

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/9/86

8:03 P.M.

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

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

Supervisor Holbrook announced that tonight we would have the Clarkstown Youth Court's tenth graduation. He mentioned how successful this program has been and also how it has sparked the interest of our young people in the law. He said there are many dedicated instructors. He then introduced Detective Curt Settle.

Detective Settle commented that we always hear about problem children but he urged everyone to remember that it is only about 2% which make up the problem group while there are 98% of the children who go to school and conduct themselves like ladies and gentlemen. He gave a brief history of the Clarkstown Youth Court referring to appearances made on American and British television programs, articles in newspapers and magazines, etc. He thanked the Supervisor and the Town Board for their enthusiasm and support.

Detective Settle thanked Chief Schnackenberg for his support and the go ahead for this innovative program. He then introduced the chief who congratulated the members of the training class. Chief Schnackenberg announced that Detective Settle would be retiring in February so this will be his last Youth Court class. Detective Chris Goodyear will be taking over Detective Settle's duties. He said the Town of Clarkstown, the Police Department and the youth of our community owe a great debt to Detective Settle. He thanked him for an outstanding program and a job well done.

Detective Settle then thanked his assistant, Pat Barad and asked her to introduce the members of the graduating class.

Detective Settle introduced Mr. Tony Schiero who is the Chairman of the Steering Committee which runs the day to day operation of the Clarkstown Youth Court made up mostly of young people. Mr. Schiero commended the children going through the program and introduced two members of the very first class who were completing their five year membership on the Youth Court.

Awards were presented to Detective Settle on behalf of all of the members of the Clarkstown Youth Court for his hard work and dedication. Detective Settle stated that he had been a youth officer for fifteen years and seeing kids like these present tonight make it all worthwhile.

Detective Chris Goodyear said that all fellow officers recognize that Detective Settle is a pillar of strength to them and also to the youth of our community. He then presented an award from the Clarkstown PBA.

Detective Settle then thanked everyone concerned and said he did not regret one day in his twenty years as a police officer here because Clarkstown is the finest township in the world.

Supervisor Holbrook announced that if there was anyone here in attendance for the Champeau Public Hearing that hearing will be held in January and you will be notified.

Supervisor then stated that the public portion of the meeting was open.

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RESOLUTION NO. (1184-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT RE:
MAP 111, BLOCK A, LOT 28.07
(LIPKIND)

Co. Lettre offered the following resolution:

WHEREAS, a proceeding pursuant to Chapter 31 was instituted against premises owned by RUDY LIPKIND described on the Tax Map as MAP 111, BLOCK A, LOT 28.07, and

WHEREAS, a public hearing was held on November 25, 1986, and

WHEREAS, the respondent in said proceeding, RUDY LIPKIND, offered to enter into a Consent Agreement which would provide for restoration of the premises;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement in a form prepared by the Town Attorney, a copy of which is on file in the Town Clerk's Office, and be it

FURTHER RESOLVED, that upon the receipt of a fully signed copy of the aforesaid agreement, the proceeding referred to herein shall be deemed closed, subject only to the terms and conditions of the agreement.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1185-1986)

SPECIAL FINDINGS GRANTING A
SPECIAL PERMIT TO CONSTRUCT
AN AUTO LAUNDRY (RALPH
WIDMAIER)

Co. Maloney offered the following resolution:

WHEREAS, RALPH WIDMAIER, has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the construction of an auto laundry pursuant to the provisions of Section 106-10A, Table of General Use Regulations, RS District, Column 3, Section B Paragraph 5 of the Zoning Ordinance of the Town of Clarkstown for property located on the east side of Route 9W, Congers, New York, more particularly described on the Clarkstown Tax Map as: Map 142, Block A, Lots 5.14 and 5.18, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 28th day of October, 1986 at 8:05 P.M., to consider such application;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 106-14B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

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ABE536

RESOLUTION NO. (1185-1986) Continued

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;
7. The proposed use will not result in any significant impact to the environment and the provisions of SEQRA have been satisfied.

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct an auto laundry on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 106-16C of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall comply with all provisions of the site plan regulations and secure site plan approval from the Planning Board;
3. Approval shall be secured from either Rockland County Sewer District No. 1 or the Rockland County Health Department for waste water disposal;
4. Petitioner shall comply with all other applicable provisions of law;
5. Any alterations or changes in use after the site plan has been approved shall terminate the Special Permit unless prior approval has been obtained from the Town Board,

and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: December 9, 1986

By: /s/ Charles E. Holbrook
Charles E. Holbrook, Supervisor

Seconded by Co. Lettre

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RESOLUTION NO. (1185-1986) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1186-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT WITH
ROCKLAND COMPUTER PRODUCTS
RE: TRAINING PERSONNEL,
SETTING UP COMPUTER SYSTEMS
AND INTERGRATING HARDWARE
AND SOFTWARE - CHARGE TO
APPROPRIATION ACCOUNT NO. A
1680-409 (DATA PROCESSING-
FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has contracted Rockland
Computer Products for the year 1986, and

WHEREAS, there is additional need of training
personnel, setting up of computer systems and intergrating hardware
and software,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be authorized to enter
into a contract with Rockland Computer Products for the year 1987,
utilizing their services as needed, not to exceed \$35,000.00, and be
it

FURTHER RESOLVED, that the cost of \$35,000.00 be
charged to Appropriation Account No. A 1680-409 (Data Processing
Fees for Services.)

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1187-1986)

INCREASING REVENUE ACCOUNT
NO. 01-002680 (INSURANCE
RECOVERIES) AND
APPROPRIATION ACCOUNT NO. A
8730-406 (ENVIRONMENTAL
CONTROL-REPAIRS TO VEHICLES)

Co. Lettre offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-002680
(Insurance Recoveries) and Appropriation Account No. A 8730-406
(Environmental Control-Repairs to Vehicles) by \$963.56.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (1187-1986) Continued

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

RESOLUTION NO. (1188-1986)

INCREASING REVENUE ACCOUNT
NO. 01-001090 (INTEREST &
PENALTIES), APPROPRIATION
ACCOUNT NO. A 9550-910
(TRANSFER TO CAPITAL #2
FUND) AND INCREASING
APPROPRIATION ACCOUNT NO. H
8730-25P85-02-409 (CAPITAL
#2 PHILLIPS LANE, WEST
NYACK) - TRANSFER FROM
GENERAL FUND TO CAPITAL #2
ACCOUNT

Co. Lettre offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-001090
(Interest & Penalties) and Appropriation Account No. A 9550-910
(Transfer to Capital #2 Fund) by \$5,350.34, and be it

FURTHER RESOLVED, to increase Appropriation Account No.
H 8730-25P85-02-409 (Capital #2 Phillips Lane, West Nyack) by
\$5,350.34 and transfer said funds from the General Fund to Capital
#2 Account.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1189-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #64-1986
(ROTARY VANE COMPRESSORS
FOR CLARKSTOWN SEWER
DEPARTMENT)

Co. Maloney offered the following resolution:

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

BID #64-1986
ROTARY VANE COMPRESSORS FOR
CLARKSTOWN SEWER DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday,
December 26, 1986 at which time bids will be opened and read, and be
it

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

Seconded by Co. Nowicki

RESOLUTION NO. (1189-1986) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1190-1986)

AWARDING BIDS FOR BID
#5-1987 (CUSTODIAL AND
JANITORIAL SUPPLIES)

Co. Maloney offered the following resolution:

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

BID #5-1987
CUSTODIAL AND JANITORIAL SUPPLIES

is hereby awarded to:

QUICK CHEMICAL
200 Winston Drive
Cliffside Park, N.J. 07010

BURKE SUPPLY
880 Meeker Avenue
Brooklyn, N.Y. 11222

MT. ELLIS PAPER CO., INC.
P.O. Box 4083
214 Mac Arthur Avenue
Newburgh, N.Y. 12550

AETNA JANITORIAL SUPPLY
137 N. Main Street
Spring Valley, N.Y. 10977

PRESSURE KING
46 Heather Hill Road
Creskill, N.J. 07626

HALBRO, INC.
2090 Route 110
Farmingdale, N.Y. 11735

E. A. MORSE
11-25 Harding Street
Middletown, N.Y. 10940

ROSEBRAND WIPERS
517 West 35th Street
New York, N.Y. 10001

HYDRO-BOLT CORP.
31 Jules Court
Bohemia, N.Y. 11716

as per schedule of prices on file in Town Clerk's Office

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1191-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION AGAINST
TOWN OF CLARKSTOWN (ROSADO)

Co. Maloney offered the following resolution:

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ABE536

RESOLUTION NO. (1191-1986) Continued

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

CAROLOS ROSADO and GLADYS ROSADO,

Plaintiff

-against-

TOWN OF CLARKSTOWN and BUILDING INSPECTOR,
TOWN OF CLARKSTOWN,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1192-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
(AVERY)

Co. Maloney offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled:

In the Matter of the Application of CHARLES and DONNA AVERY to annul and declare invalid, a determination of the ZONING BOARD OF APPEALS of the Town of Clarkstown, County of Rockland, State of New York

NOW, THEREFORE, be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1193-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO AMEND
"30-MINUTE PARKING" SIGN
EAST SIDE OF BURNSIDE
AVENUE, CONGERS TO READ
"30-MINUTE PARKING - 5:00
P.M. TO 6:00 AM."

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RESOLUTION NO. (1200-1986) Continued

are hereby rejected, and be it

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

BID #6A - 1987
CRUSHED STONE

said new 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 Wednesday, January 7, 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 Clarkstown Director of Purchasing.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

On motion of Councilman Lettre seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change R-15 to CS (McKay, King & Faggello), was opened, time: 8:45 P.M.

On motion of Councilman Lettre, seconded by Councilman Nowicki and unanimously adopted, the public hearing re: Zone Change R-15 to CS (McKay, King & Faggello) was closed, RESOLUTION ADOPTED, time: 9:17 P.M.

RESOLUTION NO. (1201-1986)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
(KING, FAGGELLO AND MC KAY)
- R-15 TO CS

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of October, 1986, provided for a public hearing on the 9th day of December, 1986, at 8:10 P.M., to consider the application of RICHARD KING, RAYMOND FAGGELLO and RICHARDO A. MCKAY, to amend the Zoning Ordinance of the Town of Clarkston by redistricting the property of the Petitioners from an R-15 District to a CS District, and

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

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-15 District to a CS District, the following described property in the Hamlet of Valley Cottage, New York, in said Town, subject to the Petitioner submitting a Covenant in a form satisfactory to the Town Attorney.

(Description of property on file in Town Clerk's Office)

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Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1202-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES MAP 127,
BLOCK C, LOT 5 (FRANKLIN)

Co. Lettre offered the following resolution:

WHEREAS, by Resolution No. 1082 dated November 13, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 127, BLOCK C, LOT 5, 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 December 9, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated November 13, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 9th day of February, 1987, and be it

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

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Road Improvement (South Harrison Avenue) was opened, time: 9:35 P.M.

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RESOLUTION NO. (1202-1986) Continued

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Road Improvement (South Harrison Avenue) was closed, RESOLUTION ADOPTED, time: 9:45 P.M.

RESOLUTION NO. (1203-1986)

AUTHORIZING CONSTRUCTION OF ROAD IMPROVEMENT (SOUTH HARRISON AVENUE, CONGERS) AND AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO PERFORM SPECIFIC DUTIES IN CONNECTION THEREWITH

Co. Nowicki offered the following resolution:

WHEREAS, by resolution adopted on February 11, 1986 on Motion of the Town Board of the Town of Clarkstown, the Director of Environmental Control was authorized to prepare plans and specifications and to make an estimate of expenses to establish a road improvement district for premises fronting on South Harrison Avenue, Congers, New York, for a frontage distance of approximately 900 ft., as indicated on the attached Schedule "A," and

WHEREAS, by report dated July 2, 1986, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project and detailed drawings depicting same, and

WHEREAS, by resolution adopted on November 13, 1986, the Town Board ordered that a public hearing be held on the 9th day of December, 1986, at 8:20 P.M., to consider the creation of such road improvement district, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make the same improvement, and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the estimate of the Director of Environmental Control is \$12,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, does hereby authorize and approve the improvement of a portion of South Harrison Avenue, for a frontage distance of approximately 900 feet, as indicated on the attached Schedule "A," and be it

FURTHER RESOLVED, that the maximum amount to be expended for the said improvement is Twelve Thousand (\$12,000.00) Dollars, and be it

FURTHER RESOLVED, that the Director of Environmental Control shall survey, or cause to be surveyed, the above described portion of South Harrison Avenue, Congers, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clerk of the Town of Clarkstown, and be it

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RESOLUTION NO. (1203-1986) Continued

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed, after completion of the survey work described herein, to prepare definite plans and specifications, and with the assistance of the Town Attorney, to prepare a proposed contract for bidding pursuant to General Municipal Law, or in the alternative prepare the project requirements for completion by the Department of Highway personnel, and thereafter to oversee the work required for such improvement, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized and directed to apportion the cost of the project to the benefitted parcels in accordance with a road frontage formula of sixty (60%) percent frontage and forty (40%) percent double frontage.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one wishing to be heard, on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted the Town Board meeting was declared closed, time: 9:47 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/9/86

8:45 P.M.

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

RE: Zone Change (King, Faggello, McKay) R-15 to CS

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

Appearance: Henry Horowitz, attorney for the applicant

Mr. Horowitz said this involved three parcels on the east side of Route 303 in the vicinity of the Food Emporium Shopping Center in Valley Cottage going south to north are the site of the Old Copper Kettle, parcel north and contiguous to that is the King Professional Building and the next parcel going north is known as the Coronet Jewelry parcel. They are in an R-15 zone on the east side of Route 303. Across the street the zone is LIO. This is causing a conflict on the east side because of the proliferation of residences and commercial property. The commercial property exists because of the Board of Appeals. He stated that the parcels about which he was speaking are already up and the zone change he is asking for would be CS coupled with a covenant which would restrict the structures to being used only for offices and an animal hospital.

Dr. Petro, who is presently located in the Food Emporium Shopping Center desires to locate on one of the parcels in a 2,000 square foot building. Coronet Building can only be used for jewelry manufacturing and can not be used as offices. Since they have relocated the building sits empty and they want the zone change with the covenants so they can rent the building and they would comply with the zone requested.

Dr. King's professional building is also there by the Board of Appeals and he would like to exist by right and not have to return to the ZBA if he required a minor change.

The Copper Kettle building (here Mr. Horowitz presented a map showing the existing building and the proposed building to be used by Dr. Petro.) He stated that access is already there. The zone change CS is coupled with covenants which allows only the animal hospital or office and each building will stand on its own. Of all the zone changes, this will have a minimal impact because it is there already.

Councilman Maloney asked do you have to go to the Planning Board? Mr. Horowitz said that the King Professional Building would not but the Copper Kettle lot will and the Coronet Jewelry parcel may have to go before the Planning Board for parking requirements.

Councilman Lettre asked if the parcels meet the requirements? Mr. Horowitz said each are short parking spaces but have adequate land to provide them. They meet all the requirements for front, side and back yards and all bulk requirements.

Supervisor stated that the Planning Board is due to make their decision tomorrow night when they meet and he raised the question of rather than CS with covenants why not go for PO?

Mr. Horowitz said that PO would not be acceptable since a veterinary hospital would not be permitted under PO and PO requires 30,000 square feet so that the existing parcel could not be subdivided.

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Councilman Lettre said the covenant really takes into effect the same thing the PO would have other than the veterinary hospital. Mr. Horowitz said that is correct. Mr. Horowitz stated they are trying to clean the area up and get rid of all variances.

Supervisor Holbrook asked about the Rockland County Planning Board's recommendation. Mr. Horowitz said it was his understanding that the Rockland County Planning Board had made a negative determination but he felt sure that was because they had not received a copy of the petition or if they did they had voted no because they did not read paragraph 11 in the covenants.

Appearance: Kathy Buckley

Ms. Buckley stated that she was located behind Dr. King's building and inquired as to how this would affect her property if the zone change is granted? She wanted to know if stores, movie theatres, gas stations, etc. could be built there. Supervisor Holbrook said that with the covenant, shopping would not be allowed. Mrs. Buckley asked if there would be outside kennels? Dr. Petro said it would be a totally enclosed building with no outdoor kennels. If the PERK test allows there would possibly be a basement.

Councilman Lettre read paragraph 11 of the petition.

Appearance: Ms. Pamela Furey

Ms. Furey stated that she lives next door to Costa & McKay and she was concerned about how this change would affect her realty values and she did not want to live next door to kennels.

Appearance: Mr. John Kipp
Valley Cottage, New York

He inquired as to whether there would be any outdoor kennels?

Appearance: Mr. Frank Furey

He lives in back of Costa & McKay. He stated that he was at the Zoning Board of Appeals meeting when this matter was brought up. He stated that he was opposed to a kennel.

Councilman Lettre explained that the covenant would protect the abutting property owners.

Mr. Horowitz stated that notices had been sent out to 65 families and the Board can see there is not much objection to this proposal considering the amount of notices sent.

Councilman Nowicki said that perhaps he could clarify the details about the building because one resident stated that he would object to the noise.

Mr. Horowitz said there would be no outside run. It would be an enclosed building.

Mrs. Furey stated that she had not received a letter and she is an adjacent property owner. Supervisor asked Mr. Horowitz if he had the list of property owners notified and he said he did and that she should have been notified. Mr. Horowitz said in answer to a question regarding additional hearings that there would be at least two public hearings for which notices would be sent. There would be a public hearing for the subdivision cutting the Copper Kettle property into two and then there would be a hearing for the actual approval of the proposed building.

In response to a question from a resident in the audience, Dr. Petro explained that he would never consider outside

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kennels as they are very dangerous. He stated that outdoor kennels are against the law in New York State.

Councilman Lettre wanted added to the resolution an amendment that there would be no outdoor care facilities. Dr. Petro explained that his present facility of 1200 square feet was not adequate to service his 10,000 clients. He said he does not have an adequate number of cages and very often he is called at nights and on weekends to pick up dogs even if they do not require treatment but just to offer them shelter. He also cares for many lost animals when the dog warden is not on duty. He needs space for that.

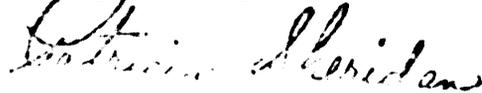
Councilman Lettre said he had no objection to adopting a resolution but he would like to add to the covenant that there would be no outdoor facilities for the keeping of animals outside the building. He said he would like that added to paragraph "11."

Mr. Horowitz said you need four votes to pass this because the County Planning Board gave a negative determination.

Councilman Lettre said the reason for the change is that two thirds of the proposed change is for existing use already and one of them is not detrimental to the health, safety and welfare of the community.

On motion of Councilman Lettre, seconded by Councilman Nowicki and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time 9:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Res # 1201

ABE536

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/9/86

9:17 P.M.

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

RE: Violation Hearing - Map 127, Block C, Lot 5 - Franklin

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing.

Deputy Town Attorney Paul Nowicki swore in Mrs. Irene Saccende, Code Inspector. Mrs. Saccende then gave testimony regarding the premises as follows:

"Please be advised during an inspection of the above described premises on December 9, 1986, at approximately 3 P.M., I found the following conditions evident:

A blue van and a red van were parked in the front yard of said premises.

A large white commercial truck was parked in front of the garage.

A gray car was parked in front of said white truck in the driveway.

On the southeast property line, a red dump truck was parked.

The two vans and the dump truck and the gray car bear current registration.

The boat and trailer have been removed from the front yard. Also some of the tires have been removed from the front yard."

Deputy Town Attorney asked if the board members had any questions.

Supervisor Holbrook asked in terms of the conditions when this violation was issued what is the condition of the property at this point. Mrs. Saccende said the only things missing are the boat and the trailer and she would recommend the Town proceed with the clean up.

Appearance: Ann L. Glickman, Attorney for
Mr. & Mrs. Franklin

Ms. Glickman said measures were taken recently to clean up the property by the Town and after clean up Mr. Franklin decided to relocate. The property was then sold to a Mr. McIntyre and Mr. Franklin purchased property upstate. Unfortunately, Mr. McIntyre did not obtain a mortgage so the plans of the Franklins are in disarray.

Ms. Glickman requested the Town Board permit Mr. Franklin a reasonable period of time to sell the property which is listed with the Bernstein Agency. She said some of the vehicles parked on Mr. Franklin's property are full of his belongings. She was concerned that Mr. Franklin could lose his down payment on the property upstate. She said she was asking leniency of the Board so that Mr. Franklin has time to sell his property. There is no health hazard here and while it may be unsightly there is no danger to the community. She felt a realistic time to grant him would be to the spring of 1987.

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Supervisor Holbrook said it would look a lot better and it would help him sell the property if he got the vehicles off there. Ms. Glickman said they have no other place to relocate the vehicles until the property is sold.

Councilman Lettre read a list of the violations on the property and Ms. Glickman said they were there because they were bringing the belongings of the Franklins to the new property.

Councilman Nowicki asked if it was possible to move some of these vehicles? Ms. Glickman said since the Town did the clean up on the property there are holes in the backyard but Mr. Franklin will try to move them to another portion of the property. She said this is not a long term problem since while the structure may be run down the location is very desirable.

Councilman Maloney said since most of these cars do bear current registration he would consider an extension of sixty days.

Councilman Lettre asked Mrs. Saccende what else, other than the vehicles, is located on the property? Mrs. Saccende then stated that as of November 3, 1986 there were several tires and pails used for painting, etc.. Today she did not see the tires or the pails.

Councilman Lettre was concerned about the deterioration of the property and he said they will not allow the property to get back in the condition it was previously in and he wanted assurance that would not happen. Ms. Glickman said in order for the Franklins to sell the property it would be injurious for them to allow it to deteriorate.

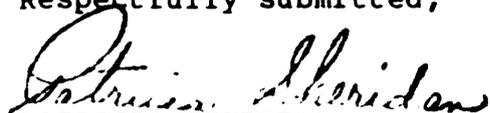
Supervisor Holbrook asked if they would be willing to enter into an agreement in a form acceptable to the Town Attorney with an extension of sixty days. He said the neighbors have put up with this for years and they don't want to put up with it any longer.

Councilman Lettre said he wanted included in that agreement the immediate removal of any debris or objects on the property.

Supervisor Holbrook requested that Mr. Franklin get in touch with the Town Attorney. Mrs. Glickman said this was most acceptable. Supervisor Holbrook said they would grant an extension to approximately February 15, 1987. If this has not been accomplished by that time the matter will return to the Town Board for reevaluation.

On motion of Councilman Lettre, seconded by Councilman Nowicki and unanimously adopted the public hearing was recessed pending the signing of a mutual agreement extending time for clean up to February 15, 1987.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

Resolution adopted (1202-1986)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/9/86

9:35 P.M.

Present; Supervisor Holbrook
Councilmen Lettre, Maloney and Nowicki
Councilman Carey absent
Paul Nowicki, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: Road Improvement (South Harrison Avenue)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Supervisor Holbrook read a list of all parties involved.

Mr. Les Bollman, Director of Environmental Control spoke regarding the lot being part of the subdivision of the Foley piece and he said that there was pavement on it. We are calling for an inch and a half of binder and an inch of top which will give it enough asphalt on a good enough base to bring it up to Town standards. The estimate for that last year was \$10,800.00. He said after checking with County Asphalt they said they believed that amount will still hold. It will be about another \$1,000.00 for filling potholes and miscellaneous work to be done. He recommended that the \$10,000.00 mentioned in the resolution be increased to \$12,000.00 to cover the expenses of a year later.

Councilman Lettre asked if that \$12,000.00 would be the maximum amount and Mr. Bollman said yes because he assumed that the Superintendent of Highways would do the job.

Supervisor Holbrook asked if there were people who back on to the road? Mr. Bollman said there were people affected by double frontage. A 60/40 basis was discussed. Mr. Bollman said drainage is already in.

Supervisor asked if any of the board members had any questions for Mr. Bollman.

Supervisor asked if any member of the public wished to speak for or against or if they had a question.

Appearance: Mr. Tom Dorry
South Harrison Avenue
Congers, New York

Mr. Dorry urged the Board to pass the resolution improving the road.

Appearance: Ms. Maria Unger, representing
Catherine Maurer

She wanted to know why only this parcel is being done since it is only 900 feet and the rest of the road is just as bad. Supervisor Holbrook said that would be done next. She said her mother cannot afford to pay for it. Supervisor Holbrook said this portion seems to be much more feasible and the other portion will have a public hearing held on it.

Mrs. Unger said it is unfair that builders come in and build and then the homeowners have to pay for the road.

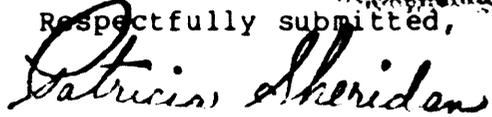
Supervisor Holbrook then explained how the expense would be apportioned on a 60/40 percentage basis with a fifteen year bond. He said there are ten properties involved and it would be based on frontage.

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1203-1986) Adopted