

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/23/85

8:00 P.M.

Present: Deputy Supv. Eugene Grogan
Supv. Dusanenko arrived 8:58 P.M.
Councilmen Carey, Holbrook, Maloney
Councilman Lettre arrived 8:10 P.M.
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Deputy Supervisor Eugene Grogan declared Town Board Meeting open. Assemblage saluted the Flag.

The following proclamation was presented to representatives from Senior Citizens Clubs in Clarkstown:

"SENIOR CITIZEN MONTH
May, 1985

AAG517

WHEREAS, the Town of Clarkstown is privileged to number among its residents over eight thousand senior citizens, a group which has proven to be vital to the growth and prosperity of our community; and

WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown; and

WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives; and

WHEREAS, our indebtedness to our senior citizens is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socio-economic problems of our senior citizens and will continue to pursue new and innovative ways to help alleviate these burdens and, through our senior citizen groups, will solidly our social bond between ourselves and our elderly persons; and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on this 23rd day of April, 1985, do hereby proclaim the month of MAY as "SENIOR CITIZEN MONTH" in the Town of Clarkstown and urge all our residents to join with me in recognizing all our senior citizens in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 23RD DAY OF APRIL, 1985.

(S E A L)

By /s/ Theodore R. Dusanenko
THEODORE R. DUSANENKO, Supervisor
Town of Clarkstown"

Deputy Supervisor Grogan declared the public portion open.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding the vote on the bond issue. He said he was opposed to a two and one half mile walkway and picnic groves. He said he wanted sidewalks for the kids to walk back and forth to school. A twenty-three acre park is going to have one playing field. He said to appease maybe 15 or 20 families in the area of French Farms we disregard the thousands of young people and adults who need athletic facilities. He said to develop a very small athletic field in order to provide a gigantic buffer zone was foolish because besides being very expensive to the taxpayers it would not solve the problem of playing fields for the youth in our town.

The present recreational proposals are not meeting the needs of our citizens. When the drinking age is raised to 21 (which he has no problem with) where are kids going to go to socialize? We don't have adequate fields to be hosts to visiting teams in many sports. Our kids have to go elsewhere in the county.

He urged the Board to do what is right for the entire community and not just for a select few.

Appearance: Mr. Louis Eliasof
2 Emerald Drive
Valley Cottage, New York
(Watermill II Development)

He spoke regarding a dangerous problem which has arisen in the development. Emerald Drive and Sassoon Terrace are the two through streets in the development. They are being used as an easy access to the Kings Highway area from Route 303. They are driving through at a great rate of speed and drag racing is becoming a common practice. There are no speed, stop or caution signs in the area. They have been told by the Police Department that they have no jurisdiction at all since both roads have yet to be dedicated. We are paying for the police department but are deriving no benefit therefrom. The issue is the safety of the children in the area - walking, bike riding, etc.

Mr. Eliasof read and presented a petition to the Town Board. He urged the Board to give this top priority and have signs installed as soon as possible. He asked for two "Stop" signs, two "Children at Play" signs and two "10 mph" signs.

Councilman Holbrook said he would check with the Traffic Advisory Board as to what signs can go up in the development. Deputy Supervisor asked Mr. Garelik (the builder of the development) when the road would be dedicated. Mr. Garelik said he hoped before the winter but he could not state positively.

Councilman Lettre said he would draft a resolution this evening authorizing the police to enforce the traffic regulations in that area.

Appearance: Ms. Stephanie Bosco
2 Short Street
West Nyack, New York 10994

She spoke regarding Terra Equities and urged the Board to change the zone from RS to M.

AAG517

Appearance: Mr. Michael McPhillips
1 Hemingway
Suffern, New York 10901

Mr. McPhillips appeared on behalf of the workers striking at WRKL radio station and asked the Town Board not to cooperate with amateur replacements.

Appearance: Mr. Michael Toto
10 Cottage Avenue
Nanuet, New York 10954

Mr. Toto spoke regarding the real estate business on Cottage Avenue in Nanuet. He said that the house in question was still being used for commercial and asked when will action be taken on it.

Town Attorney stated that Mark Posner was preparing for trial and was ready to prosecute the violation in court. He further stated that there was a resolution on tonight's agency to bring a third action as two are already underway.

Appearance: Ms. Georgette Kuder
Cottage Avenue
Nanuet, New York 10954

Ms. Kuder also spoke regarding the real estate business and said she was concerned for the safety of the children in the area. Fifteen people are coming and going in and out of that house every day. She questioned the time element in getting this business closed down.

Appearance: Kevin Hallahan
Lakewood Drive
Congers, New York 10920

Mr. Hallahan spoke regarding a drainage problem in the area. He presented pictures to the Town Board. Mr. Hallahan said new buildings are being placed to the rear of their property. He said they have a very large drainage ditch at present which runs from Route 303 through the middle of the property between his house and his neighbor's house into Swarthout Lake. The present pipe will be ripped up and a larger one put in. The Town has an easement to do that. The Town is looking to put an additional drainage ditch also to run across the back of the property and thus we would have drainage ditches on two sides.

There followed extensive dialogue among Mr. Hallahan, Mr. Bollman and Town Board members. Councilman Holbrook then requested a site inspection with Les Bollman and other interested members of the Town Board for Thursday evening, April 25th at 6:00 P.M.

Appearance: Ms. Barbara Lorenzi
91 Lakewood Drive
Congers, New York 10920

She wished her presence noted and wanted it to go on record that she was requesting that whatever be done regarding the drainage problem discussed above be done in her best interest as well. She said her property is at the far end of the ditch. She said when she left for work this morning she was able to look straight back. When she came home from work this evening she had to look up five feet.

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RESOLUTION NO. (330-1985)

AUTHORIZING PROJECTS UNDER
1985 COMMUNITY DEVELOPMENT
FUNDS

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown will be receiving approxi-
mately \$51,104.00 from the 1985 Community Development funds,

NOW, THEREFORE, be it

RESOLVED, that the following projects be authorized:

Child Day Care Center for the Nyacks - Toddler Program	\$3,333.00
ROAC	3,333.00
Rockland Family Shelter	3,333.00
Rockland County Chapter, American Red Cross - Town purchase of disaster services mobile and canteen	10,000.00
New City Free Library - towards removal of architectural barriers	5,000.00
Improvements and expansion to Central Nyack Community Center	21,105.00
Rockland County Center for the Arts	5,000.00

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (331-1985)

GRANTING PERMISSION TO
PARKS BOARD AND RECREATION
COMMISSION TO DISPENSE
ALCOHOLIC BEVERAGES (SENIOR
CITIZEN SHOW CAST PARTY -
CONGERS COMMUNITY CENTER -
ANNUAL SENIOR CITIZEN PICNIC-
CONGERS COMMUNITY CENTER

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown
provides that permission may be granted by the Town Board to an
organization desiring to dispense alcoholic beverages on public
property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to
the Clarkstown Parks Board and Recreation Commission to dispense
alcoholic beverages in accordance with and subject to Section 22-2A
and 2B of the Town Code at the following events:

1. Annual Senior Citizen Show Cast Party
Saturday, April 20, 1985

Congers Community Center
Gilchrest Road
Congers, New York
2. Annual Senior Citizen Picnic
Wednesday, June 5, 1985

RESOLUTION NO. (331-1985) Continued

Congers Community Center
Gilchrest Road
Congers, New York

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (332-1985)

GRANTING PERMISSION FOR
FIREWORKS DISPLAY TO
CLARKSTOWN PARKS BOARD
AND RECREATION COMMISSION
AT NANUET HIGH SCHOOL ON
JULY 3, 1985

Co. Holbrook offered the following resolution:

RESOLVED, that permission is hereby granted for a fire-
works display to be held by the Clarkstown Parks Board and Recrea-
tion Commission at the Nanuet High School at approximately 8:30 P.M.,
on Wednesday, July 3, 1985, pursuant to Section 405 of the Penal Law.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (333-1985)

ACCEPTING DEED FOR ROAD
WIDENING TO SUMA CONSTRUC-
TION CORP. (DEED FROM GARY
PRESTIPINO) ALONG HIGHWAY
AND MEDWAY AVENUES, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map
with regard to a minor subdivision known as Suma Construction Corp.,
the Planning Board of the Town of Clarkstown requested a deed for
road widening purposes along Highway and Medway Avenues, Congers,
New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Dept. of
Environmental Control, the Supt. of Highways and the Town Attorney
of the Town of Clarkstown, deed dated February 8, 1985, from Gary
Prestipino is hereby accepted and ordered recorded in the Rockland
County Clerk's Office upon receipt of continuation report of clear
title to date of recording.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (334-1985)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION (CATALDI
V. TOWN OF CLARKSTOWN)

Co. Carey offered the following resolution:

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

ROBERT CATALDI,

Plaintiff,

AAG517

RESOLUTION NO. (334-1985) Continued

-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

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Holbrook.....	Yes
Councilman Lettre.....	Abstained
Councilman Maloney.....	Yes

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RESOLUTION NO. (335-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #37-1985
(ICE CREAM)

Co. Lettre offered the following resolution:

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

BID #37-1985
ICE CREAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, May 20, 1985 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. Holbrook

All voted Aye.

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RESOLUTION NO. (336-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #36-1985
(SOFT DRINKS)

Co. Lettre offered the following resolution:

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

BID #36-1985
SOFT DRINKS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:15 A.M. on Monday, May 20, 1985 at which time bids will be opened and read, and be it

RESOLUTION NO. (336-1985) Continued

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

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (337-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #38-1985 (FOOD PRODUCTS FOR TOWN OPERATED REFRESHMENT STANDS)

Co. Lettre offered the following resolution:

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

BID #38-1985
FOOD PRODUCTS FOR
TOWN OPERATED REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:30 A.M. on Monday, May 20, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (338-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #39-1985 (RECARPETING - TOWN HALL)

Co. Lettre offered the following resolution:

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

BID #39-1985
RECARPETING - TOWN HALL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, May 22, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (339-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #40-1985 (TIRES AND TUBES)

Co. Lettre offered the following resolution:

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #40-1985
TIRES & TUBES

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RESOLUTION NO. (339-1985) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Monday, May 13, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (340-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #41-1985 (WASHED SAND AND GRAVEL)

Co. Lettre offered the following resolution:

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

BID #41-1985
WASHED SAND AND GRAVEL

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 Tuesday, May 14, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (341-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #47-1985 (SALE OF SURPLUS VEHICLES)

Co. Lettre offered the following resolution:

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

BID #47-1985
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, June 5, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (342-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #46-1985 (ALUMINIZED STEEL TYPE 2 CULVERT PIPE)

Co. Lettre offered the following resolution:

RESOLUTION NO. (342-1985) Continued

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

BID #46-1985
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:20 A.M. on Thursday, May 30, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (343-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #45-1985 (RIVETED CORRUGATED STEEL CULVERT PIPE)

Co. Lettre offered the following resolution:

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

BID #45-1985
RIVETED CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:10 A.M. on Thursday, May 30, 1985 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. Holbrook All voted Aye.

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RESOLUTION NO. (344-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #44-1985 (HELICALLY CORRUGATED STEEL CULVERT PIPE)

Co. Lettre offered the following resolution:

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

BID #44-1985
HELICALLY CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, May 30, 1985 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. Holbrook All voted Aye.

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AAG517

RESOLUTION NO. (345-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #43-1985
(RIVETED CORRUGATED
ALUMINUM CULVERT PIPE)

Co. Lettre offered the following resolution:

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

BID #43-1985
RIVETED CORRUGATED ALUMINUM CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:15 A.M. on Wednesday,
May 29, 1985 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. Holbrook

All voted Aye.

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RESOLUTION NO. (346-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #42-1985
(HELICALLY CORRUGATED
ALUMINUM CULVERT PIPE)

Co. Lettre offered the following resolution:

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

BID #42-1985
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,
May 29, 1985 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. Holbrook

All voted Aye.

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RESOLUTION NO. (347-1985)

AUTHORIZING CHARGE FOR
PARTIAL DEMOLITION OF BUILD-
ING BE ASSESSED AGAINST
PROPERTY (MAP 13, BLOCK D,
LOT 4)

Co. Maloney 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 secure or demolish
an unsafe building if it reasonably appears that there is present a
clear and imminent danger to life, safety and health, and

RESOLUTION NO. (347-1985) Continued

WHEREAS, on or about April 12, 1985, a fire occurred in premises located at 4-6 Prospect Street, Nanuet, New York, also described on the Clarkstown Tax Map as Map 13, Block D, Lot 4, during the course of which fire there was imminent danger to life, safety and health as determined by the Fire Chief in charge at the scene, the Fire Inspector and the Building Inspector of the Town of Clarkstown, which condition required that a portion of the premises be partially demolished by the removal of portions of the roof, and

WHEREAS, said premises were partially demolished by order of the Building Inspector on April 12, 1985, by use of a crane with clamshell supplied by the Olori Crane Service, Inc.;

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 partial demolition of 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 provided in Chapter 31 of the Code of the Town of Clarkstown to recover, on behalf of the Town of Clarkstown, the sum of \$1,500.00, which represents the cost incurred as a result of the condition and order described above should the property owner fail to pay such costs of partial demolition or otherwise show that such action was unreasonable, at a public hearing to be held, 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 Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 11th day of June, 1985, at 9:00 P.M., upon service of notice of proceeding pursuant to Section 31, to be made on or before June 5, 1985.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (348-1985)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(CHRISTY AND BRODSKY)

Co. Lettre 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

FREDERICK CHRISTY and ANN BRODSKY,

Petitioners,

against

THE ZONING BOARD OF APPEALS OF THE TOWN
OF CLARKSTOWN,

Respondents

For Judicial Relief Pursuant to Article 78
of the Civil Practice Law and Rules,

AAG517

RESOLUTION NO. (348-1985) Continued

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

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (349-1985) DECREASING CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASING APPROPRIATION ACCOUNT NO. A 3020-110 (CENTRAL COMMUNICATIONS-SALARIES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 3020-110 (Central Communications-Salaries) by \$8,510.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (350-1985) INCREASING REVENUE ACCOUNT NO. 02-002999 AND APPROPRIATION ACCOUNT NO. B 8010-459 (ZBA-EBT'S & DISPOSITIONS)

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account No. 02-002999 and Appropriation Account No. B 8010-459 (ZBA-EBT's & Dispositions) by \$1,000.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (351-1985) RESCINDING RESOLUTION 143-1985 AND DECREASING REVENUE ACCOUNT NO. 02-003090 AND APPROPRIATION ACCOUNT NO. B 3620-409

Co. Maloney offered the following resolution:

RESOLVED, to rescind Town Board Resolution No. 143 dated February 11, 1985, and be it

FURTHER RESOLVED, to decrease Revenue Account No. 02-003090 and Appropriation Account No. B 3620-409 by \$15,375.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (352-1985) DECREASING APPROPRIATION ACCOUNT B 8110-416 AND INCREASING APPROPRIATION ACCOUNT B 8110-307

Co. Maloney offered the following resolution:

RESOLUTION NO. (352-1985) Continued

WHEREAS, there is no longer a need for Appropriation Account B 8110-416,

NOW, THEREFORE, be it

RESOLVED, to decrease that account by \$700.00 and increase Appropriation Account B 8110-307 by \$700.00.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (353-1985)

DECREASING APPROPRIATION ACCOUNT NO. A 7140-379 AND INCREASING APPROPRIATION ACCOUNT A 7140-404

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7140-379 (Recreation & Parks - Signs, Posts, Rails) and increase Appropriation Account A 7140-404 (Recreation & Parks - Travel, Mileage, Meals) by \$100.00, to cover expenses.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (354-1985)

DECREASING APPROPRIATION ACCOUNT NO. A 7310-404 AND INCREASING APPROPRIATION ACCOUNT NO. A 7140-222

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7310-404 (Recreation & Parks - Travel, Mileage, Meals) and increase Appropriation Account No. A 7140-222 (Recreation & Parks - Equipment) by \$13,000.00, for van purchased for youth and senior citizen programs.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (355-1985)

TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT NO. A 1990-505 TO APPROPRIATION ACCOUNT NO. A 1420-225

Co. Maloney offered the following resolution:

WHEREAS, the Computer Bond has been exhausted and an additional Wang work station is needed in the Town Attorney's Office,

NOW, THEREFORE, be it

RESOLVED, to transfer \$2,565.00 from Contingency Account No. A 1990-505 to Appropriation Account No. A 1420-225 (Town Attorney Computer Equipment).

Seconded by Co. Carey.

All voted Aye.

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AAG517

RESOLUTION NO. (359-1985) Continued

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 Anytime" signs with arrows. (See Section 221.3 of the New York State Manual of Uniform Traffic Control and Devices - sign Pl-1). These signs should be erected on the West side of Freedman Ave., 500 ft. South of Old Nyack Turnpike, Nanuet, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Nicholas A. Longo, for implementation.

Seconded by Co. Carey All voted Aye.

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AAG517

RESOLUTION NO. (360-1985)(FAILED) SETTING PUBLIC HEARING RE:
ZONE CHANGE (LOOMIS GROSSMAN)
NORTH SIDE ROCKLAND LAKE
ROAD AT INTERSECTION WITH
WESTERLY SIDE OF ROUTE 303
VALLEY COTTAGE - REFER TO
PLANNING BOARDS

Co. Lettre offered the following resolution:

WHEREAS, Loomis Grossman has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from PO district to CS district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 28th day of May, 1985 at 9:00 P.M. or as soon thereafter as possible, relative to the proposed amendment; and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (361-1985) AUTHORIZING ATTENDANCE AT
FIFTH ANNUAL YOUTH FORUM
AND AWARDS DINNER

Co. Maloney offered the following resolution:

RESOLUTION NO. (361-1985) Continued

WHEREAS, the following people are authorized to attend the Fifth Annual Youth Forum and Awards Dinner of the County of Rockland Youth Bureau, to be held on May 2, 1985 at the Tappan Zee Towne House, Nyack, New York:

- Supervisor Theodore R. Dusanenko
- Councilman Maloney
- Councilman Holbrook
- Councilman Carey
- Councilman Lettre
- William T. Oswald, Chairman, Recreation Commission
- Thomas Bourke, Recreation Commission
- Rudy Damonti, Recreation Commission
- David Kelly, Recreation Commission
- Richard Mathias, Recreation Commission
- Brian Tesseyman, Recreation Commission
- Mary Murray, Secretary, Recreation Commission
- Edward J. Ghiazza, Superintendent, Recreation and Parks
- Charles F. Connington, Ass't. Supt., Recreation and Parks
- Joaan Oldenburger, Recreation Supervisor
- Bruce D. Knarich, Maintenance Supervisor (Grounds)
- John Yaciuk, Senior Recreation Leader
- Kathleen Kline, Recreation Leader
- Elaine Apfelbaum, Recreation Leader
- Michael Carroll, Recreation Leader
- Michael McDonald, Recreation Leader
- Chief Schnakenberg
- Captain Fabis
- Detective Curt Settle
- Detective William Engelbracht
- Detective Robert McDermott
- Detective James Doyle
- Pat Barard
- Thomas Manning
- Patricia Sheridan, Town Clerk
- Nicholas A. Longo, Superintendent of Highways
- Marie Geronimo, Receiver of Taxes
- Ellen Cohen, Director, Clarkstown Counseling Center
- Joseph Lanzone, Assistant Director, Counseling Center
- Glenn Leeds, Counselor
- Eileen Cavanagh, Employment Assistant
- Linda Cannon, Youth Booth Counselor Aide
- Jerrlyn Ross, Youth Booth Counselor Aide
- Robert Hannrehan, Student Worker
- Evelyn Daly, Student Worker

RESOLVED, that all expenses not to exceed \$480.00 be charged against Appropriations Account No. A 1010-414.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (362-1985)

AUTHORIZING PREPARATION
OF SURVEY FOR PROPERTY
(MAP 127, BLOCK D, LOT
7.02 - VICINITY OF CONGERS
LAKE FACILITY)

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown wishes to acquire as parklands property described on the Clarkstown Tax Map as Map 127, Block D, Lot 7.02, in the vicinity of the Congers Lake facility, and

RESOLUTION NO. (362-1985) Continued

WHEREAS, an accurate description of the property to be acquired is required;

NOW, THEREFORE, be it

RESOLVED, that Jack D. Boswell & Associates, 163 South Main Street, New City, New York, is hereby authorized and directed to prepare a survey for the property described above for the sum of \$1,390.00, and be it

FURTHER RESOLVED, that the sum of \$2,187.50 is hereby transferred from Money-in-Lieu-of-Land Account to the Parklands Account, and be it

FURTHER RESOLVED, that this resolution is retroactive to January 28, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

AAG517

RESOLUTION NO. (363-1985)

RESCINDING RESOLUTION NO. 324-1985 RE: RIGHT-OF-WAY MAINTENANCE PROGRAM (ORANGE & ROCKLAND UTILITIES, INC.)

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 324 adopted by the Town Board of the Town of Clarkstown on March 26, 1985, in connection with Orange and Rockland Utilities, Inc., right-of-way maintenance program is hereby rescinded.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (364-1985)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL FIVE (5) FIRE HYDRANTS (FRIEND COURT, SOUTHWARD AVENUE, JOLIFFE AVENUE AND HILLTOP ROAD)

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water is hereby authorized to install five (5) fire hydrants at the following locations:

1. West side of Friend Court 55 feet north of center line of Lakeward Avenue.
2. West side of Southward Avenue 40 feet north of center line of Lakeward Avenue.
3. West side of Joliffe Avenue 70 feet north of center line of Hilltop Road.
4. West side of Joliffe Avenue 570 feet north of Hilltop Road.
5. North side of Hilltop Road 465 feet east of center line of Joliffe Avenue.

Investigation #9604

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (365-1985)

ACCEPTING DEEDS FOR ROAD
WIDENING (LAMBROS BUILDING
CORPORATION AND DRYWALL
TECHNOLOGIES, INCORPORATED
TO ALBERTA REALTY CORP.) IN
CONNECTION WITH GERMONDS HOMES

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as GERMONDS HOMES, the Planning Board of the Town of Clarkstown requested deeds for road widening purposes along Germonds Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney of the Town of Clarkstown, a deed dated March 26, 1985, from LAMBROS BUILDING CORPORATION and DRYWALL TECHNOLOGIES, INCORPORATED to the Town of Clarkstown; and deed dated May 24, 1984, from ALBERTA REALTY CORP. to the Town of Clarkstown, gratuitously conveying strips of land along Germonds Road are hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of continuation reports of clear title to date of recording.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (366-1985)

MEMORIALIZING RESOLUTION RE:
REVOCATION OF EXISTING PERMITS
AND NON-ISSUANCE OF FUTURE
PERMITS CONCERNING THE INTRO-
DUCTION OF POLLUTANTS INTO
HUDSON RIVER

Co. Lettre offered the following resolution:

WHEREAS, New York State and the Federal Government have made commitments to rid the Hudson River of pollutants and prevent further pollution, and

WHEREAS, considerable public and private funds have been applied for the purpose of removing existing pollution, and

WHEREAS, sanctions have been and are imposed on citizens with residences on the Hudson River who have deposited ordinary soil and garden wastes in the River, and

WHEREAS, the New York State Department of Environmental Conservation currently issues permits for the depositing of toxic chemicals and hazardous pollutants into the Hudson River to industry and public agencies (see attached descriptions), and

WHEREAS, the Hudson River is a unique natural resource used for recreational purposes by boaters, swimmers, fishermen (sports and commercial), water skiers and environmentalists,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the State of New York through its appropriate agencies, revoke all existing permits and not issue further permits permitting the introduction of pollutants into the Hudson River, its tributaries and adjacent ground water, and be it

RESOLUTION NO. (366-1985) Continued

FURTHER RESOLVED, that the Town Clerk be directed to send certified copies of this resolution to Hon. Eugene Levy, Senator, N.Y.S. Senate, Hon. Sam Colman, Assemblyman, Hon. Robert J. Connor, Assemblyman and Assemblywoman Hon. Mary McPhillips.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (367-1985) AUTHORIZING TOWN ATTORNEY TO OBTAIN UPDATED APPRAISAL OF PROPERTY (MAP 16-1, BLOCK A, LOT 26.61 - CHARGE TO ACCOUNT NO. 1420-409

Co. Carey offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain an undated appraisal of property described on the Clarkstown Tax Map as Map 16-1, Block A, Lot 26.61, for a sum not to exceed \$500.00, and be it

FURTHER RESOLVED, that the sum of \$500.00 shall be charged to Account No. 1420-409.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (368-1985) AUTHORIZING SUPERVISOR TO ENTER INTO AMENDMENT TO AGREEMENT WITH COUNTY OF ROCKLAND FOR STREAM MAINTENANCE

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into an amendment to agreement with the County of Rockland for stream maintenance;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an amendment to agreement with the County of Rockland in a form satisfactory to the Town Attorney which shall provide that the Town of Clarkstown shall receive the sum of \$36,000.00.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (369-1985) ACCEPTING DEED FOR ROAD WIDENING (WHITE CASTLE SYSTEM, INC. - DYKES PARK ROAD, NANUET, NEW YORK)

Co. Lettre offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to the site layout for WHITE CASTLE SYSTEM, INC., the Planning Board of the Town of Clarkstown required a deed for road widening purposes along Dykes Park Road, Nanuet, New York;

NOW, THEREFORE, be it

AAG517

RESOLUTION NO. (369-1985) Continued

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney, deed dated April 30, 1984, from White Castle System, Inc. is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation of clear title to the date of recording.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (370-1985) ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC., FOR STREET LIGHTING (LIBERTYPARK, CONGERS AND OVERLOOK ESTATES, CONGERS)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc., for street lighting at the following locations:

Liberty Park Congers
Overlook Estates Congers

Seconded By Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (371-1985) GRANTING PERMISSION FOR USE OF SHOWMOBILE (WEST NYACK FREE LIBRARY - APRIL 28TH AND OCTOBER 6TH)

Co. Maloney offered the following resolution:

WHEREAS, the West Nyack Free Library has requested use of the Town of Clarkstown showmobile on Sunday, April 28, 1985 and Sunday, October 6, 1985 for the Twenty-Fifth Anniversary Celebration of the library,

NOW, THEREFORE, be it

RESOLVED, that the West Nyack Free Library is hereby granted permission to use the Town of Clarkstown showmobile on April 28, 1985 and October 6, 1985 for the above purpose, subject to the necessary insurance policies.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (372-1985) GRANTING PERMISSION FOR USE OF SHOWMOBILE (NEW CITY FIRE ENGINE COMPANY NO. 1 - SEPTEMBER 7, 1985)

Co. Maloney offered the following resolution:

WHEREAS, the New City Fire Engine Company No. 1 has requested use of the Town of Clarkstown showmobile on Saturday, September 7, 1985, for Rockland County Fireman's Association Convention in New City,

RESOLUTION NO. (372-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the New City Fire Engine Company No. 1 is hereby granted permission to use the Town of Clarkstown showmobile on September 7, 1985, for the above purpose subject to the necessary insurance policies.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (373-1985)

AWARDING BID FOR BID #33-1985
LANDSCAPE TIES (HANABURGH
FOREST PRODUCTS)

AAG517

Co. Lettre offered the following resolution:

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

BID #33-1985
LANDSCAPE TIES

is hereby awarded to:

HANABURGH FOREST PRODUCTS
P.O. Box 31
Southfields, New York 10975

as per proposed cost of \$7.75 each for Oak Landscape Ties treated with Mc-30 preservative.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (374-1985)

AWARDING BID FOR BID #35-1985
CHEMICALS (VARIOUS BIDDERS)

Co. Lettre offered the following resolution:

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

BID #35-1985
CHEMICALS

is hereby awarded as follows:

JONES CHEMICALS, INC.
P.O. Box 280
Warwick, New York 10990

ALLIED UNIVERSAL CORP.
100 Hackensack Avenue
South Kearny, New Jersey 07032

DUSO CHEMICAL CO., INC.
173 Smith Street
Poughkeepsie, New York

HALBRO CONTROL INDUSTRIES, INC.
2090 Route 110
Farmingdale, New York 11735

JERSEY CHEMICAL
775 River Street
Paterson, New Jersey 07524

QUICK CHEMICAL CO., INC.
3 Ellen Street
Spring Valley, New York 10977

AETNA JANITORIAL & MAINTENANCE SUPPLY CO., INC.
137 N. Main Street
Spring Valley, New York 10977

RESOLUTION NO. (374-1985) Continued

as per schedule of prices on file in Purchasing Department.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (375-1985)

AWARDING BID FOR BID #34-1985
BUS TRANSPORTATION (VARIOUS
BIDDERS)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the
Superintendent of Recreation and Parks and the Director of Purchasing
that:

BID #34-1985
BUS TRANSPORTATION

is hereby awarded to:

HARRAN TRANSPORTATION CO., INC.
16 Hoffman Street
Spring Valley, New York 10977

PETER BREGA, INC.
Kings Highway
Valley Cottage, New York 10989

WHITE BUS TRANSPORTATION ASSOCIATION
907 South Orange Avenue
East Orange, New Jersey 07018

as per the attached schedule, and be it

FURTHER RESOLVED, that all awards are subject to the presenta-
tion of Certificate of Liability Insurance, Save Harmless Agreement, and
evidence of proper operating authority as indicated in bid specifica-
tions.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (376-1985)

AWARDING BID FOR BID #30-1985
TURF EQUIPMENT (VARIOUS
BIDDERS)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the
Superintendent of Recreation and Parks and the Director of Purchasing
that

BID #30-1985
TURF EQUIPMENT

is hereby awarded as follows:

Item #1 - Two (2) Commercial Riding Lawn Mowers

Awarded to: JOHN W. KNAPP, INC.
49 North Madison Avenue
Spring Valley, New York 10977

RESOLUTION NO. (376-1985) Continued

for two (2) Scag Model SR48 Mowers @ \$3899.00 each

Item #2 - One (1) Professional Core Cultivator

Awarded to: JOHN W. KNAPP, INC.
49 NORTH MADISON AVENUE
SPRING VALLEY, NEW YORK 10977

for one (1) Ryan model 544862 @ \$3,195.00

Item #3 - 48" Industrial Commercial Mower with 11 H.P. Engine

awarded to: LOCKES HARDWARE & MOWER SERVICE
Lake Road
Valley Cottage, New York 10989

for one (1) Bobcat Model M4811B @ \$2086.00

Item #4 - four (4) 5 H.P. Commercial Push Mowers

awarded to: JOHN W. KNAPP, INC.
49 NORTH MADISON AVENUE
SPRING VALLEY, NEW YORK 10977

for four (4) Sensation Model 11L5A Commercial push mowers
@ \$399.00 each

and be it

FURTHER RESOLVED, that funds for same be charged to
account No. A 7140-222.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (377-1985)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
BUILDING OFFICIALS & CODE
ADMINISTRATORS INTERNATIONAL,
INC. - CHARGE TO APPROPRIATION
ACCOUNT NO. B 3620-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is
hereby authorized and directed to enter into an agreement with
Building Officials & Code Administrators International, Inc., to
perform an administrative study of the Building Department in
accordance with their proposal dated April 15, 1985, for the sum
of \$12,769.00, which agreement shall be in a form satisfactory to
the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$12,769.00 shall be
charged to Appropriation Account B - 3620-409.

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (378-1985)

AUTHORIZING AND DIRECTING
SUPERVISOR TO EXECUTE DOCU-
MENTS TO EXTINGUISH EASEMENTS
FROM RECORD IN ROCKLAND COUNTY
CLERK'S OFFICE (GROVE ESTATES -
(LOTS 6-C and 4-B)

Co. Lettre offered the following resolution:

AAG517

RESOLUTION NO. (378-1985) Continued

WHEREAS, during the planning for Grove Estates, a subdivision which was approved by the Clarkstown Planning Board and was filed in the Rockland County Clerk's Office on November 2, 1961, in Book 63, at Page 47 as Map No. 2912, temporary easements were shown affecting Lot 6 in Block C and Lot 4 in Block B, which temporary easements were for the purpose of permitting a "T" turnaround until the street shown as Bellwood Drive was extended to the north, and

WHEREAS, Bellwood Drive has been extended to the north and the right-of-way has been dedicated to the Town of Clarkstown so that the temporary "T" turnaround shown on said subdivision map is no longer necessary;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby acknowledges that the temporary easements shown on the subdivision map are no longer required, are not presently being used and have, in fact, been abandoned by the Town of Clarkstown, and it is hereby acknowledged that said temporary easements no longer exist as encroachments on Lots 6-C and 4-B, as shown on said subdivision map, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute any documents required to extinguish said easements from the record of the Rockland County Clerk's Office, which documents shall be in a form approved by the Town Attorney.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (379-1985)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF MARCH 12, 1985

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of March 12, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (380-1985)

GRANTING CERTIFICATE OF REGISTRATION (MONSEY EXCAVATING, INC. 85-12 -ALBERT LEPORI)

Co. Lettre offered the following resolution:

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

MONSEY EXCAVATING, INC.
ALBERT LEPORI
18 Laura Drive
Monsey, New York 10952

NOW, THEREFORE, be it

RESOLUTION NO. (380-1985) Continued

RESOLVED, that the following Certificate of Registration be issued:

No. 85-12 issued to Monsey Excavating, Inc.
(Albert Lepori)

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (381-1985) AUTHORIZING PAYMENT TO SPECIAL COUNSEL (PHILIP FURGANG, ESQ. - CHARGE TO ACCOUNT NO. A 1420-409)

Co. Maloney offered the following resolution:

RESOLVED, that the authorized expenditure contained in Resolution No. 1150 of December 27, 1983, to be paid to Philip Furgang, Esq., Special Counsel, be increased by \$4,274.85 to a total not to exceed \$55,505.39, said sum to be charged to Account No. A 1420-409.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (382-1985) AUTHORIZING AND DIRECTING SUPERVISOR TO ENTER INTO AGREEMENT WITH COUNTY OF ROCKLAND FOR RECEPTION OF FUNDS THROUGH ROCKLAND COUNTY COMMUNITY SERVICES BOARD FOR SUBSTANCE ABUSE PROGRAM

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an agreement with the County of Rockland, acting through the Rockland County Community Services Board, to receive funding in the amount of \$77,812.00 for the Sustance Abuse Program conducted by the Town of Clarkstown.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (383-1985) AUTHORIZING ATTENDANCE AT NORTHEAST REGIONAL INTERNATIONAL ASSOCIATION OF AUTO THEFT INVESTIGATORS SEMINAR - CHARGE TO ACCOUNT NO. A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that Lieutenant Paul D'Alessandro is hereby authorized to attend the Northeast Regional International Association of Auto Theft Investigators Seminar on May 21st through May 24, 1985, in Portland, Maine, and

FURTHER RESOLVED, that all necessary expenses not to exceed \$300.00 be charged against account No. A 1010-414.

Seconded by Co. Maloney All voted Aye.

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AAG517

RESOLUTION NO. (384-1985)

APPROVING REDUCTION OF
PERFORMANCE BOND (WATERMILL
ESTATES SECTION II - J.H.M.
HOMES, INC. - PHILIP MANN AND
URI SASSON)

Co. Maloney offered the following resolution:

WHEREAS, a Performance Bond No. 937533, J.H.M. Homes, Inc., as Principal, and Philip Mann & Uri Sasson, as Co-Principals, and Republic Insurance Company, as Surety, dated January 3, 1983, in the amount of \$385,000.00 covering the improvements and other facilities as shown on the Final Plat of Watermill Estates, Sec. II, filed in the Rockland County Clerk's Office on January 6, 1983, was furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has reported that said Bond No. 937533 may be reduced to \$116,500.00 as much of the work has been completed to Town specifications, provided the Surety shall acknowledge that the bond otherwise remains in full force and effect for a period not less than two years from the date hereof;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond No. 937533 be reduced to \$116,500.00.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (385-1985)

AUTHORIZING PURCHASE OF
PROPERTY FROM ARCHDIOCESE
OF NEW YORK (MAP 61,
BLOCK A, LOT 11 AND 11.01 -
CHARGE TO CAPITAL ACCOUNT
NO. 2)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to offer the sum of \$275,000.00 for an all cash purchase to the Archdiocese of New York for the purchase of property described on the Clarkstown Tax Map as Map 61, Block A, Lot 11 and 11.01, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract of sale in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$27,500.00 for the contract deposit and the balance of the purchase price, title search and other expenses of purchase shall be charged to Capital Account No. 2.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (386-1985)

AUTHORIZING UPDATE OF APPRAISAL
FOR PROPOSED ACQUISITION OF
PROPERTY OF AMERICAN CYANAMID
COMPANY - CHARGE TO ACCOUNT
NO. 1420-409

Co. Holbrook offered the following resolution:

RESOLUTION NO. (386-1985) Continued

RESOLVED, that Martin-Martin, Inc., 274 Route 303, West Nyack, New York, is hereby authorized to update its appraisal dated November 28, 1983, for the proposed acquisition of the property of American Cyanamid Company, for the sum of \$150.00; and be it

FURTHER RESOLVED, that the sum of \$150.00 shall be charged to Account No. 1420-409.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (387-1985)

APPOINTING TO POSITION OF DEPUTY TOWN ATTORNEY (FOR TAX CERTORIARI MATTERS) - JOEL J. FLICK

Co. Carey offered the following resolution:

RESOLVED, that Joel J. Flick, 33 The Promenade, New City, New York, is hereby appointed to the position of Deputy Town Attorney (for Tax Certoriari matters) - Town Attorney's Office - at the current 1985 annual salary of \$15,000.00, effective April 29, 1985, to terminate on December 31, 1985.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (388-1985)

APPOINTING TO POSITION OF DEPUTY TOWN ATTORNEY (FOR LABOR MATTERS AND NEGOTIATIONS) RONALD A. LONGO

Co. Carey offered the following resolution:

RESOLVED, THAT Ronald A. Longo, 134 Leroy Avenue, Tarrytown, New York, is hereby appointed to the position of Deputy Town Attorney (Labor Matters and Negotiations) - Town Attorney's Office - at the current 1985 annual salary of \$15,000.00 effective April 29, 1985 to terminate on December 31, 1985.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Councilman Maloney stated that the only reason he was voting no the two preceding resolutions was not that he had anything against either of the two gentlemen. He felt they had done a good job but he did not think these two positions should be full-time Deputy Town Attorneys but should continue as consultants as they have been in the past.

* * * * *

AAG517

RESOLUTION NO. (389-1985)

ACCEPTING RESIGNATION OF
REAL PROPERTY APPRAISER -
ASSESSOR'S OFFICE (ROBERT W.
DAVIES, JR.)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Robert W. Davies, Jr.,
Eagle Valley Road, Sloatsburg, New York - Real Property Appraiser -
Assessor's Office - is hereby accepted - effective and retroactive
to March 15, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (390-1985)

ACCEPTING RESIGNATION OF
COUNSELING AIDE (PART-TIME) -
COUNSELING CENTER (JERRALYN
ROSS)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Jerralyn Ross, 14A Irion
Drive, New City, New York - Counseling Aide (part-time) - Counseling
Center - is hereby accepted - effective and retroactive to April 13,
1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (391-1985)

APPOINTING POSITION OF
(PART-TIME) COUNSELING AIDE -
COUNSELING CENTER (JERRY B.
BLOW)

Co. Lettre offered the following resolution:

RESOLVED, that Jerry B. Blow, 46 Maple Avenue, #3 Box K,
New City, New York, is hereby appointed to the position of (part-
time) Counseling Aide - Counseling Center - at the current hourly
rate of \$5.50., effective April 24, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (392-1985)

APPOINTING CONTINGENT
PERMANENT POSITION OF CODE
INSPECTOR - BUILDING
DEPARTMENT (IRENE SACCENDE)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished
Certification of Eligibles Code Inspector #84041 (Contingent Permanent)
which contains the name of Irene Saccende,

NOW, THEREFORE, be it

RESOLVED, that Irene Saccende, 11 Windmill Lane, New City,
New York, is hereby appointed to the Contingent Permanent position of
Code Inspector - Building Department - at the current 1985 salary of
\$16,735.00, effective April 24, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (393-1985)

APPOINTING LEGAL STENOGRAPHER -
TOWN ATTORNEY'S OFFICE
(MAUREEN O'CONNOR)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Legal Stenographer #84188, which contains the name of Maureen O'Connor,

NOW, THEREFORE, be it

RESOLVED, that Maureen O'Connor, 4 Elyse Drive, New City, New York, is hereby appointed to the position of Legal Stenographer - Town Attorney's Office - at the current 1985 annual salary of \$14,993.00, effective April 24, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (394-1985)

CREATING TWO POSITIONS
OF DEPUTY TOWN ATTORNEY -
TOWN ATTORNEY'S OFFICE

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on Marcy 29, 1985, that two (2) positions of Deputy Town Attorney - can be created,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Deputy Town Attorney - Town Attorney's Office - are hereby created - effective April 24, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (395-1985)

APPOINTING POSITION OF
PART-TIME BUS DRIVER -
MINI TRANS DEPARTMENT
(ALEXANDER TOMASHEFSKY)

Co. Lettre offered the following resolution:

RESOLVED, that Alexander Tomashefsky, 515 Sierra Vista Lane, Valley Cottage, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current 1985 hourly rate of \$6.74, effective and retroactive to March 25, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (396-1985)

APPOINTING POSITION OF
PART-TIME BUS DRIVER -
MINI TRANS DEPARTMENT
(SERGE VALBRUN)

Co. Lettre offered the following resolution:

RESOLVED, that Serge Valbrun, 47 N. Cole Avenue, Spring Valley, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current 1985 hourly rate of \$6.74, effective and retroactive to April 5, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

AAG517

RESOLUTION NO. (397-1985)

APPOINTING POSITION OF PART-TIME BUS DRIVER - MINI TRANS DEPARTMENT (JESUS CASIANO)

Co. Lettre offered the following resolution:

RESOLVED, that Jesus Casiano, 260 Saddle River Road, Monsey, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current 1985 hourly rate of \$6.74, effective and retroactive to April 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (398-1985)

ACCEPTING RESIGNATION OF CUSTODIAN I - PARKS BOARD AND RECREATION COMMISSION (EDMOND BACCAGLINI)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Edmond Baccaglioni, 11 Cypress Street, New City, New York - Custodian I - Parks Board and Recreation Commission - is hereby accepted, effective and retroactive to April 15, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (399-1985)

TRANSFERRING FROM TOWN HALL MAINTENANCE DEPARTMENT AS CUSTODIAL WORKER TO CUSTODIAN I (PERMANENT) - CLARKSTOWN PARKS BOARD & RECREATION COMMISSION (TIMOTHY O'BRIEN)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #85-024E which contains the name of Timothy O'Brien,

NOW, THEREFORE, be it

RESOLVED, that the based upon the recommendation of the Parks Board & Recreation Commission, Timothy O'Brien, 27 Bluebird Drive, Congers, New York is hereby transferred from Town Hall Maintenance as a Custodial Worker and promoted to Custodian I (permanent) - Clarkstown Parks Board & Recreation Commission - effective and retroactive to April 15, 1985, at the annual salary of \$16,348.00.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (400-1985)

APPOINTING POSITION OF CUSTODIAN I - PARKS BOARD & RECREATION COMMISSION (JOHNNY L. JEMISON)

Co. Lettre offered the following resolution:

RESOLUTION NO. (400-1985) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #85-024E which contains the name of Johnny L. Jemison,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Johnny L. Jemison, 18 South Route 303, Congers, New York is hereby appointed to the position of Custodian I - Parks Board & Recreation Commission - at the annual salary of \$19,180.00, effective and retroactive to April 1, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

AAG517

RESOLUTION NO. (401-1985)

APPOINTING POSITION OF
CUSTODIAL WORKER - PARKS
BOARD & RECREATION COMMISSION
(JOSEPH PROFENNA SR.)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Joseph Profenna Sr., 7 North Birch Drive, Nanuet, New York is hereby appointed to the position of Custodian Worker - Parks Board & Recreation Commission - at the annual salary of \$12,388.00, effective and retroactive to April 15, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (402-1985)

APPOINTING POSITION OF
TYPIST - PARKS BOARD &
RECREATION COMMISSION
(DIANA VIERLING)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist #CR-1-85-24 which contains the name of Diana Vierling,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Diana Vierling, 10 Ambery Lane, Thiells, New York is hereby appointed to the position of Typist - Parks Board & Recreation Commission - at the annual salary of \$11,385.00, effective and retroactive to April 15, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (403-1985)

APPOINTING POSITION OF
TYPIST (CONTINGENT
PERMANENT) - 6 MONTHS IN
RECEIVER OF TAXES OFFICE
AND 6 MONTHS IN ASSESSOR'S
OFFICE (KATHLEEN HEED)

Co. Lettre offered the following resolution:

RESOLUTION NO. (403-1985) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles (Contingent Permanent) Typist CR-1 85-38, which contains the name of Kathleen Heed,

NOW, THEREFORE, be it

RESOLVED, that Kathleen Heed, 17 Poplar Street, Nanuet, New York, is hereby appointed to the position of Typist (Contingent Permanent) - 6 months in the Receiver of Taxes Office and 6 months in the Assessor's Office - at the current 1985 annual salary of \$11,385.00, effective April 29, 1985.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (404-1985)

ACCEPTING DEED FROM GERALD AND FRANCES COLUCCI (MAP 123, BLOCK G, LOT 20)

Co. Maloney offered the following resolution:

RESOLVED, that deed dated April 18, 1985, from Gerald Colucci and Frances Colucci to the Town of Clarkstown gratuitously conveying a parcel of land more particularly described on the Tax Map of the Town of Clarkstown as Map 123, Block G, Lot 20, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (405-1985)

ACCEPTING DEED GRANTING DRAINAGE EASEMENT OVER LAND VICINITY OF ROUTE 303 AND BRENNER DRIVE, CONGERS, NEW YORK FROM ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Co. Lettre offered the following resolution:

RESOLVED, that deed dated March 18, 1985, from Orange County Industrial Development Agency to the Town of Clarkstown granting a drainage easement over land in the vicinity of Route 303 and Brenner Driver, Congers, New York is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (406-1985)

AUTHORIZING WITHDRAWAL OF BID BY ALPINE NURSERY, LTD. (BID NO. 25-1985) AND AWARDING BID NO. 25-1985 TO IRA WICKES

Co. Holbrook offered the following resolution:

WHEREAS, Alpine Nursery, Ltd., submitted a bid (No. 25-1985) for the Town cul-de-sac maintenance program, which bid was the lowest bid received, and

WHEREAS, the President of Alpine Nursery, Ltd., has provided the Town with an affidavit indicating an unintentional good faith

RESOLUTION NO. (406-1985) Continued

mistake was made in preparing such bid which resulted in a bid which was substantially lower than all other bids, and

WHEREAS, the Town Board may relieve Alpine Nursery, Ltd., of its contractual obligation where a good faith error has been made;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the withdrawl by Alpine Nursery, Ltd., of its bid due to a good faith error, and be it

FURTHER RESOLVED, that the Town Board confirms the award of Bid No. 25-1985 to Ira Wickes, Inc., 11 McNamara Road, Spring Valley, New York, as the remaining low bidder.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (407-1985)

AUTHORIZING TOWN ATTORNEY TO MAKE FORMAL TENDER OF VALUE PURSUANT TO EMINENT DOMAIN PROCEDURE LAW (SEEGER DRIVE AND DEMAREST MILL ROAD, NANUET, NEW YORK) (CHARGE TO CAPITAL ACCOUNT 2)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to make a formal tender of value determined by the Town appointed appraiser to the owner of the property described on the attached Schedule "A" pursuant to the Eminent Domain Procedure Law, and be it

FURTHER RESOLVED, that the funds for the payment of said tender shall be charged to Capital Account No. 2.

Seconded by Co. Holbrook All voted Aye.
(Schedule "A" on file in Town Clerk's Office)

* * * * *

RESOLUTION NO. (408-1985)

APPOINTING POSITION OF MEMBER -ASSESSMENT REVIEW BOARD (JOHN HORAN)

Co. Maloney offered the following resolution:

RESOLVED, that John Horan, 62 Pineview Avenue, Bardonia, New York, is hereby appointed to the position of Member - Assessment Review Board - to fill the unexpired term of Edward Kenney - term to commence on April 24, 1985 and to expire on September 30, 1986 - at the per diem rate of \$50.00 per meeting, when the Board is in session.

Seconded by Co. Carey All voted Aye.

* * * * *

RESOLUTION NO. (409-1985)

AUTHORIZING INSTALLATION OF FOUR-WAY STOP SIGN AT INTERSECTION OF PROSPECT STREET AND GRANDVIEW AVENUE, NANUET AND AUTHORIZING DIRECTOR OF PURCHASING TO ENGAGE SERVICES OF TRAFFIC SAFETY ENGINEER - CHARGE TO ACCOUNT NO. 1420-409 - DECREASE CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASE APPROPRIATION ACCOUNT NO. A 1420-409

AAG517

RESOLUTION NO. (409-1985) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Town Board has been informed that a dangerous condition may exist at the intersection of Prospect Street and Grandview Avenue, Nanuet, New York, which may require the installation of a signal light;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways shall install a four-way stop sign at said intersection subject, however, to the approval of the Traffic and Traffic Fire Safety Advisory Board and any traffic control device so installed shall be an approved sign from the Uniform Traffic Control Manual, and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby directed to engage the services of a traffic safety engineer to study and recommend the appropriate traffic control device, if any, that shall be required to alleviate the condition existing at said intersection, and be it

FURTHER RESOLVED, that a sum not to exceed \$2,500.00 is hereby appropriated to pay for the services of said traffic safety engineer and for the drafting of any bid specifications that may be required as a result of said study, which sum shall be charged to Account No. 1420-409, and be it

FURTHER RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1420-409 by the sum of \$2,500.00.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (410-1985)

POLICE DEPARTMENT TO REVIEW ENFORCEMENT ALTERNATIVES FOR TRAFFIC CONDITION (EMERALD DRIVE AND SASSON TERRACE, VALLEY COTTAGE, NEW YORK) - TRAFFIC AND TRAFFIC FIRE SAFETY ADVISORY BOARD TO REVIEW PROPOSAL FOR SIGNS

Co. Lettre offered the following resolution:

RESOLVED, that the Police Department in consultation with the Town Attorney shall review its enforcement alternatives for a traffic condition which is reported to exist on Emerald Drive and Sassoon Terrace in Valley Cottage, both undedicated streets, to prevent speeding or any other dangerous traffic condition from continuing, and be it

FURTHER RESOLVED, that the Traffic and Traffic Fire Safety Advisory Board review proposal for signs.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

Councilman Holbrook noted that a resident in Congers had mentioned that at 133 South Harrison Avenue the property that borders the railroad tracks had a load of debris dumped there between the railroad tracks and Congers Lake. He stated that he had spoken to the Highway Superintendent (Mr. Longo) who had suggested that the Town notify Conrail and maybe this could be removed.

Councilman Holbrook asked Mr. Bollman if Conrail could be notified even though it was not their debris. He felt that someone had just driven down the railroad right-of-way and dumped all this building material. He said before a violation is issued perhaps we could give Conrail a few days notice to have this debris removed as they may not even know that it is there. Mr. Bollman said that he would contact someone at Conrail and apprise them of the situation.

* * * * *

Supervisor Dusanenko arrived at this point - 8:58 P.M.

* * * * *

RESOLUTION NO. (411-1985)

AWARDING BID FOR BID NO. 9-1985 - LAKE ROAD DRAINAGE PROJECT (J. FLETCHER CREAMER & SONS)

AAG517

Co. Holbrook offered the following resolution:

RESOLVED, that bid for:

BID NO. 9-1985
LAKE ROAD DRAINAGE PROJECT

is hereby awarded to low bidder:

J. FLETCHER CREAMER & SONS
799 River Road
Edgewater, New Jersey 07020

at the low bid price of:

\$969,456.45

Seconded by Co. Maloney

All voted Aye.

Supervisor Dusanenko wished it noted before he cast his vote that it was with the understanding on behalf of the entire Town Board that there is insufficient funds in the Drainage Bond at this time and the difference of what we will need - approximately \$400,000.00 to \$500,000.00 - will necessitate a bonding resolution in the very near future.

* * * * *

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance R-80 District to R-22 District (Map 81, Block B, Lot 6) was opened, 9:04 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hering re: Amending Zoning Ordinance R-80 District to R-22 District (Map 81, Block B, Lot 6) was closed, DECISION RESERVED, time: 9: 39 P.M.

* * * * *

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance MF-1 District to an L10 District (Map 13, Block D, Lot 25) was opened, time: 9:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and adopted with one no (that of Supervisor Dusanenko) the Public Hearing re: Amending Zoning Ordinance MF-1 District to L10 District (Map 13, Block D, Lot 25) was closed, DENIED, time: 10:05 P.M.

* * * * *

RESOLUTION NO. (412-1985)

DENYING AMENDMENT TO ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN (MF-1 TO L10 PROPERTY NORTHEAST CORNER OF INTERSECTION OF PROSPECT STREET AND FISHER AVENUE, NANUET, NEW YORK - MAP 13, BLOCK D, LOT 25)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of March, 1985, provided for a public hearing on the 23rd day of April, 1985, at 9:05 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown is hereby DENIED:

Change from an MF-1 zoning district to an L10 zoning district property to the northeast corner of the intersection formed by Prospect Street and Fisher Avenue, designated on the Clarkstown Tax Map as Map 13, Block D, Lot 25.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Holbrook.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Supervisor Dusanenko.....	No (Please see p. 38 for Supervisor's comments on this resolution.)

With regard to the following resolution Supervisor stated that it was imperative for the Town Board to adopt this resolution which would extend the time for Mr. Mazzucca to construct the bus shelter to July 31, 1985.

RESOLUTION NO. (413-1985)

AUTHORIZING TROOP NO. 128, BOY SCOUTS OF AMERICA, ROCKLAND COUNTY, TO CONSTRUCT BUS SHELTER (KINGS HIGHWAY AND ROUTE 304, NEW CITY, NEW YORK - PAUL MAZZUCCA)

Co. Carey offered the following resolution:

WHEREAS, Troop 128, Boy Scouts of America, Rockland County, has volunteered the services of Paul Mazzucca, candidate for Eagle Scout, to construct a bus shelter to be located on the southwest side of Kings Highway at its intersection with Route 304, New City, New York, and

WHEREAS, the Boy Scouts of America, Rockland County will provide liability insurance against personal injury and property damage in the amount of \$500,000.00 and hold the Town harmless from same pursuant to an agreement in a form satisfactory to the Town Attorney; and

RESOLUTION NO. (413-1985) Continued

WHEREAS, the project shall commence on or after April 23, 1985 and be completed by July 31, 1985;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes Troop No. 128, Boy Scouts of America, Rockland County, to voluntarily construct a bus shelter which will be subject to final approval commencing on or after April 23, 1985, and to be completed on or before July 31, 1985, at no cost or charge to the Town of Clarkstown, subject to the approval and acceptance by the Town Attorney of an appropriate insurance certificate and a hold harmless clause for the benefit of the Town of Clarkstown in a form satisfactory to the Town Attorney, and further subject to the direction, supervision and control of the structure by the Building Inspector, and be it

FURTHER RESOLVED, that all other requirements of law shall be met and any permission from property owners other than the Town of Clarkstown shall be obtained by the Boy Scouts of America, Rockland County.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance, CS/RS District to MF-3 District (Map 14, Block B, Lot 10.02) was opened, time: 10:06 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance, CS/RS District to MF-3 District (Map 14, Block B, Lot 10.02) was closed, time: 10:45 P.M.

* * * * *

RESOLUTION NO. (414-1985)

RESERVING DECISION RE:
AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN TO
CHANGE FROM CS/RS TO MF-3
PROPERTY ON MAIN STREET SOUTH
OF NANUET HEBREW CENTER (MAP
14, BLOCK B, LOT 10.02 -
SUSSEX AT NANUET)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby RESERVES DECISION re: Amending the Zoning Ordinance of the Town of Clarkstown to change from CS/RS to MF-3 property fronting on Main Street, south of Nanuet Hebrew Center known on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02 (Sussex at Nanuet).

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

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

* * * * *

AAG517

At this point Supervisor declared a ten minute recess.

* * * * *

At 11:05 Supervisor declared the Informational Meeting re: Group Home at 3 Muller Court, New City was declared open.

At 12:30 Supervisor declared the Informational Meeting re: Group Home at 3 Muller Court, New City, New York closed.

* * * * *

There being no one further wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was declared adjourned, time: 12:32 A.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

Supervisor's comments on Resolution No. 412-1985(Swift Electric)

Many of those people who spoke tonight have called me numerous times in the last four and one half years to say that they have had drainage problems, getting out of their streets and driveways on Prospect and on Fisher Avenues. I could not imagine condominiums being built with fallow land surrounding them because I do not know of anyone who is going to buy residential property and keep it forest rather than lawn/driveway which is going to exasperate the drainage problem. This Town has no relief for that water to the south and we have been negotiating for approximately two years with Lederle to get rid of that water which comes from surrounding areas. It has no outlet now that we have access to.

How do you tell new owners who will live in a condominium (which is what will be built there) to have their kids not play on the railroad tracks? We have a situation in the Village of Spring Valley where the railroad, which is providing commuter service to Clarkstown and Rockland County and which is in fact owned by the State of New Jersey and the residents of Spring Valley want to chase the trains out of Spring Valley. You are going to exasperate a situation having homes right up to a railroad track.

Now currently these trains only function from about 5:30 A.M. to about 8:10 A.M. and in the evening hours these commuters return. There are also plans from the MTA to have all day train service by opening up the line from Suffern through Spring Valley, and through Nanuet so that we can get more trains on a daily basis to unclog our highways from the gridlock that was described on Route 59 in the commercial areas of Nanuet.

If there is more train traffic there in the future both day and night who wants a home near the railroad track. Councilman Holbrook said apparently a lot of people do because they are living there. Supervisor said a lot of people do who live there now. He said he was talking about those people who will be purchasing new homes. There is a problem with drainage and there is a problem with possible increased railroad traffic.

This Town Board is attempting to build a 500, or more, car parking lot just to the south of that property. The MTA is going to spend several hundreds of thousands of dollars shortly building a new station there so that we can unclog commuter parking from those commercial businesses on Prospect, Church, Grant, etc., who would

rather park in front of your home than park somewhere else that is more appropriate.

Another reason is that because what is going to happen here which Mr. Reeder, with whom I rarely agree, expressed and that is what is built has a certain zone. If this Town is going to start a process in both industrial areas and residential areas of changing zones on what is built then nobody is safe in the Town of Clarkstown in the future.

I can see changing zones on that portion of vacant land to determine what is best use but if a person comes in and makes an investment in this community whether it be a home owner or a factory or an office building and it is built and then we change the zoning on that to make them non-conforming, to make them go through the Planning Board and the Zoning Board of Appeals for months at a time, if there is expanded or changing uses and needs, we are really doing this community a disservice and for these reasons I am voting no even if it may not please you at this time.

AAG517

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/23/85

9:04 P.M.

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

RE: AMENDING ZONING ORDINANCE, R-80 DISTRICT TO R-22 DISTRICT -
MAP 81, BLOCK B, LOT 6 (RENELLA)

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 stated that he had correspondence from the Town of Clarkstown Planning Board dated January 16, 1985 and the Rockland County Planning Board dated March 8, 1985 both recommending approval of this zone change. Mr. Costa stated that this petition was brought by the Town Board after being advised by the property owner that during the Master Plan Update the Planning Board had recommended rezoning this property but it was not so rezoned. The Town Board upon receiving notice that it had overlooked this has scheduled this on its own motion.

AAG517

Appearance: Henry Horowitz, Esq.
Virginia Street
West Nyack, New York 10994

Mr. Horowitz stated that he was representing Mr. Renella and he would like to open the meeting to anyone present who had comments but reserving his right to summarize at the end of all discussion. This was agreed to.

Supervisor asked if there was anyone wishing to speak in favor of such petition.

IN FAVOR: No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition to such petition:

IN OPPOSITION:

Appearance: Mr. Steven Cohen
President Centenary Civic Association

Mr. Cohen read the following letter:

(Letterhead of Centenary Civic Association)

"April 21, 1985

Clarkstown Town Board
Maple Avenue
New City, New York 10956

Dear Sirs:

The Executive Board of the Centenary Civic Association, representing the Centenary Civic Association of Clarkstown, rejects the proposed zone change of parcel 81 B6 Renella, New City from R-80 to R-22.

The proposed change represents a 400% increase in the density of possible development. Down-zoning of this magnitude would grossly change the existing development patterns in our community. Existing adjacent parcels on the eastern and southern boundaries are each far greater than the R-22 density would allow.

Continued on Next Page

The existing Torne Brook development on the western border of the Renella property represents a "cluster zoned" average parcel size far in excess of the R-22 density indicated on the zoning map.

In addition, serious consideration must be given to the environmental impact in this sensitive geographic area. Traffic and child safety concerns are equally important to our members and must be carefully examined.

The Centenary Civic Association has always stood for thoughtful growth of our community. However, we strongly urge the Town Board to reject the proposed zone change.

Sincerely,

/s/ S. Cohen
S. Cohen, President
Centenary Civic Assoc."

Mr. Cohen said he did not want the Town of Clarkstown to lose its suburban roots. When you keep making down zone changes one upon the other there is a tendency to eat away at the roots. Then Clarkstown will become overgrown and overpopulated and thus become an extension of the urban city. He urged the Town Board review this very carefully looking at the total picture. He asked that they not review the Association's rejection as a negative response to community growth but as a positive desire for thoughtful community growth.

Appearance: Mr. Michael Maklin
614 South Mountain Road
New City, New York

He stated that he lives approximately one eighth of a mile from the parcel in question. He said he hoped by virtue of what the Board hears tonight that the Board will be able to give this matter the proper attention it deserves. He presented a 265 petition with map attached (on file in Town Clerk's Office) which petition Mr. Cohen read. He stated that most of the surrounding property owners were against the proposal.

He said he understood that the Planning Board's recommendation was based on the fact that the surrounding parcels were in fact zoned R-22. That is not the case. He said all of the property which constitutes Torne Brook Estates is zoned R-80. When you look at the map it may appear that it was developed as R-22. The Torne Brook Estates development was a cluster zone and a huge parcel of land was donated to the Town. Consequently the density surrounding this parcel is R-80. When you look at surrounding parcels of land which have recently been rezoned R-22 these are pre-existing parcels which are substantially greater than R-22. Here we have a situation which is a downzoning from R-80 to R-22 which is a rather drastic downzone and is surrounded by parcels of land which are either R-80 or of a much greater density than R-22.

Mr. Cohen stated that he thought when the true facts are examined you will find that the Planning Board's recommendation was based on a misconception and we urge you to deny the application.

Appearance: Mr. Cary Alevy
22 Sandstone Trail
New City, New York 10956

He stated he was strongly against the downzone. He said he had chosen the South Mountain Road area in which to live because it was less developed, more open, greener area of the town. He said when he purchased his home the adjacent property was zoned R-80 and he said he ascertained that two acre zoning development seemed right for the area. He said he was also aware of what looked like a

Continued on Next Page

PH - Amendment to Zoning Ordinance (Renella)
Page 3

corner of his property would be conveyed to a Mr. Renella to provide access for him to develop his property and perhaps a driveway or another limited access roadway would be provided. There was no discussion of a private road, a dedicated road, a cul-de-sac entrance or any kind of development entrance there. The word "driveway" was used and with two acres available for development a driveway would seem appropriate.

Mr. Alevy said the tone of planning in this town over the years has been to preserve the green and the R-80 zoning which was provided to Mr. Renella's property seems to go along with that intention. A change of zoning now is unfair to all of the adjacent property owners. Mr. Alevy showed a tax map which illustrated an earlier point and he had outlined all of the properties that are indeed larger than R-22 zoning would permit. He said it was very clear from this map that although on paper a zoning map may say R-22 but in fact the existing homes which have been developed in the area over the last twenty-five years and longer are developed on parcels of one acre or larger. The area which appears to be developed at R-22 which Mr. Marlin alluded to was part of the Torne Brook Estates development. The allowance for the development of R-22 type lots was created due to a grant which provided an average density far in excess of R-22 rather one which fit in with the existing R-80 zoning of the parcel before it was subdivided.

Appearance: Mr. Richard Dieterle
696B South Mountain Road
New City, New York 10956

He said he was personally against this downzoning. He said he moved into this area from New York City because he thought this was an area which required more land than what is being discussed tonight. He said the community at large in this particular area, without exception, is against it.

Appearance: Mr. Joseph Pantano
South Little Tor Road
New City, New York 10956

He asked what the original zoning on this parcel was prior to its being listed incorrectly in the Master Plan Update. Mr. Costa said his file indicates that this was R-80 at that time. He referred to a memo in his file dated November 28, 1982 from the Town Planner to the Town Attorney indicating what the Planning Board recommendations of November 17, 1982 were. It lists as Item 2B called change from R-80 to R-22 an area located in New City and that is this particular property. Town Attorney said he thought that was the first communication indicating any recommendation that this property be rezoned. In answer to Mr. Pantano's question Town Attorney stated that it was not changed at that time. Town Board took no action so it has been zoned R-80 for many years.

Mr. Pantano asked on this particular parcel how many pieces of property would have been built under R-80. Mr. Geneslaw said a maximum of two. Mr. Pantano said now we are going to R-22 which would be about seven or eight. What we are doing is taking a parcel which could be developed for two under existing zoning and we are going to roughly eight. Councilman Holbrook said that would be only if approved.

Appeared: Mr. Martus Granirer
South Mountain Road
New City, New York 10956

Mr. Granirer stated that he was President of the West Branch Conservation Association. He said they also oppose the zone change. He said the Planning Board for the most part made very good recommendations in its Master Plan Update but in this case they

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completely flipped. He said it made what looked like a clean-up move - move the zone line over what looked like a little enclave of R-80 that was left out to where the line should be. If the Board hadn't done this late at night or if they had looked at it more carefully they might have reconsidered. The property surrounding the proposed change is really only apparently R-22. It has been built to a much higher density. That is to the east and to the south. Mr. Granirer said to the west you have Torne Brook Estates and that is really R-80 or so land.

Mr. Granirer went on to say that throughout the Master Plan changes which the Board went through whenever there was a question of which way it should go it was resolved for the more conservative density. He said that he had the proposals from December 1982 which were taken up then and later on and on page after page in New City alone the change was for conservative density. What you have here was something already at the higher density where it belonged and he urged the Board to let it stay.

Appearance: Mr. Kent Small
23 Sandstone Trail
New City, New York 10956

Mr. Small said he wanted to voice his opposition to the downgrading. He stated he was concerned about transportation in the area in terms of high density of traffic and safety for the children.

Appearance: Mr. Steven Florsheim
694B South Mountain Road
New City, New York 10956

Mr. Florsheim said the property in question does not touch the borders of his property but it is within easy reach. He said this is a wooded area at present and if the trees are cut down everyone knows what will happen with the water situation. There is a very high water table in the area right now. He said his house does not have a problem right now but his immediate neighbors do.

He said he and his neighbors encounter problems with the electricity. The system is not adequate and he has been told this by Orange & Rockland. If more houses are placed there they will have a big problem.

He stated that there are wells in the area. If the area is built up, people will put chemicals on their lawns and there goes his water supply as well as his neighbors. He urged the Board to please consider these factors also when making a determination on this matter.

Appearance: Ms. Jean Kapernick
8 Seneca Court
New City, New York 10956

She said she was very much opposed to this change in zoning. She stated they were located in a very bad drainage area. Whenever it rains the area around Seneca Court always has a problem with water. There are four and one half acres of wooded area now which absorbs water but if you transform that into seven basements and seven blacktop driveways there will be a tremendous problem and she said she would appreciate it if that would be considered as well as the safety of the children in the community.

She further stated that if the Board is considering this zone change she would urge them to come and see the area where that driveway or that road would have to come out. You will see how unsafe a situation it is and would be for all of the children there.

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PH - Amendment to Zoning Ordinance (Renella)

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Appearance: Dr. Paul Burns
26 Sandstone Trail
New City, New York 10956

He said that he shares a boundary with the parcel in question. He stated he would be very disappointed to see the lot rezoned to R-22. By putting seven or eight houses there the land would be overused esthetically as well as creating environmental and safety problems. The cluster zoning arrangement in Torne Brook Estates where he is located is an example of such esthetically compromised land use.

Appearance: Mr. Jeff Dunn
31 Sandstone Trail
New City, New York 10956

He said he was a lifelong resident of New City in the area of Sandstone Trail which everyone knows is ecologically fragile and that is why they are opposed to downzoning to R-22.

Appearance: Mr. Peter (last name unclear)
10 Sandstone Trail
New City, New York 10956

He said his property is zoned R-22 but when the builder built the house it was built on an acre and there was a reason for it.

Mr. Henry Horowitz summarized. He said this property has been in the Renella family for over forty years. He said that Mr. Renella stated he could empathize with some of the people commenting here tonight. He said Mr. Renella stated that was how he felt when Torne Brook Estates came along. Torne Brook Estates consists of approximately 130 lots in two sections. What we are talking about here is a little under five acres. He handed out zoning maps of the area and the subdivision map showing that the subdivision is contiguous to the Renella property. The property to the south is zoned R-22 and is fully developed. The property to the east is zoned R-22 and fully developed. The property to the northeast is zoned R-22 and fully developed. The property to the north is R-80 but developed with lots smaller in area than that required by R-22 under the density provision. He said if you take a look at the little subdivision map those lots are approximately 17,000 square feet - in fact the minimum lot area on the Torne Brook development is 17,000 square feet. The lots which immediately abut the Renella piece are 17,000 square feet. The property to the west is zoned R-80 but developed with lots created by the density subdivision. The only large vacant parcel west of Torne Brook is zoned R-40 and R-80 and those lands are owned by the Town of Clarkstown. These are the lands generated as a result of the density application for the balance of Torne Brook.

Access to the site comes by way of Old Mountain Road and also a provision is made on that subdivision, not by accident but by design of the Planning Board, for a secondary access if required from Sandstone Trail.

In response to the statement that the Planning Board did not know what they were doing in this particular case you have an unusual situation because the Renellas first contacted the Planning Board in 1980. In 1982 the Planning Consultant issued a report to the Planning Board concerning this particular property and indicated no objection. In November of 1982 the Planning Board recommended unanimously approval of the zone change. On January 5, 1984 the Consultant said a letter to the Town Board summarizing the entire history of this particular parcel. On January 9, 1985 the Planning Board had the following comments: "...this parcel is at the fringe of an area zoned R-22, with most of the area around it already

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developed; believe it is unlikely to encourage a domino effect on adjoining properties;..."

Mr. Horowitz said the specific resolution unanimously adopted 7-0 "Based on Planning Consultant's recommendation and Planning Board's re-review of the repeat request of Mr. Renella, the PB has re-examined this change of zone from R-80 to R-22 in relation to the recently completed Comprehensive Plan, the topography, and the surrounding area, and reaffirms original recommendation made to the Town Board 11/17/82 to grant the requested change. It should be pointed out that the immediate area is zoned R-22 and the proposed zoning will be compatible with the existing neighborhood."

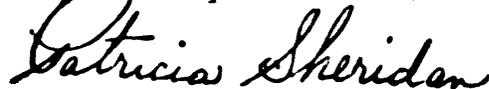
Mr. Horowitz said if this had been let slip by then we don't know our Planning Board. He said if you go back in the history a little bit the zoning was that of one acre. It was put to two acres at one time and properly so.

Supervisor Dusanenko requested Mr. Horowitz to summarize. Mr. Horowitz said the original zoning was one acre before the Master Plan placed it into two acres. It was placed into two acres because there was neither sewers nor public water available. Both are available at this time. The number of lots would probably be between three allowed now and seven. What is most important is what is in the area now? How has it been developed? Do we conform to the lot sizes and if you took a look at some adjoining subdivisions (and there are some others close by) they have also been approved. They are R-22 and they were density down to 20,000. We are requesting a lot size of no less than 22,500 square feet to be consistent with what is in the area at the present time.

Supervisor asked where Mr. Renella's driveway is right now? Is it facing South Mountain Road? Mr. Horowitz answered "yes." Supervisor said if any development is done with existing zone or any potential zone change now or any time in the future where would the additional driveways be? Mr. Horowitz said whatever the Planning Board dictates - it could still come off one main road coming off South Mountain Road or it could come off Sandstone Trail. This would depend upon the Planning Board.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 9:39 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/23/85

9:40 P.M.

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

RE: AMENDMENT ZONING ORDINANCE, MF-1 DISTRICT TO AN LIO DISTRICT -
MAP 13, BLOCK D, LOT 25 (SWIFT ELECTRIC)

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

Town Attorney said he had correspondence in his file from the Town of Clarkstown Planning Board dated April 12, 1985 on the referral from the Town Board. The recommendation is against the change and asks that the zoning remain MF-1. He said there is also correspondence from the Rockland County Planning Board and it is a negative recommendation.

Town Attorney said this is a petition by the Town after consultation with the owners of the property after the zone change was imposed.

Appearance: Michael Reeder, Esq.
Attorney for Owner of Property

Mr. Reeder stated that the owner is not the applicant here; the application is on motion of the Town Board. He said he wished to call to the Board's attention that when they changed the zoning on this property, a comprehensive presentation was made against that change. Rather than burden the community and the Board with a complete representation of the same set of circumstances he wished to reiterate that the owner is in favor of this change as the owner was in favor of retaining the zoning to which this change would make the property. The use of this property is LIO. It has been LIO for well over twenty years. It is appropriate to the community for all of the various reasons presented at the hearing when the last comprehensive zone change was made. He urged the Board to adopt the resolution to change this back to LIO where it should have stayed in the first place. He stated he would respectfully request, since he represents the owner, an opportunity, if necessary, to summarize after the rest of the speakers.

Town Attorney asked if Mr. Reeder knew what the recommendation of the Rockland County Planning Board was. Mr. Reeder said he not only had not seen any of the recommendations but his client never received notice of this hearing. He said he did not know if such a recommendation even existed. Town Attorney said he would like the record to reflect that we have not received a recommendation from the Rockland County Planning Board although it was referred on March 14, 1985.

Supervisor said then any vote would be premature? Town Attorney said not necessarily - you could reserve decision and wait for a recommendation if one will be forthcoming.

Supervisor asked since no action will take place tonight does anyone else wish to speak?

Appearance: Mr. Stephen Boross
13 Fisher Avenue
Nanuet, New York 10954

Mr. Boross said he lived across the street from the property in question. He said he was opposed to the downzoning at this time because he said they have already suffered on their street

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from a downzoning from residential to LIO. The Master Plan downzoned a 100 foot wide strip from one end of Fisher Avenue to the other and this even cut through the house of one of the people on Prospect Street. As a result of the fact that it is LIO now instead of residential, it would be possible for someone to purchase the property next to his and legally they would have the right to install there the kind of business they are conducting - a construction business with heavy equipment going back and forth all day and sometimes late into the evening. So long as it is before midnight, they do not complain. He stated that the place looks terrible. He said the owner of the property across the street is a gentleman and would not do anything bad on the property but no one knows what he might do tomorrow in the way of someone buying it from him and building warehouses, garages, etc. He said he felt their property had already suffered enough in loss of value.

Appearance: Mr. Bill Ryan
 12 Freemont Avenue
 Nanuet, New York 10954

Mr. Ryan said he lived about two blocks away from the proposed change. He stated that several years ago he had appeared before the Town Board on a proposed change for another piece of property across the street from this location. He said that they had been told by the person proposing the change that this property was of no value, homes could not be put there, lots were not big enough, etc. Today there are two homes there. The reason for that is it is an ideal location for homes. The Planning Board, when it came out with its Master Plan, so indicated that this is an ideal area for housing. You are close to the train, to shopping, etc., and it is an ideal housing area.

Mr. Ryan stated that he had called the Planning Board last week to inquire just what this change was all about and he had been told that Swift Electric was suffering because the property had been changed and their property was being devalued. This is a very large piece of property and the piece on which Swift Electric has their buildings is only a very small portion of this. This large piece of property which is currently undeveloped should be used for housing. We don't need more light industry in Nanuet. It seems as though the Town Board has given Nanuet over to be the Paramus of Rockland County. He said with all the shopping malls, eating places, etc., it is almost impossible to go to church on Sunday because he can't get across Route 59. He urged more housing for Nanuet.

Appearance: Ms. Lucille Anemone(?)
 8 Freemont Avenue
 Nanuet, New York 10954

She stated that her home is two blocks from the proposed site. She said too many mistakes have been made in Nanuet with the most recent being the White Castle problem. She said they were all well aware that on a weekend it is almost impossible to cross Route 59. She said they cannot leave their homes on a weekend. They know that Route 59 is commercial property and can do nothing about that but they do not want anymore commercial filtering into the residential area of Nanuet. She said they welcome families and they welcome industry but not next door to one another. The Planning Board in the Master Plan has designated this area multi-family and it should remain as such. She stated that school buses use Prospect Street at all hours of the day. Three accidents have happened this year so far within one block of this proposed change. We do not need any more traffic on this street in particular. She said Nanuet seems to be Clarkstown's stepchild and must accept whatever is thrown at them. She urged the Board to please listen to their pleas when they say no more commercial property in Nanuet.

PH - Amendment to Zoning Ordinance (Swift Electric)
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Appearance: Ms. Patricia McMarten
6 Freemont Avenue
Nanuet, New York 10954

She said she concurred with her neighbors and said they have enough commercial property in the area. There is a tremendous traffic problem as well as a tremendous flood problem. The accidents are terrifying (two of which occurred at 8:00 A.M. in the morning when children were waiting for school buses). She said Swift could sell off that property and they would not know what would be coming in there as far as additional traffic is concerned. She said she has been a lifelong County resident and lived in Nanuet for twelve years. She has watched it turn from a lovely hamlet to a nightmare of congestion, traffic lights, signals and honking horns. She did not want that for her children and she opposes the zone change.

Appearance: Mr. John Hlipala
14 Babcock Avenue
Nanuet, New York 10954

He stated that he lives one block away from this property and shares the views of his neighbors. He said when there was a similar situation a few years ago (a film processing business) to the present one they very much opposed any downzoning and today there are two homes there. The entire street of four houses on which Mr. Boross lives has suffered. He invited the entire Board to come to Fisher Avenue and see what a commercial situation has developed into. It is simply disgusting. It is not because the people who purchased the property turned it into a commercial operation but because the Town Board rezoned it into a commercial situation. He said he failed to understand how the situation has been allowed to exist.

Nanuet is evolving and developing commercially. It is expected to develop but the area in question is a small area west of the railroad tracks and the Clarkstown Planning Board said it should be retained as a residential area. It was originally intended to be multi-family in the particular area that Swift is trying to downzone.

He urged the Town Board not to create another area such as the one which exists on Fisher Avenue. He said he overlooks that property and someday expects to see even more development but he cannot understand what value would be gained by allowing Swift to change to L10. He said he acknowledged the right of people to use their property as they wish within the law. He stated that Swift had served the community well and he had no malice toward them but he felt the area should be retained the way it is M-1.

Appearance: Mr. Joseph Miele
119 Main Street
Nanuet, New York 10954

Mrs. Miele said he owns property on Main Street in Nanuet and is well aware that Nanuet needs affordable housing. He said this is a perfect location for such housing. If that whole area were changed into residential, he felt sure the businesses existing now would be more than happy to put in affordable houses themselves. That would be upgrading the property. It is a perfect area for housing. Nanuet needs affordable housing and this is a good place to start.

Appearance: Mr. Russell Trogan
12 Jerrys Avenue
Nanuet, New York 10954

He stated that he had not decided whether he wanted the change or not but he did not think high density housing would be

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consistent with the neighborhood. The lot serves as a buffer zone between commercial property of Swift Electric and Fisher Avenue. It also absorbs some of the heavy rainfall which would have to run off should Swift develop this with warehousing, etc. Houses and parking developed on it would create more runoff and more flooding problems in that neighborhood. This is the lowest spot between the railroad tracks and Prospect Hill. It has been a flood zone and any development in the area would be harmful. It should be left as a vacant lot.

Mr. Michael Reeder was called upon to summarize briefly. He said the purpose of his client to urge the adoption of this zone change is to maintain the present use. With regard to the question of the encroachment of commercial use into Nanuet he said this use was here before most of the speakers who said they don't want encroachment on their residential area. If anything you might say that the residential area encroached on his client's use. Swift Electric has been there for twenty to twenty-five years. They are not bringing commercial use in - they were there.

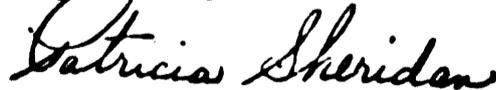
As to the question of traffic on weekends, Mr. Reeder said he did not believe that Swift Electric was creating that kind of problem on weekends and he said that multi-family housing here would create more hazard with people crossing the railroad tracks there. It is not an ideal location for this type of housing.

Mr. Reeder said the change of zone by the Board in the Comprehensive Plan made this multi-family use and thus has made Swift a non-conforming use and the ramifications of that are that you will be in a position to put Swift out of business and chase them away from the area. He said people who come into the Town of Clarkstown to establish businesses and who bring ratables to the Town of Clarkstown don't and cannot look favorably upon a Town that says you can come in here but we can change your zone and force you to leave. The effect of part of your zoning ordinance on a non-conforming use is that after a short period of time after you change the zone you can effectively close this company down and make them leave the area because they do not conform to the present zoning. This issue was raised when this zone was adopted and we raise it again now. He said it was not fair nor equitable nor reasonable to take a commercial party who has been a supporter through taxes and everything else and tell them you must go. It is not appropriate to the area.

Mr. Reeder felt this zone change should be adopted and put back so that Swift is not a non-conforming use and it can continue its business which it has brought to the area for the last twenty to twenty-five years.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook with a no of Supervisor Dusanenko, the Public Hearing was closed, DENIED, time: 10:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

77

Town Hall

4/23/85

10:06 P.M.

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

RE: AMENDING ZONING ORDINANCE, CS/RS DISTRICT TO AN MF-3 DISTRICT -
MAP 14, BLOCK B, LOT 10.02

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

Town Attorney stated that he had several items of correspondence. One from the Rockland County Planning Board dated April 3, 1985 which indicates disapproval for this proposed zone change. There is one dated April 12, 1985 from the Clarkstown Planning Board which indicates approval of the following recommendation. The Planning Board is reiterating a recommendation that this site be rezoned to a higher density apartments or MF-3. There was also correspondence addressed to the Town Attorney's Office from someone by the name of Evelyn M. Sheehan who said that she is a property owner in the area but does not reside there and gives a new mailing address. Finally, there is correspondence from J. Martin Cornell an attorney representing Alfred Weissman, Sheldon Goldstein and Sidney Winoker. They had submitted a protest under Section 265 of the Town Law protesting the change. These people are the property owners of the parcel in question.

Town Attorney said this zone change request was brought by a motion of the Town Board.

Appearance: J. Martin Cornell, Esq.
Main Street
New City, New York 10956

Mr. Cornell said he represents the owners who have filed the protest to which Mr. Costa referred. He said it was important that the Board be aware of the background of this property because this piece of property is unique in many respects.

The current owners purchased this parcel in 1981 together with an adjoining parcel which at that time was one large piece that ran from College Avenue through to South Middletown Road consisting of approximately 11 acres. All of the property was zoned commercial at that time. An application was made back in 1981 or 1982 to change the College Road parcel to residential and that was granted by the Board and that parcel has been developed and is currently being developed for multi-family use. The parcel on South Middletown Road was commercial and remained commercial.

He stated that he had examined some of the old maps and the frontage along North Middletown Road in that area has been commercial since at least 1941 and maybe even prior to that date. This particular parcel has been commercial for many, many years along that strip.

The reason for telling you about both of these parcels purchased at the same time is that the development of the residential parcel on College Avenue and the development of this parcel as commercial are inextricably intertwined because of Nauraushaun Stream that runs right through the middle of the property north and south. The owners of the property have spent many hundreds of thousands of dollars in engineering and other expenses for the purpose of channeling and improving the stream so that the residential property could be properly developed on the east and so that the commercial property could be properly developed on North Middletown Road.

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They have invested a great deal of money in the overall development of the entire parcel. Not only have they invested money in that but as you may recall in May of 1984 this particular parcel was the subject of a proposed zone change to MF-3. He stated that he had appeared before the Board indicating that these parcels were intertwined and that this particular parcel should remain commercial. The Board at that time did not change it to MF-3. As a result of that the owners of the property recognized that the property was commercial and that the Board had acted upon it and not changed it to multi-family and went ahead and expended a great deal of time, money and effort to develop this property as commercial.

They developed a site plan for a small shopping center which contained approximately 44,000 square feet of shopping area and that was presented to the Planning Board of the Town. Significant drainage studies were made with regard to the streams mentioned before. All of this has come before the Town Planning Board in a public hearing held in January at which time the Planning Board under Section 274A of the Town Law failed to act within the required 45 days and as a result they have now before the Planning Board approval of the site for this commercial shopping center. He stated that he had a map if they had any desire to look at it. He said that approval is now in the hands of the owners of the property.

Supervisor asked Mr. Cornell if he was saying regardless of what the zone is that this shopping center is going to be built anyway?

Mr. Cornell said that the reason he was pointing this out is that in his opinion it is a matter of law. He said that Mr. Costa would probably advise the Board on this subject. The result of the Town Board not changing this property to MF-3 in 1984 is that this parcel integrated with the other property. Extensive amounts of money have already been expended for stream work and drainage work as well as the development of this site. It has preliminary approval before the Planning Board as a site. If this Board takes the position that it is going to change the zone he said he believed that the Supreme Court will dictate that they will be permitted to build there anyway.

Supervisor said in other words there is precedent that once you have preliminary approval if you change the zone the court usually allows for that which had received preliminary approval to be built. Mr. Cornell said the law is not clear cut on the subject but the courts recognize that if a property owner has developed what is called a vested interest in the property - in other words expended a great deal of time, effort, money and energy - and if the property owner is relying on what the Town Board did a year ago in good faith, the courts may very well, in his opinion, allow the property owners to complete the development of this property as already initiated.

Mr. Cornell said that their position from a legal standpoint is that this property owner should not be prejudiced and not be affected by the hundreds of thousands of dollars already expended on it and the property should remain as it presently is in a commercial zone.

He said in his opinion the Board cannot change the zone of this property without taking an action under the requirements of the Environmental Conservation Law. The law is very clear that if an action is taken by this Board which may have a significant effect on the environment that you must follow the process as set forth in the Environmental Conservation Law as well as the rules and regulations. He said this particular parcel is somewhat unique in view of the fact that the Nauraushaun Stream is there and is a very sensitive parcel from an environmental factor. As a result of that, under the Environmental Conservation Law he would submit that you

either have to make a determination that it has no significant impact on the environment, if you change to residential, or you have to determine that an environmental impact statement has to be filed in connection with taking any action. He said you cannot act on this without following that procedure as set forth in the Environmental Conservation Law.

He went on to state that when this matter came before the Town Planning Board there apparently was some decision by the Planning Board in their correspondence to this Board to recommend a residential zone to eliminate additional commercial competition in the area. In that letter he said were several references to the fact that the use of this property for commercial purposes would have an economic impact on the other commercial establishments in the area. He said that was an illegal reason to change a zone. He said cases have held that a zone change not be predicated on the economic impact on other competing facilities in an area. (He handed such a decision up to the Board.) He also presented a portion of the latest text on zoning by Anderson on the subject and also a case which dealt with a gasoline station in which the very same issue about competition and zoning as a result of competition was discussed.

He stated that they were mindful of the traffic condition in the area. He said he was not suggesting that this is not a general problem but he wanted to make it clear to the Board that the County Highway Department and the County Planning Board and various other agencies have investigated this matter to some extent. When this project was before these agencies they reviewed it and made various recommendations and determinations about traffic and made various suggestions as to how the traffic could be handled in connection with this project. In all the correspondence and documents in the files he could find nothing to indicate that the development of this property as proposed is going to have a significant adverse impact on the traffic situation in the area. He said he knows that may sound strange but he handed up documents which were in the Town Planning Board's file relating to the development of the project for commercial purposes which generally discuss the traffic.

Mr. Cornell said with regard to the traffic problem he wanted to make an analysis as to the number of trips that will go in and out of a particular site. He suggested the Board equate this project, which is commercial, with multi-family units. He stated that they estimate that if the MF-3 zone goes into effect there could be as many as sixty or so units. The determination has to be made as to whether there will be more or less traffic in the area as a result of sixty residential units, which under the ordinance would require at least one hundred and twenty parking spaces, or the use of the site for commercial purposes. He said if it was commercial it would not generate a significant number of cars. He said he had brought a traffic engineer who had not made a study but who is an expert in the area.

Town Attorney swore in Mr. John Collins.

Appearance: Mr. John Collins
Pleasantville, New York

Mr. Collins said he has a Bachelor's degree in engineering, Masters and Doctorate in traffic transportation, and a license to practice engineering in New York State. Mr. Collins said that he teaches courses in traffic and transportation and he has been practicing in the field of engineering for fifteen years.

Mr. Collins stated that he had done similar type projects on various types of commercial, residential, office parks, etc., in various parts of the entire country. He said it was very difficult to come to a conclusion tonight since a detailed study has not been made.

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He said in evaluating the impact of any particular development on the roadway system there are two areas to be considered - the immediate access to the site and the surrounding areas. He stated that he knew Nanuet very well and knew the history of Route 59 and Middletown Road.

There is a significant amount of commercial development along Route 59. The addition of more retail space in that general area would not bring new trips into the area. Therefore, specific locations away from the site are not necessarily impacted by additional commercial space. In the vicinity of the access point to the site there are problems along Route 59 most notably caused by the lack of control on the driveways entering and exiting these commercial establishments. The driveway as proposed for this particular piece of property would be directly opposite an existing traffic signal which would control the traffic into and out of the parcel. The residential use of the site would cause traffic to occur in the morning which does not currently occur on a commercial piece and it would also return traffic into the residential area during the normal commuter peak.

It is not a clear cut case that more traffic would be generated by one use more than another but there are conditions which exist that indicate that for a commercial piece you could get the access to work and that because of the surrounding land use it would not have a detrimental effect on the existing parcels. This has been proved by a number of studies.

Councilman Maloney asked if the ingress and egress to this particular piece of property would be opposite the entrance to the Mall. Mr. Collins said it would be and would utilize the same traffic signal. It would require certain modifications to the timing of that signal to permit the double left turns, etc. but there would be sufficient width on the roadway as well as positive control of the traffic in and out. Councilman Maloney asked Mr. Collins if he had been there at peak hours and studied this. Mr. Collins said he had not done a detailed study but has inspected the site, looked up the existing geometry, the existing signal timing and based upon his experience he said there were things which could be done to make the system work especially since we are not talking about an access drive which is not situated at a signalized location. Councilman Maloney asked Mr. Collins if he had ever tried to come out of the Mall and make a left turn. Mr. Collins said he had exited out on to Route 59. Councilman Maloney said he was talking about Middletown Road which is where the proposed ingress and egress would be opposite the existing ingress and egress for the Mall. He said he totally agreed that there are traffic problems in the area but they could be worked out.

Town Attorney said in view of the several issues raised by Mr. Cornell in the event that he (Town Attorney) would be asked to provide some legal input to the Town Board he would like to ask a couple of questions. He asked Mr. Cornell if he were prepared this evening to offer any information, testimony or statement as to the amount of investment Mr. Cornell's client has made on the property which is being considered for the zone change in the way of development work or site work or any construction work which has taken place? Mr. Cornell said he did not have sufficient data with him this evening but he would submit such if it would be helpful to the Town Attorney or to the Board.

Town Attorney again asked if Mr. Cornell could answer if any work had been done on the site of the zone change? Mr. Cornell said yes, primarily the drainage of the Naurashaun Brook which runs along north and south through the property which would be the most significant plus all of the engineering and other related professional work in connection with that. Town Attorney said would all of the work already done be incompatible with development of the

site under multi-family zoning? Mr. Cornell said it may very well be. This gets into a very technical engineering problem. The stream itself has a flood plain which surrounds it for the purpose of developing the residential property on the east side of the stream. It was necessary to provide for a temporary retention basin on the commercial parcel in order to develop the residential parcel. Also in connection with the development of the proposed parking area there has been discussion about the possibility of the parking area on the commercial site being in an elevation where it could in a hundred year storm be actually a flood plain area that would be able to provide for an emergency retention area for water. The whole thing is very much integrated. Mr. Cornell said unfortunately some of these are engineering questions which he really was not prepared to answer.

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

Appearance: Mr. Ken Hart, President
Normandy Village

Mr. Hart said he is adamantly opposed to the shopping mall. He said it was stated that hundreds of thousands of dollars had been spent on this street and that was baloney. He stated that the traffic in the area was extremely bad. Normandy Village right now is under seige from stores, from malls, from everything else and the people in Normandy Village are tired of this. He said he could have brought one hundred people here tonight with three minutes a person and let them each tell you what they think of this stuff. He said he is tired of the Town Board picking on Nanuet the way it has been. Nanuet is nothing but a jungle now. The only nice place in the whole of Nanuet is Normandy Village. Slowly but surely you are hemming it in and making life intolerable. He said they can't get out of their driveways. There is no need for more stores. There are a thousand stores in Nanuet already. He discussed business which have come and gone in the area. Now they want to put another mall in there. There has not been one word of how many stores and what kind. How many parking spaces are there going to be in there if they build the mall? He said Normandy Village is against it.

Appearance: Mr. Armand Miele
119 Main Street
Nanuet, New York 10954

We need affordable housing. We do not need any more commercial property. There is no economical hardship on the property in question because they sold the back off. They are even. The property in the front is for sale now with a proposal for a shopping center. They will not lose money if they can put sixty units in because today the price is \$20,000.00 to \$25,000.00 a unit. They could get over a \$1,000,000.00 for the property. There is nothing wrong with putting it in for residential. It should be co-op not condominium because co-op will give you affordable rent. There would be apartments for our young people.

Appearance: Ms. Marjorie Russo, President
Nanuet Civic Association

If there is one thing the residents of Nanuet do not want it is another shopping center. Because they have had to live with decisions made which turned out to be negative they must now think of the suitability of what is going on. The question tonight is what is the suitability of this area with regard to its current development? Everyone knows Nanuet because of the Nanuet Mall. You, the elected officials are saddled with more than one responsibility. Not only do you have to reflect on what the people in their hearts really want in this Town but you also have a financial burden for this Town. Therefore, you must be careful regarding the success of the Town. She noted how many businesses

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have gone out of the mall recently and how many businesses have come and gone in the area surrounding Middletown Road. She asked if the Board felt offering more commercial property would enhance the business community or will it exacerbate financial disaster. She discussed the environmental impact, the drainage on the site and the traffic. She quoted from a memo on file in the Town dated December 11, 1980 from the Town Consultants to the Planning Board dealing with the impact of commercial versus residential and gave figures dealing with the same.

If this does become a residential development people will walk and you will not need a car to go shopping or to go two blocks to get a train to go to work. She added that she would like to see a stop to the rat race that is slowly creeping into the lifestyle in the Town of Clarkstown and let's leave it 20 miles to the south that we left fifteen and twenty years ago. The residents of Nanuet support the Planning Board recommendation. She said they supported the concept of controlled development and the suitability of the development of this lot as to the surrounding area of the Town of Clarkstown.

Appearance: Mrs. Ellen Ferretti
 South Middletown Road
 Nanuet, New York 10954

She said she was very much against the CS/RS. She thought it should be MF-3. She said more living quarters were needed. She asked why a traffic study had not been done. She said Nanuet is saturated with shopping centers when we need more housing. She also stated that better planning is needed for Clarkstown. She complained about the White Castle operation on Route 59 which generated much debris for herself and her neighbors. Another shopping center will only bring more debris and rodents. She said nothing has been done to the Nauraushaun Creek. Mrs. Ferretti said two trees had been tagged by the Rockland Cooperative Extension for preservation. One has been demolished already. The other tree sits right behind the wall on South Middletown Road. To the best of her knowledge this property will have a five foot sidewalk instead of the two foot walk there now. There is a stone wall beyond the walk. There also has to be an easement for the roadway. It means the second tree is going to be demolished also. What is the sense of trying to save trees when all these trees are going to be destroyed with one destroyed already. What is the reason?

Appearance: Mr. Joseph Pantano
 South Little Tor Road
 New City, New York 10956

Mr. Pantano said he lives about two miles away from the intersection in question. He invited Mr. Collins to make a traffic study any time especially on a Saturday in the months of October, November and December when people are doing Christmas shopping. You cannot get within miles of the place. He also mentioned the problem with the White Castle on Route 59. He said he did not see the need for another mall there. He said there is a tremendous need in the Town for senior citizens to have housing and he said he would like to see it developed in that manner. When there is substantial rain we have tremendous flood problems in that area. There is no need for it and he didn't think this board could show a need for another complex in that area.

Appearance: Mr. Alan Marchesi
 Normandy Village - 1st Vice President

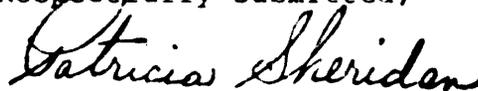
He said he was against another shopping mall coming into Nanuet. We have been shopping malled to death. It is starting to

look like a honky tonk town now. Whenever you drive through you see another hot dog stand or hamburger place. He also complained about the debris from White Castle. He said he did not know what they are planning to put in this proposed shopping complex. They should say what they intend to put there. The bottom line is that we don't need a shopping mall. What we do need is some more homes there.

Mr. Cornell summarized by saying there was no mystery about what stores will be in the proposed mall. The stores there will be typical neighborhood stores which are now in other areas. The proposed site will have approximately 160 parking spaces as a commercial facility. Depending on the number of residential units which may vary the residential development under the MF-3 would have approximately 140 to 160 parking spaces. The number of spaces are roughly comparable, maybe slightly less if residential. He said in light of all the things stated before if traffic is a significant concern of the Board, the applicant is certainly willing to cooperate with the Board to answer some of the questions raised.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the Public Hearing was declared closed, DECISION RESERVED, time: 10:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC INFORMATIONAL MEETING

85

Town Hall

4/23/85

11:05 P.M.

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

Supervisor declared the meeting open. Town Attorney read the Notice of Public Informational Meeting and stated it had been published in the Journal News on April 22nd.

Supervisor said he believed that sometime last month the Town Board received, under the Padavan Law, a letter from the Association for Retarded Children regarding this potential location. Town Attorney said his file reveals that a letter addressed to the Supervisor on March 25, 1985 indicated that, as provided in Section 4134 of the Mental Hygiene Law, the letter was intended as a general notification of the intent to establish a group home at 3 Muller Court, New City.

Supervisor said the options of the Town Board would be (1) do nothing; (2) to come up with an alternative; or (3) to come up with an argument of saturation of other facilities in the area. The Commissioner of Mental Hygiene of the state of New York makes the final determination. Town Attorney said that was correct but there was also one other alternative and that was to approve the site. Supervisor said doing nothing would be tacit approval and Town Attorney said that was correct. Town Attorney said yes, because after the 45 day period provided for in the statute elapses, the organization is free to establish the group home facility.

Supervisor called upon Mr. Milton Levine, the Executive Director of the Association for Retarded Children, Rockland County Chapter. He said he would ask the Town Board to approve and he would be glad to answer any questions which might be asked of anyone in the group including the Town Board.

Supervisor asked how many children would be housed in the proposed facility and Mr. Levine said there would be fourteen adults. There would be staff on duty twenty four hours a day but no live-in-staff, just shifts.

Councilman Maloney inquired how many rooms were in the facility. Mr. Levine said there are ten at the present time. They would need some fairly extensive renovations in order for them to move in. Part of the reason for that is that it has been vacant for about two years.

Councilman Maloney asked what the purpose of the building was prior to this time. Mr. Levine said it was a convent.

A resident asked if there were to be any changes to the property. Mr. Levine said the answer would be no. The changes would be primarily to the inside because all of the population who would be involved in this group home would be ambulatory. There would be no great need for outside changes. Any changes would be improvements.

A resident inquired if there would be any new roads put in or driveways. Mr. Levine said he could see no need for that. The resident further asked if any trees would be cut down or fences put up. Mr. Levine said he would see no need for that either. He said there is no containment factor for the residents in the area to be concerned with.

A resident asked questions concerning the number of staff, the number of shifts, and how many staff would be on during each shift. Mr. Levine said he was not well versed in the staffing

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patterns of a community residence in this area but there would be at least one person there at all times.

A resident stated that there would not be enough parking space there, as it presently exists, so some work would have to be done on the outside as there can be no parking in the street. Mr. Levine said he did not understand why they were assuming there would be that many more cars. Most of the inhabitants would not drive and therefore would not have cars. As far as staff is concerned, we are talking about shifts and not five staff people there at one time. Some come and some stay.

A resident asked about visitors and Mr. Levine said there would be some visitors. Very often the inhabitants go home rather than have someone come to visit them. There will, however, be visitors as there would be in any other home.

A resident inquired as to what funds would be used to run this home on a yearly basis. Mr. Levine said budgets for an organization such as this are public knowledge and available under the Freedom of Information Law as they are quasi-public and not for profit organizations receiving state, county and private funds. The resident said he just wanted to be sure there would be enough funds to maintain the property as well as the people who would be housed there.

Mr. Levine said there are five other facilities in the area which are run by this organization and he invited inspection of them so that their efficient operation could be determined. He said the property is maintained at least as well as a private home, if not better.

A resident asked if the property was being bought outright and Mr. Levine said, "yes."

A resident said that the land is not zoned for this and the Supervisor said under the Padavan Law, regardless of the zoning, a group home is exempt from zoning. This is regarded as a one family home under state law even though fourteen unrelated people will be living there. Under normal zoning in the Town of Clarkstown, a family of seventeen people and four other unrelated people in the family unit can live in a family home.

The Supervisor, in answer to a question regarding the jail, stated that so far as he knew there was no saturation in the area regarding the group home on Stokum Lane further to the east of Muller Court and this proposed home run by St. Agatha and does not come under the Mental Hygiene Law and, therefore, may not be a criteria for saturation of too many facilities in one neighborhood.

The resident referred to a group home on William Street and the Supervisor stated that it was probably more than a mile away. The resident said it was exactly one mile from her home as she had clocked it that night. Supervisor said he was not an attorney nor the Commissioner of Mental Hygiene, but along with Mr. Levine was just trying to answer questions to the best of their ability. He said the criteria of saturation would probably not hold, but if it was within a block or two then it might hold.

A resident brought up the traffic problem and said that Twin Elms Lane was used as a short cut to Middletown Road to avoid the traffic on Hempstead Road and Collyer Avenue. Supervisor said that at one time there were stop signs there but they were deemed to be illegal under the new V & T Law. The Town cannot help that situation. The resident said this home will be adding traffic as they will be bringing in food, supplies, staff, etc. Mr. Levine said they are not proposing a hospital. He said they are proposing a residence. Mr. Levine said traffic should be minimized to a great

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degree because they are talking about relief people coming in. He said we are talking about feeding fourteen people which doesn't require truck loads of food. He said there were ten nuns living in this same building at one time and there didn't seem to be very much of a problem. He said he didn't think retarded people eat any more than nuns do. He said the comments and the questions asked were valid but are not really a problem.

A resident questioned the life style of the people who would be living in the group home. Mr. Levine said their life style would be very similar to the other residents in the area. They would be attending day programs and coming home about the time the average person today returns home and would be having dinner about the same time as well. They will be transported to the working place and returned home.

Supervisor said if it follows the group homes in other areas almost the entire population is transported to the work site in one or at most two vans rather than three or four cars. Mr. Levine said that is the way it would be done.

A resident asked if the property would be on or off the tax rolls. Mr. Levine said he hoped that it would remain off the tax rolls simply because it would cost the community more money in terms of allocating taxes and using monies which are normally taxed in any event to pay those taxes. A lot of the funds received are from the state and federal governments so in essence they would be using some tax money to pay the taxes which Mr. Levine stated is not the way to do it.

Supervisor asked if it would be on the tax roll or on the exempt roll. Mr. Levine said they are tax exempt and would ask to be tax exempt. Supervisor said it was his understanding that other group homes are on the rolls for payment in lieu of taxes. He asked Town Attorney if that was correct. Town Attorney said the State of New York reimburses the Town for the loss of tax revenues under a state statute. The property itself is on the exempt rolls but the amount of money that would be generated in taxes is paid to the town. He said he was not sure if the property in question tonight would fall into that category but certain group homes established under Letchworth's jurisdiction are ones for which the Town receives tax payments.

Mr. Levine said the previous use and the ownership at the present time might be tax exempt as well. Town Attorney said he believed that was the case. Supervisor stated that it had been owned by a church and used as a convent and therefore on the exempt roll and not paying taxes other than sewer tax and certain special district taxes.

Mr. Levine said he would suggest that it would be better to have that particular building occupied as soon as possible rather than left unoccupied.

A resident asked if the building would look the same as it does now and Mr. Levine said they would prefer to have the building look the same as other houses in the area. They would rather not change or expand it. He said they did not want to make it different so that it would be unlike other homes in the area. He said they want their people to live like everybody else.

In response to a resident's question, the Supervisor said, if the building was changed to individual dwellings, it would probably not be considered a group home and then come under the zoning and not be allowable. Mr. Levine said the Department of Mental Hygiene would probably not allow that in that it would be a fire hazard or some type of hazard.

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A resident said he understood that there might be some meetings held at the group home. He asked for the nature and the frequency of such meetings. Mr. Levine said he was not aware of any meetings other than the possibility of some staff getting together who are a part of that particular group home. Otherwise there would be no ongoing types of meetings. It was again stated that staff would come and go at different times depending on their shifts.

Supervisor said most of the Venture Homes have citizen input via Community Advisory Boards. Does ARC have the same? Mr. Levine said "yes." Supervisor asked him to explain what the composition of the group was and said usually it is citizens living in a particular area who serve in an advisory capacity. At this point Judy Garland, Director of ARC, explained the community involvement.

In response to a question from the audience regarding who would be at the house during the day, Supervisor said usually someone remains at the house in case of sickness of a resident and for protection purposes.

Mr. Pantano asked what the home would revert back to in the event ARC decided to sell the home at some future time? Supervisor said if it is not used as a mental hygiene facility it would revert back to the existing zoning. Councilman Carey said he would be concerned as to whether it would revert to some other state agency and asked if that were possible? Could it be used for a drug program or something of that sort? Mr. Levine said when they talk about the use of the home it is for the developmentally disabled - period - as far as they are concerned. The answer is that it would revert back to one family.

A resident asked where would the inhabitants of the group home come from and Mr. Levine said Clarkstown. Mr. Levine said there are fourteen people on the waiting list who live in Clarkstown. Mr. Levine said it is not just a question of the disabled people themselves. It is a question of the parents of these people too. He said they do not just serve developmentally disabled persons but serve the families of these people as well. The need to house these people becomes a need because of the parents. They have gotten too old or can no longer sustain someone of that nature living in the house for so many years. The developmentally disabled also want to get together with other people like themselves and try living on their own.

A resident stated that her daughter was disabled and had come to her when she had reached the age of twenty-three worried about what would happen to her when the mother died. The girl could not worry about that anymore and wanted to be placed in a group home for her own peace of mind.

A resident asked if the people, once placed in these homes, remain for a period of years and Mr. Levine said very definitely. They often become a family unto themselves. Supervisor said more so than any other type of facility. Mr. Levine said the age group usually tends to be somewhere between the ages of 18 and 35.

In response to a question from a resident regarding the value of the property in the areas of these group homes, Mr. Levine said the dropping of values of property in the areas of these homes has not been a problem. He said the state had done studies on this and these studies could be obtained. A representative from the state also confirmed this. The properties are not only maintained but in many instances are brought up to a finer condition than when originally purchased.

In answer to a question regarding the rooms, Mr. Levine said there were presently 10 rooms and there would be two people to

a bedroom. The dining room would be enlarged but there would be no extensive renovations. Ms. Garland explained the renovations proposed.

Mr. Levine stated that they had no answer as to when the home would be ready for occupancy or when they could expect the residents to move in. They must first get approval.

A resident requested information as to what the residents in the area could expect from the residents who do move in. Mr. Levine said they would be going to work, coming home, having dinner, etc. On the weekends there would be planned trips for them and essentially their time is taken up rather well. They will have recreation programs available to them. Mr. Levine said in response to a query as to whether their time is very structured said he did not want to give the impression that they are constantly on the go and regimented but to a degree it is structured.

A resident asked if they could come and go as they please and Mr. Levine said they are supervised at all times.

Ms. Garland gave a detailed explanation of what would go on and their hopes for the future residents and the area.

In response to a question from a resident as to whether or not anyone had inspected the area with regard to traffic, etc., Mr. Levine said he had himself and at least a half dozen other people present in the audience had also.

A resident asked what made this particular home better suited for a group home than other homes in the County and Mr. Levine said partially the size. There are not that many people who would want to buy a house of this size with that many rooms.

There followed extensive dialogue with many residents reiterating questions previously brought up and answered.

Mr. Fred Hager stated that he had heard all the comments for years and years and apparently it would continue to go on. Mr. Hager stated the rights of all people to live in this community especially the handicapped. They are entitled to the same rights we all demand for ourselves.

Ms. Carole Freedman, New City, said she was hostile but not because of the mentally retarded people. She has had many positive experiences with the mentally retarded. She stated that her neighborhood had, however, many unhappy experiences in other areas such as traffic, destruction of property by cars, the current jail which will be very close, one group home there now, one planned for William Street which is a short distance away, etc. She asked of the Town Board what other surprises they had in store for her neighborhood?

Supervisor said in speaking for himself and his colleagues on the Board, they do not make selections. These organizations decide that they need "x" number of facilities and they so inform the Town Board under the Padavan Law when they find a particular site. The Town Board then has the four possible options which were discussed at the beginning of this meeting. The Commissioner of Mental Hygiene finally decides. The Town Board is the pawn and can only make suggestions just as the residents can and in fact probably have less rights, as elected officials, than do the residents.

Supervisor said now there is a federal directive to deinstitutionalize. There were less than human conditions existing for these people for many years until they were uncovered and reported in the media. There is a more humane attitude and now they want better staffing and lower ratios. The institutions under

federal mandate must reduce the populations or they will lose federal aid. Many of these residents are now in homes and in schools but their parents are no longer able to care for them.

Ms. Freedman said she just wanted it known that too many institutions of one kind or another are in a very small area.

Mrs. Claire Ross said that she did not have a problem with the people who are going to live in that home. They are much better than some other uses to which the home could be put. She said she resented Mr. Fred Hager coming and berating the people who had come to this meeting with questions. They also have a right to attend an informational meeting, to ask questions and if they have fears, it is much better that those fears be voiced now. She said she could have put a record on and Fred would not have had to open his mouth because the same thing would be said. She said she knows that the mind is like a book and if you don't open it you never learn anything. But she said that Mr. Hager did not have the right to come and accuse people who live in the neighborhood of not wanting these people in because they are retarded. It is an unknown factor and we have been faced with the loss of property value because of the jail and an other group home. Mrs. Ross said that she personally does not see it with a home for the retarded.

Supervisor said this is a different type of informational hearing than any held before for a group home. It is less formal, less structured and we are not playing to a gallery. Supervisor said he complimented, on behalf of the Board, everyone who was here tonight, as they were the type of people he liked to associate with. They asked questions concerning their lives, their families, and their children. He also included the parents of children who may be potential residents of this group home. He said there were lots of quick questions instead of political grandstanding.

Appearance: Ms. Marilyn Troy
Cappara Lane
New City, New York

She complimented her neighbors and said they have been perfect neighbors for twenty five years and tonight they showed it. She lives in the neighborhood and she works for the State of New York. She knows what Padavan is, she knows what retardation is and she knows what mental health is. She wished she had more time before this meeting so that she could have invited her neighbors to come to any of the group residences for adults in Rockland County. She said she thought they would be very proud of what the State of New York has done and that they would be very proud to have these people as your neighbors. There is not one community residence in Rockland County that has ever caused real estate values to go down. No one will lose any money on their property. The fear is the unknown. If you take us up on our proposal and you come to visit any one of these homes you will be very proud. She said she was very proud of ARC because they have a wonderful track record.

Mr. Levine was called upon to make a summary statement. He said no matter where you live and no matter who you are or the reason for your being here tonight please come and visit one of the homes and see for yourself. He said he could not make that statement if he were not convinced and pleased with what they do. He said he is new in this area himself and will be coming up to live here too. Mr. Levine said his phone number at the health complex is 354-0200, Extention 2345. He said he would be glad to make an arrangement to go with the person interested or have one of his staff go with them to one of the group homes or to see the new one which will be opening for non-ambulatory as well as ambulatory persons.

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He thanked the audience for their kindness and their questions. He said he had been rather fearful of this meeting but is very pleased.

There being no one further wishing to be heard the Informational Meeting was declared closed, time: 12:20 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

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