

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/10/85

8:05 P.M.

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

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

Supervisor opened the Public Portion of the meeting but no one appeared to speak.

RESOLUTION NO. (1039-1985) ACCEPTING MINUTES OF  
REGULAR TOWN BOARD MEETINGS  
OF SEPTEMBER 9, OCTOBER 8  
AND OCTOBER 22, 1985

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meetings of September 9, October 8 and October 22, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Holbrook.....Yes  
Councilman Lettre (absent for this vote)  
Councilman Maloney.....Yes  
Supervisor Dusanenko.....Abstain

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RESOLUTION NO. (1040-1985) AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING" SIGNS ETHEL DRIVE,  
NEW CITY; LONGMEADOW DRIVE,  
NEW CITY; SALEM ROAD, NEW  
CITY; AND TAMARAC AVENUE,  
NEW CITY

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install

"No Parking, Monday - Friday 8:00 A.M. - 4:00 P.M ." signs on the west side of Ethel Drive from Prides Crossing, New City to its present dead end.

On the west side of Longmeadow Drive from Prides Crossing, south to a point opposite the existing signs on the east side of Long Meadow Drive.

On the north and south sides of Salem Road from Long Meadow Drive westerly to Barnstable Court, New City.

On the north and south sides of Tamarac Avenue from Ethel Drive west for a distance of 1100 feet.

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.

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ABE647

RESOLUTION NO. (1040-1985) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1041-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING HERE TO CORNER"  
VIRGINIA AVENUE, NEW CITY

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install

A "No Parking Here to Corner" sign to be erected on the  
southside of Virginia Avenue, 50 feet west from New York  
State Route 304, New City, New York

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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1042-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING" SIGNS PRIDES  
CROSSING, NEW CITY

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install

"No Parking, Monday - Friday, 8:00 A.M. to 4:00 P.M."  
signs to be installed on the south side of Prides  
Crossing from Longmeadow Drive to Barnstable Court, New  
City

and be it

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

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RESOLUTION NO. (1042-1985) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1043-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING HERE TO CORNER"  
SIGNS QUAKER ROAD, NEW CITY

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install

NO PARKING HERE TO CORNER signs on the north and the  
south sides of Quaker Road 50 feet from Little Tor Road,  
New City, New York

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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1044-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING SIGNS" SCOTT DRIVE,  
NEW CITY, REPLACE EXISTING  
SIGNS WITH "NO PARKING"  
SIGNS JEFF LANE, NEW CITY  
AND MARK LANE, NEW CITY

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install

"No Parking, Monday - Friday 8:00 A.M. to 4:00 P.M."  
signs on the north and south side of Scott Drive, New  
City from Bradley Drive to the Dead End.

Furthermore, remove the present signs on Jeff Lane and  
replace with the signs "No Parking, Monday - Friday 8:00  
A.M. to 4:00 P.M." This is necessary for uniformity.

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ABE647

RESOLUTION NO. (1044-1985) Continued

These same aforementioned signs to be installed on the east side of Mark Lane from Cairnsmair Lane to Scott Drive.

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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1045-1985)

ACCEPTING DEED FOR ROAD WIDENING (MAGEE WAREHOUSE) - GREENBUSH ROAD, WEST NYACK

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site for Magee Warehouse, West Nyack, New York, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Greenbush Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the department of Environmental Control, the Superintendent of Highways and the Town Attorney of the Town of Clarkstown deed dated September 26, 1985, from Patrick J. Magee is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1046-1985)

ACCEPTING DEED FOR ROAD WIDENING (KAR-MAR BUILDING CORP.) - KENDALL DRIVE, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision to be known as KAR-MAR BUILDING CORP., the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Kendall Drive, New City, New York;

NOW, THEREFORE, be it

RESOLUTION NO. (1046-1985) Continued

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 October 30, 1985, from KAR-MAR BUILDING CORP. is hereby accepted and recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording.

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.....	Yes

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ABE647

RESOLUTION NO. (1047-1985)

AWARDING BID FOR BID  
#64-1985 (SALE OF  
SURPLUS/OBSOLETE EQUIPMENT)  
- (ANGELICA ASSOCIATES,  
PEDERSEN, PICARIELLO,  
COHEN, PARKWAY LAWN MOWER,  
MC CARTER, GASTEL, RENTZ,  
KLEIN, POLEWAY, HENGLEIN)

Co. Holbrook offered the following resolution:

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

BID #64-1985  
SALE OF SURPLUS/OBSOLETE EQUIPMENT

is hereby awarded to the following companies/individuals as per the attached schedule

ANGELICA ASSOCIATES 3 Birchwood Terrace Nanuet, N.Y. 10954	MILTON GASTEL 50 So. Rockland Ave. Congers, N.Y. 10920
EMIL J. PEDERSEN 155 Schuyler Rd. Central Nyack, N.Y. 10960	BRUCE F. RENTZ 128 Hoover St. Blauvelt, N.Y. 10913
NUNZIO PICARIELLO 22 Grassy Point Stony Point, N.Y. 10980	ROGER KLEIN 101 Parkway Trailer Ct. Pomona, N.Y. 10970
NORTON COHEN 168 Coolidge St. Haverstraw, N.Y. 10927	LORRAINE POLEWAY 95 Strawtown Road West Nyack, N.Y. 10994
PARKWAY LAWN MOWER c/o Barry Degraw 35 Parkway Trailer Ct. Pomona, N.Y. 10970	JOHN HENGLEIN 50 Pine Brook Road Monsey, N.Y. 10952
JAMES B. MC CARTER 12 Tanglewood Ct. Congers, N.Y. 10920	

and be it

FURTHER RESOLVED, that authority is hereby given to appropriate departments to dismantle and dispose of those articles which have not been indicated for an award.

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RESOLUTION NO. (1048-1985) Continued

(Schedule on file in Town Clerk's Office)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1048-1985)

AWARDING BID FOR BID #65A-1985 (SALE OF SURPLUS/ABANDONED VEHICLES (KEAHON AUTO WRECKERS))

Co. Holbrook offered the following resolution:

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

BID #65A-1985 SALE OF SURPLUS/ABANDONED VEHICLES

is hereby awarded to

KEAHON AUTO WRECKERS BOX 486 BEACH ROAD WEST HAVERSTRAW, N.Y. 10993-0486

as per the attached schedule of Vehicles and proposed sums.

(Schedule on file in Town Clerk's Office)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1049-1985)

AWARDING BID FOR BID #5-1986 (CRUSHED STONE) (TILCON QUARRIES NEW YORK INC., NEW YORK TRAP ROCK/LONE STAR INDUSTRIES AND RAI A INDUSTRIES, INC.)

Co. Holbrook offered the following resolution:

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

BID #5-1986 CRUSHED STONE

is hereby awarded to

RESOLUTION NO. (1049-1985) Continued

TILCON QUARRIES NEW YORK INC  
66 LONG CLOVE ROAD  
PO BOX 3621  
HAVERSTRAW, NY 10927

RAIA INDUSTRIES INC.  
PO Box 505  
Hackensack, NJ 07602

NEW YORK TRAP ROCK/  
LONE STAR INDUSTRIES  
Crusher Road  
West Nyack NY 10994

as per the following schedule

(A) FOB DESTINATION - CLARKSTOWN HIGHWAY DEPT OR TOWN JOB SITE - IN VENDORS TRUCKS

<u>MATERIAL</u>	<u>TILCON</u>	<u>RAIA</u>
3/8" CRUSHED STONE	14.40 ton	-
2-1/2" " "	-	13.00 ton
1-1/2" " "	11.90 ton	-
3/4" " "	12.30 ton	-
5/8" " "	12.30 ton	-
1/4" " "	14.40 ton	-
SCREENINGS	9.40 ton	-
ITEM 4	11.15 ton	-
SHOULDER STONE	10.65 ton	-
SURGE STONE	11.25 ton	-

(B) FOB PLANT-LOADED INTO TOWN TRUCKS

<u>MATERIAL</u>	<u>TILCON</u> (HAVERSTRAW)	<u>NY TRAP ROCK</u> (WEST NYACK)
3/8" CRUSHED STONE	10.90 ton	11.40 ton
2-1/2" " "	NO AWARD	NO AWARD
1-1/2" " "	8.40 ton	8.90 ton
3/4" " "	8.80 ton	9.10 ton
5/8" " "	8.80 ton	-
1/4" " "	10.90 ton	11.40 ton
SCREENINGS	5.90 ton	6.90 ton
ITEM 4	7.65 ton	8.40 ton
SHOULDER STONE	7.15 ton	7.40 ton
SURGE STONE	-	7.90 ton

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1050-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #10-1986  
(BITUMINOUS CONCRETE)

Co. Holbrook offered the following resolution:

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

BID #10-1986  
BITUMINOUS CONCRETE

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, January 21, 1986 at which time bids will be opened and read, and be it

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RESOLUTION NO. (1050-1985)

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1051-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #11-1986  
(HIGHWAY SIGNING/ROAD  
SUPPLIES)

Co. Holbrook offered the following resolution:

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

BID #11-1986  
HIGHWAY SIGNING/ROAD SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, January 22, 1986 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1052-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #12-1986  
(GROUNDSKEEPING SUPPLIES)

Co. Holbrook offered the following resolution:

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

BID #12-1986  
GROUNDSKEEPING SUPPLIES

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

RESOLUTION NO. (1052-1985) Continued

January 29, 1986 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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ABE647

RESOLUTION NO. (1053-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #68-1985  
(OFFICE FURNITURE)

Co. Holbrook offered the following resolution:

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

BID #68-1985  
OFFICE FURNITURE

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, December 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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1054-1985)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
FINNEGAN ASSOCIATES FOR  
SUPPLEMENTAL SERVICES  
(ASSESSOR'S OFFICE) -  
CHARGE TO ACCOUNT A-1355-409

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is authorized to enter into an agreement with Finnegan Associates for supplemental services from January, 1986 to filing of roll July 1, 1986, and be it

FURTHER RESOLVED, that funding for this agreement is to be charged to A-1355-409 in the amount of \$55,000.00.

RESOLUTION NO. (1054-1985) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1055-1985)

AUTHORIZING ATTENDANCE AT  
SEMINAR ON SOLID WASTE  
(TOWN ATTORNEY OR DESIGNEE  
AND FIRST DEPUTY TOWN  
ATTORNEY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney or his designee, and the First Deputy Town Attorney are hereby authorized to attend a seminar on Solid Waste, sponsored by the New York State Bar Association, at Pace University, White Plains, New York, on December 13, 1985, at a cost of \$60.00 per person, plus travel expenses.

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.....	Yes

Supervisor stated that this item on the agenda called for a representative of the Environmental Department to attend this seminar also but this was not mentioned in the resolution. He asked for an explanation. Town Attorney said that the Environmental Office was unable to schedule anyone to attend on that short notice.

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RESOLUTION NO. (1056-1985)

RESCINDING TOWN BOARD  
RESOLUTION NO. 997-1985

Co. Holbrook offered the following resolution:

RESOLVED, to rescind Town Board Resolution No. 997 dated November 26, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1057-1985)

AUTHORIZING PAYMENT FOR  
CORRECTIVE DRAINAGE WORK ON  
FRINGE COURT, NEW CITY -

RESOLUTION NO. (1057-1985) Continued

CHARGE TO DRAINAGE BOND  
CAPITAL ACCOUNT #2

Co. Holbrook offered the following resolution:

WHEREAS, Town Board Resolution #678-1983 dated July 12, 1983 authorized corrective drainage work as recommended by the Director of Environmental Control on premises described on the Clarkstown Tax Roll as Map 96, Block A, Lot 6.09, authorized Nicholas A. Longo, Superintendent of Highways, to complete the drainage project, and

WHEREAS, the drainage work has been completed;

NOW, THEREFORE, be it

RESOLVED, that the amount of \$2,155.66 for additional corrective drainage work is a proper charge, and be it

FURTHER RESOLVED, that this amount be charged to the Drainage Bond Capital Account #2.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1058-1985)

AUTHORIZING SUPERVISOR TO  
APPLY FOR APPLICATION FOR  
ACCREDITATION PROGRAM  
OVERVIEW (CLARKSTOWN POLICE  
DEPARTMENT)

Co. Holbrook offered the following resolution:

AUTHORIZING the Supervisor to apply for application for the Accreditation Program Overview for the Clarkstown Police Department as contained in attached letter from the Commission on Accreditation for Law Enforcement Agencies, Inc., dated December 4, 1985.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1059-1985)

AUTHORIZING REDUCTION IN  
AMOUNT OF PERFORMANCE BOND  
- TURNPIKE WOODS, INC.,  
(OVERLOOK ESTATES)

Co. Maloney offered the following resolution:

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ABEG47

RESOLUTION NO. (1059-1985) Continued

WHEREAS, a performance bond in the form of a Letter of Credit and Savings Certificates in the sum of \$186,719.44 was assigned to the Town of Clarkstown by TURNPIKE WOODS, INC. covering the improvements and other facilities as shown on the Final Plat of OVERLOOK ESTATES, and

WHEREAS, the Department of Environmental Control has recommended that the amount of the performance bond be reduced as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the amount of the performance bond is hereby reduced to \$44,000.00 subject to the execution of a revised Owner's Performance Bond and delivery to the Town of Clarkstown of an Irrevocable Letter of Credit in a form approved by the Town Attorney in an amount of not less than \$44,000.00.

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.....	Yes

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RESOLUTION NO. (1060-1985)

ACCEPTING DEED FOR ROAD  
WIDENING (RUOCCO  
PLAZA/ROUTE 303 OFFICE  
PARK, VALLEY COTTAGE)

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as RUOCCO PLAZA/ROUTE 303 OFFICE PARK, VALLEY COTTAGE, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney of the Town of Clarkstown, deed dated October 5, 1984, from David Ruocco is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

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RESOLUTION NO. (1061-1985)

AMENDING RESOLUTION NO.  
1022-1985 RE AMENDMENTS TO  
ZONING ORDINANCE (106-10A  
and 106-20B(2))

RESOLUTION NO. (1061-1985) Continued

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. 1022-85 adopted by the Town Board on November 26, 1985, be amended to read as follows:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown is considering an amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of January, 1985 at 8:20 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

I. Amend Section 106-10A, Table 16 of General Bulk Regulations, to read as follows:

A. Amend Note 3 to read as follows:

"Note 3. When adjacent to a commercial district, none is required, but when provided shall be fifteen (15) feet."

B. Amend Note 4 to read as follows:

"Note 4. Required distance shall be increased by fifty (50%) percent when adjacent to a residential district."

C. In the Column designated as "Required Rear Yard" for lines "G," "J," and "M," add:

"See Note 14."

C. In the Column designated as "Required Side Yard," the Lines "G," "J," and "M," add:

"See Note 14."

"D. Add new Note 14 to read as follows:

"14. A deck attached to the dwelling without a permanent roof shall not be considered a projection into the required rear yard provided it does not exceed 308 square feet and does not extend out from the building line more than 14 feet. This exception shall also apply to decks built in a side yard provided such deck is not closer than 10 feet to the boundary line."

II. Amend Section 106-20B(2) to read as follows:

"(2) An awning or movable canopy may project not more than fifteen (15) feet. Cornices or eaves may project not more than eighteen (18) inches; and a window sill or belt course may project not more than six (6) inches into a required yard, court or usable open space."

and be it

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

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ABE647

RESOLUTION NO. (1061-1985) Continued

FURTHER RESOLVED, that the above proposed amendment(s) be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and reports.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1062-1985)

RESCINDING RESOLUTION NO. 882-1985 AND AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH SOUTH OF THE MOUNTAIN BUILDERS, INC., FOR WATER SERVICE CHARGES (MAP 35, BLOCK B, LOT 6) AND AUTHORIZING COMPTROLLER TO PROVIDE PERIODIC STATEMENTS TO SOUTH OF THE MOUNTAIN, INC. FOR WATER SERVICE CHARGES

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. 882-85 be and hereby is rescinded by the Town Board, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with South of the Mountain Builders, Ltd., in a form of a Declaration and Covenant which shall run with the land, in a form approved by the Town Attorney, whereby South of the Mountain, Ltd., or its successors(s) in interest shall pay the water service charges of Spring Valley Water Company, Inc., rendered yearly to the Town of Clarkstown on a per hydrant basis in connection with the dwelling units to be located on such property presently owned by South of the Mountain, Ltd., in the Hamlet of New City, now designated on the Clarkstown Tax Map as, Map 35 - Block B - Lot 6, and the Comptroller is hereby authorized and directed pursuant to such agreement to provide periodic statements to South of the Mountain, Ltd., or the future owner(s) of the premises for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that should the property be subdivided or redesignated into different tax parcels, the amounts to be billed shall be prorated against the several tax parcels in accordance with the then applicable assessment values, or in the event of condominium approval or creation of a homeowners association, such charges shall be billed to the Board of Managers or association management.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1063-1985)

AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH JOHN KNUTSEN, OWNER OF SECTION C OF KINGSGATE FOR WATER SERVICE CHARGES (MAP 165, BLOCK B, LOT 2 AND AUTHORIZING COMPTROLLER TO PROVIDE PERIODIC STATEMENTS TO JOHN KNUTSEN FOR PAYMENT OF WATER SERVICE CHARGES

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with John Knutsen, owner of Section C of Kingsgate, in a form of a Declaration and Covenant which shall run with the land, in a form approved by the Town Attorney, whereby the subject premises shall be encumbered with an obligation to pay the water service charges of Spring Valley Water Company, Inc., rendered yearly to the Town of Clarkstown on a per hydrant basis in connection with the dwelling units to be located on such property in the Hamlet of Nanuet, now designated on the Clarkstown Tax Map as Map 165, Block B, Lot 2, and the Comptroller is hereby authorized and directed pursuant to such declaration and covenant to provide periodic statements to John Knutsen, owner of Section C of Kingsgate, or the future owner(s) of the premises for payment of the water service charges imposed plus 10% as a handling fee, and be it

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FURTHER RESOLVED, that should the property be subdivided or redesignated into different tax parcels, the amounts to be billed shall be prorated against the several tax parcels in accordance with the then applicable assessment values, or in the event of condominium approval or creation of a homeowners association, such charges shall be billed to the Board of Managers or association management.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1064-1985)

AMENDING RESOLUTION NO. 1013-1985 RE: ZONE CHANGE FOR JOHN DEPAULIS (MAP 129, BLOCK A, LOT 2.01) - LO TO LS OR RS

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1013-1985 adopted by the Town Board on November 26, 1985, be amended as follows:

WHEREAS, JOHN DePAULIS 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 on the Clarkstown Tax Map as Map 129, Block A, Lot 2.01, from LO district to LS or RS district;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (1064-1985) Continued

RESOLVED, that a public hearing pursuant to Section 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 11th day of February, 1986 at 8:10 P.M., 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 and file proof thereof in the Office of the Town Clerk.

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.....Yes

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RESOLUTION NO. (1065-1985)

ACCEPTING RESIGNATION OF REAL PROPERTY DATA COLLECTOR (TRAINEE) - ASSESSOR'S OFFICE (BARBARA SCHNELL)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Barbara Schnell, 138 Cathy Lane, Stony Point, New York - Real Property Data Collector (Trainee) - is hereby accepted - effective December 13, 1985.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1066-1985)

ACCEPTING RESIGNATION OF LEGAL STENOGRAPHER - TOWN ATTORNEY'S OFFICE (CANDACE L. NEUSER)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Candace L. Neuser, 4705 DeLeon Street, S.W., Apartment L 169, Fort Myers, Florida - Legal Stenographer - Town Attorney's Office - is hereby accepted - effective and retroactive to November 25, 1985.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1067-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (LAURA CINTRON)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Laura Cintron, 9 South Park Avenue, Nanuet, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to November 29, 1985.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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ABE647

RESOLUTION NO. (1068-1985)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
SGANDURRA TO PERFORM  
CERTAIN WORK TO CORRECT  
CONDITION ARISING ON  
PROPERTY AS RESULT OF LAKE  
ROAD DRAINAGE PROJECT (BID  
#9-1985)

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown has completed the Lake Road Drainage Project (Bid #9-1985) which has affected access to premises designated on the Clarkstown Tax Map as Map 123, Block F, Lot 1;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney with VINCENT SGANDURRA and DOMENICA SGANDURRA, owners of the affected property, to perform certain work as determined necessary by the Director of the Department of Environmental Control to correct the condition.

Seconded by Co. Maloney

(Prior to voting the Supervisor wanted it noted for the record that this was sent prematurely by somebody from the Town Attorney's staff and he had signed it the other day.)

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Hobbrook.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Supervisor Dusanenko.....Yes

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RESOLUTION NO. (1069-1985)

REESTABLISHING A COMMITTEE  
TO INVESTIGATE AND REPORT  
TO THE TOWN BOARD WITH  
RESPECT TO THE VACANCY RATE  
FOR APARTMENTS

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1069-1985)

WHEREAS, by resolution dated the 12th day of August, 1985, the Town Board created a Vacancy Rate Committee to inquire into certain matters relating to the appropriateness of a declaration that a rent emergency exists within the Town of Clarkstown pursuant to the provisions of the Emergency Tenants Protection Act, and

WHEREAS, a Committee duly established pursuant to said resolution was requested to make a report on or before November 30, 1985 and thereupon said Committee would cease to act, and

WHEREAS, the Town Board of the Town of Clarkstown desires to add additional persons to said Committee and obtain additional input,

NOW, THEREFORE, be it

RESOLVED, that the Vacancy Rate Committee is hereby reestablished and extended to January 15, 1986 so as to allow newly appointed members to participate in the deliberations and recommendations of said Committee.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1070-1985)

AUTHORIZING TOWN  
COMPTROLLER TO CREDIT \$3.00  
PER WORK DAY TO EMPLOYEES  
WHO USE TOWN OWNED VEHICLES  
COMMUTING TO AND FROM WORK

Co. Maloney offered the following resolution:

WHEREAS, Regulations of the Internal Revenue Service have been promulgated which require employers, including municipal employers, to include for personal income tax purposes, the value of employer owned vehicles used for private purposes or for commuting to and from work;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized and directed for the period commencing January 1, 1985 to credit as additional income the sum of \$3.00 per work day to those employees who have the use of Town owned vehicles for commuting to and from work except those employees who are public officers as defined in Section 263.14 of the Handbook for State Social Security Administration, and be it

FURTHER RESOLVED, that employees who have the use of Town owned vehicles except for commuting to and from work shall not use any vehicle assigned to such employee for personal reasons, and be it

FURTHER RESOLVED, that the employer provided vehicles as set forth below be excluded from wages:

- (a) Clearly marked police and fire vehicles;
- (b) Delivery trucks with seating only for the driver, or only for the driver plus a folding jump seat;

RESOLUTION NO. (1070-1985) Continued

- (c) Flatbed trucks;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
- (e) Passenger buses used as such with a capacity of at least twenty (20) passengers;
- (f) Ambulances used as such or hearses used as such;
- (g) Bucket trucks ("cherry pickers");
- (h) Cranes and derricks;
- (i) Forklifts;
- (j) Cement Mixers;
- (k) Dump trucks (including garbage trucks);
- (l) Refrigerated trucks;
- (m) Tractors;
- (n) Combines;
- (o) School buses used as such;
- (p) Qualified moving vans;
- (q) Qualified specialized utility repair trucks;
- (r) Officially authorized use of unmarked vehicles by law enforcement officers.

ABE647

Seconded by Co. Holbrook

(Before the vote Supervisor said this was being done in compliance with the Internal Revenue Service, etc.)

On roll call the vote was as follows:

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

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With regard to the following resolution Councilman Maloney inquired if this was premature? Supervisor asked Town Attorney if this was premature? Supervisor asked if this could be held until after the public hearing? Town Attorney said it would not be that significant to cancel it if the Town Board decided not to go forward with the local law. He said Mr. Geneslaw's consulting firm would not have any problem with the cancellation. He went on to say that in any event no agreement has been drawn.

RESOLUTION NO. (1071-1985)

AUTHORIZING SUPERVISOR TO ENTER INTO CONTRACT FOR SERVICES OF RAYMOND, PARISH, PINE AND WEINER, INC. RE: ANALYSIS AND STUDY OF THE ROUTE 59 CORRIDOR

Co. Holbrook offered the following resolution:

WHEREAS, a local law has been proposed to impose a moratorium upon approval of subdivision plats and site plans in the Route 59 Corridor as defined in said local law within the Town of Clarkstown, and

WHEREAS, the purpose of said interim zoning law is to permit the Town Board and Town departments and agencies sufficient time to study the impact of projected growth and development in said area, the pressure of imminent development, and

WHEREAS, the firm of Raymond, Parish, Pine & Weiner, Inc., have submitted a proposal to the Town of Clarkstown to provide planning consulting services to assist the Town in its analysis and study of the Route 59 Corridor and projected growth and development therein,

Continued on Next Page

RESOLUTION NO. (1071-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract in a form approved by the Town Attorney to obtain the services of Raymond, Parish, Pine & Weiner, Inc., in accordance with its proposal dated December 10, 1985, for a sum not to exceed \$28,000.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing calling for a Local Law re: Moratorium on Route 59 Corridor was opened, time: 8:16 P.M.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing calling for a Local Law re: Moratorium on Route 59 Corridor was closed, time: 9:14 P.M.

Town Attorney stated that earlier today he had presented to the Supervisor a proposed message of necessity which would authorize the Town Board to take action tonight provided the Supervisor would make such a request under Section 20(4) of the Municipal Home Rule Law. He said if there is no message of necessity from the Supervisor to the Town Board, as the legislative body of the Town, then it is the Town Attorney's opinion that the Town Board should not take any action tonight but should defer that until Monday, December 16, 1985 if they plan on adopting this local law. He went on to state that if the Town Board decides not to adopt it then what he has just stated is moot.

Supervisor stated that the Town Attorney had just referred to a memorandum which was prepared for him (the Supervisor), not at his request but it was nice to have something prepared that he didn't ask for. Supervisor read the following memorandum for the record:

"FROM: Theodore R. Dusanenko, Supervisor                      Date: 12/9/85

TO: Town Board Members

SUBJECT: MESSAGE OF NECESSITY - Proposed Local Law  
Re: ROUTE 59 CORRIDOR

Pursuant to the authority provided in Section 20(4) of the Municipal Home Rule Law, the undersigned has determined that there is sufficient reason for an emergency need for the passage of Local Law No. 7-1985 entitled:

"LOCAL LAW REGULATING FOR AN INTERIM PERIOD THE APPROVAL OF SUBDIVISION PLATS AND THE APPROVAL OF SITE PLANS IN THE ROUTE 59 CORRIDOR FROM THE WESTERN BOUNDARY LINE TO THE WESTERN EDGE OF THE PALISADES INTERSTATE PARKWAY IN THE TOWN OF CLARKSTOWN PURSUANT TO COMPLETION AND REVIEW OF A COMPREHENSIVE ROUTE 59 CORRIDOR MASTER PLAN AND AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND REGULATIONS CONTINGENT THEREON BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN."

so as to dispense with the waiting time required for adoption of same.

This memo shall constitute a message of necessity to the Town Board requesting adoption of the proposed local law on or before December 10, 1985.

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Theodore R. Dusanenko, Supervisor\*

Supervisor said that Town Attorney had brought it to the Supervisor's office and the Supervisor had indicated that he would like to have a copy of it. He said he would like to consider it and study it today. He said he wanted to share some thoughts with the Town Board prior to giving his intention of what he wanted to do with such.

Supervisor said there are many dedicated public servants elected and appointed. There are some individuals on the Planning Board who have served up to twenty-one years. He said there are people on this dais who have served in the capacity of Councilman for as long as twelve years. During the last six years many of us have heard controversies about the Master Plan and its adoption. It has been a football, if not a political football. All during that time he said he had many complaints about the Master Plan and its adoption because that Master Plan was sold as a Comprehensive Master Plan. Supervisor said he had indicated, sometimes critical and sometimes complimentary, the hardworking members of the Planning Board. He said he had apprised them of the fact that one parcel in question, which is referred to as Sussex in the original Master Plan, was scheduled for high density - high rise residential. This Town Board to a man, with one replacement, asked the Town Planning Board to reconsider high density - high rise for that location and they did.

Supervisor was corrected at this point and told that we have an MF-3 zone; we do not have a high density zone or a high rise zone. Supervisor concurred and said that is not like four acre zoning. Councilman Holbrook said that is low density.

Supervisor said that some of the observations he makes because he shared these frustrations with councilmen was the town had about 176 cul-de-sac islands which are very esthetic, which are very good for the residents, which are very good for irresponsible parents who can allow their children to play on the street instead of in their rec room or their side lawn but at the same time was a maintenance problem and expense to the tune of \$40,000.00, \$50,000.00 or \$60,000.00 until we had it under control and with total cooperation up here this year was less than \$20,000.00. Those cul-de-sac islands and the number of dead end streets in this town was an indictment because you have close to 200 dead end streets in the Town of Clarkstown because political pressure from a neighborhood or request of one particular group or another did not allow through streets to go through most neighborhoods. People who lived in a residential area did not want commercial traffic and vice-versa. We have a labyrinth of about 200 dead end streets that go nowhere and the same archaic roads that existed as farm to market roads basically handle the brunt of the traffic with a few exceptions of some of the state roads.

Supervisor went on to say in the late 1960's there was the great barrier wall of some sort in Nanuet. New York State Department of Transportation and the Rockland County Planning Board had planned for many years an elevated highway through the then swamps of Nanuet. They also called for a Maple Avenue Extension through the hamlet of Nanuet in the vicinity of Kingsgate - Tennyson Drive, etc. and a Phillips Hill Road Extension. All three of these roads would have been parallel east-west roadways with limited

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access. Some of the elected and appointed officials then, whether it was poor judgment, or they didn't have experience yet or whatever, listened to those citizens, relatives and others, not to build an elevated Route 59. They said it would become a great barrier wall which would have gone from the vicinity of the Holiday Inn to the vicinity of Route 304 where College Avenue, Hutton Avenue, Middletown Road - all those streets would have gone underneath, but that wasn't good for real estate and speculation because how could you have an access to a commercial shopping center off an elevated road?

Prior to almost anyone on this Town Board serving, the Planning Board of the past had allowed homeowners, because the Planning Board has control over roadways, they had allowed housing developments to go in the path of the Maple Avenue Extension and in some cases the Phillips Avenue Extension. So those are gone forever also. We have gone this whole route.

Planners at the County, the Town and myself have suggested the elimination of the traffic congestion in New City here - The New Hempstead Road, Main Street and Congers Road intersection. What did his colleagues at the Legislature decide to do? They decided to declare the Courthouse lawn historic - never, ever to be touched. In the meantime an alternative would be to spend a few million dollars condemning a shopping plaza. If we could not resolve a simple problem in downtown New City, which only needs County and Town cooperation, the challenge for 1986 is going to be super to review all of the Planning abortions and the lack of comprehensiveness that has gone on for twenty years.

The Planning Board in many instances has done an admirable job in making through connecting streets and they have taken the political heat but you can't pacify the people on Kemmer or Hutton or Ludvigh or Scott and have dead end streets all over the Town coming out to the same Middletown Roads, the same Prospect Streets, the same Baylor Roads, or whatever it is or New Hempstead Road. You have to have through streets and as far as a moratorium here, Mr. Tracy asked a question earlier, how many parcels are vacant? For one is Lake Cayanga - it is not vacant - it is a wonderful bungalow colony behind Silver City. He said he thought that was coming up for approval shortly. Near Denny's on the corner of Pascack and Pipetown Hill Road as well. The third is owned or mostly owned by New York State Thruway Authority so it is identified as a commuter parking lot between Pascack, Route 59 and the Thruway. Fourth one is the old Ashley. The fifth one is what is referred to as Sussex on Main Street in Nanuet adjacent to the Nanuet Hebrew Center. Sixth is the Stevens property along West Nyack Road in the vicinity of Frieheffer Bakery and the seventh is that land between Rose Road and Route 304 on east and west and West Nyack Road and Route 59 on the south. Basically there are about seven parcels.

All of the damage, if you consider it damage, all of the planning and approvals have been done without those six or seven exceptions and when the Town Board and the Planning Board did work in cooperation, like we did with the widening of Route 304 which should become a reality in a year or two or the reconstruction of Route 9W and Route 303 so people can make turns in any direction rather than just proceeding north, and with a few others.

But it takes some guts to make through roads. You may have to wipe out a whole neighborhood. You may have to do that on occasion because how are you going to connect, for example - and I know that the speaker here - Al Rossi, is an engineer even. He has a cluster of homes that's now near businesses, now near a commuter parking lot and all, but what's the dilemma there? Maybe that entire area shouldn't be residential but then again what you have to have is true comprehensive planning not just this postage stamp piece of property, not just this one. You have to do it

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of the Clarkstown Consolidated Water Supply District - (Maraia) was declared open, time: 9:30 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - (Maraia) was declared closed, ORDER SIGNED, time: 9:32 P.M.

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On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Special Permit to operate Intermediate Care Facility Rockland County Center for Physically Handicapped, Inc., was opened, time: 9:32 P.M.

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Special Permit to operate Intermediate Care Facility Rockland County Center for Physically Handicapped, Inc., was closed, time: 10:15 P.M.

RESOLUTION NO. (1073-1985) CLOSING PUBLIC HEARING RE: JAWONIO SPECIAL PERMIT AND RESERVING DECISION UNTIL DECEMBER 16TH

Co. Lettre offered the following resolution:

WHEREAS, a Public Hearing in the matter of the operation of an agency group home by Rockland Center for the Physically Handicapped having been called for December 10, 1985 at 8:20 P.M.,

NOW, THEREFORE, be it

RESOLVED, that said hearing having been held at the time and place aforesaid, Public Hearing was closed, and DECISION RESERVED, until December 16, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1074-1985) ACCEPTING DRAFT ENVIRONMENTAL IMPACT STATEMENT SUBMITTED BY CLINTON SQUARE PLAZA AND AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO ISSUE NOTICE OF HEARING AND COMPLETION

Co. Carey offered the following resolution:

WHEREAS, an application for a zone change has been made by Joseph F. Raso, Dominic Raso and Clinton Square Plaza, Inc., for property known and designated on the Clarkstown Tax Map as Map 89, Block A, Lots 4 and 12.2 and Map 106, Block A, Lots 46, 48 and 49, and

WHEREAS, Resolution #1024-1985 authorized the Director of Department of Environmental Control to issue a positive declaration and notice of intent to prepare a Draft Environmental Impact statement (DEIS) pursuant to SEQRA;

RESOLUTION NO. (1074-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts as complete, for review purposes, pursuant to SEQRA, the DEIS submitted by Clinton Square Plaza, Inc. on December 10, 1985, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed as agent for the Town Board to prepare a notice of completion of the DEIS and notice of Public Hearing for SEQRA to be held jointly with the zone change Public Hearing on January 28, 1986 at 8:10 P.M.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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Supervisor mentioned a memo he had received from Mr. Kohler, Director of Purchasing, regarding the placement of new telephone equipment. This said the telephone equipment would have to be relocated from its present location to the Town Clerk's Office. Mr. Kohler said he had been advised by Mrs. Sheridan, the Town Clerk, that this did not meet with her understanding. The duties of the switchboard operator would be considerably diminished by placement of this new equipment. The operator would then be on standby to answer calls made only to the main Town Hall number as each employee would have a number of their own. She would then be available for other office duties. The decision needed to be made at this time is where to relocate the new switchboard.

The new contractor for telephone services must know this immediately as they have already started with installing the building cabling requirements. The question is, the Supervisor stated, do we keep the switchboard operator in the closet as she will not be utilized all the time with the direct dialing system coming in or do we relocate her to the Town Clerk's Office so she could perform other duties when not playing telephone operator?

Councilman Carey suggested that it be placed downstairs in the xerox room. He said they hoped with the advent of direct inward dialing that people would take the opportunity to dial an extension number directly rather than go through the operator. It should diminish some of her duties and she should have time for extra duties and that would be a good place to place her. Councilman Carey emphasized that the Town Clerk's office would not be a good location as there is too much activity going on there.

Supervisor asked Councilman Carey if it would be possible to have the trunk lines brought down to the xerox room and Councilman Carey said it can be brought right to that spot. Supervisor asked Councilman Carey if he was requesting the xerox room and Councilman Carey said yes.

RESOLUTION NO. (1074-A-1985)

LOCATING TELEPHONE CONSOLE  
IN XEROX ROOM

Co. Carey offered the following resolution:

WHEREAS, by resolution No. 878-1985 the Town of Clarkstown accepted a bid for Bid #54-1985 (New Telecommunications System for Town Hall) from Coradian Corporation;

Continued on Next Page

RESOLUTION NO. (1075-A-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that Coradian Corporation shall install the console for said system in the Xerox/Mail Room on the lower level of the Town Hall.

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.....Abstain

Supervisor said for the record it was a good idea but he did not know if it was possible.

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Supervisor stated the Town Attorney's Office had drawn up charges against an employee whom the Supervisor did not wish to name at this time and Special Labor Consultant has directed the Supervisor and Town Board to have a public hearing regarding same. He asked if a date had been set for that public hearing? Supervisor said one should be set within thirty days after the person is served. Town Attorney said that was correct but that thirty days had not yet lapsed. Mr. Longo, Deputy Town Attorney for such matters, was in touch with Mr. Finnegan, the Hearing Officer, selected to so schedule. He said that Mr. Longo has also been in daily consultation with the union on the matter and Town Attorney said he could not discuss it right now but it is being attended to.

Supervisor said have we set a date for such a hearing? Town Attorney said he could not answer that question as he did not know - that was the objective of several conversations that were held during the end of last week and the beginning of this week. Supervisor asked if it was a requirement of this Town Board in its official capacity at a meeting to set that disciplinary hearing and Town Attorney said no. Town Attorney said the Hearing Officer, Mr. Patrick J. Finnegan, is empowered to set that date. Supervisor said he did not want the employee in limbo for any length of time.

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There being no one further wishing to be heard, and no further business to come before the Town Board, on motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Town Board Meeting was adjourned, time: 10:20 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/10/85

8:16 P.M.

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

RE: PROPOSED LOCAL LAW - MORATORIUM ON SUBDIVISION & SITE APPROVALS - ROUTE 59

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

Town Attorney said he had correspondence from the Planning Board and that representatives of the Planning Board were present to make comments. He said that reading the Planning Board letter into the record would be superfluous.

Supervisor called upon Mr. Richard Paris, Chairman of the Planning Board, to make comments at this time.

Mr. Paris stated that the Clarkstown Planning Board was in favor of the proposed study which is a land use study in conjunction with a traffic study. In recent subdivision and site plan reviews before the Planning Board there have been several matters which unearthed traffic studies which showed that there is already severe traffic congestion especially at intersections of Middletown Road and Route 59 where we are currently operating at capacity. Those studies were taken on a Tuesday and a Thursday during the month of July and does not at all take into account the severe impact of traffic during the holiday season of November and December. The only way the Planning Board can circumvent these problems is to request the Town Board for assistance. We cannot deal with offsite problems on any development that is before our jurisdiction whether it be a site plan or a subdivision review. He went on to say that they felt the only way they could properly address the traffic problem is to support in conjunction with the traffic study, a land use study.

He said there are several sites that have already received approval, namely, a 350,000 square foot office complex on Route 59 between Palisades Parkway and Route 303. The impact of that development has not yet been included in the analysis of the traffic generated in Route 59 nor has the 960 units that stand to be approved (the Kingsgate Condominium) nor several other sites including the Al's Motor Home Complex which is presently under construction. There are several other applications presently before the Planning Board, all of which would definitely impact on the already horrendous traffic situation which exists in the Nanuet area of Clarkstown. He said the Planning Board feels that the best way to address this is first to take the traffic that we have and try to do the best we can to reroute it and redirect it and secondly, to reevaluate the land use. To minimize the impact of the traffic some land use evaluation would have to take place, perhaps some zone changes - we don't really know the extent of it.

Mr. Paris stated there are several applicants who are currently before the Planning Board for review. There are people who may feel that they ought to be considered as an exception. However, he said that the Planning Board would like to recommend to the Town Board that any application which impacts on traffic not be considered an exception to this study. He reiterated that the Planning Board strongly supports the moratorium so that a proper analysis can take place and we would not be inundated with site plan and subdivision developments that would impact on this problem and

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so that the true identity of the problem can be addressed and hopefully corrected.

Councilman Lettre asked what the Planning Board's definition would be of impact on traffic. He said anything would seem to impact on traffic.

Mr. Paris said if someone comes in for a variance to perhaps modify the use by putting in a drive-in window or something like that where they already have a developed and operating facility and parking is already created and people are already attracted and drawn to that site - that type of request may not be out of line. A completely undeveloped site which is not included in the overall study would have a definite impact. Anything that is going to generate new and additional traffic in any significant amount should be excluded if at all possible.

Councilman Lettre asked what would be significant - ten cars, twenty cars? Mr. Paris said he would consider any site that is undeveloped. If it exists already and is looking for a minor change that would be acceptable. He said he did not know if Mr. Geneslaw and the Town Attorney had addressed the exceptions as yet.

Town Attorney said the proposed local law does contain two exception provisions - one which would be implemented by the Planning Board and another which would be, in effect, an override provision that would be granted in the discretion of the Town Board with Planning Board input.

Mr. Paris said we are really trying to limit it to the major type of development. The Planning Board does not want to limit everything so that the Town Board or the Zoning Board of Appeals are inundated with exceptions which are really insignificant and inconsequential.

Town Attorney told Mr. Paris that in the Town Attorney's file there are copies of correspondence sent to the Town Board. There is a communication from the Planning Board dated October 21, 1985 that discussed traffic study in the Route 59 Corridor in Nanuet. There are the minutes of the December 2, 1985 meeting of the Planning Board which also discusses the advisability of doing something with respect to the interim development law and in addition to that there is correspondence from Mr. Geneslaw and from Raymond, Parish, Pine & Weiner with respect to the same subject matter - traffic congestion problems on Route 59 and a proposed traffic impact study. Town Attorney asked if copies of this correspondence should be a part of the public record on this proposed local law public hearing? Mr. Paris said he thought it would be beneficial.

(Both documents referred to are on file in Town Clerk's Office.)

Mr. Paris said that the traffic studies which the Planning Board reviewed and which were prepared independently by developers revealed that in June on a Tuesday and a Thursday the intersection of Route 59 and Middletown Road was at maximum capacity. We know that today, during the shopping season, that traffic light is backed up sometimes seven or eight light changes. Any development in that area is going to impact on that.

Town Attorney asked if Mr. Paris had a copy of the map indicating the area defined as the Route 59 Corridor? Mr. Paris (indicating a map he had) stated that this pretty reasonably represents the area that was discussed by the Planning Board and recommended in conjunction with our Planning Consultant, Raymond, Parish, Pine & Weiner, as the area that we would like to see studied for traffic and land use. He said they hoped to take the current

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traffic data that is available and presented by various applicants and augment that to whatever degree is necessary so that the full traffic study of this area will be available. Any new material would be added by Raymond, Parish, Pine & Weiner in conjunction with the land use evaluation.

Town Attorney asked if it would be appropriate or possible for the study to be accomplished and not have an interim law to prevent site plan approvals for subdivisions that may affect the area? Mr. Paris said he did not think so. He said there are several applications which are reasonably close or pending that right now impact the development. He stated, for example, the Planning Board has been in the process of review of a site called Sussex - on South Middletown Road. This is the particular site which revealed the magnitude of the problem that exists and because it is off site we cannot do a thing about it. Mr. Paris said they would be forced, as a Planning Board at some point in time, to most likely have to grant an approval to that site as it is, regardless of the impact it has off site. He said they have absolutely no control, as a Planning Board, on off site problems.

Councilman Holbrook asked if that site was included in this proposal and Mr. Paris answered in the affirmative. He then mentioned the Ashley Shopping Center across the street from Al's Motor Home Development which is another shopping area of significant size that would also impact on the study area. He said we were recently given the green light on the grade level railroad crossing for the tunnel by-pass so that the connection through to Kingsgate is one step closer to becoming a reality and all the development in that area that we are aware of, that has been approved, that we know will impact on this problem, has not been taken into account in the study that revealed that we are at and over capacity on that intersection.

Mr. Paris said he realized that there have been many suggestions in the past. It should be to some degree a combined responsibility. Conceivably the County, and maybe even the State, ought to have some responsibility in alleviating or correcting the problem. However, that could be dealt with on a long range plan but the Town of Clarkstown, which is really more responsible since it is in the town, has to take the bull by the horns. In the interim we should do what we can as it is within our power rather than waste time on the short term - a six or nine month period of time to generate this study, find out what has to be done and what can be done. If there are some solutions to the problem, it would be beneficial certainly to all the residents of the Town of Clarkstown.

Town Attorney said one further area to be addressed for the record is that the Planning Board went through a rather extensive review of the Town Master Plan and then subsequent to that review the Town Board implemented many proposals in that Master Plan by zone changes and some changes to the ordinance. He asked if Mr. Paris could offer any information for the Board and the public as to whether or not the issues addressed tonight were considered by the Planning Board or what the rationale was in not considering them?

Mr. Paris said to some degree they were and there were some recommendations that were made in conjunction with what is being offered tonight. However, when a Master Plan update is studied the depth of traffic analysis is not one of the things that you would look at in a Master Plan review. Certainly the type of information we had to look at and review just with the development of one site, in so far as traffic review is concerned, was very sophisticated, very intricate and took into account specific traffic counts. To do a Master Plan evaluation study would be extremely costly to the Town to make specific studies of every major road intersection in the Town of Clarkstown. We would make what we think are general recommendations for road connections, by-passes and

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things of that nature. Where we see traffic situations which we know from our experience are significant, we would certainly make, and have made, certain land use recommendations. Of course we realize those recommendations are at the discretion of the Town Board to adopt and there are other reasons compelling, one way or another, that the Town Board has to consider whether or not they are valid.

Town Attorney asked if it would be fair to say that the facts which have suggested this local law were not apparent to the Planning Board when it did its Master Plan review? Mr. Paris said that was correct. Town Attorney asked if any of the Board members had any questions for Mr. Paris.

Councilman Maloney asked if the State had done any traffic studies in this particular area? Mr. Paris said to his knowledge there are certain traffic counts that are available from the State that were incorporated in the traffic study that was provided by Sussex and which are available. Councilman Maloney said then this would be in addition to whatever traffic studies were done? Mr. Paris said as he understood it, Raymond, Parish, Pine & Weiner would take whatever traffic information has been generated by the State, by the County, by any of the applications that have been submitted to the Town or anything that is on record within the corridor that has been delineated and they would include in their study and augment that only in so far as is necessary. Mr. Paris said it had been delineated between approximately the line of Clarkstown and Spring Valley and the Palisades Parkway because they thought that would include all the access points to the Thruway, Palisades and almost all the different arteries including Middletown Road which impact on the Nanuet Mall shopping area and, of course, First Street and Congers Road.

Mr. Wes Bruckno, an associate of Mr. Geneslaw, representing Raymond, Parish, Pine and Weiner, stated that he was also in favor of a moratorium as it has been discussed and proposed by Mr. Paris. He felt it was a good way to address the problems that we have been seeing. He said he wanted to amplify the fact that it is a tool the Planning Board can use that really has not been available to it before. He said we have not had a static base on which to do a study. We can't do a study in a particular area if it continues to change the basis on which our study is proven. This would give us a six month period which would essentially have a static framework we can work on.

Mr. Bruckno went on to state that they are also sensitive to the rights of the landowners which is why we hope to keep it to six months. He said they have worked out an appropriate variance and special codes procedure which should also address the rights of the landowners.

Mr. Bruckno wanted to emphasize that this is not just a traffic study. It is a comprehensive land use study that contains zoning uses, land use intensities and development patterns as well as traffic. We intend to address these problems in as comprehensive and broad a way as possible.

Councilman Maloney said since this would only be for six months does that mean that at the end of six months there might not be any recommendations to change zones, etc? Let's say if it happens that someone was thinking of developing a piece of property and waited for six months and then after the six months based on the land use recommendation and traffic study, the recommendation now is to change that property from what it was, what happens to that particular individual?

Mr. Bruckno said at this point it is difficult to speculate on what kind of results they are going to come up with.

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There could be a potential for reduction in land use intensity. We could recommend that it stay the same for some areas. At this point we just do not have that information available.

Supervisor asked if there was anyone here as an advocate or in favor of this moratorium.

Appearance: Mr. Joseph Centra

Mr. Centra said he just wanted to reinforce what Mr. Bruckno and Mr. Paris had said. He said he would not change land use as he did not think that was necessary. He said we should stop so that we can continue at a neater pace.

Appearance: Mr. Al Rossi  
Hutton Avenue  
Nanuet, New York

ABE647 Mr. Rossi said he lives in the heart of this mess. Nanuet is most unfortunate to be blessed with the traffic problems and congestion that we all know exist. He said he fully supports the moratorium for the six month period in this area. He said he just questions why it was not extended further east to include Route 59 and Route 303. He felt there was no question that when that major project comes about it will have a severe traffic impact on Route 59.

Mr. Rossi said that it is necessary for the Town Board to stop and pause and to evaluate. The Town Board's power is on site, not off site - off site being a State road which is really under the jurisdiction of the Department of Transportation. The Town Board's power is to evaluate the zoning and the land use and to provide the tools to give to the Planning Board so that they act in accordance with the current zoning. Their hands, as was pointed out before, are tied off site. They can only base their review on what the current zoning is.

Mr. Rossi stated that it is incumbent upon this Board to look at the vacant pieces of property, and there are quite a few in the area particularly in the area in which he lives, that could have a dramatic impact. He said the traffic study per se while warranted is not going to open up anyone's eyes. He felt we are all aware that we are at saturation level now. He said he still supports a traffic study and he still supports the intent of this moratorium because it will give this Board the logical reasoning for the actions which will come about by this study which is to look at that vacant land, look at the density, look at the land use regulations, the parking requirements, etc.

In addition to this positive attempt which you are considering tonight he thought it was incumbent upon this Board to also get with the Department of Transportation, get Al Dickson down here, tell him to look at his roads, look at the two-way turning lane that they have between the Mall and the Holiday Inn which a few years ago may have been of some benefit but now with Al's Motor Homes, with the Kemmer Lane Parking Lot, with this proposal that is before the Planning Board tomorrow night (the old motel) that two-way turning lane is nothing but a death trap waiting for an accident to happen. He said he uses it all the time and he has almost been hit on numerous occasions. That is poor planning.

This Town Board should mandate to the Department of Transportation that they get themselves down here and consider some positive, immediate changes in the traffic pattern specifically. Maybe no left hand turns so cars going east or west cannot make the left hand turn unless it is a light or a designated street. Maybe if the Planning Board had that in there when they look at some of these site plans they will consider where they locate their

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entrances and they will possibly have some more power from their point of view to limit those left hand turns. Conceivably, your evaluation of your study may even want to look at eliminating some of the roads, maybe Hutton Avenue, maybe Kemmer Lane, maybe they should be deadended and a new road or a new system built. Maybe you are looking at a turnaround type of situation like they have in New Jersey and maybe that's a plausible solution at the Holiday Inn or truck stop that is right there on the Thruway entrance now.

The problems on Route 59, as we all know, are the excess cars and the fact that people are making those left hand turns every five feet and that it is just an impossible situation. He reiterated that he supports this moratorium. He hopes it is passed and he looks forward to seeing what the consultants have to say about the vacant properties which are in this area.

Supervisor asked if there was anyone in opposition to the proposed moratorium.

Appearance: Donald Tracy, Esq.  
Little Tor Road  
New City, New York

He asked if anyone had analyzed how many vacant parcels are encompassed in this study? Would not our planners know? Councilman Lettre said someone should know.

Supervisor said he would estimate about four or five (emphasizing that he was not, of course, a professional planner.) As Mr. Centra just indicated some of them, like the Ashley, are not developed at this time but at the same time that motel has been closed down for some time and is sitting there idle.

Town Attorney said the proposed local law would apply to sites that could be redeveloped from existing uses. It is not just with respect to vacant land. It covers a multitude of situations.

Mr. Tracy said he questions the comprehensiveness of singling out a parcel of land in a particular corridor that takes up a portion of a certain road that may be affected by other areas and saying that it is a comprehensive study when there are four or five vacant parcels to be developed. He said he was not here to challenge the validity of this local law nor to confront the Town Board on passing it. He said he was here as a practitioner in the area who represents people who come in here to invest sizable sums of money and who rely upon local counsel and local engineers for advice.

Mr. Tracy stated that quite recently the Planning Board accomplished a comprehensive amendment to the Town Master Plan and that was implemented by the Town Board in some respects approving that which the Planning Board recommended and in other respects rejecting, as is their prerogative, that which the Planning Board recommended. Mr. Tracy said lawyers who practice that field of the law then take that comprehensive plan and they adopt it as their bible, if you will, and they say when a petitioner comes in to them in good faith and with a fair degree of legal certainty when someone says can I come in - I want to buy that piece of land - can I put this use thereon and we advise them, yes, that is a use permitted by right under the zoning ordinance in the zone in which you are located. Then if the person is astute, he asks if there is any possibility of a zone change or a moratorium and the answer that he (Mr. Tracy) recently gave was "I hardly think so, they just finished a Master Plan."

Mr. Tracy went on to say that then they come to a situation where they determine that the planning consultants who have been studying this matter for the past ten or twelve years or

so will do a further study and they will make a recommendation. If they make a recommendation concerning Route 59 what jurisdiction does the Town have over Route 59?

Mr. Tracy said what he wanted to air out is that there are interests which are as vital to the lifeblood of the Town as residential interests, which are property rights and commercial interests. He said he wanted to introduce a client of his who will tell this Town Board in his own words what he did when he came to locate in the Town of Clarkstown and the steps which he took to protect and insure that he was making a substantial and viable investment in this Town. He then introduced Mr. William Billard, President of the Mall at 59.

Appearance: Mr. William Billard

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Mr. Billard said that he came to this property, which you know as the Ashley Motel, about six months ago. At that time, when they were doing an investigation as to the type of development which could be placed on the property, they found that the motel zoning had been disallowed. He said they took several steps to find out what was allowed on the property at that time. They found that the property had been located in what is called an RS zone. He said he had personally called Mr. Colucci who was not available to speak on the phone and he spoke to his secretary. He said he received the information that the property was indeed zoned RS or shopping center development for that location.

He went on to say that in June he started to evaluate the engineers, the architects and the planners they would be using for the property. He said he interviewed several individuals, among them Mr. Horowitz, an attorney named Mr. Granik and Mr. Don Tracy. Each one of those individuals told Mr. Billard that the property was indeed zoned RS and that they could look forward to the normal Planning Board procedures to receive site plan approval and that the property had just undergone, along with the rest of the property on Route 59, major Master Plan review and it was highly doubtful that there would be any unusual or inordinate holdups in development on that site.

Mr. Billard said they were introduced to Mr. Tracy by Adler & Young, which was the engineering firm they had settled on, and as a team they started the process for the site plan approval. Again when he sat down with Mr. Tracy and they started to go over the various problems involved with site plan procedures and approvals the main concern was that we would be able to produce a plan that was definitely within keeping of the zoning ordinance without having to seek variances. He said he did not want to go through a variance problem. He did not want to have holdups because of variances. He wanted to go through in accordance with the zoning ordinance which this Town had developed.

Mr. Billard said they have spent to date close to \$600,000.00 on this property. They have an inordinate amount of time spent on this property and they are very willing to bring in traffic planners to review this. They understand the problem of access and entry into the property. He said they also are landlocked. They only have one access to Route 59 on the property. They do not have side street access. This property is a difficult site from that standpoint. He said they intend to make sure that the traffic planners review this carefully so that any turns are made properly and in accordance with the traffic problems that exist now that are not of their own making.

He said they are going to do everything possible to make sure that they have a plan that meets the merit and scope of the zoning ordinance which has been put together. He said they are not about to harm that in any respect. Mr. Billard stated that they are

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being hurt in a very, very serious fashion with a delay such as the delay being considered by this Board tonight. It is going to affect them financially. It is going to affect them because they now have a tenant in place by the name of Seaman's Furniture. They have a twenty year lease and we had no idea that this was going to be a consideration so we moved right ahead with the tenancy on this property. Now, he said, we are subject to major law suits and this could be a very serious problem for the entire company.

Mr. Billard asked respectfully that the Board consider the problems they are faced with and make a decision as you see fit.

Mr. Tracy said he noticed that there is an exception in the local law and that if the local law is passed there is a provision whereby you can appeal for an exemption to the local law. He asked the Town Attorney if that would be the filing of a simple petition and who would it be filed with and how would it be done?

Town Attorney said the provision being referred to is contained in V, Sections A and B. Section A enables the Town Board to vary or modify the application of any provision of the local law in its discretion, provided that such variance or modification is consistent with the spirit of the intended Route 59 Corridor Master Plan and section B deals with the receipt of an application that does not provide any details with respect to the form or content of that application. Town Attorney said anything that would provide the appropriate factual information concerning the applicant, the intention of the applicant and the rationale for the application would be in a form that the Town Attorney would find reasonable and acceptable in terms of advising the Town Board.

Mr. Tracy asked if there would be a fee and a number of copies required. Town Attorney said there is no such requirement in this local law and it would not, in his opinion, be subject to the procedural requirements of the Town Code which does establish a fee for zone changes, etc. It does not even mandate that a public hearing be held on such application.

Mr. Tracy said that answers all his questions. He asked the Board to take into account all that Mr. Billard had testified to and the fact that we who study the laws of this Town would like to feel that we are able to rely on these laws and able to rely on precedents when we are advising clients. Mr. Billard did not tell you that the lease with Seaman's Furniture is a \$4,000,000.00 lease. Mr. Billard did not tell you that the purchase price on the property which he has an unconditional contract of sale to purchase is \$1.8 million dollars. Mr. Billard did not tell you that he had entered into a lease agreement to purchase or lease additional lands to comply with the initial request by the Shade Tree Commission for additional landscaping which will require more parking at a lease rental of \$250,000.00. Mr. Tracy said what they are doing here is not something of insignificance and there is another side to the coin other than traffic problems.

Mr. Tracy said some of us have grown up in the days when everyone screamed about the Chinese wall. The Chinese wall, had it been implemented, might very well have become the Clarkstown Blessing.

Town Attorney said he did not think that everyone in the room knows to what Mr. Tracy was referring. Councilman Maloney said the oldtimers did. Mr. Tracy said the passage of the local law would not prevent the continuation of processing - it will just prevent preliminary approval or final approval - is that correct? Town Attorney said it is the intention of the local law to stop any approvals from taking place. He said he assumed that the Planning Board in its discretion could work on plans or proposals but that would certainly be at the applicant's risk should something come out

of the study that would nullify or negate planning that has gone forward without any expectation of final approval.

Mr. Tracy said he appreciated what the Town Attorney said and he thanked the Board for the hearing. Mr. Tracy urged that due consideration be given to this law as to its comprehensive nature and to just what it can accomplish on New York State Route 59 where we basically do not have the power to tell the State what to do.

Appearance: Mr. Kenneth Torsoe  
Nanuet, New York 10954

Mr. Torsoe said he was not either for or against this moratorium. He just wanted to say as an owner of property in Nanuet that we do not need another traffic study. If you just go down there from now until Christmas you will see the traffic backed up everywhere. He said he thought there would never be a solution to traffic in the area unless there were some kind of overpasses. The next problem you have to face is that you need more parking in the shopping center as people cannot get in and find a parking space fast enough and traffic backs up.

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

Mrs. Ferretti stated that she lives right in the hub of all this traffic and she wondered if the County Highway Department could do something about it. She said she had contacted the State Highway Department in 1980 as the traffic was horrendous even then and the realignment of South Middletown Road was not quite right because they have one lane going south and three lanes going north. Mrs. Ferretti asked if the cars that were parking there now which belong to the commuters are going to continue parking there or are they going to be parking somewhere else because when you are going south on South Middletown Road and you're coming off Route 59 if someone is trying to turn left into the Exxon Station it is a bottleneck and they can't get past that car because of the cars that are standing there which are the commuters' cars. It was aligned two north and two south and then they came back later and changed it to one south and three north. She offered a letter to the Board which she had received from the Department of Transportation. She asked who was responsible for Middletown Road and was told the County of Rockland.

Supervisor said Middletown Road now from Route 59 is a County road. When the State did one of its three contracts in improving Route 59 to the limits of the available space in the road bed they did one section from the Spring Valley Village line to the Thruway, the next one was from the Thruway to the railroad bridge and the next one was from the railroad bridge to Route 304. The state planned the inner sections of those town or county roads like Smith Road, like College, or like Middletown. That was under the jurisdiction of the state because those roads were crossing the state highway. That is how it changed from two-two to one-three. What the Town Board has authorized is to have no parking at your repeated request because it was impossible for people to move south with that one lane being blocked by traffic. The Town Board has authorized the Town Superintendent of Highways to erect various parking signs on Main Street, Nanuet. It is unfortunate that they have not been properly placed because it calls for either no parking or two hour parking to discourage commuters from utilizing it. That is south of Route 59. She said they have no parking for three lots and then there is parking from there down to the bank.

Mrs. Ferretti asked why they took away the light at old Route 59 going over toward St. Anthony's - the walk light. That was

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removed when they realigned Route 59 and they never replaced it. She said she had written and asked them to put it up at the intersection of Route 59 and South Middletown Road where you have senior citizens going back and forth and commuters getting off buses.

Supervisor said when that project was being designed many people contacted him and he used the clout of the Supervisor's office to have sidewalks done. However, he said if someone made suggestions and they did not come from his office he would have no way of knowing it.

Appearance: Mr. John Cuff  
West Nyack, New York 10994

Mr. Cuff said why are we building this imaginary wall down at the Palisades Parkway? Why aren't we going to look all the way down to Mountainview Avenue in Central Nyack? Why come back five or ten years from now and have another hearing about the horrendous traffic conditions in West Nyack? Let's do the whole Route 59 corridor right over to Mountainview Avenue. Why stop at the Palisades Parkway?

Appearance: Mr. William Nest  
Member, Clarkstown Planning Board

Mr. Nest said he wanted to support what Mr. Paris had stated. He said we all know the serious traffic conditions we have on Route 59 and Middletown Road. Each time an applicant comes we hear we are at capacity. In fact at TAC meetings when we ask or suggest that perhaps we have a traffic study on the project he (Mr. Tracy) is talking about, he (Mr. Tracy) has stated why waste our time and money when we already know the answer? The answer is that you are at capacity. It appears that when people keep telling you that you are at capacity its about time that we do something about it.

Mr. Nest said we recognize the fact that this is going to be a long project and one which State and County have to look into. We are saying that the Town also can do something by letting our consultants look into the land use value, that perhaps we can generate some traffic that would be at different times of the day and would not add to the traffic at the shopping periods.

Mr. Nest stated the Planning Board had discussed looking all the way from the Spring Valley line to the Nyack line but we know that studies are going to be made with the changes or the suggested changes of zone with the shopping center that perhaps may come and he said they thought that whole distance may be so great that they would have to present a moratorium that would be too long in time. He said they took the worst area they knew of on Route 59 and Middletown Road and they tried to restrict it from the Palisades Parkway to the Spring Valley line. He said he thought that if we can handle that, then we can see what will happen in the future. That area is the major concern at this time and the traffic studies which are being prepared will show what's happening on Route 303 and Route 59 in that vicinity. He urged the Town Board to place this moratorium so that we can get moving and correct this horrible situation.

Councilman Maloney asked Mr. Paris if this would also put a hold on Sussex? Mr. Paris said yes.

There being no one further wishing to be heard on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 9:14 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

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Town Hall

12/10/85

9:30 P.M.

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

RE: EXTENTION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1  
TO INCLUDE JOHN MARAIA AND JOSEPH MARAIA

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

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

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being on one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 9:32 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

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TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall 12/10/85 9:32 P.M.

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

RE: SPECIAL PERMIT TO OPERATE INTERMEDIATE CARE FACILITY ROCKLAND COUNTY CENTER FOR PHYSICALLY HANDICAPPED, INC.

On motion of Councilman Lettre, seconded by Councilman Maloney 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.

Supervisor stated that he had received a letter from a Dolores and Nicholas Contessa, of 164 Phillips Hill Road, New City, New York which was given to the Town Clerk for filing. He then proceeded to read said letter into the record:

December 9, 1985

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

ABE647

Gentlemen:

Please read this letter into the record at the public meeting to be held by the Town Board of Clarkstown, Rockland County, New York, on December 10, 1985 at 8:20 p.m., or let this letter be read into the record at any other public meeting by the Town Board to be held in regard to this matter, to consider the applicatin of Rockland County Center for the Phsyically Handicapped, Inc. to operate an Agency Group Facility on Philiips Hill Road, New City.

At an informational meeting held on Thursday, December 5, 1985, at Jawonio, we were informed by Mr. Goodwin Katzen, Executive Director at Jawonio and Mr. Bill Kohn, architect for the project, that in the proposed plans to construct this facility on Phillips Hill Road, there would be a new access road onto Phillips Hill Road. We have not been able to confirm this through any maps on file.

Please let it be known that while we have no objection to the existing access road onto Little Tor Road, we do object to any additional access road onto Phillips Hill Road, or the existing access road onto Phillips Hill Road in connection with the new facility because the road by the existing entrance onto Phillips Hill Road is frequented by school children as well as other children and any additional traffic would create a greater danger to all children, school or otherwise.

In addition to the above:

- there would be a considerable increase in commercial traffic in addition to the present heavy vehicular traffic on Phillips Hill Road,
- depreciation in the market value of real estate.

Thank you for your consideration and concern in the above matter.

Sincerely,

/s/ Dolores Contessa, Nicholas Contessa

Dolores and Nicholas Contessa  
164 Phillips Hill Road New City NY

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Acknowledged and received on  
December 10, 1985 by /s/ Patricia Sheridan\*

Supervisor stated that he had also received another letter from "Concerned Citizens of the Community" with a petition which reads as follows:

"The construction of a new residential facility on Phillips Hill Road is being proposed by Jawonio, to include a new access road onto Phillips Hill Road. This will cause additional traffic problems and unsafe conditions for our children and therefore we would object to any access roads onto Phillips Hill Road."

Supervisor stated that this petition had been signed by a number of area residents. This was given to the Town Clerk for filing.

Town Attorney stated that he had other correspondence. He had one dated October 15, 1985 from the Rockland County Planning Board indicating that it reviewed the Special Permit application for thirty bed intermediate care facility on the west side of Phillips Hill Road. They indicated approval subject to condition indicated and the condition indicated was recommendations of Rockland County Highway Department as to adequacy of access and clear sight distance on Phillips Hill Road.

Town Attorney stated there was also a memo from Raymond, Parish, Pine & Weiner, Inc., signed by Wes Bruckno which indicates that there are no planning related objections to the Special Permit. It noted, however, that they had not seen a copy of the proposed site plan at the time of this correspondence which was October 17, 1985. Town Attorney said he believed there was further correspondence on this from the Planning Board but he did not have a copy of that in the Town Attorney's file. It was addressed to the Town Board.

Supervisor said this is a Public Hearing for a permit only. Mr. Goodwin Katzen, representing Jawonio, stated that was correct. Supervisor asked Mr. Katzen if he had site plans or preliminary sketches? Mr. Katzen said he had preliminary sketches. Supervisor called upon Mr. Katzen to make his presentation.

Mr. Katzen said they were appearing before the Town Board this evening to seek approval for a Special Permit so they could construct and operate a thirty-one bed intermediate care facility on Jawonio property located at 260 Little Tor Road, New City, New York. He said their organization was organized in 1946, incorporated in 1947 and has been providing a continuum of service for all those years. As part of their programs over the years they found that those children they started working with at a very early age are now to a point where they are aging, where their families are aging and where there is a tremendous need based upon the waiting list that they have at their offices.

In order to provide for these families, as was the original concept of the organization, the provision of more residential services is indicated. Jawonio, since 1950, has provided service at its site in New City. That is over thirty-five years providing the kinds of services that are needed for the disabled children and adults of Rockland County. He said they have watched their neighborhood grow around them. The neighborhoods have done well. He said they have co-existed with the neighbors in a very friendly fashion. There has never been any criticism in terms of facilities. As any other service organization, they have grown as the needs of this town and the needs of the county have grown.

Mr. Katzen stated that Jawonio has always been extremely interested in its community - the Town of Clarkstown, the

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County of Rockland. He said as they go back over the years there has always been a strong relationship between this Town and Jawonio. Back some years ago he remembered the first swimming program that the Town Board and Recreation Department created started at the Jawonio pool. There were no other swimming facilities in the Town at that time. The Board of Directors felt that Jawonio being in the Town, the Town should certainly use whatever facilities they had. That relationship still exists. He said they have always worked closely with the Town.

Mr. Katzen said in 1980 they constructed an intermediate care facility on the Little Tor Road side of the property. Now they wish to develop the Phillips Hill Road side of the property. He said they feel it will be a convenient location. Public transportation will be available to the clientele as well as their own transportation so they can get the residents to community activities, to shopping, to do all of the things we all like to do. The fact that people happen to be in wheel chairs should not negate the fact that they still have the same needs and desires as everybody else. He said the development of the Phillips Hill Road side will give them an opportunity to expand in a more reasonable fashion.

Mr. Katzen said they will not at any time, even though Mr. Dusanenko did happen to read some letters about increased traffic, increase traffic on Phillips Hill Road because it is their plan to construct internal roads so that they can have a road directly from the new intermediate care facility location inside of their property line up to their program centers. Clients will not be taken out on the road and up Phillips Hill Road. They will be inside of their property.

Mr. Katzen said at the present time they have two bus runs a day on Phillips Hill Road - from Phillips Hill Road east to Main Street. One run goes down to Bradlee's and another goes up to the North Rockland area. That is two runs in the morning and two runs in the afternoon. There are no other runs. They are not generating any more traffic.

Mr. Katzen stated that 95% of their staff enter from the Little Tor Road entrance. Approximately 5% enter from their lower lot on Phillips Hill Road. All of the transportation for their pre-school program enters from Little Tor Road. It does not enter from Phillips Hill Road. The neighbors to the east (the Woodglen School) generate much more traffic based upon their faculty, based upon their school buses, based upon the parents who drive children to school. He said if traffic is a consideration that should be discussed with the Town Planning Board. We will have to go for site review and whatever recommendations the Planning Board makes to them they will certainly try to achieve them.

Councilman Lettre said the majority of the members of the Town Board are pretty much in favor of the concept of the change.

Mr. Katzen said he wanted it noted that the Town is calling this a community residence and he wished it noted that they are calling for an intermediate care facility for thirty-one residents and not twenty-four.

Supervisor asked Mr. Katzen for preliminary site plans or sketch plans showing roads and driveways. This would benefit anyone present who had questions regarding the actual site.

Supervisor said there is an existing driveway to Phillips Hill Road there right now which will be used.

Mr. Eli Cohen stated that there will not be any additional driveways. There will be an existing driveway utilized. It is opposite Woodglen Drive. It exists presently today.

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Supervisor asked if there was anyone present in favor of the Town granting a special permit for this proposal.

No one appeared.

Supervisor asked if there was anyone present who had any questions or criticisms of the proposal.

Appearance: Mrs. Arlene Brenner

She stated that she was a parent from the neighborhood. She wanted to know what population would live in this facility. Mr. Katzen said thirty-one physically disabled individuals would live there. She asked if any of the individuals would be emotionally disturbed. Mr. Katzen said no. She said would they have a single designation as physically handicapped? Mr. Katzen said multi-handicapped. She said but not including emotionally disturbed? Mr. Katzen said not to his knowledge. He said they do not service that population in their residences.

Mrs. Brenner said she wanted to provide some information to the Town Board. She said they had asked their help as the Health & Safety Committee of Woodglen PTA to help them provide sidewalks along Phillips Hill Road. Supervisor said that was about three years ago. She said they were helpful but they reached a certain point and no sidewalks were installed. She said they have been concerned with the safety of children walking to Woodglen School for quite some time so they were not coming to this situation as newcomers.

She said they could cite several accidents involving cars travelling from Little Tor Road, on Phillips Hill Road down a slight incline, slipping on the ice and going up onto the sidewalk around the area of Woodglen Drive. The sidewalk is not raised and is almost flush with the street level. Supervisor said when the street was resurfaced the sidewalks were not raised. Mrs. Brenner said the children who walk there are really in a perilous situation. The street is narrow and everyone drives too fast. The police give people tickets and it works for awhile but then it doesn't work forever. She wanted the Town Board to be aware of the situation and know that the parents are very concerned about the safety of the children. They wanted to know in great depth how much traffic this new proposal would generate. What is going to be the impact of this on their children as they walk to school?

Mr. Katzen said there would be no additional traffic in terms of the staffing for those residents. There will be approximately six additional cars in the morning and another six at night because during the course of the day the residents are not there. The basic staff of about five are there during the course of the day. Extra help is brought in in the morning and extra help is brought in in the evening - 7:00 A.M. and 4:00 P.M. Mrs. Brenner asked if there would be any relocation of that driveway? She was told that nothing is contemplated at the present time.

Supervisor said the Planning Board has control over where the final driveway or road will be. Mrs. Brenner asked do they then return to the Town Board? Supervisor said no because they have the legal power to locate driveways and roads. Mrs. Brenner said then she was correct in assuming that if they deemed it necessary they could locate that driveway anywhere along Phillips Hill Road? Supervisor said he would suggest that, from looking at the map which Mr. Cohen presented, instead of having that driveway relocated to another location which would mean an additional spot, it be kept where it is if it is feasible, possible, etc., because then the driveway and Woodglen Drive would line up from each other and not cause an extra intersection along Phillips Hill Road.

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Councilman Lettre said he felt the Town planners would use their intelligent discretion to place it properly.

Appearance: Mrs. Ellen Leopold  
Woodglen Drive  
New City, New York 10956

Mrs. Leopold said most of the people on the Board and most of the people sitting in the audience do not object to a home for the physically handicapped. She said the driveway is one thing but her other contention was in regard to the appearance of the property as it had been used for dumping on occasion. The caretakers house is a total mess. She asked as long as they are getting money to erect a new facility, what about fixing up the place they have already? Supervisor said he was sure Mr. Katzen was doing the best he could but he asked him to respond.

Mr. Katzen said it is very difficult for Jawonio to keep up with its neighbors. Supervisor said the dumping problem is not Jawonio's fault as there are people who do not want to pay garbage bills so they make nighttime deposits around the Town. Mrs. Leopold said she realized that but there is also a house there that is an eyesore. There is no two ways about it and if there is money to do something new, what about fixing up the old?

Supervisor asked Mr. Katzen if he had any intention of restoring the caretaker's house? Mr. Katzen said when their funds permit they intend to take care of that problem.

Appearance: Mrs. Dolores Contessa  
164 Phillips Hill Road  
New City, New York 10956

Mrs. Contessa said her fears were regarding the driveway. She said they were under the impression that the access road that is existing now would be widened or extended down fifty feet on Phillips Hill Road. This is not to be done and she wanted to reconfirm that this is not to be done. Supervisor said we have all heard tonight that there is no desire to relocate the existing driveway. Mrs. Leopold wanted to know if the entrance into Jawonio which comes out onto Woodglen Drive would be widened. They are in favor of it staying where it is now.

Supervisor said they have no desire to move the driveway down. As far as widening it it should be a safe two lanes. Mrs. Leopold said she wanted the existing driveway to stay just the way it is. She wanted no new access roads. Supervisor said he did not know if that would be safe because you need a minimum of two lanes there - one for incoming traffic and one for outgoing traffic. He stated that he had not seen the area lately. Whatever the prescribed safety guidelines are, they will be followed. He said unless there is some problem which has not been addressed yet the location of the driveway will not be moved.

Mrs. Contessa asked how far off Phillips Hill Road will this facility be located and will they be looking at it from Phillips Hill Road? Supervisor asked Mrs. Contessa to look at the sketch pinned to the board. Mr. Cohen said it will be in excess of 250 feet from the road. They will leave as much growth there as possible and they will be adding landscaping to what already exists. There is no house in the vicinity. Mrs. Contessa asked what the long range plans were? Mr. Katzen asked if a concern was how far back the facility would be? Mrs. Contessa said no, they were just wondering. She said she was also wondering where this proposed site would be. Mr. Katzen said the deciding factor is where the most level area of the property is so that they could better service the wheelchair population. Mrs. Contessa said she was also concerned with the children walking in the area.

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Mr. Moskoff stated that regarding the concern about refuse and waste that may be there - that is being deposited by strangers and we know nothing about it. The addition of the building should either reduce or eliminate that problem entirely.

Appearance: Mrs. Valerie (?)

She spoke regarding the access road and asked questions of Mr. Paris.

Councilman Maloney said if the Special Permit is granted then she and her neighbors could go to the Planning Board meeting when they talk about the road. Councilman Maloney said unless we grant the Special Permit you will not have a chance to go to the Planning Board. She inquired as to how she would be able to find out the answers to some questions she had regarding the site and was told she would be able to contact the Planning Board office. It would be published in the newspaper also.

Appearance: Leon Levinsky

He said the access road is off Woodglen Drive and not directly parallel but about fifty feet off. The map does not substantiate what the petitioner is saying. Councilman Lettre said the map is something that is drawn up by the applicant. Mr. Levinsky remarked about the fifty feet off and not show the parallel. Supervisor said Mr. Levinsky was correct and that the map does not show the driveway lining up opposite Woodglen. Councilman Holbrook stated that was clarified tonight. Mr. Levinsky said as long as there would be another meeting he would bring it up again then.

Town Attorney stated that he wanted clarification for the record as to what zone this property is located in. Mr. Katzen said it was an R-22 zone. Town Attorney stated that it was not apparent in the application submitted to the Town how many beds were being sought in the facility. Town Attorney said he knew now how many beds were being sought but he wanted to point out to the Board that the Zoning Ordinance defines Agency Community Residence and that definition limits that to 24 unrelated adults over the age of twenty-one years. Town Attorney said he realized that the terminology being used by the applicant is Intermediate Care Facility but he could not find the authority for a special permit for that type of facility in our Zoning Ordinance. Town Attorney went on to state that he would be glad to confer with the applicant on the point but it is his understanding that the Town Board would be limited to granting a special permit for twenty-four beds and that is seven shy of the amount the applicant is seeking. He said there are a number of alternatives which could be explored in that respect.

Councilman Carey asked if Town Attorney would define the number of alternatives to which he referred and Town Attorney said he would do so if that was what is wanted.

Councilman Lettre asked if we could pass a resolution adopting the special permit with the understanding that it is an ICF and up to thirty-one residents. Councilman Carey said that could not be done. You could pass a resolution which calls for twenty-four. Councilman Lettre said you could pass a resolution which calls for up to thirty-one but if twenty-four was the maximum then that would be all you could permit. However, if thirty-one could be accommodated it would be covered by the said resolution.

Supervisor asked of the Town Attorney if this took a simple majority? Town Attorney said yes it does so long as the condition imposed by the Rockland County Planning Board is complied with. Supervisor said he would recognize Councilman Lettre for the purpose of closing the public hearing and adopting a motion granting

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the special permit for an ICF facility up to thirty-one accepting the recommendation of the Rockland County Highway Department in so far as access to Phillips Hill Road, with the recommendation to the honorable members of the Town Planning Board that they locate the driveway as safely as possible opposite Woodglen Drive.

Councilman Lettre said he wanted in the resolution that all comments made tonight be noted by the members of the Planning Board. Supervisor said most of them are here tonight and he said he was sure they would all remember. Councilman Maloney said that Planning Board members are not usually present and we usually refer out to them.

Town Attorney said that the Supervisor had asked him if a simple majority were necessary to adopt a resolution. The answer, of course, is yes but if the resolution that is intended to be adopted does not find any support in the ordinance then the answer is that it would be ineffective.

Supervisor asked Mr. Katzen to refresh his (the Supervisor's) memory - he said he believed that Mr. Katzen had written a letter to the Supervisor stating the intent. All this information was forwarded to various departments and agencies then. Originally we were to have a public hearing long before Election Day and due to some technical, perhaps legal, reasons, the public hearing was held this evening instead of then. He asked the Town Attorney what the problem was?

Town Attorney said he had a copy of Mr. Katzen's letter in the file dated September 9th and if there is any implication here that he had a problem he would object to that. Mr. Katzen said they did not post or send notices as required and the Town Attorney's office had done everything they were required to do. The letter did not indicate the number of beds. He said he had a copy of that letter if the Supervisor would care to look at it. Supervisor said that the Town Attorney had alluded to the fact that if there is a majority to adopt such, to grant a special permit, after this public hearing this evening which has concluded for an ICF facility for up to thirty-one residents with the provision of following the Rockland County Highway Department's recommendation and that of keeping the driveway opposite Woodglen Drive - you are saying it may not be allowable under the Town Code? Town Attorney said that is correct. Supervisor said then why did we have this public hearing? Town Attorney said we had this public hearing under 106-14(B) and we do have a definition in our ordinance of Agency Community Residence. That definition, however, limits the facility to twenty-four beds. Town Attorney said we do not have a definition for an Intermediate Care Facility in the Town of Clarkstown Zoning Ordinance.

Councilman Carey said he did not think there was any problem as far as passing this but he said we have an ordinance and there is no way around that. Town Attorney said the Town Board could certainly schedule a public hearing and change the ordinance if it so chooses. It could not be accomplished tonight obviously.

Councilman Holbrook said the question was that the number of beds was not specified. If the Board wants to vote on the resolution let's vote on the resolution. The Town Attorney is simply apprising the Board of what the ordinance says. Supervisor asked Town Attorney if what he is saying is that if Jawonio wants to have the proper approvals to build an ICF facility for thirty-one wheelchair residents that even if we adopt this tonight we are going to have to change a Town ordinance? Town Attorney said that is one option. Town Attorney said another option would be a Zoning Board of Appeals variance.

Councilman Holbrook said if someone wants to move a resolution and someone seconds it, we'll vote. Town Attorney is simply apprising us of our options, that's all.

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Councilman Lettre said he would not vote unless twenty-four beds meet the needs of what they are looking for. Councilman Maloney said then we are going to go through this again. Councilman Lettre said we could hold a public hearing to first change the ordinance and then grant this petitioner's request. Councilman Holbrook said we could grant twenty-four beds and they could go for a variance for another seven. Councilman Holbrook said he would make that motion based on what the Town Attorney says here.

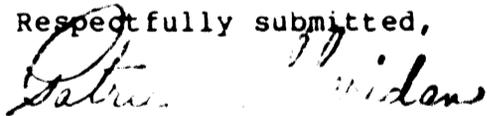
Supervisor asked Mrs. Squillace, Chairwoman of the Zoning Board of Appeals, how long it would take to get a variance if we approve this tonight? Mrs. Squillace said if the papers could be submitted tomorrow she could have it on the agenda and if it goes to the various Town agencies she could have that appeal on the agenda by January 30th. Councilman Lettre said doesn't it have to go to the Planning Board first and it was answered that it does. They have thirty days to get it back. Supervisor said the ZBA procedure would be about a month or so. To change the ordinance would take about a month or two anyway.

Councilman Holbrook said he wanted to make a motion but the Supervisor stated that Councilman Lettre already had and that Councilman Maloney was going to second it. Councilman Holbrook said you can approve for twenty-four and it was just explained that if you want thirty-one they go to the Zoning Board of Appeals.

Mr. Katzen asked if they could reserve decision tonight and they (Jawonio) could meet with their counsel and then come back on December 16th. He was advised that December 31st was the next meeting. Supervisor said they will lose another three weeks doing it that way. Town Attorney said the Board could take action on the proposed resolution which does limit it to twenty-four between now and the 31st. He said he would be glad to meet with Jawonio's counsel and if there is a way out of this that would not involve ZBA or ordinance change we will figure it out. It was agreed that was acceptable.

Councilman Lettre agreed to withdraw his motion and made another resolution to close and reserve decision. This motion was seconded by Councilman Carey, and unanimously adopted, time: 10:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk