

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/23/86

8:00 P.M.

Present: Supervisor Holbrook  
Councilman Carey, Maloney, Nowicki  
Councilman Lettre arrived 8:14 P.M.  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

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

Town Clerk announced that the Tentative Budget was on file in the Town Clerk's office and was available from 9:00 A.M. to 5:00 P.M. for public inspection. She stated that all Town Board members had received a copy.

Supervisor opened the public portion of the meeting.

Irene Saccende, Code Inspector of the Clarkstown Building Department, stated that the Apfelbaum and Fisher Avenue properties had been cleaned up.

Supervisor said there was still debris behind the property on Fisher Avenue but it was his understanding that it would soon be cleaned up properly.

RESOLUTION NO. (870-1986)

AUTHORIZING TOWN ATTORNEY  
TO PREPARE LICENSE  
AGREEMENT FOR PAVING OF  
AREA USED BY CONGERS/VALLEY  
COTTAGE AMBULANCE CORPS  
(BLUEBIRD DRIVE AND KINGS  
HIGHWAY, CONGERS) PLAN TO  
BE SUBMITTED FOR REVIEW AND  
APPROVAL BY SUPT. OF  
RECREATION AND PARKS AND  
DIRECTOR OF ENVIRONMENTAL  
CONTROL

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission, there is no objection to the paving of the area presently being used by the Congers/Valley Cottage Ambulance Corps at the corner of Bluebird Drive and Kings Highway in Congers, New York, and

FURTHER RESOLVED, that the Town Attorney prepare the appropriate license agreement for this project, and

FURTHER RESOLVED, that the license agreement include a provision directing the Congers/Valley Cottage Ambulance Corps to provide a plan of the proposed improvements to the Clarkstown Parks Board and Recreation Commission for review and approval by the Superintendent of Recreation and Parks and the Director of Environmental Control.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Co. Carey.....Yes  
Co. Lettre.....Yes(retroactively)  
Co. Maloney.....Yes  
Co. Nowicki.....Yes  
Supervisor Holbrook.....Yes

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ABE633

RESOLUTION NO. (871-1986)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW FOR LAND  
SUBDIVISION REGULATIONS

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "LOCAL LAW FOR LAND SUBDIVISION REGULATIONS", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of November, 1986 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted 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 (retroactively)  
Co. Maloney.....Yes  
Co. Nowicki.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (872-1986)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW -  
REGULATIONS FOR APPROVAL OF  
SITE PLANS

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "LOCAL LAW FOR REGULATIONS FOR APPROVAL OF SITE PLANS", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of November, 1986 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the

Continued on Next Page

RESOLUTION NO. (872-1986) Continued

official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted 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 (retroactively)
- Co. Maloney.....Yes
- Co. Nowicki.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (873-1986)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH KOZMA ASSOCIATES (ROUTE 59 DRAINAGE IMPROVEMENT PROJECT) - CHARGE DRAINAGE BOND CAPITAL ACCOUNT NO. 2

Co. Maloney offered the following resolution:

WHEREAS, Kozma Associates, Consulting Engineers, has submitted a proposal dated September 8, 1986, to provide engineering services for the preparation of a Draft Environmental Impact Statement (DEIS) for the Route 59 Drainage Improvement Project, and

WHEREAS, the Town Board wishes to accept said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the above firm in a form satisfactory to the Town Attorney to provide said services, and be it

FURTHER RESOLVED, that the sum of \$51,000.00 is hereby appropriated from the Drainage Bond Capital Account No. 2 for payment in accordance with such agreement.

Seconded by Co. Carey

On roll call the vote was as follows:

- Co. Carey.....Yes
- Co. Lettre.....Yes (retroactively)
- Co. Maloney.....Yes
- Co. Nowicki.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (874-1986)

SETTING PUBLIC HEARING FOR CREATION OF ROAD IMPROVEMENT DISTRICT (NORTH FAIRVIEW AVENUE, NANUET)

Co. Nowicki offered the following resolution:

WHEREAS, by resolution adopted on February 11, 1986 on motion of the Town Board of the Town of Clarkstown, the Director of

ABE633

RESOLUTION NO. (874-1986) Continued

Environmental Control was authorized to prepare plans and specifications and to make an estimate of expenses to establish a road improvement district for premises fronting on North Fairview Avenue, Nanuet, New York, for a frontage distance of approximately 1,043 ft., as indicated on the attached Schedule "A", and

WHEREAS, by report dated September 4, 1986, the Director of Environmental Control had duly presented to the Town Board an estimate of cost of the proposed project and detailed drawings depicting same, and

WHEREAS, the Town Board wishes to further consider the creation of such road improvement district, and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the estimate of the Director of Environmental Control is \$100,000.00;

NOW, THEREFORE, on the Motion of the Town Board, it is ORDERED that the Town Board of the Town of Clarkstown shall meet at the Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of November, 1986 at 8:05 P.M., to consider further the creation of said road improvement district and to hear all persons interested in the subject thereof concerning the same, and it is

FURTHER ORDERED, that the Town Clerk is hereby authorized and directed to publish a copy of the ORDER certified by her in the official newspaper of the Town, post copy of same on the sign board of the Town of Clarkstown, and post same conspicuously in five (5) public places along the above described portion of North Fairview Avenue in the time and manner required by law.

Seconded by Co. Maloney

On roll call the vote was as follows:

Co. Carey.....Yes  
Co. Lettre.....Yes (retroactively)  
Co. Maloney.....Yes  
Co. Nowicki.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (875-1986)

TRANSFER OF FUNDS -  
DECREASE ACCOUNT NO. A  
1110-409 (FEES FOR  
SERVICES) AND INCREASE  
APPROPRIATION ACCOUNTS NOS.  
A 1110-111 (OVERTIME), A  
1110-114 (PART-TIME) AND A  
1110-199 (VACATION BUYBACK)  
- JUSTICE COURT

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1110-409 (Fees for Services) by \$4,715.00 and increase the following Appropriation Accounts:

A 1110-111 (Overtime).....\$ 303.00  
A 1110-114 (Part-time).....\$3,697.00  
A 1110-199 (Vacation Buyback).....\$ 715.00

Seconded by Co. Nowicki

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (875-1986) Continued

Co. Carey.....	Yes
Co. Lettre.....	Yes (retroactively)
Co. Maloney.....	Yes
Co. Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (876-1986)

TRANSFER OF FUNDS -  
DECREASE APPROPRIATION  
ACCOUNT S 5182-424  
(INSTALLATION OF LIGHT  
POLES) AND INCREASE  
APPROPRIATION ACCOUNT S  
5182-199 (VACATION BUYBACK)  
- CONSOLIDATED STREET LIGHTS

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account S 5182-424 (Installation of Light Poles) by \$970.00 and increase Appropriation Account S 5182-199 (Vacation Buyback) by \$970.00).

Seconded by Co. Nowicki

On roll call the vote was as follows:

Co. Carey.....	Yes
Co. Lettre.....	Yes (retroactively)
Co. Maloney.....	Yes
Co. Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (877-1986)

TRANSFER OF FUNDS -  
DECREASE APPROPRIATION  
ACCOUNT A 3010-366  
(PHOTOGRAPHIC SUPPLIES) AND  
INCREASE APPROPRIATION  
ACCOUNT A 3010-209 (OTHER  
EQUIPMENT) - SAFETY

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 3010-366 (Photographic Supplies) by \$50.00 and increase Appropriation Account A 3010-209 (Other Equipment) by \$50.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Co. Carey.....	Yes
Co. Lettre.....	Yes (retroactively)
Co. Maloney.....	Yes
Co. Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (878-1986)

TRANSFERS OF FUNDS -  
DECREASE APPROPRIATION  
ACCOUNT A 1450-401  
(ELECTIONS-RENTAL OF  
PREMISES) AND INCREASE  
APPROPRIATION ACCOUNT A

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RESOLUTION NO. (878-1986 Continued

1450-219 (MISC. EQUIPMENT)  
- RESCIND RESOLUTIONS NOS.  
613-1986 AND 725-1986 - DE-  
CREASE APPROPRIATION AC-  
COUNT A 1410-328 AND IN-  
CREASE APPROPRIATION AC-  
COUNT A 1410-201 - TOWN  
CLERK

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1450-401 (Elections-Rental of Premises) and increase Appropriation  
Account No. A 1450-219 (Misc. Equipment) by \$1,290.63, and be it

FURTHER RESOLVED, that Resolutions 613-1986 and 725-1986  
re: Town Clerk are hereby rescinded, and be it

FURTHER RESOLVED, to decrease Appropriation Account No.  
A 1410-328 and increase Appropriation Account No. A 1410-201 by  
\$224.00.

Seconded by Co. Nowicki

On roll call the vote as as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes (retroactively)
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (879-1986)

TRANSFER OF FUNDS - DE-  
CREASE APPROPRIATION AC-  
COUNT A 7140-203 (PARKS &  
PLAYGROUNDS-MOTOR VEHICLES)  
AND INCREASE APPROPRIATION  
ACCOUNT A 7140-306 (PARKS &  
PLAYGROUNDS-MAINTENANCE  
SUPPLIES) - DECREASE APPRO-  
PRIATION ACCOUNT A 7210-307  
(REFRESHMENT STANDS-UNI-  
FORMS) AND INCREASE  
APPROPRIATION ACCOUNT A  
7210-219 (REFRESHMENT  
STANDS-MISC. EQUIPMENT) -  
RECREATION & PARKS

Co. Maloney offered the following:

RESOLVED, to decrease Appropriation Account No. A  
7140-203 (Parks & Playgrounds-Motor Vehicles) by \$2,000.00 and to  
increase Appropriation Account No. A 7140-306 (Parks &  
Playgrounds-Maintenance Supplies) by \$2,000.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No.  
A 7210-307 (Refreshment Stands-Uniforms) by \$170.00 and to increase  
Appropriation Account No. A 7210-219 (Refreshment Stands-Misc.  
Equipment) by \$170.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes (retroactively)
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (880-1986)

TRANSFER OF FUNDS -  
DECREASE APPROPRIATION  
ACCOUNT B 8110-409 (SEWER  
DEPT.-FEES FOR SERVICES)  
AND INCREASE APPROPRIATION  
ACCOUNT B 8110-199  
(VACATION BUYBACK) - SEWER  
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. B  
8110-409 (Sewer Dept.-Fees for Services) and increase Appropriation  
Account No. B 8110-199 (Vacation Buyback) by \$777.38.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes (retroactively)  
Councilman Maloney.....Yes  
Councilman Nowicki.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (881-1986)

DENYING APPLICATION FOR USE  
OF TOWN LAW SECTION 281  
(RIDGE NINE WEST  
SUBDIVISION)

Co. Carey offered the following resolution:

WHEREAS, Atzl & Scatassa have made written application  
for the use of Town Law Section 281 in connection with the sub-  
division known as Ridge Nine West, and

WHEREAS, the Town Board has reviewed both the standard  
map and the alternate average density map as submitted by the  
applicant, and

WHEREAS, the Town Board feels that there would be no  
benefit to the Town by the use of Town Law Section 281 for this  
subdivision;

NOW, THEREFORE, be it

RESOLVED, that the use of Town Law Section 281 in  
connection with this subdivision is hereby DENIED, and be it

FURTHER RESOLVED, that the Town Clerk notify both the  
applicant and the Clarkstown Planning Board of this denial.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....NO  
Councilman Nowicki.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Nowicki, seconded by Councilman  
Carey and unanimously adopted the Public Hearing re: Violation on  
Premises Map 120, BLock H, Lots 12.1 and 20.1, Central Nyack, New  
York (Northgate Gardens) was opened, time: 8:10 P.M.

ABE633

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Violation on Premises Map 120, Block H, Lots 12.1 and 20.1, Central Nyack, New York (Northgate Gardens) was closed, time: 8:30 P.M.

RESOLUTION NO. (882-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES MAP 120, BLOCK H, LOT 12.1 AND LOT 20.1 (NORTHGATE)

Co. Nowick offered the following resolution:

WHEREAS, by Resolution No. 837, dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 120, Block H, Lots 12.1 and 20.1, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS a public hearing was duly held on September 23, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 3rd day of October, 1986, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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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On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted the Public Hearing re: Violation on Premises Map 120, Block H, Lot 7 - Central Nyack, New York (Crayton), was opened, time: 8:33 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted the Public Hearing re: Violation on Premises Map 120, Block H, Lot 7 - Central Nyack, New York (Crayton), was closed, RESOLUTION ADOPTED, time: 8:40 P.M.

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RESOLUTION NO. (883-1986)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES MAP 120,  
BLOCK H, LOT 7 (CRAYTON)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 838, dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 120, Block H, Lot 7, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 23, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 3rd day of October, 1986, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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

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On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Violation on Premises Map 120, Block H, Lot 11, Central Nyack, New York (Deutsch), was opened, time: 8:43 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation on Premises Map 120, Block H, Lot 11, Central Nyack, New York (Deutsch) was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (884-1986)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES MAP 120,  
BLOCK H, LOT 4.1 (DEUTSCH)

ABE633

RESOLUTION NO. (884-1986) Continued

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 839 dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 120, Block H, Lot 11, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 23, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 10th day of October, 1986, and be it

FUTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Lettre

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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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation on Premises Map 120, Block H, Lot 4.1 (Armstrong), was opened, time: 8:56 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Violation on Premises Map 120, Block H, Lot 4.1 (Armstrong), RESOLUTION ADOPTED, was closed, time: 9:00 P.M.

RESOLUTION NO. (885-1986)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES MAP 120,  
BLOCK H, LOT 4.1 (ARMSTRONG)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (885-1986) Continued

WHEREAS, by Resolution No. 840 dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 120, Block H., Lot 4.1, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 23, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 3rd day of October, 1986, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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

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On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Request for Zone Change from R-80 District to R-40 or R-22 District (Renella), was opened, time: 9:02 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Zone Change from R-80 District to R-40 or R-22 District (Renella), was closed, DECISION RESERVED, time: 11:10 P.M.

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On motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation on Premises Map 127, Block B, Lot 15, Congers, New York (Del Rosario), was opened, time: 9:43 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Violation

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on Premises Map 127, Block B, Lot 15, Congers, New York (Del Rosario), was closed, DECISION RESERVED, time: 9:50 P.M.

RESOLUTION NO. (886-1986)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES MAP 127,  
BLOCK B, LOT 15 (DEL  
ROSARIO)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 751 dated August 12, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 127, Block B, Lot 15, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 23, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated August 12, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 3rd day of October, 1986, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Lettre

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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At this point Councilman Lettre spoke in regard to the proposed zone change on Hutton Avenue which consists of approximately twenty or so parcels, one or two of which has his brother as the contract purchaser and he wished to remove himself from this hearing and become a part of the audience. Supervisor approved this action and Councilman Lettre left the dais and seated himself in the audience.

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Application for Zone Change - PO District to R-10 District (Rossi) and Request for Zone Change - PO District to R 15 or R-10 (Recommendation by Planning Board), was opened, time: 9:55 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Application for Zone Change - PO District to R-10 District (Rossi) and Application for Zone Change - PO District to R-15 or R-10 (Recommendation by Planning Board), was closed, RESOLUTION ADOPTED (Rossi - No. 887-1986) and DECISION RESERVED (Town - No. 888-1986), time: 11:10 P.M.

Supervisor Holbrook said that he would propose, if it meets with the pleasure of the Board, that the Rossi petition for those parcels be granted and then reserve decision pending the 265 petition relating to the Town's motion.

Town Attorney said the 265 petition which Mr. and Mrs. Kiesler filed relates to the lots that are on this map (here referring to a map in his position) in blue. Lots that are in yellow relate to the other parcel to which Mr. Lettre spoke and the Eagle Day Camp. Town Attorney said if these people are not objecting to anything on the west side of Hutton Avenue their petition is not effective to change the voting requirements whatsoever because they are not asking for that.

Mr. Lettre said he did not want to take the liberty of speaking on the Rabbi's behalf but he believed that he is in favor of the Rossi petition. Supervisor stated that he believed it could be adopted subject to a 265 clarification. Town Attorney said at worse, if that petition is opposed to Mr. Rossi's presentation and it does meet the requisite 20% that is required it would take four votes from the Board. Councilman Nowicki stated that you are going to get four votes.

RESOLUTION NO. (887-1986)

AMENDING THE ZONING  
ORDINANCE OF THE TOWN OF  
CLARKSTOWN - PO DISTRICT TO  
AN R-10 DISTRICT (ROSSI)

Co. Nowicki offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 12th day of August, 1986, provided for a public hearing on the 23rd day of September, 1986 at 8:25 P.M., to consider the application of Alfred T. Rossi and Eileen Rossi, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting property designated as: Map 163, Block A, Lots 3, 5, 5.01, 5.02, 5.03, 6, 7, 8, 9, 10, 18 and 21.01, from a PO District to an 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

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 a PO District to an R-10 District, the property designated as: Tax Map 163, Block A, Lots 3, 5, 5.01, 5.02, 5.03, 6, 7, 8, 9, 10, 18, and 21.01, situated in the Hamlet of Nanuet, New York, in said Town, and be it

FURTHER RESOLVED, that based upon the recommendation of the Town's Planning Consultant, and the results of the Short Environmental Assessment Form, the Town Board determines that this zone change shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

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RESOLUTION NO. (887-1986) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (888-1986)

RESERVING DECISION ON  
PROPOSED ZONE CHANGE  
RECOMMENDED BY THE PLANNING  
BOARD (HUTTON AVENUE,  
NANUET)

Co. Carey offered the following resolution:

WHEREAS, a Public Hearing was duly held on September 23, 1986 at 8:25 P.M., to consider, on the Motion of the Town Board, amending the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as: Map 163, Block A, Lots 3, 4, 5, 5.01, 5.02, 5.03, 6, 7, 8, 9, 10, 11 (part of), 11.01, 11.02, 18, 21 and 21.01, from a PO District to an R-15 District, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby RESERVES DECISION on said matter.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Proposed Amendments to Zoning Ordinance of Town of Clarkstown - General Use Regulations (Section 106-10A) was opened, time: 11:12 P.M.

On motion of Councilman Lettre, seconded by Councilman Nowicki, and unanimously adopted, the Public Hearing re: Proposed Amendments to Zoning Ordinance of the Town of Clarkstown - General Use Regulations (Section 106-10A), was closed, DECISION RESERVED, time: 11:20 P.M.

RESOLUTION NO. (889-1986)

RESERVING DECISION ON  
PROPOSED AMENDMENTS TO THE  
ZONING ORDINANCE OF THE  
TOWN OF CLARKSTOWN GENERAL  
USE REGULATIONS -(106-10A,  
TABLES 1, 2, 3, 4, 5, 6, 7)

Co. Lettre offered the following resolution:

WHEREAS, a Public Hearing was duly held on September 23, 1986 at 8:30 P.M. to consider the adoption of proposed amendments to

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RESOLUTION NO. (889-1986) Continued

the General Use Regulations of the Zoning Ordinance of the Town of Clarkstown as set forth on the attached Schedule "A";

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby RESERVES DECISION on said matter.

Seconded by Co. Maloney

Schedule A on File in Town Clerk's Office

On roll call the vote was as follows:

Councilman Carey.....	No
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Abstain

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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Congers Corners, was opened, time: 11:21 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Congers Corners, was closed, ORDER SIGNED, time: 11:23 P.M.

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On motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Maria Estates, was opened, time: 11:23 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Maria Estates, was closed, ORDER SIGNED, time: 11:25 P.M.

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RESOLUTION NO. (890-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGNS (PRIDES CROSSING AND LONG MEADOW DRIVE, NEW CITY; NEWPORT DRIVE, NANUET; EMERALD DRIVE AND SASSON TERRACE, VALLEY COTTAGE) - REMOVAL OF BRANCHES AT STOP SIGN COLLEGE AVE. AND GRACE ST., NANUET

Co. Carey offered the following resolution:

RESOLVED, based upon the recommendation of Howard Lampert, Traffic & Highway Engineering Consultant, the Superintendent of Highways, John O'Sullivan, is hereby directed to install the following:

Continued on Next Page

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RESOLUTION NO. (890-1986) Continued

(a) Prides Crossing and Long Meadow Drive, New City

Two (2) "Stop" signs be installed at this intersection, one for northbound traffic on Long Meadow Drive at Prides Crossing and one for southbound traffic on Ethel Drive at Prides Crossing

(b) Newport Drive, Nanuet

Installation of a "Stop" sign on Newport Drive at Convent Road; installation of a sign reading "Town Speed Limit 30" sign on southbound Newport Drive south of Convent Road. Replace non-conforming "Town Speed Limit 30" sign on Samuel Road at the town line with a properly conforming sign. The two curves on Newport Drive should be properly signed with curve warning signs and 15 MPH or 20 MPH advisory speed signs depending on the curve. The curve just south of Convent Road should be signed by 15 MPH and the next curve to the south should be signed for 20 MPH. (See list of recommended signs attached.) (Signs on file in Town Clerk's Office.)

(c) Grace Street, Nanuet

Remove the tree branches blocking the Stop sign at College Avenue

(d) Emerald Drive and Sasson Terrace, Valley Cottage

Install "Dead End" sign on both Sasson Terrace south of Emerald Drive and Spring Road north of Emerald Drive.

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. (891-1986)

AWARDING BID FOR BID  
#55-1986 - OFFICE FURNITURE  
(PROFTECH, PRIDE OFFICE  
FURNITURE, STATS CORP.,  
BOUTONS, INC., OFFICE  
COMMUNICATION)

Co. Maloney offered the following resolution:

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

BID #55-1986  
OFFICE FURNITURE

is hereby awarded to:

Proftech  
PO Box 185  
South Depot Plaza  
Tarrytown NY 10591

Continued on Next Page

RESOLUTION NO. (891-1986) Continued

Pride Office Furniture  
49 South Main St.  
Spring Valley NY 10977

Stats Corp  
14 Celia Ct  
Suffern NY 10901

Boutons Inc.  
Route 59  
PO Box 148  
Spring Valley NY 10977

Office Communication  
33 N Madison Ave  
Spring Valley NY 10977

as per attached schedule.

(Schedule on File in Town 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

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RESOLUTION NO. (892-1986)

AWARDING BID FOR BID NO.  
56-1986 - 40 CUBIC YARD  
ROLL OFF CONTAINERS (McCain  
INDUSTRIES, INC.)

Co. Maloney offered the following resolution:

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

BID #56-1986  
THREE (3) 40 CUBIC YARD ROLL OFF CONTAINERS

is hereby awarded to

McCain Industries, Inc.  
8 Tideway Lane  
East North Port, New York 11731

for three "Bath tub style" 40 cubic yard open top refuse containers  
per their low bid proposal of \$3,513.00 each.

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

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RESOLUTION NO. (893-1986)

AUTHORIZING PAYMENT TO  
MARGARETANN RIES FOR  
PREPARATION OF TRANSCRIPTS  
FOR PROCEEDING GROSSMAN V.  
ZONING BOARD OF APPEALS

Co. Lettre offered the following resolution:

RESOLVED, that the sum of \$1,113.00 be paid to  
Margaretann Ries, Secretary to the Board of Appeals, for the  
preparation of the transcript required in the following proceeding:

LOOMIS GROSSMAN v. ZONING BOARD OF APPEALS

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. (894-1986)

AUTHORIZING RELEASE OF  
MAINTENANCE BOND WITH  
REGARD TO DEDICATED  
SUBDIVISION (SOUTH OF THE  
MOUNTAIN, SEC. I)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department  
of Environmental Control of the Town of Clarkstown, maintenance bond  
secured by passbooks in the sum of \$8,270.00 furnished to the Town  
in connection with the dedication of the road(s) and improvements on  
February 26, 1985, in a subdivision known as South of the Mountain,  
Sec. I, is terminated and the sum of \$8, 270.00 be released to the  
guarantors.

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

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RESOLUTION NO. (895-1986)

AUTHORIZING ATTENDANCE AT  
NATIONAL RECREATION AND  
PARK ASSOCIATION NORTHEAST  
TRAINING INSTITUTE ON  
MAINTENANCE MANAGEMENT  
(BRUCE D. KNARICH) - CHARGE  
TO APPROPRIATION ACCOUNT A  
7140-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the  
Clarkstown Parks Board and Recreation Commission, that Bruce D.  
Knarich, Maintenance Supervisor (Grounds), is hereby authorized to  
attend the National Recreation and Park Association Northeast

RESOLUTION NO. (895-1986) Continued

Training Institute on Maintenance Management from November 12, 1986 through November 14, 1986 to be conducted in West Springfield, Massachusetts, and

FURTHER RESOLVED, that all necessary expenses not to exceed \$325.00 be charged against Appropriation Account A 7140-414.

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

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RESOLUTION NO. (896-1986)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE PROCEEDINGS FOR REMOVAL OF VIOLATION ON PREMISES MAP 8, BLOCK A, LOT 4.29 (WASHINGTON & POWELL) SETTING PUBLIC HEARING RE SAME

Co. Maloney offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenants(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as Map 8, Block A, Lot 4.29, located at One Albacon Road, Spring Valley, New York, reputedly owned by Lovella Washington and James Powell, has been the subject of a violation notice issued against the property owners for lack of property maintenance of the property in that there are piles of railroad ties, cinder blocks, car parts, miscellaneous debris stacked in front of and against the fencing on the north side of the property line, and a licensed red Ford van bearing License No. 948 BCS which is parked on the east side of the property line and which is filled with parts and debris, which to the extent such accumulation has occured on said property has created a nuisance and hazard to the health, safety and welfare of the community

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as Map 8, Block A, Lot 4.29, reputedly owned by Lovella Washington and James Powell, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and

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RESOLUTION NO. (896-1986) Continued

litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owner(s) that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designees and that the cost of such removal shall be charged and assessed against the property owner(s) in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of November, 1986, at 8:15 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order, if warranted, be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before October 22, 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

\*\*\*\*\*

At this point Councilman Lettre stated that he had not been present when the first six or seven items were voted on. He wanted to know if it was proper for him to cast a vote on those items at this time? Town Attorney said he could add his vote to those items he had missed so long as the meeting is still in progress. Councilman Lettre said that he wanted to vote yes on all the items he had missed.

Town Clerk asked if the Town Attorney was saying that this is proper? Town Attorney said that he was saying that there is no illegality. Councilman Lettre said he wanted to vote yes on all the items he had missed. He then said he wanted to vote no on Item No. 6. Councilman Maloney said if he voted no on Item No. 6 he was joining him (Councilman Maloney.) Supervisor said if you vote yes on No. 6 you are voting to deny the 281. Councilman Lettre said then yes is to deny? Supervisor said that was correct. Councilman Lettre said then he wished to vote yes on that and on all the items he had missed. Councilman Maloney said then you are voting yes for no. Supervisor said yes means no in that instance.

\*\*\*\*\*

RESOLUTION NO. (897-1986)

AUTHORIZING TOWN ATTORNEY  
TO INSTITUTE PROCEEDINGS  
FOR REMOVAL OF VIOLATION ON  
PREMISES MAP 126, BLOCK A,  
LOT 41 (ROSADO) SETTING  
PUBLIC HEARING RE SAME

Co. Maloney offered the following resolution:

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RESOLUTION NO. (897-1986) Continued

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegates to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as Map 126, Block A, Lot 41, located at 29 South Route 303, Congers, New York, reputedly owned by Carlos Rosado and Gladys Rosado, has been the subject of a violation notice issued against the property owners for lack of property maintenance of the property in that there are two dump trucks, three tractor trailers, approximately six unlicensed vehicles, 2 dump trucks, a pickup truck, piles of old tires, miscellaneous groupings of construction material, discarded metal, metal drums and various other piles of debris, which to the extent such accumulation has occurred on said property has created a nuisance, and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as Map 126, Block A, Lot 41, reputedly owned by Carlos Rosado and Gladys Rosado, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owner(s) that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owner(s) in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of November, 1986, at 8:10 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order, if warranted, be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before October 22, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Continued on Next Page

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RESOLUTION NO. (897-1986) Continued

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

\*\*\*\*\*

RESOLUTION NO. (898-1986)

AUTHORIZING TOWN ATTORNEY  
TO INSTITUTE PROCEEDING FOR  
REMOVAL OF VIOLATION ON  
PREMISES MAP 111, BLOCK A,  
LOT 28.07 SETTING PUBLIC  
HEARING RE SAME

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by Rudy Lipkind in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 111, Block A, Lot 28.07, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of November, 1986, at 8:05 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before October 30, 1986.

Swconded 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. (899-1986)

RESCINDING TOWN BOARD  
RESOLUTION 813-1986 (RE:  
HIGHWAY DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution NO. 813-1986, dated September 9, 1986 re: Highway Department, is hereby rescinded.

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

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RESOLUTION NO. (900-1986)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL  
"CHILDREN AT PLAY" SIGN  
SOUTH END OF SASSON  
TERRACE, VALLEY COTTAGE

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RESOLUTION NO. (900-1986) Continued

RESOLVED, Superintendent of Highways, John O'Sullivan, is hereby directed to install a "Children at Play" sign on the south end of Sasson Terrace, Valley Cottage, 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

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ABE633

RESOLUTION NO. (901-1986)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN CORNER OF ASHLAND AND STOCKTON AND ASHLAND AND BELLEVILLE STREETS, VALLEY COTTAGE

Co. Maloney offered the following resolution:

RESOLVED, Superintendent of Highways, John O'Sullivan, is hereby directed to install "Stop" signs on the corner of Ashland and Stockton and Ashland and Belleville Streets, Valley Cottage, 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. (902-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON GERLACH DRIVE AND KINGS HIGHWAY AND CURVE SIGN AT #17 GERLACH DRIVE WITH "20 MPH" PANEL

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 STOP sign on Gerlach Drive at Kings Highway, New City, New York

Curve signs at #17 Gerlach Drive with a panel beneath to read, "20 MPH",

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

RESOLUTION NO. (902-1986) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (903-1986)

DIRECTING DIRECTOR OF ENVIRONMENTAL CONTROL TO SEEK PROPOSAL FOR COST ESTIMATE (FENCE ALONG COTTAGE LANE, VALLEY COTTAGE)

Co. Nowicki offered the following resolution:

RESOLVED, the Director of Environmental Control, Les Bollman, is hereby directed to seek a proposal for a cost estimate for a fence along Cottage Lane, Valley Cottage.

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. (904-1986)

AUTHORIZING PAYMENT TO CPA FOR SERVICES RENDERED REGARDING CLARKSTOWN SANITARY LANDFILL - CHARGE TO ACCOUNT NO. A 1420-409

Co. Nowicki offered the following resolution:

RESOLVED, that the sum of \$1,865.00 be paid to Joseph P. Modafferi, CPA, for services rendered regarding the Clarkstown Sanitary Landfill, said sum to be charged to Account No. A 1420-409.

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. (905-1986)

AUTHORIZING SUPERVISOR TO ENTER INTO CONSENT DETERMINATION WITH MONSEY CARTING COMPANY, INC. FOR LANDFILL VIOLATIONS

Co. Lettre offered the following resolution:

Continued on Next Page

RESOLUTION NO. (905-1986) Continued

WHEREAS, by Charges and Specifications served on or about June 27, 1986, Monsey Carting Company, Inc., a corporation licensed and engaged in the business of garbage removal in the Town of Clarkstown was charged with violation of Section 63-10(C) of the Town Code of the Town of Clarkstown committed on or about June 18, 1986 for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board on June 18, 1986, when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for April 27, 1986 at 8:00 P.M., pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, the attorney for the Respondent and the Respondent have offered to enter into a Consent Determination in lieu of such fact finding hearing being held whereby the Respondent would admit the essential Allegations of Specification No. 1, consent to the imposition of a civil penalty of \$2,800.00, payable on or before September 19, 1986, and further consent to the imposition of a one year period of suspension of the Respondent's right to use the Clarkstown Sanitary Landfill provided that said suspension be deferred upon the condition that the Respondent commit no further violation of the Town Code during the period September 19, 1986 through September 18, 1987, or in lieu thereof, upon conviction or adjudication of any such violation committed during said period such deferred suspension shall be revoked and Respondent, in addition to any other penalties or convictions it may suffer, shall be barred from the use of the Clarkstown Sanitary Landfill for the period of one year thereafter, and

WHEREAS, the Town Attorney recommends acceptance of the offer to this Consent Determination;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Consent Determination pursuant to the terms and conditions set forth above in a form approved by the Town Attorney, or in lieu thereof the public hearing originally scheduled for August 27, 1986 at 8:00 P.M., is hereby rescheduled for September 25, 1986 at 8:00 P.M., in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that said resolution shall be retroactive to September 9, 1986.

Seconded by Co. Maloney

Continued on Next Page

ABE633

RESOLUTION NO. (905-1986) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (906-1986)

AUTHORIZING ATTENDANCE AT  
SEMINAR - WESTCHESTER  
COUNTY BAR ASSOCIATION  
(JOHN COSTA, LOUIS  
PROFENNA, BETTY SQUILLACE)  
- CHARGE TO ACCOUNT NO.  
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a seminar at White Plains, New York, on September 23, 1986, sponsored by the Westchester County Bar Association at a cost of \$16.00 per person, plus travel and other necessary expenses; and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1010-414:

John A. Costa, Town Attorney  
Louis J. Profenna, Comptroller  
Betty J. Squillace, Dir. of Finance.

Seconded by Co. Lettre

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. (907-1986)

DIRECTING SUPERINTENDENT OF  
HIGHWAYS TO ERECT "30  
MINUTE PARKING" SIGNS  
BURNSIDE AVENUE TO  
INTERSECTION OF LIBERTY  
STREET AND THE COMMUNITY  
PARKING LOT, LAKE ROAD,  
CONGERS - BOTH SIDES

Co. Nowicki offered the following resolution:

RESOLVED, the Superintendent of Highways, John O'Sullivan, is hereby directed to erect "30 Minute Parking" signs along Burnside Avenue to the intersection of Liberty Street and the community parking lot on Lake Road in Congers, on both sides.

Seconded by Co. Lettre

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. (908-1986)

DIRECTING SUPERINTENDENT OF  
HIGHWAYS TO COMPLETE WORK  
ON SIDEWALKS ON BARDONIA  
ROAD, BARDONIA

Co. Maloney offered the following resolution:

RESOLVED, the Superintendent of Highways, John  
O'Sullivan, is hereby directed to complete the work on the sidewalks  
on Bardonia Road in Bardonia, 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. (909-1986)

SETTING PUBLIC HEARING WITH  
RESPECT TO ALLEGED  
VIOLATIONS OF CHAPTER 63 OF  
CODE (SANITARY LANDFILL) -  
MARANGI BROTHERS, INC.

Co. Maloney offered the following resolution:

WHEREAS, information has been presented to the Town  
Board which, if true, would establish that Marangi Brothers, Inc.,  
P.O. Box 193, Spring Valley, New York, a garbage carter authorized  
to use the Clarkstown Sanitary Landfill has violated certain  
provisions of Chapter 63 of the Town Code of the Town of Clarkstown  
entitled, "Landfills," which are required to be observed by carters  
who dump in the Clarkstown Sanitary Landfill, in that garbage/debris  
from outside the Town of Clarkstown was dumped therein on or about  
January 8, 1986 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  
Marangi Brothers, Inc., for a hearing to be held before the Town  
Board of the Town of Clarkstown on October 16, 1986 at 8:00 P.M. in  
Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New  
City, 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

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RESOLUTION NO. (910-1986)

SETTING PUBLIC HEARING WITH  
RESPECT TO ALLEGED  
VIOLATIONS OF CHAPTER 63 OF  
CODE (SANITARY LANDFILL) -  
MARANGI BROTHERS, INC.

Co. Maloney offered the following resolution:

Continued on Next Page

ABE633

RESOLUTION NO. (910-1986) Continued

WHEREAS, information has been presented to the Town Board which, if true, would establish that Marangi Brothers, Inc., P.O. Box 193, Spring Valley, New York, a garbage carter authorized to use the Clarkstown Sanitary Landfill has violated certain provisions of Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which are required to be observed by carters who dump in the Clarkstown Sanitary Landfill, in that garbage/debris from outside the Town of Clarkstown was dumped therein on or about September 11, 1986 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 Marangi Brothers, Inc., for a hearing to be held before the Town Board of the Town of Clarkstown on October 16, 1986 at 8:30 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, 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. (911-1986)

SETTING PUBLIC HEARING WITH RESPECT TO ALLEGED VIOLATIONS OF CHAPTER 63 OF THE TOWN CODE (SANITARY LANDFILL) - H & H SANITATION, INC.

Co. Maloney offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that H & H Sanitation, Inc., located at P.O. Box 14, Congers, New York, a garbage carter authorized to use the Clarkstown Sanitary Landfill has violated certain provisions of Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which are required to be observed by carters who dump in the Clarkstown Sanitary Landfill, in that garbage/refuse from outside the Town of Clarkstown was dumped therein on or about September 9, 1986 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 H & H Sanitation, Inc., for a hearing to be held before the Town Board of the Town of Clarkstown on October 30, 1986 at 8:30 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

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. (912-1986)

SETTING PUBLIC HEARING WITH  
RESPECT TO ALLEGED  
VIOLATIONS OF CHAPTER 63 OF  
THE TOWN CODE (SANITARY  
LANDFILL) - ANTHONY TRIPI  
AND SON WASTE DISPOSAL  
SERVICE, INC.

Co. Maloney offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that Anthony Tripi and Son Waste Disposal Service, Inc., located at 2 Collingswood Road, New City, New York, a garbage carter authorized to use the Clarkstown Sanitary Landfill has violated certain provisions of Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which are required to be observed by carters who dump in the Clarkstown Sanitary Landfill, in that garbage/debris from outside the Town of Clarkstown was dumped therein on or about September 3, 1986 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 Anthony Tripi and Son Waste Disposal Service, Inc., for a hearing to be held before the Town Board of the Town of Clarkstown on October 30, 1986 at 8:00 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

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. (913-1986)

SETTING PUBLIC HEARING WITH  
REGARD TO ZONE CHANGE - RS  
DISTRICT TO MF-3 DISTRICT  
(ROCK APPLE REALTY COMPANY)

Co. Lettre offered the following resolution:

WHEREAS, Rock Apple Realty Company has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an RS District to an MF-3 District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 25th day of November, 1986, at 8:10 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that said petition shall be referred to the Clarkstown Planning Board for report within forty-five (45) days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board, and other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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RESOLUTION NO. (913-1986) Continued

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 Robert Geneslaw, Town Planning Consultant, 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.

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. (914-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #57-1986 - TWO FLASHING BEACON SIGN ASSEMBLIES FOR ROUTE 304 AND GERMONDS ROAD INTERSECTION

Co. Maloney offered the following resolution:

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

BID #57-1986  
TWO FLASHING BEACON SIGN ASSEMBLIES  
FOR ROUTE 304 & GERMONDS ROAD INTERSECTION

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, October 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. (915-1986)

AGREEING TO PERMIT DEPARTMENT OF TRANSPORTATION TO INSTALL RAILROAD GRADE CROSSING PAVEMENT MARKINGS AND ADVANCE WARNING SIGNS IN ADVANCE OF RAILROAD-HIGHWAY GRADE CROSSINGS ON HIGHWAYS, STREETS AND/OR ROADS OF MUNICIPALITY

RESOLUTION NO. (915-1986) Continued

Co. Carey offered the following resolution:

WHEREAS, the New York State Department of Transportation has proposed the renewal of worn out or non complying pavement markings and advance warning signs on certain highways, roads or streets within the Town of Clarkstown, and

WHEREAS, the New York State Department of Transportation has made known its intention to advertise a contract for the services necessary to perform the work referred to herein, and has requested an agreement from the Town of Clarkstown to the effect that it will permit the State, its agents and employees to enter upon the highways, roads and/or streets under the jurisdiction of the municipality for the purpose of performing the above-mentioned improvements.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby approve of the above-mentioned improvements to be performed on the highways, roads and/or streets of this municipality and does hereby agree with the State Department of Transportation that the authorities will permit the State, its agents and employees to enter upon the highways, roads and/or streets of the municipality for the purposes of carrying out the above-described improvement project, and it is

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree with the State Department of Transportation that the municipality shall retain jurisdiction over the highways, roads and/or streets affected by the project and hold harmless the State of New York for any damage to the property or persons of others due to the performance of any of the employees or agents of the municipality, and it is

FURTHER RESOLVED, that upon completion of the above-described improvements, the municipality will maintain the improvements and the highways, roads and/or streets in accordance with the New York Highway Law and the Federal Highway Safety Acts of 1973 and 1976 and Federal Standards and criteria in connection with such improvements, and it is

FURTHER RESOLVED, that for the grade crossing locations, the municipality will give its paving schedule to the Department of Transportation so as to ensure that, except as necessitated by emergency situations, newly laid pavement markings are not paved over, and it is

FURTHER RESOLVED, that this agreement shall remain in effect for future improvements of this same type unless written notice to the contrary is provided by the municipality to the New York State Department of Transportation, and it is

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown is hereby directed, within ten days after the adoption of this resolution, to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

TOWN OF CLARKSTOWN

This is to certify that I, the undersigned, Town Clerk of the Town of Clarkstown have compared the foregoing copy of resolution with the original now on file in this office which was passed by said Board on the 23rd day of September, 1986, a majority of all the members elected to the Board voting in favor thereof, and that the same is correct and true transcript of such original resolution and of the whole thereof.

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RESOLUTION NO.(915-1986) Continued

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Clarkstown this 25th day of September, 1986.

/s/Patricia Sheridan,  
Patricia Sheridan  
Town Clerk (SEAL)

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RESOLUTION NO. (916-1986) ACCEPTING ROADS AND RELATED IMPROVEMENTS IN TOWN OF CLARKSTOWN - ENDURA HOMES, INC. (TALL PINES COURT)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed from: Endura Homes, Inc. dated September 24, 1985, conveying road and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Tall Pines filed in the Rockland County Clerk's Office on October 11, 1985, in Liber 104, at Page 40 as Map No. 5808, as follows:

TALL PINES COURT 356 L.F.

is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road and improvements for a period of one (1) year, with security posted by the developer in the amount of \$1,750.00 is hereby accepted, and be it

FURTHER RESOLVED, that the Town Clerk is directed to send copies of this resolution to the Superintendent of Highways and the New York State Department of Transportation.

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. (917-1986) ACCEPTING PUBLIC IMPROVEMENTS IN SUBDIVISION (BUREL JACKSON)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of Environmental Control and the Town Attorney, deed from Burel Jackson, dated February 16, 1984, conveying a sanitary sewer easement to the Town of Clarkstown in a subdivision as shown on Final Plat of "Burel Jackson", filed in the Rockland County Clerk's Office on March 1, 1984, in Book 101 at Page 32, is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

RESOLUTION NO. (917-1986) Continued

FURTHER RESOLVED, that the agreement guaranteeing the public improvement for a period of one (1) year, with security posted by the developer in the amount of \$395.00 is hereby accepted.

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

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RESOLUTION NO. (918-1986)

AUTHORIZING AND DIRECTING TOWN CLERK TO PREPARE COPIES OF TENTATIVE BUDGET (CONSIDERED PRELIMINARY BUDGET FOR PURPOSE OF PUBLIC DISTRIBUTION) AND SETTING PUBLIC HEARING FOR PRELIMINARY BUDGET

Co. Maloney offered the following resolution:

RESOLVED, that the Tentative Budget on file in the Town Clerk's office and presented to the Town Board this day, shall be considered the Preliminary Budget for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 100 copies for public distribution pursuant to Town Law Section 106, and be it

FURTHER RESOLVED, that the Public Hearing to be held on the Preliminary Budget shall be Thursday, October 16, 1986 at 8:00 P.M. in Town Hall Auditorium.

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

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RESOLUTION NO. (919-1986)

ACCEPTING DEEDS FOR ROAD WIDENING STRIP AND DRAINAGE EASEMENT FROM ALBERTA REALTY CORP. WITH GUARANTEE OF IMPROVEMENTS FOR ONE (1) YEAR WITH SECURITY POSTED BY DEVELOPER

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deeds from Alberta Realty Corp. dated September 13, 1983, conveying a road widening strip and 20 feet wide drainage easement to the Town of Clarkstown

ABE633

RESOLUTION NO. (919-1986) Continued

in a subdivision on Final Plat of Alberta Realty Corp., filed in the Rockland County Clerk's Office on October 7, 1983, in Book No. 100 at page 69 as Map No. 5537, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the improvements for a period of one (1) year, with security posted by the developer in the amount of \$590.00 is hereby accepted.

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. (920-1986)

AUTHORIZING ATTENDANCE AT  
HEAD SHOP ENFORCEMENT  
TRAINING CONFERENCE (DAVID  
M. WAGNER) - CHARGE TO  
ACCOUNT NO. 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that David M. Wagner, Deputy Town Attorney, is hereby authorized to attend a Head Shop Enforcement Training Conference, at no cost to the Town, sponsored by the Attorney General of the State of New York at Albany, New York on October 7, 1986, and be it

FURTHER RESOLVED, that travel and other necessary expenses shall be charged to Account No. 1010-414.

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

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RESOLUTION NO. (921-1986)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (ALBERT BELL)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Albert Bell, 70 Pelican Point Road, Wilmington, North Carolina - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to July 29, 1986.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (921-1986) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (922-1986)

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

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Barbara Gladnick, 2 Lakewood Place, New City, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 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. (923-1986)

APPOINTING CROSSING GUARD -  
POLICE DEPARTMENT (THERESA  
SANTOPIETRO)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Theresa Santopietro, 24 Stonehedge Drive, West Nyack, New York - Crossing Guard - at the rate of \$7.00 per crossing - effective and retroactive to September 3, 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. (924-1986)

APPOINTING SUBSTITUTE  
CROSSING GUARD - POLICE  
DEPARTMENT (FRANCES PERRONE)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Frances Perrone, 24 Klein

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RESOLUTION NO. (924-1986) Continued

Avenue, West Nyack, New York - Substitute Crossing Guard - Police Department - at the rate of \$7.00 per crossing, effective and retroactive to September 3, 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. (925-1986) APPOINTING CROSSING GUARD -  
POLICE DEPARTMENT (TRUDY  
TSCHANTRE)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Trudy Tschantre, 20 Gregory Street, New City, New York, Crossing Guard - Police Department - at the rate of \$7.00 per crossing - effective and retroactive to September 3, 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. (926-1986) APPOINTING POSITION OF  
TEMPORARY TYPIST -  
DEPARTMENT OF ENVIRONMENTAL  
CONTROL (RITA KELLY)

Co. Lettre offered the following resolution:

RESOLVED, that Rita Kelly, 32 Red Hill Road, New City, New York, is hereby appointed to the position of (temporary) Typist - Department of Environmental Control - at the current hourly rate of \$6.00 - effective and retroactive to September 10, 1986 - for a period not to exceed 30 days.

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. (927-1986) APPOINTING POSITION OF  
(PROVISIONAL) REAL PROPERTY  
DATA COLLECTOR - ASSESSOR'S  
OFFICE (SALVATORE LANDRO)

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RESOLUTION NO. (927-1986 Continued

Co. Lettre offered the following resolution:

RESOLVED, that Salvatore Landro, 533 Millburn Court, Valley Cottage, 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 September 22, 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. (928-1986)

ACCEPTING WITH REGRET  
RESIGNATION OF MEMBER -  
CONDOMINIUM INFORMATION  
BOARD (SAMUEL L. NEWMAN)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Samuel L. Newman, 20 Squadron Boulevard, New City, New York - Member - Condominium Information Board - is hereby accepted - with regret - effective and retroactive to September 16, 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. (929-1986)

APPOINTING POSITION OF  
MEMBER TO FILL UNEXPIRED  
TERM OF SAMUEL L. NEWMAN -  
CONDOMINIUM INFORMATION  
BOARD (ROSE BYRNE)

Co. Lettre offered the following resolution:

RESOLVED, that Rose Byrne, 137 Treetops Circle, Nanuet, New York, is hereby appointed to the position of Member - Condominium Information Board - to serve without compensation - (to fill the unexpired term of Samuel L. Newman) - term effective September 24, 1986 and to expire on December 31, 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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ABE633

RESOLUTION NO. (930-1986)

AUTHORIZING SUPERVISOR TO  
ENTER INTO CONSENT  
DETERMINATION FOR LANDFILL  
VIOLATION (SCHETTINO) OR IN  
ALTERNATIVE SETTING PUBLIC  
HEARING RE SAME

Co. Lettre offered the following resolution:

WHEREAS, by Charges and Specifications served on or about August 25, 1986, Schettino Service Corp, 73 Ridge Road, Valley Cottage, New York, a corporation authorized to use the Clarkstown Sanitary Landfill and engaged in business of garbage removal in the Town of Clarkstown was charged with violation of Section 63-10(C) of the Town Code of the Town of Clarkstown committed on or about August 1, 1986 for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board on August 1, 1986, when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for October 2, 1986 at 8:00 P.M., pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, Natale Schettino, owner of Schettino Service Corp., the Respondent, has offered to enter into a Consent Determination in lieu of such fact finding hearing being held whereby the Respondent would admit the essential Allegations of Specification No. 1, consent to the imposition of a civil penalty of \$2,800.00, payable on or before October 1, 1986, and further consent to the imposition of a one year period of suspension of the Respondent's Corporation right to use the Clarkstown Sanitary Landfill provided further that said suspension be deferred upon the condition that the Respondent commit no further violation of the Town Code during the period October 2, 1986 through October 1, 1987, or in lieu thereof, upon conviction or adjudication of any such violation committed during said period such deferred suspension shall be revoked and the Respondent, in addition to any other penalties or convictions it may suffer, shall be barred from the use of the Clarkstown Sanitary Landfill for the period of one year thereafter, and

WHEREAS, the Town Attorney recommends acceptance of the offer to this Consent Determination;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Consent Determination pursuant to the terms and conditions set forth above in a form approved by the Town Attorney, or in lieu thereof the public hearing originally scheduled for October 2, 1986 at 8:00 P.M., in the Clarkstown Town Hall shall be convened, and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded with any proposed Consent Determination to the Respondent.

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. (931-1986)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
XEROX CORPORATION

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a rental agreement with the Xerox Corporation in accordance with a proposal dated September 10, 1986, for the rental of copying machines for the Clarkstown Town Hall for a three year term with an expenditure of \$971.69 monthly for thirty-six months, and be it

FURTHER RESOLVED, that the rental agreement provided for herein shall be in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the expenditure for the copying machines shall be charged to Account No. A 1670-402.

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. (932-1986)

RATIFYING MEMORANDUM OF  
AGREEMENT (DATED SEPTEMBER  
4, 1986) AMENDING  
COLLECTIVE BARGAINING  
AGREEMENT BETWEEN TOWN AND  
TOWN OF CLARKSTOWN CSEA  
(APPENDIX "I")

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies the Memorandum of Agreement dated September 4, 1986 amending the 1984-86 collective bargaining agreement between the Town and the Town of Clarkstown (General) Unit of Rockland County Local 844 of the Civil Service Employees Association, Inc. Local 1000-AFSCME, AFL-CIO which adds a new Appendix "I" to said collective bargaining agreement.

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

\*\*\*\*\*

Councilman Nowicki requested that the State remove the weeds from Route 59 between Middletown Road and the Waldbaum-Caldor shopping area because it looks terrible and she was afraid that the curbing and the center island would be wrecked. Supervisor stated that he would call Robin Hartley tomorrow.

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There being no one further wishing to be heard and no

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further business to come before the Town Board, Town Board Meeting  
was adjourned, time: 11:58 P.M.

Respectfully submitted,  
*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

8:10 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney, Nowicki  
Councilman Lettre arrived 8:14 P.M.  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 120, BLOCK H,  
LOTS 12.1 AND 20.1, CENTRAL NYACK, NY (NORTHGATE GARDENS)

On motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted the Public Hearing was declared open. Town Attorney attested to the proper publication and notification.

Town Attorney stated that service had been attempted on the owners at 444 Madison Avenue, New York, New York but no one in the building was familiar with the principal and personal service of the notice was not effected.

Mrs. Saccende, Code Inspector of the Building Department was sworn in by the Town Attorney and she testified as to the hazardous condition of the property and the many times the owners were put on notice - the new owners as well as the previous ones. She also mentioned that she had tried to contact the superintendent of the property but was unable to do so. She presented photographs which had been taken this afternoon. She stated that there had been a very minimal amount of progress made in cleaning up this property.

Town Attorney asked if the autos, debris, etc. constituted an immediate threat to the health, safety and welfare of the residents in the vicinity and Mrs. Saccende answered in the affirmative. She said there was also evidence of a rat infestation. The Health Department had taken some action on individual apartments but that was all they had done.

Mrs. Saccende said they had spoken to the apartment owners on the phone two or three times within the past two weeks and they had attempted to remove some of the cars and have posted the cars stating they were parked illegally and should be removed. The bulk of the cars are not in operating condition.

Mrs. Saccende recommended that the Town go in and clean up the property.

Supervisor stated he had written to the Health Department requesting an apartment by apartment inspection of the site. He said the photographs speak for themselves. The site is the worst he has seen in Clarkstown. There is also an area that might conceivably be a subject for a Chapter 31 hearing in that a burned out section which had previously been secured is no longer secured and constitutes a very real threat. There is also a threat from the engines and gasoline tanks on the abandoned cars located on the premises.

Councilman Nowicki said the garbage is an insult to the residents and Mrs. Saccende said the residents would welcome a clean-up of the area.

Supervisor asked if there was anyone present representing the property owner? No one appeared. Supervisor asked if anyone here having first hand knowledge of the conditions on the subject premises wished to make a comment.

Appearance: Ms. Bernice Glass  
24 Pine Street  
Central Nyack, New York

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Mrs. Glass testified as to the deplorable conditions existing at the subject premises. The residents are paying high rent and are not getting decent premises in which to live. The playground for the children doesn't even look like a playground. There are no sidewalks. She said she could not believe that the owner could operate such premises in the Town of Clarkstown. Mrs. Glass said there is no superintendent there in the event of an emergency of any kind. She said she would like their representatives in the Town of Clarkstown to do something about this place. Supervisor said they intend to do so.

Town Attorney asked Mrs. Saccende if the property owners had been made aware of tonight's public hearing? Mrs. Saccende said they did not mention it during conversations but she was sure they were aware of it because they had been working to try to remove the cars from the property but they had done nothing about the garbage.

Town Attorney stated that they had tried to notify the owners that the Public Hearing was to take place but were unsuccessful in a personal attempt to serve the papers when the property which was listed on the property record card was visited. No one at the address would acknowledge that they knew the principals in Northgate Gardens, Ltd.

Councilman Nowicki asked if we had any names of property owners and Town Attorney said the only thing obtained from the tax records was the name Northgate Gardens, Ltd. This is a partnership and we do not know who the partners are. Councilman Carey said they had at one time gotten in touch with the owners when they were located in Westchester but that was some years ago.

Residents stated that they had paid the superintendent for various repairs but had received no service for their money.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 8:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. (882-1986) ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

8:33 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 120, BLOCK H,  
LOT 7 - CENTRAL NYACK, NEW YORK (CRAYTON)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper publication and notification.

Town Attorney stated that Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown was still under oath and she testified as to the conditions on the subject premises.

Mrs. Saccende said the property abuts the parking area of Northgate (the subject of the immediately preceding hearing). Some of the tenants, in abandoning cars, have put them on this property. Litter and debris from the Northgate dumpster has blown onto this property. In response to a query from the Supervisor, Mrs. Saccende stated that she had inspected the property today. She said there was a minimal amount of debris but there were three abandoned cars there. Contact was made by letter and the owner responded by telephone. Town Attorney asked if the owner was Harry Crayton, Jr. and Mrs. Saccende replied it was and he had been told what was expected of him. The conditions have not been corrected.

Mrs. Saccende said her recommendation would be that when the abandoned cars are removed from the Northgate property they should be removed from this property also. Mrs. Saccende presented photographs of the site.

Supervisor asked if the owner was present. No one appeared.

Supervisor asked if there was anyone from the public wishing to speak on this matter. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was closed, RESOLUTION ADOPTED, time: 8:40 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. (883-1986) ADOPTED)

ABE633

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

8:33 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 120, BLOCK H,  
LOT 7 - CENTRAL NYACK, NEW YORK (CRAYTON)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper publication and notification.

Town Attorney stated that Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown was still under oath and she testified as to the conditions on the subject premises.

Mrs. Saccende said the property abuts the parking area of Northgate (the subject of the immediately preceding hearing). Some of the tenants, in abandoning cars, have put them on this property. Litter and debris from the Northgate dumpster has blown onto this property. In response to a query from the Supervisor, Mrs. Saccende stated that she had inspected the property today. She said there was a minimal amount of debris but there were three abandoned cars there. Contact was made by letter and the owner responded by telephone. Town Attorney asked if the owner was Harry Crayton, Jr. and Mrs. Saccende replied it was and he had been told what was expected of him. The conditions have not been corrected.

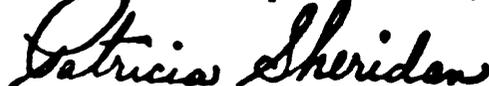
Mrs. Saccende said her recommendation would be that when the abandoned cars are removed from the Northgate property they should be removed from this property also. Mrs. Saccende presented photographs of the site.

Supervisor asked if the owner was present. No one appeared.

Supervisor asked if there was anyone from the public wishing to speak on this matter. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was closed, RESOLUTION ADOPTED, time: 8:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. (883-1986) ADOPTED)

ABE633

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

8:43 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 120, BLOCK H,  
LOT 11, CENTRAL NYACK, NEW YORK (DEUTSCH)

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper posting and notification.

Town Attorney called upon Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown who had previously been sworn in. Mrs. Saccende gave testimony regarding the subject premises.

Mrs. Saccende said this property abuts the Northgate Parking Lot. There were abandoned cars on the premises and there was construction materials also on the corner of this lot. Mrs. Saccende said the notice was sent out and the owners did contact her office stating they were cleaning up the property and they needed some additional time to finish the cleanup.

Mrs Saccende said she initially inspected the premises in the Spring of 1986 and went again in August of 1986. Violation notice was sent out from the Building Department to the address listed as owner in the Clarkstown tax records. She stated the owner contacted her the second week in September and the cars have been removed from the lot itself. There is still some debris and construction materials on the lot. She described the materials.

Mrs. Saccende said she would recommend that if the property owner does not finish his project in cleaning up the property within ten days that the Town go in and clean it up.

Town Attorney asked if the owner was present and Mr. Joseph Deutsch stated he was appearing on behalf of the property owners who are his children. He felt they had not been treated fairly. He said they have not seen this property in over two years and received a notice of violation which gave them ten days to clean up the debris. He said they were unaware of the fact that the vehicles were dumped there. Upon inspection he noted that they had all been registered fairly recently, most of them with 1985 registrations. He posted notices on the cars asking owners to remove the vehicles or they would be towed. When he attempted, with the aid of Teplitz, to remove the cars he was told by two other gentlemen that the cars belonged to Harry Crayton and the property on which they were parked belonged to Mr. Crayton.

Mr. Deutsch said he paced off the property and discovered that the property was Mr. Caryton's and not his and that there are no unregistered vehicles on his (Mr. Deutsch's) property. He said there is a dog house with a dog living in it. He stated that Northgate had put some playground equipment on there and he asked for time to give the people notice to remove this equipment. He promised that this would be cleaned up if the Board would give him until October 10th.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed,  
RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. (884-1986) ADOPTED)

ABE633

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

8:56 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 120, BLOCK H,  
LOT 4.1 - CENTRAL NYACK, N.Y. (ARMSTRONG, JR.)

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper publication and notification.

Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown who had previously been sworn in testified as to her investigation of the site in question. She said the violation notice was sent out in August when the property line was clearly defined.

Mrs. Saccende stated that there was an abandoned vehicle between Mr. Crayton's property and Mr. Armstrong's property. She stated that Mr. Armstrong had contacted her and stated the vehicle had been put there by one of the tenants from Northgate and that tenant was signing a release with the Superintendent of Northgate so that when they removed all the cars they would remove that car too. She stated that she was unable to ascertain who owned this vehicle because there was no registration on it. Town Attorney asked Mrs. Saccende if she was reporting what had been reported to her by Mr. Armstrong and she replied in the affirmative.

Mrs. Saccende said she had visited the site this afternoon and the vehicle is still there with no indication that anyone had even tried to move it. She said there is an overturned dumpster on one end of the property which abuts the Northgate parking lot. Mrs. Saccende said she would recommend that the Town Board clean up this property.

Supervisor asked if the Board members had any questions or if the property owner was present. No one had any questions and the owner did not appear.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:00 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. (855-1986) ADOPTED)

TOWN BOARD MEETING  
PUBLIC HEARING

Town Hall

9/23/86

9:02 P.M.

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

RE: REQUEST FOR ZONE CHANGE FROM R-80 DISTRICT TO R-40 OR R-22  
DISTRICT - (RENELLA)

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 Town Attorney testified as to proper posting and publication.

Supervisor asked Town Attorney if there was correspondence. Town Attorney referred to a Rockland County Planning Board letter of July 24, 1986 which indicates that they find the parcel not within 500 feet of a county property line and therefore had no comment.

Town Attorney also referred to correspondence dated April 30, 1986 from the Clarkstown Planning Board to the Town Board indicating that they had reviewed the requested zone change, had examined the petition for the change in relation to the recent updates to the Comprehensive Master Plan and the surrounding area and reaffirms its original recommendation to change the zone to R-22. He said this recommendation was signed by Richard J. Paris, Chairman of the Clarkstown Planning Board.

Supervisor asked if the applicant was present. Henry Horowitz appeared on behalf of the applicant. Mr. Horowitz presented packets to the Town Board members which contained exhibits to which he would refer in the course of his presentation. Mr. Horowitz presented petitions signed by over one hundred persons in the area who are in favor of the proposed zone change. He asked that they look at the last page of the packet presented where they would see little check marks which correspond with the names on the petition.

Mr. Horowitz said his presentation would consist solely of testimony from those charged with the development and zoning of the Town of Clarkstown. He quoted from a memo of November 12, 1982 with the Town Planner's recommendation. He referred to an additional memo from Town Planner, Mr. Geneslaw to the Town Attorney dated November 11, 1982 which recommended a change from R-80 to R-22. He referred also to Planning Board Minutes of November 17, 1982, Item No. 2 which also recommended R-80 to R-22. All members concurred. On January 9, 1985, Member Smith recommended:

"...this should stay R-22. Member Nowicki concurred as did Member Centra who further noted that there was no purpose in leaving this island as R-80; do not expect this will start a precedent as each application shall be considered on an individual basis: Town will not gain anything for conservation: if developed as R-80 could possibly generate three lots, but no conservation. Member Nest concurred that this is an island unto itself; normally would be against it, but at time of Master Plan considerations did recommend change to R-22, but it slipped by."

Further, the Planning Consultant stated that he did:

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

The motion of Smith, second of Cunningham, carried 7:0 with Ayes of Centra, Nowicki, Nest, Yacyshyn and Paris, approving the following:

Continued on Next Page

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"...Based on Planning Consultant's recommendation and Planning Board's re-review of the repeat request of Mr. Renella, the PB has re-examined this change of zone from R-80 to R-22 in relation to the recently completed Comprehensive Plan, the topography, and the surrounding area, and reaffirms original recommendation made to the Town Board 11/1/82 to grant the requested change. It should be pointed out that the immediate area is zoned R-22 and the proposed zoning will be compatible with the existing neighborhood."

Mr. Horowitz then read the following:

"...The Planning Board has re-examined the petition of Renella for change of zone from R-80 to R-40 or R-22 in relation to the recent update to the Comprehensive Plan and the surrounding area and reaffirms its original recommendation to change the zone to R-22.

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

- a) the uses permitted by the proposed change would be appropriate in the area concerned as they are residential uses,
- b) adequate public school facilities and other public facilities do exist to serve the few additional residences likely to be constructed as a result of the proposed change,
- c) the proposed change is in accord with existing plans for providing public water and sewers in the vicinity,
- d) the amount of vacant land currently zoned for similar development in the area is minimal, as bulk of the area is zoned R-80 and R-160,
- e) land is being developed in all residential zones in the town at a rapid rate, and there are no special circumstances that would make this vacant land unavailable for development,
- f) the proposed zoning is compatible with the Master Plan Update as completed by the Planning Board,
- g) the proposed amendment will not result in much increase in the total zoned residential capacity of the town and would have minimal effect on the cost of providing public services,
- h) other areas could request similar changes, but each would have to be addressed on a individual basis."

Mr. Horowitz said all of this comes from people that this Town Board charges or has charged with the responsibilities of planning this town. Mr. Horowitz then gave a history of the property stating that it had been purchased by Bill Yuhl, the father of Mary Renella (today's petitioner), in 1942, which means this property has been in the family for 46 years.

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

IN FAVOR: No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition to the petition.

IN OPPOSITION

Appearance: Mr. Stephen Cohen  
Centenary Civic Association, Inc.  
4 Tioga Court  
New City, New York 10956

Mr. Cohen read the following statement:

Continued on Next Page

PH - Zone Change (Renella) 9/23/86  
Page 2

Letterhead of Centenary Civic Association, Inc.

\*September 23, 1986

Clarkstown Town Board  
Maple Avenue  
New City, New York 10956

Dear Members:

The Executive Board of the Centenary Civic Association, by unanimous vote of its members, urges the Town Board to again reject the proposed zone change of parcel 81 B6 Renella, New City, from R-80 to R-22 or R-40. Please refer to the attached letter of April 21, 1985. (This letter on file in Town Clerk's Office.) In addition to the arguments presented in the letter of April 21, 1985, the Board is also aware of at least one party that is interested in this parcel of land with "NO" changes in the existing zoning, and would build according to the zone requirements of R-80.

Please reject this proposed zone change, as it is far in excess of what the existing community can adequately accommodate.

Thanking you in advance for your consideration of our points of view.

Sincerely,

/s/ Stephen A. Cohen, President  
Centenary Civic Association

SAC:mp

Encl."

Mr. Cohen stated that there was a party interested in purchasing this property who develop it as R-80. He asked the Town Board to look at Westchester County and Nassau County and what has happened to those suburban areas when there was somewhat of an uncontrolled growth rate. They have become urban extensions instead of suburbs - quite overcrowded and congested. We would not like to see that here in Clarkstown or in Rockland County and he was sure that would be the Town's viewpoint.

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

Mr. Alevy referred to the original petition submitted by the applicant, made some comments regarding the same, and he proceeded to discuss each point in the petition. Mr. Alevy submitted a 265 petition in opposition to the zone change.

Supervisor Holbrook asked if it was a valid 265 petition as it was filed? Town Attorney said he would have to research it as he had not seen it before.

Mr. Alevy urged the board to vote no to any zone change.

Appearance: Mr. Michael Marlin  
South Mountain Road  
New City, New York 10956

Mr. Marlin presented the original 265 petition. He said his property was approximately a quarter of a mile from the applicant's property. He said he would like a chance to analyze how many of the signatures on the petition which Mr. Horowitz submitted are property owners contiguous or directly affected by this application. He said the 265 petition contained 29 signatures, all

Continued on Next Page

ABE633

of people whose property is either adjacent to, or contiguous to, the property in question and it roughly constitutes 80% of the contiguous or adjacent property and they are unanimously opposed to the change. He said Mr. Horowitz read a litany of documentation, most of which was dated in 1982 and all of which was previously considered by this Town Board as it is presently constituted, with the exception of Mrs. Nowicki, and after careful analysis and reservation of decision unanimously rejected the application.

He said we have here tonight an identical presentation in all respects save the fact that they now want R-40 or R-22. He felt that was put in that way in the hope that the Town Board would grant him some middle ground. There is nothing compelling here to warrant this change and he urged the Board to reject this zone change.

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

Mr. Burns said he shares boundary line with the property under consideration. He said in the past there had been some question about road safety and traffic safety with the proposed streets that would have to be constructed for the new housing. One of the exit streets would come out onto Sandstone Trail. The point where it would come out on Sandstone Trail would be on top of the hill on a curve which is already very dangerous. He said the development is cluster housing so they are really quite close together in so far as traffic is concerned. He said to add any more housing would probably be a little more unsafe for our children than it should be.

Appearance: Ms. Louise Laskey  
South Mountain Road  
New City, New York 10956

She wanted to remind the Board of the northern border of this property which she believed is called Torne Brook I. She stated it was her understanding that when the large piece of wetlands had been set aside behind that development, the clustering would not change the zoning so that in essence it is still zoned R-80 and R-40. Therefore, the claim of the owner and his engineer that this is surrounded by R-22 is really not quite correct. She said she agrees that Sandstone Trail has many houses that have much larger property so she feels that this request is one that the Board should deny.

Appearance: Mr. Martus Granirer, President  
West Branch Conservation Assn.  
New City, New York 10956

Mr. Granirer stated that he was speaking on behalf of West Branch in opposition to this petition. He said that Mr. Horowitz is asking for a zoning of R-40 which the surrounding property does not have. In fact, he is asking for a spot zone. He said he was present at the Planning Board when the question of making this property R-22 on the Master Plan first came up sometime in 1982. At that time Mr. Horowitz raised the question himself before the Planning Board and suggested that while they were taking these things up why didn't they straighten out this problem because this property was like the property that surrounded it.

Mr. Granirer said he believed that Mr. Horowitz correctly quoted what took place later on when the Planning Board said they accepted the R-22 suggestion because it is completely surrounded by R-22. He said he thinks that everyone present that night thought that Mr. Renella was surrounded by R-22 when, in fact, he wasn't. The block of apparent R-22 that was near Mr. Renella's property was a little lot on Seneca Court and Sandstone Trail that

PH - Renella Zone Change - 9/23/86  
Page 5

was the result of the Torne Brook clustering which Mr. Horowitz, himself, had arranged and which represent a lot of two acre zoning all to the west clustered in one place. It was understood when this Board accepted the idea that there be Town Law 281 to make the very first cluster Clarkstown had ever seen. The reason for allowing all these houses to come so much closer together than you otherwise would have allowed was that the Town benefitted. The Town got 103 acres of wet land set aside for the protection of everyone in the area.

If Mr. Renella gets what looks like what was done in Torne Brook, Mr. Renella will not be giving the Town any land. What happened was that the Planning Board took a look at a map without remembering what had happened and they got stuck with it. When it came up again in 1985, Mr. Paris recognized that the actual R-22 lots surrounding Mr. Renella's were actually larger than half acre. Mr. Geneslaw pointed out to the Town Planning Board that it would be a little unwise to show that Town Law 281 is a downzoning. It looks like a downzoning to many people and he suggested that it wasn't a good idea to grant this zone change because it might convey the idea that a Town Law 281 clustering wasn't really a clustering but a downzoning in disguise and it might be a little misleading and Mr. Granirer said he thought it would be misleading.

Mr. Granirer said the land that surrounds Mr. Renella isn't really half acre and it certainly isn't R-40 and he hoped the Town Board would recommend against.

Supervisor asked Mr. Horowitz if he had any further comments. Mr. Horowitz said he had originally started off in the hope that we could cut out the opinions, speculation and so on but evidently this is not to be. He said if the Town Board members would look in the packets which Mr. Horowitz had given them they would see that he had included the minutes of the meeting to which Mr. Granirer had referred - January 9, 1985. Any comments which were made at these meetings were not held back. The Planning Board might have made one mistake and maybe two or even three mistakes but to have made the same mistake four times among fourteen different members - not so.

If the density was a smart move and everyone seems to feel that it was, it was the very Planning Board he was talking about that created it. You have on the one side the people who live with this thing every Wednesday night and several nights during the week indicating what should be done and now we have the people coming out and he can understand their rationale, but all the meetings of the Planning Board are open to the public. These people were not at those meetings. The input was not given at that time. Mr. Horowitz said that we have the zone maps and if you read the petition and all the documents submitted it indicates that the area south and east of the subject property is zoned as R-22.

At this point Mr. Horowitz referred to the map in detail and offered to help anyone having difficulty reading it. The comment that has always been made is that the property to the south and the east is R-22. The comment also has been made that the property to the west, while zoned as R-22 is developed in 17,000 square feet and as a matter of fact, two of the individuals who got up, Mr. Alevy and Mr. Burns, live on these two parcels. The two parcels on which they live measure out to the following: Mr. Alevy's lot is 19,934 square feet and Mr. Burns' lot is 17,069 square feet. We receive the comment that our request is to go down to a lot area of 22,000 square feet. The comment that this is going to cause heavy density is just not so.

Mr. Horowitz said with regard to the road network the Planning Board again, who has the responsible charge and correctly so, provided for an access on Sandstone Trail even though Mr. Renella has in excess of 300 feet on South Mountain Road. It does

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not mean that they will be using Sandstone Trail - they may not even be using South Mountain Road. They may be using both or neither. This will be a determination which the Planning Board will make when this particular property is subdivided.

The indication was that there is an individual who is willing to buy the property and develop it as it is. That is of no significance. All they are asking for is just a sense of fair play. He referred to the mention of the petition submitted and he said that gentlemen had raised and correctly so, where do the people live? Are they affected property owners? The last map indicates precisely where they live. In the petition submitted by the adjoining property owners (something like 35 or 40) there are only 5 lots from the adjoining subdivision or a total of 7 lots which could count. Assuming everyone of them protested it could not come up to more than 7 lots. Mr. Horowitz said when he mentioned Mr. Renella's petition which contained more than 100 signatures people wanted to know what significance the Board may put on it, the Board can take the same approach with the petition that was submitted here. It does have a legal impact if, in fact, a significant number of his petitioners did sign the petition. However, there are only 7 adjoining property owners.

Mr. Horowitz said he was most anxious that the Board be aware that as far as road network is concerned that will be determined by the Board. As far as the consideration by the Planning Board they did this in extremely great detail at least four times formally and always at public hearings. At our request it should go down to R-40 or preferably to R-22. This would result in lots larger than those existing by the great majority of the signers on the petition which you have.

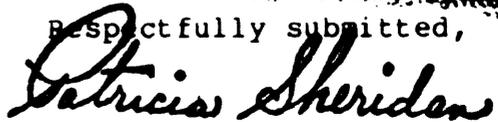
Councilman Nowicki asked if there were 14 adjoining property owners - is that correct? Mr. Horowitz said you have to separate an adjoining from an opposite property owner. You cannot go across the street. The law is very precise in adjacent, adjoining and opposite property owners. Councilman Nowicki said then there are 8 abutting. Mr. Horowitz said he has just mentioned that the greatest number of abutting property owners who would have a legal impact should this be signed would be 7 but you don't need all 7.

Councilman Lettre said that the Town Attorney's Office will determine the validity of that. Mr. Horowitz said he was sure that was the case and that they (he and Mr. Renella) would also be making their own determination.

Supervisor stated that due to the fact that a 265 petition had been filed he would recommend that the Board reserve decision until the next Town Board Meeting in two weeks whereupon a decision will be made in regard to this matter.

There being no one further wishing to be heard on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:42 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

DECISION RESERVED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

9:43 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,  
HAZARD AND LITTER ON PROPERTY DESIGNATED AS MAP 127, BLOCK B,  
LOT 15, CONGERS, NEW YORK (DEL ROSARIO)

On motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to the proper publication and notification.

Town Attorney stated that in addition to the litter on the property the Del Rosarios may be responsible for abandoned and unregistered cars parked on Fisher Avenue, a paper street which abuts the property described.

Town Attorney said an order had been served on the property owners with respect to 19 Friend Street. However, it was determined that the property owners did, in fact, reside at 282 Route 303, Congers, New York. On August 13, 1986, the Order pursuant to the Board's resolution was served by leaving a copy of it with Rita Del Rosario, a daughter and a mailing of a copy of certified mail to the address stated on the same day.

Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown, still under oath, testified as to the condition of the property in question. Mrs. Saccende said the property is located on Friend Street and Fisher Avenue in Congers. She made a personal inspection of the property many times during the past few years and there has been an on going problem with repair of cars on the paper street which abuts the property. She stated that the first violation notice was sent out on April 7, 1986 after a personal inspection of the premises. An information was then filed in the Justice Court on May 12, 1986 for a court hearing. The property owner was formally charged with a violation of the Town Code. Mrs. Saccende said the matter is still pending in the Justice Court. This matter has come up three times and been adjourned.

Mrs. Saccende said she met in August with Mrs. Helen DelRosario, one of the owners of the described property, on the property itself and they went over the property and discussed all the items that had to be removed or cleaned up and the owner agreed that it would be taken care of. Mrs. Saccende itemized just what she had instructed Mrs. DelRosario to have removed. This included cars which were unregistered. Mrs. Saccende then presented photographs of the cars left on Fisher Avenue.

Supervisor asked if any attempt to clean up this property had been made since these actions by the Town? Mrs. Saccende said the property itself has been cleaned. The cars had been removed with the exception of one (and you are allowed to keep one unregistered vehicle on your property). Today, however, when she inspected the property there were four unlicensed vehicles back on the property and also a tow truck.

Town Attorney asked if, when Mrs. Saccende said the property, she was referring to the property owned by the DelRosarios or the paper street known as Fisher Avenue, abutting their property. Town Attorney then gave a description of a paper street and Mrs. Saccende agreed that this was indeed a paper street to which she was referring.

Town Attorney asked if Mrs. Saccende had been able to ascertain how these vehicles came to be placed on this paper street

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and she stated that today she had spoken with the tenant's son and he advised that the tow truck was owned by a friend of his father's and that the unlicensed car hooked up to the tow truck was going to be removed and he replied that he thought it would be later today. Town Attorney asked did he then indicate that he was responsible for the vehicles and she said that he indicated that members of his family were so responsible.

Mrs. Saccende's recommendation to the Town Board was that the cars left on the abutting property did belong to the tenant in the house and should be removed. The tow truck is definitely not warranted in a residential district.

Supervisor asked if the owner of the property was present this evening. No one appeared.

Supervisor asked if the Town Board members had any questions or if any member of the public present had questions or would like to add any information to this hearing.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the public hearing was declared closed, time: 9:50 P.M.

Respectfully submitted,  
*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

(Resolution NO.: 886-1986 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARINGS (2)

Town Hall

9/23/86

9:55 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney, Nowicki  
(Councilman Lettre excused for this hearing at his  
request to avoid possible conflict of interest)  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: (1) APPLICATION FOR ZONE CHANGE - PO DISTRICT TO R-10  
DISTRICT (ROSSI) - APPLICATION FOR ZONE CHANGE - PO  
DISTRICT TO R-15 OR R-10 DISTRICT (RECOMMENDATION BY  
PLANNING BOARD)

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearings were opened. Town Attorney said these were two public hearings to be held at the same time involving similar properties. One petition recommended by the Planning Board is for a zone change with respect to more property than the Rossi petition which is also the subject of this public hearing.

Town Clerk read notices calling Public Hearings and Town Attorney testified as to proper posting and publication.

Supervisor asked the Town Attorney if there were any recommendations included in the information which should be read into the record at this time? Supervisor mentioned that there had been a SEQRA review by Mr. Geneslaw dated September 22, 1986 and Town Attorney said that was correct and it indicated that there would be no significant impact on the environment should the changes be effected.

Town Attorney referred to correspondence dated July 7, 1986 from the Clarkstown Planning Board which relates to the zone change request for Rossi and other parcels. The recommendation to the Town Board is that the Planning Board supports the petitioners for the waiver from Local Law No. 7 at the time a moratorium was in effect. The Planning Board does not agree with the request for change to R-10 but concurs with preliminary findings prepared by RPPW that the area along Hutton Avenue and Kemmer Lane be rezoned to R-15.

Supervisor also referred to a recommendation from the Rockland County Planning Board dated August 25, 1986.

Councilman Nowicki asked which side the Planning Board was suggesting? Town Attorney said the area along Hutton Avenue and Kemmer Lane be rezoned R-15. Supervisor noted that the Rockland County Planning Board's letter of August 29, 1986 noted that they approve and state that it is for local determination.

Councilman Carey said he would make the assumption that as far as the R-15 is concerned it looks like lots 4, 11, 11.01, 11.02 and 21 are recommended for R-15 and they do not appear on the petition for R-10. Mr. Geneslaw said that was correct. Supervisor said in the petition which the Town did on behalf of the Planning Board we phrased that in the alternative - R-10 or R-15. The Planning Board's recommendation is for R-15 as opposed to R-10.

Supervisor said in a nutshell Mr. Rossi's petition is for certain parcels that are R-10. The motion of the Town puts it in the alternative - R-10 and R-15 for the lands on both sides of the street and the Clarkstown Planning Board's recommendation is that it be changed to R-15.

Town Attorney said he had a copy of a Town Law 265 objection filed by Rose Kiesler and Harry Kiesler of 46 Hutton Avenue, Nanuet who are the reputed owners of Block A, Lots 11.01 and 4. Town Attorney said he had prepared a map since he had an

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opportunity to review that petition indicating the properties of the petitioners and the properties that are scheduled for tonight's hearing and he did not think it was close in terms of the 20%.

Supervisor called upon Mr. Rossi who was appearing on his own behalf.

Appearance:                    Mr. Alfred Rossi  
                                  41 Hutton Avenue  
                                  Nanuet, New York 10954

Mr. Rossi said before he began his presentation he would like to clear up a point. He said he believed a 265 petition was filed but it was his understanding that it is not filed against his petition. Town Attorney said it was an objection to the change of the parcels to either R-15 or an R-10. Mr. Rossi said he would like it clarified. Councilman Nowicki stated that Mr. Rossi's petition leaves out the Kiesler property therefore that 265 could not be directed against Mr. Rossi's petition. Town Attorney said it could be as an abutting property owner addressed toward parcels not being considered but in any event it appears on the face of it that the required 20 per centum hasn't been reached so it would not be effective with respect to making the Board have to have four votes.

At this point, Mr. Michael Lettre spoke from the audience and stated that he was a contract purchaser and he did have an objection on behalf of two adjoining property owners which will definitely put it beyond the 20% but he was just waiting for the public hearing to be opened before presentation.

Town Attorney said that might change what he had to say and he requested that the petition be given to the Town Clerk.

Mr. Rossi said he wanted it stated for the record that there are two petitions and two public hearings here - one is his petition which excludes the east side of Hutton Avenue which is the property under contract to Lettre and property owned by Kiesler. He said he wanted to know now before he begins his presentation whether their filing of a 265 has anything to do with his petition for a zone change which has nothing to do with their property.

Mrs. Kiesler said Mr. Rossi is suggesting her side of Hutton Avenue is to remain PO and that his side be R-10. Mr. Rossi said that his petition has nothing to do with the Kiesler's side of Hutton Avenue. Supervisor asked Mrs. Kiesler if she had any objection to Mr. Rossi's petition. Mr. Kiesler said as R-10 we have no objection. Mr. Rossi said then he wants to set the record straight before he begins that the filing of the Kiesler 265 petition only pertains to the Planning Board recommendation which encompasses a larger area and does not apply to his petition which totally excludes the east side of Hutton Avenue which is the Kiesler property and apparently property under contract to Lettre.

Supervisor asked Town Attorney if that would be appropriate and Town Attorney said yes, the petitioners are here and they are clarifying their intention. He asked Mr. Rossi if it was his intention to oppose any change on the west side of Hutton Avenue? Mr. Rossi said no. Town Attorney said he did not know what Mr. Lettre's intention was and Mr. Lettre said he was merely submitting the petition on behalf of the Rabbi who owns the property. He said he could not speak to what his intentions are. Town Attorney said that would have to be determined by examining the petition which Mr. Lettre handed up.

Mr. Rossi read from a prepared statement as follows:

"I would like to thank the Board for allowing my petition to be considered. It's been 7 long months since I first presented it in March of this year, prior to the release of the

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Route 59 corridor study. But the wait has been worth it for in a few minutes I'm sure you will agree that my zone change request is right in line with the recommendations of the study. It's right for my area, for Nanuet, and for the people of Clarkstown.

Before I get into the specifics of my request for change in zone, I would like to first discuss the merits for rezoning my area, tonight, without any further delay.

Why rezone. Because I, Al Rossi, want it? Absolutely not. We rezone, in my opinion, because it's a refinement of proper planning and because it enhances or improves the quality of life and because it ensures the health, safety and welfare of the community as a whole.

With regard to the health, safety and welfare, I view traffic, traffic congestion and all the ramifications of an intolerable traffic situation as a monumental factor in affecting the quality of life. Therefore, this factor should be a prime concern of this Board and it should directly affect the decisions you make."

Mr. Rossi then spoke at length regarding the traffic study done on the area in question tonight with a view toward just what might happen in the future, depending upon the Board's decision this evening on his request. The study states that the number one priority and the only thing the Town Board can do to correct the disasterous situation we face is to rezone the area. You have an opportunity to rezone and the number 1 area happens to be Hutton and Kemmer. The second area happens to be the Ashley Motel but he believes that the Planning Board gave approval to the Mall at 59. They say rezoning is your only hope for the Town of Clarkstown. The study goes into a plan or recommendation for rezoning.

He reiterated that his petition basically deals with the west side of Hutton Avenue, the east side of Kemmer Lane and one parcel on the west side of Kemmer Lane. He said his petition has absolutely nothing to do with the east side of Hutton Avenue - the Keisler property or the contract purchaser, Mr. Lettre. He said his petition states that he wants R-10.

Mr. Rossi then stated why he wanted R-10 which is residential. He said Hutton and Kemmer are ridiculously small, rural, unimproved, incapable roads. They are 18 feet wide, there are no drainage systems and Kemmer Lane does not even have a water system. They are Town roads and the Town's responsibility. He said his petition of R-10 basically says we want to maintain our residential character and are asking for a zone change that probably produces the least amount of traffic possible other than an R-15. The reason we did not want R-15 is because we have some parcels that are less than 15,000 square feet and felt it would be only appropriate and reasonable to go to R-10. The difference in traffic generation from R-10 to R-15 isn't anything to talk about. The zone change he is requesting will have no impact upon the roads. That is why he wants this R-10 zone change.

He discussed the possibilities if the Town Board does not grant his zone change or reserves decision. These things may significantly produce more traffic. There are people present tonight from this area who want the zone change and it will have no effect on the other side of the street. He urged the Board to make the right decision and act upon his petition tonight.

Supervisor Holbrook asked if there was anyone present who wanted to speak in favor of Mr. Rossi's petition.

IN FAVOR

Appearance: Mr. Vernon George Hodges  
43 Hutton Avenue  
Nanuet, New York 10954

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Mr. Hodges said he had resided on Hutton Avenue for twenty-eight years and he was in favor of R-10.

Appearance: Mr. John Dellacross  
29 Hutton Avenue  
Nanuet, New York 10954

Mr. Dellacross said he had lived there since 1961 and he was in favor of R-10.

Appearance: Mr. Frank Hoffman  
49 Hutton Avenue  
Nanuet, New York 10954

Mr. Hoffman stated that he was in favor of the R-10.

Appearance: Ingrid Shock

Ms. Shock stated that she was representing her deceased parents. She said her property is the vacant lot on Hutton Avenue. She said she never saw Mr. Rossi's petition. She said she thought it was unfortunate that this property was zoned office and she has been paying office taxes for the last fifteen years. She said she has been trying to play the game by the rules and sell this property. She stated that last year her contract fell through because of the moratorium and she felt one of the important considerations now is what Mr. and Mrs. Kiesler have in mind for the property on the east side of Hutton Avenue before we vote.

Supervisor asked if Ms. Shock was speaking in favor of Mr. Rossi's petition or not? She said she was unaware of some development that was going to be going in across the street and she would like to find out tonight just what plans are for the east side of Hutton Avenue.

Appearance: Mr. Peter Gannon  
35 Hutton Avenue  
Nanuet, New York 10954

Mr. Gannon stated that he was in favor of the R-10.

Appearance: Mr. Chuck Juzek  
57 Hutton Avenue  
Nanuet, New York 10954

Mr. Juzek stated that he was in favor of the R-10.

Appearance: Mrs. Catherine Muller  
37 Kemmer Lane  
Nanuet, New York 10954

Mrs. Muller stated that she was in favor of R-10.

Supervisor asked if there was anyone present in opposition to Mr. Rossi's petition.

IN OPPOSITION: No one appeared.

At this point the Public Hearing regarding Mr. Rossi's petition ended

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The Supervisor requested that the Town's petition now be heard and he called upon Mr. Robert Geneslaw to present the Town's petition which is a change from PO to R-10 or R-15.

Appearance: Mr. Robert Geneslaw, Planning Consultant  
Town of Clarkstown

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Mr. Geneslaw spoke regarding why the Planning Board's recommendation includes additional properties and why the Planning Board is recommending preferably R-15 or as an alternative R-10. He said when Mr. Rossi first approached the Town Board, Town Board members indicated that he should only request a zone change for those properties for which he had the consent of the owners. Mr. Rossi was, therefore, limited to those who agreed. The Planning Board recommendations which were based largely on our recommendations coming out of the Route 59 Study did not have that limitation and they included all of the properties in the area which had similar characteristics.

Mr. Geneslaw said the reason for the R-15 rather than the R-10 is that most of the single family zoning in the Nanuet area behind Route 59 commercial properties is R-15 and the feeling was that the R-15 pattern would be somewhat more consistent on an over-all basis but the difference between the R-10 and the R-15 in terms of traffic generation is negligible. It really can't be counted and that is not a critical reason for choosing one or the other. He said the Planning Board felt that R-10 as an alternative would be acceptable although he believed their preference was for the R-15.

Supervisor asked if any member of the Board had any questions with regard to the Town petition.

Councilman Nowicki asked why the larger undeveloped portions on the other side of Hutton Avenue had been included. Mr. Geneslaw said they had been included because they felt that Hutton Avenue could not carry the kind of traffic that would be generated by PO development which is what it is presently zoned for. PO development would not be consistent with trying to maintain a single family neighborhood across the street.

Councilman Nowicki said she knew it was not the Planning Board's business to discuss the economics of a situation but that she lived right near there and had seen the whole area change. This street is not like the streets on Middletown Road that run off Middletown Road and that really almost abut this property with the exception of the railroad tracks. The character of the area is totally different. Councilman Nowicki stated that she could not imagine a builder coming in there and building R-15 houses on that property. She said it seems inconsistent to go for that.

Mr. Geneslaw said he would agree with Councilman Nowicki that it is not a prime residential parcel but he also wanted to point out that in Congers the zoning changes have been made to single residential family districts backing a much more active railroad track. The West Shore Line carries heavy freight traffic several times a day. The Town Board has granted zone changes along that track. There are going to be single family homes backing onto the West Shore Line.

Councilman Nowicki stated that she was not even thinking of the railroad tracks. Route 59 is unique and she thought the train was not as bad as the traffic on Route 59. Mr. Geneslaw said the first several hundred feet are zoned RS and would not be changed by the Planning Board recommendation. Only the area north of the south line of Leader Carpet would be changed by the Planning Board's recommendation. There would be a second section of professional office and behind that, where it is opposite the existing residential development, is where the Planning Board is recommending the change. Mr. Geneslaw said that the Planning Board recognizes the problem of Route 59 itself.

Councilman Nowicki stated that she remembered the night they held the Public Hearing for the zone changes in Nanuet and only one person showed up. It was an accepted thing that the area would be PO. Since 1981 Route 59 has quintupled in the amount of activity

there. We have a better economic environment as everything was lying dormant for many years. It was busy but not as busy as it is now. People were not snapping up property and building. There was not the hustle and bustle we have now. Things have changed since that night.

Mr. Geneslaw said they recognized that the traffic was increasing steadily even without new development on 59 and immediately adjacent. Traffic on Route 59 is increasing very heavily. Mr. Rossi pointed out that the market place in Spring Valley will be the single largest traffic generator along Route 59 in Nanuet. That is something over which you have virtually no control and has been approved. There are some few situations in which this Town Board does have jurisdiction and you can work with the State to get highway improvements.

Councilman Nowicki stated that she and Supervisor Holbrook had met with the state people in August and they were very cooperative. Supervisor said that he and Mr. Geneslaw had been invited to go up to Poughkeepsie. Mr. Geneslaw said they are reviewing this on a stat basis. He said he could recall back when the Town asked the State to do something about the intersection of Lake Road and Route 303 in Valley Cottage. One of the first questions the State asked was are you going to do something about the zoning to reduce the amount of traffic generation or are you relying on the DOT to solve all your problems? Mr. Geneslaw said he was sure that when they go to Poughkeepsie in late October we are going to get that question.

Councilman Nowicki stated that they hadn't mentioned zoning the day they met because it is a fait accompli that it is a commercial area and we boxed in Kemmer and Hutton.

Supervisor Holbrook said the State was very well disposed to the Route 59 study and on the basis of that and the meeting we had in Senator Levy's office with regard to the traffic at the intersections they have invited us to go up to speak specifically about that. He went on to state that also in Congers they are going to replace that light at that intersection to provide a left hand turning lane. The state is saying to us that they will do - but they don't want to do and then have us saw off the limb when they go out on it. We must demonstrate the leadership. This Route 59 study has gone a long way toward doing that. They were very much impressed by that and, in addition to whatever zoning we can accomplish, some of the recommendations that may have been cast aside in the past on Route 59 in Nanuet might be resurrected by the State if they feel the Town Board has a genuine interest in trying to solve the problems.

Mr. Geneslaw said we have provided a lot more background and technical information than the DOT or anyone ever had, based on new traffic counts and the analysis of all the information which has become available. It makes it easier for the DOT to do a technical review and establish what the needs are in language they can understand.

Councilman Maloney said he wanted to make clear the difference between the Planning Board concept is that all of this would be R-15 as opposed to Mr. Rossi's R-10. Mr. Geneslaw said the Planning Board preferred R-15 but he thought they would go along with R-10 and they added five properties. Councilman Nowicki stated that she would not even consider R-15 but the point that we will come to is considering those extra properties.

Supervisor Holbrook said the Planning Board tried to make a concept of the area and that is simply what it comes down to.

Mr. Geneslaw said the Planning Board would shortly be reviewing the other proposals in the Route 59 study and forwarding the recommendations.

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Supervisor asked if anyone wished to speak in favor of the Town's petition either for the R-15 or the R-10.

IN FAVOR

Appearance: Mr. Albert Rossi  
Hutton Avenue  
Nanuet, New York 10954

Mr. Rossi wished to remind everyone that they are living there. He said he did not care whether it was perceived to be a general increase in the commercial area. We are people who are living here now. He said he hoped no one was suggesting that they leave. We are living on a residential basis.

Councilman Nowicki stated that she was talking about having boxed you people in up there.

Mr. Rossi said they are boxed in but they are there and they are not going, and to please consider the fact that they are staying. Mr. Rossi went on to say that again consider what is in the Board's power and what can be done regarding traffic. He said to consider that if you don't do something what the results will be not only to the people on Route 59 but to the people who are going to try to get on to Route 59 and what it will be like for the people who live there.

Appearance: Mrs. Rose Kiesler and Mr. Harry Kiesler  
Hutton Avenue  
Nanuet, New York 10954

Mrs. Kiesler stated that they have lived on Hutton Avenue for twenty-nine years. They are resident property owners. Mr. Kiesler said they are here to speak about the east side of the property. He apologized to the Board for his previous outburst but he said that Mr. Rossi was talking about R-10 on his side but at the same time he brought in the parking and the traffic situation on the east side - that a PO would generate thousands of cars and parking and create a desert. Mr. Kiesler said that Mr. Rossi spoke only for his side. Mr. Kiesler said he had no objection and if Mr. Rossi wanted to speak about his side and he wants to live there, fine - he has no objection. But that has nothing to do with his (Mr. Kiesler's) side which is zoned PO and we want to keep it that way - PO. Twenty years ago it was zoned PO and Mr. Rossi and all of the people on the street had many chances to object to PO and didn't do anything about it until now. However, Mr. Kiesler said he wished to make a complete statement about his side with the Board's permission.

Mrs. Kiesler pointed out that the Town put a commuter parking lot on Kemmer Lane not too long ago which generates quite a bit of traffic during the rush hours and she wanted to remind the Board about that.

Mrs. Kiesler said she is speaking against resolution "B" which provides for change to R-15 or R-10 on the east side of Hutton Avenue. She said the reasons for maintaining the PO are described in their petition and she expanded on those items listed. She stated that it was recognized in 1967 that Route 59 would become more commercialized and would carry greater traffic as years went by and that PO was a satisfactory intermediate use. She cited that reevaluation and reassessment have been determined by proximity to Route 59. Their furthest location is within one half a mile of Route 59. She stated that they had been told that the latest appraisal and assessment were based on proximity to Route 59 and its commercialization. The value was for potential commercial use and not for potential residential use. Close proximity to Route 59 has affected our high taxes for at least twenty years.

Mrs. Kiesler said proximity to the New York State Thruway and the constant sound of traffic mitigates against home

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construction. The railroad tracks to the east are utilized now not only at commuter rush hours but up to the midnight hour and may add to the noise pollution. The noise pollution and the dangers of the close tracks would further mitigate against one third or one half acre housing for younger families.

Mrs. Kiesler went on to state that they realize that the traffic consultant's report recommends a lower population density on the margins of Route 59 - after years of unbridled commercial development permitting shopping centers, fast food establishments and traffic generated that clogs not only Route 59 but North and South Middletown Road. It would seem that long time home owners are not shown any fair consideration by the present recommendation which she thought was very arbitrary.

Mrs. Kiseler said that her house lends itself to use by lawyers, doctors, accountants and others which would not increase the traffic on Route 59 anymore than R-15 or R-10. A change to R-15 or R-10 would devalue her property. The change that is recommended by the Planning Board includes only three parcels - the Eagle Day Camp parcel and hers (which is two parcels). She asked how much more traffic would actually be generated by that much use in professional office?

She urged the Town Board to look at all the factors involved in any projected change from PO on the east side of Hutton Avenue and she went on to say that they would be very glad to be available at any time if further input is needed.

Mr. Kiesler said he wanted to add with regard to the traffic situation that office people have definite hours. Generally, they do not work Saturdays and Sundays. Therefore, the traffic would not really be that heavy. Homeowners use the streets twenty-four hours a day. Businesses, such as offices, do not generate that much traffic. He was not talking about high rise buildings but offices in a residential house. He said they have been approached by people who want to tear down the house and build larger structures and he would not even talk to those people. We are talking about professional office use of our house and the property. He said he thought the traffic situation is being much made of and much maligned and it is definitely not in senior citizens favor. He stated that they have been told by experts that if their property were to be devalued to one third acre that they could not get one third of the appraised value of their property because of the fact that they could not put enough houses there. In addition, it is surrounded by the railroad and the Thruway. They have been broken into and robbed three times from the railroad side. He cited the dangers of building residences and trying to bring up young children in the area.

Mr. Kiesler said the people on the west side of Hutton Avenue do not know how many times Mr. Kiesler has been on that railroad site, stopping people from throwing rocks, putting boulders onto the railroad tracks to cause accidents, etc. Now, you are thinking of putting homes there with small children and he thought that was inconceivable. Under present conditions, this area is ideal for commercial use. Right now, it is very pretty because he said he had worked hard to make it green but if you destroy that eventually you are going to have a slum. One third acre being surrounded by the railroad and the Thruway with all that noise lends itself to that. People will stop caring. He said it was his contention that the property on the east side of Hutton Avenue which includes Eagle Day Camp and his own property should be zoned PO for the character that it has presently and the character that it will maintain.

Mr. Kiesler went on to say that Mr. Rossi would like to keep it residential and he did not blame him. He has four lovely children, he has a lovely home and he has a two family house there

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that he would like to keep. His wife would like to see residences on his (Mr. Kiesler's) side so that their children could have someone to play with. That is not a good enough argument to do away with PO which they have lived with for twenty years and now that they have a chance to get out with their shirts on their backs because in order to buy a house today elsewhere it would cost us what they would get for their property. Mr. Kiesler said they will not get it for R-15.

Appearance: Mr. Stephen Hagendorf  
6 Prince Street  
Spring Valley, New York

He said he had read recently that in other parts of the country where a situation existed much like the present one they had changed the residential property to commercial zone and therefore increased the value of the residential property. The people then sold their homes and got more money because of the commercial surrounding area as you have here and had enough money to move to a better area.

Councilman Nowicki said the area is unbelievably beautiful. You would not know that such a lovely area existed beyond the commercial zone there.

Appearance: Mr. Frank Hoffman  
49 Hutton Avenue  
Nanuet, New York 10954

Mr. Hoffman said where he lives there is a vacant lot between his house and Mr. Hodges' house. Under the present PO there was going to be a factory built on that property with parking space for eight trucks and an air conditioning building. He did not think that would have been compatible with the area with the constant banging of the duct works and the trucks going in and out and loading and unloading. Fortunately, they found about it and they were able to fight it.

Appearance: Mrs. Rose Kiesler  
Hutton Avenue  
Nanuet, New York 10954

She stated that she had taught urban planning and urban geography at college level. She was very much concerned and interested in projecting some of the developments along Route 59 and had studied this for a long time. Years ago she had addressed the Lion's Club with a projection of what might be happening here. She said her Ph.D. dissertation topic had to do with urban expansion into the suburban areas of Nassau County. She said that those who live on Hutton Avenue require access and egress to Route 59 and are the most familiar with the traffic patterns and the quantity of traffic and are most affected by the traffic saturation. They have watched it and seen it develop and she said how little can we add to what is already a horrible situation. Everyone admits it is very bad but how much can the east side of Hutton Avenue contribute to great increase in the traffic. The problem is with Route 59 not with Hutton Avenue.

Appearance: Mr. Michael Lettre  
7 Amethyst Court  
West Nyack, New York 10994

Mr. Lettre said he was speaking on behalf of Rabbi Rassler who can not attend this hearing. He said the Rabbi is the representative of the Eagle Day Camp and wished Mr. Lettre to express his opposition to this zone change. Mr. Lettre said on a personal note, he is a resident of the Town and has lived here for twenty years or more. He found the situation we are talking about here bordering a little on the ridiculous in that we are looking at

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a situation where the Town went through a Master Plan Update recently and this entire section of Town was not even commented upon. He said anyone here would be very hard pressed to convince him that the traffic situation on Route 59 has changed that dramatically since the Master Plan and that if there was a problem, why wasn't it addressed then? Why didn't we look at the situation then? We are looking at two people here who are senior citizens looking to leave the area and, as a result of what might be proposed here this evening, creating an undue hardship on these individuals. In light of the situation we have he could not see the recommendation being proposed as having any significant impact on solving the problem on Route 59. There is a problem there and it has been there for several years. What is being proposed now is really window dressing and it is going to be a loss to many people who have lived here and paid taxes for a long time. They are going to be hurt very badly by this and he felt it was the wrong thing to do.

Appearance: Ms. Catherine Muller  
Nanuet, New York

Ms. Muller inquired as to the difference between the Rossi petition and the petition being recommended by the Town. Supervisor Holbrook explained both proposals to her.

Appearance: Mr. Michael Lettre

He said that he had no objection to the proposal for R-10 on the other side of Hutton Avenue.

Councilman Nowicki said she was sorry that two petitions were presented because it has muddied the waters. When Mr. Rossi first discussed this proposal it was to be considered by itself. That is what we should be doing.

Appearance: Ms. Catherine Muller  
Nanuet, New York

Ms. Muller said there is a parcel of property adjacent to her property and she wanted to know what zoning that parcel would follow? Would it be PO? Councilman Nowicki said under Mr. Rossi's proposal only the properties of owners who consented to the change would be changed. Supervisor said only the properties in Mr. Rossi's proposal would be changed.

At this point there was much dialogue among the Supervisor, the Councilmen, Mr. Rossi, etc. clarifying just which properties were included in each petition.

Supervisor said we should close both of the hearings. On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearings were declared closed, RESOLUTION ADOPTED (ROSSI) and DECISION RESERVED (TOWN), time: 11:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Resolution NO. (887-1986) ADOPTED (Rossi)  
Resolution NO. (888-1986) RESERVING DECISION (Town)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

11:12 P.M.

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

RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE OF TOWN OF CLARKSTOWN  
GENERAL USE REGULATIONS (SECTION 106-10A)

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 Town Attorney testified as to proper posting and publication.

Supervisor Holbrook asked Mr. Robert Geneslaw, Town Planner, to explain just what this amendment was for and Mr. Geneslaw said the purpose was to clarify the language in the ordinance. In most of the single family residential districts and the RG district the language would be changed so that it specified that fire, police, ambulance and similar public safety buildings were all in one category. It would remove ambulances from the category that includes art galleries, museums and libraries and similar facilities.

Supervisor asked if any member of the Town Board had specific questions. There were no specific questions at this time.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed amendments.

IN FAVOR: No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed amendments.

Appearance: Mr. Carmen Caputo  
4 Topaz Court  
Spring Valley, New York 10977

Mr. Caputo said there were 600 families with Spring Valley addresses who live in New City and that if this resolution is passed it precludes the Apfelbaum property from being used as a post office.

Supervisor Holbrook said that decision has already been made by the Zoning Board. This is a clarification of the ordinance. This resolution is after the fact.

Mr. Caputo said as he understood it the Town Board is the ultimate decision making body as to whether or not a postal facility can be put there. You can override, can you not? Councilman Lettre said that is a legal determination that very well might be determined in the future. Supervisor Holbrook said the decision of the Zoning Board on that had already been rendered. The issue of the post office has been bandied about for a number of years and we have been in contact with the postal authorities and the Town's planning consultants. The Planning Board and numerous people in the community have indicated a preference for another site which would be more viable from the standpoint of traffic flow. Supervisor said he had spoken to the representatives from the postal service and have asked them to take a look at some other sites - one in particular is the one on Squadron Boulevard which was a racquet ball club and they have agreed to do so.

Councilman Lettre said he had correspondence on that some six or eight months ago so he was sure the postal authorities have been in the process of reviewing this. Mr. Caputo said he thought they had turned that site down because it was in a flood zone.

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Supervisor Holbrook said the postal service is looking to come into a community where they don't have to face controversy. He said he had called up the members of the Real Estate Division to ask them to take a look at some other sites which they are doing. But in regard to Mr. Caputo's specific question as to how it affects the decision of the Zoning Board, they have already made that decision at this juncture. Mr. Caputo asked if the Supervisor was aware that if they don't find another site they can take their money and go and then you have 600 families in the Spring Valley section of New City that are still going to be in jeopardy.

Supervisor Holbrook said whether it is the site they had initially looked at or some other site, the fact remains that if there is an expansion it will result in a change of address. That is not the only site, it is just one of the sites. If there is an expansion or whatever it will result in the accommodation of the people who do have the Spring Valley address.

Appearance: Donald Tracy, Esq.  
25 Georgetown Oval  
New City, New York 10956

Mr. Tracy stated that he represented Mr. Apfelbaum. He said what the Supervisor had just said is totally in error from a legal point of view. The Zoning Board of Appeals has rendered a decision and he believes, although he has not seen it yet, that it is totally erroneous and would be upset by him in an action in court. However, in zoning law the law that the court will apply is the ordinance in effect at the time the decision is made. Therefore, it was his opinion, that if you make this change you will render the action of the Zoning Board of Appeals, and the subsequent Article 78 proceeding that would be brought, moot so that the court would say there is no need for us to decide whether a post office was included in a residential zone because the ordinance has now been changed with a word of limitation.

Mr. Tracy stated that he believes that this change is brought about solely to preclude the post office. He said that the Town Board had probably been advised by legal counsel that the Zoning Board of Appeals is on very thin ice on their decision. Furthermore, he said he was chagrined because he had bet with the Chairman of the Zoning Board of Appeals that he (Mr. Tracy) would beat him on that appeal and now he thinks he is going to be deprived of the opportunity to do so.

Councilman Nowicki said she thought Mr. Tracy was so generous and so kind to warn the Town Board about this. Mr. Tracy said it is a fact that it is as sure as he is standing here that he would win that case. I am a lawyer making a statement. He said he was equally as sure that he will never get to win that case if this Board makes that decision. Therefore, he would request the Board - since there are 600 families vitally interested in the outcome of this, who are also residents and voters in this Town - he would strongly suggest that this Board defer decision tonight to give him the opportunity to go to court and prove his point and there would be nothing that would prevent this Board from passing that decision and vitiating the victory that we had won in court. If this Board passes this tonight we will never get the opportunity to do that because in his opinion (Mr. Tracy's) a judge might properly determine, assuming that the ordinance had been validly enacted procedurally and it sounds like it has, it would be moot. Therefore, you are depriving me of my opportunity to prove to the Zoning Board of Appeals once again that they are wrong in a court of law.

Councilman Nowicki said she was baffled as to why the residents of that particular area are so convinced that it is only if we choose that spot that their addresses will be changed.

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Appearance: Mr. Harold Satin  
4 Prince Street  
Spring Valley, New York 10994

Mr. Satin said they had the assurance of Mr. Ben Gilman that if we don't use it we are going to lose it. Councilman Nowicki asked Mr. Satin if Mr. Gilman had indeed told him that. Supervisor Holbrook stated that if there was a post office constructed somewhere in New City you are expanded. Mr. Satin said if it is not done now they are not going to have it. Supervisor Holbrook then asked Mr. Satin if Ben Gilman had said that. Mr. Satin replied in the affirmative. Councilman Nowicki said that Mr. Gilman did not say that and Councilman Carey said he did not believe that Mr. Gilman said that either. Supervisor Holbrook said he wanted Mr. Gilman to write a letter to the Town Board stating that this particular site is the only site that can be used for a post office. Mr. Satin said Mr. Gilman is not going to say that. Supervisor Holbrook said then what are we talking about here? Councilman Carey said that is why the Town Board finds that remark hard to believe.

Mr. Satin said he was working toward getting this post office extension. He further stated that he would not say now that this is the only site that is going to get us a post office. Supervisor said if it were located at Squadron Boulevard it would accomplish the same thing. Mr. Satin said fine but what he is saying is that right now a site has been identified by the post office. The post office had looked at approximately 15 other sites and he stated that he had spoken to the man in White Plains in charge of this and that man had said that none of those other sites met the requirements to justify their spending a couple of hundred thousand dollars for studies by their engineers. The only site that was acceptable to the post office was the Apfelbaum property - the only site - and that if in fact this site is not accepted it is because the local politicians are not backing the people. The Federal politicians have pushed for this. He said that this was done over the objections of the post office because the area residents had fought like crazy to get this. They had paper an inch thick fighting this until we had to jam this down their throats by using the Postmaster General himself to get this acceptance.

Supervisor Holbrook stated that Mr. Satin's petition from the standpoint of the address change is certainly valid. But from the standpoint of the location -- Mr. Satin said if another site is chosen then the residents would get into the postal address because all the letter from the Postmaster General says that if another facility is constructed then we will be part of the New City address. Supervisor said that is correct. Mr. Satin said what he is saying is that the postal service turned down the other supposedly available sites. The only spot they are looking at and that they have accepted is the Apfelbaum property and the man said there is a good chance that if they don't get a site that they accept and they can't find another site they will take that money and go elsewhere. That is what we are talking about.

Supervisor Holbrook said he did speak to Mr. Gastoni and a number of other people in charge of the Real Estate Division last month and he asked them to take a look at some of the other sites - one of which was the Squadron Boulevard site. They told him that they were still reevaluating that particular site - so they are looking at some other sites at this particular point. Supervisor said even though the postal authorities have the right to impose a post office site they choose not to do that in a community. Supervisor told him that there was a problem in terms of the address and the Town would like to see that resolved and not debated indefinitely. From the standpoint of planning if it is possible to locate a site which would provide better access for all the residents of New City - the ones that would be added, the ones at

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the northern end and the ones at the southern end who would have to come all the way through Town - if it were Squadron Boulevard they could use Route 304 or Main Street. They did agree to take a look at this and they will get back to the Town Board with that.

Mr. Satin said if they agree to that he has no problem but they have already turned it down twice and they didn't want it in the first place. They were forced into this so the longer we put this thing off - our families are still in jeopardy. It is two years ago that this post office was accepted and it should have been built by this time.

Mr. Tracy said that this has become a political football. Supervisor Holbrook said Mr. Tracy was right. Supervisor said we are looking to solve the problem and the problem should be solved from the standpoint of what is good for the post office and where it should be located in the Hamlet of New City from the standpoint of New City zone development. Mr. Satin said isn't it true that there are about only 90 families opposing that site and the vast majority of the citizens of New City want it there?

Councilman Lettre stated that although he agreed that this particular site is not the ideal site he thought if we take action on this tonight it might be premature because if in fact the postal service then denies all other alternate sites then we may be stuck with the dilemma of not having any options at our disposal. At this point the Board, being responsible, should take no action at this time but sit back for a few weeks to await the outcome of what's happening. We still have the time and the ability to take whatever action we deem to be the proper one at a later date.

Supervisor said if the Board wants to reserve decision it is up to the Board. Councilman Lettre said we are not giving up our legislative options on the particular Apfelbaum site if we believe it is not in the best interests of the Town but we also have to be cautious and tread slowly because if, in fact, the federal government does not work cooperatively with us as a Township and rejects any and all other sites within the Town, we should not be in a situation where we are putting a number of residents in this Town in the jeopardy of not having the services they deserve.

Councilman Maloney asked if Councilman Lettre was making that a motion? Councilman Lettre said yes.

Councilman Carey was asked what he wished to do and he said he wanted to go with the amendment of the code.

Councilman Lettre said the particular site and the code modification was a good one but he thought it would be premature to do it and it would be irresponsible because it would limit the options of the Town. He said we have a responsibility to all the people and if we don't do it this evening it doesn't preclude us from doing it in the future if we feel that option is one that we have to take. If we do this tonight then the federal government might turn around and say the heck with us in Clarkstown, take the money and run.

Councilman Nowicki said she was so sure and convinced and certain that the decision of the Zoning Board was correct and that it was based on unassailable facts and support from the zoning code that at this particular moment she did not think it was necessary to pass these amendments. Eventually, we will pass them but she wanted it on the record that she believed that the decision of the Zoning Board is the right decision and she thought that Don Tracy will find that the court will uphold it. Councilman Maloney asked Councilman Nowicki if she was reserving and she said yes.

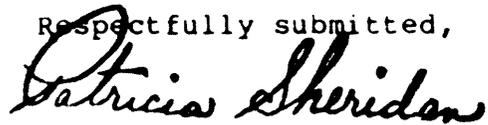
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Councilman Maloney stated that he agreed with Councilman Lettre and Councilman Nowicki. He said he would much prefer to reserve decision and still leave our options open. He said we have reserved decision on many things tonight and he did not think that two weeks would make a big difference and he would vote to reserve decision.

Supervisor Holbrook stated that in regard to conversations with the postal service he would be more than happy to apprise Mr. Caputo of what they have come up with once they reevaluate their data. Supervisor Holbrook said that what the majority of the Board is saying is that if it is going to be appealed they will wait for that case. In the meantime maybe that will be a moot issue too.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 11:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Resolution No. (889-1986) RESERVED DECISION Adopted

ABE633

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

11:21 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE CONGERS CORNERS

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was open.

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

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing was declared closed, ORDER SIGNED, time: 11:23 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

ABE633

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/23/86

11:23 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT  
NO. 1 TO INCLUDE MARIA ESTATES

On motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was open.

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

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 11:25 P.M.

Respectfully submitted,  
*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

ABE633