

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/12/84

8:15 P.M.

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

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

Supervisor Dusanenko read the following proclamation:

"LIFE. BE IN IT."
RECREATION AND PARKS MONTH
JUNE - 1984

WHEREAS, the Town of Clarkstown has numerous programs and facilities which its residents may take advantage of; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self-renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

WHEREAS the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers, who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on this 12th day of June, 1984, do hereby proclaim the month of June, nineteen hundred and eighty-four as "LIFE. BE IN IT. - RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for June.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 12th day of June, 1984.

/s/ Theodore R. Dusanenko

THEODORE R. DUSANENKO, Supv.
Town of Clarkstown"

The 4th of July concert and fireworks will take place on July 3rd at the Nanuet High School. Mr. Ghiazza said that there will be a concert every Wednesday evening in July and the first week in August at Germonds Pool. On June 28, 1984 West Point Jazz Band will perform at Germonds Pool.

Supervisor Dusanenko read the following proclamation:

Continued on Next Page

"DREW HIRSHFELD DAY"
June 12, 1984

- WHEREAS, Drew Hirshfeld, a life-long resident of New City and a graduating senior at Clarkstown High School North has brought honor to himself, his family, his school and community by winning numerous athletic and scholastic awards this year, and
- WHEREAS, Drew is the reigning New York State High School Champion in the triple jump, as well as the All-Conference Champion and All-County Champion, and
- WHEREAS, Drew's athletic prowess has earned him a spot on the United States track and field team which will be competing in Cologne, West Germany this summer

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on the 12th day of June 1984, do hereby proclaim the day of June twelfth, nineteen hundred and eighty-four as "DREW HIRSHFELD DAY" in the Town of Clarkstown and on behalf of the Town Board and the entire Town of Clarkstown, wish Drew success in the international track and field events in which he will be participating, from July first through July tenth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 12th day of June 1984.

/s/ Theodore R. Dusanenko

THEODORE R. DUSANENKO, Supv.
Town of Clarkstown"

Supervisor Dusanenko declared the Public Portion open.

Appearance: Allan Moloff
32 London Terrace
New City, NY

Spoke regarding his dissatisfaction with the snow removal in 1983 and in 1984, in particular the March 20, 1984 snow storm where after repeated phone calls his street was not plowed until 8:30 P.M. He inquired as to what action the Town Board intended to take. Supervisor Dusanenkow requested that the Town Clerk memo Superintendent of Highways regarding Mr. Moloff's complaint.

Appearance Lowell Halpern
31 Sedge Road
Valley Cottage, N.Y. 10989

Mr. Halpern read the following statement:

"My wife and I, as owners of the Rockland County Tidy Card franchise have a contract with the Sun Oil Company to purchase the former Sunoco Gas Station property on Route 304 and Ludwigh Road in Bardonia, NY.

Clarkstown's Building Inspector denied us permission to operate our business at this location. Papers have been filed for an appeal. The Clarkstown and Rockland County Planning Boards approved our appeal. The ZBA of Clarkstown scheduled us to appear approximately August 20th for a hearing.

Continued on next page

Our present landlord wants us out of our present location by mid-July for his own business purposes. We will be unable to operated our business.

We respectfully request the Town Board recommend to the ZBA that our appeal date be moved to an earlier date, or that an additional meeting be scheduled to accomodate this hardship situation."

Appearance: Frank Avila
12 Grandview Avenue
Nanuet, NY

He spoke regarding his property which adjoins the Ashley Motel and of the disrepair of the retaining wall and the fence that separates his property from the Ashley Motel. He said he had received no satisfaction from the owners of the property. He said the Ashley Motel was rat infested and there was debris lying all around. He requested immediate action. He further stated there were welfare recipients housed there and their rent was paid by taxpayers.

Supervisor Dusanenko stated that he would call the Health Department and Social Services.

Appearance: Marie Monoco
120 Rennert Lane
Bardonia, NY

She spoke regarding a school bus and two abandoned cars with license plates that have been parked on the street for months. She said it was a dangerous condition and she had no response from the police or Building Department.

Supervisor Dusanenko stated that there was no law presently which covers this situation but the Town Attorney was drafting a law to cover the same.

Councilman Holbrook said the Town Board could take this up at their next workshop.

Ms. Monoco stated that they were repairing cars on the street.

Town Attorney stated that there is no previous law against this now, however, new legislation will have prohibitions.

Terry Schwartz
95 Tennyson Drive
Nanuet, NY

He spoke regarding a drainage problem and said he was located below the Treetops development and that when it rains, the water comes down his driveway and in heavy rain, he has experienced mud slides into his pool.

Public Hearing re: Proposed Amendments to Zoning Ordinance - Accessory Parking was cancelled.

RESOLUTION NO. (601-1984)

RESCHEDULING OF PUBLIC
HEARING RE: AMENDMENT TO
SECTION 106.23 SUBSECTION OF
THE CLARKSTOWN ZONING
ORDINANCE

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (601-1984) Continued

WHEREAS, a public hearing was scheduled for June 12, 1984, at 8:15 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance, and

WHEREAS, an error has been discovered in the Notice of Public Hearing published in the Journal News;

NOW, THEREFORE, be it

RESOLVED, that the public hearing scheduled for June 12, 1984, at 8:15 P.M., is hereby rescheduled to June 26, 1984, at 8:45 P.M., to be held in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and that the proposed amendment to the Zoning Ordinance to be considered for adoption is as follows:

(See attached Schedule "A")

and be it

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

Seconded by Supervisor Dusanenko

All voted aye

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the Public Hearing Re: Change of zoning ordinance Theatres was opened 8:30 PM.

On motion of Councilman Maloney, seconded by Councilman Carey, with no's of Councilman Lettre and Maloney, this Public Hearing was recessed until July 10, 1984 time: 8:45 PM

RESOLUTION NO. (602-1984) FAILED

CLOSING PUBLIC HEARING AND DENYING CHANGE OF ORDINANCE (THEATRES)

Co. Maloney offered the following resolution:

RESOLVED, that public hearing re: change of zoning ordinance (Theatres) be closed and denied.

Seconded by Co. Lettre

On roll call, the vote was as follows:

Supervisor DusanenkoNo
Councilman CareyYes
Councilman Holbrook.....Yes
Councilman Lettre.....No
Councilman Maloney.....No

RESOLUTION NO. (603-1984) FAILED

TABLING RESOLUTION NO.
(602-1984) RE: DENYING
AMENDMENT TO ZONING ORDINANCE
RE: THEATERS

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. (602-1984) re: Denying
Amendment to Zoning Ordinance re: Theatres is hereby tabled.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Councilman Holbrook said that his vote to table was a vote basically to reserve decision. He said his original motion to close and reserve was what he intended but the tabling motion basically does this and he is voting "Yes."

Councilman Lettre said the reason he was seconding Councilman Maloney's motion to deny this change is that he did not even vote to hold the public hearing and the reason for that was that he felt that the existing ordinance which we have in the Town is working well and is holding down the proliferation of multiplex theaters in Clarkstown. He stated that he lives in Congers, which is a very quiet, rural area of Clarkstown and the reason, perhaps coincidentally, that it is very quiet is because there are no movie theaters. He said he grew up near the Hamlet of Nanuet and he has watched it change, unfortunately for the worse. He said it was his feeling that Nanuet could not handle another multiplex or even one more theater coming into the area. He mentioned the nearness of other theaters in the area which cause congestion in the area now. He said if this change goes through he believes the existing theaters will ask for multiplex screens also. This proposed ordinance is not geared to one particular site and it is his belief that if passed there will be many more multiplex theaters throughout Clarkstown. He said he has been opposed to this concept, still is opposed and hopes that his fellow Board members will see the light and oppose this. He stated it would be detrimental to the Town of Clarkstown.

Councilman Maloney stated that he too has been opposed to changing this ordinance from its very inception. He said the ordinance we now have is sufficient and will prevent a proliferation of theaters. He said he has lived in Nanuet for twenty-three years and he knows how difficult it is to travel around Nanuet on a Friday or Saturday or Sunday. He said we do not have to become the entertainment capital of the world. There are seven movie theaters there now and no one is clamoring for eight more. He said there are not enough movies coming out every year to satisfy the demand for eight more theaters. This ordinance if it is changed will apply to the entire Town of Clarkstown and we will have a march of people coming in applying for the change for their theaters. When the Theatre Go Round was open the Clarkstown Police Department had to be there to direct traffic. He suggested that if this goes through it be named something like the Roach Motel because the people will go in but they will never come out. He said there was a promise of a light but that will take years. We have been waiting for years for a street light outside of the Senior Citizen complex in Bardonia and are still waiting. The state will not

RESOLUTION NO. (603-1984) Continued

move to put in a traffic light to allow people to move in and out of a theater. It is not going to happen. The time to stop this is now not after it is passed and wait until each individual application comes in. If we do not adopt this ordinance now we will keep the one we have lived with very well for the last four years. He stated he was definitely opposed to this.

Supervisor Dusanenko stated that there have been many thought provoking comments made pro and con on this issue. He said in his opinion it should be reflected upon longer and more fully. Every youngster is not active in his CYO, church or temple group. Every youngster in this Town is not actively involved in academic scholarship or athletic programs even though many would like to be. Most kids want positive outlets but there are few positive outlets that are increasing with the needs of the growing populations. Half the crime in Rockland County, as reported by District Attorney Gribitz, has been committed by youngsters seventeen years of age or younger and that's for all kinds of offenses. There are not enough positive outlets. There are many parents that have youngsters hanging out on street corners. I would prefer to have them involved in their churches, synagogues, youth activities, or Clarkstown Recreation programs as was alluded to by previous speakers but we don't have enough facilities. If it comes down to an alternative to having a kid hanging out at the mall or bus station or other places where kids congregate in the Town, and drink and shoot dope and hang out; that's an intolerable alternative as far as I'm concerned. I don't have all the answers now, but I'm just voting to waive this decision to a future date and if need be have another public hearing before I cast a vote because it's all too simple to coin a phrase you're for or against something and do no thinking in between. Yes, there are problems and there are excellent suggestions being made pro and con. At the same time, I'm going to cast a vote to table and recognize Councilman Holbrook for a motion to close and reserve decision.

Councilman Holbrook asked the Town Attorney to look into the legality of the public hearing.

The Town Attorney suggested that the Board recess the public hearing until further information is available.

Councilman Lettre said legality had no bearing on turning this down.

Councilman Carey requested that they not recess the public hearing to the June 26 meeting but instead recess it to the first formal meeting in July

Councilman Holbrook said, yes, let's recess and report back on the legal question.

Councilman Lettre asked what the legal question had to do with the public hearing and thought that the legal question was irrelevant.

RESOLUTION NO. (604-1984)

RECESSING PUBLIC HEARING TO
ZONING ORDINANCE RE.
THEATRES, JULY 10, 1984

Continued on Next Page

TBM 6/12/84
Page 7

Resolution No. (604-1984) continued

Co. Holbrook offered the following resolution:

RESOLVED, that public hearing re. amendment to zoning ordinance, theatres is hereby recessed until July 10, 1984.

Seconded by Co. Carey
The roll call was as follows:

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

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Petition for the extension of the Clarkstown Consolidated Water Supply District to include David Riley Construction, Inc., was opened, time: 9:55 P.M.

On motion of Councilman Carey, seconded by Councilman Holbrook, and unanimously adopted the Public Hearing re: Petition for the extension of the Clarkstown Consolidated Water Supply District to include David Riley Construction, Inc., was closed, time: 10:00 P.M.

RESOLUTIN NO. (605-1984)	AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE WORK ON MUIR LANE, NEW CITY - \$1500.00.
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Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of Muir Lane, New City, New York;

NOW, THEREFORE, be it

RESOLVED that the Supt. of Highways be authorized to perform the necessary reconstruction to raise the area of depressed road pavement and curb in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$1500.00 and be it

Continued on Next Page

TBM -6/12/84
Page 8

RESOLUTION NO. (605-1984)continued

FURTHER RESOLVED, that the sum of \$1500.00 be charged to drainage Bond Capital Account #2.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION No. (606-1984)

AUTHORIZING SUPT. OF HIGHWAYS TO PERFORM DRAINAGE WORK IN VICINITY OF GREAT OAKS LA., SPRING VALLEY. SUM OF \$2200. TO BE CHARGED TO DRAINAGE BOND CAPITAL ACCOUNT #2.

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of Great Oaks Lane, Spring Valley, New York;

NOW, THEREFORE, be it resolved that the Supt. of Highways be authorized to perform drainage work by extending the storm drain in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$2200.00 and be it

FURTHER RESOLVED, that the sum of \$2200.00 be charged to drainage Bond Capital Account #2.

Seconded by Co.Holbrook

All voted Aye.

RESOLUTION NO. (607-1984)

AUTHORIZING SUPT. OF HIGHWAYS TO PERFORM DRAINAGE WORK IN THE VICINITY OF SOUTH MOUNTAIN ROAD, NEW CITY FOR A SUM NOT TO EXCEED \$20,000 AND CHARGED TO DRAINAGE BOND, CAPITAL ACCOUNT #2.

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of South Mountain Road, New City;

NOW, THEREFORE, be it resolved that the Supt. of Highways be authorized to perform corrective drainage work which includes the installation of 668 feet of 15" CMP, five new catch basins and necessary asphalt repairs in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$20,000., and be it

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

Continued on Next Page

TBM - 6/12/84
Page 9

RESOLUTION NO. (607-1984) Continued

FURTHER RESOLVED, that the sum of \$20,000. be charged to Drainage Bond, Capital Account #2.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (608-1984)

AUTHORIZING SUPT. OF HIGHWAYS TO PERFORM DRAINAGE WORK IN VICINITY OF MITCHELL DRIVE, VALLEY COTTAGE AND THAT THE SUM OF \$6,000. BE CHARGED TO DRAINAGE BOND, CAPITAL ACCOUNT #2.

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of Mitchell Drive , Valley Cottage;

NOW, THEREFORE, be it resolved that the Supt. of Highways be authorized to perform corrective drainage work which includes the installation of 125 ft. of CMP, 25 ft. trench drain with frame and grated covers, two new catch basins and pavement repairs in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$6,000. and be it

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

FURTHER RESOLVED, that the sum of \$6,000. be charged to Drainage Bond, Capital Account #2.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (609-1984)

AUTHORIZING SUPT. OF HIGHWAYS TO PERFORM DRAINAGE WORK ON WEST CLARKSTOWN ROAD, SPRING VALLEY (VICINITY OF GIRL SCOUT PROPERTY), SUM NOT TO EXCEED \$7,500 AND CHARGED TO DRAINAGE BOND, CAPITAL ACCOUNT #2.

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists on West Clarkstown Road, Spring Valley, in the vicinity of the Girl Scout property;

NOW, THEREFORE, be it resolved that the Supt. of Highways be authorized to perform corrective drainage work which includes the installation of 145 ft. of 15" CMP, four new catch basins and pavement repairs in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$7,500. and be it

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

Continued on Next Page

TBM - 6/12/84
Page 10

RESOLUTION NO. (609-1984) Continued

FURTHER RESOLVED, that the sum of \$7,500. be charged to Drainage Bond, Capital Account #2.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (610-1984)

AUTHORIZING DOLORES LODICO AND DORIS FOGEL TO ATTEND SEMINAR AND CHARGE TO APPROPRIATION ACCOUNT A 1010-414.

Co. Holbrook offered the following resolution:

RESOLVED, that Dolores Lodico and Doris Fogel are hereby authorized to attend the New York State Government Finance Officers Association seminar on Friday, June 15, 1984, to be held at Smithtown, New York.

AND, FURTHER RESOLVED, that all proper expenses be charged to Appropriation Account A 1010-414.

Seconded by Co. Lettre

All voted Aye.

RESOLUTION NO. (611-1984)

DECREASING APPROPRIATION ACCOUNT D 5110-387 AND INCREASING APPROPRIATION ACCOUNT D 5110-219 BY \$4,000.

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account D 5110-387 and increase Appropriation Account D 5110-219 by \$4,000.00.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (612-1984)

INCREASING APPROPRIATION ACCOUNT A 1220-219 AND DECREASING APPROPRIATION ACCOUNTS 1990-505 (CAR EQUIPMENT) - HIGHWAY DEPT.

Co. Lettre offered the following resolution:

RESOLVED, to increase Appropriation Account A 1220-219 and decrease Appropriation Account A 1990-505 by \$840 for the purpose of installing car equipment.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (613-1984)

DECREASING APPROPRIATION ACCOUNT B 8020-313 AND INCREASING APPROPRIATION ACCOUNT B 8020-404 (PLANNING DEPT.)

Co. Lettre offered the following resolution:

RESOLUTION NO. (613-1984) - Continued

RESOLVED, to decrease Appropriation Account B 802-313 and increase Appropriation Account B 8020-404 by \$50.00.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (614-1984) DECREASING APPROPRIATION ACCOUNT A 3120-114 AND INCREASING APPROPRIATION ACCOUNT A 3120-293 (POLICE DEPT.)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account A 3120-114 and increase Appropriation Account A 3120-293 by \$6,000.00.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (615-1984) AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING BETWEEN SIGNS" - SOUTH OF SOUTHERLY DRIVEWAY OF NANUET RESTAURANT MAIN STREET, NANUET AND JUST NORTH OF NORTH DRIVEWAY OF THE NEW STORES, MAIN STREET, NANUET

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install "No Parking Between Signs". The first, just south of the southerly driveway of the Nanuet Restaurant, Main Street, Nanuet. The second, just north of the north driveway of the new stores, Main Street, Nanuet.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (616-1984) SETTING DATE FOR PUBLIC HEARING RE. EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO.1 TO INCLUDE TIMOTHY ESTATES

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated May 11, 1984 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(DESCRIPTION FILED IN THE TOWN CLERK'S OFFICE)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the

Continued on Next Page

TBM - 6/12/84
Page 12

RESOLUTION NO. (616-1984) Continued

Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 10th day of July 1984, at 8:15 P.M. DST time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO.(617-1984) AUTHORIZING TOWN ATTORNEY TO DEFEND AN ACTION - PHYLIS BRINGSLIMARK

Co. Carey offered the following resolution:

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

PHYLIS BRINGSLIMARK
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. Holbrook All voted Aye

RESOLUTION NO. (618-1984) ADVERTISING FOR BIDS FOR BID #45-1984 - FENCING

Co. Maloney offered the following resolution:

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

BID #45-1984
FENCING FOR PARKS AND RECREATION 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 Friday, June 29, 1984, 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. (619-1984) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #32-1984 - CENTRAL NYACK COMMUNITY CENTER - ALTERATIONS AND IMPROVEMENTS

Co. Maloney offered the following resolution:

Continued on Next Page

TBM - 6/12/84
Page 13

RESOLUTION NO. (619-1984) Continued

RESOLVED, that Town Board Resolution 362-1984 is hereby amended to read:

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

BID #32-1984
CENTRAL NYACK COMMUNITY CENTER
ALTERATION AND IMPROVEMENTS

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 July 2, 1984, 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. (620-1984)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #47-1984 - AIR CONDITIONING OF CLARKSTOWN HIGHWAY DEPT. OFFICES

Co. Maloney offered the following resolution:

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

BID #47-1984
AIR CONDITIONING OF CLARKSTOWN
HIGHWAY DEPT. OFFICES

bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, July 2, 1984, 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. (621-1984)

ACCEPTING DECLARATION OF COVENANTS FROM GYORGY PINTYE AND MARTA PINTYE

Co. Holbrook offered the following resolution:

RESOLVED, that the Declaration of Covenants dated May 30, 1984, from Gyorgy Pintye and Marta Pintye in connection with Board of Appeal No. 1828 is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (622-1984)

AUTHORIZING RONALD A. LONGO,
ESQ. TO TAKE ALL APPROPRIATE
STEPS ON BEHALF OF THE TOWN
OF CLARKSTOWN IN ARBITRATION
PROCEEDINGS INVOLVING EDWARD
SMITH

Co. Holbrook offered the following resolution:

RESOLVED, that Ronald A. Longo, Esq., 1 North Broadway,
White Plains, New York, is hereby authorized to take all appropriate
steps, including an action to stay arbitration pursuant to the CPLR, to
act on behalf of the Town of Clarkstown in arbitration proceedings
involving Edward Smith.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (623-1984)

AUTHORIZING RONALD A. LONGO,
ESQ., TO TAKE APPROPRIATE
STEPS ON BEHALF OF TOWN OF
CLARKSTOWN IN ARBITRATION
PROCEEDINGS CONCERNING CLASS
TRANSFER SUIT

Co. Carey offered the following resolution:

RESOLVED, that Ronald A. Longo, Esq., 1 North Broadway,
White Plains, New York, is hereby authorized to take all appropriate
steps, including an action to stay arbitration pursuant to the CPLR, to
act on behalf of the Town of Clarkstown in arbitration proceedings
concerning the class transfer issue.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (624-1984)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC., FOR THE
UPGRADING/REPLACEMENT OF
STREET LIGHTS AT VARIOUS
LOCATIONS

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown is entitled to receive an
annual upgrade/replacement of 2% of the total amount of its existing
street lighting from Orange and Rockland Utilities, Inc., at no charge
to the Town,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A.
Balko, Service Investigation Clerk, the Town Board of the Town of
Clarkstown hereby accepts a proposal from Orange and Rockland
Utilities, Inc., for the upgrade/replacement of street lighting at the
following locations:

New Hempstead Road, New City
(From Ramapo Town line - east to intersection Little Tor
Road., New City - total 26 street lights)

Congers Road, New City
(From intersection Horse Shoe Drive - east to intersection
Goebel Road, New City - total 32 street lights_

TBM - 6/12/84
Page 15

RESOLUTION NO. (624-1984) Continued

Old Mill Road, Valley Cottage
(Area Snake Hill Road detour and railroad bridge - total 4 street lights)

Zukor Road, New City
(From Dellwood Country Club gate - south, area of Street School Community Center - total 4 street lights)

Grandview Avenue, Nanuet
(From intersection Convent Road - north to intersection Route 59 - total 18 street lights)

TOTAL - 84 existing street lights to be upgraded/replaced as per attached proposal.

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (625-1984)

AUTHORIZING ATTENDANCE AT CONFERENCE ("NEW YORK AND FEDERAL RULES OF EVIDENCE"(JUSTICE KENNETH S. RONES) - CHARGE TO APPROPRIATION ACCOUNT 1010-414

Co. Carey offered the following resolution:

RESOLVED, that Justice Kenneth S. Rones is hereby authorized to attend the "New York and Federal Rules of Evidence" Conference co-sponsored by the Trial Lawyers Section and the Committee on Continuing Legal Education of the New York State Bar Association to be held in New York City on June 15, 1984, and all proper charges be charged to Appropriation Account 1010-414, in an amount not to exceed \$100.00.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (626-1984)

AUTHORIZING REMOVAL OF HAZARD AND UNSAFE STRUCTURE FROM PRIVATE PROPERTY (THOMAS J. BROWN - MAP 15, BLOCK A, LOT 19)

Co. Carey offered the following resolution:

WHEREAS, Section 31-10 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Building Inspector of the Town of Clarkstown to immediately demolish an unsafe building if it reasonably appears that there is a present and a clear, imminent danger to life, safety or health, and

WHEREAS, on or about May 15, 1984, a fire occurred in premises known as Map 15, Block A, Lot 19, owned by Thomas J. Brown, which so damaged the said premises that there was imminent danger to life, safety or health as determined by the Building Inspector and Fire Inspector, which condition required that the remaining portion of the structure be immediately demolished, and

WHEREAS, said premises were demolished by order of the Building Inspector on May 15, 1984, and the owner informed by Order dated May 17, 1984, to remove the remaining debris and said debris has not as of this date been removed;

TBM - 6/12/84
Page 16

RESOLUTION NO. (626-1984) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 31-10 of the Code of the Town of Clarkstown the Order of the Building Inspector of the Town of Clarkstown referred to above which resulted in the demolition of the said premises is hereby determined to have been proper under the exercise of emergency powers granted to him, and be it

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

THOMAS J. BROWN

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 15, Block A, Lot 19, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 7th day of August, 1984 at 8:15 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before June 25, 1984.

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (627-1984)

GRANTING ISSUANCE OF ONE FAMILY RESIDENCE TO JOSEPH MUSORRAFITI (MAP 139, BLOCK B, LOT 30.01) - DECLARATION OF COVENANTS TO BE EXECUTED AND RECORD - CERTIFICATE OF OCCUPANCY NOT TO BE ISSUED UNTIL COMPLETION OF CERTAIN CONDITIONS TO THE SATISFACTION OF THE DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL CONTROL

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subd. (2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control and Superintendent of Highways, a permit for the erection of a one family residence may be issued to Joseph Musorrafiti, as owner, for property situate on the west side of Wisconsin Avenue, 60 feet south from the intersection of Joliffe Street, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 139, Block B, Lot 30.01, provided the owner shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney which shall run with the land and which shall provide:

1. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown.
2. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to 50 feet in width.

RESOLUTION NO. (627-1984) Continued

3. That the declarant owner shall provide for and maintain to the satisfaction of the Superintendent of Highways a "T" turnaround at the end of the driveway within Wisconsin Avenue which services the subject premises.

4. The declarant owner acknowledges that the run-off from the roadway drains into the subject premises and at the present time the backyard is very wet from said condition.

5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

6. That the certificate of occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that a certificate of occupancy shall not be issued for the premises to be constructed until the following items are completed pursuant to the direction, control and satisfaction of the Director of the Department of Environmental Control:

1. That the existing driveway be widened to at least 18 feet in width and capped with 1 1/2 inch wearing course to at least the south side of the proposed driveway as shown on plot plan entitled, "Plot Plan for Building Permit for J & F Musorrafiti, Congers, Town of Clarkstown, Rockland County, NY" last revised March 20, 1984, prepared by Edward Palmenberg, P.E.

2. A sanitary sewer connection, including a spur, shall be installed by the owner, at no cost to the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (628-1984)

GRANTING ISSUANCE OF PERMIT
FOR ONE FAMILY RESIDENCE
(SERGE AND NATALYA MOVSESYAN
- MAP 139, BLOCK B, LOT
21.07) - DECLARATION OF
COVENANTS TO BE EXECUTED AND
RECORDED - CERTIFICATE OF
OCCUPANCY NOT TO BE ISSUED
UNTIL COMPLETION OF CERTAIN
CONDITIONS TO THE
SATISFACTION OF DIRECTOR OF
DEPARTMENT OF ENVIRONMENTAL
CONTROL

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subd. (2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control and Superintendent of Highways, a permit for the erection of a one family residence may be issued to Serge and Natalya Movsesyan, as owners, for property situate on the west side of Wisconsin Avenue, 305.34 feet north of its intersection with Quaspeck Street, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 139, Block B, Lot 21.07, provided the owners shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney which shall run with the land and which shall provide:

1. That the declarant owners irrevocably agree to participate in a road improvement district for any frontage of said

Continued on Next Page

RESOLUTION NO. (628-1984) Continued

premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown.

2 That the declarant owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owners in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to 50 feet in width.

3. That the declarant owners shall provide for and maintain to the satisfaction of the Superintendent of Highways a "T" turnaround at the end of the driveway within Wisconsin Avenue which services the subject premises.

4. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

5. That the certificate of occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that a certificate of occupancy shall not be issued for the premises to be constructed until the following items are completed pursuant to the direction, control and satisfaction of the Director of the Department of Environmental Control:

1. That the proposed driveway through Wisconsin Avenue shall be constructed to Town specifications.

2. A sanitary sewer connection, including a spur, shall be installed by the owner, at no cost to the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (629-1984)

GRANTING ISSUANCE OF PERMIT FOR ONE FAMILY RESIDENCE - LOUIS CHILLINO - MAP 139, BLOCK B, LOT 30 - DECLARATION OF COVENANTS TO BE EXECUTED AND RECORDED - CERTIFICATE OF OCCUPANCY NOT TO BE ISSUED UNTIL COMPLETION OF CERTAIN CONDITIONS TO THE SATISFACTION OF DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL CONTROL

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subd. (2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control and Superintendent of Highways, a permit for the erection of a one family residence may be issued to Louis Chillino, as owner, for property situate on the west side of Wisconsin Avenue, 280 feet south from the intersection of Joliffe Street, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 139, Block B, Lot 30, provided the owner shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney which shall run with the land and which shall provide:

Continued on Next Page

TBM - 6/12/84
Page 19

RESOLUTION NO. (629-1984) Continued

- 1. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown.
- 2. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to 50 feet in width.
- 3. That the declarant owner shall provide for and maintain to the satisfaction of the Superintendent of Highways a "T" turnaround at the end of the driveway within Wisconsin Avenue which services the subject premises.
- 4. The declarant owner acknowledges that the run-off from the roadway drains into the subject premises and at the present time the backyard is very wet from said condition.
- 5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.
- 6. That the certificate of occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that a certificate of occupancy shall not be issued for the premises to be constructed until the following items are completed pursuant to the direction, control and satisfaction of the Director of the Department of Environmental Control:

- 1. That the existing driveway be widened to at least 18 feet in width and capped with 1 1/2 inch wearing course to at least the south side of the proposed driveway with a turnaround for the premises shown on a plot plan entitled, "Survey of Property prepared for Louis and Sheila Chillino, Town of Clarkstown, Rockland County, New York," last revised March 30, 1984, prepared by Caruso & Haller P.C.
- 2. A sanitary sewer connection, including a spur, shall be installed by the owner, at no cost to the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (630-1984)

MEMORIALIZING RESOLUTION TO
NEW YORK STATE LEGISLATURE
RE. SUPPORT OF A
CONSTITUTIONAL AMENDMENT FOR
THE DEATH PENALTY

WHEREAS, violent crime in New York State has been on the rise the last several years and

WHEREAS, our current laws and penal system has not been able to reduce this threat to innocent human life, and

WHEREAS, people of Clarkstown and Rockland County will not be safe until we crack down on crime in New York State, and

WHEREAS, New York State can adopt a death penalty law if the people of New York State insist on an amendment to Article I of the New York State Constitution and

RESOLUTION NO. (630-1984) Continued

WHEREAS, a concurrent resolution proposing an amendment has been introduced in the Legislature by Assemblyman Armand P. D'Amato (A9593) and Senator Ralph J. Marino (S7730), and

WHEREAS, specific provisions of said concurrent resolution state:

1. The determination whether a defendant be subject to the death penalty will be for the jury to decide.

2. The conditions under which the death penalty may be imposed are:

- *murder of a police officer or peace officer in the line of duty,
- *correctional facility employee in the line of duty,
- *murder by a prison inmate sentenced to life imprisonment or a prison escapee,
- *murder of a witness to a crime,
- *hired assassin,
- *felony murder,
- *in course of committing a felony - defendant risked life of many persons or intended to cause intense suffering.

3. Defendant must be 18 years of age.

4. Consideration of mitigating circumstances.

5. Provision for court review, and

WHEREAS, this amendment would send a clear signal both to criminals and to the courts regarding the people's desire for the imposition of the death penalty,

NOW, THEREFORE, BE IT

RESOLVED, that the Clarkstown Town Board supports the concurrent resolution (A9593), (S7730) proposing an amendment to Article One of the New York State Constitution, and be it

FURTHER RESOLVED, that the Clerk of the Town of Clarkstown be directed to send a certified copy of this resolution to Governor Mario Cuomo, Senator Linda Winikow and Assemblyman Robert Connor.

Seconded by Co. Lettre

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Co. Cary.....	Yes
Co. Holbrook.....	Abstained
Co. Lettre.....	Yes
Co. Maloney.....	No

RESOLUTION NO. (631-1984)

AUTHORIZING MODIFICATION OF
CUL-DE-SAC MAINTENANCE
CONTRACT FOR ADDITIONAL WORK

WHEREAS, the Town of Clarkstown adopted Resolution No. 427 on April 10, 1984, awarding the bid to Chestnut Grove Nursery for the maintenance and improvements of the Town Cul-de-Sac islands and

Continued on Next Page

TBM - 6/31/84
Page 21

RESOLUTION NO. (631-1984) Continued

WHEREAS, the intersection of Cairnsmuir Lane and New City, Congers Road, the intersection of Old Schoolhouse Road with New City-Congers Road and the three front malls of the commuter parking lot on Middletown Road, Nanuet, were not included in the original bid

NOW, THEREFORE, be it resolved that the Director of the Department of Environmental Control is authorized to include the upgrading and maintenance of these areas as a change order to the original bid for a sum not to exceed \$6,000. and be it

FURTHER RESOLVED, that the sum of \$6,000. be charged to D 5140-384.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (632-1984)

AUTHORIZING POLICE DEPARTMENT TO ACCEPT VEHICLES PER N.Y.S. VEHICLE AND TRAFFIC LAW

Co. Holbrook offered the following resolution:

RESOLVED, that in accordance with Section 1224 Subd. 6(a) of the New York State Vehicle and Traffic Law, the Town of Clarkstown Police Department is hereby authorized to convert to its own use an abandoned 1972 Oldsmobile Cutlass, 2 door Vehicle Identification No. 3F87H2G104082.

Seconded by Supervisor Dusanenko

All voted Aye

RESOLUTION NO. (633-1984)

AUTHORIZING COMPTROLLER TO ENTER INTO A MAINTENANCE AGREEMENT WITH BURROUGHS CORPORATION

Co. Holbrook offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to enter into a maintenance agreement with Burroughs Corporation for the B-21 equipment and printers at an annual cost of \$3,350.40.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (634-1984)

AUTHORIZING SUPERVISOR TO EXECUTE A VOUCHER RE. EXTENSION OF USE OF THE CLARKSTOWN SANITARY LANDFILL BY THE N.Y.S. THRUWAY AUTHORITY

Co. Holbrook offered the following resolution:

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

WHEREAS, the Town of Clarkstown is agreeable to permitting the continued use of the Clarkstown Sanitary Landfill for the sum of \$4,400.00;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (634-1984) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement for the payment of \$4,400.00 to the Town of Clarkstown for the continued use of the Clarkstown Sanitary Landfill by the New York State Thruway Authority for the period from May 17, 1984, to May 16, 1985.

Seconded by Supervisor Dusanenko All voted Aye

RESOLUTION NO. (635-1984) SETTING DATE FOR
INFORMATIONAL MEETING FOR
PROPOSED IMPROVEMENTS TO
FRENCH FARMS AND GERMONDS PARK

Co. Maloney offered the following resolution:

RESOLVED, that there will be a joint meeting of the Town Board and the Recreation and Parks Commission on June 21, 1984, in the Town Hall Auditorium from 8:30 P.M. to 10:00 P.M. and be it

FURTHER RESOLVED, that this meeting will be opened to the public to review the proposed improvements to French Farms and Germonds Park.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (636-1984) AUTHORIZATION TO ATTEND
CONFERENCE - CHIEF
SCHNAKENBERG

Co. Maloney offered the following resolution:

RESOLVED, that George R. Schnakenberg, Chief of Police, Town of Clarkstown, is hereby authorized to attend the New York State Association of Chiefs of Police Annual conference from August 26th through August 30th, 1984, in Albany, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$400.00 be charged against Account A1010-414.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (637-1984) AUTHORIZING PLANNING BOARD TO
APPLY TOWN LAW SECTION 281
(DENSITY LAYOUT SUBDIVISION
OF PROPERTY FOR STARKE CORNER
TOWN OF CLARKSTOWN)

Co. Holbrook offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., agent for the applicant has made written application for use of Town Law Section 281 in connection with a subdivision known as Starke Corner, and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section

TBM - 6/12/84
Page 23

RESOLUTION NO. (637-1984) Continued

281 is used in this subdivision as shown on a map entitled, "Density Layout Subdivision of Property for Starke Corner Town of Clarkstown, County of Rockland, State of New York", dated April 24, 1984, prepared by Atzl & Scatassa Associates, P.C.," in that this density plan will allow for improved design, subject to the following provisions:

1. That the radius width of the cul-de-sac be 60 feet with 40 feet pavement and that all lots have ingress/egress from the cul-de-sac.

2. Before the final approved map is filed in the Rockland County Clerk's Office, the applicant shall obtain a permit from the Rockland County Highway Department for access to the subdivision from New City Congers Road.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled, "Density Layout Subdivision of Property for Starke Corner, Town of Clarkstown, County of Rockland, State of New York," dated April 24, 1984, prepared by Atzl & Scatassa Associates, P.C., subject to the conditions stated above, all other subdivision requirements, and requirements of law.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (638-1984)

AUTHORIZING RONALD A. LONGO, ESQ., TO TAKE APPROPRIATE STEPS TO STAY ARBITRATION PURSUANT TO CPLR (RONALD ALTMAN)

Co. Lettre offered the following resolution:

RESOLVED, that Ronald A. Longo, Esq., 1 North Broadway, White Plains, New York, is hereby authorized to take all appropriate steps, including an action to stay arbitration pursuant to the CPLR, to act on behalf of the Town of Clarkstown in arbitration proceedings involving Ronald Altman.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (639-1984)

AUTHORIZING FIRE LANE DESIGNATIONS AT TOYS-R-US SHOPPING CENTER - COLLEGE AVENUE AND ROUTE 59, NANUET, NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14 of the Code of the Town of Clarkstown, at Toys-R-Us Shopping Center, College Avenue & Route 59, Nanuet, New York by the installation of fire lane designations, and

WHEREAS, Leo O'Connor, the owner and/or person in general charge of the operation and control of the parking area located in the

RESOLUTION NO. (639-1984) Continued

Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

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

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (640-1984)

AUTHORIZING ATTENDANCE AT NEW YORK STATE FIRE CHIEFS' CONVENTION (MARK PAPENMEYER)

Co. Lettre offered the following resolution:

RESOLVED, that Mark Papenmeyer, Assistant Fire Inspector is authorized to attend the New York State Fire Chiefs' Convention to be held on June 17 through June 21, 1984 at the Concord Hotel, Lake Kiamesha, New York, and be it

FURTHER RESOLVED, that there would be no cost to the Town.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (641-1984)

AWARDING BID FOR BID #42 - HALL OF JUSTICE BUILDING - REPLACEMENT FLOORING (J & C FLOORING)

Co. Maloney offered the following resolution:

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

BID #42-1984
REPLACEMENT FLOORING - HALL OF JUSTICE BUILDING

is hereby awarded to:

J & C FLOORING
Box 29
Congers, New York 10920

as per their lowest bid proposal meeting specifications of \$10,500.00, and be it

FURTHER RESOLVED, that funds for same be charged to account A 1620-408.

Seconded by Co. Lettre

All voted Aye.

RESOLUTION NO. (642-1984)

INCREASING COMPENSATION FOR
ELECTION INSPECTORS AND
DISTRICT CHAIRMEN FOR PRIMARY
DAY AND ELECTION DAY -
CONTINUING PRESENT
COMPENSATION FOR REGISTRATION
DAYS - PROVIDING ADDITIONAL
COMPENSATION FOR ATTENDANCE
AT INSTRUCTIONAL MEETING -
ADDITIONAL COMPENSATION FOR
ATTENDANCE AT CERTIFICATION
MEETING

Co. Lettre offered the following resolution:

RESOLVED, that the rate of compensation for Election
Inspectors and District Chairmen for both Primary Day and Election Day
is hereby increased to:

Election Inspector will receive \$70.00 per day
District Chariman will receive \$80.00 per day, and be it

FURTHER RESOLVED, that compensation for services on
Registration Days will continue to be:

Election Inspector will receive \$45.00 per day.
District Chairman will receive \$55.00 per day, and be it

FURTHER RESOLVED, that Election Inspectors who attend the
instructional meeting conducted by the Rockland County Board of
Elections shall receive additional compensation in the sum of \$5.00 per
meeting, and be it

FURTHER RESOLVED, that all Election Inspectors who attend
the certification meeting conducted by the Rockland County Board of
Election shall receive the sum of \$5.00 as compensation, and be it

FURTHER RESOLVED, that no mileage allowance shall be paid
for any activities referred to above, and be it

FURTHER RESOLVED, that the owner or agent of each voting
location shall receive \$30.00 per day per district for Primary, General
and Special Elections and \$30.00 per day per facility for registration,
and be it

FURTHER RESOLVED, that the custodians for each polling
location or place of registration, other than the custodians at Town
facilities, shall receive the sum of \$5.00 per day.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (643-1984)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (MURDOCK ROAD, NEW
CITY AND FISHER AVENUE,
NANUET)

Co. Holbrook offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested
that street lighting be installed to improve the safety and welfare of
the community, and

WHEREAS, a survey of surrounding property owners directly
affected by this proposed lighting was conducted by Patricia A. Balko,
Service Investigation Clerk, and

WHEREAS, the surrounding property owners have indicated
that they are in accord with this proposed lighting,

Continued on Next Page

TBM - 6/12/84
Page 27

RESOLUTION NO. (646-1984)

RELEASING PASSBOOK WHICH
SECURED PERFORMANCE BOND IN
CONNECTION WITH FINAL
APPROVAL OF SUBDIVISION
(BUREL JACKSON)

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Performance Bond secured by a passbook containing the sum of \$8,000.00 furnished to the Town in connection with final approval of a subdivision known as Burel Jackson is terminated and the passbook released to the guarantor.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (647-1984)

AUTHORIZING TOWN ATTORNEY TO
DEFEND PROCEEDING AGAINST
TOWN OF CLARKSTOWN (SUMMIT
SCHOOL AND CHILDREN'S
RESIDENCE CENTER)

Co. Holbrook offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of
THE SUMMIT SCHOOL AND CHILDREN'S
RESIDENCE CENTER,

Petitioner,

For a Judgment under Article 78 of
the Civil Practice Law and Rules,

-against-

THEODORE DUSANENKO, Supervisor, and
WILLIAM CAREY, JOHN MALONEY, CHARLES
HOLBROOK and EDWARD LETTRE, Councilmen
at the Town Board of the Town of Clarkstown,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Lettre

All voted Aye.

With regard to the following resolution Supervisor Dusanenko stated that he had fruitful discussions with Mr. Geneslaw regarding this contract, pending since 1982, and they locked in the price for the end of 1984. There may have been trials and tribulations but this will be for the benefit of the taxpayers. There will be less confusion later on for all of us.

Continued on Next Page

RESOLUTION NO. (648-1984)

AUTHORIZING SUPERVISOR TO
ENTER INTO MODIFICATION
CONTRACT (ORIGINAL CONTRACT
DATE WAS MAY 1982) FOR
PLANNING SERVICES IN
CONNECTION WITH MASTER PLAN
UPDATE 1981 (RAYMOND, PARISH,
PINE & WEINER, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the planning consultant firm of Raymond, Parish, Pine and Weiner, Inc., has provided technical services to the Town of Clarkstown with respect to the implementation by the Town of Clarkstown of the Master Plan Update 1981, and

WHEREAS, compensation for these services were provided for in a contract dated May 1982, referred to in Resolution No. 592 adopted by the Town Board on June 8, 1982, and

WHEREAS, the said planning consultant firm has offered to modify said contract to provide for a revised termination date without request for additional compensation;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into said modification contract dated May 30, 1984, for planning services for compensation to be paid in the amount of \$30,000.00, which sum shall be charged to Account No. B 8020-409.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (649-1984)

AUTHORIZING TOWN ATTORNEY TO
DEFEND PROCEEDING AGAINST
TOWN OF CLARKSTOWN (TEXACO,
INC. V. ZBA AND BUILDING
INSPECTOR OF TOWN OF
CLARKSTOWN)

Co. Holbrook offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of Application #1774 of TEXACO, INC., of 580 White Plains Road, Tarrytown, New York for a variation from the requirements of Section 106-10 A, Table 12, Columns 4 and 5; Section 106-10 B, Table 16, Group JJ, Column 7 and Section 106-27 of the Zoning Ordinance of the Town of Clarkstown to permit the rehabilitation of the existing service station, a convenience store and a freestanding business sign pursuant to an Article 78 proceeding of the Civil Practice Law and Rules,

Petitioner,

-against-

THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN
and the BUILDING INSPECTOR OF THE TOWN OF CLARKSTOWN,

Respondents.

Continued on Next Page

RESOLUTION NO. (649-1984) Continued

NOW, THEREFORE, be it

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

Seconded by Co. Lettre

All voted Aye.

RESOLUTION NO. (650-1984)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (BARBARA GLADNICK)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Barbara Gladnick, 2 Lawnwood Place, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to April 1, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (651-1984)

APPOINTING POSITION OF
CROSSING GUARD (SUBSTITUTE) -
POLICE DEPARTMENT (KATHLEEN
A. MALONEY)

Co. Holbrook offered the following resolution:

RESOLVED, that Kathleen A. Maloney, 15 Staubitz Avenue, Pearl River, New York is hereby appointed to the position of Crossing Guard (Substitute) - Police Department - at the current rate of \$5.00 per crossing, effective and retroactive to May 21, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (652-1984)

APPOINTING POSITION OF
CROSSING GUARD (SUBSTITUTE)
CATHERINE A. REIMER - POLICE
DEPARTMENT

Co. Holbrook offered the following resolution:

RESOLVED, that Catherine a. Reimer, 21 So. Conger Avenue, Congers, New York is hereby appointed to the position of Crossing Guard (Substitute) - Police Department - at the current rate of \$5.00 per crossing covered, effective and retroactive to May 4, 1984.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (653-1984)

APPOINTING POSITION OF
CROSSING GUARD (SUBSTITUTE)
-POLICE DEPARTMENT - MARY J.
NEWCOMB

Councilman Holbrook offered the following resolution:

RESOLVED, that Mary J. Newcomb, 21 So. Conger Avenue, Congers, New York is hereby appointed to the position of Crossing Guard

RESOLUTION NO. (653-1984) Continued

(Substitute) - Police Department - at the current rate of \$5.00 per crossing covered, effective and retroactive to May 4, 1984.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (654-1984) APPOINTING POSITION OF RADIO OPERATOR - POLICE DEPARTMENT - RANDALL GOLDBERG

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #83011 which contains the name of Randall Goldberg,

NOW, THEREFORE, be it

RESOLVED, that Randall Goldberg, 25 C Heritage Drive, New City, New York is hereby appointed to the position of Radio Operator - Police Department - at the current annual salary of \$12,284, effective and retroactive to May 28, 1984.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (655-1984) APPOINTING POSITION CROSSING GUARD - POLICE DEPARTMENT - HAROLD C. HEUFFEL

Co. Holbrook offered the following resolution:

RESOLVED, that Harold C. Heuffel, 3 Cavalry Drive East, New City, New York is hereby appointed to the position of Crossing Guard - Police Department - at the current rate of \$5.00 per crossing covered, effective and retroactive to May 4, 1984.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (656-1984) ACCEPTING RESIGNATION PART TIME TYPIST - COUNSELING CENTER - GRANT KONNO

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Grant Konno, 89 Grove Street, Pearl River, New York - part-time Typist, Counseling Center - is hereby accepted - effective June 16, 1984.

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (657-1984) APPOINTING SPECIAL STUDIES INTERN - SUPERVISOR'S OFFICE MARIE SORMAMI

Co. Holbrook offered the following resolution:

Continued on Next Page

TBM - 6/12/84
Page 31

RESOLUTION NO. (657-1984) Continued

RESOLVED, that Marie Sormani, 15 Auburn Drive, New City, New York, is hereby appointed to serve in a training program as a Special Studies Intern - Supervisor's Office - without compensation - effective and retroactive to June 5, 1984.

Seconded by Co. Maloney All voted Aye

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RESOLUTION NO. (658-1984) CERTIFYING POSITION OF CLERK - BUILDING DEPARTMENT

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 16, 1984 that the Clerk position can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk - Building Department - is hereby created - effective June 12, 1984.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (659-1984) ACCEPTING RESIGNATION OF CODE INSPECTOR - BUILDING DEPARTMENT (WILLIAM E. FRITZ)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of William E. Fritz, 40 Lakewood Drive, Congers, New York - Code Inspector - Building Department - is hereby accepted - effective and retroactive to June 4, 1984.

Seconded by Co. Maloney All voted aye.

RESOLUTION NO. (660-1984) APPOINTING POSITION (PROVISIONAL) CODE INSPECTOR - BUILDING DEPARTMENT (JEROME J. LENNON)

Co. Holbrook offered the following resolution:

RESOLVED, that Jerome J. Lennon, 192 Foxwood Road, West Nyack, New York is hereby appointed to the position of (provisional) Code Inspector - Building Department - at the current 1984 salary of \$14,788.00, effective pending return of a satisfactory pre-employment physical examination.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (661-1984) APPOINTING POSITION OF (TEMPORARY) PART-TIME CUSTODIAL WORKER - MAINTENANCE DEPARTMENT (DONALD WERBECK)

Co. Holbrook offered the following resolution:

Continued on Next Page

RESOLUTION NO. (661-1984) Continued

RESOLVED, that Donald Werbeck, 19 B Red Hill Road, New City, New York - is hereby appointed to the position of (temporary) part-time Custodial Worker - Maintenance Department - at the hourly rate of \$5.00 - effective and retroactive to June 7, 1984 - for a period not to exceed 30 days.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (662-1984) CREATING POSITION OF LEGAL ASSISTANT (SEASONAL) - TOWN ATTORNEY'S OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 24, 1984, that the position of Legal Assistant (Seasonal) can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Legal Assistant (Seasonal) - Town Attorney's Office - is hereby created - effective June 13, 1984.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (663-1984) GRANTING LEAVE OF ABSENCE TO REAL PROPERTY APPRAISER - ASSESSOR'S OFFICE (ROBERT W. DAVIES, JR.)

Co. Holbrook offered the following resolution:

WHEREAS, Robert W. Davies, Jr., has requested a six month leave of absence, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement provides for a leave of absence without pay,

NOW, THEREFORE, be it

RESOLVED, that Robert W. Davies, Jr., Eagle Valley Road, Sloatsburg, New York - Real Property Appraiser - Assessor's Office - is hereby granted a six month leave of absence - without pay - effective September 14, 1984.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (664-1984) APPOINTING POSITION OF CHAIRMAN - ARCHITECTURAL REVIEW BOARD (ROBERT ORTH)

Co. Holbrook offered the following resolution:

RESOLVED, that Robert Orth, 9 Grand Street, New City, New York, is hereby appointed to the position of Chairman - Architectural Review Board - at the annual 1984 salary of \$350.00, term effective and retroactive to May 28, 1984 and to expire on May 27, 1985.

Seconded by Co. Maloney All voted Aye.

TBM - 6/12/84
Page 33

RESOLUTION NO. (665-1984)

AMENDING RESOLUTION NO.
3-1984 TO INCLUDE CHASE
MANHATTAN BANK AS ADDITIONAL
DEPOSITORY FOR TOWN FUNDS

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution 3-1984 be amended to include Chase Manhattan Bank as an additional depository for Town Funds.

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (666-1984)

REQUESTING PLANNING BOARD OF
TOWN OF CLARKSTOWN TO MAKE
RECOMMENDATIONS CONCERNING
APPROPRIATE ZONING RE
UNDEVELOPED PORTION OF
KINGSGATE CONDOMINIUMS

Co. Maloney offered the following resolution:

WHEREAS, application has been made for site plan approval of Phase C of property commonly referred to as Kingsgate Condominiums, and

WHEREAS, property owned by the State of New York formerly intended as the Route 45 By-pass may be disposed of as surplus property in the near future, and

WHEREAS, the Town of Clarkstown has intended to provide for a north/south road through said property to serve the anticipated potential 1,200 units that could be constructed, but such plans have not been finalized;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests the Planning Board of the Town of Clarkstown to make its recommendations concerning the appropriate zoning including MF-1 or any other zoning of the remaining undeveloped portion of the property commonly referred to as Kingsgate Condominiums in the event that the intended north/south road may not be obtainable in the near future, and be it

FURTHER RESOLVED, that the recommendation be made on or before July 5, 1984.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (667-1984)(FAILED)

REAPPOINTING MEMBER OF BOARD
OF APPEALS (PHYLLIS BULHACK)

Co. Maloney offered the following resolution:

RESOLVED, that Phyllis Bulhack, 9 Westgate Boulevard, New City, New York, is hereby reappointed a member of the Board of Appeals effective 12:01 A.M., June 19, 1984, term to expire at midnight on June 18, 1989, at the annual salary for 1984 of \$1,250.00.

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (667-1984) Continued

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

RESOLUTION NO. (668-1984)	APPOINTING MEMBER OF BOARD OF APPEALS (PENNY LEONARD)
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Co. Holbrook offered the following resolution:

RESOLVED, that Penny Leonard, 7 North Conger Avenue, Congers, New York, is hereby appointed a member of the Board of Appeals effective 12:01 A.M., June 19, 1984, term to expire at midnight on June 18, 1989, at the annual salary for 1984 of \$1,250.00.

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

With regard to the following resolution Supervisor Dusanenko stated that earlier this evening the Town Board had determined a payment of some \$30,000.00 and had said "Do something." The something was determined later on and the cost could have been much more than \$30,000.00. That has been resolved. At the same time there is outstanding litigations and the Town Board has directed me to pay some vouchers. He stated that he is being sued by this person. He said he has retained outside counsel because the Town Board has not provided him with adequate counsel. That case is still in the courts on a joint appeal. Margaretann Ries is appealing with her counsel and he is appealing with his counsel. Even if there were 100 councilmen here voting, it is the same set of circumstances with this Town employee - in 1979 under the previous administration the Town Board signed that this practice would not be continued in the future. It is still continuing. The cost of preparing one transcript is costing the taxpayers \$1,070.59 in addition to one full time salary and one part time salary. He stated that he is voting "No" but he wants his comments in the record.

RESOLUTION NO. (669-1984)	AUTHORIZING PAYMENT FOR PREPARATION OF TRANSCRIPT REQUIRED IN SUPREME COURT (GRASHOW V. SQUILLACE, ET AL., CONSTITUTING BOARD OF APPEALS OF TOWN OF CLARKSTOWN)
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Co. Holbrook offered the following resolution:

RESOLVED, that the sum of \$1,070.59 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of a transcript required in the Supreme Court proceeding entitled:

Continued on Next Page

TBM - 6/12/84
Page 35

RESOLUTION NO. (669-1984) Continued

STANLEY GRASHOW and NANCY GRASHOW

-against-

ELIZABETH J. SQUILLACE, et al., constituting
the Board of Appeals of the Town of Clarkstown.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

Councilman Carey congratulated Les Bollman who was promoted
to Captain in the United States Navel Reserve.

Supervisor declared the Town Board Meeting ended, time:
10:35 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/12/84

8:45 P.H.

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

RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE - THEATRES

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open, time: 8:45 P.M.

Town Clerk read notice calling Public Hearing.

Town Attorney attested to proper posting and publication on May 29, 1984. He said he had correspondence from the Rockland County Planning Board and that they had reviewed the amendment under discussion at their meeting of May 30, 1984 and determined that it was for a local determination. The correspondence to the Town Board from the Town of Clarkstown Planning Board indicates as follows:

"June 8, 1984

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

Gentlemen: TOWN BOARD REFERRAL: PROPOSED AMENDMENT TO ZONING
ORDINANCE FOR THEATRES

At the Planning Board meeting of May 30, 1984 Member Centra made a motion which was seconded by Yacyshyn and carried 7:0 with Qyes of Nest, Smith, Cunningham, Nowicki and Paris, approving the following ...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: Whether or not the proposal is for new construction, reconstruction of an existing site, or conversion into additional theatres, the Planning Board respectfully requests that the Town Board consider that the proposal be based on the number of seats, rather than the number of screens; that a public hearing be held for each request for Special Permit. so that public input can be secured; and that where applicable, applicant must secure site plan review and approval. It is believed this will insure the health and safety of all.

Very truly yours,
/s/ Richard J. Paris
Richard J. Paris,
Chairman"

The Town Attorney said at the present time, the Town Zoning Ordinance restricts multi-plex theatres to no more than two screens with the exception of a pre-existing theatre that had multi-plex prior to the adoption of the amendment. and that the amendment would open up to Town Board consideration by way of the special permit process, the opportunity to permit existing theatres as well as new theatres to have a multi-plex operation; that is, to have more than two screens. As written, the number of screens would depend on the factors determined by the Town Board at a public hearing.

Mr. Geneslaw was asked to discuss any specifics of the proposal and Mr. Colucci's comments with regard to the amendment.

Continued on Next Page

Mr. Geneslaw said that in addition to the remarks by Mr. Costa, the amendment would remove the possibility of Drive-In Theatres being established by special permit of the Board of Appeals, which is presently in the ordinance in two districts. It would grant the Town Board a very complete and very thorough review of any applications. The Town Board would have the authority to grant special permits for new construction for conversion of non-theatre buildings and for the addition of screens to present existing theatre buildings. All those would be covered by the proposed amendment. The primary difference between the present ordinance and the amendment is that it is not limited to two screens and the approval is dependent largely on the ability of the applicant to demonstrate that there will be no traffic problems with the proposal based on the number of seats and screens and that there will be no problems for neighbors, particularly residential neighbors. It also changes the parking requirement from one parking space for every five seats to one parking space for every three seats. It is our feeling that generally speaking, in a suburban community, one space for five seats is not adequate. Very few people will take public transportation to a theatre and very few people will walk. Those are the basic elements on the proposed amendment.

Mr. Geneslaw stated, in referring to a written report mentioned by the Supervisor, that parking requirements are recommended to one space for every five seats to one space for every three seats. Mr. Colucci in a memo dated June 12th indicates that conversion of existing theatres would be difficult because of trying to meet that parking requirement.

Mr. Geneslaw stated that (referring to Item 2) that theatres are permitted by right in the PED zone. He is pointing that out and not making a recommendation one way or the other. Mr. Geneslaw said that in a PED district the only place for a theatre to be located would be on a major access road. The operator would want to be sure that people outside the industrial area would have access to it.

Finally, in an MRS zone theatres are a use by right and should be deleted. He said that he agrees.

Supervisor Dusanenko asked if these recommendations would impede adoption of this amendment. Mr. Geneslaw said he did not think so but he would suggest that if the Board, after the Public Hearing decides to adopt, that the first of Mr. Colucci's recommendations be followed and the Board would have to decide about the parking requirement - whether they want to continue the present 1 to 5 or change from 1 to 3 or settle on some other number. It may be that you will receive information during the course of the public hearing which will help you make a decision on that.

Appearance: Robert Granik, Esq.,
New City, New York

Mr. Granik stated that he is an attorney representing RKO Century Warner Theatres. He said his client is not an applicant before the Board at this time since the Board is considering an amendment to the zoning ordinance and he said he thought it was appropriate that he state for the record the part that he and his client have played in bringing this matter to this point. At an information Workshop Meeting he had advised that his client had purchased the property known as the Theatre in the Round on Route 59 in Nanuet. He stated that his client's business is national in scope. He said that before the hearing is concluded tonight he will ask the Chairman of the Board of the RKO Century Warner Theatres to make a statement as to the policy of its operations.

Mr. Granik said because of the amendment to the zoning ordinance several years ago, the Town of Clarkstown and the Town Board in particular finds that it is bereft of power to grant the type of use which is proposed by the amendment. As a result any requested use of

that nature must go to the ZBA under an application for a variance of one kind or another. He stated that he had brought this matter to the attention of the Town Board and the Town Board had decided that if applications of this type were to be considered, because of the complexity of the use, because of the impact on traffic and on the surrounding community, the Town Board felt as the elected legislative body that power should lie with the Town Board rather than an appointed ZBA. As a result it was the vote of the Town Board to direct the Town Attorney to prepare an amendment to the zoning ordinance which would give the Town Board the delegation of power to hear applications and make its decisions based upon the conditions set forth in the proposed amendment and also such other safeguards and conditions which the Town Board might deem appropriate in the circumstance. He said he thought it was difficult to argue that the Town Board doesn't have or shouldn't take unto itself a delegation of power which can now be exercised by an autonomous yet none the less subordinate body such as the Zoning Board of Appeals. I think, therefore, that the proposed amendments grant to the Town Board only the powers which it should rightly have and that is an application of this type that it should make the determination and it should establish the safeguards and conditions. I cannot understand how anybody in the Town could oppose the Town Board taking unto itself such power which it certainly has under the grant of powers under the Town law of the State of New York. There is presently no application before this Board but it would not be honest for me to say there won't be one because they obviously having sought the adoption of such an amendment, if it is adopted, I will be making application immediately thereafter on behalf of RKO Century, one of the theatres, to completely remodel and upgrade the former Theatre in the Round into a truly luxury eight theatre complex which will meet all the requirements and sits on eighteen and a half acres of land. The applicant is prepared and has already undertaken a very expensive traffic survey by the firm of Raymond Keyes, engineers to try to alleviate the conditions which exist and which would be far greater in any other use on the property. Mr. Granick referred to an ad in the Journal News and said he had never observed the quality of vituperation represented in the Saturday edition of the Journal News. He said that a flyer of a similar nature was distributed by the management of the theatre called the "Movie Theatre." He said that RKO has never engaged in this type of activity and would never engage in the type of activity proposed in the ad and this was a new low in opposition and he found it reprehensible.

Supervisor Dusanenko explained that this hearing was unusual in that the Town Board has requested this hearing for the purpose of changing the ordinance.

APPEARANCE:

Donald Tracy
New City, New York

Mr. Tracy said that he had something to do with the drafting of the original ordinance. At that particular time, at the request of a Town Board member and upon an inquiry from someone to place five theatres in the then vacant Korvette store, I cooperated with Mr. Johns in setting up movie theatres in the Town of Clarkstown as a special permit of this Town Board with no more than two theatres permitted on any one site. That power to grant the special permit did vest in this Town Board. My understanding of the law is that the Zoning Board of Appeals would be without power to vary special permit requirements of the Town Board. He felt that it was time to say that there will be no more theatres in supermarkets or every supermarket that fails will be turned into a theatre. When you have a failed supermarket which is generally the hub of the shopping center, and you have movie theatres introduced into the shopping center as the prime tenent, what happens to the "mom and pop" stores? How do they deteriorate? It's contrary to the entire system of convenient

shopping that people like to enjoy today. He said he was bothered by the proposed amendment and the stringent regulations. He further stated it was illegal to eliminate drive-in theatres. This ordinance is stricter than the ordinance as it presently exists. The number of screens is unrestricted. He said there was another thing that bothered him about the ordinance. This ordinance is proposed by the Town but the Town is subject to the same modus requirements as is a petitioner on a change of zone and whenever a zone change is made to effect just a certain site, then it's overlooked what effect it has on all of those zones throughout the Town. If there is a CS zone within 500 feet of the Village of Spring Valley in section 264 and 265, then the Town law required notice to Spring Valley. If notice was not given, this hearing is invalid. Invariably, notice is not given simply because everybody is looking at a particular site and not realizing that they are not just changing the ordinance for Nanuet. They are changing the ordinance for Bradleys, the Food Emporium, the Hub Shopping Center and they are changing the ordinance for the shopping center within 500 feet of Spring Valley. He said he had a further problem with the ordinance and that is that it sets forth very stringent standards for a Town Board. That would not bother me with the present Town Board sitting because in each and every provision of the ordinance it says that the Town Board if satisfied with the public health, safety, and welfare may be met may waive these requirements. So you're giving standards that the power to waive the standards is in the Town Board. Now, that of course, is perfectly legal because you are the legislative body and you can waive those standards. However, a Town Board, which is not an enlightened Town Board, could conceivably waive for the guys with the white hats and they won't waive for the guys with the black hats. He believed there should be specific standards for everybody. He referred the Town Attorney to a case on file in his office of Castignoli vs. the Planning Board of the Town of Clarkstown that the Town Board will be well advised to readvertise this ordinance and to hold another hearing thereon in the event that Spring Valley and Nyack have not been given notice since this ordinance affects the whole Town and all commercial centers are affected.

Supervisor Dusanenko asked the Town Attorney about the questions raised by Mr. Tracy - notification of municipalities; that the Town is not exempt from notification from its surrounding property owners.

Mr. Tracy said that you had an ordinance which I think is still on the books which you cited for me one night where you said 106.32-C ordinance. Has that been redone?

Town Attorney said that 106.32-C deals with zone changes.

Mr. Tracy said he thought it dealt with changes to the official map. He asked, isn't this a zone change?

Town Attorney said no it isn't.

Mr. Tracy asked whether this is an amendment to the zoning ordinance?

Town Attorney said, it certainly is but it is not changing the site. The Town Attorney said he was taking some of the comments Mr. Tracy made under advisement. He said he agreed with some of the things he said and disagreed with other portions of what he said and I would recommend that the Town Board go forward with the Public Hearing. It could reserve decision and we could check into some of the things that Mr. Tracy said and report back to the Board. He said he disagreed specifically with his comments that the Zoning Board of Appeals would lack any power whatsoever to vary the ordinance in respect to multi-plex theatres. He felt that Mr. Tracy's position is as a practical matter correct; as a legal interpretation, not correct.

PH - 6/12/83
Page 5

Mr. Tracy said that he would agree that where the constitutionality of the ordinance was concerned that would be an exception but I believe that is the only exception.

Town Attorney said that practically speaking, it was not possible for someone to go to the ZBA and obtain a variance that would stand the legal challenge under the circumstances.

Mr. Tracy asked the Town Attorney if he agreed with his position and the Town Attorney said, "not entirely."

Supervisor asked the Town Attorney if there was any validity to the question raised by Mr. Tracy regarding legality of the hearing

The Town Attorney said he was not prepared to give an opinion at this time and he advised the Town Board to go ahead with the hearing.

APPEARANCE: John Maher

Mr. Maher said he was an adjoining property owner to the south of the Theater -Go-Round. He wanted to know if there are any plans to open the gates to our streets and also Peter Place.

Supervisor Dusanenko said that they could not give him a specific answer at this time. There would have to be another Public Hearing by a specific applicant for a specific site. In that case, the adjacent property owners. would be notified by mail.

The Town Attorney said it would be up to the Town Board to require that approval.

Councilman Lettre said that this amendment to the zoning ordinance would affect all property owners adjacent to existing theatres and I think it was an omission on the Town to not notify the property owners.

APPEARANCE: Abner Albert
Highview Avenue
Nanuet, NY

Mr. Albert said that we went through this about eight years ago when the Theatre-Go-Round was opened. He said his main concern is the traffic flow and not realizing that a road past that there is a commuter parking. What happens to the commuters? Are they thrown out into the street?

Supervisor Dusanenko said that he could not give a guarantee. There were discussions that the petitioner at the time of coming in for a special permit was considering allowing the use of those eighteen acres, they would not use the buildings, for a potential commuter parking lot. Since there would be very few movies during the school year and no usage during the day but their usage would be during the evening. Whereas, commercial facilities primarily would be during the day and evening.

Mr. Albert asked what the traffic flow would be like. The Theatre-Go-Round had special guards to let the traffic out. Movie theatres have specific times to let the traffic in and out. Where would the traffic flow from that point.

Supervisor Dusanenko said he could not answer that right now but that question would be addressed when the ordinance is amended.

Continued On Next Page

PH - 6/12/84
Page 6

APPEARANCE: Catherine Karlewicz
20 Pigeon Hill Road
Nanuet, NY

She said she was the Vice President of the Ludvigh area Civic Association. The proposal to rescind by the Town Board not to allow more than two movies in one theatre is a definite sign that little care is given to maintain the quality of life in Nanuet. The character of Nanuet and the surrounding Hamlets of Clarkstown is being eroded by piece-meal planning. This proposal to allow an eight movie theatre to the already seven in Nanuet, in my opinion, is insanity. If this proposal passes, our trips east and west on Route 59 would be determined by the movie clock in the Journal News. Anyone who has tried to exit onto Route 59 from places like Sneaks & Cleats, The Red Lobster, and the Ground Round, knows that the traffic situation is already extremely hazardous. The addition of an eight movie theatre will make it impossible. The inane thinking that Nanuet should be very happy to have RKO allow commuter parking area on this property is like getting a penny for a dollar. Commuter parking in exchange for gridlock is no bargain. It has been stated that Nanuet needs this eight movie theatre to help with our escalating school taxes. None of our many shopping centers, movie theatres, gas stations, hamburger joints, and restaurants have helped our school taxes so far. So why should this octopus of eight movies? This octopus of eight movies will strangle us. We are telling you, the Town Board of Clarkstown, that the people of Nanuet in Clarkstown will not allow this monstrosity to happen in Nanuet.

APPEARANCE: Father Edmund Netter
Pastor of Saint Anthony's Church
Nanuet

He said he agreed wholeheartedly with the women that preceded him. He said he took a poll and asked his parishioners, numbering about 7,000, how they felt about having more movies. The vote was 17-0 against it. He asked the teenagers how they felt about more movies. Their response was "who needs it." He felt that the movies are substandard and likened it to Times Square. You cannot get to church in his area. He said the Times Square is becoming a mental Times Square. He said we're trying to bring the same thing to Nanuet as they have in Times Square. He said he commends Ed Ghiazza for the type of program that he has that appeals to the aesthetic and athletic of every part of human beings. He said he does not like the fact that he cannot find a movie to bring a group of youngsters to and the proliferation of more movies will not do anything for our wonderful county. He said he would continue to oppose this because he felt that we don't need anymore theatres.

APPEARANCE: Richard Caunitz
45 Sturbridge Court
Nanuet, NY

He felt that RKO with its full-time legal staff would not commit so much money unless they felt they could do something with the property. What they thought was that they could put in an eight theatre complex in there. He said that RKO would not have put their money at risk unless they had some alternative plan. He said that in his opinion their risking the vote of this Town Council and feel that you will go along with them. He said that one of the attorneys stated that the ad in the newspaper was the worst he had seen. Mr. Caunitz said he thought the ad was excellent because it attracted enough attention to bring concerned citizens out to see what is the issue. He said he moved into Nanuet because it was a nice quiet Town and a nice place to raise a family. He felt that the traffic flow would be too much for the existing two lane highway. He felt that someone thought they could come in here and ramrod an eight theatre movie complex. He could see an office complex and if anyone would like to see that kind of complex go to the Garden State Parkway and you will see the kind of crowds an eight theatre complex brings in.

Continued on Next Page

PH - 6/12/84
Page 7

APPEARANCE: Edward Karlewicz
Nanuet

Mr. Karlewicz said he is the president of the Ludwig Area Civic Association. His Association does not believe the character of Nanuet has been decided by the Nanuet Mall. He felt that the people of Nanuet will determine its character. Nanuet is not a garbage dump because it has the Nanuet Mall. He felt that the improper use of this property will seriously damage the quality of life in Nanuet and in all of Clarkstown. He said he felt that Nanuet is the "golden goose" of Clarkstown. We provide rateables, places to shop, entertainmen, restaurants, and we have seven movies. He urged the Board to reject the eight movies

APPEARANCE: Marjorie Russo
President, Nanuet Civic Association

She stated that the amendment before the Town Board may seem innocent but it is not. In the pursuit of pleasing a special interest group the results will be taking away the safeguards that now exist. There will be no limit to the number of theatres. Not only in Nanuet, but anywhere else in the Town of Clarkstown. What a dangerous precedent. The ordinance says "the Town Board may modify the above requirements upon a showing by the applicant that adequate protection for residents and districts can otherwise be provided." The latitudes of liking or disliking a petitioner... will that be the yardstick for deciding whether the law will be adhered to to the letter or be allowed to slip a little. She felt the wording of the ordinance was totally unacceptable and an insult to the residents. In 1973 when the last major development of the theatre site was proposed, the population of Clarkstown was 66,300. In 1983, the population was 80,260. According to the Police Department, the total number of accidents in 1983 were 2,636 of which 12 1/2% occurred on Route 59 in the area between Grandview Avenue and the four corners. As populations increase, traffice will increase and as rateables develop, traffic will also increase. It will cost the Town of Clarkstown more in services than it financially can return at any time. Mrs. Russo read a letter from the New York State Department of Transportation which is on file in the Town Clerk's Office. Mrs. Russo said there are presently seven theatres in Nanuet, five in Spring Valley, two in Pearl River, four in New City, one in Nyack, one in Haverstraw and one in Suffern. There are twenty-one theatres in Rockland County. Staten Island which is similar in population, has a total of thirteen. Mrs. Russo quoted the ten companies that operate in Rockland County and said they could not adequately supply the operating theatres in Rockland County. She said that if this law is adopted, it may be a catalyst that may make the hamlet of Nanuet, the village of Nanuet. Furthermore, to have the chairman of the Board of RKO expound their policy is inappropriate to this public hearing.

APPEARANCE: Albert Schwartz
Co-Chairman of RKO Century-Warner Theatres

He asked that the Council and the community which they have recently joined by acquiring the Nanuet site, give us the opportunity to present to you what we would like to offer the community. At that time, if you can't keep an open mind, we will abide by whatever you and the community will decide.

There being no one further wishing to be heard, on motion of Councilman Holbrook seconded by Councilman Carey and unanimously adopted, the Public Hearing was recessed to July 10, 1984, at 8:30 P.M.
.....time: 9:54 P.M.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/12/84

9:55 P.M.

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

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED
WATER SUPPLY DISTRICT TO INCLUDE RILEY CONSTRUCTION, INC.

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

Town Attorney asked that the record show that there is on file an affidavit as to the qualifications in evidence which will enable the Town Board to grant a proposed extension and that an affidavit was submitted by Mr. Bollman to the sufficiency and need.

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

IN FAVOR: No one appeared.

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

IN OPPOSITIOIN: No one appeared.

There being on one wishing to be heard, on motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:00 A.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk