

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

1

Town Hall

11/13/86

8:00 P.M.

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

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

Supervisor Holbrook introduced newly elected Councilwoman Anne Marie Smith and invited her to sit with the Board on the dais. Mrs. Smith took a seat on the dais.

Supervisor opened the public portion of the meeting.

Appearance: Mr. Theodore Dusanenko
5 Hickory Drive
New City, New York

Mr. Dusanenko spoke regarding the Nanuet Pavilion and the construction of a five story building instead of a four story one.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the Nanuet Senior Citizens and rent increases. He stated that the increase of 7% being passed on to the citizens would have a ripple effect.

Appearance: Mr. Walter Trempski
representing H & H Sanitation

Mr. Trempski said that this morning H & H Sanitation was handed a document - a Consent Determination - regarding a fine and a civil penalty. They are prepared to go along with the civil penalty. However, they feel that the document should be amended to include the proper respondent which is Kenneth Hiep, Inc. H & H Sanitation was in no manner involved in this violation of 63-10 of the Clarkstown Town Code. The principal of Kenneth Hiep, Inc. is here now, Mr. Kenneth Hiep himself, and he is willing to testify to the satisfaction of the Board that it was his truck that committed this act. He is prepared to pay the civil penalty at this time provided that the document is amended to include Kenneth Hiep, Inc. and no other parties.

Town Attorney said he had spoken to Mr. Trempski during the past week and also this morning concerning this matter and he had informed Mr. Trempski that the information which the Town Board had before it was that H & H was operating the truck when the illegal load entered the landfill. This is based on the source of load sheet being signed by the driver. Also he said he had discussed this matter with Mr. Araneo, the Landfill Supervisor and he put the Town Attorney in contact with the Weighmaster at the landfill and they have indicated that their experience with H & H Sanitation, Charles Hemstreet and Kenneth Hiep has been that to the Weighmaster the operation of the three companies seems to be the same because all the drivers had different trucks and they use different company names on them. Mr. Araneo gave the Town Attorney a statement which said that all three companies use the same drivers. On a given day (according to Mr. Araneo) a driver driving an H & H truck could drive Charles Hemstreet's truck or Kenneth Hiep's truck or vice versa. On some days they use one man as a truck jockey to dump the load and take the empty trucks back to the route. Eddie G, the driver caught with the illegal load was driving a Kenneth Hiep truck but signed the source of load sheet as H & H. The Weighmaster interpreted this that Heepe's truck was working on the H & H route as had been the practice on many occasions. Mr.

Continued on Next Page

ABE536

Araneo also stated that in the past the Comptroller's office received one check to cover all three companies' invoices. Based on that information and based on the fact that no fact finding hearing had been held the Town Attorney told Mr. Trempski that he had been unable to make any change in the papers which would indicate that a different respondent should have been charged.

Mr. Trempski said that the fact remains that on the day in question and the day when the parties were charged the proper respondent was Kenneth Hiep, Inc. and not H & H Sanitation and the fact that Mr. Aranio made certain statements is completely irrelevant. The fact remains that it was a Kenneth Hiep truck completely unrelated, different shareholders, different offices than H & H Sanitation. The proper party is here prepared to pay the civil penalty not the innocent party.

Supervisor said if we cannot come to some agreement on this the Board should schedule a date to hold a hearing and at the end of the hearing we will determine the facts. Town Attorney stated that the Board has before it tonight a Consent Determination. That resolution states that if the Consent Determination is not acceptable, the hearing originally scheduled for November 10th would be reconvened on December 3, 1986.

Town Attorney said the date of the hearing is subject to change if the Board adopts the resolution this evening. He said there was another matter scheduled for the 3rd and there was some discussion about moving it to the 4th so the Board may want to consider moving this over to the 4th also. Town Attorney stated that he would notify Mr. Trempski of the date.

With regard to the application of Henry Renella for a change of zone from an R-80 District to an R-40 District or alternatively to an R-22 District, Councilman Maloney moved to adopt for change of zone to an R-22. There was no second to the motion.

RESOLUTION NO. (1067-1986) DENYING APPLICATION FOR ZONE CHANGE FROM R-80 DISTRICT TO R-40 DISTRICT OR ALTERNATIVELY TO AN R-22 DISTRICT (RENELLA)

Supv. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of May, 1986, provided for a public hearing on the 12th day of August, 1986 at 8:10 P.M., to consider the application of HENRY RENELLA and MARY RENELLA to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners from an R-80 District to an R-40 District, or in the alternative to an R-22 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 said notice;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the application is DENIED.

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1068-1986) Continued

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

Agenda Item No. 2 (Widmaier) was adjourned until the next meeting. A decision would be rendered on the 25th of November.

RESOLUTION NO. (1068-1986(FAILED)

APPROVING ZONE CHANGE
APPLICATION FROM PO
DISTRICT TO R-10 DISTRICT
(MAP 163, BLOCK A, LOTS 4,
11 (PART OF), 11.01, 11.02
AND 21

Supv. Holbrook 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 on the Motion of the Town Board, amending the Zoning Ordinance of the Town of Clarkstown by redistricting property designated as: Map 163, Block A, Lots 4, 11 (part of), 11.01, 11.02, and 21, 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, and

WHEREAS, the Town Board of the Town of Clarkstown reserved decision on this matter at the public hearing of September 23, 1986;

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 4, 11 (part of), 11.01, 11.02, and 21, 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.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE536

RESOLUTION NO. (1069-1986)

APPROVING ZONE CHANGE
APPLICATION FROM PO
DISTRICT TO R-10 DISTRICT
(MAP 163, BLOCK A, LOT 21)
Hamlet of Nanuet

Supv. Holbrook 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 on the Motion of the Town Board, amending the Zoning Ordinance of the Town of Clarkstown by redistricting property designated as: Map 163, Block A, Lot 21 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, and

WHEREAS, the Town Board of the Town of Clarkstown reserved decision on this matter at the public hearing of September 23, 1986;

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, Lot 21, 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.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1070-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
FIVE (5) HYDRANTS (LADY
GODIVA WAY, KING ARTHUR'S
COURT, LONG MEADOW LANE)

Co. Maloney offered the following resolution:

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

Five (5) hydrants as follows:

Hydrant #3 n/s Lady Godiva Way, 650 feet west of
centerline of Ethel Drive

Continued on Next Page

RESOLUTION NO. (1070-1986) Continued

Hydrant #4 n/s Lady Godiva Way, 1,360 feet west of centerline of Ethel Drive

Hydrant #6 n/s King Arthurs Court, 770 feet east of centerline of Dolphin Road

Hydrant #7 n/s King Arthurs Court, 150 feet east of centerline of Dolphin Road

Hydrant #8 w/s Long Meadow Lane, 75 feet north of centerline of Lady Godiva Way

Investigation No.: 9487, and be it

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

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. (1071-1986)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL FIVE (5) HYDRANTS (VISTA DRIVE AND CHESTER LANE)

Co. Maloney offered the following resolution:

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

Five (5) hydrants as follows:

N/S Vista Drive, 50 feet west from centerline of Kingsgate Parkway

N/S Vista Drive, 30 feet east from centerline of private right-of-way into Chester Lane

N/S of Chester Lane, 30 feet north from centerline of Chester Lane

N/S Vista Drive, 30 feet east from centerline of Kevin Court

N/S Vista Drive, 30 feet west from centerline of Evan Court

Investigation No.: 9756, and be it

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

Seconded by Co. Lettre

On roll call the vote was as follows:

Continued on Next Page

ABE536

RESOLUTION NO. (1071-1986) Continued

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

RESOLUTION NO. (1072-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
TWO (2) HYDRANTS (LONG
CLOVE ROAD AND BURTS ROAD)

Co. Maloney offered the following resolution:

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

Two (2) hydrants as follows:

N/S Long Clove Road, 30 feet west of centerline
of Burts Road

W/S Burts Road, 330 feet north of centerline
of Route 304

Investigation No.: 9964, and be it

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

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. (1073-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
HYDRANT (PRIVATE RIGHT OF
WAY - 130 FEET WEST OF
CENTERLINE OF NORTH
MIDDLETOWN ROAD)

Co. Maloney offered the following resolution:

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

One (1) hydrant as follows:

N/S Private Right of Way, 130 feet west of centerline
of North Middletown Road

Investigation No.: 10055, and be it

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

Seconded by Co. Lettre

RESOLUTION NO. (1073-1986) 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. (1074-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
HYDRANT (SOUTH LANE, 315
FEET SOUTH OF CENTERLINE OF
JOHNSONS LANE)

Co. Maloney offered the following resolution:

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

One (1) hydrant as follows:

W/S South Lane, 315 feet south of centerline of
Johnsons Lane

Investigation No.: 9362, and be it

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

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. (1075-1986)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
ONE (1) HYDRANT ON NORTH
SIDE OF DUSTMAN LANE,
BARDONIA

Co. Maloney offered the following resolution:

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

One (1) hydrant as follows:

North side of Dustman Lane approximately
30 feet west of center line of Schweitzer Lane,
Bardonia (Clarkstown)

Investigation No.: 9609, and be it

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

Seconded by Co. Lettre

ABE536

RESOLUTION NO. (1075-1986) 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. (1076-1986)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO INSTALL TRAFFIC
SIGNS AND PAVEMENT MARKINGS
AT PROSPECT STREET, NANUET
- DIRECTING CHIEF OF
POLICE TO INFORM PROPERTY
OWNERS TO MAKE SIGHT
DISTANCE IMPROVEMENTS

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway
Engineering Consultant in a report dated October 30, 1986 has
recommended various traffic safety improvements for Prospect Street,
Nanuet,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Superintendent of
Highways is hereby directed to install the following:

I SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
WB 200 Ft. E/O RR Crossing	RR Crossing	W5-14C
EB 200 Ft. W/O " "	" "	W5-14C
WB 200 Ft. E/O Grandview Ave.	Stop Ahead	W2-15C
WB 150 Ft. W/O Briar Rd.	Right Turn 15 MPH	W1-2C W9-1X
SB 150 Ft. S/O Will Rogers La.	Left Turn 15 MPH	W1-1C W9-1X

II PAVEMENT MARKINGS

EB & WB approaching RR Crossing - Install markings for RR Crossing
as shown on attached sheet.

EB & WB at Grandview Avenue - Install Stop Lines

NB & SB Grandview Avenue at Prospect Street - Repaint Stop Lines,
and be it

FURTHER RESOLVED, that pursuant to Chapter 91, Section 9
of the Code of the Town of Clarkstown, the Chief of Police is to
notify the appropriate property owners to comply with said section
of the Town code, as follows:

III SIGHT DISTANCE IMPROVEMENTS

NW Corner of Park Avenue - Trim Shrub
SE Corner of Park Avenue - Trim Tree

Seconded by Co. Nowicki

Continued on Next Page

RESOLUTION NO. (1076-1986) 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. (1077-1986)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO INSTALL TRAFFIC
SIGNS AT TWIN ELMS LANE,
NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway
Engineering Consultant in a report dated October 30, 1986 has
recommended various traffic safety improvements for Twin Elms Lane,
New City,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Superintendent of
Highways is hereby directed to install the following signs:

<u>Location</u>	<u>Legend</u>	<u>NYS Sign</u>
<u>Twin Elms Lane</u>		
WB E/O Muller Ct.	Reverse Turn 15 MPH	W1-5C W9-1X
EB 200 Ft. W/O Capral Ct. (West End)	Reverse Turn 15 MPH	W1-5C W9-1X
<u>Capral Ct.</u>		
NB at Twin Elms La.	Stop	R1-1C
SB at " " "	"	R1-1C

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. (1078-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
TRAFFIC SIGNS (SOUTH
MOUNTAIN ROAD, NEW CITY)

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, Traffic and Highway
Engineering Consultant has recommended various traffic sign
installations for South Mountain Road, New City in a report dated
November 6, 1986,

NOW, THEREFORE, be it

Continued on Next Page

ABE536

RESOLUTION NO. (1078-1986) Continued

RESOLVED, that John O'Sullivan, Superintendent of Highways, is hereby authorized to implement the following traffic safety improvements:

Signs

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
<u>South Mountain Road</u>		
WB 500 Ft. E/O Tioga Ct.	Reverse Turn 20 MPH	W1-5C W9-1X
EB 200 Ft. W/O Tioga Ct.	Reverse Turn 20 MPH	W1-5C W9-1X
WB 500 Ft. W/O Hemlock Trail	Reverse Turn 20 MPH	W1-5C W9-1X
EB 500 Ft. E/O Zukor Rd.	Reverse Turn 20 MPH	W1-5C W9-1X
WB 1700 Ft. W/O Central Hwy.	Winding Road 20 MPH	W1-9C W9-1X
EB 500 Ft. E/O Ramapo Town Line	Winding Road 20 MPH	W1-9C W9-1X

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. (1079-1986)

AUTHORIZING PAYMENT TO HOWARD L. LAMPERT FOR TRAFFIC STUDIES AT RIDGE ROAD, THIRD STREET, TOWN LINE ROAD, NEWPORT DRIVE, PROSPECT STREET AND TWIN ELMS LANE

Co. Lettre offered the following resolution:

WHEREAS, the Town Board entered into an agreement with Howard L. Lampert, P.E., Traffic Engineering Consultant, to provide a traffic safety study for each of the following locations:

- Ridge Road
- Third Street
- Town Line Road
- Newport Drive
- Prospect Street
- Twin Elms Lane

NOW, THEREFORE, be it

RESOLVED, that payment be authorized in the sum of \$1,500.00 to Howard L. Lampert, P.E. for preparation of the above accepted studies.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1079-1986) Continued

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

RESOLUTION NO. (1080-1986)

AUTHORIZING ISSUANCE OF
BUILDING PERMIT TO JOAN
WILL FOR PROPERTY AT NORTH
GRANT AVENUE, CONGERS (MAP
128, BLOCK B, LOT 29.1 WITH
RESTRICTIVE COVENANTS)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to JOAN WILL for property situate at North Grant Avenue, Congers, New York, more particularly designated on the Clarkstown Tax Map as: Map 128, Block B, Lot 29.1, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along North Grant Avenue, North Conger Avenue, or Occupation Road, abutting mapped but unimproved streets;

2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown;

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street, including North Grant Avenue, North Conger Avenue, and Occupation Road, to 50 feet in width.

4. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.

5. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall:

(a) Gratuitously convey or agree to convey at the direction of the Planning Board a five foot road widening strip along North Grant Avenue;

(b) Install a drainage system to the satisfaction of the Director of Environmental Control;

(c) Provide for a turnaround at the planned extension of North Grant Avenue in consultation with and to the satisfaction of the Director of the Environmental Control and the Superintendent of Highways;

Continued on Next Page

ABE536

RESOLUTION NO. (1080-1986) Continued

(d) Establish to the satisfaction of the Director of Environmental Control, that easements for the maintenance of the existing sanitary sewer line are on record and located as depicted on the plot plan;

(e) Install a sanitary sewer system including the spur at no expense to the Town;

(f) Modify installation of proposed driveway or relocate the utility pole guy wire to avoid unsafe condition;

(g) Comply with all other provisions of law.

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. (1081-1986)

AUTHORIZING SUPERVISOR TO ENTER INTO CONSENT DETERMINATION FOR LANDFILL VIOLATION (ANTHONY TRIPI AND SON WASTE DISPOSAL SERVICE, INC.)

Co. Maloney offered the following resolution:

WHEREAS, by Charges and Specifications served on or about October 3, 1986, ANTHONY TRIPI AND SON WASTE DISPOSAL SERVICE, INC., located at 2 Collingswood Road, New City, 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 September 3, 1986 for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board on September 3, 1986 when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for October 30, 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, ANTHONY TRIPI AND SON WASTE DISPOSAL SERVICE, INC., 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 \$2,000.00, payable on or before November 12, 1986, and further consent to the imposition of a one year period of suspension of the Respondent Corporation's 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 or law regarding use of the Clarkstown Sanitary Landfill facility during the period November 13, 1986 through November 12, 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

RESOLUTION NO. (1081-1986) Continued

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 30, 1986 at 8:00 P.M., in the Clarkstown Town Hall shall be reconvened upon five days notice to Respondent on November 17, 1986, and be it

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

FURTHER RESOLVED, that this resolution is retroactive to October 28, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1082-1986)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDINGS
FOR REMOVAL OF VIOLATION ON
PREMISES (MAP 127, BLOCK C,
LOT 5 (FRANKLIN))

Co. Lettre 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 or litter from any property within the Town 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 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 and Code Enforcement Officer that the premises known and designated on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK C, LOT 5, located at 25 North Route 303, Congers, New York, reputedly owned by HAROLD FRANKLIN and DONNA FRANKLIN which has been the subject of repeated violation notices issued against the property owners and a prior proceeding pursuant to Chapter 79 of the Town Code for lack of property maintenance, has again become in violation in that the premises continues or is once again being used for the storage of junk, litter, rubbish and other accumulated materials, 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, and

WHEREAS, said condition presently exists despite the prior clean up of the premises by the Town of Clarkstown;

NOW, THEREFORE, be it

Continued on Next Page

ABE536

RESOLUTION NO. (1082-1986) Continued

RESOLVED, that the Town Attorney is hereby authorized to institute a further proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises at the present time, pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown known and designated as MAP 127, BLOCK C, LOT 5 owned by HAROLD FRANKLIN and DONNA FRANKLIN, 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 owners directing that the said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that said Order and Notice shall advise the property owners 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 owners 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 9th day of December, 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 reserve 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 and Notice provided for herein and the notice of the public hearing upon the record property owners and any lien holder, by personal service upon the property owners, if possible, and by certified mail, return receipt upon all other parties in interest on or before November 25, 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. (1083-1986)

AWARDING BID FOR BID
#3-1987 - PRINTING OF TOWN
ENVELOPES AND STATIONERY
(LONG ISLAND ENVELOPE CO.,
AND PORT PRINTED PRODUCTS)

Co. Maloney offered the following resolution:

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

BID #3-1987
PRINTING OF TOWN ENVELOPES AND STATIONERY

is hereby awarded to:

Continued on Next Page

RESOLUTION NO. (1083-1986) Continued

LONG ISLAND ENVELOPE CO.
240 Anderson Avenue
Moonachie, New Jersey 07074

and

PORT PRINTED PRODUCTS
45 East 30th Street
New York, New York 10016

as per the attached schedule of low bid prices.

(SCHEDULE ON FILE IN TOWN CLERK'S OFFICE)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1084-1986)

AWARDING BID FOR BID
#1-1987 - STATIONERY
SUPPLIES (ALLWIN
STATIONERS, SUFFERN
STATIONERY, PROFTECH CORP.)

Co. Maloney offered the following resolution:

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

BID #1-1987
STATIONERY SUPPLIES

is hereby awarded to:

ALLWIN STATIONERS
15 E. Central Avenue
Pearl River, New York 10965

SUFFERN STATIONERY
68 Lafayette Avenue
Suffern, New York 10901

PROFTECH CORP.
15 N. Washington Street
PO Box 185
Tarrytown, New York 10591

as per schedule on file in the Purchasing Department.

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

ABE536

RESOLUTION NO. (1085-1986)

AWARDING BID FOR BID
#2-1987 - PAPER & PLASTIC
SUPPLIES (BURKE SUPPLY CO.,
CALICO INDUSTRIES, MT.
ELLIS PAPER CO. INC.)

Co. Maloney offered the following resolution:

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

BID #2-1987
PAPER & PLASTIC SUPPLIES

is hereby awarded to:

BURKE SUPPLY CO.
880 Meeker Street
Brooklyn, New York 11222

CALICO INDUSTRIES
25 Van Zant Street
Norwalk, Connecticut 06855

MT. ELLIS PAPER CO., INC.
P.O. Box 4083
214 MacArthur Avenue
Newburgh, New York 12550

as per schedule of prices on file in Purchasing Dept.

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. (1086-1986)

AWARDING BID FOR BID
#4-1987 - PHOTOCOPIER
SUPPLIES (BOUTON'S BUSINESS
MACHINE, ATLANTIC BUSINESS
PRODUCTS AND DEC COPIERS)

Co. Maloney offered the following resolution:

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

BID #4-1987
PHOTOCOPIER SUPPLIES

is hereby awarded to:

BOUTON'S BUSINESS MACHINE
95 Route 304
Nanuet, New York 10954

ATLANTIC BUSINESS PRODUCTS
134 W. 26th Street
New York, New York 10001

Continued on Next Page

RESOLUTION NO. (1086-1986) Continued

DEC COPIERS
P.O. Box 356
Stony Point, New York 10980

as per the attached schedule of prices.

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

ABE536

RESOLUTION NO. (1087-1986)

SETTING PUBLIC HEARING ON
AMENDMENT OF OFFICIAL MAP
OF TOWN OF CLARKSTOWN AND
REFERRAL OF SAME TO
ROCKLAND COUNTY AND TOWN OF
CLARKSTOWN PLANNING BOARDS
(ELIMINATION OF CUT OFF
FROM ROUTE 303 TO CASPER
HILL ROAD, VALLEY COTTAGE)

Co. Nowicki offered the following resolution:

WHEREAS, on the Motion of the Town Board, the Town Board of the Town of Clarkstown will consider a proposed action pursuant to Section 273 of the Town Law to amend the Official Map of the Town of Clarkstown by eliminating the cut off from Route 303 to Casper Hill Road, Valley Cottage, New York, as depicted on the attached sketch (Schedule "A"), which presently allows north bound traffic on Route 303 to enter Casper Hill Road;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 3, 1986 at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider amending the Official Map of the Town of Clarkstown as aforesaid, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, and be it

FURTHER RESOLVED, that the Town Attorney shall fulfill the additional requirements of Section 106-32(c) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within 1,500 feet of the affected property, and be it

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

FURTHER RESOLVED, that a copy of this resolution be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their report and recommendation.

Continued on Next Page

RESOLUTION NO. (1087-1986) Continued

(Schedule "A" on file in Town Clerk's Office)

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. (1088-1986)

SETTING PUBLIC HEARING ON
PROPOSED ROAD IMPROVEMENT
DISTRICT (SOUTH HARRISON
AVENUE, CONGERS) AND
REFERRAL OF SAME TO
ROCKLAND COUNTY AND TOWN OF
CLARKSTOWN PLANNING BOARDS
(SOUTH HARRISON AVENUE)

Co. Maloney offered the following resolution:

WHEREAS, a petition dated May 27, 1986, by the residents of South Harrison Avenue, has been duly presented to the Town Board of the Town of Clarkstown, proposing that the said Town Board authorize and approve the improvement of that portion of South Harrison Avenue, Congers, New York, hereinafter described, by the widening of pavement beginning at or about the parcel commonly known as 193 South Harrison Avenue and continuing north to include that parcel commonly known as 215 South Harrison Avenue for a road frontage of approximately 900 feet, and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the said petition is \$10,000.00, it is

ORDERED, that the Town Board of the Town of Clarkstown, shall meet in the Auditorium at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of December, 1986, at 8:20 P.M., to consider said petition and hear all persons interested in the subject thereof concerning the same, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order certified by her in the official newspaper of the Town, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along the above described portion of South Harrison Avenue, in the time and manner required by law, and it is

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1089-1986)

AUTHORIZING PAYMENT TO
SECRETARY OF ZONING BOARD
OF APPEALS FOR PREPARATION
OF TRANSCRIPT - PEOPLE VS.
WILTSIE) - (MARGARETANN
RIES)

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$216.75 be paid to Margaretann
Ries, Secretary to the Board of Appeals, for the preparation of a
transcript on Appeal No. 1962, required in connection with the
following matter:

PEOPLE OF THE STATE OF NEW YORK v.
ROBERT AND JUDY WILTSIE

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. (1090-1986)

ACCEPTING DEED FOR ROAD
WIDENING (BARDONIA SHOPPING
CENTER) - LIMINA REALTY LTD.

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final
plat with regard to a site plan known as BARDONIA SHOPPING CENTER,
the Planning Board of the Town of Clarkstown requested a deed for
road widening purposes along Bardonia Road, Bardonia, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department
of Environmental Control and the Town Attorney of the Town of
Clarkstown, deed dated August 18, 1986, from LIMINA REALTY LTD.
gratuitously conveying a strip of land along Bardonia Road is hereby
accepted and ordered recorded in the Rockland County Clerks's Office
upon receipt of continuation report of clear title to date of
recording.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1091-1986)

SCHEDULING LAST TOWN BOARD
MEETING FOR THE YEAR 1986

Co. Maloney offered the following resolution:

RESOLVED, that the last Town Board meeting for 1986
shall be scheduled for Wednesday, December 31, 1986 at 12:00 noon.

Continued on Next Page

ABE536

RESOLUTION NO. (1091-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1092-1986)

AUTHORIZING ATTENDANCE AT
PROGRAM RE: SITE PLAN
REVIEW: POWERS OF THE
PLANNING BOARD (WEINBERGER,
SCHWARTZ AND PARIS) -
CHARGE TO ACCOUNT NO.
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a program sponsored by the Westchester County Bar Association in cooperation with the Municipal Law Resource Center of Pace University, concerning Site Plan Review: Powers of the Planning Board, to be held at White Plains, New York on November 18, 1986:

JEFF A. WEINBERGER, Deputy Town Attorney
TILLIE SCHWARTZ, Administrative Aide, Planning
RICHARD J. PARIS, Chairman, Planning Board

and be it

FURTHER RESOLVED, that the expenses for the above 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

RESOLUTION NO. (1093-1986)

AUTHORIZING ATTENDANCE AT
WORKSHOP ON HOUSING TO BE
HELD AT ROCKLAND COMMUNITY
COLLEGE (COSTA, WEINBERGER,
DECHRISTOFORO AND NOWICKI)
- CHARGE TO ACCOUNT NO.
1420-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a workshop on housing to be held December 6, 1986, at Rockland Community College, at a fee of \$20.00 per person, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-414:

Continued on Next Page

RESOLUTION NO. (1093-1986) Continued

JOHN A. COSTA, Town Attorney
JEFF A. WEINBERGER, Deputy Town Attorney
RONALD E. DeCHRISTOFORO, Esq.
PAUL V. NOWICKI, 1st Deputy 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

RESOLUTION NO. (1094-1986)

SETTING PUBLIC HEARING RE:
ZONE CHANGE (RG-2 DISTRICT
TO R-15 DISTRICT -
KINGSGATE) AND REFERRAL OF
SAME TO ROCKLAND COUNTY AND
TOWN OF CLARKSTOWN PLANNING
BOARDS

ABE536

Co. Maloney offered the following resolution:

WHEREAS, the Supervisor of the Town of Clarkstown, has recommended to the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting that portion of the premises as shown on Tax Map 165 as described below, from an RG-2 District to an R-15 District;

NOW, THEREFORE, be it

RESOLVED, on the Motion of the Town Board of the Town of Clarkstown that the proposal for a change of zone from an RG-2 District to an R-15 District, on property reputedly owned by the State of New York as shown and designated on Tax Map 165 as parcels "S.H. 1812" and "S.H. 1019," as depicted on a copy of said map on file in the Town Clerk's Office, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that such 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, 10 Maple Avenue, New City, Rockland County, New York, on the 9th day of December, 1986, at 8:25 P.M., relative to the proposed amendment, and be it

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

FURTHER RESOLVED, that this proposed zone change is hereby referred to the Clarkstown Planning Board and 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

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

Seconded by Co. Lettre

Continued on Next Page

RESOLUTION NO. (1094-1986) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1095-1986)

AUTHORIZING PURCHASING
AGENT TO PURCHASE AND
DELIVER DRAINAGE MATERIAL
TO FOREST BROOK AND SPRING
BROOK ESTATES, SPRING
VALLEY - CHARGE TO DRAINAGE
BOND CAPITAL ACCOUNT #2

Co. Nowicki offered the following resolution:

WHEREAS, a drainage problem exists within the
subdivisions known as Forest Brook and Spring Brook Estates, and

WHEREAS, the Town Board by resolution dated February 26,
1986 authorized the Superintendent of Highways to perform drainage
work within the subdivision using defaulted escrow accounts, and

WHEREAS, ARCO Management Corporation has agreed to
install 680 linear feet of pipe along Second Avenue and Division
Street, Spring Valley in accordance with the plans submitted by the
Department of Environmental Control providing the Town supply the
necessary material;

NOW, THEREFORE, be it

RESOLVED, that the Purchasing Agent is hereby authorized
to purchase and have delivered to the site the materials listed in
Schedule A at a cost not to exceed \$11,000.00; and be it

FURTHER RESOLVED, that the cost for the above should not
exceed \$11,000.00 and be charged to the Drainage Bond Capital
Account #2.

(Schedule A on file in Town Clerk's Office)

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. (1096-1986)

SETTLING CLAIM RE: TOWN OF
CLARKSTOWN V. ORANGE AND
ROCKLAND UTILITIES, INC.
(FALLING POWER LINE AND
SUBSEQUENT TRAFFIC SIGNAL
FAILURE NEW VALLEY ROAD AND
LITTLE TOR ROAD, NEW CITY)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of Nils Eckhart,
Safety Coordinator, a claim against Orange and Rockland Utilities,

Continued on Next Page

RESOLUTION NO. (1096-1986) Continued

Inc., for damages to Town property sustained on May 30, 1986 when a power line fell and contacted a traffic signal at New Valley Road and Little Tor Road, New City, may be settled upon payment of the sum of \$9,500.00, subject to receipt of written acceptance in a form approved by 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

ABE536

RESOLUTION NO. (1097-1986)

APPROVING ADDITIONAL WORK
BY R & R CONSTRUCTION
COMPANY AT THE KNAPP
BUILDING

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, and Charles Maneri, Maintenance Supervisor, that the following work be approved for R & R Construction Company, prime contractor for the Knapp Building renovation:

1. Move existing sensors from the side of building to the rear of building.
2. Install two flood lights on the south side of building.
3. Turn electric meter panel 90o; included with this are stanchion pipes, concrete footings, all conduit and connectors to maintain proper grounding of panel box.
4. Furnish and install aluminum vertical bar railing along handicap ramp located on the side of the Knapp Building.

and be it

FURTHER RESOLVED, that \$3,000.00 be approved and added to the contract price.

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. (1098-1986)

AMENDING RESOLUTION NO.
1033-1986 TO ADD CHANGES TO
PROVISIONS OF AMENDMENT FOR
FAMILY DAY CARE - TABLES

RESOLUTION NO. (1098-1986)

1, 2, 3, 4, 5, AND 18 IN
VARIOUS ZONING DISTRICTS

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1033-1986 which scheduled a public hearing on proposed changes in the Zoning Ordinance, to be held on December 18, 1986 at 8:05 P.M., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, is hereby amended to provide the following proposed amendments to Family Day Care:

Amend Section 106-3(B) - (Definitions) from:

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

to read as follows:

"FAMILY DAY CARE - Day care in a family home shall mean day care of more than two (2) and not more than six (6) children in a single-family detached residence."

Amend Table 1, General Use Regulations, R-80 District;
Section 106-10A, Column 2, Item 8 from:

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

to read as follows:

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

Amend Table 2, General Use Regulations, R-40 District
Section 106-10A, Column 2, Item 8 from:

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

to read as follows:

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

Amend Table 3, General Use Regulations, R-22 District
Section 106-10A, Column 2, Item 8 from:

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

Continued on Next Page

TBM - 11/13/86
Page 25

RESOLUTION NO. (1098-1986) Continued

to read as follows:

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

Amend Table 4, General Use Regulations, R-15 District;
Section 106-10A, Column 2, Item 8 from:

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

to read as follows:

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

Amend Table 5, General Use Regulations, R-10 District;
Section 106-10A, Column 2, Item 8 from:

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

to read as follows:

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

Amend Table 18, General Use Regulations, R-160 District;
Section 106-10A, Column 2, Item 8 from:

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

to read as follows:

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

Continued on Next Page

ABE536

RESOLUTION NO. (1098-1986) Continued

and be it

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

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, 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 this resolution is made retroactive to November 7, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1099-1986)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF OCTOBER 14TH AND SPECIAL TOWN BOARD MEETING OF OCTOBER 16, 1986

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the regular Town Board meeting of October 14th and the Special Town Board meeting of October 16, 1986 are hereby accepted as submitted by the Town Clerk.

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. (1100-1986)

ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT WOODTHRUSH DRIVE, WEST NYACK

Co. Maloney offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

RESOLUTION NO. (1101-1986) Continued

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. (1102-1986)

AUTHORIZING RETURN OF MAINTENANCE BOND WITH REGARD TO DEDICATION OF SUBDIVISION (FEATHERLY ACRES)

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 a certified check in the sum of \$1,400.00 furnished to the Town in connection with dedication of the road(s) and improvements on September 19, 1985, in a subdivision known as FEATHERLY ACRES is terminated and the sum of \$1,400.00 may be released to the guarantor.

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. (1103-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON BROOKDALE COURT AT DEMAREST MILL ROAD, WEST NYACK

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 to be installed on Brookdale Court at Demarest Mill Road, West Nyack, New York,

and be it

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

Seconded by Co. 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. (1104-1986)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING FROM HERE TO CORNER" NORTH SIDE WEST NYACK ROAD 20 FEET FROM INTERSECTION OF BENSON ROAD, WEST NYACK

Co. Maloney offered the following resolution:

RESOLVED, that John O'Sullivan, Highway Superintendent, is hereby directed to install signs to read "No Parking from Here to Corner" on the north side of West Nyack Road, 20 feet from the intersection of Benson Road, West Nyack.

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. (1105-1986)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO ERECT A "NO STANDING" SIGN ON KEMMER LANE, NANUET 20 FEET FROM INTERSECTION OF ROUTE 59 ON EAST SIDE

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways, John O'Sullivan, is hereby directed to erect a "No Standing" sign on Kemmer Lane, Nanuet, 20 feet from the intersection of Route 59 on the east side.

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. (1106-1986)

AUTHORIZING COMPTROLLER TO AMEND 1986 BUDGET FOR TRANSFERRING UNEXPENDED BALANCES OF APPROPRIATIONS AMONG VARIOUS ACCOUNTS AND TO INCREASE AND DECREASE REVENUE ACCOUNTS FOR PURPOSE OF BALANCING ALL FUNDS

Co. Maloney offered the following resolution:

WHEREAS, pursuant to Section 112 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1986 budget for transferring unexpended balance of appropriations among various accounts and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

ABE536

RESOLUTION NO. (1106-1986) Continued

NOW, THEREFORE, be it

RESOLVED, that the 1986 budget is hereby amended.

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. (1107-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #62-1986 -
SANITARY SEWER CONSTRUCTION
PROJECT AT PHILLIPS HILL
ROAD, NEW CITY

Co. Maloney offered the following resolution:

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

BID #62-1986
SANITARY SEWER CONSTRUCTION PROJECT
PHILLIPS HILL ROAD, NEW CITY

and be it

FURTHER RESOLVED, that bid specifications and proposal
documents can be obtained at the Office of the Clarkstown Director
of Environmental Control upon payment of required deposit.

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. (1108-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #6-1987 -
CRUSHED STONE

Co. Maloney offered the following resolution:

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

BID #6-1987
CRUSHED STONE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday,
December 5, 1986 at which time bids will be opened and read, and be
it

Continued on Next Page

TBM - 11/13/86
Page 31

RESOLUTION NO. (1108-1986) Continued

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

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

ABE536

RESOLUTION NO. (1109-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #63-1986 - SALE OF SURPLUS TELEPHONE EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #63-1986
SALE OF SURPLUS TELEPHONE EQUIPMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, December 4, 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. 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. (1110-1986)

TOWN BOARD ELECTS TO PROVIDE ADDITIONAL RETIREMENT BENEFITS FOR ELIGIBLE POLICEMAN

Co. Maloney offered the following resolution:

WHEREAS, the New York State Policemen's and Firemen's Retirement System has indicated that the Town of Clarkstown may elect to provide additional retirement benefits for eligible policemen of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby elect to provide the additional pension benefits of Section 375-E as presently or hereafter amended, and entitled

Continued on Next Page

RESOLUTION NO. (1110-1986) Continued

"guaranteed retirement benefits for employees of participating employers", and be it

FURTHER RESOLVED, that this election shall become effective on the 1st day of December 1986, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown does hereby elect to provide the Career Retirement Plan of Section 375-G of the Retirement and Social Security Law as presently or hereafter amended for employees of participating employers, and be it

FURTHER RESOLVED, that this election shall become effective on the 1st day of December 1986, and be it

FURTHER RESOLVED, that the Town Board of Clarkstown does hereby elect to provide the benefits of Section 375-I of the Retirement and Social Security Law as presently or hereafter amended, and be it

FURTHER RESOLVED, that this election shall become effective on the 1st day of December 1986.

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. (1111-1986)

CREATING POSITION OF
ENGINEER, II - DEPARTMENT
OF ENVIRONMENTAL CONTROL

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 20, 1985 that the position of Engineer II, Department of Environmental Control, can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Engineer II, Department of Environmental Control, is hereby created.

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. (1112-1986)

APPOINTING POSITION OF
ENGINEER II, DEPARTMENT OF
ENVIRONMENTAL CONTROL
(RALPH LAURIA)

RESOLUTION NO. (1112-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Ralph Lauria, 8 Langschur Court, Thiells, New York, is hereby appointed to the position of Engineer II, Department of Environmental Control, at Grade 29B with the annual salary for 1986 of \$29,403.00, effective December 1, 1986.

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. (1113-1986)

SETTING PUBLIC HEARING RE AMENDMENT TO ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN (OFF-STREET PARKING REQUIREMENTS) AND REFERRAL OF SAME TO ROCKLAND COUNTY AND TOWN OF CLARKSTOWN PLANNING BOARDS

Co. Maloney offered the following resolution:

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

WHEREAS, the Planning Board of the Town of Clarkstown has recommended that the Zoning Ordinance be further amended, in particular with respect to Off-Street Parking requirements, to provide that such requirements be based on gross square footage instead of net square footage, and

WHEREAS, a recommendation regarding same is contained in the minutes of the regular meeting of the Planning Board of October 29, 1986, copy of which is appended hereto (Appendix "A"), and

WHEREAS, the Town Board wishes to act upon such recommendation to consider same at a public hearing to be held as herein provided;

NOW, THEREFORE, be it

RESOLVED, that Robert Geneslaw, Planning Consultant, is hereby authorized and directed to prepare proposed amendments suitable for publication and to provide same to the Town Attorney, who will prepare notice of public hearing and other required documents for the public hearing to be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:05 P.M. to consider the adoption of the proposed amendments as recommended, and be it

FURTHER RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendation and report, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the

Continued on Next Page

ABE536

RESOLUTION NO. (1113-1986) Continued

official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said Clerk, and be it

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

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. (1114-1986)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE PHASE I
TRAINING FOR ASSESSORS
(NICHOLAS A. LONGO) -
CHARGE TO ACCOUNT NO.
1010-414

Co. Lettre offered the following resolution:

RESOLVED, that Nicholas A. Longo, Assessor of the Town of Clarkstown is hereby authorized to attend the New York State Phase I Training for Assessors from December 7, 1986 to December 12, 1986 in Johnson, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against 1010-414.

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. (1115-1986)

APPROVING REDUCTION IN
AMOUNT OF PERFORMANCE BOND
FOR SUBDIVISION KNOWN AS
QUAIL HOLLOW (J.M.K.
BUILDING CORP.)

Co. Maloney offered the following resolution:

WHEREAS, a Performance Bond No. 936766, J.M.K. BUILDING CORP., as Principal and John Knutsen and Magny Knutsen as Co-Principals, and REPUBLIC INSURANCE COMPANY as Surety, dated September 27, 1982, in the amount of \$210,700.00 covering the improvements and other facilities as shown on the Final Plat of "QUAIL HOLLOW" filed in the Rockland County Clerk's Office on November 10, 1982, in Book No. 99 at Page No. 38 as Map No. 5431 was furnished to the Town of Clarkstown, and

Continued on Next Page

RESOLUTION NO. (1115-1986) Continued

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

NOW, THEREFORE, be it

RESOLVED, that the amount of security for the performance bond is hereby reduced to \$27,000 subject to the execution of a further performance agreement in a form acceptable to 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

RESOLUTION NO. (1116-1986)

TRANSFER OF FUNDS -
INCREASE REVENUE ACCOUNT
NO. 01-004989-01 (COMMUNITY
DEVELOPMENT FUNDS - CHILD
DAYCARE CENTER OF THE
NYACKS) AND APPROPRIATION
ACCOUNT NO. A 8510-409
(CHILD DAYCARE CENTER OF
THE NYACKS)

Co. Lettre offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-004989-01 (Community Development Funds - Child Daycare Center of the Nyacks) and Appropriation Account No. A 8510-409 (Child Daycare Center of the Nyacks) by \$227.49.

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. (1117-1986)

TRANSFER OF FUNDS -
INCREASE REVENUE ACCOUNT
NO. 01-002770 (MISC.
INCOME) AND DECREASE
REVENUE ACCOUNT NOS.
01-004989-01 (1985-CHILD
DAY CARE CENTER):
01-004989-02 (ROAC) AND
01-004989-03 (ROCKLAND
FAMILY SHELTER)

Co. Lettre offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-002770

Continued on Next Page

ABE536

RESOLUTION NO. (1117-1986) Continued

(Misc. Income) by \$9,999.00 and decrease the following Revenue Account Numbers:

01-004989-01 (1985-Child Day Care Center)....\$3,333.00
01-004989-02 (ROAC)..... 3,333.00
01-004989-03 (Rockland Family Shelter)..... 3,333.00

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. (1118-1986)

TRANSFER OF FUNDS -
INCREASE REVENUE ACCOUNT
NO. 01-002701 (REFUND OF
PRIOR YEARS EXPENSE) AND
APPROPRIATION ACCOUNT NO. A
9550-910 (TRANSFER TO
CAPITAL #2 FUND) AND
INCREASE APPROPRIATION
ACCOUNT NO. H 9710-05-409
(RECONSTRUCTION HIGHWAY
GARAGE) AND TRANSFER FROM
GENERAL FUND TO CAPITAL NO.
2 ACCOUNT

Co. Lettre offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-002701 (Refund of Prior Years Expense) and Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) by \$3,860.00, and be it

FURTHER RESOLVED, to increase Appropriation Account No. H 9710-05-409 (Reconstruction Highway Garage) by \$3,860.00 and transfer said funds from the General Fund to Capital No. 2 Account.

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. (1119-1986)

TRANSFER OF FUNDS -
DECREASE APPROPRIATION
ACCOUNT NO. B 8020-204
(PLANNING-OFFICE MACHINES)
AND INCREASE APPROPRIATION
ACCOUNT NO. B 8020-114
(PART TIME EMPLOYEES)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. B 8020-204 (Planning-Office Machines) and increase Appropriation Account No. B 8020-114 (Part Time Employees) by \$1,600.00.

Continued on Next Page

RESOLUTION NO. (1119-1986) Continued

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. (1120-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
DETERMINATION (H & H
SANITATION, INC.)

Co. Maloney offered the following resolution:

WHEREAS, by Charges and Specifications duly served on or about October 3, 1986, H & H SANITATION, INC., located at 22 Snake Hill Road, West Nyack, New York, with a mailing address of P.O. Box 14, Congers, 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 September 9, 1986, for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board, said garbage, rubbish, or debris having been collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for November 10, 1986 at 8:00 P.M., pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegation, and

WHEREAS, H & H SANITATION, INC., 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 \$2,500.00, payable on or before 5:00 P.M., November 13, 1986, and further consent to the imposition of a one year period of suspension of the Respondent Corporation's right to use the Clarkstown Sanitary Landfill provided however that said suspension shall be deferred upon the condition that the Respondent Corporation and any corporation similarly engaged in the waste removal business which has an officer/director, shareholder, employee or agent, person who was an officer/director, shareholder of the Respondent Corporation on the date of the violation (September 9, 1986), commit no further violation of the Town Code or law regarding use of the Clarkstown Sanitary Landfill facility during the period November 13, 1986 through November 12, 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,

Continued on Next Page

ABE536

RESOLUTION NO. (1120-1986) Continued

or in lieu thereof the public hearing originally scheduled for November 10, 1986 at 8:00 P.M., in the Clarkstown Town Hall shall be reconvened upon five days notice to Respondent on December 3, 1986, and be it

FURTHER RESOLVED, that a copy of this resolution shall be forwarded with any proposed Consent Determination to the Respondent, and be it

FURTHER RESOLVED, that this resolution is retroactive to November 10, 1986.

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. (1121-1986)

PERMITTING BUILDING
INSPECTOR TO INSPECT HOME
ON BOCES PREMISES, WEST
NYACK

Co. Nowicki offered the following resolution:

RESOLVED, that Building Inspector, Gerald Colucci, is hereby permitted to inspect a home on the premises of BOCES, West Nyack, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1122-1986)

AMENDING RESOLUTION NO.
872-1986 RE: PROPOSED
LOCAL LAW WITH RESPECT TO
REGULATIONS FOR APPROVAL OF
SITE PLANS TO RESCHEDULE
PUBLIC HEARING FROM
NOVEMBER 25, 1986 TO
DECEMBER 2, 1986

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 872 adopted by the Town Board on September 23, 1986 setting a public hearing on a proposed local law with respect to regulations for approval of site plans is hereby amended to change the public hearing date from November 25, 1986 at 8:00 P.M. to December 2, 1986 at 8:40 P.M., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1122-1986) Continued

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

RESOLUTION NO. (1123-1986)

AMENDING RESOLUTION NO.
871 1986 RE: PROPOSED LOCAL
LAW FOR LAND SUBDIVISION
REGULATIONS TO RESCHEDULE
PUBLIC HEARING FROM
NOVEMBER 25, 1986 TO
DECEMBER 2, 1986

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 871 adopted by the Town Board on September 23, 1986 setting a public hearing on a proposed local law for Land Subdivision Regulations is hereby amended to change the public hearing date from November 25, 1986 at 8:00 P.M. to December 2, 1986 at 8:45 P.M., at the Clarkstown Town Hall Auditorium, 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. (1124-1986)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON SOLID WASTE
MANAGEMENT AND MATERIALS
POLICY (LESLIE F. BOLLMAN)
- CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control of the Town of Clarkstown, is hereby authorized to attend a conference on Solid Waste Management and Materials Policy to be held February 11 - 14, 1987 at the Hilton Hotel, New York City, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 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

ABE536

RESOLUTION NO. (1125-1986

UPON RECEIPT OF CLEAR TITLE
- CONDITIONAL RESCINDING OF
RESOLUTION NO. 799-198-4
UPON RECEIPT OF DEEDS
PROVIDED FOR HEREIN -
WAIVING PERFORMANCE
AGREEMENT AND MAINTENANCE
BOND IN CONSIDERATION FOR
OFF SITE CONVEYANCES HEREIN
REQUIRED BUILDING 300
SUBDIVISION AIRPORT
EXECUTIVE PARK

Co. Lettre offered the following resolution:

WHEREAS, the Planning Board has approved a subdivision known as "Building 300 Subdivision Airport Executive Park" prepared by Henry Horowitz, Inc., dated August 1, 1985 and last revised December 13, 1985, which subdivision contains a 60 ft. right-of-way connecting to Smith Road and running south through said property and which roadway is intended to be incorporated into the planned north/south road commonly referred to as the Tunnel Bypass, and

WHEREAS, the developer of said subdivision has the ability to convey same to the Town of Clarkstown and to cause the conveyance of two additional unimproved parcels to the south of said roadway which abut the right-of-way of the Pascack Valley Railroad Line, and

WHEREAS, the Town Board deems it in the best interest of the community to acquire the parcels referred to herein for general municipal purposes as part of its overall plan to complete the Tunnel Bypass project;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to accept on behalf of the Town of Clarkstown a deed of conveyance from Airport Executive Park, Inc. for the right-of-way as depicted on the subdivision map referred to above, provided that a continuation report of clear title is received, and subject further to the receipt of the other deeds of conveyance hereinafter provided, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to accept on behalf of the Town two deeds of conveyance from the respective owners of record for the parcel described in Resolution No. 799/1984, and the parcel to the south comprised of approximately 0.093 acres of land which abuts the railroad right-of-way referred to herein, subject also to receipt of a title report and title insurance showing clear title to date of acceptance, and be it

FURTHER RESOLVED, that Resolution No. 799/1984 is rescinded effective with the receipt and acceptance of the deeds provided for herein, and be it

FURTHER RESOLVED, that a performance agreement and maintenance bond on the improved portion of the property to be conveyed is hereby waived in consideration for the off site conveyances herein required.

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. (1126-1986)

AMENDING RESOLUTION NO.
974-1986 RE ALLEGED
VIOLATIONS OF CHAPTER 63 OF
THE TOWN CODE (C & A
CARBONE, INC.) TO CHANGE
PUBLIC HEARING FROM OCTOBER
14, 1986 TO NOVEMBER 20,
1986

Co. Lettre offered the following resolution:

WHEREAS, a public hearing had been scheduled for November 13, 1986 with respect to alleged violation of Chapter 63 of the Town Code by C & A CARBONE, INC., and the attorney for the Respondent has requested an adjournment for the purposes of preparation of his client's case;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 974 adopted by the Town Board on October 14, 1986, scheduling a public hearing regarding alleged violation of Chapter 63 by C & A CARBONE, INC., is hereby amended to reschedule the public hearing to November 20, 1986 at 8:00 P.M., at the Clarkstown Town Hall, Room 311, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1127-1986)

APPOINTING POSITION OF
MEMBER - LITTER CONTROL
BUREAU (CHARLES ULRICH) TO
FILL UNEXPIRED TERM OF
CLARE WARD

Co. Maloney offered the following resolution:

RESOLVED, that Charles Ulrich, 402 Casper Hill Road, Valley Cottage, New York is hereby appointed to the position of Member - Litter Control Bureau - at \$500 per annum (to fill the unexpired term of Clare Ward) - commencing on November 13, 1986 and to expire on December 31, 1987.

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. (1128-1986)

AMENDING RESTRICTIVE
COVENANT MADE BY BEVERLY
DEGENSHEIN FOR VILLAGE
GREEN CONDOMINIUMS SO THERE
SHALL NOT BE ANY RESTRIC-
TIONS PREVENTING THE

ABE536

RESOLUTION NO. (1128-1986) Continued

CONSTRUCTION OF PATIOS OR
DECKS WITHIN ESTABLISHED
BUFFER ZONES

Co. Maloney 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 7th day of October, 1986 at 8:20 P.M., to consider amending the Restrictive Covenants dated January 29, 1979, made by BEVERLY DEGENSHEIN, filed in the Rockland County Clerk's Office on February 7, 1979, in Liber 1020 at Page 999, in connection with the zone change granted and which affects premises described in Schedule "A" which was rezoned from R-15, LS, LIO, and CS Districts to the present zone, an RG-2 District, and which also affects premises described in Schedule "B" which was rezoned from R-15, LS, LIO, and CS Districts to RG-2 and RS Districts, which said covenant contained the following provisions, among others, as follows:

"5. That there shall be a fifty (50) foot buffer zone along Route 304, in which no building shall be constructed, which buffer zone shall contain appropriate screening as required by the Department of Environmental Control.

6. There shall be a one hundred (100) foot buffer zone along Dustman Lane and Schweitzer Lane in which no building shall be constructed which buffer zone shall contain appropriate screening as required by the Department of Environmental Control," and

WHEREAS, Village Green Properties, Inc., the current property owner has requested the Town Board of the Town of Clarkstown to modify the covenants stated above so that there shall not be any restrictions from preventing the construction of patios or decks within the established buffer zones, and

WHEREAS, notice of a 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 above described Restrictive Covenant dated January 29, 1979, made by BEVERLY DEGENSHEIN is hereby authorized to be modified so as to permit the requested authorization, and be it

FURTHER RESOLVED, that an amended Restrictive Covenant in a form approved by the Town Attorney is hereby directed to be filed in the Rockland County Clerk's Office, subject to receipt of proof of ownership and clear title.

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

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted the Public Hearing re: Violation on Premises (Map 125, Block A, Lot 41) ROSADO, was opened, time: 9:07 P.M.

Continued on Next Page

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation on Premises (Map 125, Block A, Lot 41) ROSADO, was closed, RESOLUTION ADOPTED, time: 9:28 P.M.

RESOLUTION NO. (1129-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES MAP 126, BLOCK A, LOT 41 (ROSADO)

Co. Lettre offered the following resolution:

WHEREAS, by Resolution No. 897 dated September 23, 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 126, BLOCK A, LOT 41, 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 November 13, 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 23, 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 24th day of November, 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. Carey

On roll call the vote was as follows:

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

On motion of Councilman Carey, seconded by Maloney and unanimously adopted, the Public Hearing re: Violation on Premises (Map 8, Block A, Lot 4.29) - WASHINGTON and POWELL, was opened, time: 9:28 P.M.

On motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation on Premises (Map 8, Block A, Lot 4.29) - WASHINGTON and POWELL, was closed, RESOLUTION ADOPTED, time: 9:39 P.M.

Continued on Next Page

ABE536

RESOLUTION NO. (1130-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES (MAP 8,
BLOCK A, LOT 4.29) -
WASHINGTON AND POWELL

Co. Carey offered the following resolution:

WHEREAS, by Resolution No. 896 dated September 23, 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 8, BLOCK A, LOT 4.29, 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 November 13, 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 23, 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 24th day of November, 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

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: LOCAL LAW NO. 3 - CHAPTER 50 (GARBAGE REMOVAL), was opened, time: 9:40 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: LOCAL LAW NO. 3 - CHAPTER 50 (GARBAGE REMOVAL), was closed, RESOLUTION ADOPTED, time: 9:45 p.m.

RESOLUTION NO. (1131-1986)

ADOPTING LOCAL LAW NO.
3-1986 - RECODIFICATION OF
CHAPTER 50 - GARBAGE REMOVAL

RESOLUTION NO. (1131-1986) Continued

Co. Nowicki offered the following resolution:

WHEREAS, a proposed local law entitled:

"RECODIFICATION OF CHAPTER 50 - GARBAGE REMOVAL" was introduced by Councilman Maloney at a Town Board meeting held on the 14th day of October, 1986, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of October, 1986, directed that a public hearing be held on the 13th day of November, 1986, at 8:20 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 31, 1986, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 5, 1986, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 13, 1986;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3 - 1986, entitled: "RECODIFICATION OF CHAPTER 50 - GARBAGE REMOVAL" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Honorable Charles E. Holbrook, Supervisor....Yes
Councilman William J. Carey.....Yes
Councilman Edward J. Lettre.....Yes
Councilman John R. Maloney.....Yes
Councilman Catherine Nowicki.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Maloney

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: LOCAL LAW NO. 4-1986 - (LANDFILLS) was opened, time: 9:45 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: LOCAL LAW NO. 4-1986 - (LANDFILLS) was closed, RESOLUTION ADOPTED, time: 9:46 P.M.

RESOLUTION NO. (1132-1986)

ADOPTING LOCAL LAW NO. 4
- RECODIFICATION OF
CHAPTER 63 - LANDFILLS

Co. Nowicki offered the following resolution:

WHEREAS, a proposed local law entitled:

"RECODIFICATION OF CHAPTER 63 - LANDFILLS" was introduced by Councilman Maloney at a Town Board meeting held on the 14th day of October, 1986, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of October, 1986, directed

Continued on Next Page

RESOLUTION NO. (1132-1986) Continued

that a public hearing be held on the 13th day of November, 1986, at 8:25 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 31, 1986, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 5, 1986, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 13, 1986;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1986, entitled:

"RECODIFICATION OF CHAPTER 63 - LANDFILLS"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

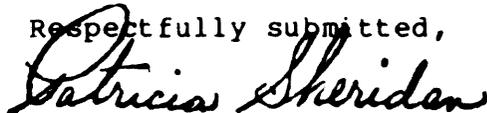
Honorable Charles E. Holbrook, Supervisor.....	Yes
Councilman William J. Carey,.....	Yes
Councilman Edward J. Lettre.....	Yes
Councilman John R. Maloney.....	Yes
Councilman Catherine Nowicki.....	Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Maloney

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Town Board meeting was declared closed, time: 9:46 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

47

Town Clerk

11/13/86

9:07 P.M.

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

RE: VIOLATION ON PREMISES - MAP 126, BLOCK A, LOT 41 - ROSADO
29 SOUTH ROUTE 303, CONGERS

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney listed the debris which was the reason for the violation being served.

Town Attorney John Costa testified as to proper posting and notification of owners.

Town Attorney called upon Mrs. Irene Saccende, Code Enforcement Officer of the Building Department. Town Attorney wished it noted for the record that Mr. Rosado was present this evening.

Mrs. Saccende was sworn in by the Town Attorney and she stated that she was a Code Inspector for the Town of Clarkstown.

Supervisor Holbrook asked if she was familiar with this property and she answered in the affirmative. He asked how many times she had visited this property and she said several. She said there has been a long standing history regarding this property.

Mrs. Saccende noted that the property was located at 29 South Route 303, Congers, New York. She described the property, her visits to the site, her observations and the actions taken with respect to the violation. She presented photographs taken of the debris at the site on March 6, 1986 at 9:20 A.M. Town Attorney accepted the pictures as a part of the record of this proceeding. She stated that some of the debris had been cleared but some still remains. She said that Mr. Rosado had been in to the Building Inspector's Office to obtain a building permit to enclose two trailers to be used as a shed for tools he uses in his landscaping business. He also filed for a home improvement permit.

Town Attorney inquired as to the zoning designation of this parcel and Mrs. Saccende said it was R-15. Supervisor Holbrook asked if a landscaping business was permitted in an R-15 zone. Mrs. Saccende said if it just entailed telephones. Supervisor asked if storage of equipment was permitted and she said no, but this would not be large equipment - just tools and mowers and such which would be permitted under accessory use if he is granted a home occupation permit.

Supervisor asked if the trailers were present on the premises now and Mrs. Saccende said yes. Councilman Nowicki asked to what use the trailers were put now and Mrs. Saccende said she did not know what they were used for now but that they would be enclosed with a roof put on to facilitate storage of his equipment. Councilman Nowicki said that would look terrible. Councilman Lettre said then wouldn't that be operation of a business within the R-15 zone itself?

Mrs. Saccende said the applications were just filed today. He has not been issued anything yet.

Town Attorney afforded Mr. Rosado the opportunity to ask Mrs. Saccende any questions he had. Mr. Rosado said he had no questions for Mrs. Saccende.

Town Attorney asked if there was anyone present who wished to comment on the order or the statements of Mrs. Saccende.

Continued on Next Page

ABE536

There being no one wishing to make a statement Town Attorney called on Mr. Rosado to make a statement. Town Attorney swore in Mr. Rosado.

Appearance: Mr. Carlos Rosado
29 South Route 303
Congers, New York 10920

Mr. Rosado stated that when the letter was sent he was in Puerto Rico as his mother was ill and then she passed away. He said when he returned he cleaned up whatever had to be cleaned up. He stated that he had two trailers in which he kept lawn mowers. He also stated that he wanted to get a permit to place the trailers on railroad ties and enclose them to form a shed.

Councilman Nowicki asked Mr. Rosado if he had trailers, trucks and tires on the property. He said they were all out of there now. Councilman Nowicki inquired about the look of the property as to landscaping and Mr. Rosado said he had none as most of it was gravel. Mrs. Nowicki said that it looked awful and Mr. Rosado said they were welcome to come and inspect it again now and see the difference.

Councilman Lettre asked Mr. Rosado if he had any other place in the County where he stored his equipment and Mr. Rosado said he had a place in Spring Valley. Councilman Lettre asked why Mr. Rosado found it necessary to utilize a residential district to store commercial equipment if you have a location somewhere else. Mr. Rosado said the site in Spring Valley is where he is presently working and he keeps his trucks and his equipment there except for the lawn mowers and they are kept at his home. Councilman Lettre asked then you do not have any location other than your residential location to store the equipment which you use for your commercial enterprise? Mr. Rosado said that is correct.

Councilman Maloney asked how long Mr. Rosado had been at that location and he said sixteen years. He said he had 365 feet frontage on Route 303 and 26,000 square feet of property. Supervisor Holbrook said that was irrelevant because this is a residential zone (R-15). Supervisor Holbrook said he did not think the Town Board would find it acceptable to move the trailers and have them changed into sheds. He said they would have to be moved off the property. Mr. Rosado said then he would have to build a shed. Mr. Rosado said he only had the trailers there for two years but the Supervisor and Councilman Lettre said that the tractor and other debris had been there for more than two years.

Councilman Nowicki said every new building that is going up along Route 303 has to meet landscaping requirements. They have to put grass in front of the building. Mr. Rosado said that it is cleaned up now and just the two trailers remain. He said he had spent \$800.00 to put in evergreen trees and he has now fenced in the entire property.

Supervisor Holbrook said no one can have tractor trailers stored on their property in an R-15 zone. It is not permitted. The Town Board does not consider a tractor trailer to be a shed. Mr. Rosado said he thought that he could box it in and put siding on it like a house. Supervisor Holbrook said he would suggest that the trailers be removed to comply with the order here.

Mr. Rosado said he had five lawn mowers, snow blowers and if he took them out of the trailers and covered them up with plastic to protect them from the weather he thought that would look worse than if they were in the trailer.

Councilman Lettre said what is there now is unsightly and is a blight on the community. The object of this hearing is to remove them or have you construct something that would be desirable and harmonious with the community. Mr. Rosado stated that he has plans and he would be glad to show the Board the plans he has.

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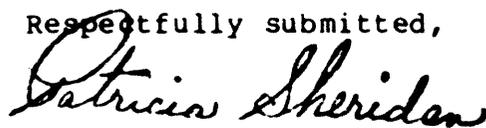
Supervisor Holbrook said the trailers have to go. Councilman Lettre asked if the backhoe was gone and Mr. Rosado said it was there in case he would have permission to use the tractor trailers.

Supervisor Holbrook said that Mr. Rosado must get rid of the tractor trailers and apply for a permit to build a shed. Mr. Rosado asked how much time he had and Supervisor said they had to be removed within ten days. Councilman Lettre said perhaps Mr. Rosado could bring the tractor trailers up to the other location temporarily and then when the shed is built the lawn mowers, etc. could be moved back to the residential site and placed in the shed.

Supervisor stated that Mr. Rosado had until the 24th day of November to remove the trailers. Town Attorney said no exterior storage of equipment is permitted. A home occupation is the only thing you can apply for and even then exterior storage is not permitted. Town Attorney clarified that, even if we state that Mr. Rosado's operation would qualify as a home occupation, you cannot store equipment outside.

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:28 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (1129-1986) Adopted

ABE536

TOWN OF CLARKSTOWN
PUBLIC HEARING

51

Town Hall

11/13/86

9:28 P.M.

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

RE: VIOLATION HEARING ON PREMISES (MAP 8, BLOCK A, LOT 4.29)
WASHINGTON AND POWELL (1 ALBACON ROAD, SPRING VALLEY)

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

Town Attorney testified as to proper posting and notification of the owner. He stated that the property in question was located at 1 Albacón Road, Spring Valley, New York, reputedly owned by Lovella Washington and James Powell.

Town Attorney stated that there were railroad ties, cinder blocks, car parts and miscellaneous debris stacked in front of and against the fencing on the north side of the property line. There is also a licensed red Ford van bearing license number 948 BCS parked on the east side of the property line and which is filled with parts and debris. This has created a nuisance and a hazard to the health, safety and welfare of the community.

Town Attorney called upon Mrs. Saccende, who was still under oath from the previous Public Hearing, to give testimony regarding the site in question. Mrs. Saccende gave a history of the property in question in so far as the building department is concerned. She had personally inspected the property and sent a notice, certified, mail to the reputed owners. She said the property had been reinspected on other occasions. A partial clean-up had been effected. However, Mr. Powell started work on a car in his driveway in the latter part of the summer. She said major repair of a car on cinder blocks in a driveway constitutes a hazard and should not be allowed. She presented pictures to the Town Board which were made a part of the record of this proceeding.

Mrs. Saccende recommended at this time that the car repair should cease and the removal of the railroad ties and car parts, etc. be effected. Town Attorney asked what the zoning designation of this parcel was and she said residential.

Town Attorney asked if the Board members had any questions. There were none. Town Attorney asked if the property owners were present tonight. They were present. He asked them if they had any questions for Mrs. Saccende. They did not.

Councilman Nowicki asked Mrs. Saccende if this property had been cleaned up and Mrs. Saccende said partially. Supervisor Holbrook asked about the car and she said the car is being worked on and that conditions have remained the same since approximately September 6th. Mrs. Saccende said it looked particularly bad and there is a hazardous condition present. Supervisor asked in what condition the car was and she said she was unsure if the motor had been replaced yet or not.

Mr. Powell said he had been unable to secure a needed part for the car but had gotten it just yesterday. Supervisor asked if he thought that he could have all of it cleaned up in ten days and Mr. Powell said he would try.

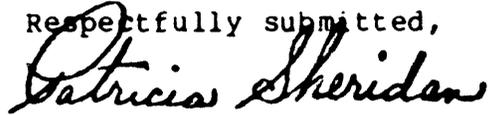
Mr. Powell said he was taking railroad ties out and putting cement blocks in as the ties were rotting out. He had to keep the bank from falling in. Town Attorney asked if that operation had been completed and Mr. Powell said yes. Town Attorney

Continued on Next Page

asked if their were children in the neighborhood as Mrs. Saccende had stated that the car was up on cinder blocks. Mr. Powell said the property was all fenced in. Mr. Powell said he needed enough time to get it all cleaned up and the Supervisor said they would give him ten days.

On motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time 9:39 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1130-1986) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

53

Town Hall

11/13/86

9:40 P.M.

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

RE: LOCAL LAW NO. 3 - CHAPTER 50 (GARBAGE REMOVAL)

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

Town Attorney said this is the Local Law which regulates the sanitation industry within the Town of Clarkstown, creates the Sanitation Commission and provides for licensing procedures. This is largely being adopted as it was, but certain additional features are made part of the law if adopted. For the first time the drivers of licensed carters will also have to be identified and submitted for clearance through the Sanitation Commission. In addition, certain due process requirements where there would be a disciplinary proceeding or an investigation into the qualifications of a proposed licensee, have been expanded somewhat and clarified in this local law.

Supervisor asked if this also dealt with containers and Town Attorney said yes there is a provision in this revised local law that type, number and size of the containers (not less than 4 per collection) will be established by rule, order or regulation of the Sanitation Commission.

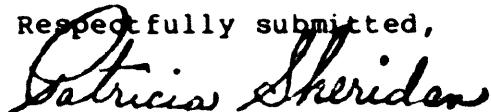
There was discussion regarding the size and amount of the containers and Town Attorney said there had to be an upper limit and Supervisor said it would be up to 32 gallons. Town Attorney then read paragraph N of page 12 in the local law. The Town Board wanted it to read as the closing phrase "up to a maximum of thirty-two (32) gallons per container."

Town Board asked if there was anyone present wishing to comment.

Appearance: No one appeared.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1131-1986) ADOPTED

ABE536

TOWN OF CLARKSTOWN
PUBLIC HEARING

55

Town Hall

11/13/86

9:45 P.M.

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

RE: LOCAL LAW NO. 4 - RECODIFICTION OF CHAPTER 63 - LANDFILLS

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.

The purpose of this local law is to update the current needs and practices of the Clarkstown Sanitary Landfill so that the Town can continue to maintain and operate the Landfill located on Route 303, West Nyack, New York, for the benefit of the residents of the Town of Clarkstown and for other municipalities and agencies of government, as a facility for the disposal of garbage and other solid wastes which can be lawfully and safely disposed therein without undue risks to the environment.

Supervisor asked if there was any one present wishing to comment on the proposed local law.

Appearance: No one appeared.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unaninously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:46 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1132-1986) ADOPTED

ABE536