

TOWN BOARD MEETING

Town Hall

11/25/86

8:03 P.M.

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

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

Supervisor Holbrook presented the following
proclamation:

"FRIENDSHIP BOWL WEEKEND
November 28-30, 1986"

WHEREAS, for a second time, the players from the
Everett, Massachusetts Pop Warners Football
League and the players of the New City Rams
Junior football teams have joined in
competition on the football field in a spirit
of friendship and sportsmanship; and

WHEREAS, the parents, coaches, friends and players of
the New City Rams extend a warm welcome to
the players of the Everett Huskies, and

WHEREAS, the Town of Clarkstown is happy to share our
hospitality with the Everett teams, their
families, friends and coaches for a weekend
of fair play, cooperation and participation
in the "THE FRIENDSHIP BOWL"

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of
Clarkstown, on behalf of the Town Board, do hereby proclaim the
weekend of November 28th through November 30th, 1986 as "FRIENDSHIP
BOWL WEEKEND" and extend to our friends from Everett, Massachusetts
a warm welcome and urge that all our residents join together in
extending our hospitality to these fine youth, their parents and
friends.

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

/s/ Charles Holbrook
CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown"

Supervisor declared Public Portion of the meeting open.

Appearance: Mr. George Zuckerman, President
Normandy Village Tenants Association

Mr. Zuckerman spoke regarding the ETPA and requested
the Town to hold a Public Hearing on same. Mr. Zuckerman presented
a letter in this regard from the Normandy Village Tenants
Association dated November 24, 1986 and addressed to the Supervisor
and the Town Board.

Mr. Zuckerman asked what the procedure would be with
regard to the letter? Will it be taken up in any way? Supervisor

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said it was up to the Town Board members if they wanted to schedule a public hearing. He said he thinks they have indicated in the past that they do not. He did not see any evidence that that position has changed. It can be discussed. Mr. Zuckerman said then as far as you are concerned, it does not come up. Supervisor said the Town Board can decide whether or not it wants to discuss this further.

Mr. Zuckerman asked if he could obtain a copy of the by-laws of the Clarkstown Town Board. Town Attorney said there are no formal by-laws of the Town Board of the Town of Clarkstown. The authority of the Town Board is contained in the Town Law and he asked Mr. Zuckerman to check Section 64 of the Town Law he would find the powers of the Town Board spelled out in rather great detail.

Appearance: Mr. Milton Levy
Normandy Village, Nanuet

Mr. Levy spoke on behalf of the senior citizens living in Normandy Village and regarding a public hearing for the purpose of ETPA.

RESOLUTION NO. (1133-1986) AUTHORIZING PAYMENT OF
\$710.00 TO MARGARETANN
RIES, SECRETARY TO THE
BOARD OF APPEALS

Co. Carey offered the following resolution:

RESOLVED, THAT THE SUM OF \$710.00 be paid to MARGARETANN RIES, Secretary to the Board of Appeals for the preparation of the transcripts required in the following proceedings:

- APFELBAUM v. BOARD OF APPEALS
- MARIA CIRELLI v. BOARD OF APPEALS

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1134-1986) ACCEPTING MINUTES OF TOWN
BOARD MEETING OF OCTOBER
28, 1986

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the regular Town Board meeting of October 28, 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 Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (1135-1986)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT GLENSIDE
DRIVE, NEW CITY

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

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Service Investigation Clerk, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Glenside Drive, New City
(Existing pole number 59769/41505 - (1) 5800 lumen sodium vapor)

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1136-1986)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT MAPLE AVENUE,
NEW CITY AND OLD NYACK
TURNPIKE/RADIAL TO ROUTE 59

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of Patricia A. Betz, Service Investigation Clerk, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Maple Avenue, New City
(opposite Town of Clarkstown Counseling Center
existing pole number 59469/41754 - (1) 5800 lumen

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RESOLUTION NO. (1135-1986) Continued

sodium vapor)

Old Nyack Turnpike/radial to Route 59, Nanuet
(Upgrade - remove existing 6000 lumen incandescent
install 9500 lumen sodium vapor)

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION No. (1137-1986)

RESUBMITTING KEHOE
SUBDIVISION UNDER A
STANDARD LAYOUT

Co. Maloney offered the following resolution:

WHEREAS, it has been reported to the Town Board by Martin Feldi, owner of a portion of the premises in the Kehoe Subdivision, filed in the Rockland County Clerk's Office in 1971, that adjacent premises for which he is contract purchaser is about to be subdivided and may benefit if a portion of one of the lots in the Kehoe Subdivision is transferred to become part of the planned adjacent subdivision known as "Hastings Wood," and

WHEREAS, the Kehoe Subdivision was processed by the Clarkstown Planning Board as an average density subdivision pursuant to Town Law Section 281 and, therefore, the transfer of a portion of the premises to the adjacent planned subdivision does not, in the opinion of the Town Attorney, permit the planned subdivision to obtain additional lot count as a result of such transfer, and

WHEREAS, Martin Feldi has indicated a willingness to submit the premises comprising the Kehoe Subdivision for resubdivision as a standard subdivision application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board has no objection to the resubmission of the Kehoe Subdivision for resubdivision under a standard layout which would thereafter permit the transfer of the portion of said premises to adjacent premises for further subdivision purposes, and be it

FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Chairman of the Planning Board.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1138-1986)

AUTH. SUPT. OF HIGHWAYS TO IMPLEMENT
INCREASE IN CLEARANCE TIMES TO SIGNAL
AT LAWRENCE ST. AND PASCACK RD. SPRING
VALLEY-RECOMMENDED BY HOWARD L. LAMPERT

Co. Maloney offered the following resolution:

WHEREAS, Howard E. Lampert, Traffic and Highway
Engineering Consultant has recommended an upgrade of the existing
traffic signal at Lawrence Street and Pascack Road, Spring Valley in
a report dated November 6, 1986,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Supt. of Highways is
hereby authorized to implement the following increase in clearance
times to this signal, as follows:

<u>Street</u>	<u>Interval</u>	<u>Time(sec.)</u>	
		<u>Existing</u>	<u>Proposed</u>
Lawrence St.	Green	48.0	48.0
"	Yellow	3.0	3.25
"	All Red	7.75	7.75
Pascack Rd.	Green	32.0	34.0
"	Yellow	3.0	4.25
"	All Red	7.75	7.75
Total		101.25	105.0

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1139-1986)

AUTHORIZING SUPT. OF
HIGHWAYS, JOHN O'SULLIVAN
TO IMPLEMENT THE
RECOMMENDED TRAFFIC SAFETY
IMPROVEMENTS FOR BROOKSIDE
AVE., VALLEY COTTAGE

Co. Maloney offered the following resolution:

WHEREAS, Howard E. Lampert, Traffic and Highway
Engineering Consultant has recommended additional traffic sign
installations and pavement markings for Brookside Avenue, Valley
Cottage in a report dated November 12, 1986, as well as the removal
of various existing signs,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Supt. of Highways is
hereby authorized to implement the recommended traffic safety
improvements as per the attached sketch prepared by Howard E.
Lampert for Brookside Avenue, Valley Cottage.

Seconded by Co. Nowicki

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RESOLUTION NO. (1139-1986) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1140-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #9-1987 - TRAFFIC
SIGNAL AT KINGS HIGHWAY AND
NEW LAKE ROAD, V.C.

Co. Maloney offered the following resolution:

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

Bid #9-1987
TRAFFIC SIGNAL AT
KINGS HIGHWAY AND NEW LAKE ROAD, VALLEY COTTAGE, NY

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,
JANUARY 9, 1987 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 Clarktown Director of
Purchasing.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1141-1986)

AUTHORIZING PAYMENT IN THE
SUM OF \$1,680 TO HOWARD L.
LAMPERT FOR PROPOSED
TRAFFIC SIGNAL

Co. Maloney offered the following resolution:

WHEREAS, the Town Board entered into an agreement with
Howard L. Lampert, P.E., Traffic Engineering Consultant, for
preparation of scale drawing of exisiting intersection including
field measurement and corrections to maps provided by the Town, and
for plans and specifications for proposed traffic signal,

RESOLVED, that payment be authorized in the sum of
\$1,680 to Howard L. Lampert, P.E. for preparation of the above.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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RESOLUTION NO. (1141-1986) Continued

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

RESOLUTION NO. (1142-1986)

AUTHORIZING THE PAYMENT OF \$1,680 TO HOWARD L. LAMPERT, P.E. FOR PREPARATION OF A TRAFFIC STUDY FOR THE FOLLOWING: SOUTH MOUNTAIN ROAD, PASCACK RD. & LAWRENCE ST., COLLYER AVENUE, BROOKSIDE DRIVE, INWOOD DRIVE

Co. Maloney 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:

South Mountain Road
Pascack Rd. & Lawrence St.
Collyer Avenue
Brookside Drive
Inwood Drive

RESOLVED, that payment be authorized in the sum of \$1,680 to Howard L. Lampert, P.E. for preparation of the above accepted studies.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1143-1986)

AUTHORIZING THE PAYMENT OF \$2,400.00 TO HOWARD L. LAMPERT, P.E. FOR PREPARATION OF CONTRACT FOR TRAFFIC SIGNAL MAINTENANCE AND UPGRADING

Co. Maloney offered the following resolution:

WHEREAS, the Town Board entered into an agreement with Howard L. Lampert, P.E., Traffic Engineering Consultant, for preparation of contract for Traffic Signal maintenance and upgrading,

RESOLVED, that payment be authorized in the sum of \$2,400.00 to Howard L. Lampert, P.E. for preparation of the above.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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RESOLUTION NO. (1143-1986)

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

RESOLUTION NO. (1144-1986)

SETTING A PUBLIC HEARING TO
CONSIDER AMENDING THE
OFFICIAL MAP OF THE TOWN OF
CLARKSTOWN AND REFERRING
SAME TO THE CLARKSTOWN AND
COUNTY PLANNING BOARDS

Co. Maloney offered the following resolution:

WHEREAS, certain residents in the area of an existing shopping center, formerly known as the Korvettes Shopping Center, located on Route 59 and Smith Road, Nanuet, have petitioned the Town Board for an amendment to the official map of the Town of Clarkstown to eliminate through traffic at the terminus of East Orchard Street and Grace Street, where said streets abut the shopping center by placing a barrier at the end of each street as depicted on the attached sketch (Schedule "A"), and

WHEREAS, the Town Board, on its own motion, wishes to consider said proposal;

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 January 13, 1987 at 8:30 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, 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 Building Inspector and 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 five hundred (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 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 a copy of this resolution be referred to the Clarkstown Planning Board and the Rockland County Planning Board for report and recommendation.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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RESOLUTION NO. (1144-1986) Continued

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

RESOLUTION NO. (1145-1986)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #7-1987 ATHLETIC AND
RECREATION SUPPLIES

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

BID #7-1987
ATHLETIC AND RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 (A.M.) on Monday,
December 29, 1986, at which time bids will be opened and read, and
be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1146-1986)

AUTHORIZING JO ANNE
OLDENBURGER TO ATTEND THE
1987 REVENUE SOURCES
MANAGEMENT SCHOOL-SECOND
YEAR AND CHARGED TO:
1986: A 7180-414 - \$185.
1987: A 7310-414 - \$440.

Co. Maloney offered the following resolution:

RESOLVED, that Jo Anne Oldenburger, Recreation
Supervisor, is hereby authorized to attend the 1987 Revenue Sources
Management School-Second Year from March 7, 1987 through March 13,
1987, in Wheeling, West Virginia, and

FURTHER RESOLVED, that all necessary expenses not to
exceed \$625.00 be charged as follows:

1986: A 7180-414 - \$185.00
1987: A 7310-414 - \$440.00

Seconded by Co. Nowicki

On roll call the vote was as follows:

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RESOLUTION NO. (1146-1986) Continued

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

RESOLUTION NO. (1147-1986)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDING FOR
REMOVAL OF VIOLATION ON
PREMISES OWNED BY OHIO
STEEL, MAP 43, BLOCK E, LOT
6.88

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by memo dated November 14, 1986, of the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by

OHIO STEEL and SHEET METAL CORP.

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 43, BLOCK E, LOT 6.88, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:10 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before December 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1148-1986)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDING FOR
REMOVAL OF VIOLATION ON
PREMISES OWNED BY KIGLER,
MAP 43, BLOCK F, LOT 12.
PUBLIC HEARING - JANUARY
13, 1987

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by memo dated November 14, 1986, of the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by

IRVING KIGLER

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 43, BLOCK F, LOT 12, and be it

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RESOLUTION NO. (1048-1986) continued

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:05 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before December 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1149-1986)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDING FOR
REMOVAL OF VIOLATION ON
PREMISES OWNED BY CONLON,
MAP 127, BLOCK C, LOT 17.01

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by memo dated November 14, 1986, of the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by

JOHN CONLON

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK C, LOT 17.01, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:20 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before December 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1150-1986)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDING FOR
REMOVAL OF VIOLATION ON
PREMISES OWNED BY PRIVATE
HOLDING CORP., MAP 127,
BLOCK C, LOT 17. PUBLIC
HEARING ON JANUARY 13, 1987

Co. Maloney offered the following resolution:

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RESOLUTION (NO. 1150-1986) continued

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by memo dated November 17, 1986, of the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by

PRIVATE HOLDING CORP.

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK C, LOT 17, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:15 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before December 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1151-1986)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE PROCEEDING FOR REMOVAL OF VIOLATION ON PREMISES OWNED BY SMITH, MAP 7, BLOCK E, LOT 2. PUBLIC HEARING ON JANUARY 13, 1987

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by memo dated November 14, 1986, of the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by

ROBSPIERRE and MARIE SMITH

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 7, BLOCK E, LOT 2, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of January, 1987, at 8:25 P.M., providing service of Notice Pursuant to Town Code, Section 31 can be made on or before December 20, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1152-1986)

AUTHORIZING THE
SUPERINTENDENT OF HIGHWAYS
TO INSTALL "NO PARKING HERE
TO CORNER" SIGNS ON THE
NORTH AND SOUTH SIDES OF
AMARILLO DRIVE, NANUET

Co. Maloney offered the following resolution:

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

"No Parking Here to Corner" signs on the north
and south sides of Amarillo Drive, Nanuet, to
be erected east of both driveways

and be it

RESOLUTION NO. (1152-1986) Continued

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1153-1986)

AUTHORIZING ASSESSOR TO
LEVY SUM OF \$1,930.76 FOR
CLEANUP, FRANKLIN CHAPTER
79, MAP 127, BLOCK C, LOT 5

Co. Maloney offered the following resolution:

WHEREAS, a proceeding pursuant to Chapter 79 of the
Town Code was duly instituted against premises known and described
on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK C, LOT 5,
and

WHEREAS, by Order of the Town Board, the Superintendent
of Highways was authorized and directed to take certain corrective
measures regarding said premises, and

WHEREAS, the total cost for the proceeding and
corrective measures was the sum of \$1,930.76, and

WHEREAS, the record property owners had been notified
and have failed to pay the amount due;

NOW, THEREFORE, be it

RESOLVED, that the Assessor is hereby authorized and
directed to levy the sum of \$1,930.76 against MAP 127, BLOCK C, LOT
5, in accordance with law.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

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RESOLUTION NO. (1154-1986)

AWARDING BID #57-1986 FOR
TWO FLASHING BEACON SIGN
ASSEMBLIES FOR ROUTE 304,
BARDONIA

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town's Traffic & Highway Engineering Consultant and the Director of
Purchasing that

Bid #57-1986 for
TWO FLASHING BEACON SIGN ASSEMBLIES
FOR ROUTE 304, BARDONIA, NY

is hereby awarded to

WARDE ELECTRIC CONTRACTING CO., INC.
100 WELLS AVENUE
CONGERS, NY 10920

per their proposed project cost of \$8,900.00 and be it

FURTHER RESOLVED, that said award is subject to the
receipt of the following:

- 1 - Written acknowledgement that item #680.8220 shall be a seven (7) day timer.
- 2 - A Performance Bond equal to 100% of project cost.
- 3 - A Certificate of Liability Insurance for \$500,000 - \$1,000,000 limits and naming the Town as a co-insured.
- 4 - A Certificate of Worker's Compensation coverage
- 5 - An executed "Save Harmless Clause" in favor of the Town.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1155-1986)

AUTHORIZING THE
SUPERINTENDENT OF HIGHWAYS
TO ERECT A GUARD RAIL AT
TROTTERS TRAIL, NEW CITY

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby
directed to erect a guard rail at Trotters Trail, New City.

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. (1156-1986)

AUTHORIZING THE TOWN OF
CLARKSTOWN TO ASSUME
PAYMENT FOR PICKUP OF
REFUSE RECEPTACLES

Co. Maloney offered the following resolution:

RESOLVED, that the Town of Clarkstown assumes the responsibility of payment for pickup of refuse contained in receptacles placed at various locations in the Hamlet of New City by the New City Chamber of Commerce.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1157-1986)

REJECTING ALL PROPOSALS FOR
BID #61-1986, CHAIN LINK
FENCING AT TOLSTOY
PROPERTY, VALLEY COTTAGE

Co. Maloney offered the following resolution:

RESOLVED, that all proposals received for
Bid #61-1986
Chain Link Fencing At Tolstoy Property,
Valley Cottage

are hereby rejected.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1158-1986)

ENTERING INTO AN AGREEMENT
BETWEEN CLARKSTOWN AND
RAMAPO FOR SANITARY SEWER
SERVICES

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has determined that it will be to the mutual benefit of the Towns of Clarkstown and Ramapo to provide a method whereby sanitary sewer service can be furnished to properties in the adjacent town through the use of each others respective facilities when such service cannot be practically provided by facilities wholly within one town, and

Continued on Next Page

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RESOLUTION NO. (1158-1986) continued

WHEREAS, a proposed agreement between the Town of Clarkstown and the Town of Ramapo shall provide such sanitary sewer services on a reciprocal basis,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Clarkstown hereby authorizes and directs the Supervisor to enter into the proposed agreement as approved by the Town Attorney, conditional upon the approval of said agreement by the Town Board of the Town of Ramapo, and

BE IT FURTHER RESOLVED that said agreement shall provide that it may be terminated upon prior written notice of 180 days.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1159-1986)

AUTHORIZING PETER BEARY,
ASSISTANT BUILDING
INSPECTOR (HOUSING) TO
ATTEND A COURSE ON
"EXISTING HOUSING
INSPECTION" AND CHARGED
AGAINST APPROPRIATION
ACCOUNT NO. A1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Peter Beary, Assistant Building Inspector (Housing) is hereby authorized to attend a course on "Existing Housing Inspection" to be held on January 12-14, 1987, at the University of Wisconsin, Madison, Wisconsin, 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 Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1160-1986)

APPOINTING AND AUTHORIZING
A HEARING OFFICER WITH
REGARD TO SECTION 75 OF THE
CIVIL SERVICE LAW
DISCIPLINARY PROCEEDING

Co. Carey offered the following resolution:

WHEREAS, by charges and specifications dated November 21, 1986, the Supervisor of the Town of Clarkstown has instituted separate disciplinary proceedings pursuant to Section 75 of the Civil Service Law against Paul Schwartz and Raymond Wolicki, alleging excessive absenteeism;

Continued on Next Page

RESOLUTION NO. (1160-1986) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby confirms the commencement of said proceedings, and thirty (30) days suspension, effective November 24, 1986, and be it

FURTHER RESOLVED, that Patrick J. Finnegan, Esq., 16 Virginia Avenue, West Nyack, New York, is hereby appointed as hearing officer to hear, report and recommend action to be taken by the Town Board with respect to said alleged absenteeism, and be it

FURTHER RESOLVED, that the sum of \$100.00 per hour shall be charged for all necessary services performed by said hearing officer, and be it

FURTHER RESOLVED, that appropriations pursuant to this resolution shall be charged to Account No. 1420-409.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1161-1986)

ACCEPTING DECLARATION OF
VALLEY COTTAGE FREE LIBRARY
TO PROVIDE ROAD WIDENING

Co. Maloney offered the following resolution:

RESOLVED, upon the recommendastion of the Town Attorney, a declaration dated October 20, 1986 of the Valley Cottage Free Library covenanting to provide a road widening strip along the premises owned by the Valley Cottage Free Library as required by the Town of Clarkstown Planning Board for approval of an addition and alteration to the library facility is hereby accepted and ordered recorded in the Rockland County Clerk's Office subject to receipt of a corrected Schedule "B" containing a metes and bounds description of the portion of the premises subject to said declaration.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1162-1986)

AUTHORIZING LAURENCE
KOHLER, DIRECTOR OF
PURCHASING TO ATTEND A
ONE-DAY CONFERENCE AT THE
HOLIDOME, SUFFERN AND
CHARGE IT TO ACCOUNT
A1010-414

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1162-1986) continued

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend a one-day conference at the Holidome, Suffern, NY, on January 22, 1987 and be it

FURTHER RESOLVED, that cost, not to exceed \$75.00 be charged to account A1010-414.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1163-1986)

INCREASING REVENUE ACCOUNT
01-002680 (INSURANCE
RECOVERIES) AND INCREASE
APPROPRIATION ACCOUNT A
3120-203 (MOTOR VEHICLES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account 01-002680 (Insurance Recoveries) and increase Appropriation Account A 3120-203 (Motor Vehicles) by \$2950.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1164-1986)

INCREASING REVENUE ACCOUNT
NO. 04-102680 (HIGHWAY
INSURANCE RECOVERIES) AND
DB 5110-387 (SIDEWALK &
CURB REPAIR)

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account No. 04-102680 (Highway Insurance Recoveries) and DB 5110-387 (Sidewalks & curb repair) by \$1,671.60.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1165-1986)

AMENDING RESOLUTION NO.
1122 ADOPTED NOVEMBER 13,
1986 AND SETTING A PUBLIC
HEARING - DECEMBER 18,
1986, ON A PROPOSED LOCAL
LAW WITH RESPECT TO
REGULATIONS FOR APPROVAL OF
SITE PLAN

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1122 adopted by the Town Board on November 13, 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 December 2, 1986 at 8:40 P.M. to December 18, 1986 at 8:25 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 Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

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RESOLUTION NO. (1166-1986)

AMENDING RESOLUTION NO.
1123 ADOPTED ON NOVEMBER
13, 1986 AND SETTING A
PUBLIC HEARING ON A
PROPOSED LAW FOR LAND
SUBDIVISION REGULATIONS

Co. Maloney offered the following resolution

RESOLVED, that Resolution No. 1123 adopted by the Town Board on November 13, 1986 setting a public hearing on a proposed local law for Land Subdivision Regulations is hereby amended to change the public hearing date from December 2, 1986 at 8:45 P.M. to December 18, 1986 at 8:30 P.M., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1167-1986)

CREATING FULL TIME TYPIST
POSITION IN THE PERSONNEL
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, Rockland County Personnel has approved the creation of the position of Typist, full-time, in the Personnel Department,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (1167-1986) continued

RESOLVED, that the Town Board does, hereby, create the position of Typist, full time, at a Grade 14 - \$12,589 per annum - for the Personnel Department

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1168-1986)

ACCEPTING RESIGNATION OF
EVELYN CLARK, DOG CONTROL
OFFICER - POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Police Commission has accepted the resignation of Evelyn Clark from the position of Dog Control Officer - Police Department.

The Town Board does recognize the acceptance of the Police Commission effective November 8, 1986.

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Road Improvement District - North Fairview Avenue, Nanuet, was opened, time: 8:40 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Road Improvement District - North Fairview Avenue, Nanuet, was RECESSED for two weeks, time: 9:27 P.M

On motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Chapter 31 - Violation Hearing - Lipkind - was opened, time: 9:30 P.M.

On motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Chapter 31 - Violation Hearing - Lipkind - was RECESSED for two weeks, time: 10:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Zone Change - Rock Apple Realty - was opened, time: 10:21 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change - Rock Apple Realty - was RECESSED until December 18, 1986, time: 10:55 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance of Town of Clarkstown re: MF Zones (Dwelling Units) was opened, time: 10:56 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance of Town of Clarkstown re: MF Zones (Dwelling Units) was closed, RESOLUTION ADOPTED, time: 11:00 P.M.

RESOLUTION NO. (1169-1986)

AMENDING THE ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN - AMENDING
SECTION 106-10A, TABLE 19,
COLUMN 2, NO. 1 OF THE
GENERAL USE REGULATIONS AND
AMENDING SECTION
106-19F(10) BY ADDING "NO.
10"

ABE536

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of October, 1986, provided for a public hearing on the 25th day of November, 1986, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Section 106-10A, Table 19, Column 2, No. 1 of the General Use Regulations, from:

"Dwelling units of all types, except single-family detached residences."

to read as follows:

"Dwelling units of all types of design and forms of ownership, including rental, cooperative, condominium, except single family detached residences. Fee simple shall be subject to Column 8, Item 10."

Amend Section 106-19F(10) by Adding "No. 10":

"10. The Planning Board may approve, approve with modifications, or disapprove, on application for subdivision approval, if the site is appropriate for development with fee simple ownership-type units; in such cases, the minimum lot area for each dwelling shall be as determined by the Planning Board. The Planning Board may establish additional requirements."

RESOLUTION NO. (1169-1986) continued

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	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: Chapter 79 Violation Hearing - Forni - was opened, time: 11:00 P.M.

On motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Forni - was closed, RESOLUTION ADOPTED, time: 11:16 P.M.

RESOLUTION NO. (1170-1986)

TERMINATING CHAPTER 79
PROCEEDING AGAINST PREMISES
DESIGNATED ON THE
CLARKSTOWN TAX MAP AS MAP
162, BLOCK A, LOT 1.02
(FORNI)

Co. Nowicki offered the following resolution:

WHEREAS, by Resolution No. 1005 dated October 28, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting the property designated as: Map 162, Block A, Lot 1.02, 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 25, 1986 after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, and

WHEREAS, Irene Saccende, Code Enforcement Officer for the Town of Clarkstown, appeared at said public hearing and reported that the accumulation of debris and litter, which prompted the calling of the public hearing, had been removed subsequent to the Order and Notice of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the proceeding described above is hereby terminated, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file cancellation of Lis Pendis, provided the property owner shall reimburse the Town for the costs of the proceeding, including but not limited to the last owner search, process server fees, filing fees, and other expenses incurred by the Town Attorney.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	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: Chapter 79 Violation Hearing - Losier - was opened, time: 11:10 P.M.

On motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Losier - was closed, RESOLUTION ADOPTED, time: 11:16 P.M.

RESOLUTION NO. (1171-1986)	TERMINATING CHAPTER 79 PROCEEDING AGAINST PREMISES DESIGNATED ON THE CLARKSTOWN TAX MAP AS MAP 165, BLOCK A, LOT 2 (LOSIER)
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Co. Nowicki offered the following resolution:

WHEREAS, by Resolution No. 1011 dated October 28, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting the property designated as: Map 165, Block A, Lot 2, 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 25, 1986 after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, and

WHEREAS, Irene Saccende, Code Enforcement Officer for the Town of Clarkstown, appeared at said public hearing and reported that the accumulation of debris and litter, which prompted the calling of the public hearing, had been removed subsequent to the Order and Notice of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the proceeding described above is hereby terminated, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file cancellation of Lis Pendis, provided the property owner shall reimburse the Town for the costs of the proceeding, including but not limited to the last owner search, process server fees, filing fees, and other expenses incurred by the Town Attorney.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	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: Chapter 79 Violation Hearing - Del Rosario, Jr. - was opened, time: 11:10 P.M.

On motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Del Rosario, Jr. - was closed, RESOLUTION ADOPTED, time: 11:16 P.M.

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RESOLUTION NO. (1172-1986)

TERMINATING CHAPTER 79
PROCEEDINGS AGAINST
PREMISES DESIGNATED ON THE
CLARKSTOWN TAX MAP AS MAP
127, BLOCK B, LOT 20 (DEL
ROSARIO, JR.)

Co. Nowicki offered the following resolution:

WHEREAS, by Resolution No. 1012 dated October 28, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting the property designated as: Map 127, Block B, Lot 20, 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 25, 1986 after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, and

WHEREAS, Irene Saccende, Code Enforcement Officer for the Town of Clarkstown, appeared at said public hearing and reported that the accumulation of debris and litter, which prompted the calling of the public hearing, had been removed subsequent to the Order and Notice of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the proceeding described above is hereby terminated, and be it

FUTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file cancellation of Lis Pendis, provided the property owner shall reimburse the Town for the costs of the proceeding, including but not limited to the last owner search, process server fees, filing fees, and other expenses incurred by the Town Attorney.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Supervisor Holbrook commended Mrs. Saccende for sitting patiently for the entire eveing to give a couple of minutes testimony. He apologized that he had not rearranged the meeting to accommodate her.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 11:18 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Board

11/25 /86

8:40 P.M.

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

RE: Road Improvement District - Portion of North Fairview Avenue,
Nanuet, New York

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

Town Attorney stated that Mr. Les Bollman, Director of Environmental Control, would briefly outline the proposal and then we would have comments from the public. Mr. Bollman said they had done a design for a road improvement to town specifications a little in excess of 800 feet long with proper drainage at an estimated cost of \$100,000.00 on North Fairview Avenue.

Town Attorney said this particular road is not a dedicated road at this time, is that correct? Mr. Bollman said that was correct. Town Attorney said no services can be provided to the residents because it has not achieved the status of a town dedicated road. This proposal would permit it to become a town owned road, is that correct? Mr. Bollman said once construction is finished, it could be dedicated and would be anticipated to be dedicated to the Town. Town Attorney said full services could then be provided to the residents whose homes and property abut the improved road.

Supervisor asked if the Board members had any questions. There were none. Supervisor asked if any member of the public wished to make a comment.

Appearance: Mr. Joe Meyers
74 Prospect Street
Nanuet, New York

He stated that he lives on the corner property at Fairview and Prospect Street. He asked what the \$100,000.00 was going to do? Will you black top it or what?

Supervisor said it will provide for a road to Town specifications with curbing and drainage which would be required.

Mr. Meyers asked why they would need drainage as there is no water problem in the area and in checking quite a few streets in the area he found no storm drains so why do we need drainage?

Mr. Bollman said whenever you put in a road in a length of 800 or 900 feet just a surface area of a 30 foot wide road creates drainage. We do it in what we call a positive manner with catch basins transmitting it to the nearest outlet. That is standard for roads that are dedicated to the Town under the standards we use today through the Planning Board or any subdivision street coming in.

Mr. Meyers said there is a road done a few years ago which is much longer than North Fairview Avenue which is maybe 2000 feet and there is no storm drainage there. He said it was Fremont Street and Mr. Bollman said there is drainage on that street. He said he believed it went out Freund Drive and he would have to check that but that was his recollection. It went out the back way towards the Mall.

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Mr. Meyers said the only thing the people in the neighborhood want is to get the road paved. We were going to have it done privately but there were some people who wanted certain things done. He said there is one person on the block who does have a water problem but that is not everyone's problem and he felt they all should not have to pay for the storm drain. We are willing to have the road paved but that is it and he felt they did not want to go for putting in storm drains if we don't have a water problem. Mr. Bollman said the intent was that the road be dedicated to the Town so that you would have the benefit of all public services. To do that certain requirements and standards have to be met.

Mr. Meyers said many of the residents don't get mail delivery, do not have the road plowed or salted, etc. What are we paying taxes for all these years? He said their taxes are the same as anyone who has a paved road. Supervisor Holbrook said years ago people in the Town preferred private roads. What has happened over the course of years is that is not as desirable now because of the cost of maintenance. Once accepted by the Town as a Town road all the maintenance items would be provided for by the Town. Mr. Meyers said there are 14 homes involved and all are paying taxes and he felt the Town should absorb this cost. Supervisor said we have created road improvement districts in other parts of the Town pursuant to law - Central Avenue in New City, South Grant Avenue in Congers where the people petitioned and we adopted a road improvement district, drainage was put in and it was paid for. It might seem initially to be unfair but the Town Board cannot expend public funds on private property. Basically we want to improve it so that it will be a benefit to all the people concerned and done properly so that it will be done once and for all.

Mr. Meyers said this is costing 14 homeowners approximately \$100,000.00 and that is just an estimate. Mr. Bollman said it is a reasonable estimate for a road slightly over 800 feet. Mr. Bollman said in Schedule A (and he was not able to verify this) but when they abandoned Hancock there is a 25 foot strip owned now or formerly by Hastings but we have to see what was done with that 50 foot road when it was abandoned - whether it was taken over by one party or split.

Town Attorney said that may mean that another parcel in addition to the ones we have already identified may be benefitted by this improvement? Mr. Bollman said that was correct as Hastings does not show on that parcel if it does exist.

Supervisor said before anything is done by the Town Board if the inclination of the Town Board is to go forward with the road improvement all of the costs would be itemized out for everybody to see beforehand. The actual cost cannot be finalized until the total picture is determined by the Town Board. Mr. Bollman said if the road were done in a reasonable time he is confident of the \$100,000.00 estimate.

Town Attorney said the Town Law Section which authorizes the Town Board to proceed requires that the Town Engineer make a careful estimate of all the costs. He stated that Mr. Bollman was authorized and directed by resolution dated February 11, 1986 to make that estimate and to plan for this improvement and Mr. Bollman's report was submitted to the Town Board on September 4th after he had fully investigated this matter so this is not an estimate of costs that was developed recently. It was developed over several months and an appropriate study was made to come up with a number that would be reliable.

Mr. Meyers said do we take a vote on this? Supervisor Holbrook said the Town Board wants to hear from the people there what their feelings are. If there is an overwhelming desire on the part of the people to have this road improved the Town Board would

take that into consideration. If the overwhelming majority don't want it that will also be considered.

Mr. Meyers said he felt it should be paved and that is it. If the Town took a careful look at this we could eliminate the drains, etc. Town Attorney was requested by Councilman Carey to please clarify this for Mr. Meyers. Town Attorney said the sentiment that the Town Board pave the road without bringing it up to Town specifications is an impossibility because the Town Board lacks any legal power to make an expenditure on that road unless and until it becomes a public or dedicated road. Should the Town Board spend money to improve it to make it less substandard than it is that would not be a legal expenditure unless the road were dedicated. The road would not be dedicated under the present policy of the Town Board unless it comes up to Town specifications so it is a question of having to go all the way with all that is required to bring that road into the Town system. It will not qualify for State aid unless it is up to State specifications.

Supervisor Holbrook said we are hear tonight to listen to what the people on North Fairview Avenue, or to those who may abut it from the rear, have to say and then we will make a decision after the Public Hearing.

Councilman Carey said he thought it was fair to say that we are mandated to have a Public Hearing. Mr. Meyers said it would take a year or maybe two before they get into the heavy work. Supervisor asked Mr. Bollman when this could be done if it is approved tonight. Mr. Bollman said there are two options - one to go out under normal bidding and do detailed written specifications which takes longer as it is a bidding process. The other option and we have done this on virtually every road improvement on which he (Mr. Bollman) has been involved is to authorize the Superintendent of Highways to hire what assistance he needs to do it and he uses his bid prices for asphalt, etc., and he gets it done. That way certainly would be the quicker way and he assumes that could start sometime in the spring or early summer.

Supervisor said then we are talking about 1987 for this to be completed. Mr. Meyers said there is rock in that road and blasting will have to be done. Once you get into blasting you are talking a lot of money and it's going to come way over \$100,000.00. This is a dead end street.

Mr. Meyers said he doesn't want it and he doesn't need it.

Appearance: Mr. Jim Rudolph
Freund Drive
Nanuet, New York

Mr. Rudolph said his property is the last property on the east side of the street we are talking about. He said he could have access to that street if it was improved. He said he does not use it right now because he comes around on Freund Drive. He said there is 150 feet that he would pay for. He said he signed a piece of paper when he bought the property (a 280-a declaration which stated that he would participate in a road improvement district when, as and if requested by the Town Board - this last explained by Town Attorney). Mr. Rudolph said then what you are saying is that I signed a blank check over to the Town Board. Town Attorney said your developer sought permission to build a house on property that did not have frontage on a Town owned road and you are the one who signed the paper. He said he did not know if Mr. Rudolph personally developed the property himself or if he bought from a developer but yes he did, in effect, consent because it was exchange for permission to build on what would have been an improper building lot.

Mr. Rudolph said there are approximately three homes that face Fairview Avenue. Two (including his own) may not have

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access to that road once it is improved. He said we have only a yes vote according to this? Town Attorney said that is correct - they have agreed in exchange for permission to build to participate in a road improvement district when, as and if requested by the Town Board. Town Attorney said that applies to all people who were given permission under Town Law 280-a. Mr. Rudolph said if it is agreed upon that the road is going to be built what percentage of the fee do we pay? Supervisor said that would be determined by the Town Board. He said he could tell Mr. Rudolph that on South Grant Avenue in Congers, the aggregate total of the Town Board going back to 1976, approved that those who would front on the street paid 60% of that total and those that had property that backed upon it would pay 40% but that is the way it was done then. Supervisor said if you have direct access, ingress and egress on that street, you benefit more than the person who might ingress and egress from another street but somehow has frontage on this one. In Congers there are many streets like that which run street to street and that is a particular problem because people both front and back on different streets so that obviously if you can get out some other way it is not as beneficial to you to have the street behind you paved yet according to state law you have to be included in the apportionment of the monies because that's the way the law is. We felt that a 60-40 split at that time was an equitable distribution. The Town Board could determine something else but that is what we did at that time.

Mr. Rudolph said if there are fourteen properties, three out of the fourteen do not have frontage. Supervisor said it would depend on how many properties and how much footage. In the Congers case it was pretty equal and the houses were alike. You might have a disproportionate share but basically what you pay as an individual person depends upon the footage that you have on the street. The more footage the more you would pay no matter how it would be divided.

Mr. Rudolph said there is a twenty foot wide easement on his property. Is that easement considered his property or would that be subtracted from the total footage. Town Attorney said that is considered your property and it would not be subtracted. If the Town Board makes a determination to the effect that the properties that do not actually use the improved street for access should not pay a full share then there would be a calculation made where your share would be less than a full share.

Mr. Rudolph asked if sidewalks had been mentioned. Town Attorney said no. Mr. Rudolph said when you say berms do you mean berms or curbs. Mr. Bollman said curbs. Mr. Rudolph said this is a dead end street and very few cars come up and down it. Curbs are major construction. Every street in their neighborhood has berms. There are no curbs. He said he has not seen a curb in Nanuet. Mr. Bollman said if you look at any new subdivision in Nanuet you will see concrete curbs and that is a standard adopted by both the Planning Board and the Town Board. It was revised about two years ago. Mr. Rudolph said to what purpose. Mr. Bollman said concrete curbs last longer and are less susceptible to plow. They have a bigger reveal to drainage and he said Mr. Rudolph of all people would benefit the most as this pitches to his property. It goes to Prospect and pitches down. The drainage is put in there to contain that and take it down.

Mr. Rudolph said where the Fire Department is was repaved approximately two years ago and there is no curbing just berms. Now, this new road will have concrete curbing. Mr. Bollman said yes, that is the way it is designed. That is standard. Mr. Rudolph felt that was ridiculous. Supervisor Holbrook said his point was noted.

Mr. Rudolph asked how the voting would take place and Supervisor Holbrook said right here in public. Town Attorney said the decision is the Town Board's decision and there is no polling in

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a strict sense of the residents. The Town Board could proceed in this improvement even if everyone of the property owners were opposed to it.

Councilman Nowicki said that the Supervisor had stated that we would wait and see if the residents wanted it and she thought Mr. Rudolph meant how would they find out if the residents wanted it or not. He meant how would that polling be done. Supervisor said the Board votes in public and they do take into account what everyone says and we weigh whether or not the majority of people are in favor of it. Supervisor went on to state that the Board has turned some down in the past and has approved some.

Mr. Rudolph asked how this was brought about as it is a private road. Supervisor said earlier in the year at a workshop some residents of the area came in and discussed the possibility of a road improvement. The Town Board decided to put it up for a public hearing which is a method of noticing the public and allowing them the opportunity to come out at a formal hearing to express their point of view. After duly holding a public hearing the Town Board can then make a determination. People are then on record as to whether they want it or not as opposed to an informal meeting where things can be thought to have been said.

Mr. Rudolph said he was willing to go for paving the road but that is all. Councilman Maloney asked if Mr. Rudolph was for or against this and he said he was against it.

Councilman Nowicki asked if this was a street that might someday be opened or be accessed to any adjoining property? Mr. Bollman said he didn't feel that would happen as Mr. Rudolph's house pretty much blocks that. Mr. Bollman said Freund and this street are probably offset by about twenty or thirty feet from the closest point - center lines may be eighty feet.

Appearance: Mr. Bill Villafranco
 North Fairview Avenue
 Nanuet, New York

Mr. Villafranco said he has been through this for some fifteen years. The water problem is there and affects the entire street. He stated they used to try to take care of it with gravel but it has become almost impossible to get the people together. It is now just one massive pot hole. When the additional homes were built (four or five that do not border on the street) the residents came before the Town Board and asked them not to allow it because it would make getting the road dedicated that much more difficult. That is when the 280-a provision was inserted. Mr. Villafranco said he is very much in favor of the road if we can cut corners and save money by perhaps using berms instead of curbs but definitely we need the road. He gives a very strong yes for the road.

Supervisor asked what the terms of the assessment would be for the proposed road? What would be offered to the residents as options?

Town Attorney said there are various ways to pay for it. There would be assessment for the public improvement and the properties benefitted would pay a fair share towards the total cost. That could be determined based on frontage solely on North Fairview Avenue as opposed to properties that have frontage on another street. Once the share is determined then it would be assessed against the properties benefitted and depending upon the cost and the decision of how to pay for it there would be an annual assessment on your property tax. If the Town Board goes out for a bond or a bond anticipation note it could retire a portion of that note in each of say, five successive years and then each of the properties benefitted would pay one fifth of the total cost assessed each year plus the cost of retiring it by paying the interest off.

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The Town Comptroller would investigate based on when the payment is going to be made just what would be the cheapest way to go.

Supervisor said you can pay it off or you can go for a number of years and the way it is paid off goes by which instrument is used to obtain the financing. Town Attorney said that is correct by today the rules regarding the use of bond anticipation notes are fairly relaxed and that is the most flexible way of approaching it.

Mr. Profenna said if we go with a bond anticipation note it has to be paid off in five years. That is most likely the way we would go but he would have to investigate it further.

Town Attorney pointed out that normally a road improvement district is spread over fifteen years.

Appearance: Mr. Mark Ross
North Fairview Avenue
Nanuet, New York

Mr. Ross stated that he has a big boulder near his home and he knew there would have to be blasting. He wanted to know if his home and his foundation would be insured in that case. Supervisor said if the Town were to undertake the construction of this road whatever work that would be necessary would be done according to specifications and the Town is fully insured for that. Mr. Ross said he was for the road but not for the drainage.

Appearance: Chester Roth
North Fairview Avenue
Nanuet, New York

Mr. Roth stated that he has been involved in this for ten years and in that time this is his third attempt at getting the road paved. He said that was his primary concern. He said he liked the idea that the drainage is necessary and he was positively in favor.

Appearance: Mr. Steve Seraphin
17 North Fairview Avenue
Nanuet, New York

Mr. Seraphin said he was for the road but not for the curbs. However, his support was contingent on the price of the road. Supervisor spoke regarding the curbs and asked Mr. Bollman if the specifications now called for only concrete curbs? Mr. Bollman said both asphalt and concrete could be acceptable by both the Town for dedication and the State. He said we went two years ago from asphalt to concrete for numerous reasons. The Planning Board did come before the Town Board and requested that the street specifications be amended. Supervisor said then the Town Board could actually make that determination regarding the curbs. Councilman Nowicki said esthetically it would be better and it would last longer. Supervisor said with regard to the drainage, however, that has to be.

Mr. Seraphin said if the road gets paved and over a couple of years or so with weather conditions it starts to crack and it needs repair who is responsible?. Supervisor said that would be the Town's responsibility. Town Attorney said that is one of the main reasons why the Town wants to see the road built to adequate standards because of the continuing obligation once it is in the Town system to maintain anything that would go wrong with that road. At the present time the property owners are responsible.

Mr. Seraphin asked right now if part of the taxes presently paid go to the repair of the roads. Town Attorney said part of the revenue which is paid to the Town goes into a general account and out of that general account comes the expenses for

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maintaining the road system within the unincorporated portion of the Town. To a certain extent you are not getting the benefit of that particular tax dollar which you are currently paying. Supervisor said you are paying but you are not getting the service.

Mr. Seraphin asked if anything could be done to put some relief on the expense of the road based on the number of years that you have been paying taxes and not receiving any benefit. Town Attorney said no because the money goes into a general account and it is to be used for the maintenance of all the public roads in the Town. He told Mr. Seraphin you have the circumstance of living on a non-public road. Supervisor said in some cases people consider that to be an advantage and other times it is a disadvantage. Years ago there were many private roads and there are still many. People in certain areas would fight to keep their road private. The Town has tried to improve it but they want it kept private. They will take the potholes and every other inconvenience. Other people are tired of experiencing the potholes so this is a judgment call on behalf of the people who live on the street. The Town Board is not eager to assess people extra taxes over and above what they normally pay but if we really want to go ahead with this you have to bite the bullet to get it done. That it is a determination for the Board to make.

Mr. Seraphin asked if the road went in would mail delivery be automatic. Supervisor said that would be up to the post office. Supervisor asked if there was mail delivery on the road now and Mr. Seraphin said no. Town Attorney said primarily because it is not a dedicated road. They probably would when the road is completed. Town Attorney said five of the notices of this public hearing were returned marked by the post office that there was no mail receptacle. They were readdressed in such a way that we were pretty sure they would be received.

Appearance: Mr. Russell Trojan

Mr. Trojan requested that if drainage is put in on this road that it be sent in a direction other than Fisher and Jerry's Avenues which are already experiencing drainage trouble.

Appearance: Mr. Pascal Zanchelli
(representing his father-in-law,
who resides at 68 Prospect Avenue

He said they live opposite Mr. Meyers who spoke previously. He said his father-in-law is concerned because he is on a fixed income and the road improvement positively does not provide any benefit at all to him. They egress in and out of that property on Prospect Avenue. To improve that road would be of no benefit to him at all. He asked Mr. Costa to explain better the apportionment of each contributing party to the cost of the road. How is a benefit determined. Town Attorney said the law is not that specific regarding the method by which the properties benefitted should be assessed except that it does require it to be equitable, fair and just. A front foot formula is the most commonly used approach and if all the properties depended upon Fairview Avenue for their access it would be a simply mathematical computation to determine the dollar per front foot and that would be totalled for each of the property's distance and that would be the cost assessed against each parcel. The only factor that has been mentioned here which differs from that is that some of the parcels have frontage on another street and the Town Board has indicated that it may consider giving those parcels a 40% of the total or some other formula. That has not been determined as yet. Supervisor said we recognize that people who back on it do not benefit as much as people who front on it.

There was a lengthy discussion as to how it would be apportioned among the people who front and who back onto the road.

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Supervisor said every road is unique and the Town Board would determine the formula to be applied and they would try to do it as fairly as possible.

Mr. Zanchelli asked if they could pass judgment on the Town Board's decision and Supervisor said the Town board could indicate the willingness to go ahead with it and then we could discuss among the Town board members at a workshop how we would want to apportion it. He said that could not be settled tonight as they would have to look at maps, etc. Mr. Zanchelli asked if it would be made a part of the record so that the property owners could comment on it and the Supervisor said yes.

Appearance: Joan Rudolph
 20 Freund Drive
 Nanuet, New York

She said her property backs on the proposed road. She said they have no access at all and they are the family with the most frontage. She said they have many more feet fronting than many people who will actually use the road. She wants that taken into consideration.

Supervisor said they will recess this meeting and then have a workshop to determine how they would like to apportion the cost if they decide to go ahead with it. It cannot be decided how to apportion it without looking at maps, etc.

A person from the audience said that if you have entrance to that street it will increase the value of your home. You will get your money back when you sell your house but the people who have to pay who have no benefit will not realize the cost involved when they sell their house and he asked the Town Board to take that into consideration.

Town Attorney said there is concern about the cost of the improvement project. The proposal before the Board and any resolution which the Board would adopt would direct the Director of Environmental Control to spend no more than \$100,000.00. If the project costs came in for more it could not go forward unless the Board were to reconsider for a higher expenditure so there is a cap and it could not really go forward. If the estimate is wrong the project would have to be scrapped.

Town Attorney said in response to a question from Mr. Villafranco that the Town Board could go ahead and order this improvement and direct the Town Engineer to assess the properties in an equitable fashion but the Town Board wants to participate and provide some direction. They would not authorize the project to go forward until some determination is made as to how it should be assessed.

Councilman Nowicki said they have a concensus to go ahead and Supervisor said that was true. Councilman Maloney said we are going to do it. Supervisor said at the next public meeting we can then reconvene the meeting and indicate how we believe the cost will be apportioned and then actually take a resolution and do it all in one shot. The ultimate decision may be pushed off for two weeks but we do have feedback from the public as to the sentiment and they basically want it done. There are concerns of the people as to apportionment so the Board wants to think a little about that.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared recessed for two weeks until December 9th. Supervisor said decision would be rendered that night.

Respectfully submitted
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

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Town Hall

11/25/86

9:30 P.M.

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

RE: Violation Hearing (Chapter 31) Lipkind, Map 111, Block A, Lot 28.07

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

Town Attorney said this is a proceeding brought pursuant to Chapter 31 of the Code of the Town of Clarkstown with respect to alleged violations on premises known as Map 111, Block A, Lot 28.07 - 3 Reina Court, Valley Cottage, New York reputedly owned by Rudy Lipkind.

Inspections made by the Building Inspector and Fire Inspector of the Town of Clarkstown revealed an unoccupied structure that had been neglected for some time. The roof is in a bad state and had been opened to the elements for an extended period of time which has resulted in a dangerous and unsafe condition presenting an immediate threat to the health, safety and general welfare of the community. There is a violation notice dated October 2, 1986 which was sent to the record property owner which indicated that lack of maintenance was causing deterioration of the exterior walls and wall components and the roofing was not maintained in a water tight condition. Owner was ordered to remove the violation within ten days. That notice was sent on October 2, 1986. The order coming from the Town Attorney's office was dated October 24th and after personal service was attempted on three separate occasions, it was served by certified mail on November 5, 1986 upon Mr. Lipkind at his mailing address, P.O. Box 255, Valley Cottage, New York.

Supervisor stated that he had visited the site yesterday and was ready to report on conditions as he saw them.

Town Attorney stated that Mr. Rudy Lipkind of 530 East 23rd Street, New York, New York was present.

Town Attorney said this public hearing was in response to the orders of the Building Inspector and the Town Board and the Town Board will listen to anyone having information concerning this structure and its condition and will also afford Mr. Lipkind the opportunity to present his point of view to the Town Board and make any requests that he may wish to make in terms of the contemplated action of the Board.

Supervisor said we will hear from the public first and then Mr. Lipkind will speak.

Appearance: Ms. Denice Ottomanelli
4 Reina Court
Valley Cottage, New York 10989

Ms. Ottomanelli was sworn in by the Town Attorney. She has lived there thirteen years and the conditions complained of have existed as long. She said this is in a cul-de-sac and there are only four homes. Her two young children play outside. She submitted photos of the property and said it is getting even worse. She mentioned that in the past they have gotten petitions up to try to have something done about this.

Ms. Ottomanelli gave testimony with regard to the terrible condition of this property. The roof is still open to the elements despite some corrective work having been done recently.

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Councilman Nowicki asked to what use this property was being put and Ms. Ottomanelli said for thirteen years it has been unoccupied. Ms. Ottomanelli said she felt it was unfair with the amount of taxes she has to pay in Clarkstown that she should have to look at this property in this condition or to have her children play in this area where there is a health hazard.

Town Attorney asked Mr. Lipkind if he had any questions to ask of Ms. Ottomanelli. He said no.

Appearance: Mr. John Spadafino
 3 Five Oaks Lane
 Valley Cottage, New York

Town Attorney swore Mr. Spadafino in. He stated he moved there in 1979 and he originally made the petition to have something done about Mr. Lipkind's property. Since then no major renovation has been done. He said there are rats and chipmunks living in this house. He described the type of debris on the property and said it has been there for many years and was there as recently as a few days ago.

Town Attorney asked Mr. Lipkind if he had any questions to ask Mr. Spadafino and he said no. A copy of the petition Mr. Spadafino mentioned was made a part of the record.

Appearance: Mr. David Katz
 5 Reina Court
 Valley Cottage, New York

Mr. Katz said he has lived there since 1979. Mr. Katz said he had seen Mr. Lipkind's wreck of a house prior to moving in and he asked Mr. Lipkind what was going on with his house and he assured Mr. Katz that he was in the process of fixing it up. He described in detail the fencing he was going to erect which he told Mr. Katz he had already purchased. Mr. Katz said Mrs. Ottomanelli's picture do not do justice to the disaster we have to look at every single day. He said Mr. Lipkind has two curb cuts and he has what appears to be two telephone poles at each curb cut. The telephone poles are at the edge of the pavement and there appears to be no reason.

Mr. Katz said over the years Mr. Lipkind has visited the property regularly and has double talked about what he is going to do with the property. He said he feels that this house is Mr. Lipkind's hobby as that is the only explanation he could possibly have for having it there. Nothing has changed. On one occasion he saw heavy equipment there but nothing was accomplished. Town Attorney asked if there had been any construction or changes at all over the years and Mr. Katz said there had been one patch done on the roof many years ago. One time Mr. Lipkind tried to back fill and put up some kind of retaining wall. The general property has remained the same over the years.

Mr. Katz said he was glad that the Town was finally going to do something about this. He said the police have come to his house many times asking if he had seen anyone at the Lipkind house as they were answering the silent alarm. Kids are playing there, throwing rocks at the place and it is a dangerous area. There are piles of debris, railroad ties, etc. Mr. Katz said the roof has been opened up maybe for a period of the last two years. The place is neglected and there is no going in talking to Mr. Lipkind because he obviously is going to do nothing about the place.

Mr. Lipkind was asked if he had questions for Mr. Katz. He did not.

Supervisor said the grains of sand in the hour glass have run out.

Appearance: Ms. Joyce Pounder
5 Oaks Lane
Valley Cottage, New York

Ms. Pounder was sworn in by the Town Attorney. She stated that her property backs on to the property in question. She moved there in May of 1986. She testified as to the condition of the property and the fact that animals are all over the place. She said there are all sorts of things growing onto her property from Mr. Lipkind's place. The whole place is overgrown so much that she can barely see the house. Supervisor asked her if she had observed anyone trespassing on this property and she said no. She said there is a car chassis on the property. Town Attorney asked if there had been any allergic reactions and she said yes and if he did not clean it up she would like to chop it all down herself as it is encroaching on her property.

Town Attorney asked Mr. Lipkind if he wished to question Mrs. Pounder. He said no.

Appearance: Mr. Jim Ruppert
7 Five Oaks Lane
Valley Cottage, New York

Mr. Ruppert said his property was behind and off to the side of Mr. Lipkind's. He said this should not even be considered a house. He said he has at least on two occasions removed Mrs. Pounder's son from running around behind their property into what he considers to be a very dangerous situation with this old chassis on Mr. Lipkind's property. This is a real disaster.

Appearance: Mr. Richard Mangano
1 Five Oaks Lane
Valley Cottage, New York

He said he has been living here since October 1985. He said he wanted to confirm what Mr. Ruppert said. Now that the leaves are down again he has an excellent view of the roof of Mr. Lipkind's house which is full of holes and the side of the house which has windows boarded up since he has been living there. Town Attorney asked if there had been any change in the condition of the roof in the last two weeks and Mr. Mangano said no. He felt it was ridiculous to have a neighborhood marred by a structure like this.

Town Attorney asked if Mr. Lipkind had any questions. He said no.

Appearance: Ms. Jane Scarano
5 Reina Court
Valley Cottage, New York

She said she agrees with what everyone before has said. She said the value of other homes in the area is greatly reduced because of this eyesore. It is unpleasant and dangerous. She wanted something to be done about it.

Mr. Katz said he wanted to make one more comment. He said if this is repairable and at Mr. Lipkind's expense someone should make a determination as to whether or not the place can be repaired. It has been like this so long perhaps it is not repairable anymore. Supervisor said the Board is concerned about that and so when they make their decision that would be considered. Mr. Katz said if not, then it should be torn down and let someone build a house on there or just level it and clean the place up and let Mr. Lipkind pay for the damage he has caused.

Town Attorney asked if any building permits had been taken out on this property recently. Mrs. Saccende, Code Inspector, said she would have to check with Building Inspector Gerald Colucci. Mr. Lipkind said he has not taken out any permits.

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Town Attorney called on Mr. Lipkind to make his presenttion. Town Attorney asked Mr. Lipkind if he wished to give sworn testimony and he said yes. Town Attorney swore him in.

Mr. Lipkind said he has been there for over fifty years and the entire area is part of his original property. He said he started commuting to the city and then it became very difficult and the house started being burglarized and vandalized even when he was living there. He said bit by bit he boarded up the place and drifted to the city. He stated that basically much of what has been said is correct. He said he had certain plans for the house. The railroad ties in back cost \$500.00. The so-called poles which are there are approximately 12 feet back from the curb line. The poles are there because they are part of what he had planned to do. He had two old fashioned farm gates and he was going to have a farm gate with split rail fencing. He said he had purchased the split rail fencing from Sears (he had a bill for over \$1,000.00) and has it stored elsewhere. He said there is an antique tractor which he wanted to preserve and that is still there in the back.

Mr. Lipkind said he has been planning to fix this place up for some time. He said when he retired it was going to be his full occupation. He described many health problems which had caused him to neglect his plans. He said he had started repairing (he had bills to show merchandise purchased for such repairs) and things are being taken care of. Supervisor asked why it took thirteen years to get at this and Mr. Lipkind said he had let it ride until he retired. He retired about three years ago when his health problems began.

Mr. Lipkind said he plans to move into the house this coming spring. It will be done. It will be done very carefully and he can substantiate everything he is planning to do.

Town Attorney asked if he planned to do this work personally and he said some of it he would do and some of it he would contract out. He is going to have bulldozing done, grading, etc. He contacted Cal-Mart as they have the heavy equipment needed. He said he had Mr. Katt over to assess what would be needed for the driveway. Town Attorney asked if he had any contractors on the site who had actually done any work in the thirteen years since the house has been unoccupied? He said yes, he had bulldozing done and some other things. Town Attorney asked when the last time was that work had been done? Mr. Lipkind said about three or four years or more.

Town Attorney asked about the antique tractor? Mr. Lipkind said he had painted it some time back to protect it from the weather. It has not been covered.

Councilman Nowicki asked Mr. Lipkind if he understood that the property is an eyesore and an affront to the neighbors. Mr. Lipkind said he understood that. She said the only way to be considerate is to repair the property. Mr. Lipkind agreed. She asked how he could be fixing up the house if the roof has holes in it. Whatever is done will be destroyed. Mr. Lipkind said from now on he will be working fairly consistently and he will get some help.

Town Attorney asked Mr. Lipkind if he was going to restore the house to an habitable site or just excellent condition? Mr. Lipkind said excellent condition. Town Attorney said are you planning to restore it to a state in which persons may be able to live there. Mr. Lipkind said of course. Town Attorney said the spring of 1987 is a few months away. He asked if any professionals had made any examination of the structure to see if it is still structurally sound enough to withstand restoration. Mr. Lipkind said he will have an architect. Town Attorney asked Mr. Lipkind if he was willing to allow the Town officials to make an interior inspection. Mr. Lipkind said not at this point because he has been

burglarized and vandalized several times and he has taken precautions to barricade parts.

Supervisor said there are two things here. The Town Board feels that this situation is intolerable. There are two alternatives. One is to do nothing and then the Town will take action to remove the structure or number two - you will have to consent to certain conditions to remedy and fix up this place as per directives in an agreement with the Town of Clarkstown.

Mr. Lipkind asked if the Supervisor were suggesting that he enter into an agreement and the Supervisor said he was suggesting that if Mr. Lipkind wished to fix the site up the Town Board would be willing to listen to that. However, he said they are not going to leave it open-ended. We have to have a date certain when this property can be inspected, when we can find out if it is safe, when people will be able to see what is going on and a timetable for when this is to be done. It has been open-ended for thirteen years.

Mr. Lipkind said he has explained the reason for the open-endedness. He said he has shown that he is taking steps here. Supervisor said the steps are not sufficient. Mr. Lipkind said then who is he to work out a timetable with? Supervisor said the Town Board is prepared tonight to do one of two things. Either, make the findings and have the structure removed or in the alternative if the premises can be fixed up and we must have an architect get in there to see if it is structurally sound. There has to be a date certain so that the public can be assured that this condition is not going to last for the next decade.

Supervisor said if Mr. Lipkind wants to move into this place in the spring the Town Board might be willing to set a date certain by which this work must be completed. Supervisor said he did not think that Mr. Lipkind, personally, would be able to complete the work alone. Town Attorney asked if a budget had been established by Mr. Lipkind for the restoration of these premises? Mr. Lipkind said yes and he was able to handle it. Town Attorney asked how much he would be expending on restoring the premises? Mr. Lipkind said between \$20,000.00 and \$30,000.00. Town Attorney asked if it presently had a heating system and Mr. Lipkind said yes. Town Attorney asked if it was functioning and Mr. Lipkind said he has not used it. Supervisor said you must have heat in the house and you must have a roof over your head. Mr. Lipkind said he is not questioning anything that has been said but he is just indicating his intentions and his willingness to go ahead as he is in a position to do so.

Town Attorney asked Mr. Lipkind if the Town Board defers taking immediate action with respect to the premises would he be willing to enter into a performance agreement which would require Mr. Lipkind within a reasonable period of time to take out a building permit in accordance with plans and specifications meeting state codes after an inspection by the Building Inspector and then proceed to hire the necessary contractors or do the work yourself to complete the project in accordance with your own schedule which is spring of 1987.

Mr. Lipkind said he had consulted an architect. Town Attorney asked if he would identify the architect. Mr. Lipkind said he did not remember his name as it was some years ago. He said he would have to check the name. He said someplace he has blueprints but he will do what the Town Board suggests. He will work out a schedule with the Town Board and if he is given sufficient time to do it. Town Attorney said we are using Mr. Lipkind's own timetable which is spring of 1987 and that doesn't give him very much time to proceed. Mr. Lipkind said he was figuring on April or May. Town Attorney said then you would be willing to enter into a performance agreement with the Town which would obligate you to do what has to

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be done - get out a building permit and restore the premises and complete the project by May? Mr. Lipkind said absolutely. Town Attorney said in the alternative if it is not done do you agree that the Town will remove the premises? Mr. Lipkind said he appreciated the power that the Town Board has and he is not out to do anything but cooperate.

Town Attorney asked if there is anything stored in the premises which would constitute a hazard to the community in the event of fire? Mr. Lipkind said no. Town Attorney asked if there were any flammables in there at all and he said no. Mr. Lipkind said there may be a gallon of kerosene. He said he has hundreds and hundreds of books. The bags referred to were bags of books. He plans to retire there and do his reading there.

Town Attorney asked if Mr. Lipkind was storing in an unheated house, open to the elements books which you expect to remain in useable, reasonable condition. Mr. Lipkind said most of them are packed in plastic, etc. He has been repacking them. He said they will all be taken care of. Mr. Lipkind said he has a few thousand books stored there. Town Attorney asked him if it was his hobby and Mr. Lipkind said he enjoyed reading.

Supervisor asked if May 1st was a fair enough target date for Mr. Lipkind to be moving in and he said yes. Supervisor asked if he would be prepared within the next couple of days, if the Town Attorney draws up a performance agreement indicating exactly what has been mentioned here to sign that agreement, and if you do not live up to that agreement then when May 1st rolls around and this place is not finished, the Town Board will then take proceedings to remove the structure. Mr. Lipkind said yes. Town Attorney said or any other proceedings appropriate to the circumstances? Mr. Lipkind asked if he could stretch that to May 15th and then there would be no question? Supervisor said whatever is decided will have to be written.

Town Attorney said he would suggest that in lieu of concluding this public hearing that it be recessed until the next meeting of the Town Board so that during the interim Mr. Lipkind can work with the Town Attorney's office regarding the terms of a performance agreement as outlined and as indicated that Mr. Lipkind would be willing to go along with. Town Attorney said if they fail to reach a written agreement in that period of time the Board can reconvene and take action that it would deem appropriate at that time.

Town Attorney recommended that Mr. Lipkind contact the Town Attorney's office tomorrow as soon as possible and arrangements will be made for the agreement.

There being no one further wishing to be heard on motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was recessed for two weeks pending the signing of a written performance agreement by Mr. Lipkind.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

95

Town Hall

11/25/86

10:21 P.M.

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

RE: Zone Change - RS District to MF-3 District - Rock Apple Realty

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.

Town Attorney stated that he had correspondence dated October 30, 1986 from the Clarkstown Planning Board with respect to this application. Town Attorney said that Planning Board still did not believe that recommendation was improper and feels a higher density single family zone may be appropriate for this site. The Planning Board does not feel an MF zone is appropriate and is concerned about the possibility of a domino effect where granting this parcel would encourage similar requests on adjacent parcels. Town Attorney said in the body of their report there is a recommendation for a change to R-40.

Town Attorney said he was fairly sure there was correspondence from the Rockland County Planning Board. Supervisor Holbrook said he believed it was a negative determination. Town Attorney said his file did not contain that report but perhaps Mr. Horowitz has it. Henry Horowitz was present to represent the applicant. Mr. Horowitz said he would give the Board the gist of the recommendation of the Rockland County Planning Board.

Town Attorney said the only other correspondence he was aware of was a letter from the Palisades Interstate Parkway Commission and while that was distributed to the members of the Town Board it is not in the Town Attorney's file. He stated that he believed Mr. Horowitz had a copy of that as well. Town Attorney said the Town Board members should have received a copy of that letter in their mail within the last few days. The letter is dated November 14, 1986.

Appearance: Henry Horowitz, Engineer and
Attorney for Rock Apple Realty

Mr. Horowitz said he knew the Town Attorney had not received a copy of the report from the Planning Board but he knew that the determination of the Rockland County Planning Board was also a minor decision as well. He said one or two members had gone along with multi-family but also of a lower density. The correspondence which the Town Attorney was referring to was addressed to Mr. Costa from the Palisades Interstate Park Commission. He said he had copies for the members and he read from that letter.

"Dear Mr. Costa:

We have reviewed the plans for a change of zoning from RS to MF-3 by Rock Apple Realty Company on its property located on Dr. Davies Road, and abutted on the south by lands of thue Palisades Interstate Park Commission, in the Town of Clarkstown.

Please know that we endorse this change and feel it will represent an improvement to the existing land use.

With all good wishes from Bear Mountain,

Sincerely,

/s/ Nash Castro
Executive Director"

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Mr. Horowitz said the property in question is 3.05 acres bordered on the north by Dr. Davies Road, on the east by orchards of Dr. Davies, on the south by the Palisades Interstate Park Commission and on the west by a series of commercial uses with frontage on Route 9W. The zoning in the area is RS, R-40, some R-15, some R-80 and some MF-1. He went on to describe the zoning in the area and the uses to which the land has been put.

He referred to a land use study map (Exhibit B) to illustrate his remarks. Mr. Horowitz also presented photos of the parcels. He said the reason for the Rockland County Planning Board's negative decision was that it should be residential but less than the density we are proposing, which is MF-3. He said they have requested an MF-3 designation but they are not really proposing MF-3. He said as the Board is aware, the densities of multi-family go from MF-1 to MF-2 to what is known as MF-3. He said they will have two bedroom units and in MF-1 they would be permitted to have fourteen two bedroom units. In MF-2 they would be allowed 30.5 two bedroom units. In MF-3 they would be allowed 41.5 units. He said they are not seeking the density of MF-3. He said they are not seeking the density of MF-2. He said they are ready to covenant to a density of no greater than 22 units. The actual number of units will be as determined by the Planning Board. He said they are in the process site plan approval as to what best would fit on the site. He said under no condition would there be more than 22 units which is really the equivalent of an MF-1.5 (of course, there is no such zone).

Mr. Horowitz said the reason the petition was made out for an MF-3 is because it is anticipated that they may lose some of the land they have because of the conditions which exist. He said there is a provision in the zoning ordinance that where portions of land are over a certain degree of steepness or possibly subject to flooding then only 50% of that land can be counted towards the minimum lot area. It means that if we started with an MF-1 and if we lost some land we would be down to numbers like 8 or 9 which would make the entire project unfeasible. That is the reason we had to make the request of MF-3 but coupling that with a covenant that under no circumstances would we go above the MF-2. This is not a guarantee for this Board that we will obtain 22 units. We will obtain just those units which the Planning Board allows us to obtain in accordance with the rules and regulations.

The County Planning Board at the time of its determination stated they were against it because of the MF-3 and they may even have mentioned a lower density of MF-1. They were not aware of the covenant we are discussing this evening. In so far as the facilities in the area there is adequate sewerage and all adequate municipal needs. There will not be any adverse impact to anything in the area. The nature of the area is such that the multi-family being proposed would be more suitable with the existing environment.

Mr. Horowitz said both the agencies which reviewed this have indicated that a change to residential should take place. The determination made by the Town Board comes down to whether the change should take place and if so to what density the change should be granted. We are ready to covenant that they would certainly accept what we have requested and that is MF-3. Under no circumstances would the site be developed with more than 22 units.

Town Attorney asked if the affidavit of mailing had been submitted to the Town Clerk and he answered in the affirmative.

Supervisor asked if any Board members had any questions at this time? Supervisor asked in terms of the proposed units are we talking one or two bedrooms or a combination. Mr. Horowitz said the numbers he gave the Board were all based on two bedroom units. He said again that they are committed to the number being covenanted to the Board which is 22 units.

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

IN FAVOR:

Appearance: Mr. Martin Feldi
New City, New York

Mr. Feldi stated that he was an adjoining property owner and he said his property was not the cleanest because of his tenants. He said he was not against any MF zoning in the area. He said he would hope that the domino effect would fall in his direction and he would ask for MF-3 also. An MF-3 zoning would allow him to knock down some of the old buildings and make it financially feasible to do that. Councilman Carey said he did not think that we are contemplating an MF-3 in that area and so you would not have the yield that you normally would on an MF-3.

Supervisor asked Mr. Feldi to please clean up his property there.

Appearance: Mr. Sy Ribakove
Dr. Davies Road
Congers, New York

He said he chaired the first Planning Board in Pomona for four years and is knowledgeable about planning matters. He said this is not a down zone but an up zone as the area is a disaster now.. It will improve this property and a domino effect might be preferable there.

Supervisor Holbrook said in relation to the pictures which were presented in terms of what is on the property just so the Board understands that this at one time was the subject of a court proceeding. The question there was what was accessory use to vacant property. What you see on the property now was unfortunately deemed by the Justice Court to be an accessory use to vacant property.

Appearance: Mr. Alan Rosensweig
Medway Avenue
Congers, New York

Mr. Rosensweig said this was not really a down zoning but an up zoning. He said he was involved in the court procedure on this property and he could not believe when they said what is going on there is allowed. The landfill that we dump our garbage in is cleaner than this piece of property. He said he was not sure of the density but he is sure that the Town Planning Board would regulate how many units would be acceptable and MF-3 would be a much better use for this property than its present use.

Appearance: Mr. Stephen Miller
Dr. Davies Road
Congers, New York

He said he resides on Dr. Davies Road. He asked what the effect of MF zoning would be on his particular piece of property which is adjacent or contiguous to this and which is still zoned RS. He also wanted to know the effect of the zone change on Dr. Davies Road proper. Previously there had been some discussion on a forced road widening project and he was against having the road widened because it would destroy the character of the road. He would lose his front yard right up to his front steps.

It is approximately 150 yards from 9W to the entrance of the proposed property and he suggested a slower rate of speed. Mr. Miller said there is a beautiful tree opposite his property - one of the biggest trees around - and it would be a crime to see anything happen to that. Mr. Miller asked what would happen to him

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personally if this property became MF and he stayed at RS. He said his property use might then be considered in violation. He said he has residents on this property and he also operates a tree business there. Supervisor said you are in an RS zone. If at some subsequent time the Town Board were to change the zone your uses would become nonconforming uses which would be permitted.

Mr. Miller asked if there would have to be an access road to this property. Supervisor said if this zone change were to be approved, the site plan development would be under the jurisdiction of the Planning Board.

Mr. Miller asked about the possibility of residents' complaints as to his being a woodman. He has wood piles; he has a chipper, a sander and a log splitter. Supervisor said maybe you would have to tidy up your place a little bit more and Mr. Miller said he was perfectly willing to do so.

Mr. Miller asked about the possibility of his parcel being changed to MF as if it was changed to that zoning it would probably be worth more than RS. Supervisor said whatever zone changes would be considered in the future would have to rest on their own merits.

Councilman Carey asked how large Mr. Miller's property was and he said one half acre. He said perhaps the Board should consider an overall game plan for all the properties in this area.

Appearance: Mr. Tom Langer
9 Old Clave Court
Congers, New York

Mr. Langer said he personally was in favor of single family homes in Congers. He felt MF-3 was too dense for the area. He was aware of the problems with the parcel in question. He also understood that Rock Apple would limit the construction to 22 units on the 3+ acres of land. MF-3 would allow in excess of 54 units if they were single bedroom apartments and the control would be only the self-imposed covenant. MF-1 zoning is in the area near the property and he believed MF-3 would set an ominous precedent for Congers. MF-1 is a reasonable compromise which he hoped the Board would consider.

Appearance: Mr. Frank Zaccaro
Ridge Road
Congers, New York

Mr. Zaccaro said he concurred with the Planning Board. He said the people who want to develop the land have the best of intentions and anything built on the site will be much better than the way it is now but the domino effect which can be caused by MF-3 just opens up a Pandora's box. All around the perimeter of Congers it is changing to MF. Congers is already the most densely zoned hamlet in the Town of Clarkstown and he felt a compromise should be worked out and he thought the Planning Board was entertaining a R-15 zone and he agreed with that.

Mr. Horowitz returned to sum up and he said the domino effect is not a consideration because the Town Board considers each application on its own merits. Whether MF-3 can go in must be decided on an individual basis. When you have an RS zone your yards have to be increased by 50% when you are adjacent to a residential district which means that if this property were vacant (it isn't but this happens quite often) where Mr. A will come into a zone change for residential, achieve his zone change and Mr. B whose got nothing to do with this but owns a contiguous parcel which is non-residential now has to have all the yards increased by 50%.

Councilman Nowicki stated that we had just gone through that. Town Attorney said he had a technical correction. In one of

the notes to minimize that from happening but it would not eliminate it. Mr. Horowitz said the Board should file that in the back of their mind as there ought to be some consideration since the Board sees that a certain zone change makes sense it should not really work as it does now to effectively penalize the party next door who has nothing to do with it.

Mr. Horowitz said in connection with the roads the Board was bound as to where the road could go because at that time it was zoned as an RS and consequently had to be at least 50 feet away from one of the property lines because we border on a residential district. The primary thing is that public notice will be made when (if this Board should grant the zone change) the site plan is submitted to the Planning Board for processing. At that time that agency will take up the question of the road, etc. Mr. Horowitz said it is important to note that we really are discussing MF-1.5.

There being no one further wishing to be heard on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared recessed until December 18, 1986, time: 10:55 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

101

Town Hall

11/25/86

10:56 P.M.

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

RE: Amendment to the Zoning Ordinance of the Town of Clarkstown re:
MF Zones (Dwelling Units)

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. Town Attorney said what was actually published is very close to what the Planning Board ultimately recommended but not exactly what they recommended. Due to the time frame involved the Planning Board's recommendation was made on November 6, 1986 and received in the Town Attorney's office on November 7, 1986 after the materials had already been forwarded to the Journal News and we were unable to make the change in time. He said he did not think it was a substantive difference. However Mr. Geneslaw will clarify this for the Board. It is more a question of semantics than anything else.

Town Attorney said there was a recommendation from the Clarkstown Planning Board in his file which Mr. Geneslaw can go into. Nothing was received from the Rockland County Planning Board but it definitely was forwarded to them for comment.

Supervisor asked Mr. Robert Geneslaw, Planning Consultant, to please explain what this amendment was. Mr. Geneslaw said that this proposed amendment to the MF-1, MF-2 and MF-3 Districts applies only to developments that would be approved on a fee simple basis. It clarifies the requirements in the MF districts in that the Planning Board will set the yard requirements for each fee simple development at the time they review the site plan thereby making it easier for the Building Department to review the plans to make sure there is conformity to yard requirements. In addition the Planning Board would be able to approve, approve with modifications or disapprove fee simple development and would be able to establish additional requirements if they felt it was appropriate. This comes out of the experience with the first three MF developments all of which are under construction. The Planning Board recommends in favor of the amendment.

Town Attorney asked Mr. Geneslaw with respect to the addition of Note "No. 10" as it was actually advertised which was the form approved by the Town Board at the meeting before the Planning Board reviewed it - it says "The Planning Board may determine on application for subdivision approval, if the site is appropriate for development with fee simple ownership-type units; in such cases, the minimum lot area for each dwelling shall be as determined by the Planning Board. The Planning Board may establish additional requirements."

He said in his opinion that is not significantly different in substance from what the Planning Board wanted to have published but unfortunately there was not sufficient time to do it. He said what Mr. Geneslaw read was that the Planning Board may approve, approve with modifications or disapprove.

Supervisor asked can we make that change tonight and Town Attorney said if Mr. Geneslaw agrees that it is not a substantive change he thought we could make that change or the Town Board can decide in what direction it cares to go.

Mr. Geneslaw said he agreed with Mr. Costa and saw no substantive change.

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Supervisor asked if any of the Town Board members wished to make a comment. No one did.

Supervisor asked if anyone present in the auditorium wished to make a comment.

Appearance: Mr. Henry Horowitz

Mr. Horowitz said he had no difficulty at all except possibly the drafting language. He was bothered with the use of the terminology "units of all types." When we discuss rental, cooperative, condominium - we are talking about ownership as compared to a type of unit. The ordinance does use terminology like condominium type. He thinks this conveys in everyone's mind that these are units which have a common element. In this particular language which you have here he thought if it remained a little more clear that when we talk about type - one is the type which is the physical arrangement of the unit but when we talk about rental, cooperative or condominium we are talking about a form of ownership. The terminology of a condominium type unit is confusing because he does not know if that is the type where you own it or its a type where units are together and that keeps coming up. So long as we have the opportunity and are making a change now he thought that should be looked at. He reiterated that he had no problem with the substance of the change. He felt it should be clarified.

Councilman Nowicki asked Mr. Horowitz what he thought it should say. Mr. Horowitz said he did not know but he was sure that Mr. Costa and Mr. Geneslaw could handle it as long as we just separate the form of construction and the form of ownership. When you use the word type what are we talking about and within that framework he would be more than glad to submit something to Mr. Costa and Mr. Geneslaw but he was quite sure that they could make the change.

Town Attorney said the MF ordinance as originally adopted used basically the same language and the reason that this is before the Town Board is that the Building Inspector upon reviewing a plan approved for fee type ownership houses felt that there was a lack of a clear cut indication that that was okay under the zone so this is an attempt to clarify that. If further clarification is being recommended perhaps the Board might consider the phrase "dwelling units of all types of design and forms of ownership."

Mr. Horowitz said so long as it is clear. Mr. Costa said it is the old RG-2 that refers specifically to condominiums. Town Attorney said he did not want to answer for the Board but he thought the Board had contemplated all along with this MF zone that it would be all types of design and forms of ownership.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 11:10 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1169-1986) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/25/86

11:10 P.M.

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

RE: Chapter 79 Violation Hearing - Forni

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

Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown appeared and stated the following:

That as to property known as Map 162, Block A, Lot 1.02, Location: Fisher Avenue, Nanuet, New York - Owner: John Forni - Please be advised during an inspection of the above described premises on November 24, 1986 at approximately 2:00 P.M. she found the property to be in compliance. The large accumulation of construction debris, litter, discarded furniture, miscellaneous debris and litter has been removed from said property. She recommended no further action by the Town at this time.

There being no one further wishing to be heard, on motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 11:16 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

105

Town Hall

11/25/86

11:10 P.M.

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

RE: Chapter 79 Violation Hearing - Del Rosario, Jr.

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

Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown appeared and stated the following:

That as to property known as Map 127, Block B, Lot 20 - Location: Fisher and Rosecrans Avenues, Congers, New York, Owner: Aldo DelRosario, Jr. and Lynn DelRosario - please be advised during an inspection of the above described premises on November 24, 1986 at approximately 3:00 P.M. she found the property to be in compliance. The large accumulation of car tires, car parts plus miscellaneous debris and litter has been removed from the property. Some hub caps and car bumper have been stacked alongside the garage and covered with a tarpaulin. She recommended no further action by the Town at this time.

Supervisor Holbrook said when he went there today there was some tires at the roadside on Fisher Avenue and Friend Street. He said maybe he is waiting for someone to pick up the pile of tires.

There being no one further wishing to be heard, on motion of Councilman Nowicki, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 11:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/25/86

11:10 P.M.

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

RE: Chapter 79 Violation Hearing - Losier

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

Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown appeared and stated the following:

That as to property known as Map 165, Block A, Lot 2
Location: No. 84, 86, and 88, North Pascack Road, Spring Valley,
New York, Owner: Jean Sunny Losier and Picard Losier - please be
advised during an inspection of the above described premises on
November 24, 1986 at approximately 1:30 P.M. she found the property
to be in compliance. The unlicensed vehicles have been removed, the
storage cabinet and file cabinet, the car motor and block, tires,
metal railings have all been removed. The bulk of the lumber has
been taken to be used as firewood. Also the cinder blocks have been
removed. She recommended no further action by the Town at this time.

Supervisor Holbrook said that when he was out there,
there was still a little bit of litter and if they could police the
yard up a little it would be fine.

There being no one further wishing to be heard, on
motion of Councilman Nowicki, seconded by Councilman Carey and
unanimously adopted, the Public Hearing was declared closed,
RESOLUTION ADOPTED, time: 11:16 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk