

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/25/86

8:00 P.M.

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

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

Supervisor declared the public portion of the meeting open. No one wished to speak.

Supervisor then read the following proclamation:

"GIRL SCOUT WEEK
March 10-16 , 1986

WHEREAS, Girl Scouts of the U.S.A. observes its 74th birthday on March 12, 1986; and

WHEREAS, girls today will become leaders of tomorrow and will develop their leadership qualities through Girl Scouting; and

WHEREAS, the Girl Scout movement is dedicated to finding and nurturing the best in each individual girl; and

WHEREAS, Girl Scouts learn to respect, understand and appreciate the cultural diversity of their sister Girl Scouts and of people in their community and the world over; and

WHEREAS, Girl Scouts have fun while learning new skills, meeting new people and exploring new ideas based on timeless values; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our community from March 10-16, 1986

NOW, THEREFORE, be it

RESOLVED, that I, CHARLES E. HOLBROOK, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby proclaim March 10th through March 16th, 1986 as GIRL SCOUT WEEK in the Town of Clarkstown and call upon all citizens of our community to give their continued support, cooperation and interest to the Girl Scouts through 1986 and always.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 25TH
DAY OF FEBRUARY, 1986.

/s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor

/s/ William Carey
William Carey, Councilman

/s/ Edward J. Lettre
Edward J. Lettre, Councilman

/s/ John R. Maloney
John R. Maloney, Councilman

/s/ Catherine Nowicki
Catherine Nowicki, Councilman

(S E A L)

ABE209

RESOLUTION NO. (190A-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
DIAGONAL STRIPING OF ISLAND
ON FOREST BROOK ROAD,
SPRING VALLEY EAST OF THE
ISLAND TO PASCACK ROAD

Co. Maloney 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:

Diagonal striping to be painted the width of the island
on Forest Brook Road, Spring Valley, New York from the
east end of the island to Pascack Road, Spring Valley

and be it

FURTHER RESOLVED, that the Town Clerk be directed to
forward copies of this resolution to the Superintendent of Highways,
John O'Sullivan, for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (191-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
WARNING SIGN "DRIVEWAY"
NORTH SIDE OF RED HILL
ROAD, EAST OF #56 RED HILL
ROAD, NEW CITY, NEW YORK

Co. Maloney 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 W-2-3 warning sign (see Sec. 231.8 of the New
York State Department of Transportation's Manual of
Uniform Control Devices. Also with the panel (See
sec. 235.10 of the Manual - paragraph B, Legend (1)
"DRIVEWAY." This sign with the panel to be erected
on the north side of Red Hill Road, 75 east of #56
Red Hill 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,
John O'Sullivan, for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (192-1986)

GRANTING PERMISSION FOR USE
OF TOWN OF CLARKSTOWN
SHOWMOBILE (UNITED JEWISH
COMMUNITY OF ROCKLAND
COUNTY - ANNUAL WALK-A-THON

Co. Maloney offered the following resolution:

WHEREAS, the United Jewish Community of Rockland County has requested use of the Town of Clarkstown showmobile on Sunday, November 2, 1986, for the Annual Walk-a-thon at Rockland Lake State Park,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the United Jewish Community of Rockland County to use the Town of Clarkstown showmobile on Sunday, November 2, 1986, for the above purposes and subject to the provision of the necessary insurance policies.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (193-1986)

AWARDING BID FOR BID
#12-1986 - GROUNDSKEEPING
SUPPLIES (CHESTNUT GROVE
NURSERY AND MATTERHORN
NURSERY)

Co. Maloney offered the following resolution:

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

BID #12-1986
GROUNDSKEEPING SUPPLIES

is hereby awarded to

CHESTNUT GROVE NURSERY
365 Little Tor Road South
New City, New York 10956

MATTERHORN NURSERY
227 Summit Park Road
Spring Valley, New York 10977

as per the attached schedule of items and prices.

(Schedule on file in Town Clerk's Office)

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE209

RESOLUTION NO. (194-1986)

AWARDING BID FOR BID
#16-1985 - HOIST AND HAUL
HYDRAULIC SYSTEM WITH TWO
(2) 30 CUBIC YD. CONTAINERS
(SAM ALLEN'S MODERN
MACHINERY, INC.) - CHARGE
TO ACCOUNT DA 5130-219

Co. Maloney offered the following resolution:

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

BID #16-1985
HOIST AND HAUL HYDRAULIC SYSTEM WITH
TWO (2) 30 CUBIC YARD CONTAINERS

is hereby awarded to:

SAM ALLEN'S MODERN MACHINERY, INC.
Route 25, P.O. Box P
Coram, New York 11717

for an Ampliroll 160/2000 hydraulic hoist system and two-30 yard
containers with tarps at the proposed cost of \$34,690, and be it

FURTHER RESOLVED, that this sum be charged to Account DA
5130-219.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (195-1986)

AWARDING BID FOR BID
#6A-1986
-ATHLETIC/RECREATION
SUPPLIES (CHAMPION
PRODUCTS, INC., AND TODD
PHELPS SPORTING GOODS)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Director
of Purchasing and in concurrence with the Superintendent of
Recreation and Parks, that the bid furnishing Athletic and
Recreation Supplies is hereby awarded to the following low bidders
who have met the specifications:

BID #6A- 1986
ATHLETRIC/RECREATION SUPPLIES

Champion Products Inc., P.O. Box 87, Perry, N.Y. 14530 for items
#73, 74, 77, 78, 81, 84, 85 as per specifications at a net bid price
of \$4,386.60

Todd Phelps Sporting Goods, 1945 W. Palmer Dr., Larchmont, N.Y.
10538 for items #79, 80, 82, as per specifications at a net bid
price of \$1,470.81

GROSS TOTAL FOR ALL ITEMS: \$5,857.41

NOW, THEREFORE, be it

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RESOLUTION NO. (197-1986) Continued

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

RESOLUTION NO. (198-1986)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC., FOR STREET
LIGHTING (NARLAN
DEVELOPMENT CORP.)

Co. Carey offered the following resolution:

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

Narlan Development Corp., Nanuet, New York

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (199-1986)

REFERRING PROPOSED
AMENDMENT TO ZONING
ORDINANCE TO COUNTY AND
TOWN PLANNING BOARDS
(PARKING IN LIO DISTRICT)

Co. Maloney offered the following resolution:

WHEREAS, a proposal has been made that the Town Board
consider revising the on site parking requirements in the LIO
District;

NOW, THEREFORE, be it

RESOLVED, that the subject amendment as proposed by the
Town's Planning Consultant is hereby referred to the Rockland County
Planning Board and the Clarkstown Planning Board for their review
and recommendation on or before April 11, 1986, and be it

FURTHER RESOLVED, for the purposes of the New York State
Environmental Quality Review Act (SEQRA), the Town Board determines
that it shall act as lead agency and the Director of the Department
of Environmental Control is hereby authorized and directed to act as
agent for the Town Board with respect to SEQRA review.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (200-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #25-1986 -
SECURITY GUARD SERVICE FOR
KEMMER LANE COMMUTER
PARKING LOT

Co. Maloney offered the following resolution:

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

BID #24-1986
SECURITY GUARD SERVICE FOR KEMMER
LANE COMMUTER PARKING LOT

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

On roll call the vote was as follows:

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

RESOLUTION NO. (201-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #23-1986 -
MAINTENANCE AND IMPROVEMENT
OF TOWN CUL-DE-SACS

Co. Maloney offered the following resolution:

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

BID #23-1986
MAINTENANCE AND IMPROVEMENT OF
TOWN CUL-DE-SACS

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (202-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #24-1986 -
SALE OF SURPLUS VEHICLES

Co. Maloney offered the following resolution:

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

BID #24-1986
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.M. on Wednesday, March
19, 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. Carey

On roll call the vote was follows:

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

RESOLUTION NO. (203-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #26-1986 -
BITUMINOUS MATERIAL FOR
SURFACE TREATMENT OF ROADS

Co. Maloney offered the following resolution:

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

BID #26-1986
BITUMINOUS MATERIAL FOR SURFACE
TREATMENT OF ROADS

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, April
1, 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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (204-1986)

ACCEPTING DEED AND EASEMENT
AGREEMENT FOR ROAD WIDENING
PURPOSES (BERGER AND
BLITZER)

RESOLUTION NO. (204-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, that deed dated November 22, 1985, by Bruce Berger and Faithe Blitzter for road widening purposes, together with an easement agreement required in connection with ZBA Appeal No. 1889 are hereby accepted upon the recommendation of the Department of Environmental Control and the Town Attorney, and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (205-1986)

ACCEPTING DEED AND
DECLARATION FOR ROAD
WIDENING (GALVES)

Co. Maloney offered the following resolution:

RESOLVED, that deed dated December 6, 1985, by Murray C. Galves and Aurora U. Galves for road widening purposes along Ridge Road, Valley Cottage, New York and Declaration of Restrictive Covenant by Murray C. Galves and Aurora U. Galves dated December 6, 1985, are hereby accepted upon the recommendation of the Department of Environmental Control and the Town Attorney, and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (206-1986)

AUTHORIZING COLLECTION OF
SERVICE CHARGE OF TEN
(\$10.00) FOR RETURNED CHECKS

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown finds that an increasing number of checks, presented to the Town as payment of various fees and services, are being returned by the payor bank because such accounts upon which said checks are drawn have insufficient funds to cover said checks or such accounts have been closed, and

WHEREAS, the Town Board finds that the Town incurs substantial cost in the additional administrative and clerical effort to collect the monies owed on said checks, and

WHEREAS, the Town Board finds that it would be in the best interests of the community that those persons who issue such checks should bear the cost of such additional administrative and clerical effort;

NOW, THEREFORE, be it

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ABE209

RESOLUTION NO. (206-1986) Continued

RESOLVED, that the Town Board hereby authorizes a ten (\$10.00) dollar service charge to be imposed upon those persons who tender a check to the Town, and such check is returned unpaid for any reason, and be it

FURTHER RESOLVED, that this resolution shall not be applied to such checks used as payment for real property or other taxes.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (207-1986)

AUTHORIZING SUPERVISOR TO
INSTALL SIGNS AT CLARKSTOWN
COMMUTER PARKING LOT AT
KEMMER LANE, NANUET

Co. Maloney offered the following resolution:

WHEREAS, for insurance purposes it has been recommended that the Town of Clarkstown's commuter parking Lot located at Kemmer Lane in the Hamlet of Nanuet, be posted to provide notice to commuters using the facility to preserve and protect their personal property as well as notice of designation of said facility pursuant to Chapter 70 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized and directed to install signs in accordance with the recommendations received from the Town Attorney.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (208-1986)

AUTHORIZING ATTENDANCE AT
IN-SERVICE CODE ENFORCEMENT
AND TRAINING PROGRAM
(LAWRENCE, FLORENCE, McLEOD,
MAHONEY, PAPANMEYER AND
BOWLER) - CHARGE TO ACCOUNT
NO. A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that E. Lawrence, P. Florence, D. McLeod, W. Mahoney, M. Papanmeyer and W. Bowler are authorized to attend an "In-Service Code Enforcement and Training Program" on April 23, 1986 in Haverstraw, New York. The fee of \$20.00 each would be a proper Town charge and charged to Account No. A 1010-414.

RESOLUTION NO. (208-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (209-1986)

SETTING PUBLIC HEARING WITH
RESPECT TO ALLEGED VIOLATIONS
OF CHAPTER 63 OF CODE OF TOWN
OF CLARKSTOWN (C & A CARBONE,
INC.)

Co. Carey offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that C & A CARBONE, INC., with offices at 183 Western Highway, West Nyack, New York 10994, a garbage carter authorized to use the Clarkstown Sanitary Landfill has violated Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which is required to be observed by carters who dump in the Clarkstown Sanitary Lanfill, in that garbage from outside the Town of Clarkstown was dumped therein without the permission of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to prepare Charges and Specifications and serve notice thereof upon C & A CARBONE, INC., for a hearing to be held before the Town Board of the Town of Clarkstown on March 19, 1986 at 8:00 P.M. in the Andrew Jackson Room at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (210-1986)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF TOWN
OF CLARKSTOWN (SAGAR
CONTRACTING CORP. - No. 86-11)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of Registration for the calendar year 1986 as a sewer contractor pursuant to Section 83-65 of the Code of the Town of Clarkstown:

SAGAR CONTRACTING CORP.
ARNIE GARELICK, PRES.
706 EXECUTIVE BOULEVARD
VALLEY COTTAGE, NEW YORK

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ABE209

RESOLUTION NO. (210-1986) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued; however, such certificate shall expire on May 3, 1986, unless an extension of Workmen's Compensation and insurance liability is obtained to expire not sooner than December 31, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (211-1986)

AUTHORIZING PAYMENT TO
SPECIAL COUNSEL (PHILIP
FURGANG, ESQ.)

Co. Maloney offered the following resolution:

RESOLVED, that the authorized expenditure contained in Resolution NO. 1150 of December 27, 1983, to be paid to Philip Furgang, Esq., Special Counsel, be increased by \$2,321.35 to a total not to exceed \$90,857.89.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (212-1986)

AUTHORIZING RETURN OF
ESCROW DEPOSIT WITH
REGARD TO DEDICATED
SUBDIVISION (TARRY HILL)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, escrow for incomplete items secured by a bank money order issued by Nanuet National Bank in the sum of \$8,000.00 furnished to the Town in connection with dedication of the roads and improvements on December 13, 1983 in a subdivision known as TARRY HILL is terminated and the bank money order be released to the guarantor.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (213-1986)

DENYING WAIVER OF LOCAL
LAW NO. 7-1985 REQUESTED
BY THE MALL AT 59 CORP.

Co. Carey offered the following resolution:

WHEREAS, by Petition dated December 10, 1985, The Mall at 59 Corp., has requested the Town Board to waive the moratorium imposed by Local Law No. 7-1985, which has delayed site plan approval for construction of a proposed retail establishment on Route 59 within the boundary of the Route 59 Corridor Moratorium area, and

WHEREAS, by resolution dated January 14, 1986, said Petition was referred to the Planning Board for report and recommendation, and

WHEREAS, by memo dated February 7, 1986, the Planning Board has recommended denial of the request for waiver upon the grounds that the request conflicts with the Route 59 Corridor Moratorium, and that insufficient traffic study data was submitted;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that the request made by The Mall at 59 Corp., for a waiver from the provisions of Local Law No. 7-1985, is in conflict with the intent and purpose of said Local Law and such request should be and is hereby denied.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (214-1986)

DENYING WAIVER OF LOCAL
LAW NO. 7-1985 REQUESTED
BY NEW PLAN REALTY TRUST

Co. Carey offered the following resolution:

WHEREAS, by Petition dated January 13, 1986, New Plan Realty Trust, has requested the Town Board to waive the moratorium imposed by Local Law No. 7-1985, which has delayed site plan approval for construction of proposed additional retail space and storage space on Route 59 within the boundary of the Route 59 Corridor Moratorium area, and

WHEREAS, by resolution dated January 28, 1986, said Petition was referred to the Planning Board for report and recommendation, and

WHEREAS, by memo dated February 17, 1986, the Planning Board has recommended denial of the request for waiver upon the grounds that the request to permit additional retail space and storage space will eliminate existing parking and further exacerbate the turning movement within the site;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that the request made by New Plan Realty Trust, for a waiver from the provisions

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ABE209

RESOLUTION NO. (214-1986) Continued

of Local Law No. 7-1985, is in conflict with the intent and purpose of said Local Law and such request should be and is hereby denied.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (215-1986)

CORRECTING RESOLUTION NO. 160-1986 WITH RESPECT TO LOCATION OF PROPERTY IN CONNECTION WITH 280-a(2) (MAP 139, BLOCK B, LOT 21.04 - VALLEY COTTAGE, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 160, dated February 11, 1986, the Town Board of the Town of Clarkstown approved the use of Town Law 280-a(2) to authorize the construction of a one family residence on premises designated on the Clarkstown Tax Map as Map 139, Block B, Lot 21.04, and

WHEREAS, said resolution incorrectly referred to the premises as being located in Valley Cottage, New York when in fact it is located in Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 160, dated February 11, 1986, is hereby corrected to read Congers, New York, with respect to the location of the property.

Seconded by Co. Nowicki

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettte.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (216-1986)

APPOINTING TO THE POSITION OF MEMBER - LITTER CONTROL BUREAU (CLAIRE WARD)

Co. Carey offered the following resolution:

RESOLVED, that Claire Ward, 61 North Greenbush Road, West Nyack, New York, is hereby appointed to the position of Member - Litter Control Bureau - to serve without compensation - term to commence on February 25, 1986 and to expire on December 31, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (217-1986)

APPOINTING POSITION OF MEMBER
OF LITTER CONTROL BUREAU
(LUCILLE BIFANO)

Co. Carey offered the following resolution:

RESOLVED, that Lucille Bifano, 54 North Greenbush Road, West Nyack, New York, is hereby appointed to the position of Member - Litter Control Bureau - to serve without compensation - term to commence on February 25, 1986 and to expire on December 31, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (218-1986)

APPOINTING TO POSITION OF
MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE
(RICHARD DEL VECCHIO)

Co. Carey offered the following resolution:

RESOLVED, that Richard Del Vecchio, 10 South Park Lane, Nanuet, New York is hereby appointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective February 25, 1986 and to expire on February 24, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (219-1986)

REAPPOINTING TO POSITION OF
MEMBER - BOARD OF ETHICS
(MONSIGNOR GILLEN)

Co. Carey offered the following resolution:

RESOLVED, that Monsignor Gillen, 140 Maple Avenue, New City, New York, is hereby reappointed to the position of Member - Board of Ethics - to serve without compensation - term effective March 12, 1986 and to expire on March 11, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (220-1986)

ACCEPTING RESIGNATION OF
ASSISTANT MAINTENANCE
MECHANIC - SEWER DEPARTMENT
(WILLIAM J. BRAUN, JR.,)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of William J. Braun, Jr.,
415 Centre Avenue, Upper Nyack, New York - Assistant Maintenance
Mechanic - Sewer Department - is hereby accepted, with regret,
effective February 28, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (221-1986)

APPOINTING POSITION OF
ASSISTANT DIRECTOR MUNICIPAL
COUNSELING SERVICES (TRAINEE)
- COUNSELING CENTER (JOSEPH
LANZONE)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Assistant Director Municipal
Counseling Services (Trainee) #85175 which contains the name of Joseph
Lanzone,

NOW, THEREFORE, be it

RESOLVED, that Joseph Lanzone, 4 Meyer Oval, Pearl River,
New York, is hereby appointed to the position of Assistant Director
Municipal Counseling Services (Trainee) - Counseling Center - at the
current 1986 annual salary of \$22,530.00, effective February 26, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Hobrook.....Yes

RESOLUTION NO. (222-1986)

CREATING POSITION OF ASSIST-
ANT FIRE SAFETY INSPECTOR -
BUILDING DEPARTMENT

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on February 11, 1986 that the position of Assistant Fire
Safety Inspector can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Fire Safety

Continued on Next Page

RESOLUTION NO. (222-1986) Continued

Inspector - Building Department - is hereby created - effective February 26, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (223-1986)

APPOINTING POSITION OF
(PROVISIONAL) REAL PROPERTY
DATA COLLECTOR - ASSESSOR'S
OFFICE (FRED L. KAGAN)

Co. Carey offered the following resolution:

RESOLVED, that Fred L. Kagan, 4 Dorothy Drive, Spring Valley, New York is hereby appointed to the position of (provisional) Real Property Data Collector - Assessor's Office - at the current 1986 annual salary of \$12,589.00, effective and retroactive to February 18, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (224-1986)

RECOGNIZING APPOINTING BY
POLICE COMMISSION OF TYPIST -
POLICE DEPARTMENT - BRIDGET
MCNAMARA

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Bridget McNamara, 119 Laurel Road, New City, New York as Typist - Police Department - from Typist List CR-1 86-11, at the annual salary of \$18,647.00, effective and retroactive to February 13, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (225-1986)

RESCINDING RESOLUTION NO.
634-1978 RE: "NO PARKING"
SIGNS AT WOODGLEN SCHOOL AND
DIRECTING SUPERINTENDENT OF
HIGHWAYS TO REMOVE THREE (3)
SIGNS

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 634-1978, dated September 20, 1978, the Town Board of the Town of Clarkstown authorized the Superintendent of Highways to erect "no parking" signs at various locations, and

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has reported that the "no parking" signs installed in the vicinity of Woodglen School, New City, are no longer required and has recommended that the portion of said resolution which caused such signs to be installed be rescinded;

NOW, THEREFORE, be it

RESOLVED, that the portion of Resolution No. 634-1978 which authorized installation of "no parking" signs at Woodglen School is hereby rescinded, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized and directed to remove the three (3) signs which were referred to in said resolution.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (226-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENTS WITH
VARIOUS ORGANIZATIONS FOR
ECONOMIC ASSISTANCE 1986

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into agreements in a form approved by the Town Attorney, for the organizations listed below which provide services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and which organizations shall receive the economic assistance amounts as set forth for the calendar year 1986:

<u>ORGANIZATIONS</u>	<u>AMOUNT</u>
Rockland Association for Retarded Children (A.R.C.)	\$ 1,000
Camp Venture, Inc.	\$ 6,600
Clarkstown Gridiron Club	\$ 3,600
Clarkstown Sports Club	2,400
Nyack Community Child Development Center, Inc.	\$ 3,000
Rockland County Association for Children with Learning Disabilities (Camp Promise)	\$ 2,900
Rockland County Senior Babe Ruth League	\$ 700
Rockland Senior Centers Program (Nutrition)	\$12,000
Shamrocks Drum & Bugle Corps, Inc.	\$ 2,900
Valley Cottage Indians, Inc.	\$ 3,600

Continued on Next Page

RESOLUTION NO. (226-1986) Continued

Veterans Memorial Association of Congers, Inc.	\$ 350
West Street Day Care Center, Inc.	\$ 2,600
Youth Activities Committee and the Tigers Den	\$ 3,000

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (227-2986)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF TOWN
OF CLARKSTOWN (JAMISONS
ASSOCIATES, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of
Registration for the calendar year 1986 as a sewer contractor pursuant
to Section 83-65 of the Code of the Town of Clarkstown:

JAMISONS ASSOCIATES INC.
CLIFFORD SAPPAB, PRES.
7 KINDERKAMACK ROAD
MONTVALE, NEW JERSEY 07645

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued; however, such certificate shall expire on August 7, 1986
unless an extension of Workmen's Compensation and insurance liability
is obtained to expire not sooner than December 31, 1986.

No. 86-12 issued to JAMISONS ASSOCIATES INC.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (228-1986)

TERMINATING EMPLOYMENT OF
STENOGRAPHER - TOWN JUSTICE
DEPARTMENT (LISA BERKOWITZ)

Co. Maloney offered the following resolution:

RESOLVED, that the employment of Lisa Berkowitz, 122
Coolidge Street, Haverstraw, New York - Stenographer - in the Town
Justice Department - is hereby terminated as of the end of the
probationary period, effective March 3, 1986.

Seconded by Co. Carey

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RESOLUTION NO. (228-1986) Continued

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Community Development Funds was opened, time: 8:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Community Development Funds was closed, time: 8:32 P.M.

Supervisor Holbrook stated that this matter would be taken up at the March 6th Workshop and be voted on at the March 11, 1986 Town Board Meeting.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Ridge Nine West, Inc., Change of Zone from LIO District to MF-2 District and from R-22 District to MF-2 District was opened, time: 8:32 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Ridge Nine West, Inc., Change of Zone from LIO District to MF-2 District and from R-22 District to MF-2 District was closed, DECISION RESERVED, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Ralph Widmaier and Patricia Widmaier Zone Change from LIO District to R-10 District was opened, time: 9:11 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Ralph Widmaier and Patricia Widmaier Zone Change from LIO District to R-10 District was closed, time: 9:50 P.M.

RESOLUTION NO. (229-1986)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN FROM LIO DISTRICT TO R-10 DISTRICT (WIDMAIER)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 26th day of November, 1985, provided for a public hearing on the 25th day of February, 1986 at 8:15 P.M. to consider the application of Ralph Widmaier and Patricia Widmaier to amend the Zoning Ordinance of the Clarkstown by redistricting the property of the Petitioner from LIO district to R-10 district, and

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from L10 district to R-10 district, the following described property in the Hamlet of Congers, New York, in said Town.

(Description on file in Town Clerk's Office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

Councilman Nowicki stated that she was abstaining as she had voted for the R-15 as a member of the Planning Board.

There being no further business to come before the Town Board and no one further wishing to be heard, Supervisor declared Town Board meeting closed, time: 9:51 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

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Town Hall

2/25/86

8:25 P.M.

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

RE: COMMUNITY DEVELOPMENT FUNDS

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice which had been published in the Rockland Journal News as required by Federal regulations.

Supervisor explained that we have a Community Advisory Board which has met and will meet again so that more input into this is still possible. This will be voted on on March 21, 1986.

Supervisor read the following memo from Mr. Ghiazza, Superintendent of Recreation and Parks:

"February 20, 1986

I am requesting that all or most of the 1986 Clarkstown Community Development Funds be allocated toward the project known as the addition of a multipurpose room at the Central Nyack Community Center.

The town has allocated \$65,000 from previous community development funds and \$200,000 of town funds from a recent bond issue toward the project. Preliminary indications are that the project may well exceed \$265,000.

Your consideration of the above will be appreciated."

Supervisor said the amount of funds initially allocated to Clarkstown was \$35,000.00 but a resolution was passed giving the Town up to \$40,000.00. However, with the plethora of villages in Ramapo that figure could be reduced because those villages might be eligible for funds. This is about a 36% reduction from what we have had in the past and that is basically due to the Federal cutbacks.

Supervisor noted that without the Town of Clarkstown's participation in this program the County would not be able to participate as we have in the past. We need to be considered an urban county in this regard. We need the population to justify that.

Supervisor asked if there was anyone wishing to speak on behalf of any specific programs this evening.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding sidewalks on McCarthy Way. He said it was a dangerous speedway and there was no place for pedestrians to walk.

Supervisor said that Mr. Cuff's recommendation would be considered.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 8:32 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

95

Town Hall

2/25/86

8:32 P.M.

Present: Supervisor Holbrook
Councilmen Carey, Lettre, Maloney, Nowicki
Paul Nowicki, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: RIDGE NINE WEST, INC. CHANGE OF ZONE FROM LIO DISTRICT TO MF-2
DISTRICT AND FROM R-22 DISTRICT TO MF-2 DISTRICT

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

Supervisor then read into the record the Clarkstown Planning Board's letter as follows:

(LETTERHEAD OF CLARKSTOWN PLANNING BOARD)

*December 20, 1985

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

Gentlemen: TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
LIO/R-22 TO MF-2, RIDGE NINE WEST, CONGERS

In 1966 the Master Plan gave high priority to expanding the economic base of the Town, and it was determined that this area be shown as industrial. The 1971 Plan reinforced that, and the 1981 Master Plan Update continued to carry out those objectives, in particular in this area because of the accessibility to major roads. This particular area has been developing with various non-residential uses. The above proposed change was discussed at the Planning Board meeting of December 11, 1985 and motion was made by Member Cunningham, seconded of Nest, carried 6:0 with Ayes of Yacyshyn, Smith, Nowicki, and Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the above petition in relation to the existing land uses, the Comprehensive Plan and the statutory requirements and recommends that the petition not be granted. Planning for industrial development is an important aspect of the comprehensive planning process. The existing supply of vacant LIO property is being reduced by industrial development or zoning changes. It is essential to retain a reasonable quantity of LIO zoned property, and to maintain a balance of land uses in the Town, and therefore the Planning Board recommends that the area remain LIO.

In response to the statutory requirements, the Planning Board made the following determinations, as applicable...

- a) the uses permitted by the proposed change would not be appropriate since the area has been developing with various non-residential uses,
- b) adequate public school facilities and other public services exist or can be created, but may be at additional costs to the Town,
- c) public water supply and sewers can be provided, but the sewer system capacity has been designed for existing zoning and increase in density could cause overload of the sewer system,
- d) there are some 60 acres of vacant land zoned for industrial development directly south and east of this parcel which abut Rt. 9W and Rt. 303, major roads, which make this suitable for industrial development. The

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- location of the proposed MF-2 area which is near a railroad and Rt. 9W and partially in a wet area does not appear desirable for more intensive residential development,
- e) the areas along Rt. 9W east of this parcel are developing as LS and LO uses, namely, DePaulis Masonry & Materials Research, both non-residential uses,
 - f) this could have adverse impact upon the growth of the Town as envisaged by the Comprehensive Plan. The Master Plan did not increase the residential density of the area,
 - g) not applicable,
 - h) other areas designated for similar development are likely to request similar changes. Allowing this proposed change would encourage further such requests, which if granted, will reduce the industrial land bank drastically.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris, Chairman

cc: Town Attorney,
Town Clerk"

Appearance: Martin J. Cornell, ESq.
Attorney for the Applicant

Mr. Cornell said that this was a small piece of property less than three acres on the south side of Route 9W. The existing LIO portion consists of approximately two acres and the R-22 portion consists of one acre. The applicant is requesting a change to MF-2 because of the location of the property. He said that if this were developed as LIO, access would be on the south side of Route 9W and this is an extremely hazardous and dangerous location with two blind corners where curves exist. If one were trying to go across 9W or to enter from 9W traffic would be very dangerous.

Mr. Cornell said that police records in the years 1983, 1984 and 1985 show fifty-two accidents in that three year period. Sixty-five per cent of those accidents occurred during daylight hours. He said if the application was granted the change to MF-2 there would be no access onto 9W. However, if it were developed as LIO access onto 9W would be required.

The topography of the property does not lend itself to LIO because there is a sharp drop of twenty to twenty-five feet from the road. If it was developed as LIO it would have to be filled in or have very steep driveways. Therefore, he recommended not developing it as LIO. Mr. Cornell presented photos illustrating the points he had made.

Mr. Cornell also presented for insertion into the record a print-out sheet from the Police Department noting the accidents which had occurred in the area. He presented additional photos showing the blind corner looking westerly and photo illustrating the dangerous nature of this location. He believed it was appropriate to develop this as residential. The applicant proposes to develop this for residential purposes in the MF-2 zone and would have sixteen condominium units which would be located in two buildings with access to the south on a public road which would have access out to Old Haverstraw Road.

Mr. Cornell wished it noted that the applicant was seeking to build less than the permitted number under MF-2 and his client was willing to stipulate that he would build only sixteen units with no access onto Route 9W but only onto Old Haverstraw Road. The development of this parcel as MF-2 would be compatible with the surrounding area. The property directly to the south of the subject

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property is R-22 and would be developed. There is another parcel which the applicants own which is in the R-22 zone and would be developed as single family residences. Further to the east there is also existing development which is zoned in part R-15 so that this would be compatible with that development.

The Planning Board report which was submitted to you and read by the Supervisor is really not related to the LIO which is to the east, notwithstanding what the Planning Board letter indicated. The railroad cut separates the LIO property which is to the east and to the south and is a very natural barrier between the existing LIO to the east, and this portion which is zoned MF-2 and would be more consistent with the residential property which is to the south and to the east.

There is commercial development in the area - a garage on Route 9W and a woodworking shop. Our development would really provide an upgrading and thus would enhance and improve the general residential nature of the total area. He presented a map to show the location of the sixteen units south of Route 9W with no access onto to Route 9W.

Mr. Cornell said he would like to point out that there are adequate sewers and water to the premises. He then handed up maps to show the actual location of the units which are situated south on Route 9W and would have no access onto Route 9W. The location of the proposed buildings are substantially below Route 9W. This property is not low and it is not wet. It is flat, it is high, and it is dry. It is substantially above the railroad cut which is located on the east. If you go much further south along the railroad tracks you do get lower, wetter property but the property which is the subject of this application is not wet or low. The access for these 16 units would be on a proposed road to be constructed which would go out to Old Haverstraw Road and the existing lots numbered 1 through 9 would be a proposal as to how the existing single family residences would be developed on the surrounding property which is also owned by the applicant but is not the subject of this zone change.

Supervisor asked if the zone change was LIO to MF-2? Mr. Cornell said the frontage on Route 9W about 1.9 acres is LIO and that is the zone change proposed from LIO to MF-2 and then there is a small sliver of R-22 which is adjacent to the proposed road which would also be put into MF-2. The reason for that is to round out the parcel to accommodate the sixteen units but essentially 1.9 acres of LIO to MF-2 and one acre of R-22 to MF-2 which is shown on another map which is part of the application although it may not be in front of the Board at this time.

Mr. Cornell said that the Planning Board has raised an issue which he wished to address. The Planning Board and Mr. Geneslaw, the Planning Consultant, have constantly indicated to this Board and to other applicants that it is important to maintain LIO property in the Town of Clarkstown. He said that is true and they do not wish to undercut that general principle. There should be an effort to maintain LIO property. However, this is the unique case which is the exception to the general principle. This is a piece of isolated LIO property located with the railroad on one side, and Route 9W on the other which really should not and cannot be properly developed as LIO property. For that reason the Board should look at the unique aspect of this property and recognize the general principle of trying to maintain LIO property in the Town cannot apply in every situation. He said the development of this with nice residential units will really be an upgrading of the property and improve the entire neighborhood. The neighborhood should be pleased with this development as opposed to having to look at the back of some LIO building with trucks and other related uses which would have to be there if it were developed as LIO.

Mr. Cornell then submitted a rendering of the proposed units. He stated that the engineer was also present and would answer

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any questions which the Board may have and he said he would also be available to answer any questions as well.

Councilman Nowicki said wasn't one of the reasons given by the Planning Board for denying this request the blasting in the area and therefore no further residential units should be developed and in fact the neighbors in the area had complained about the blasting? Mr. Cornell said he did not recall that and it is not in the minutes of the meeting. He said this parcel is quite a distance from the Trap Rock Corporation which is on the north side of Route 304 and this is substantially south. There is a lot of residential property which is already developed further north so he felt that was not really a problem.

Mr. Cornell said the property directly opposite this property on the north side of Route 9W is zoned R-80 and that property is owned by the Palisades Interstate Park Commission and the zoning of this property for residential development is currently compatible with the R-80 and the use of the property on the north for park purposes.

Councilman Nowicki asked Mr. Geneslaw, Town Planning Consultant, to inform the Board as to the Planning Board's negative decision.

Mr. Geneslaw said he recalled that the primary reason for denying was because there were three or four requests for a change from LIO to other zoning districts. The frequency of those requests was definitely a factor in denying. Councilman Nowicki said then it was to keep our LIO intact and not crack our resolution. Mr. Geneslaw said he thought that was what the Planning Board had in mind.

Mr. Cornell again commended the Planning Board for attempting to preserve the LIO lands but he again pointed out that this parcel was a unique piece and did not belong in an LIO designation.

Supervisor asked if there was anyone wishing to speak in favor of the proposed application?

IN FAVOR: No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition or to raise a question?

Appearance: Mr. Steve Anderson
Old Haverstraw Road
Congers, New York

Mr. Anderson said he knows that about sixteen condominiums are being planned and he wanted to know how many single family units were being proposed. Councilman Nowicki said there would be nine. Mr. Anderson said then you are talking about twenty-five families in an area in which Mr. Cornell states there would be adequate sewer and water facilities. Mr. Anderson said many of the families in the area are still using septic tanks and still have wells. He wanted to know just what the facilities were to handle twenty-five additional families? He said he has lived there about nine years and in that time, with the limited amount of traffic that we have, there have been nine accidents in front of his house. He said he has lost trees, mailboxes, shrubbery, etc. It is a fairly hazardous corner coming down and now you are going to add twenty-five more families with more children going on school buses besides the sewerage and water problems.

Mr. Anderson said recently sewers were installed. There is a pump station for about fifteen families there. He wanted to know what facilities would be installed there and if it would increase their taxes?

Supervisor Holbrook asked Mr. Cornell, in his summation, to address these issues.

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Appearance: Mr. McCoy
Congers, New York

Mr. McCoy stated that he had been living in that area since 1967 and he said the road which they are talking about putting in there would necessitate taking down a garage to make a road next to a house. He said he was concerned about the accidents on Route 9W and if you look at the record you will see that most of them occurred at the intersection of Route 9W and Route 304. Other accidents are on the northbound section where Route 303 and Route 9W meet.

Mr. McCoy said when the development to the south was put in sewers were supposed to have been installed for the whole street but they did not. He said they only recently got sewers installed after waiting many years. They still do not have sidewalks. Where are these children going to walk? There will be extra traffic coming out to a one lane road out into Haverstraw Road which is a dangerous road as it is. He said he still has a well.

Appearance: Mr. Frank Zaccaro
Congers, New York

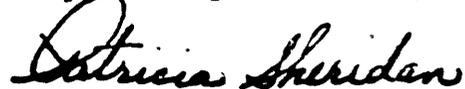
Mr. Zaccaro said he was sure there would be quality homes built here but this is not the question. He said it was his understanding that there would be a new turn put in and a new bridge installed sometime in the spring which should alleviate some of the accidents. He said any building going on will upgrade the community. The plan calls for R-22 which is a much lesser density and the traffic could be handled more easily. He wanted the current zone maintained.

Mr. Cornell said there would be a county sewer line and he introduced Mr. Ted Atzl to speak regarding the sewers. Mr. Atzl said the existing homes along Old Haverstraw Road are serviced by two pump stations. The Rockland County Sewer District is now proposing running a sewer line from Long Clove Road under Route 304 down to Lake DeForest and tie in and rebuild the pump station on New City/Congers Road. At the same time they are proposing running a new trunk line up through Davies property and the next property to the north and out to Old Haverstraw Road and eliminate those pump stations on Old Haverstraw Road. The trunk line will come up what is called the Roosa property which is a private line and that will eliminate the pump station which is further south. Even though that existing pump station services about twenty homes now, it will be eliminated by the new Rockland County sewer line. In the initial proposal from the County of Rockland, their consultants propose running a sewer line all the way up to Route 9W to service what is now the LIO portion of this property in question. He did not know if that would happen in the near future because up there right now is a woodworking shop and one other small warehouse (Nazzarro) storing refuse disposal trucks, etc. This piece could be adequately serviced by running a new sewer line and it would not affect the pump station because it would be eliminated. There is adequate water service in Old Haverstraw Road. The line is in excess of an eight inch water line.

Mr. Cornell said there is no question that there is adequate sewer facilities there. He urged the Town Board to look at the site as what he wanted to impress upon them was the very hazardous area. He felt the Board would be doing the correct thing to permit the development as proposed which would eliminate the access to Route 9W and so eliminate accidents. If this is not granted applicant has no choice but to develop this as LIO and put a building there which would have access onto Route 9W and be the worst possible planning.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABE209

TOWN OF CLARKSTOWN
PUBLIC HEARING

101

Town Hall

3/25/86

9:11 P.M.

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

RE: RALPH WIDMAIER AND PATRICIA WIDMAIER ZONE CHANGE FROM LIO
DISTRICT TO R-10 DISTRICT

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

Town Clerk read the following letter:

"MRS. LOUISE MEHL
43 North Harrison Avenue
Congers, New York

February 25, 1986

TO: Honorable Charles Holbrook, Supervisor
and Members of the Clarkstown Town Board

RE: Requested Change in Zoning Ordinance from LIO
District to R-10 (Parcels 127-L-2 & 127 P 1)

Due to a prior commitment, I, Louise Mehl, 43 North Harrison Avenue, Congers, New York, cannot attend the hearing but wish my statement read into the record re: the subject hearing.

1. The parcel in question should remain in LIO to conform with all properties north of it in accordance with the Master Plan.
2. There is no question as to its previous use as I, as a child, recall the parcel having had commercial greenhouses on it which, over the years, were removed and the land left vacant. And I came to Congers in 1925.
3. When public hearings were held for the Master Plan, did all the neighbors protest the LIO and request it be changed to R-10? I am reasonably sure that if they had had a valid argument at that time, it might have been incorporated into the Plan as a change. And that was not so long ago.
4. It took years to formulate a Master Plan and I resent after all the burning of the midnight oil, planning, hearings, etc. that a change is now requested which, in my personal opinion, is impractical.
5. To permit construction of 6 homes as proposed contiguous to a firehouse on the North and a railroad track on the East is like waving a red flag in front of a bull.

Firemen, by nature of their service to the community, respond to their volunteer calls for assistance in usually large numbers. When a call comes in, day or night, they park their personal vehicles all along the road, get the large and cumbersome equipment rolling, and are off to duty.

I can envision 6 families, probably young people of child-bearing age, barely settled in their new homes, complaining about the firemen

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rushing in, the parking situation along North Harrison Avenue, the noise, and who knows what else. In addition to responding to emergencies, the firemen conduct drills outside the firehouse to keep up with new fire fighting and rescue technologies and to train new recruits - all of which involves considerable traffic and no doubt an attractive nuisance to young children.

Frankly I am disappointed the Fire District was unable to obtain this property for future expansion and community needs, for whatever reason.

I can envision that to stay with LIO and to proceed with construction of an LIO permitted use would mean an aesthetically attractive building surrounded with a large black topped parking area. How great this would be in the spirit of "inter-municipal" cooperation on the part of the owner to conduct his business in the day time and open his parking area to the firemen to park their personal vehicles during emergencies, drills, meetings, etc. instead of on the road. He would satisfy two needs - his and the municipality.

Although my house is located within 200' of the edge of the parcel involved, I was not asked my opinion by the Congers Civil Association who, I am told, "canvassed" the neighborhood and favor the zone change recommendation. AS Exhibit I, I attach an article from the January 26, 1986 Journal News in which a spokesman for the Congers Civil Association made a statement against the proposed mall in West Nyack because ... we just want to adhere to the Master Plan." Let us not vascillate.

An argument might be presented that 2 houses exist contiguous to the parcel in question on the south side. I would be of the opinion that this is an inappropriate argument as these houses are part of the commerical establishment, May's Hotel, and reserved for family use and part of their business.

I respectfully request considerable and careful consideration be given to this request and that a change to R-10 be denied.

Very truly yours,

/s/ Louise Mehl

Louise Mehl

P.S. I dramatize the effect this might have on the fire company and advise that neither I nor any member of my family are members of the fire company."

Mrs. Mehl also presented an article from the January 26, 1986 edition of the Rockland Journal News.

Supervisor then read the following letter:

(LETTERHEAD OF COMMISSIONERS OF CONGERS FIRE DISTRICT)

"Congers, N.Y. February 21, 1986

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Attention: Charles E. Holbrook
Supervisor

Gentlemen:

This board respectfully requests that during the Town Board consideration of the Widmaier property at No. Harrison and No. Rockland Avenues, the following suggestions be considered:

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1. Builder be required to widen No. Harrison and No. Rockland Avenues, including paving for the entire distance that this property abuts these streets.
2. No consideration be given to abandoning any unimproved sections of Endicott Street and No. Rockland Avenue, in the future, these streets may be needed for access to our property on No. Rockland Avenue.

Very truly yours

COMMISSIONERS OF
CONGERS FIRE DISTRICT

/s/ NILS C. ECKHART

NCE/lc
Chairman"

Supervisor then read the following report from the
Clarkstown Planning Board:

(LETTERHEAD OF CLARKSTOWN PLANNING BOARD)

*November 19, 1985

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

Gentlemen: TB REFERRAL: PROPOSED ZONE CHANGE REQUEST LIO
RO R-10, WIDMAIER 127L2, 127P1, CONGERS

At the Planning Board meeting of November 6, 1985 Member Centra made a motion which was seconded by Nowicki and carried 6:0 with Ayes of Smith, Cunningham, Nest and Paris approving the following. . .

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the petition of Widmaier in relation to the surrounding area, the topography, the Comprehensive Plan and the statutory requirements and determines that R-10 zoning would not be appropriate for the site. If the Town Board determines that residential is appropriate, then PB recommends change to R-15 and asks that the Town Board consider the abandonment of Endicott Street to allow for that portion to be added to this parcel to allow for more orderly development of the land conforming to R-15 requirements.

In response to the statutory requirements the PB has made the following determinations, where applicable...

- a) a change to R-15 would be appropriate in the area concerned as the area is predeeminatly residential,
- b) adequate public school facilities and other public services do exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change,
- c) public water supply and supply of sanitary sewers is available in the vicinity,
- d) there is vacant land available for residential development in the area, but allowing for additional lots would not be an intense increase of residential development,
- e) a great deal of residential development is taking place in the R-15 district, and particularly in the vicinity of this area,
- f) although the Comprehensive Plan shows this area as industrial, we do not see this having adverse impact upon the immediate area,
- g) the proposed amendment will result in minor increase in total residential capacity of the Town, and the cost of providing public services,
- h) other areas may make similar requests, but each must be judged on its own merits.

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Very truly yours,

/s/ Richard J. Paris

Richard J. Paris,
Chairman"

Town Attorney said we have on file an affidavit of publication from the Westchester-Rockland Newspapers indicating that the notice of public hearing was published as required by law on February 13, 1986 and in addition we have an affidavit of service of notice of public hearing by mail upon various town clerks and agencies in the County of Rockland indicated in the affidavit and an affidavit of posting indicating that the notice of public hearing was posted at the various libraries and post offices about the Town.

Town Attorney stated that there was one other piece of correspondence directed to the Town Board which is in the Town Attorney's file and that is memo from the Deputy Director of Environmental Control regarding the SEQRA processing of this particular application.

Town Attorney stated that it would not be necessary to read the entire memo into the record but that the gist of the memo is that the Department of Environmental Control as agent for the Town Board does not believe that the proposal would involve a significant action under the State Environmental Quality Review Act and thinks that the Board may make a negative determination in conjunction with this application.

(Memo and correspondence referred to
above on file in Town Clerk's Office.)

Supervisor called upon the application to make their presentation.

Appearance: Thomas Leyden, Esq.
Attorney for Applicant

Mr. Leyden presented two letters which he wanted read into the record.

Supervisor read the following:

"FEBRUARY 25, 1986

TOWN BOARD OF TOWN OF CLARKSTOWN:

Dear Members:

Regarding the proposed zone change from L.I.O. to R-10 on property located on North Harrison Ave, Congers before you this evening please be advised that I am in favor of said change.

Very truly yours,

/s/ Frederick J Hensey, Sr.
FREDERICK J. HENSEY SR.

At the request of the Town Attorney Supervisor read the following letter:

"Feb. 24, 1986

Dear Sir,

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This is to inform you that we are totally against the property in Congers being zoned for commercial use. There will be an over abundance of traffic in the area and this will contribute to being dangerous for pedestrians.

We hope this will not be rezoned for commercial use.

Thank you,

/s/ Al & Barbara Bianco*

Mr. Leyden wanted to point out that one of the documents read was a letter from the Fire Commissioners wanting to keep Endicott Street open. Should this Board find it within their discretion to change this zone from L10 to R-10 or R-15 as the Planning Board has recommended that would then close off the paper street that we have, which is Endicott Street. He said he assumed that what the Fire Company wants is the paper street opened which would be the end of Endicott Street, which is not there at the present time. If the Board approves a change of zone from L10 to R-15, we could have the engineer who drew up the map, explain the rationale as to whether Endicott Street could be cut with only four lots instead of the six we are requesting.

Mr. Leyden said it was their opinion that the uses in this neighborhood would be best served by the residential units. Supervisor asked if this were to be granted would the applicants be prepared to continue Endicott Street to Rockland Avenue and then pave Rockland Avenue to Endicott Street or beyond? Mr. Leyden said they were prepared to pave Rockland Avenue up to Endicott Street and past Endicott Street to the north of the proposed Endicott Street so that there would be a sufficient area for the two other residents. He said he believed the Town Board had a plan before them for lots 1 and 2. He said on the map it shows first a ten (10) foot widening to be granted to Rockland Avenue.

(At this point a map was referred to and examined by members of the Town Board.)

Supervisor said he thought the Planning Board's comments were in the light of making the lot conform to the R-15. A judgment has to be made by this Town in that regard but if the R-10 were to be granted would Endicott Street be continued? Mr. Leyden said if R-10 is granted it would be continued through. Supervisor said there would be access onto Endicott, Harrison and Rockland? Mr. Leyden said yes and Endicott would be at that point much wider than the present portion of Endicott which would be to the west of the present street. That would give a much wider area for a fire truck to turn around in and there would be another ten (10) feet along the railroad because there is a ten (10) foot offer of dedication to be made there by the proposed developer. There would be a five (5) foot dedication on the other side of the property.

Councilman Nowicki asked the Supervisor if the Planning Board had any input from the fire company? Supervisor said he did not think so. Councilman Nowicki asked Mr. Geneslaw, the Town Planner, if the Planning Board had any input at all from the fire company? Mr. Geneslaw said he believed the letter from the Fire Company was delivered after the Planning Board had met regarding this proposal. The Planning Board met on this matter in November of 1985.

Mr. Leyden said the gentlemen who sold this property is the gentleman who wrote the letter (Frederick J. Hensey, Sr.) and he lives on Harrison Avenue. His son is present here tonight and he lives beside his father. The lady who wrote the letter to the Board felt that someone should have sold the property to the fire company. Mr. Hensey is living there almost as long as she is, since the 1920's

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and has owned this property since the 30's or 40's. Mr. Leyden said he assumed further that if the fire company could have seen the wherewithal to buy the property they would have done so. It is Mr. Hensey's desire that it be residential and he believed he bought it for the purpose of insuring that industrial was not put there before him.

Mr Leyden said his client is already in the industrial line of work and this particular property is zoned for the type of work which he does. He is in the auto body repair business and he could put this property to use in the same line of work should the Board wish to leave it in the particular zone it is in now - LIO. But if it is zoned residential, we believe that we will be able to comply with the desires of the neighbors and most surely of Mr. Hensey who has to look out on this property every morning that he opens his eyes.

Mr. Leyden said he had nothing else to add but that he would be happy to reply to any questions.

Councilman Nowicki said that the Planning Board did recommend R-15 not R-10. Mr. Leyden said he knew that and that would be with the elimination of the street which the fire company appears to wish to put in there.

Supervisor asked if there was anyone wishing to speak in favor of the application?

IN FAVOR:

Appearance:

Mr. Alan Rosensweig
Congers Civic Association

Mr. Rosensweig stated that one of the reasons they took a stand that they would like to see this property zoned to residential from LIO is because the people surrounding it are primarily all LIO. To the north of the fire house is a warehouse building being built. There was a lot of controversy over this building. The fire company did not want it because they were afraid that people going to this warehouse would interfere with their ability to get out and fight a fire. Now, they want a warehouse at the other end. He did not understand why a warehouse at one end would stop them and at the other it wouldn't.

Mr. Rosensweig said they believe it conforms to the area it is in, which is all residential. He said he did not call a fire house commercial. A fire house is always built in residential areas to save lives. It is not built in downtown business districts where they cannot get to the outlying areas. They are spread around communities. Everything around there is residential.

Mr. Rosensweigh said everyone was invited to the meetings held at the Civic Association. He said if Mrs. Mehl could not attend, as she could not attend tonight, she could have written a letter with her viewpoints. The people were canvassed. If she was not canvassed perhaps it was because she was not at home at the time. She knew of the canvassing and she could have come forth and said something but she did not. Why she chose this time to say something he did not know.

Mr. Rosensweig said in the best interests of everyone the area should be rezoned from LIO to residential. He said he did not want to see any of our LIO zoning done away with but this particular piece, when it was brought up in the Master Plan, at that time the Planning Board said they would go back and look at it. There were strong reservations by the people who live there and they said they did not want it LIO - it should be residential. The Planning Board promised to go back and take another look at it. We understand that they are very busy and they did not have the time and they admitted that they overlooked it. Mr. Rosensweig said he respected the Planning Board's wishes that it be residential and they would like to see it that way.

Councilman Maloney asked if Mr. Rosensweig was saying that the Congers Civic Association is recommending a deviation from the Master Plan? Mr. Rosensweig said that was correct.

Appearance: Mr. Doug Eichele, President
43 North Conger Avenue
Congers Civic Association

Mr. Eichele said he resides about two blocks from the property in question. He said he wanted to respond to Councilman Maloney's comments about the Congers Civic Association going against the Master Plan. He said we are not. Councilman Maloney said are you recommending going against the Master Plan on this particular piece of property? Mr. Rosensweig interjected that they were against the Master Plan all along on this piece of property. Mr. Eichele said they were not against the Master Plan. We are in favor of keeping the Master Plan and he said he thought the Town Board realizes that two years ago when the Master Plan was brought forth the Town Board had hearings and the Civil Association also had meetings in Congers to try and bring up some of the points that may have been problems in the Master Plan. This is one piece of property that should have been brought up two years ago at the time of the Master Plan's approval but unfortunately this piece of property slipped by. This is a piece of property which should have been addressed at that time. Now is has to be addressed. This is not a piece of property that is properly LIO property. It should be residential. Had we not missed it at the time of the Master Plan Hearing we would not be here now.

Mr. Eichele said he felt the issue is one which could have been taken care of then but wasn't. We are not going against the Master Plan because as an organization we have tried to work on the Master Plan. He said he was speaking as an area resident and as a member of the Congers Civic Association. He said they all felt that this would be better off as residential property. In terms of having Endicott Street extended he said he believed it needs to be extended. The extension of North Rockland Avenue is also important because it further opens up the area to traffic which is important both for area residents and the fire department directly located north of that property. This is a residential area. There is zoning of LIO which goes along the railroad tracks which has been there for a long period of time which may have been in error - spot zoning.

Supervisor asked how wide North Harrison Avenue was? He said his recollection of North Harrison Avenue is that it is very narrow street. Councilman Nowicki said it shows a forty (40) foot right of way but how wide is it paved? The answer was twenty-two (22) feet. Supervisor said his point in raising that question is in regard to the access that an alternative use would have to this other than residential.

Mr. Eichele said if you provide alternative access to that street it is going to help the flow of traffic - it can't hurt it. A secondary means is only going to ameliorate the traffic pattern and it's not going to hurt it. If you were to eliminate Endicott Street and the extension of North Rockland Avenue it just further isolates that area. If you add homes to the area you have to add a means of getting into and out of those homes. He said what he has seen of the proposal for homes it will only benefit the area.

Appearance: Mr. Frank Zaccaro
Congers, New York

Mr. Zaccaro said he was also with the Congers Civic Association. He said they are not for downzoning and they do not want to go against the Master Plan. He said at the Planning Board meetings he attended there was bafflement as to how this piece of property stayed LIO all these years. This is an area that is in the middle of a residential community and should therefore be changed to residential. LIO would create dangerous traffic conditions. If this

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is zoned R-10 Endicott Street will not be eliminated and it will give the fire company and alternate road. R-10 is feasible because the older homes in the area built between 1900 and 1915 are on 8,000 square foot lots and this change to R-10 will conform to the homes in that area.

Appearance: Mr. Nils Eckhart
Congers, New York

Mr. Eckhart said that the fire company was never approached by the Congers Civic Association nor did the fire department ever object to the warehouse on the opposite side of the firehouse. He said they were never informed of this zone change prior to the notice of public hearing that it was being proposed as R-10. They knew nothing of the proposal earlier so they did not attend the Planning Board meeting.

Appearance: Mr. Carl Landgren
Congers, New York

Mr. Landgren stated that he owns the property about 200 feet to the north of the property being proposed for a zone change. He said the LIO zone must start somewhere. The entire east side of North Harrison Avenue is presently zoned LIO. The owner has shown no hardship in the development of this property as LIO property. He feels the town has a very definite shortage of LIO property. He said the two rear yards of the houses that would be backing up to the fire house would in the future create a lot of problems both for the Town and the fire department.

Appearance: Mr. Bill Brennan
North Harrison Avenue
Congers, New York

He said he has lived there for the past fourteen years. He said the firehouse has been there since 1955 and some commercial building has gone in there during the past fifteen years. He said the owner of the property (Mr. Hensey) lives on Congers Avenue. He said right across from his property Mr. Mayo has a restaurant and every Tuesday there is traffic from Lake Road all the way down to the fire house which is approximately 1,000 feet because they have auctions there on Tuesday nights. He said they cannot get out of their driveways. He said one of his daughters goes to college at night and his wife belongs to the volunteer ambulance corps. She cannot get out of the house at night because of the cars coming to the auction. He said if Mr. Widmaier puts six houses on that property there is no way the fire department can function properly and there is no way the auction house can function properly. Mr. Mayo has his restaurant there and he cannot function properly. Mr. Brennan said he could not see all the traffic on that street which is only about twenty-two (22) feet wide. He said he could see maybe four houses going on to that property but he cannot see six - it would be impossible.

Supervisor said if this parcel were to be developed R-15 Endicott would not be extended and he did not believe there would be any extension of North Rockland Avenue. If it were developed R-10 Endicott Street would be extended and North Rockland Avenue would be improved which would provide circulation. Supervisor said he thinks the Fire Commissioners would be in favor of Endicott staying on the map but if it were developed R-15 that would not be the case, as he understands it. The only access to this property would be out onto Harrison Avenue which would put all the traffic on Harrison Avenue.

Mr. Brennan said he was opposed to having all that traffic coming out onto Harrison Avenue. Supervisor said he just wanted to clarify that point.

Appearance: Mr. Fred Hensey, Jr.

Mr. Hensey said he was in favor of the proposed change as is his father. Basically, the immediate surrounding land is zoned

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residential with the exception of the fire house and is in fact being used residential. He felt it was an appropriate type of zone change.

Appearance: Ms. Barbara McKiverkin
15 North Harrison Avenue
Congers, New York

She stated that she owned the property directly across the street from the property in question. She said she was in favor of this zone change.

Appearance: Mr. Frank Menendez
35 North Harrison Avenue
Congers, New York

Mr. Menendez stated that he was in favor of the zone change.

Appearance: Mr. Stephen Roy
28 North Conger Avenue
Congers, New York

Mr. Roy stated that he was in favor of the zone change.

Supervisor asked if the applicant would like to make any further comments.

Mr. Leyden said one gentleman was concerned about the heavy traffic. He said it would seem to him that if a new street was put in Harrison Avenue would lose traffic because that street would be wider than Harrison Avenue and would give a better exit out onto the main thoroughfare because Harrison Avenue is a tight little street coming down the hill. At least when you come out on Congers Avenue along side the railroad track you have enough room to project out to visibility areas. He said he wanted to point out that LIO would bring more trucks. There is no question in his mind that if the use of this property is commercial you are going to have more trucks than you would have ordinarily on both of the streets. He said he could appreciate the problems of the auctions at Mayo's and that he would suffer possibly but he could not envision how we are taking away any of the streets where they are parking their cars now anyway. He said we are not bothering the people who come there for the bids twice a week. They are still going to park on the street whether they park on Harrison - and what we are doing is creating another street on which they will probably park and take some of the cars away from Harrison Avenue. He said Mr. Atzl, the engineer, is here and he could answer any questions you might have relative to the topography, the width of these streets and how they will eventually be finished.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 9:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

(ADOPTED -- RESOLUTION NO. (229-1986))

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