

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/27/86

8:00 P.M.

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

Supervisor called Town Board Meeting to order.
Assemblage saluted the Flag.

The Supervisor read a Community Service Award from the
Town of Clarkstown on behalf of the Parks and Recreation Board
presented to Martus Granirer.

May 23, 1986

Edward J. Ghiazza
Supt. of Recreation and Parks 1985 Community Service Award

The Clarkstown Parks Board and Recreation Commission is pleased to
announce that the recipient of the 1985 Community Service Award is
Martus Granirer of New City, New York.

Mr. Garnirer was instrumental in the Town's Acquisition of the
Charles B. Davenport Preserve Park in Northern New City. He has
been an advocate of conservation in the Town of Clarkstown for the
past 17 years while serving in various capacities of the West Branch
Conservation Association.

This award is presented annually to an individual or organization
who has provided unselfish and meritorius voluntary service in the
field of community parks, recreation or conservation to the Town of
Clarktown for at least five years."

The Supervisor said that there was an article about Mr.
Granirer a week ago in the Rockland Sunday Journal News. The Town
Board is well aware of the contributions that he has made to the
Town of Clarkstown and I think that this is a most deserving award

Mr. Granirer thanked the Town for the award.

Supervisor opened the Public Portion of the meeting.

Appearance: Alec Rosenswig

He thanked the Town Board for the way they handled the
Public Hearing on the proposed mall and gave everybody an
opportunity whether they were for or against to have their say.

RESOLUTION NO (505-1986)

DENYING APPLICATION OF
PALISADES CENTER - CLINTON
SQUARE PLAZA, INC. FOR CHANGE
OF ZONE

Co. Carey offered the following resolution:

WHEREAS, petition dated July 18, 1985, of Joseph F.
Raso, Dominic Raso and Clinton Square Plaza, Inc. requesting a
change of zone from LIO District to a MRS District 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 was duly
scheduled for public hearings held pursuant to Town Law, the Town of
Clarkstown Zoning Ordinance, and the State Environmental Quality
Review Act (SEQRA), which hearings were commenced on January 28,
1986 and continued to February 10, 1986, and concluded on May 5,

Continued on Next Page

ABE209

RESOLUTION NO. (505-1986) Continued

1986, and

WHEREAS, the provisions of the State Environmental Quality Review Act (SEQRA), the regulations contained in Part 617 NYCRR were complied with and all interested parties have been afforded an opportunity to speak at said public hearings or to comment in writing upon said petition, and environmental impact statements and

WHEREAS, the members of the Town Board have given due consideration to said petition with respect to the proposed land use, drainage, traffic conditions, the Town of Clarkstown Master Plan and the ability of the Town of Clarkstown infrastructure to support such proposed zone change, and

WHEREAS, notice of the public hearings were duly published as required by law and said public hearings were held at the time and place specified in the applicable notices;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby determines that the requirements of Part 617 of the New York Code Rules and Regulations (NYCRR), Volume 6, have been complied with, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the application of Joseph F. Raso, Dominic Raso and Clinton Square Plaza, Inc., affecting the properties described above, is hereby DENIED.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

Co. Carey read the following statement:

There are many legitimate concerns over the requested zone change from LIO to MRS in West Nyack for the Pyramid Corporation.

One of the major concerns is the traffic which will be generated on Clarktown's secondary roads (e.g. Snake Hill Road, Kings Highway, Casper Hill Road, Old Mill Road, Germonds Road, Strawtown Road and Bardonia Road, to name a few).

At present, these roads are two-lanes and are not equipped to handle the increased traffic. Major secondary road improvements would have to be made in order to provide the necessary access to the proposed new mall. These roads will not be able to handle the expected 10 time increase the MRS zone will generate which will worsen during holiday shopping. There is also an anticipated 3% yearly increase in traffic.

Clarkstown Town Planning Consultants estimate 30,000 vehicle trips per day, including Saturdays and Sundays. By comparison LIO traffic would be non-existent on weekends.

It is no secret that these smaller town roads would be used as a bypass to gain quicker access to the proposed development.

Continued on Next Page

It is my opinion the secondary roads of Clarkstown are ill-equipped to handle such volume of traffic.

I hereby, in the interest of the health, safety and welfare of the people of Clarkstown, vote no on the proposed request by the Pyramid Corporation for a zone change from LIO to MRS.

Co. Lettre said that this is his seventh year sitting on the Town Board representing the people of the Town of Clarkstown. During those years many proposals have come before me but none having as tremendous an impact upon the people of the Town of Clarkstown as this proposal. I have received over 1,000 hand written or typed unsolicited letters from people throughout the Town of Clarkstown. Out of all those letters received approximately 75% were opposed to such a change and 25% in favor.

In those areas most directly affected by the proposed change - Valley Cottage, Congers, and West Nyack, not surprising to me, there was an excess of 85% who did not want to see this change. The number one concern consistently mentioned by most people in their letters was traffic. Although the applicants have spent a tremendous amount of time and money addressing this concern and have proposed many road improvements in their FDIS, it is my opinion that these improvements would really be needed to provide safe and quick access in and out of this mall. John Sarno, traffic consultant for Raymond, Parish, Pine, and Weiner, Town Planners for the Town of Clarkstown, indicated that we could expect ten times more traffic volume from a mall than an LIO use. The numbers that he cited were approximately 3,000 for LIO versus 30,000 for the shopping mall, excluding Sundays, Saturdays, and holidays. Of all the road improvements that were proposed, nothing in my opinion could nor was proposed to preserve the rural setting and safety of our internal secondary roads in Clarkstown such as Old Mill, Strawtown, Snake Hill, Bardonia, Kings Highway, and many, many others. It is my opinion that these roads would become major arteries taking traffic to and from the proposed mall.

I could go on and on and site many other issues that affected my vote this evening, but I believe that in the best interest of preserving the rural character of Valley Cottage, Congers, and West Nyack I must vote "no" on this proposed change. I believe that it is incumbent upon this Board and this Town to make a diligent and forceful effort in attracting clean, desirable, rateables to this particular site to make sure that we clean up the site and make it truly beneficial to the people of the Town of Clarkstown.

Co. Maloney said this is the biggest decision in my twelve years that will impact on the future of Clarkstown. I was not on the Town Board when the Reynolds Aluminum came before the members of the Town Board.

I have read, studied, and I have tried to understand all the reports from the applicants. I have read all the reports from our Planning Consultant, traffic experts, and from our Planning Board. I have read many, many letters. If nothing else this application has increased the revenue of the United States Postal Service. I have had many, many phone calls at all hours of the night urging me to vote for the zone change and many, many calls urging me to vote against the zone change. Many people whose opinion I respect have urged me to vote for the zone change and many people whose opinion I respect have asked me to vote against it. I'm sure that all my colleagues on the Town Board have given this zone change request all the study and consideration necessary. All of us have spent countless hours listening to both sides at all the Public Hearings and other sessions. I respect their opinions and their reasons for casting their vote for or against the zone change.

I did not make up my mind until this particular weekend when traffic seemed to be the biggest problem - the biggest concern of most people.

Continued on Next Page

ABE209

It would be very easy for me to join with the majority on the Town Board and vote against this but I have rarely ducked an issue and I don't intend to abdicate my responsibility to represent all the citizens of the Town of Clarkstown.

I favor the zone change because the positives outweigh the negatives as far as I'm concerned. Nothing is ever perfect. When I moved to Clarkstown 25 years ago, 304 was a two-lane road. It isn't now. A lot of things have changed since I moved here. Our very own Planning Board voted for the zone change by a vote of 4-2. Admittedly, we have traffic problems throughout this Town. Traffic will increase because there are more people moving into the Town and Traffic will increase whether the mall is built or not but if twelve million is spent on road improvements, as they indicate and coven that they will do it, it just might bring about some road improvements and improve the traffic situation; not only for those going to the mall, but for those that commute.

Our traffic consultant has indicated that with the improvements that they indicate that the roads would be adequate to take care of the traffic generated by the mall.

We certainly could use \$500,000 to solve the drainage problem in West Nyack which has plagued the residents and shop owners for years. The applicant would pay for this and not the tax payers of the Town of Clarkstown.

I also have to think of the people who live on a fixed income and those who are approaching that age. I think that there is a need for the tax rateables that this would bring - especially, school taxes. Not only for those on a fixed income but for all our citizens.

Every time I run for office people have asked me what are you going to do about taxes? What are you going to do about rateables? Well, this is an opportunity to do something about taxes and something about rateables.

I have voted many times with the various citizen groups in the Town of Clarkstown but this time I must part company. I respect their feelings for opposing this and I hope they will respect my feelings for voting for it.

The applicant has agreed to abide by thirteen covenants running with the land in a manner agreeable to the Town Attorney. The applicant has offered to do many, many things that have been unheard of while I've sat on the Town Board and that's why I'm voting for this because I really feel that the benefits far outweigh any of the negatives. On the positive side, tomorrow night I will be meeting with the Industrial Development Committee, of which I am liaison, and a member of that Board has stated that there is someone who wants to buy all the land and develop it as LIO. We will do everything possible to bring this LIO into Town if that is possible. I can promise you that. I don't want to see that land lying as it has for another twenty years but now I must opt for what is present, for what is before us and that is why I vote for the zone change.

Councilman Nowicki read the following statement:

I have based my NO vote on Pyramid's request for a zone change on a theme in Anderson's text, American Laws of Zoning.

The Town Board's power to zone is conditioned upon the general welfare of the community through statutorily approved goals. Another expert, Ian McHarg in Design with Nature has said that the Board must look for the maximum social benefit at the minimum social cost.

Continued on Next Page

Both citations stress that the welfare of the community as a whole, that is, the quality of life, must be paramount in the legislative mind when it deals with planning and zoning. I truly believe that to sustain the validity of a change in zoning there must be a real and substantial relationship to the general welfare.

This requested change would have generated money in exchange for something priceless, our way of life. Amidst all the promises made by the applicant there is no guarantee, nor can there be one, that the quality of our lives will be enhanced by the building of this Mall.

In the hundreds of letters I have received this theme runs through all-despair and outrage that the very environment that drew us to this beautiful community will be destroyed.

I VOTE NO FOR THE UGLIFICATION AND URBANIZATION OF CLARKSTOWN

Addressing the other contentions of the developer briefly:

1) Too little shopping - a) there is a 36 acre Mall already in progress at the Spring Valley border of Nanuet b) there is a 52 acre Mall ready for Rte 202 Haverstraw c) there is the Nanuet Mall - three Malls, adequate I think for our small suburban county.

2) Reduction in taxes

This theme song was a prelude to the building of the Nanuet Mall. There was NO reduction, indeed for a myriad of reasons, taxes have skyrocketed. Paramus' neighbor, New Milford enjoys lower taxes than busy Mall filled Paramus. Could it be that the need for services outweighs the suggested benefits?

3) Roads

Route 59 is the only major east-west artery, the County Legislature and earlier Town Boards having deleted all other east-west roads from the maps. The developers predict 25,000 to 40,000 cars a day at their Mall and as I said last December when they appeared before the Planning Board, those cars will sample the wares at all the Malls, spreading the misery of traffic jams and the pollution all over the Town.

4) Jobs

Stamford and Darien Conn., dealing as we must with a dwindling teenage job market now, bus workers from New York City to fill the jobs at home. The bus in Darien is called the McShuttle. I pledge my energy and support to the Industrial Development Commission to draw a top client for an Industrial Park or to work with interested people in the town to develop the area profitably for the owner and beautifully for the community.

5) Unions

I have always been a friend to labor. I am proud of my record on the Planning Board as a positive, progressive member whose record includes being in favor of excellent ratables on Route 303 and helping create the right climate for the building of the Airport Industrial Park. There will be development on this prime piece of property, development that will not be detrimental to the community. There will be jobs for you and head of household jobs for our growing population

The American poet, Sara Teasdale, said in her poem Barter, "Spend all you have for loveliness, Buy it and never count the cost." Let us not sell all we have instead, our peace, our still remaining country roads, our tranquillity, our quiet Let us preserve what we have, build on it and improve it.

Continued on Next Page

ABE209

TBM - 5/27/86
Page 7

RESOLUTION NO. (508-1986)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC. FOR STREET LIGHTING
-DEFOREST ESTATES, WEST NYACK

Co. Maloney 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:

Subdivision name DeForest Estates West Nyack

Install: One (1) 5,800 lumens sodium vapor street light
on 5 laminated wood poles

Seconded by Co. Carey

On roll call the vote was as follows:

Co. Carey.....Yes
Co. Lettre.....Abstained
Co. Maloney.....Yes
Co. Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (509-1986)

AUTHORIZING SPRING VALLEY
WATER CO. TO INSTALL HYDRANTS
AT (a) N/S ENDICOTT STREET

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control, the Spring Valley Water Company
is hereby authorized to install:

One (1) hydrant as follows:

- 1. N/S Endicott Street, 80 west from center line of
Rockland Avenue

Investigation No.: 9918, and be it

FURTHER RESOLVED, that a certified copy of this
resolution be forwarded to Tricia Betz, Service Investigation Clerk.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (510-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL ONE
(1) HYDRANT - N/S ALTON COURT

Co. Maloney offered the following resolution:

Continued on Next Page

ABE209

RESOLUTION NO. (510-1986) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

One (1) hydrant as follows:

- 1. N/S Alton Court, 200 feet east from the center line of Little Tor Road

Investigation No.: 9901, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation Clerk.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (511-1986)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL SIX FIRE HYDRANTS ON: N/S PIPETOWN HILL ROAD, 400 FEET SOUTH EASTERLY FROM THE CENTER LINE OF SOUTH CENTRAL AVE., N/S PIPETOWN HILL ROAD, 930 FEET SOUTH EASTERLY FROM THE CENTER LINE OF SOUTH CENTRAL AVE., N/E CORNER OF OMNI PARC AND WALTER COURT, E/S WALTER COURT, W/S ALLEN COURT, AND W/S PARKING AREA

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install six (6) fire hydrants on:

- 1. N/S Pipetown Hill Road, 400 feet wouth easterly from the center line of South Central Avenue
- 2. N/S Pipetown Hill Road, 930 feet south easterly from the center line of South Central Avenue
- 3. N/E Corner of Omni Parc and Walter Court, 20 feet from center line of Walter Court
- 4. E/S Walter Court, 425 feet from the center line of Omni Parc Drive
- 5. W/S Allen Court, 175 feet north from the center line of Omni Parc Drive
- 6. W/S Parking Area, 165 feet north from the center Omni Parc Drive
Omni Parc, Spring Valley

Investigation no.: 9815

Continued on Next Page

RESOLUTION NO. (511-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (512-1986)

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH RPPW, INC., FOR PLANNING SERVICES AND THAT THE AMOUNTS FOR THE FISCAL PERIOD SHALL BE CHARGED TO ACCOUNT NO. B8020-409

Co. Carey offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a contract for a term of two years with RPPW, Inc., Planning Consultants, to provide planning consultant services to the Town of Clarkstown in accordance with a proposal dated May 5, 1986, with annexed proposed agreement, for the period May 16, 1986 to May 15, 1988, and be it

FURTHER RESOLVED, that the appropriation for the fiscal period of 1986/87 shall be \$83,316.00 and the appropriation for 1987/88 fiscal period shall be \$89,148.00, and be it

FURTHER RESOLVED, that the amounts referred to above shall be charged to Account No. B-8020-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (513-1986)

SETTING PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE - AMEND SECTION 106-16, TO ADD NEW PARAGRAPH "Q"

Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, 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 8th day of July, 1986, at 8:10 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

ABE209

RESOLUTION NO. (513-1186) Continued

Amend Section 106-10 A, Table 14, Column 3 B by adding to Item 6 as follows:

"6. Restaurant associated with indoor tennis club, health club, office, or industrial use, subject to Section 106-16 Q.

Amend Section 106-16, to add new Paragraph "Q" as follows:

"Q, Restaurant associated with indoor tennis club, office, or industrial use, subject to the following conditions:

- (1) Restaurants associated with offices or industrial uses shall be located on the same site as the primary office or industrial use, and shall be accessory to such uses.
- (2) Restaurants associated with office or industrial uses shall occupy no more than 25% of the total floor area on the site.
- (3) No additional freestanding signs shall be permitted for restaurants associates with office or industrial uses.
- (4) No additional curb cuts shall be permitted for restaurants associated with office or industrial uses.
- (5) All applicable bulk, lot and parking requirements shall be met.
- (6) Restaurants associated with office or industrial uses shall receive site plan approval from the Planning Board."

and be it

FURTHER RESOLVED, that the above proposed amendments be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendation and reports, 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 Town Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, 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.

Seconded by Co. Carey

On roll call the vote was as follows:

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

TBM - 5/27/86
Page 11

RESOLUTION NO. (514-1986)

SETTING PUBLIC HEARING
REGARDING ZONE CHANGE PETITION
- HENRY RENELLA AND MARY
RENELLA

Co. Maloney offered the following resolution:

WHEREAS, HENRY RENELLA and MARY RENELLA, have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-80 district to an R-40 or R-22 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 and 265 for 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 12th day of August, 1986, at 8:10 P.M., relative to the proposed amendment, 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.

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (515-1986)

SETTING DATE FOR PUBLIC
HEARING ON PROPOSED AMENDMENT
TO ZONING ORDINANCE - RE:
DECKS

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment the 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 24th day of June, 1986, at 8:10 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-20 B of the Zoning Ordinance by adding new Item "9" as follows:

Continued on Next Page

ABE209

RESOLUTION NO. (515-1986) Continued

"9. A deck or raised terrace, without a permanent roof or an enclosure below the deck, attached to the dwelling may project into a required rear or side yard under the following conditions:

(a) For subdivision plats approved under the provisions of Town Law Section 281, such deck may project into a rear yard provided that it does not exceed 308 square feet and does not extend out from the building more than 14 feet. This exception shall also apply to side yards provided such deck or raised terrace is not closer than 10 feet to the property line.

(b) For approved subdivision plats which have been rezoned to a lesser density zone after development, a projection into the required rear yard which does not exceed 240 sq. ft. and which does not extend out more than 12 feet from the building is permitted. This exception shall also apply to side yards provided such deck or raised terrace is not closer than 10 feet to the property line.

(c) For individual lots that have non-conforming bulk as to rear or side yard setbacks, such deck or raised terrace may project into the rear or side yard provided it does not exceed 240 sq. ft. in area and is not closer than 10 feet to the property line.

(d) For sites in RG or MF Zones in condominium ownership, such deck or raised terrace may project into a required rear or side yard provided it does not extend out more than 10 feet from the building.

(e) For lots in RG or MF Zones in individual ownership subject to a homeowners association or other cooperative type of ownership, a deck or raised terrace may project into a rear yard provided it does not extend out more than 10 feet from the building and in no event shall it project into any common area," and be it

FURTHER RESOLVED, that the above proposed amendment be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendation and report, 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 Town Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, 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 Clerk.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (516-1986)

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH KORN, ROSENBAUM, PHILLIPS & JAUNTIG FOR AUDIT SERVICES FOR THE TOWN AND CHARGE SUMS TO ACCOUNT NO. A 1320-409

RESOLUTION NO. (516-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, based on recommendation of the Town Comptroller, that the Supervisor is authorized to enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, 117 Route 9W, Haverstraw, New York for an independent audit for the years 1986 and 1987, for the sums of \$20,000 for the year 1986 and \$21,000 for the year 1987, said sums to be charged to Account No. A 1320-409, which agreement shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (517-1986)

AUTHORIZING TOWN ATTORNEY TO
DEFEND ACTION AGAINST THE TOWN
- SIMON RAWLE VS. BLDG. INSP.

Co. Maloney offered the following resolution:

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

SIMON RAWLE,

Plaintiff,

-against-

GERALD COLUCCI, as Building Supervisor
TOWN OF CLARKSTOWN

Defendent.

NOW, THEREFORE, be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (518-1986)

AUTHORIZING INSTALLATION OF
"NO PARKING" SIGNS - BRADLEES
SHOPPING CENTER

Co. Maloney offered the following resolution:

Continued on Next Page

ABE209

RESOLUTION NO. (518-1986) Continued

RESOLVED, that Superintendent of Highways is authorized to install signs in Bradlees Shopping Center as directed in Planning Board's Report to him dated May 27, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (519-1986)

AUTHORIZING APPROVAL OF
REVISED AGREEMENT WITH
SCHOFIELD COLGAN RE:
CLARKSTOWN COMMUNITY CENTERS
IN CENTRAL NYACK AND CONGERS
LAKE AND CHARGED TO
MONEY-IN-LIEU-OF LAND ACCOUNT

Co. Maloney offered the following resolution:

WHEREAS, Schofield Colgan Architects, by letter dated April 25, 1986, has proposed to provide professional services for the addition of multi-purpose rooms to the Congers Lake Recreation Facility and the Central Nyack Community Center, and

WHEREAS, the Clarkstown Parks and Recreation Commission has recommended that the additional services referred to in said proposal be obtained and that a revised agreement with Schofield Colgan be entered into at an additional charge not to exceed \$22,000.00 for such services,

NOW, THEREFORE, be it

RESOLVED, the Supervisor is hereby authorized to enter into an agreement or the amendment of the existing agreement with Schofield Colgan Architects, Hudson River Marina, Nyack, New York, in accordance with the recommendation of the Parks and Recreation Commission and in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the additional services to be provided shall be compensated in accordance with rates appended to said proposal and that expenditures pursuant to this resolution shall not exceed the sum of \$22,000.00, and be it

FURTHER RESOLVED, that all expenditures pursuant to this resolution shall be charged to the Money-in-Lieu-of-Land Account.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (520-1986)

INCREASING REVENUE ACCOUNT NO.
01-002680 (INSURANCE
RECOVERIES) AND APPROPRIATION
ACCOUNT NO. A 9550-910
(TRANSFER TO CAPITAL #2 FUND)
BY \$10,045 AND TRANSFERRING
CAPITAL #2 FUND AND INCREASE
APPROPRIATION ACCOUNT NO. H
5140-05-01-409 (LAKE ROAD
SIDEWALKS) BY \$10,045

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-002680
(Insurance Recoveries) and Appropriation Account No. A9550-910
(Transfer to Capital #2 Fund) by \$10,045, and be it

FURTHER RESOLVED, to transfer said funds to Capital #2
Fund and increase Appropriation Account No. H 5140-05-01-409 (Lake
Road Sidewalks) by \$10,045.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

* RESOLUTION NO. (521-1986) SEE PAGE 37 AND 38)
RESOLUTION NO. (522-1986)

DECREASING ORIGINAL
APPROPRIATION ACCOUNT NO. H
5110-33-209 (HIGHWAY EQUIPMENT
FRS) BY \$20,632 AND
TRANSFERRING \$10,125.31 FROM
FEDERAL REVENUE SHARING FUND
BALANCE (CF 909) TO CAPITAL #2
FUND BALANCE (H909), AND
DECREASING CONTINGENCY ACCOUNT
NO. A 1990-505 AND INCREASING
APPROPRIATION ACCOUNT NO. A
9550-910 (TRANSFER TO CAPITAL
#2 FUND) BY \$7,831.69

Co. Maloney offered the following resolution:

WHEREAS, the 1985 Federal Revenue Sharing Budget for
Highway Equipment was approved by the Town Board for \$250,000 and

WHEREAS, the total expenditures for the year 1985 was
\$247,325 and the total revenue received was \$229,368, and be it

THEREFORE RESOLVED, to decrease the original
appropriation of Appropriation Account No. H 5110-33-209 (Highway
Equipment-FRS) by \$20,632, and be it

FURTHER RESOLVED, to transfer \$10,125.31 from Federal
Revenue Sharing Fund Balance (CF 909) to Capital #2 Fund Balance
(H909), and be it

FURTHER RESOLVED, to decrease Contingency Account No. A
1990-505 and increase Appropriation Account No. A 9550-910 (Transfer
to Capital #2 Fund) by \$7,831.69.

Seconded by Co. Nowicki

ABE209

RESOLUTION NO. (525-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO AN AGREEMENT WITH
THE COUNTY OF ROCKLAND AND/OR
THE ROCKLAND COUNTY INDUSTRIAL
DEVELOPMENT AGENCY, THE
CLARKSTOWN CENTRAL SCHOOL
DISTRICT, AND PAR
PHARMACEUTICAL, INC. AND
PROVIDE FOR PAYMENT OF
MONEY-IN-LIEU-OF TAXES

Co. Maloney offered the following resolution:

WHEREAS, PAR PHARMACEUTICAL, INC., 12 Industrial Avenue,
Upper Saddle River, New Jersey, has applied to the Rockland County
Industrial Development Agency for financing of new commercial
construction, and

WHEREAS, the New York State Industrial Development
Agency Act, General Municipal Law, Real Property Tax Law and other
statutes authorize municipalities to enter into agreements for the
payment of money-in-lieu-of-taxes to facilitate the financing of
industrial projects;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to
enter into an agreement on behalf of the Town of Clarkstown with the
County of Rockland and/or the Rockland County Industrial Development
Agency, the Clarkstown Central School District, and PAR
Pharmaceutical, Inc., and any other necessary parties, which
agreement shall be in a form satisfactory to the Town Attorney and
shall provide for payment of money-in-lieu-of-taxes.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (526-1986)

AWARDING BID #22-1986, REFUSE
PICK-UP SERVICE TO PAT NAZZARO
SANITATION - REFUSE PICK-UP
SERVICE

Co. Maloney offered the following resolution:

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

BID #22-1986
REFUSE PICK-UP SERVICE

is hereby awarded to:

PAT NAZZARO SANITATION
P.O. BOX 481
VALLEY COTTAGE, NY 10989

as per the attached schedule of prices.

Seconded by Co. Carey

Continued on Next Page

ABE209

RESOLUTION NO. (526-1986)Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (527-1986)

AWARDING BID #39-1986 SECURITY
GUARD SERVICE FOR TOWN PARKS
TO JUSTICE SECURITY SERVICES,
INC.

Co. Maloney offered the following resolution:

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

BID 39-1986
SECURITY GUARD SERVICE FOR TOWN PARKS

is hereby awarded to:

JUSTICE SECURITY SERVICES INC.
421 E. ROUTE 59
SUUTE 8
NANUET, NY 10954

as per their low bid proposal of \$7.45 per guard, per hour, and be it

FURTHER RESOLVED, that this is subject to the receipt of
a certificate of Insurance, including coverage for errors and
omissions in the face amount prescribed in the bid specifications,
and be it

FURTHER RESOLVED, that successful bidder must present an
executed Save Harmless Agreement to the Director of Purchasing prior
to start-up of services.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (528-1986)

AWARDING BID #35 TO MCKEE
BROS. INC., CRYSTAL RUN SAND &
GRAVEL INC.

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing that the bid to supply the Town with

WASHED SAND & GRAVEL
(BID #35-1986)

is hereby awarded to:

RESOLUTION NO. (528-1986) Continued

- (1) McKee Bros. Inc.
PO Box 328
Ramsey, NJ 07446
- (2) Crystal Run Sand & Gravel Inc.
154 Spring St.
Monroe, NY 10950

as per the following price schedule

(A) F.O.B. DELIVERED - To Town drop-off point - unloaded

<u>ITEM</u>	<u>PRICE</u>	<u>VENDOR</u>
Tailing	10.00 Yd.	Crystal Run
3/4" Gravel	11.75 Ton	McKee Bros
3/8" Gravel	11.75 Ton	McKee Bros.
Bank Run	9.00 Yd.	Crystal Run
Mortar Mason Sand	11.00 Ton	McKee Bros.
Sand Blasting Sand	No Award	
Concrete Sand	10.00 Ton	McKee Bros.

(B) F.O.B VENDOR YARD - Loaded in Town Trucks

Tailings	4.00 Yd.	Crystal Run
3/4" Gravel	7.00 Yd.	Crystal Run
3/8" Gravel	10.75 ton	McKee Bros.
Bank Run	3.00 Yd.	Crystal Run
Mortar Mason Sand	10.75 Ton	McKee Bros.
Sand Blasting Sand	No Award	
Concrete Sand	10.75 Yd.	McKee Bros.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (529-1986)

AWARDING BID #41 TO BRIGHTON
 STEEL CO., CHEMUNG SUPPLY
 CORP. - OBLATE/ROUND HELICALLY
 CORRUGATED ALUMINUM CULVERT
 PIPE

Co. Maloney offered the following resolution:

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

BID #41-1986

OBLATE/ROUND HELICALLY CORRUGATED
 ALUMINUM CULVERT PIPE

is hereby awarded to

BRIGHTON STEEL CO.
 ROUTE 52
 HOPEWELL JCT. NY 12533

CHEMUNG SUPPLY CORP.
 P.O. BOX 527
 ELMIRA, NY 14902

Continued on Next Page

ABE209

RESOLUTION NO. (529-1986) Continued

as per schedule of prices attached

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (530-1986)

AWARDING BID #43 TO BRIGHTON
STEEL CORP FOR HELICALLY
CORRUGATED STEEL CULVERT PIPE.

Co. Maloney offered the following resolution:

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

BID #43-1986
HELICALLY CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

BRIGHTON STEEL CORP.
ROUTE 52
HOPEWELL JCT., NY 12533

as per the attached schedule of items and proposed prices.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (531-1986)

AWARDING BID #44 TO CHEMUNG
SUPPLY CORP.FOR RIVETED
CORRUGATED STEEL CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #44-1986
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
P.O. Box 527 BOX 527
ELMIRA, NY 14902

as per the attached schedule of items and proposed prices.

Seconded by Co. Carey

RESOLUTION NO. (531-1986) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (532-1986)

AUTHORIZING INCREASE OF FEE
FOR CERTIFICATE OF MARRIAGE
REGISTRATION

Co. Maloney offered the following resolution:

WHEREAS, the fee for a marriage license in the State of New York is \$5.00, and

WHEREAS, the New York State Department of Health has advised the towns in the State that the fee for a certificate of marriage registration may be increased to a fee not to exceed \$5.00,

NOW, THEREFORE, BE IT

RESOLVED, that the fee for a certificate of marriage registration be increased to \$5.00, thereby bringing the total cost for a marriage license and certificate of marriage registration to \$10.00, effective June 1, 1986.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (533-1986)

SECURING THE INSTALLATION OF
THE PUBLIC IMPROVEMENTS IN A
SUBDIVISION PLAT ENTITLED
JALCA BUILDING CORP.
RELEASING PERFORMANCE BOND NO.
105558 IN EXCHANGE FOR LETTER
OF CREDIT NO. 1986-05-05

Co. Maloney offered the following resolution:

WHEREAS, a Performance Bond No. 105558 dated September 30, 1985, in the sum of \$17,000 of the Integrity Insurance Company has been provided to the Town of Clarkstown to secure the installation of the public improvements in a subdivision plat entitled Jalca Building Corp., dated September 19, 1984, last revised September 11, 1985, prepared by Caruso & Haller, P.C., about to be filed in the Rockland County Clerk's Office, and

WHEREAS, the successor to the original property owner, MAZEL KARKAH CORP. desires to substitute an irrevocable Letter of Credit and Owner's Performance Bond to the Town of Clarkstown in place of said Integrity Insurance Company bond;

NOW, THEREFORE, be it

Continued on Next Page

ABE209

RESOLUTION NO. (533-1986) Continued

RESOLVED, that Performance Bond No. 105558 is hereby released in exchange for the Letter of Credit No. 1986-05-05 issued by Union State Bank dated May 5, 1986, in the sum of \$17,000, together with an Owner's Performance Bond dated May 14, 1986, from Mazel Karkah Corp.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (534-1986)

ACCEPTING CONSERVATION
EASEMENT - "THE GLEN" - LOTS
4, 5, 6, AND 7

Co. Maloney offered the following Resolution:

RESOLVED, that upon the recommendation of the Town Attorney and in accordance with proposed subdivision map entitled "THE GLEN", last revised February 18, 1986, prepared by Jack D. Boswell, a declaration of covenant establishing a conservation Easement on portions of Lots 4, 5, 6 and 7 in said sub-division plan about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (535-1986)

AUTHORIZING THREE ADDITIONAL
WORK ORDERS WITH CORADIAN
TELECOMMUNICATION SYSTEMS AND
THAT THE SUM OF \$15,880 BE
CHARGED TO APPROPRIATION
ACCOUNT A 3020-230 AND
DECREASING CONTINGENCY ACCOUNT
A 1990-505 BY \$20,944 AND
INCREASING APPROPRIATION
ACCOUNT A 3020-230 BY \$20,944

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown entered into a contract with Coradian Telecommunication Systems for the installation of a telephone system, and

WHEREAS, the Town Board feels it has become necessary to approve three additional work orders to further the efficiency and operating capacity of the newly installed telephone system,

Continued on Next Page

RESOLUTION NO. (535-1986) Continued

NOW, THEREFORE, be it

RESOLVED, that the following three work orders: Work order dated March 25, 1986 in the sum of \$9,788, work order dated April 21, 1986 in the sum of \$689 and work order dated April 28, 1986 in the sum of \$5,403 for a total sum of \$15,880 are hereby approved for payment, and be it

FURTHER RESOLVED, that the sum of \$15,880 be charged to Appropriation Account A 3020-230 and be it

FURTHER RESOLVED, to decrease Contingency Account A 1990-505 by \$20,944 and increase Appropriation Account A 3020-230 by \$20,944.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (536-1986)

SETTING PUBLIC HEARING ON
PROPOSED AMENDMENT TO THE
ZONING ORDINANCE OF THE TOWN
OF CLARKSTOWN - DAY CARE
CENTERS

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider further 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 8th day of July, 1986, at 8:05 P.M. to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10(A), Tables 8 and 14, Column 3, Section B, Item 7, and Table 15, Column 3, Item 10 of the General Use Regulations, to add the following:

"Day Care Centers, provided same comply with current or amended day care center regulations of the New York State Department of Social Services, and such day care centers shall only care for the children of a person or persons currently employed with an organization that employs at least a minimum of 100 persons full time (35 hours per week), all of whom must be employed in one location on a site partially or entirely within the Town.

The day care center shall be an accessory use at the site at which eligible employees are employed.

Continued on Next Page

ABE209

RESOLUTION NO. (536-1986) Continued

A suitable and safe outdoor play area shall be provided for each day care center, located not less than 100 feet from any street line or 50 ft. from any lot line or parking area. The play area shall include not less than 200 sq. ft. per child. No play area shall be located in any required front yard."

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice os 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

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

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 Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQR review, and be it

FURTHER RESOLVED, that the negative declaration pursuant to SEQR, as stated on attached Exhibit "A" is hereby adopted.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (537-1986)

REFERRING AMENDMENT TO ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN AND SETTING A
PUBLIC HEARING ON PROPOSED
FAMILY DAY CARE

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider further 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 12th day of August, 1986, at 8:15 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10A, Column 2, for R-80, R-40, R-22 R-15 and R-10 Districts, Tables 1, 2, 3, 4 5 and 18, by adding Item "8" to read as follows:

"8. Family day care subject to the following performance standards:

RESOLUTION NO. (537-1986) Continued

(a) A suitable, safe, fenced or other enclosed play area shall be provided, located not less than 50 ft. from any street line or 25 ft. to any lot line. The play area shall include at least 200 sq. ft. per child. No play area may be in any required front yard.

(b) No building areas to be occupied by the children shall be within a required yard.

(c) At least one off-street parking space shall be provided for each staff member, and at least one space per every three (3) enrolled children.

(d) The day care center shall be allowed only as an accessory use to a single-family detached residence. No day care centers shall be located on a lot that includes a two-family conversion.

(e) All licensing requirements of the Department of Social Services shall be met. The Special Permit shall automatically terminate upon sale of the premises, or if the Department of Social Services license is revoked.

(f) No more than six (6) children shall be enrolled in the day care center.

Amend Section 106-3, to add Definition of "Family Day Care", as follows:

"FAMILY DAY CARE - Day care in a family home shall mean day care of not more than six (6) children in a single-family detached residence."

and be it

FURTHER RESOLVED, that the above proposed amendments be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and report, 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 Planning Consultant for the Town of Clarkstown is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, 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 Clerk.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (538-1986)

AUTHORIZING THE SUPERVISOR TO
EXECUTE A HOME RULE REQUEST
FORM (KINGSGATE CONDOMINIUMS
-LAND SWAP)

Continued on Next Page

ABE209

RESOLUTION No. (538-1986) Continued

Co Carey offered the following resolution:

WHEREAS, the Town of Clarkstown has planned a North-South roadway to provide for increased traffic flows in the vicinity of property commonly referred to as "Kingsgate Condominiums," proposed to be developed in the near future, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to authorize a Home Rule Request for the enactment of a Bill by the State Legislature, to permit an equitable swap of Town land for other lands needed for such roadway, and

WHEREAS, a Home Rule Request was forwarded to State Senator Eugene Levy, 38th District, and Assemblyman Robert Connor, 96th District, who have introduced a Bill in their respective legislative chambers, Senate 1929 and Assembly 11195 which would authorize the land swap;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves and requests the enactment by the State Legislature of S.1929 and A.11195, and be it

FURTHER RESOLVED, that the Supervisor and the Town Clerk are hereby authorized and directed to sign a Home Rule Request in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board expresses its appreciation for the cooperation and assistance provided by State Senator Eugene Levy and Assemblyman Robert Connor.

Seconded by Co. Maloney

On roll call the vote was as follows:

Co. Carey.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Co. Nowicki.....Abstained
Supervisor Holbrook.....Yes

RESOLUTION NO. (539-1986)

GRANTING WAIVER FROM THE RESTRICTIONS CONTAINED IN LOCAL LAW NO. 7-1985, TO CHARLES FREIHOFER BAKING CO.

Co. Maloney offered the following resolution:

WHEREAS, a request dated April 3, 1986, was made on behalf of Charles Freihofer Baking Company, Inc., for a waiver from the provisions of Local Law No. 7-1985 (Route 59 Corridor Moratorium), to permit construction of a 7,500 sq. ft. addition to an existing facility located on Route 59 A, Nanuet, New York, and

WHEREAS, this matter was referred to the Clarkstown Planning Board for recommendation and report by resolution dated April 22, 1986, and the Planning Board has recommended that said waiver be granted upon the grounds that there will not be a significant increase in traffic in the affected area;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (539-1986) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants a waiver from the restrictions contained in Local Law No. 7-1985 to authorize Charles Freihofer Baking Company, Inc. to proceed on the project referred to herein, and be it

FURTHER RESOLVED, that this waiver is subject to all other provisions of law.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

Item 24, - a proposed resolution for a STOP sign to be installed on Concord Drive and Dorchester, in New City was Moved by Co. Maloney, however Co. Lettre suggested that the proper procedure was that this be referred to the Traffic & Traffic Fire Safety Advisory Board for their recommendation.

RESOLUTION NO. (540-1986)

CANCELLING BID #42-1986
RIVETED CORRUGATED ALUMINUM
CULVERT PIPE

Co. Carey offered the following resolution:

RESOLVED, that

BID #42-1986
RIVETED CORRUGATED ALUMINUM CULVERT PIPE
(ROUND AND OBLATE)

is hereby cancelled as the item is no longer available.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (541-1986)

SCHEDULING A SPECIAL WORKSHOP
MEETING RE: ROUTE 59
MORATORIUM (LOCAL LAW NO. 7-85)

Co. Lettre offered the following resolution:

RESOLVED, that a special workshop meeting with regard to Route 59 Moratorium (Local Law No. 7-85) is hereby scheduled for 8:00 p.m. June 12, 1986 in Room 301, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

ABE209

RESOLUTION NO. (541-1986) Continued

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

RESOLUTION NO. (542-1986)

SETTING PUBLIC HEARING TO
AMEND COVENANTS IMPOSED UPON
GRANTING OF ZONE CHANGE FOR
KINGSGATE CONDOMINIUMS
COMPLEX, NANUET

Co. Maloney offered the following resolution:

WHEREAS, a petition dated March 14, 1983, has been submitted by Stephen Iser, which petition seeks the amendment of a Declaration of Covenant dated December 20, 1972, recorded in the Rockland County Clerk's Office in Liber 920 of Deeds, at Page 867, as modified by a further covenant dated December 19, 1973, recorded in Liber 941 of Deeds at Page 377, which covenants were imposed as a condition of a zone change granted by the Town Board of the Town of Clarkstown to provide for certain changes in said covenants with respect to the order of construction of said development, provision for recreational facilities, number of bedrooms and other matters as more particularly set forth in Paragraph "4" of said petition, and

WHEREAS, said petition of Stephen Iser has been supported by the owners of the remaining undeveloped portion of the Kingsgate Condominium complex, and

WHEREAS, the Town Board wishes to schedule a public hearing on said matter on its own motion;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 30th day of June, 1986, at 8:00 P.M., relative to the proposed amendments to the Declaration of Covenants as aforesaid, 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 Planning Consultant for the Town of Clarkstown is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

FURTHER RESOLVED, that the Office of the Town Attorney shall comply with Section 106-32 C of the Zoning Ordinance of the Town of Clarkstown with respect to the mailing of notices of public hearing as provided therein, and be it

FURTHER RESOLVED, that this resolution be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations.

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (542-1986) Continued

Co. Carey.....	Yes
Co. Lettre.....	Yes
Co. Maloney.....	Yes
Co. Nowicki.....	Abstained
Supervisor Holbrook.....	Yes

RESOLUTION NO. (543-1986)	SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR OPEN DEVELOPMENT AREA PURSUANT TO TOWN LAW SECTION 280-a(4)
---------------------------	---

Co. Maloney offered the following resolution:

WHEREAS, application has been made by all parties in interest in connection with a development commonly known as Kingstate Condominiums for the designation by the Town Board of the Town of Clarkstown of an open development area, pursuant to the provisions of Section 280-a(4) of the Town Law, for property known and designated on the Clarkstown Tax Map as Map 164, Block A, Lots 34.01 and 34.02, Map 165, Block B, Lots 2, 3, 4, and Map 165, Block B, Lots 33 through 298, and

WHEREAS, the Town Board wishes to schedule a public hearing to consider said matter;

NOW, THEREFORE, be it

RESOLVED, that a public hearing is hereby scheduled to be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 30th day of June, 1986, at 8:00 P.M., relative to said application for 280-a(4) approval, and be it

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

FURTHER RESOLVED, that pursuant to Section 280-a(4), said proposal is hereby referred to the Planning Board of the Town of Clarkstown for recommendation and report on or before June 30, 1986.

Seconded by Co. Carey

On roll call the vote was as follows:

Co. Carey.....	Yes
Co. Lettre.....	Yes
Co. Maloney.....	Yes
Co. Nowicki.....	Abstained
Supervisor Holbrook.....	Yes

RESOLUTION NO. (544-1986)	AUTHORIZING JOHN O'SULLIVAN, CHARLES T. BURGIO, AND HARRIET ROTERMEL TO ATTEND THE 1986 HIGHWAY SCHOOL AT CORNELL UNIVERSITY
---------------------------	--

Co. Carey offered the following resolution:

RESOLVED, that John O'Sullivan, Superintendent of Highways, Charles T. Burgio, Deputy Superintendent of Highways, and Harriet A. Rothermel, Service Dispatcher, are hereby authorized to attend the 1986 Highway School at Cornell University, June 8 through June 11, 1986.

ABE647

RESOLUTION NO. (544-1986) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (545-1986) AUTHORIZING JOHN O'SULLIVAN,
CHARLES T. BURGIO, GEORGE C.
DRESCHER TO ATTEND A ONE DAY
SEMINAR - CORNELL UNIVERSITY

Co. Carey offered the following resolution:

RESOLVED, that John O'Sullivan, Superintendent of Highways, Charles T. Burgio and George C. Drescher, Deputy Superintendent of Highways, are hereby authorized to attend a one day seminar entitled "Powers and Duties of Local Highway and Public Works Officials", sponsored by the Cornell University Local Roads Program, to be held July 22, 1986, in White Plains, N.Y., and

FURTHER RESOLVED, that all proper charges be charged to Appropriation account A1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (546-1986) AUTHORIZING IMPLEMENTATION OF
RECOMMENDATIONS OF HOWARD L.
LAMPERT, TRAFFIC & HIGHWAY
ENGINEERING CONSULTANT RE:
WEST NYACK ROAD, WEST NYACK

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of Howard L. Lampert, Traffic & Highway Engineering Consultant, as contained in his study of the traffic signs needed on West Nyack Road, West Nyack (as per copy attached) that they be hereby implemented, 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. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (547-1986)

RESCINDING RESOLUTION NO.
343-1986 RE SECURITY GUARD
SERVICE AT KEMMER LANE
COMMUTER PARKING LOT AND
AWARDING SAME TO ACTION
SECURITY, INC.

Co. Maloney offered the following resolution:

WHEREAS, Rockland Security, Inc. d/b/a A-1 Security has not complied with all of the bid specifications in the original bid and upon which the original bid award to A-1 Security was awarded and,

WHEREAS, A-1 Security and/or its principals has/have been determined to be an irresponsible bidder; and

WHEREAS, Mr. Richard Lugero, Principal of A-1 Security, Inc. has specifically requested to be relieved of performing under the bid award previously granted to A-1 Security;

IT IS HEREBY RESOLVED that Resolution No. 343-1986 re security guard service at Kemmer Lane commuter parking lot be rescinded and be it further resolved that the award be given to Action Security, Inc.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (548-1986)

IMPLEMENTING RECOMMENDATION OF
TRAFFIC & TRAFFIC FIRE SAFETY
ADVISORY BOARD RE:
INSTALLING SIGN SOUTHSIDE E.
PROSPECT ST. TO CORNER
MIDDLETOWN ROAD, NANUET

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:

"No Parking Here to Corner" sign on the southside of East Prospect St. from utility pole #58832 to corner of Middletown Rd., Nanuet.

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. Nowicki

On roll call the vote was as follows:

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

ABE209

RESOLUTION NO. (549-1986)

ACCEPTING MINUTES OF REGULAR
TOWN BOARD MEETING OF APRIL
22, 1986

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meeting of April 22, 1986 is hereby accepted as submitted by the Town Clerk.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (550-1986)

REAPPOINTING BRUCE COHEN TO
THE POSITION OF MEMBER,
ARCHITECTURAL REVIEW BOARD

Co. Maloney offered the following resolution:

RESOLVED, that Bruce Cohen, 265 Treetop Circle, Nanuet, New York, is hereby reappointed to the position of Member - Architectural Review Board - at the current 1986 annual salary of \$1,000., term effective May 25, 1986 and to expire on May 24, 1991.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (551-1986)

APPOINTING RICHARD A.
SULLINGER TO THE POSITION OF
CODE INSPECTOR, BUILDING DEPT.

Co. Maloney offered the following resolution:

RESOLVED, that Richard A. Sullinger, 27 Glen Drive, Bardonia, New York, is hereby appointed to the position of (temporary) Code Inspector - Building Dept., at the current 1986 annual salary of \$17,739., effective June 2, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (552-1986)

APPOINTING PETER J. BEARY TO
THE POSITION OF (PROVISIONAL)
ASSISTANT BUILDING INSPECTOR

RESOLUTION NO. (552-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Peter J. Beary, 53L Ridge Road, Valley Cottage, New York, is hereby appointed to the position of (provisional) Assistant Building Inspector - Building Department - at the current 1986 annual salary of \$17,739., effective June 16, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (553-1986)

APPOINTING ANGELO PUMA TO THE
POSITION OF (TEMPORARY)
ASSISTANT MAINTENANCE
MECHANIC, MAINTENANCE
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Angelo Puma, 4 Hickory Drive, Nanuet, New York, is hereby appointed to the position of (temporary) Assistant Maintenance Mechanic - Maintenance Department - at the current 1986 annual salary of \$17,739., effective and retroactive to May 26, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (554-1986)

APPOINTING JOSEPH CLAY TO THE
POSITION OF (TEMPORARY)
MAINTENANCE MECHANIC - SEWER
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Clay, 5 Hoffman Street, Spring Valley, New York is hereby appointed to the position of (temporary) Maintenance Mechanic - Sewer Department - at the current 1986 annual salary of \$26,261, effective and retroactive to May 26, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

ABE209

RESOLUTION NO. (555-1986)

ACCEPTING RESIGNATION OF
ROBERT ROY, COURT ATTENDANT,
JUSTICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Robert Roy, 107
Massachusetts Avenue, Congers, New York - Court Attendant - Town
Justice Department - is hereby accepted - with regret - effective
June 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (556-1986)

CREATING THREE POSITIONS OF
SENIOR GROUNDWORKER ARE
HEREBY CREATED

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on December 13, 1985 that three (3) positions of Senior
Groundswoker - Parks Board and Recreation Commission - can be
created,

Now, therefore, be it

RESOLVED, that the three (3) positions of Senior
Groundswoker - Parks Board & Recreation Commission - are hereby
created (in lieu of three (3) positions of Groundswoker) -
effective June 12, 1986 - at a Grade 19.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (557-1986)

CREATING POSITION OF ASSISTANT
MAINTENANCE MECHANIC - PARKS
BOARD AND RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on December 13, 1985 that the position of Assistant
Maintenance Mechanic - Parks Board and Recreation Commission can be
created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Maintenance
Mechanic - Parks Board and Recreation Commission - is hereby created
(in lieu of 1 position of Groundswoker) - effective June 12, 1986 -
at a Grade 22.

RESOLUTION NO. (557-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (558-1986) CREATING TWO POSITIONS OF
GROUNDWORKER - PARKS BOARD
AND RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 13, 1985 that two (2) positions of Groundworker - Parks Board & Recreation Commission - can be created,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Groundworker - Parks Board and Recreation Commission - are hereby created - effective June 12, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (559-1986) CREATING POSITION OF ASSISTANT
SUPERVISOR (GROUNDS) IN LIEU
OF ONE POSITION OF
GROUNDSKEEPER - PARKS BOARD &
RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 27, 1986 that the position of Assistant Maintenance Supervisor (Grounds) - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Maintenance Supervisor (Grounds) - Parks Board and Recreation Commission - is hereby created in lieu of one position of Groundskeeper - effective June 12, 1986 at a Grade 25.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

ABE209

RESOLUTION NO. (560-1986)

ADVERTISING FOR BIDS FOR BID
#47-1986 SALE OF
SURPLUS/ABANDONED VEHICLES

Co. Nowicki offered the following resolution:

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

BID #47-1986
SALE OF SURPLUS/ABANDONED VEHICLES

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

On roll call the vote was as follows:

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

RESOLUTION NO. (561-1986)

TRANSFERRING FUNDS TO HIGHWAY
FUND REVENUE ACCOUNT 04-102301
THE SUM OF \$54,000 DEPOSITED
BY CESTONE COMPANY, SEWER
CONTRACTOR - FUNDS TO BE USED
TO DEFRAY THE COST OF
RESURFACING PHILLIPS HILL ROAD

Co. Maloney offered the following resolution:

WHEREAS, Cestone Company, Sewer Contractor with Rockland
County Sewer District No. 1, Contract No. 61, is obliged to
resurface Phillips Hill Road in New City, and

WHEREAS, it is the opinion of the Superintendent of
Highways that said road should be leveled and graded but should not
be resurfaced until one year after the leveling has been completed,
and

WHEREAS, Cestone is obligated to said Sewer District No.
1 in the sum of \$54,000. for said paving,

NOW, THEREFORE, be it

RESOLVED, that Cestone shall deposit in Highway Fund
Revenue Account 04-102301 the sum of \$54,000.00 and enter into an
agreement satisfactory to the Town Attorney's Office providing for
the completion of the truing and leveling of said road, said funds
to be used by the Town to defray the cost of resurfacing Phillips
Hill Road.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION No. (562-1986)

AMENDING BY REDISTRICTING FROM
LIO DISTRICT TO R-15 DISTRICT
ZONING ORDINANCE OF THE TOWN
OF CLARKSTOWN - DEKA
CONSTRUCTION CORP.

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 8th day of April, 1986, provided for a public hearing on the 27th day of May, 1986, at 8:05 P.M., to consider the application of DEKA CONSTRUCTION CORP. to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Peitioner from LIO district to R-15 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

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 LIO district to R-15 district, the following described property in the Hamlet of Congers, New York, in said Town, and be it

FURTHER RESOLVED, that the above zone change is subject to the record owner filing a covenant in a form approved by the Town Attorney which shall limit access to the premises through North Harrison Avenue, and be it

FURTHER RESOLVED, that the letter dated May 15, 1986 from the Department of Environmental Control recommending that a determination of no significant impact under SEQRA be adopted, is hereby adopted.

Seconded by Co. Carey

On roll call the vote was as follows:

Co. Carey.....Yes
Co. Lettre.....Yes
Co. Maloney.....Abstained
Co. Nowicki.....Yes
Supervisor Holbrook.....Yes

There being no one further wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was declared adjourned, time: 9:11 P.M.

Respectfully submitted

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

*RESOLUTION NO. (521-1986)

DECREASING APPROPRIATION ACCOUNT
A 4210-114 (PART-TIME SALARIES) BY
\$77 AND INCREASING APPROPRIATION
ACCOUNT A 4210-438 (MAINTENANCE
AGREEMENTS) BY \$77

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 4210-114 (Part-time Salaries) by \$77 and increase Appropriation Account A 4210-438 (Maintenance Agreements) by \$77.

Seconded by Co. Nowicki

ABE209

RESOLUTION NO. (521-1986) Continued

On roll call the vote was as follows:

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

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/27/86

9:12 P.M.

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

RE: APPLICATION OF DEKA CONSTRUCTION CORP, RE-AMENDING ZONING
ORDINANCE FROM LIO DISTRICT TO R-15 DISTRICT

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. The Town Clerk read notice calling Public Hearing and Town Attorney testified as to proper posting and publication. In addition there is an affidavit of service of the notice of public hearing by mail upon various municipal boards and agencies within the County of Rockland and there is a letter dated May 6, 1986 from the Rockland County Planning Board indicating that the referral by the Town Board did not result in a review because the examination of the application indicated that the parcel was beyond the 500 foot limit required for referrals under general municipal law section 239.

Mr. Maloney asked if there was any communication from the Town Planning Board.

The Town Attorney said he did have minutes of the Planning Board Meeting of January 9th.

Co. Lettre read the following letter:

*May 27, 1986
Barbara J. Darzinski
70 N. Conger Ave.
Congers, NY 10920

Clarkstown Town Board
Maple Ave.
New City, NY

Salutations,

I am writing this in support of the zone change from LIO to R-15 on North Harrison Ave., Congers. I would also respectfully request that the Board reserve decision on the matter pending submission by the developer of a preliminary map showing designated roads. I make this request based on the belief that the more informed we are the wiser the decision and the fewer regrets we may have in the future.

Thank you for your consideration.

Sincerely
/s/ Barbara J. Dardzinski

Jerome Johnson, Attorney for Deka spoke. He said that the property is on the east side of Harrison Street. (Board shown map of site). He read a letter of December 20th from the Town Planning Board:

*The members reviewed the above request that the Planning Board Meeting of December 18, 1985. Motion of Smith, second of Nest, carried 6-0 with Ayes of Yacashin, Centra, Cunningham, and Paris approving the following: Recommendation to the Honorable Town Board: In reviewing the above request for change from LIO to R15 in relation to the surrounding area, the topography of the comprehensive plan and the statutory requirements, the Planning Board recommended that the petition be granted with the following conditions:

Continued on Next Page

ABE209

1. All lots to be single depth lots with ample distance to be provided between Harrison and Rockland Avenue between Harrison and the railroad leaving as much depth as possible in the rear of the lots along the railroad.

2. All roads to be improved to Town specifications as required by the Department of Environmental Control. In response to the statutory requirements, the Planning Board has made the following determinations as applicable:

(a) The uses permitted by the proposed change would be appropriate in the area, as area to the west side of Harrison Avenue is zoned R-15.

(b) Adequate public school facilities and other public services exist or can be created to serve the needs of the additional residents that would be created as a result of the zone change.

(c) Public water and sanitary sewers can be provided in this area to serve additional residential needs.

(d) There is some vacant land zoned R15 in the area available for development which this applicant has contracted to purchase and can be developed in accordance with existing R15 zoning.

(e) Residential development is occurring in the southeastern part of Congers and we do not see that these additional uses having significant adverse impact.

(f) Although the Master Plan shows this area as industrial, the entire area has been developing as residential uses with small warehouses and would not be a violation of the goals of the Master Plan.

(g) The proposed amendment will result in small increase in the residential capacity of the Town and minimal impact on the cost of providing public services as new roads will be built by the applicant to Town specifications.

(h) Other areas designated to similar developments may also request similar changes but each must be judged on its own merit.

/s/ Richard Paris, Chairman
Town Planning Board*

He also read a letter from the Department of Environmental Control.

*May 15, 1986

Town Board

RE: Deka Construction 128 B 1,2,3,4 and 36

Dear Members:

This is to inform you that 15 days have elapsed since this department acting as staff for the lead agency, notified all involved agencies of its opinion of nonsignificance. This finding is based on the map dated 9/25/85 and the information the applicant supplied. Therefore, since no involved agency submitted a written objection no further processing under SEQRA appears to be required.

Based on the above we would recommend that the Town Board adopt this letter by resolution making any amendments that the Board deems necessary or appropriate and advise the applicant that they may now complete the processing of their application with the appropriate agency."

Continued on Next Page

Very truly yours,

/s/ Kurian L. Kalarickal, P.E.
Kurian L. Kalarickal, P.E.
Staff for the Clarkstown Town
Board"

Actually this really amounts to my entire presentation because I think the Planning Board did an excellent job in their review when we appeared before them. I would only mention that we would be perfectly willing to accept the two conditions which were recommended by the Planning Board. With respect to the letter that was introduced in the record as far as road pattern, there really is no new road pattern to be involved in this development because one of the requirements of the Planning Board was that the lots run from Harrison Street in easterly direction back to the railroad track. As a matter of fact, when we do come in for a development it is quite probable that we will come before this Board and ask the abandonment of those existing paper streets so that these lots can run rather than a 156 feet as they are now to a total of 200 feet which will leave ample space before the railroad tracks.

Co. Lettre asked if he was saying that ingress and egress to the homes would be off of Harrison exclusively.

Mr. Johnson said "yes."

Supervisor asked if there were any members from the public that had a comment for or against.

Appearance: John Lodico

He said that being consistent with my concern for zoning and planning in this Town for all the time that I have been involved and interested in the Town, I would hope that the Board would reject this petition. I think if you don't have the lesson of the erosion of commercial ratables in this Town, maybe I can refresh your memory and go back to Clarkstown's Watergate or Kingsgate in relation to the first erosion of large capacity removing LIO land which is a commercial type ratable. In 1959 the proposal started with the participant which allowed a total complex of 130 acres to be involved in what's now known as Kingsgate. That was the first big chunk of erosion from our commercial to residential concept. That was initiated and supported by the Vines administration which I was a part of. I opposed that erosion and then supported and aided by the Gerber administration. Since that time, the Dusanenko administration, and I might call the present Supervisor administration with the exception of Co. Nowicki, she was not on the Board at that time, has led to more removal of commercial ratables from the LI zone to residential zone than any Board in the history of this Town. In 1972 our former Planner, Theodore Zolendeck, had indicated to the Board at that time that we are limited in our bank of commercial ratables. He referred to the Anderson Book indicating that removing from the commercial to residential is a down zoning. He said he felt that we could no longer remove more commercial land to residential construction. He said that the Town should consider when it costs \$9,000 per child to educate a student, think in terms of what each home costs this community.

Appearance: Frank DiCarla
40 Ridge Road
Congers

He said he is the Zoning Chairman of the Congers Civic Association. He said he is in favor of the zone change and considers it an upzoning. All the streets leading to that tract of land are residential. When the Master Plan was worked on the last time it was brought up by the Civic Association that we would have liked to have seen it at that time changed to residential zone. We're talking about four acres of land and it should be changed just to conform with the existing properties in that area.

Continued on Next Page

ABE209

Mr. Johnson said that he would like to respond to Mr. Lodico that they have a depth of only 156 feet which is not commensurate with the development of LIO.

Mr. Lettre asked if the developer had any problem with covenant in that Harrison Avenue homes would be the ingress and egress to the proposed parcel.

Mr. Johnson said that there would not be any question about that. I think that's the intention.

On motion of Councilman Nowicki, seconded by Co. Maloney, the Public Hearing was CLOSED, RESOLUTION ADOPTED, time: 9:30 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

(ADOPTED BY RESOLUTION NO. (562-1986))