they are using the land that was left vacant at the time when the zoning was in effect. Now they are trying to increase the density and taking the land that was left vacant and putting in more units.

Mr. Geneslaw said that was not the intention and they would go back and look at the record on that.

The Supervisor said that he was recommending that the meeting not be closed tonight but only recessed and reconvened on Nov. 27th, at 8:00 P.M. when the next testimony will be taken.

Appearance: Frank Fassler
Laurel Road
Central Nyack

Mr. Fassler spoke on Item #9 pertaining to Vista Gardens better known as the Developer. He said the current zoning is non-conforming and it was never zoned for apartments. There are 74 units there now. There is close to six acres and does that mean that there will be another 22 units put on the property. Item 9 says west of Crestview Drive - there are no houses or apartments now east of Crestview Drive and Item 9 also says west of Buttermilk Falls though it shows on the map as the road that was abandoned which he said he has been fighting with the Town Board for the last 12 years. He said nothing there makes sense. He suggested leaving it nonconforming or the way it is now.

Appearance: Ellen Ferretti
7 South Middletown Road, Nanuet, New York

Ms. Ferretti spoke on Item #11 and said that the changing of RG-2 to the MF-3 would increase the density and traffic on south Middletown Road. She said we should not have any more shopping centers there and would go along with a lower density zoning.

Appearance: J. Martin Cornell
14 South Main Street, New City, New York

Mr. Cornell spoke on Item #17 which is RG-2 to MF-3. He said this property is presently under development and consists of 88 units. Building permits have been issued for approximately 44 units and development is actually under way. Under those circumstances, it should not be changed to alter the permissible use which is presently under way. A protest has been filed regarding this site.

Mr. Geneslaw answered Mr. Lettre's question on how this affected the density. He said the change could decrease the density but one of the items that we have included in the multi family district regulations includes the provision that any development that is built to the RG-2 standard and confirms would conform under the new multi family standard. What Mr. Cornell is concerned about is a development that is under construction that is somewhere between plan approval and occupancy. We have suggested to the Town Board and the Planning Board that any development that has received preliminary site plan approval under the RG-1 or the RG-2 be permitted to continue under those regulations and not have the regulations changed with respect to density or yards. It seems to be the most equitable way to handle it. If the Town Board agrees, the concerns Mr. Cornell has expressed will be taken care of.

Mr. Cornell said that as long as the existing project would not be altered we would have no problem.

Appearance: Alan Eisenkraft
142 Prospect St.
Nanuet

He spoke on item #19. He said he was a past president of the Men's Club of the Nanuet Hebrew Center and a member of the Board of the Nanuet Hebrew Center. He said he was in favor of the zoning change from CS and RS to MF-3. The property was zoned for a shopping center previously. The property is right opposite the Nanuet Mall and I think everyone knows the tremendous traffic problem we have there. We have 100 children who attend our Hebrew School. The Hebrew School and Synagogue are open six days a week. He said they have a shortage of parking and if you put a shopping center next to us, there will be a further shortage of parking. Right behind this property, bisecting it is the Narashaun Creek. If you put shopping there and put paving there for commercial parking, the Narashaun Creek will probably have further overflowing and flooding and that could affect our property and our building. On the other hand if you put housing there I presume there will be more grass and more greenery and that would help prevent future flooding. We have a lot of members that live in Normandy Village and they walk by the former Stark property on the way to the Nanuet Hebrew Center. Many of them are senior citizens and if they have to pass Commercial Shopping they would be in danger of traffic accidents. For all these reasons they are against a shopping center being constructed near them and would be in favor of the Planning Board's proposal for multi family housing.

Appearance: J. Martin Cornell
14 South Main Street, New City, New York

He spoke on Item #19. He said he represents the owners of the property just spoken about and I think it's important to look at the zoning map and see what's happening here. This piece of property has been commercial for a long period of time. All of the property along this side of Middletown Road (the east side of north Middletown Road from Route 59 right down to Normandy Village is

Martin Cornell - Continued

presently zoned commercial. It's either CS or RS. The property that is accross the street is zoned RS commercial. If you change the zone on this piece of property from commercial to residential then you are spot zoning, You are sticking a piece of residential property in a commercial area. The Narashaun Brook is a natural division line between the residential property and the commercial property. Item #17 is actually being developed in multi family use on the other side of the Narashaun Brook fronting on College Avenue. It would not be good planning and inappropriate to plug in a multi family zone in the middle of a very highly commercial area and it would be confiscatory as far as the value of the property to the present owners I represent. I have filed a protest with regard to this parcel. If you look at the map, you will see you are creating a finger of multi family residential zones which is intruding into a commercial area and this is not the type of planning which I think is appropriate.

Appearance: Al Weisman (Owner of Property)

He spoke on Item 19 and said he had a study done and the recommendation was that it should be commercial. He didn't think it would be advisable to have residential development exiting onto Middletown Road.

Appearance: Rita Fogelman (Attorney for Nanuet
Hebrew Community Center)
34 South Middletown Road, Nanuet, New York

Ms. Fogelman said the membership of the Nanuet Community Center is 1,000 and they do not want commercial zoning but do want residential RF-3. Residential zoning would be far more in the interest of the children of the Hebrew Center and the residents. With regard to the question of whether a finger of residential development could exist on that area, she said there are only a few commercial enterprises and then the entire sweep of Normandy Village on the east side of south Middletown Road. So there is no problem in getting people to buy housing in that particular area.

Appearance: Richard Shand
39 West Prospect Avenue, Nanuet, New York

Mr. Shand spoke on Item #20. He said there was only one change being made in the area from LI0 to MF and he was opposed to it and he wanted it kept LI0.

Appearance: Michael Reeder, Attorney
2 Congers Road, New City, New York

Mr. Reeder spoke on Item #20. He said he represented the owners of this parcel that is proposed to be changed from LI0 to MF-1. The present parcel is surrounded on three sides by LI0 - on the west, east and south and on the north by the Nanuet Mall. This parcel is presently in use under the LI0. It also is bounded on the east and north boundary by a railroad. It is bounded on the east by a post office. On the south by a similar use in the LI0 zone. The only area that is slightly different is on the west where it is residential. The present use of this property is for a warehouse and a showroom for electrical supplies and equipment. It seems kind of strange that the proposal is to take the center of a commercially used area and put in multi family residential. It is our recommendation to exclude this change from the zoning proposal and leave it LI0. If you were to change this you would create some nonconforming problems. You in effect would be telling my clients that they would have to go out of business. You have an amortization rule in your zoning ordinance that would require them in a fixed period of time to end the non-conforming use. You do not have the right to do that to people that have been using this property for a considerable length of time. Mr. Reeder said that in the zoning ordinance under 106-28F3 you will find there is a phase out of nonconforming use in a commercial zone.

Continued on Next Page

Appearance: Steven Boross
13 Fisher Avenue
Nanuet

Mr. Boross spoke on Item #20 and he lives across the street from Item #20. He said he would welcome a change of that property to MF-1. If he could be sure that the present owner would retain ownership, I would not recommend changing to MF-1. If that property changes hands, they might wind up with the kind of abomination that they wound up next door to his house. Some years ago it was proposed that the entire area be made LIO and someone decided to make the other half of Fisher Avenue (100 feet of it) also LIO - five residences. They even went so far as to have a line go through the second house on Prospect. Half of it is LIO and half of it is commercial. He said he felt that his neighborhood had already been hit hard and that MF-1 would be a good thing for their neighborhood.

Appearance: Bill Hatch
17 Judith Street
Nanuet

Mr. Hatch spoke on Item #22 and said he represented 45 home owners on Charles Street, Judith Street and Frederiks Street. He said this parcel of property has been the subject of many hearings many times. He said the residents are very happy with what Mr. D'Angelo is going to put there and they request that it remain P0.

Appearance: Vincent D'Angelo
49 Old Turnpike Road, Nanuet, New York

Mr. D'Angelo said he was owner of the property and they were going to put in town houses and office units and that he had conferred with the residences in the area and they were in favor with what he was doing and they were appearing before the Planning Board in a few days.

Appearance: Alan Danker
151 South Main Street, New City, New York

Mr. Danker spoke on Item #22 and said he was Mr. D'Angelo's architect. He said the community is behind the proposed use of the two story residential scaled project with a hundred foot landscaped buffer zone retaining existing trees between the street and the parking area and they are in favor of retaining the P0.

Appearance: Katie Mann
149 Pipetown Road, Clarkstown

Ms. Mann spoke on Item #26 and said she purchased a house on Piketown Road, block C11. She said she is the only residential house on that entire street. Everything that is being zoned is multi family. She would like to see it single family. She said there is a terrible traffic problem there now.

Appearance: John Fioravanti
2 Rusten Lane, Spring Valley, New York

He spoke on Item #28 and they are rezoning it from RG-2 to MF-3. When he called the Planning Board they told him that RG-2 stands for 8-12 units per acre. According to the MF zone, it's 14-18 per acre.

Mr. Geneslaw said RG-2 allows in the ordinance from 14-21 per acre. MF-3 in the ordinance allows 12-18. In the case of Rustin Acres, when the original zone change was granted a condition was imposed by the Town Board limiting it to about 25 units. In

Geneslaw - Continued

order to solve the drainage problem on the easterly side of the property. Prior to that it was a single family designation. There was a condition connected with the zone change that limited it to the 25 units.

Mr. Fiorabanti suggested that it not be increased and if it is changed, change it to MF-2. The houses are standing on about 2½ acres. The rest is all vacant area. He said he would like to keep it the way it is right now.

Appearance: Mrs. Haehney

Mrs. Haehney spoke on Item #38. She said that on the northeast corner of Second and 304 is a 30ft. right of way. On the left of that right of way is our property. She said she has no complaints about the apartments. She said the only thing she ever worried about was the garage on Second Street. She said she was in favor of the zoning and she would like her property included in the MF-3.

Appearance: Martin Cornell

Mr. Cornell spoke on Item #40 and said this piece of property is presently under construction. The building permits have been issued and the foundations are in the ground. A variance was granted by the ZBA in April allowing 30 residential units. The site plan was approved by the ZBA. If this change goes through, you will be affecting the vested right of the owner to continue construction under the existing variance which is now authorizing him to construct the property. I would submit that some effort has to be made to ameliorate the impact of this proposed zone change on the vested right of the owner. I would request that the zone change not be implemented. A protest has been filed on this parcel.

Mr. Geneslaw said the Board of Appeals granted a use variance and the intention recommending the change is to have the zoning be consistent with the kind of development that will take place on the property. Mr. Cornell is concerned that it would become nonconforming even before it is completed. I think we will have to make some kind of provision to cover that situation.

Mr. Cornell said that his only concern is that when you have a project under construction that there has to be some escape valve in the ordinance in some way that you do not interfere with the project that is under way.

Appearance: Edward Benson
140 Park Avenue, New City, New York

Mr. Benson spoke on Item 41 and 42 on the Notice. He said the suggested change puzzles him because that entire area is developed except for one lot. The change that is recommended is from CS to MF-2. The one lot that is undeveloped the owner had made application to the ZBA sometime ago in 1981 seeking to gain a variance to permit the construction of apartments approximately 15 only two more than presently requested and the Zoning Board in denying that application recognized that it was not in the interest of the community. At that time there was a petition from the residents on Park Avenue objecting to the grant of that variance. We would expect that the Planning Board and its consultants would be familiar with code specifications along a state highway. One of the requirements where you have a state highway is that you must have a 100 foot setback. None of these lots are greater than 150 feet. If this proposal were adopted, no construction even on this

Edward Benson - Continued

one lot could take place without going before the ZBA to gain a variance. He said this represents planning at its worst. It's certainly spot zoning and in addition it creates nonconforming use in the sense that the office building that I constructed under the present zoning and the investment of Mrs. Lech who owns the property next to mine would become nonconforming use under the proposal. He asked why the proposal that involves multi family construction always seems to locate it in a congested area and in the least desirable part of the Town. He felt that multi family housing should be in an area that permits landscaping and open spaces.

Mr. Carey asked if there were springs that run under that property and the adjacent property. Mr. Carey asked if that property were to be developed would this preclude litigation.

Mr. Benson said that it was a finding made by the Board when it made its decision.

Mr. Geneslaw said he would like to respond to one item of Mr. Benson's remarks with respect to the location of multi family construction. He said that is a theory that has been applied in this Town for many years and it is a fairly conventional standard planning principal that higher density development whether it is residential or nonresidential be located where services already exist and can be provided. In most of the places where we have tried to provide higher density, we have done it where the road system exists and the utilities exist and where it is generally close to shopping. We cannot do that in an ideal sense because of the limited amount of land available. Those kinds of principals have been addressed by the Planning Board as much as possible.

Appearance:

Joe Hirshfield, President
of the Little Tor Home Owners Association
96 Susan Drive, New City, New York

Mr. Hirshfield spoke on Item #46. He said he was also speaking as president of the Clarkstown North Coordinating Committee. He said they endorse in concept the theory in MF-1, 2, and 3 and they believe that when coupled with the R-160 zoning it will provide a balance growth for the Town of Clarkstown. He said on Item #46 Mr. Geneslaw said that the change of the back portion which is zoned R-15 to MS-1 was because it is on the same tax designation as the forward portion and his own personal feeling is that it is not a sufficient reason. I think that a tax designation is an arbitrary designation. On the map, the back portion which is zoned R-15 is surrounded by R-15 and therefore I feel that even though it is on the same tax designation it should properly remain R-15.

Appearance

Walter Siemans
24 Haller Crescent, Spring Valley, New York

Mr. Siemans said he was there to discuss Items 45 and 46 as they pertain to Omni Court Town House development that's presently under construction. As Mr. Cornell had pointed out to you, these changes represent a confusion as to the status as to what we are doing. He said he already has 17 houses completed and another 10 under construction. What you are suggesting is putting us into a zone that would create a nonconforming use. It doesn't make any sense to subjecting people that are just moving in to a nonconforming use. He suggested that the RG-1 and RG-2 zones be left in tact. He said they have 45 condominium owners living in units that don't conform to zoning. The Planning Board is suggesting that we be put into an MF-1 zone which calls for 4 to 8 units to the acre. My town house project is being built at 9 units to the acre. It appears to me that the Planning Board put the existing apartment houses into the zone that most closely fitted their density and it seems that mine was the only one that was not so designated and if you insist on doing away with the RG-1 and 2 then at least my property should be put into the MF-2 zone so that we more closely conform. He then addressed himself to Item 46, lot #8 and said he has under construction a 3,000 foot office building. It is being sug-

Walter Siemans - Continued

gested that that PO zone also be changed to MF-1. We're taking a brand new building in a PO zone and putting it into a nonconforming use. In a general sense this MF-1,2 and 3 the densities and constrictions that this Planning Board have put on have totally done away with the possibility of having any rental apartments being built in this Town. He said not to give up getting rental apartments in the Town.

Appearance: Louise Mehl
181 North Main Street, New City, New York

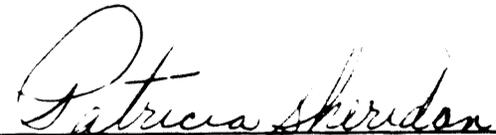
Ms. Mell spoke on Item #46. Her parcel is #11 and if this change goes through, her parcel will be unsalable. It will create economic hardship. She said she is next to Omni Court and she felt that Omni to Calvery should be consistent.

Appearance: Rubin Steingass

Mr. Steingass spoke on Item #10. He said that entire area which consists of 20 acres and about 20 different property owners is bordered by Route 9-W and the Palisade Interstate Parkway. For years it had been commercially zoned, commonly known and used as a summer bungalow. Through the years it became transient rental properties. In 1967 the Zoning Board changed that property and made it all nonconforming. By changing it to local shopping which did not permit residential use so that all of the transient builders and occupancy that existed since 1967 were nonconforming. The densities during those years were in the area best described by our existing RG-2 anywhere from 15-21 units per acre. In 1974 or 75 we personally paid for an individual feasibility study by a Planning Consultant firm in Rye, New York who came up with the recommendation to the Town Board, to Mr. Geneslaw and to all the interested parties that the best use of that property would be parkland. That is, if the Palisade Interstate Park purchased it, the feasibility study says that would be the best use. The Palisade Park made their indication that they were interested in purchasing it and then stopped. From the time that they stopped until today that entire area has been denied municipal services in order to rebuild the property so that it exists right now without sewers and yet it was part of the Master Benefited Sewer District #2 in 1976. The money has been acquired for sewers and no sewers exist and therefore the expression what is going to come first the cart or the horse in order to rebuild it. With the recommendation to change this property totally into multi family 1 is an out and out confiscatory designation for that property. In light of the fact that it was a nonconforming use since 1967 with a density of between 15-20 units per acre. The closest multi family designation that is being recommended would be the MF-3.

Supervisor Dusanenko said that the Public Hearing will not be adjourned but will be recessed until 8:00 P.M., November 21st, time: 12:05 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/25/83

8:02 P.M.

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

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

Supervisor Dusanenko read the following proclamation:

"BRIAN HANLEY DAY"

October 25, 1983

International Special Olympics - July, 1983

WHEREAS, BRIAN HANLEY, resident of the Samuel Fisher Hostel, in New City, Town of Clarkstown, and member of the SPECIAL OLYMPICS TEAM, has distinguished himself during his competition in the International Special Olympics held in July, 1983 at Baton Rouge, Louisiana; and

WHEREAS, through this thrilling event, in which 4,300 athletes from fifty countries from all over the world participated, BRIAN brought honor to his family, friends, his country and his community by winning two gold medals for the 25 meter dash and 4-man relay team and, further, claimed a silver medal for the 30-meter slalom; and

WHEREAS, BRIAN's achievement was the culmination of many years of dedicated hard work and courage, having to overcome obstacles more difficult than most of us encounter; yet his determination and spirit did not waiver, thereby bringing him to this tremendous success; and

WHEREAS, in a segment of this Special Olympics which was shown on ABC-TV's Wide World of Sports, former football star Frank Gifford called the event the "highlight of my life;" and

WHEREAS, BRIAN has obtained a special new racing chair and is eagerly looking forward to entering the New York State Olympics next year and winning more events in the future;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all the residents of Clarkstown, hereby applaud BRIAN HANLEY for his tremendous accomplishments and urge all our citizens to join with me in salute to BRIAN and the young men and women who participated in this Special Olympics, and do hereby proclaim this 25th day of October, 1983 as "BRIAN HANLEY DAY" in the Town of Clarkstown.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 25th DAY OF OCTOBER, 1983.

(S E A L)

/s/ Theodore R. Dusanenko

THEODORE R. DUSANENKO, Supervisor
Town of Clarkstown

* * * * *

Supervisor Dusanenko stated that a Certificate of Award was also being presented to Mary Gillispie of the Samuel Fisher Hostel. Mary won three gold medals at the New York State Special Olympics on June 17, 1983.

Mr. Hanley then thanked everyone for attending this tribute. He said it had been a lot of fun and he hoped to do it again some day.

Supervisor Dusanenko then presented the following proclamation:

"SPINAL CORD SOCIETY WEEK - OCTOBER 23 - 29, 1983"

WHEREAS, the average age of the victims of spinal cord injuries is nineteen and, therefore, most of their lifetime is ahead of them and is filled with all the long-term medical problems and suffering associated with paralysis, such as: diminished heart and lung capacity, kidney failure, recurring bladder infections, osteoporosis, skin ulcerations, muscle atrophy, incontinence; and

WHEREAS, the Spinal Cord Society, a national, non-profit organization which seeks cure, not care, for the six hundred thousand spinal cord injured individuals in this country, has been funding research in computer-assisted walking and active physical therapy that can reverse many of the debilitating effects of a spinal cord injury; and

WHEREAS, this research has resulted in the finding of several methods of treatment which can minimize permanent spinal cord damage when applied acutely; and

WHEREAS, the Spinal Cord Society publishes a national monthly newsletter containing valuable medical information pertaining to all paralyzed individuals, not only spinal cord injured individuals, and

WHEREAS, the Town of Clarkstown recognizes the need to make the public aware of the preponderance of injuries during this time period in the hope that such injuries might be avoided by taking more care in athletic participation, especially diving and surfing, as well as the handling of an automobile;

NOW, THEREFORE, BE IT RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, hereby declare the week of October 23-29, 1983 as "SPINAL CORD SOCIETY WEEK" in the Town of Clarkstown.

IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND
CAUSED THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED
THIS 25th DAY OF OCTOBER,
1983.

/s/ Theodore R. Dusanenko

(S E A L)

THEODORE R. DUSANENKO, Supv
Town of Clarkstown

* * * * *

Supervisor Dusanenko then read the following proclamation and mentioned that today was Student Government Day in the Town of Clarkstown.

"STUDENT GOVERNMENT DAY"

Tuesday, October 25, 1983

WHEREAS, Clarkstown Supervisor, Theodore R. Dusanenko, has designated October 25, 1983 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown; and

WHEREAS, "STUDENT GOVERNMENT DAY" is sponsored by Supervisor Theodore R. Dusanenko and the Clarkstown Youth Commission in an effort to help youth experience government in action; and

WHEREAS, on this day, civic minded students from Albertus Magnus High School, Clarkstown Senior High School North, Clarkstown Senior High School South, Nanuet High School and Nyack High School have worked directly with department heads and Councilmen and have participated in a simulated Town Board meeting, solving problems and making decisions in order to better understand the running of government on a local level; and

WHEREAS, these young men and women are to be commended for their interest in civic service and for developing their knowledge of government with the goal of preparing themselves to become better citizens and leaders of tomorrow;

NOW, THEREFORE, be it

RESOLVED, that I, THEODORE R. DUSANENKO, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim October 25, 1983 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown and urge all our residents to join with me in recognizing the good citizenship of these young men and women in their active participation in government affairs.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 25th DAY OF OCTOBER, 1983.

(S E A L)

/s/ Theodore R. Dusanenko

THEODORE R. DUSANENKO, Supervisor
Town of Clarkstown

* * * * *

Supervisor Dusanenko then gave public recognition and thanks to Mr. Thomas Manning who is the new Chairman of the Clarkstown Youth Commission for all his efforts toward making today a success.

* * * * *

Appearance: Ms. Janet Wallach
New York State Power Authority

Ms. Wallach presented a check to the Town of Clarkstown in the amount of \$500.00 in appreciation for the use of the Town Hall facilities last August. The Interim Emergency Response Plan was tried out and Town Hall was used as a news center. It took a tremendous amount of time to organize and she thanked the Supervisor's Office, the Town Clerk's Office, the Maintenance Department and the Planning Office for changing their meeting date to accommodate the Power Authority. She said the Town's cooperation was deeply appreciated and they looked forward to working in harmony with the Town in the future.

* * * * *

Supervisor Dusanenko declared a moment of silence in honor of the members of the United States Marine Corps who gave up their lives in defense of others.

* * * * *

Supervisor Dusanenko declared the public portion of the meeting open.

Appearance: Dr. David Kraushaar
6 Woodthrush Drive
West Nyack, New York 10994

Dr. Kraushaar spoke regarding the Town Board's decision not to defend the Zoning Board of Appeals (Leonard v. ZBA). He was in opposition to this decision and he gave some background on this issue. He stated that while he was not one of the four members who voted in favor of granting the variance, he still believed that they were entitled to legal defense. Dr. Kraushaar read the following from a letter sent to the Town Board from the ZBA:

"The Clarkstown Board of Appeals respectfully requests that the Town Board reconsider their absence of a resolution to defend Leonard vs. the Board of Appeals.

We believe that you are setting a very dangerous precedent in that you may be influencing decisions of which should be an independent quasi-judicial body. We must feel that our deliberations and considerations are free of outside influence.

Your decision not to defend would undermine our independence of action.

Respectfully submitted,
CLARKSTOWN BOARD OF APPEALS"

Dr. Kraushaar said that that was a resolution which he proposed and which was seconded by Mr. Graybow and passed by the Board of Appeals at its last meeting. He requested the Town Board to reconsider this motion and that since there is a question regarding the legality of the Town Board's action that the Town Attorney be charged with the obtaining of an official opinion of the State Attorney General's office.

Councilman Lettre said that the reason for not defending in this particular case was because of a very unique situation. The Town Board is working very diligently for a master plan for the Town. The parcel that was changed by the ZBA was changed in contradiction to the feelings of this Town Board. The vote of the ZBA was four to three. We are not looking to set a precedent and I don't think we are saying that we will not stand behind our boards and agencies but there does come a time when the Town Board must stand up and say that a board or an agency is doing something contrary to the beliefs of the elected Town Board. That is what he stated he was doing and what he is asking the Board to do.

Dr. Kraushaar reiterated that he felt a dangerous precedent was being set.

Councilman Carey said that the Town Attorney would be asked to contact the State Attorney General's office for a ruling on this and that decision would be made known to all concerned.

* * * * *

TBM - 10/25/83
Page 5

Appearance: Mr. Fred Christie
Townline Road
West Nyack, New York 10994

He wanted to know if there had been any response from the Traffic Advisory Board and the Supervisor said that Item No. 25 on tonight's agenda will deal with this problem and he further explained that the Traffic Advisory Board has the responsibility for determining if a signal should be installed. Whatever they decide, whatever the cost if they determine it is for the best of all the residents he would abide by that decision. However, if they do not recommend a particular device he would not go against their decision because it results in litigation which is an added expense to this town.

Councilman Holbrook inquired about the accident reports and Councilman Lettre said that he had spoken with the Police Department today and they would provide a traffic accident report on the area. This would be provided to the Traffic Advisory Board and the Supervisor stated, in response to a question from Mr. Christie, that he hoped this would come before the Traffic Advisory Board before the next Town Board meeting. Supervisor Dusanenko also mentioned that we were also waiting to hear from the Town of Orangetown as building going on there will have an adverse effect on this Town.

Appearance: Mr. Robert Zeller
5 Crikki Lane
Spring Valley, New York 10977

Mr. Zeller stated that he was here tonight with regard to a bus shelter and the Supervisor stated that there was an item on the agenda tonight which would deal with this. (Item No. 27.) This resolution provided funds for this shelter and authorized the Superintendent of Highways to enter into an agreement for this purpose.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding the Shriever House and questioned as to whether designating it as an historical site would alter its potential for a good ratable. He stated that he had attended school board meetings lately and the school board says we are a ratably poor community. This building has no historical significance. We should stop considering the significance of an old run-down boarding house and look to the possibility of getting the best ratable. He mentioned that he had heard that Senator Linda Winikow was arranging a meeting with bankers for the purpose of letting senior citizens borrow money to pay for their taxes. If there is a chance for a good clean ratable then something that is borderline historically will have to be sacrificed. He urged the Town Board to please consider this carefully and think of our senior citizens and all our overburdened taxpayers.

Appearance: Robert Granik, Esq., Attorney
for Robert Lee Realty Company

Mr. Granik stated that the Robert Lee Realty Company owns the so-called Shriever Mansion which was properly referred to by the previous speaker as a crumbling boarding house. He said he was not going to speak because he knows what little effect an attorney or an owner has when the Board has already made up its mind to do something but when he heard Mr. Cuff's statement he felt it deserved elaboration. This came up two years ago and as far as historical significance goes it was given very short shrift. It has no historical significance. He questioned who was going to pay for the maintenance and upkeep if this building was designated an historical landmark. He stated he could not believe that the Board was going to direct that hard earned tax money be used for this crumbling wreck.

Councilman Holbrook stated that they thought they might be able to incorporate the present building into other plans for that site.

* * * * *

Appearance: Ms. Shirley Thormann
Valley Cottage, New York 10989

Ms. Thormann said she was there regarding the ZBA and felt very strongly about defending them. She agreed with Dr. Krashaar and stated that when a person serves on a board they do so willingly but they should certainly be entitled to protection. If the threat of not being defended hangs over the heads of those who serve on a board you are only going to get political hacks to serve and these will be people who do not care. Boards are kept in check when you nominate and select people to serve on them. If you stand for good government then you must stand behind the people you have appointed to serve the Town.

* * * * *

Appearance: Mr. Malloy
West Nyack, New York 10994

Mr. Malloy inquired about commuter parking. He stated that he had spoken with Councilmen Lettre and Holbrook. Councilman Holbrook stated that there is a resolution regarding this on the agenda this evening (Item No. 19).

There was extensive dialogue regarding the history of commuter parking sites in the Town of Clarkstown including the Nanuet Mall, Plaza Shopping Center etc. Councilman Lettre said that in the near future purchase of property would have to be looked into for purposes of commuter parking.

* * * * *

Appearance: Mr. John O'Sullivan
Candidate for Superintendent of Highways

Mr. O'Sullivan spoke regarding bulk pick-up. He said Valley Cottage was supposed to be served between August and September and he did not feel his bulk pick-up was picked up on time. He said Mr. Longo was at the Lamborn property with many trucks and they took away thirty truck loads of stuff from that property. The tire marks are still there. He wanted this looked into.

Appearance: Mr. Nicholas Longo,
Supt. of Highways

Mr. Longo said that Mr. O'Sullivan had put his refuse for bulk pick-up out early and that the Town Highway Department did pick it up on time. His refuse had been placed in front of his commercial property six weeks before the scheduled pick-up but that they did pick it up because it was such an unsightly mess for the people of Valley Cottage. Mr. Longo stated that today the Highway Department had picked up branches at the home of Miss Lamborn and explained that Miss Lamborn had had all the branches cut herself and was going to put them out on the street herself but there were just too many. She called the Highway Department and asked what to do and was told to please put them in behind her hedges (if she had placed them on the road vision would have been blocked for all residents creating a dangerous situation) and we picked them up from there. We did for her what we would do for every resident in the Town of Clarkstown.

* * * * *

RESOLUTION NO. (932-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT STOP SIGN ON JAMES STREET AT GREGORY STREET IN NEW CITY - REQUESTING CUT BACK OF FOLIAGE OBSCURING HIDDEN DRIVEWAY SIGN AND WALKING CHILD SIGN ON SOUTHSIDE OF GREGORY STREET AREA OF LITTLE TOR ELEMENTARY SCHOOL

TBM - 10/25/83
Page 7

RESOLUTION NO. (932-1983) Continued

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 erect a "Stop" sign on James Street at Gregory Street in New City.

FURTHER RESOLVED, that Nick Longo, Superintendent of Highways is requested to cut back foliage that is obscuring the "Hidden Driveway" and the international sign indicating a walking child, on the southside of Gregory Street, New City, in the area of Little Tor Elementary School.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (933-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT STOP SIGN ON SVAHN DRIVE AT DEERTRACK LANE, VALLEY COTTAGE

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 erect a "Stop" sign on Svahn Drive at Deertrack Lane, Valley Cottage.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (934-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE YIELD SIGN ON PIGEON HILL ROAD AT LUDVIGH ROAD, NANUET AND REPLACE WITH STOP SIGN

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 remove the "Yield" sign on Pigeon Hill Road at Ludvigh Road, Nanuet, and be it

FURTHER RESOLVED, that this sign be replaced with a "Stop" sign.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (935-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT A SIGN "NO PARKING FROM HERE TO CORNER" - CHURCH STREET, 20 FEET WEST OF HIGHVIEW AVENUE, NANUET

Co. Holbrook offered the following resolution:

TBM - 10/25/83
Page 8

RESOLUTION NO. (935-1983) Continued

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to erect a sign to read, "No Parking from here to Corner." This sign should be erected on Church Street, 20 feet west of Highview Avenue, Nanuet.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (936-1983)

AUTHORIZING ATTENDANCE AT SEMINAR ON DATA SYSTEMS SECURITY AND CONTINGENCY PLANNING - MUNICIPAL FINANCE OFFICERS ASSOCIATION (ERARD, LODICO AND FOGEL)

Co. Holbrook offered the following resolution:

WHEREAS, the Municipal Finance Officers Association is having a Seminar on Data Systems Security and Contingency Planning on October 28, 1983 at the Thayer Hotel in West Point, New York

NOW, THEREFORE, be it

RESOLVED, that Dorothy Erard, Comptroller, Dolores Lodico and Doris Fogel attend said seminar and be it

FURTHER RESOLVED, that all expenses be charged to Appropriation Account No. 1010-414.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (937-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR VEHICLE EMERGENCY LIGHTS & SIRENS FOR POLICE DEPARTMENT

Co. Carey offered the following resolution:

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

BID #76-1983
VEHICLE EMERGENCY LIGHTS & SIRENS
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, November 10, 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. Lettre

All voted Aye.

* * * * *

TBM - 10/25/83
Page 9

RESOLUTION NO. (938-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR STATIONERY SUPPLIES

Co. Carey offered the following resolution:

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

BID #1-1984
STATIONERY SUPPLIES

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, November 17, 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. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (939-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR CUSTODIAL AND
MAINTENANCE SUPPLIES

Co. Carey offered the following resolution:

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

BID #2-1983
CUSTODIAL & MAINTENANCE SUPPLIES

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, November 28, 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. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (940-1983)

AUTHORIZING TOWN ATTORNEY
TO FILE CERTIFIED TRANSCRIPT
OF RECORD OF PROCEEDING
BEFORE ZBA (LEONARD V. ZBA)

Co. Holbrook offered the following resolution:

WHEREAS, an Article 78 proceeding entitled as follows:

In the Matter of the Application of

PENNY LEONARD,

Petitioner,

for a judgement reversing and setting aside an Order of the Board of Appeals,

-against-

RESOLUTION NO. (940-1983) Continued

ELIZABETH J. SQUILLACE, DAVID KRAUSHAAR, RICHARD GARDNER, EDWARD GRAYBOW, PHYLLIS BULHACK, JOSEPH MARAIA and WILLIAM NIEHAUS, constituting the Board of Appeals of the Town of Clarkstown,

Respondents.

has been served upon the Secretary of the Zoning Board of Appeals, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to comply with Section 7804(e) of the Civil Practice Law and Rules;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a certified transcript of the record of the proceeding held before the Zoning Board of Appeals and he is further authorized to obtain same from the Secretary of the Zoning Board of Appeals.

Seconded by Co. Lettre

All voted Aye.

* * * * *

Councilman Lettre clarified the above resolution stating that this is not an authorization for the Town Attorney to defend this action but to file a transcript which he is to obtain from the Secretary of the Zoning Board of Appeals.

Supervisor Dusanenko stated that when he found himself in a similar situation with the Councilmen of the Town of Clarkstown he was not provided with counsel. At the same time I am willing to provide counsel to any agency of the Town of Clarkstown in the normal course of their duties. This is not to say that I am for or against the case at hand. He said he was in agreement with Dr. Kraushaar and Ms. Thormann. Everyone should be provided with due process. He said for the record he would support this but you cannot pick and choose to whom you will deliver government services or who will be defended on the basis of your thinking. He said he would have supported a motion to defend the ZBA.

* * * * *

RESOLUTION NO. (941-1983)

AUTHORIZING TOWN ATTORNEY TO DEFEND AN ACTION (OMNI COURT)

Co. Holbrook offered the following resolution:

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

OMNI COURT, LTD.

Plaintiff,

-against-

TOWN OF CLARKSTOWN,

Defendant.

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.

* * * * *

TBM - 10/25/83
Page 11

Councilman Holbrook inquired of the Superintendent of Highways if he had ever been able to take care of a problem which existed on Doral Court and Zukor Road. Mr. Longo stated that there was a tremendous tree which had to be removed and that tree was not on the Town's right-of-way. He had a verbal agreement but the Town Board requested that the removal of the tree be consented to in writing.

* * * * *

RESOLUTION NO. (942-1983)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
IMPLEMENTING AUTHORITY
GRANTED BY STATE LEGISLA-
TURE TO LOCAL MUNICIPALITIES
TO INCREASE EXEMPTION FOR
REAL ESTATE TAXES FOR
SENIOR CITIZENS OF LOW OR
MODERATE INCOMES

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest that a local law be adopted implementing the authority granted by the State Legislature to local municipalities to increase the exemption for real estate taxes for senior citizens of low or moderate incomes;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of December, 1983 at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (943-1983)

RESCINDING RESOLUTION NO.
776-1983 AND AUTHORIZING
DIRECTOR OF PURCHASING TO
READVERTISE FOR BIDS FOR
BID NO. 56B-1983 (TRANSIT
TYPE MINI BUSES)

Co. Holbrook offered the following resolution:

RESOLVED, that resolution No. 776-1983 authorizing the advertising on Bid No. 56A-1983 - Transit Type Mini-Buses is hereby rescinded, and be it

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

BID # 56B-1983
TRANSIT TYPE MINI BUSES

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 Friday, November 18,

TBM - 10/25/83
Page 12

RESOLUTION NO. (943-1983) Continued

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. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (944-1983) DECREASING APPROPRIATION ACCOUNT NO. A 5630-311 AND INCREASING APPROPRIATION ACCOUNTS A 5630-406 AND A 5630-414 (MINI-TRANS)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-311 by \$2,500.00 and to increase the following Appropriation Account numbers:

A 5630-406.....	\$2,000.00
A 5630-414.....	\$ 500.00

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (945-1983) ACCEPTING CONSERVATION RESTRICTION (SUBDIVISION OF PROPERTY FOR LUCILLE WHALEN)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney and in accordance with Final Plat entitled "SUBDIVISION OF PROPERTY FOR LUCILLE WHALEN" prepared by Jack D. Boswell, dated August 23, 1976, and last revised July 19, 1983, a declaration of covenant establishing a conservation restriction on portions of Lots 3 and 4 in said subdivision plan about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Holbrook

On roll call the vote as follows:

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

* * * * *

RESOLUTION NO. (946-1983) F A I L E D APPOINTING SPECIAL COUNSEL RE: TAX CERTIORARI PROCEEDINGS (BECKER AND FLICK)

Supv. Dusanenko offered the following resolution:

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

RESOLUTION NO. (946-1983) (Continued)

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

NOW, THEREFORE, be it

RESOLVED, Arnold Becker and Joel Flick are hereby appointed as Special Counsel to the Town of Clarkstown and are authorized to take all steps on behalf of the Town to defend such tax certiorari proceedings which are presently pending and any that may be instituted concerning the 1983 tax assessment roll for an annual retainer of \$9,500.00 per attorney, payable in monthly installments for the period commencing August 15, 1983, and ceasing August 14, 1984, and be it

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

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

Seconded by Co. Lettre

* * * * *

RESOLUTION NO. (947-1983)

TABLING RESOLUTION NO. (946-1983) (APPOINTMENT OF SPECIAL COUNSEL - BECKER AND FLICK)

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. (946-1983) be and it hereby is TABLED.

Seconded by Co. Carey

On roll call the vote was as follows:

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

* * * * *

Councilman Lettre stated if no other action is taken then both attorneys continue. Town Attorney said that they were not public officers. They do not continue in office at the expiration of their term. Supervisor Dusanenko suggested, after discussing this with the attorneys involved, that until the Town Board makes a recommendation on this matter that any and all work necessary for the protection of the Town's tax base be continued on a pro rata basis. He said if that was correct then both the gentlemen will be notified by Mr. Costa of our intent to have them continue on any and all litigation involving any and all certiorari cases until such appointment is made formally.

Mr. Costa said we should adopt an interim resolution retaining the counsel on a pro rata basis so that there is clear authorization for their continuance. Mr. Costa was directed to draw up such a resolution before the end of tonight's meeting.

* * * * *

RESOLUTION NO. (948-1983)

ACCEPTING ROADS AND
RELATED IMPROVEMENTS IN
WALTHAM ESTATES SUBDIVISION
(WALTHAM AVENUE - HOLBROOK
AVENUE)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of Environmental Control and the Town Attorney, deed(s) from: Kenneth Javenes, residing at 6 Waltham Avenue, Congers, N.Y., dated September 30, 1983, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Waltham Estates filed in the Rockland County Clerk's Office on September 29, 1982, in Book No. 99 at Page 25 as Map No. 5418 as follows:

- WALTHAM AVENUE (40 ft. Right of Way) (w/Certificate of Necessity)
- HOLBROOK AVENUE (50 ft. Right of Way)
- WALTHAM AVENUE (50 ft. Right of Way)

is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road(s) and improvements for a period of one (1) year in the amount of \$3,605.00 is hereby accepted.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (949-1983)

INCREASING PAYMENT OF
AUTHORIZED EXPENDITURES
CONTAINED IN RESOLUTION
NO. 165-1983 (PHILIP
FURGANG, ESQ., SPECIAL
COUNSEL) - CHARGE TO
ACCOUNT A 1420-409

Co. Maloney offered the following resolution:

RESOLVED, that the authorized expenditures contained in Resolution No. 165 of February 8, 1983, to be paid to Philip Furgang, Esq., Special Counsel, be increased by \$8,000.00, said sum to be charged to Account No. A 1420-409.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (950-1983)

SETTING PUBLIC HEARING TO
CONSIDER DESIGNATING AN
HISTORICAL SITE (SHRIEVER
HOUSE, MAIN STREET, NEW
CITY, NEW YORK) - CHARGE
TO ACCOUNT 1420-409

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board has been advised by the Planning Board of the Town of Clarkstown that a proposed site plan known as "New City Plaza", presently pending, if approved would result in the demolition of a structure located at Main Street, New City, New York, designated on the Clarkstown Tax Map as Map 57, Block C, Lot 4 and known as the Shriever House, and

RESOLUTION NO. (950-1983) Continued

WHEREAS, the Town Board has been informed that this house may have a special character, special historical or aesthetic interest or value which the Town Board may wish to protect for the use and enjoyment of future generations;

NOW, THEREFORE, be it

RESOLVED, that the Historical Review Board of the Town of Clarkstown is hereby authorized and directed to consider the designation of this site and the building contained thereon for the purpose of preservation and to make its recommendations regarding the historical significance, special character or aesthetic interest or value of the premises to the Town Board on or before December 1, 1983, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town's Planning Consultant to obtain the services of an architect or other professional with expertise in the area of preservation of buildings with historical, aesthetic or special interest to study the site and present his recommendations and findings to the Town Board on or before December 1, 1983, and be it

FURTHER RESOLVED, that the sum of \$5,000.00 is hereby appropriated for said study and recommendations, which sum shall be charged to Account No. 1420-409, and be it

FURTHER RESOLVED, that this matter is hereby referred to the Rockland County Planning Board for its consideration and recommendation, if any, and be it

FURTHER RESOLVED, that this matter is hereby referred to the Rockland County Historical Society and the Rockland County Historian for their consideration and recommendations, if any, and be it

FURTHER RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of December, 1983, at 8:00 P.M., to consider the designation of the aforesaid property as an historical site pursuant to the authority found in Section 96(a) of the General Municipal Law, Section 64-17(a) of the Town Law and Section 12-3(c) of the Code of the Town of Clarkstown, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Lettre said he was voting "No" on this, not because he disagreed with the intentions expressed earlier by Councilman Carey and Councilman Holbrook. He felt we should try to keep the house and work around it but he questioned spending \$5,000.00 to try to discover if the house is structurally sound.

RESOLUTION NO. (950-1983) Continued

Supervisor Dusanenko stated that within the last couple of months the police had raided these premises and found everything going on but residential living including after hours gambling and an after hours bar, all kinds of contraband, etc. He stated that this matter had come up about two years ago and since then the property has changed hands. Persons who were trying to develop industrial commercial clean ratables in non-residential zones went ahead at some expense for plans going to the various agencies in Town. He mentioned that his colleagues on the board are liaisons to various boards and agencies and he would suggest to all those concerned that in order to preserve this house and the building in its condition they donate the money (as he has donated half of his salary) or perhaps consider the purchase so that it can be called the Carey-Holbrook-Maloney Retreat on Main Street in New City and they could enjoy all the expenses incurred. He stated that if there was a whim or a personal feeling the councilmen should use their own money and not Clarkstown's and he was voting "No."

* * * * *

RESOLUTION NO. (951-1983)

AUTHORIZING TOWN ATTORNEY TO COMMENCE PROCEEDING IN ROCKLAND COUNTY SUPREME COURT TO OBTAIN INJUNCTION AGAINST OWNERS OF SHRIEVER HOUSE FROM DEMOLITION OF SAID STRUCTURE UNTIL PUBLIC HEARING AND DECISION OF TOWN BOARD REGARDING SAME

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has by a resolution duly adopted on October 25, 1983, set a date for a public hearing pursuant to Section 96(a) of the General Municipal Law, Section 64-17(a) of the Town Law and Section 12-3(c) of the Town Code of the Town of Clarkstown to consider the designation of property commonly known as the Shriever House located at Main Street, New City, New York, and designated on the Clarkstown Tax Map as Map 57, Block C, Lot 4 for preservation as a place with special character, historical or aesthetic interest or value, and

WHEREAS, the Building Inspector of the Town of Clarkstown has issued a demolition permit which authorizes the removal of the structure and the Town Board wishes to prevent destruction of the premises until after a public hearing scheduled for December 13, 1983, has been held;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to commence a proceeding in the Rockland County Supreme Court to obtain a stay or injunction against the owners of the premises from altering, damaging, destroying, removing or otherwise changing the structure from its present state until after the public hearing and decision of the Town Board regarding same.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

* * * * *

TBM - 10/25/83
Page 17

RESOLUTION NO. (952-1983)

SETTING PUBLIC HEARING
WITH REGARD TO ZONING
PETITION FROM LIO TO RS
DISTRICT (DEMARCO & HOGAN
HOLDING CO.)

Co. Holbrook offered the following resolution:

WHEREAS, DEMARCO & HOGAN HOLDING CO., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from LIO district to RS 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 22nd day of November, 1983 at 8:15 P.M., relative to the proposed amendment; and it is

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

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (953-1983)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDING
(OLGA A. HERNANDEZ)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding against Olga A. Hernandez to recover the sum of \$179.00 plus costs and interest due on a check returned unpaid to the Clarkstown Parks Board and Recreation Commission marked "insufficient funds".

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (954-1983)

AUTHORIZING REFUND FOR
BUILDING PERMIT NO. 82-
158 (PAUL GARBER)

Co. Lettre offered the following resolution:

IT IS RESOLVED that a refund of \$48.00 be made to Paul Garber of 30 James Street, New City, New York for Building Permit #82-158 which will be voided.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (955-1983)

AUTHORIZING SUPERVISOR TO
ENTER INTO LICENSE AGREE-
MENT WITH OWNERS OF NANUET
STAR THEATRE, ROUTE 59,
NANUET, NEW YORK FOR USE
AS TEMPORARY COMMUTER
PARKING LOT AND AUTHORIZING
COOPERATION OF VARIOUS
DEPARTMENT HEADS

Co. Holbrook offered the following resolution:

TBM - 10/25/83
Page 18

RESOLUTION NO. (955-1983) Continued

WHEREAS, there is a need for commuter parking lots in the Town of Clarkstown particularly in the vicinity of Route 59, Nanuet, New York, and

WHEREAS, the management of the Nanuet Mall has extended as a courtesy to the Town of Clarkstown and commuters a license to use a portion of the Nanuet Mall parking area for commuter parking but due to the approaching holiday season the Nanuet Mall parking facilities can no longer accommodate commuters, and

WHEREAS, Marcella Pincus Mauro, John E. Mauro and Paul Mauro, the owners of premises located on Route 59, Nanuet, New York, formerly operated as the Nanuet Star Theatre, have offered the Town of Clarkstown a license to use a portion of the property designated on the Clarkstown Tax Map as Map 163, Block B, Lots 1, 2 and 3 for use as a temporary commuter parking lot;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into a license agreement with the owners of property described above for use of a portion of same as a temporary commuter parking lot, which license agreement shall contain a provision that it may be terminated upon 30 days written notice by either party, and be it

FURTHER RESOLVED, that commuters shall be authorized to park only in an area designated by the owners and that the Town of Clarkstown shall be responsible for maintaining and patrolling such area and providing power for lighting facilities that already exist at said location, and be it

FURTHER RESOLVED, that the license agreement may contain provision for compensation for a per diem rental to be based on a formula designed to reimburse the owners for the per diem property taxes levied against that portion of the land being used by the Town of Clarkstown, and be it

FURTHER RESOLVED, that the sum of \$3,000.00 is hereby appropriated to cover the cost of rental and maintenance, and be it

FURTHER RESOLVED, that all proper charges to be charged to appropriate appropriation accounts, and be it

FURTHER RESOLVED, that the Director of Environmental Control make provisions for lighting at the location; the Superintendent of Highways to work with the Town Attorney's Office to implement the parking areas; the Chief of Police to provide adequate security, and the Director of Mini-Trans is hereby requested to investigate the possibility of providing mini-trans service to the area.

Seconded by Co. Lettre

All voted Aye.

* * * * *

Mr. John Lodico, at this point, suggested that there be a permit system for residents of the Town of Clarkstown to use these commuter parking lots because at present we are providing commuter parking for the County rather than just our own residents and he felt there should be a fee charged to out of town people who use our commuter facilities. There was some discussion on this and it was determined that that very issue had been under consideration.

* * * * *

TBM - 10/25/83
Page 19

RESOLUTION NO. (956-1983)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON NEW YORK'S
SERVICE DELIVERY SYSTEM
(ROBERT S. HOFFMAN) -
CHARGE TO APPROPRIATIONS
ACCOUNT #A 1010-414

Co. Holbrook offered the following resolution:

RESOLVED, that Robert S. Hoffman, Director of Finance for the Town of Clarkstown, is hereby authorized to attend a conference on "New York's Service Delivery System" on November 18, 1983 in Albany, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriations Account #A 1010-414.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (957-1983)

AUTHORIZING ATTENDANCE AT
HEALTH CARE COST CONTAIN-
MENT CONFERENCE (ROBERT S.
HOFFMAN) - CHARGE TO
APPROPRIATIONS ACCOUNT
NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Robert S. Hoffman, Director of Finance of the Town of Clarkstown, is hereby authorized to attend a Health Care Cost Containment Conference to be held on Tuesday, November 15, 1983 in White Plains, New York, and be it

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

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (958-1983)

REQUESTING TOWN OF ORANGE-
TOWN TO COOPERATE IN STEPS
TO PROVIDE INSTALLATION OF
TRAFFIC CONTROL DEVICE AT
INTERSECTION OF TOWNLINE
ROAD AND ROSE ROAD AT THE
BORDERLINE OF TOWN OF
CLARKSTOWN AND TOWN OF
ORANGETOWN

Co. Lettre offered the following resolution:

WHEREAS, a traffic condition exists at the intersection of Townline Road and Rose Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the Town of Orangetown cooperate and participate with the Town of Clarkstown in all necessary steps to provide for the installation of a traffic control device at the intersection of Townline Road and Rose Road which is at the border of the Town of Clarkstown and Town of Orangetown.

Seconded by Co. Carey

All voted Aye

* * * * *

Councilman Lettre gave an explanation of the above resolution in that he stated we were trying to get the Town of Orangetown to cooperate and pick up part of the cost since the street straddles the borderlines of both Towns.

* * * * *

RESOLUTION NO. (959-1983)

ACCEPTING CONSERVATION RESTRICTION (SUBDIVISION PLAT FOR ALBERTA REALTY CORP.) - CARUSO & HALLER, P.C.

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney and in accordance with Final Plat entitled "SUBDIVISION PLAT FOR ALBERTA REALTY CORP." prepared by Caruso & Haller, P.C. dated September 6, 1983, a declaration of covenant establishing a conservation restriction on portions of Lots 1, 2 and 3 in said subdivision plan about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office retroactive to October 3, 1983.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (960-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ENTER INTO AGREEMENT FOR PURCHASE AND INSTALLATION OF BUS SHELTER AT LAWRENCE STREET, SPRING VALLEY, NEW YORK - CHARGE LINE D 5110-409 AND INCREASE APPROPRIATIONS ACCOUNT D 5110-409 AND ESTIMATED REVENUE ACCOUNT 02-2999

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways is authorized to enter into an agreement for the purchase and installation of a bus shelter at Lawrence Street, Spring Valley, in the Spring Valley section of Clarkstown, not to exceed \$6,000.00, and be it

FURTHER RESOLVED, that this bus shelter be charged against line D 5110-409, and be it

FURTHER RESOLVED, that appropriations account number D 5110-409 be increased by \$6,000.00 and estimated revenue 02-2999 be increased by \$6,000.00.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (961-1983)

CONTINUING SPECIAL COUNSEL FOR TAX CERTIORARI MATTERS ON PRO RATA BASIS (BECKER AND FLICK)

Co. Maloney offered the following resolution:

RESOLVED, that Arnold Becker, Esq. and Joel J. Flick, Esq. shall continue as Special Counsel for Tax Certiorari matters on a pro rata basis retroactive to August 15, 1983, at the rate of compensation

RESOLUTION NO. (961-1983) Continued

previously paid on a monthly basis until appointed for a one year term or until a successor or successors shall be chosen.

Seconded by Co. Lettre

All voted Aye.

* * * * *

At this point Mr. John Lodico requested that from now on all appointments to positions in Town government be on a temporary basis until a proper evaluation is made as to what our computer system can do. He felt that approximately eight jobs could be eliminated if the computer system was properly utilized.

* * * * *

In response to a question from the audience Town Attorney John Costa explained the procedure for the public hearing regarding the designation of the Shriever House and the procedures which would normally follow such a public hearing.

* * * * *

At this point a brief recess was declared.

* * * * *

With regard to the resolution concerning the sale of surplus vehicles the Supervisor said that last year at this time we sold our 1974 Valiants. Mr. Kohler said that there were about four bidders and on one or more of these items the highest bidder was not accepted and the highest bidder on one or more of these items is the husband of a Town employee. Mr. Kohler had been informed by the Town Attorney that the spouse of a Town employee was not an eligible bidder. Mr. Costa said that that was incorrect and the Supervisor asked for a clarification.

Mr. Costa said he had written a memo to Mr. Kohler setting forth the provision of Chapter 9 of the Town Code and stated that it did not cover specifically or directly a relative of a Town employee. I did indicate that if there was a direct connection between a successful bidder and a Town employee that that might present a problem. I left it to Mr. Kohler to make a policy decision with respect to the propriety, the impropriety or the appearance of impropriety with respect to this type of situation. Mr. Kohler has made a policy decision that this would constitute an appearance of impropriety to award the bid to a relative of a Town employee.

Councilman Lettre said he thought that this was the consensus of the members of the Town Board in Executive Session.

Supervisor Dusanenko again asked for a clarification and questioned Mr. Kohler as to whether it was his decision or Mr. Costa's decision. Mr. Kohler said that in his opinion it would be a prohibited transaction and if he had made a policy decision based on Mr. Costa's memo then he would let it stand on the record.

Councilman Holbrook asked Mr. Kohler to read the entire sentence from Mr. Costa's memo. Mr. Kohler read the last sentence in its entirety: "If a town officer or employee were to use a relative to avoid the prohibition contained in Chapter 9 it is my opinion that it would be a prohibited transaction." Mr. Kohler said that based upon that he concurred and felt this should be a voided bid. The Town Attorney's memo merely substantiated his own feelings.

EECS83

TBM - 11/2/83
Page 22

Supervisor Dusanenko stated that he knew there had been similar situations which had wound up in court or in the political arena. Supervisor said that so far as he knew that Mr. Kohler's role was to find the best equipment at the least expense to the town and in a case such as this, where he is selling surplus equipment, he is supposed to acquire the best price - that is his function, not to be dealing in legal rulings. On the other hand, the Town Attorney, who was appointed by a majority of the Board, has every responsibility of providing the best legal input not necessarily purchasing input. He said he found it strange that the rules change from person to person because either this person through marriage the Town Attorney found should be removed and that is a legal suggestion and advice as far as counseling Mr. Kohler. It is not his choice to whom something should be sold or not. He asked if Mr. Kohler was to set policy in the future or if the Town Attorney's office was to do this.

Town Attorney John Costa said that neither he nor Mr. Kohler had the final say in this matter but that it was strictly up to the Town Board. He said he had provided the best legal analysis of the situation and not every situation is so clear cut as to come up with a definitive answer. He stated that what he has said is that if a town employee or officer were to act in an indirect manner to purchase property from the Town it would be in violation of the Town Code. It is up to the Town Board to decide if the appearance of impropriety created by a relative submitting a bid for Town property is something to be avoided or not.

Councilman Lettre said to Town Attorney John Costa that when this was brought up at Workshop the Town Attorney had stated that he felt it was an improper bid and the Town Board unanimously concurred with that. Town Attorney John Costa said he wanted to be quoted properly and Councilman Lettre stated that that was what he had said. Town Attorney said he indicated what he had said in his memo and he meant exactly what he said in his memo.

Councilman Carey asked if Mr. Joseph Gleeson was or was not the highest bidder. He was told that he was not the highest bidder. Mr. Kohler said he wanted to clarify the record. He stated that we are talking here about one vehicle out of eight and are discussing a difference of \$26.01 - on one vehicle, not eight. Mr. Gleeson, who is the tentative majority award holder here, is the actual high bidder on six vehicles. There is only one vehicle in question out of the whole package.

Town Attorney Costa stated that he had not seen the bid specifications and was unaware if there was a reservation of a right to award some of the bid as opposed to all of the bid.

Supervisor questioned the entire Board as to whether they wanted to accept this bid or reject and readvertise.

RESOLUTION NO. (962-1983)

REJECTING ALL BIDS RECEIVED
FOR BID #74-1983 (SALE OF
SURPLUS VEHICLES) AND
AUTHORIZING DIRECTOR OF
PURCHASING TO READVERTISE
FOR SAME

Co. Holbrook offered the following resolution:

RESOLVED, that all bids received for BID #74-1983 - SALE OF SURPLUS VEHICLES - are hereby rejected and the Director of Purchasing is hereby authorized and directed to readvertise for bids for:

BID #74-1983
SALE OF SURPLUS VEHICLES

RESOLUTION NO. (962-1983) Continued

- 1. 1974 Plymouth Valiant - Vin #VL41C4F199284
- 2. 1974 Plymouth Valiant - Vin #VL41C4F199282
- 3. 1974 Plymouth Valiant - Vin #VL41C4F199312
- 4. 1974 Plymouth Valiant - Vin #VL41C4F199286
- 5. 1974 AMC St. WGN - Vin #A4A887N440248
- 6. 1971 CHEV Pick-Up - Vin #CE331T610250
- 7. 1974 Plymouth Valiant - Vin #VL41C4F199274
- 8. 1974 Plymouth Valiant - Vin #VL41C4F199287

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, November 16, 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.

Prior to his vote Supervisor Dusanenko stated that there is litigation involving a similar matter. In the instance of a Town employee you gentlemen have ruled one way. In the instance of a spouse of a Town employee they have ruled in a completely contradictory manner as I have stated time and time again. He said he will vote "Yes" to reject this.

* * * * *

RESOLUTION NO. (963-1983)

APPOINTING POSITION OF
SENIOR TYPIST - PURCHASING
DEPARTMENT (ARLYN MANZELLA)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Typist #80084 which contains the name of Arlyn Manzella,

NOW, THEREFORE, be it

RESOLVED, that Arlyn Manzella, 2 Demarest Mill Court, West Nyack, New York is hereby appointed to the position of Senior Typist - Purchasing Department - at the annual 1983 salary of \$10,204.00, effective and retroactive to October 17, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (964-1983)

ACCEPTING RESIGNATION OF
REAL PROPERTY DATA
COLLECTOR (AIDE) -
ASSESSOR'S OFFICE (MARION
GAGLIONE)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Marion Gaglione, 28 Southward Avenue, Congers, New York - Real Property Data Collector (Aide) - Assessor's Office - is hereby accepted effective and retroactive to October 19, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

EFC883

RESOLUTION NO. (965-1983)

CREATING TWO (2) TEMPORARY
REAL PROPERTY DATA COLLECTOR
POSITIONS -ASSESSOR'S OFFICE

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 12, 1983 that two (2) temporary Real Property Data Collector positions can be created,

NOW, THEREFORE, be it

RESOLVED, that two (2) temporary Real Property Data Collector positions - Assessor's Office - are hereby created effective and retro-active to October 17, 1983 - for a period not to exceed six (6) months.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (966-1983)

APPOINTING POSITION OF REAL
PROPERTY DATA COLLECTOR -
ASSESSOR'S OFFICE (SUZANNE
SCHWARTZ)

Co. Lettre offered the following resolution:

RESOLVED, that Suzanne Schwartz, 5 Saxony Court, New City, New York, is hereby appointed to the position of Real Property Data Collector - Assessor's Office - at the annual 1983 salary of \$9,741.00, effective and retroactive to October 17, 1983, for a period not to exceed (6) months.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (967-1983)

CREATING POSITION OF
TYPIST - TOWN JUSTICE
DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 14, 1983 that the Typist position - Town Justice Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the Typist position - Town Justice Department - is hereby created effective October 26, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (968-1983)

APPOINTING POSITION OF
TYPIST - TOWN JUSTICE
DEPARTMENT (BARBARA ECKHART)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist PEL #396, which contains the name of Barbara Eckhart,

TBM - 10/25/83
Page 25

RESOLUTION NO. (968-1983) Continued

NOW, THEREFORE, be it

RESOLVED, that Barbara Eckhart, 30 Highway Avenue, Congers, New York, is hereby appointed to the position of Typist - Town Justice Department - at the annual 1983 salary of \$9,300.00, effective October 26, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (969-1983)

APPOINTING POSITION OF
TYPIST - TOWN CLERK'S
OFFICE (ELEANOR O'BRIEN)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist #CRI-83-53 which contains the name of Eleanor O'Brien,

NOW, THEREFORE, be it

RESOLVED, that Eleanor O'Brien, 9 Shannon Lane, West Nyack, New York, is hereby appointed to the position of Typist - Town Clerk's Office - at the annual 1983 salary of \$9,300.00, effective October 26, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (970-1983)

APPOINTING POSITION OF
TYPIST - RECEIVER OF TAXES
OFFICE - ASSESSOR'S OFFICE -
(MARIE GERONIMO)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist #CRI-83-53 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 (Receiver of Taxes Office - Assessor's Office) at the annual 1983 salary of \$9,300.00, effective October 26, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (971-1983)

TRANSFERRING POSITION OF
STOREKEEPER TO GROUNDS-
WORKER - PARKS BOARD &
RECREATION COMMISSION
(ALFRED CARLINI)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Alfred Carlini, Amawalk Avenue, Amawalk, New York is hereby transferred from the position of Storekeeper to

TBM - 10/25/83
Page 26

RESOLUTION NO. (971-1983) Continued

Groundworker - Parks Board & Recreation Commission - at the annual 1983 salary of \$14,423.00, effective November 7, 1983.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (972-1983)

AUTHORIZING RESOLUTION OF INTENT TO APPLY FOR AND INITIATE ON THE JOB TRAINING PROGRAM

Co. Lettre offered the following resolution:

RESOLVED, that a resolution of Intent to apply for and initiate On the Job Training Program is hereby authorized by the Town Board.

Seconded by Co. Maloney All voted Aye.

* * * * *

Appearance:

Mr. John Lodico
Birch Drive
New City, New York 10956

Mr. Lodico spoke regarding historical sites and the condemnation of a person's personal property for this purpose. He said that there are tremendous plans for the Shriever site which could bring in ratables and the owner's plans for the property should be considered.

* * * * *

There being no one else wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was declared closed on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, time: 9:50 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk