

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

279

Town Hall

1/13/87

8:01 P.M.

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

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

Supervisor opened the Public Portion of the meeting.

Appearance: Donald Tracy, Esq.  
representing Nanuet Pavillion

Mr. Tracy spoke regarding Item No. 12 on tonight's agenda (authorizing Town Attorney to take legal action re: Nanuet Pavilion.) Mr. Tracy stated that his client acted in good faith. He felt that any legal action would be futile. His client intended to return to the Planning Board for site review. It was agreed among the Town Board members to pull Item No. 12 on tonight's agenda for a future meeting.

Appearance: Mr. Martin Cohen,  
Town Historian

Mr. Cohen spoke with regard to Agenda Item No. 1 and read a letter pertaining thereto which is on file in the Town Clerk's Office.

Appearance: Ms. Rayla Anderson

Ms. Anderson spoke in regard to Item No. 1 on tonight's agenda. She said that she lived off Laurel Road and was appearing as a concerned resident and parent. She was in opposition to the proposed road.

Appearance: Mr. Lee Feist  
Arcadia Drive  
New City, New York

Mr. Feist spoke in regard to Item No. 1 on tonight's agenda. Mr. Feist stated that he lives off Laurel Road and was in opposition to the through road.

Appearance: Mr. Alex Gromack,  
Rockland County Legislator

Mr. Gromack spoke in regard to Item No. 1 on tonight's agenda. Mr. Gromack spoke in opposition to the through road and said there had been no need demonstrated for it.

Appearance: Ms. Margaret Nevins  
Laurel Road  
New City, New York

Ms. Nevins spoke in regard to Item No. 1 on tonight's agenda. Ms. Nevins said she had lived on Laurel Road for twenty-six years and she was in opposition to the proposed road.

Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff spoke in regard to Item No. 7. He inquired as to whether the Town was considering purchasing Street School. He cited a citizen's study that had been done which showed that an additional school would be needed in the future for northern New City and he felt this purchase might come back to haunt us if in the future the taxpayers had to go out and purchase additional property to build another school.

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Appearance: Mr. Peter Ludwig  
New City, New York

Mr. Ludwig stated that he was speaking on behalf of the Southeast Clarkstown Homeowner's Association in regard to Item No. 1. He spoke regarding the preservation of the Conservation Easement and said they were opposed to the creation of a road through the Knapp Property. He also said the 1980 Master Plan deleted that road. He presented a copy of the Cooperative Extension Report of July 30, 1986 addressed to Mr. Wes Bruckno which report is on file in the Town Clerk's Office. He requested that the Town Board follow the recommendations of the Planning Board and of Cooperative Extension in this regard and maintain the Conservation Easement in its integrity and the climax forest in this area..

Appearance: Mr. Jerry Warshaw  
Strawtown Road and Westerly Drive  
New City, New York

Mr. Warshaw spoke regarding Item No. 1 on tonight's agenda and said he was opposed to the proposed road. He wanted the area developed with cul-de-sacs.

Appearance: Mr. Stanley Burns  
Spring Valley, New York

Mr. Burns spoke regarding Item No. 24 on tonight's agenda. He felt that no contracts should be entered into or renewed with anyone outside of Clarkstown for the use of the Sanitary Landfill.

Appearance: Mr. John Lawler  
Westerly Drive  
New City, New York

Mr. Lawler said he was speaking on behalf of seven homeowners living on Westerly Drive who were present this evening. He spoke regarding Item No. 1 on tonight's agenda. He said he was opposed to the through street and the local residents do not want it. He discussed the Planning Board's comments and the comments of the Chairman of the Planning Board.

Appearance: Mr. Phil (?)  
Westerly Drive  
New City, New York

This gentleman spoke in opposition to Item No. 1 on the agenda. He did not want the through street and stated it was not the will of the people.

Appearance: Mr. Brian Brophy  
Valley Cottage, New York

Mr. Brophy spoke regarding Item No. 1 on the agenda and stated he was in favor of the through road and opposed to cul-de-sacs.

Appearance: Mr. John O'Sullivan,  
Superintendent of Clarkstown  
Highway Department

Mr. O'Sullivan spoke regarding Item No. 6 regarding a road abandonment (Tranquill and Green Avenues, Valley Cottage) and asked that it be tabled for the time being as he felt there was a conflict of interest in which he should not be involved. Supervisor Holbrook stated that they were only going to act on a portion of the road but that Mr. O'Sullivan's comments were duly noted.

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Councilman Lettre asked the Town Attorney with reference to Item No. 1 on the agenda if this was the most effective means to obtain the goal of not having through streets? He said that what was discussed the other night was passing a modified 281 and presenting it to the Planning Board and he wanted to know if he misunderstood or what the rationale was? He said he thought they were going to put forth a resolution tonight recommending the 281 with the modifications of no through streets and a lot count of 32 with a minimum lot size of 30,000 square feet.

Town Attorney said this is the most effective way to achieve the objective of the Town Board and the rationale is that under Town Law 281 the procedure must be followed at the discretion of the Planning Board and the Board's judgment. He said his opinion was that the best way to achieve the cooperation of the Planning Board is to ask them to consider it and then to ask the Town Board to implement an additional 281 resolution along the lines that have been requested.

Councilman Lettre said he would also like to have added after it says 32 lots "a minimum lot size of 30,000 square feet." He did not think that any of these lots should go below 30,000 square feet.

Supervisor said he wanted to keep the three acres for the Knapp House. Councilman Carey asked if that would change the yield for the amount of lots and he was told no. Councilman Lettre said regardless of whether or not it is an average density map he did not believe that the lots should be smaller than 30,000 square feet in keeping with the area.

Mr. Robert Granik asked if the Planning Board might come back with a modified request? Supervisor Holbrook said the Town Board's intention is to ask the Planning Board to request a 281 which would delete the road, keep the historic home on a three acre parcel and preserve the Conservation Easement. Mr. Granik asked the Town Attorney if that could not be accomplished by a motion to that effect? Supervisor said we have that incorporated into the resolution. Mr. Granik said but you are forcing it to go back to the Planning Board and he felt it could be handled differently so that it would not go back and forth.

Councilman Lettre stated that it was his understanding that if it was modified and the Planning Board accepted it they could move forward. Otherwise it would have to come back to the Town Board again and we would just be creating an extra step.

Town Attorney said this is a step that the Town Board has been very strict in observing in the past. The Town Board has not, as a practice, granted a Town Law 281 approval without having the actual proposal drawn out in front of you. It was never legally mandated that you do it that way but it was a procedure developed because in the past when Town Law 281 was granted without the strict provisions all drawn in place there was dissatisfaction on more than one occasion by the Board to changes that the Planning Board, in its discretion, made. He said the Board is free to depart from that practice if they so choose.

Supervisor asked if the Town Board could adopt a 281 on its own without it being referred back to the Planning Board? The Town Attorney said the Town Board could not compel it - it has to be acceptable to the Planning Board. Town Attorney said you can grant a blanket 281 in advance. It can be limited to certain general restrictions or you can zero in on a 281 plan and say this is the one we want.

Mr. Granik said he felt the Town Board should deny it because if the Planning Board gets a denial from this Board then it

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can't have an average density even for the Conservation Easement or for the historic house. If they want one or both of those they are going to have to give up the road to get it. Otherwise they are going to lose the Conservation Easement and he was sure they did not want to do that.

Supervisor Holbrook said he thought the original resolution accomplishes what we are trying to do here.

RESOLUTION NO. (46-1987)

DENYING REQUESTED  
AUTHORIZATION FOR USE OF  
TOWN LAW 281 FOR  
SUBDIVISION (586 BREWERY  
ROAD, NEW CITY)

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown Planning Board has recommended to the Town Board the adoption of a resolution authorizing the application of Town Law 281 to create an average density subdivision to be known as "586 Brewery Road, New City" which would permit said subdivision to be filed in the Rockland County Clerk's Office containing thirty-two (32) lots, one (1) of which would be approximately three (3) acres in size and contain an existing residence previously designated as an historic home, and which plan would also provide connecting streets through said proposed subdivision in accordance with the recommendations of the Clarkstown Planning Board, and

WHEREAS, the Town Board has duly considered this proposal and believes it would not be in the best interest of the community at large to apply Town Law 281 as requested;

NOW, THEREFORE, be it

RESOLVED, that the application of Town Law 281 to said subdivision is denied, and be it

FURTHER RESOLVED, that this matter is returned to the Planning Board for further consideration with respect to the use of Town Law 281 without the provision for the connecting through streets but retain a large lot for the preservation of the historic home, as well as the conservation easement to protect the environmentally sensitive climax forest area with minimum lot size of 30,000 square feet.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Maloney stated that he felt tonight he must abide by the wishes of the Planning Board and the Planning Consultant. The Planning Board after due deliberation voted six to one to ask the Town Board for a 281 and to allow a through street because that is good planning. Many legislators who years ago turned down a request to have Phillips Hill Road a through road would love to have that vote back again. Tonight's proposal has been mentioned for many years even as far back as 1966. In the Master Plan Update in 1980 Mr. Geneslaw mentions "that it would be desirable to continue Laurel Road" and he recommended this remain as shown on the Master Plan. It was not put on the Master Plan, the reason being that there was a feeling that we would get that through street when the Knapp property came in for subdivision approval. He said we have to look at the whole concept of good planning and allowing traffic to move. He said he really did not believe that the opening up of Laurel Road (and it is a 100 foot offset not a true connection - when you get to Strawtown Road you would have to go right 100 feet and then left to pick up Laurel on the other side) would dump more traffic onto Laurel Road. He said the question he

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had to answer this evening was when do we follow the Town consultants and when don't we follow the Town consultants? He said that is the decision he has to make and he would have to vote against the present resolution because it does not allow for a through street.

Councilwoman Smith said that everyone here knows that she has just recently stepped down from the Planning Board and she wanted to make some comments on their behalf. Not one member on the Planning Board votes to eliminate frustrations nor do they vote for the death of a child which was stated at the last workshop. It is true that they make plans on principles and one of the principles very strongly encouraged by our Town planner is through roads - the reason being that the more openings then the less any one road bears traffic. Regardless of whether the Planning Board approves a through road or a cul-de-sac neither one of them should formally or informally be a designated a play area for children. Please bear in mind that safety is always an integral part of every Planning Board decision. Sitting here tonight as a member of the Town Board she said she wanted to share the concerns and in that vain she would abstain and let the case be presented to the Planning Board.

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....No  
Councilwoman Smith.....Abstain  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (47-1987)

SETTING PUBLIC HEARING FOR  
PROPOSED AMENDMENT TO  
ZONING ORDINANCE OF TOWN OF  
CLARKSTOWN AND REFERRAL OF  
SAME TO TOWN AND COUNTY  
PLANNING BOARDS (BUFFER  
AREAS)

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of March, 1987, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Add the following definition to Section 106-3 "Definitions";

"Buffer and/or buffer area: Area(s) on a lot used to screen development or uses on adjoining properties, composed of either undisturbed or landscaped areas subject to the requirements of the Planning Board and/or Shade Tree Commission, and located according to the provisions of the Zoning Ordinance and the requirements of the Planning Board.

The following types of uses shall not be allowed in a buffer area:

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RESOLUTION NO. (47-1987) Continued

- buildings or above-ground structures
- vehicle overhangs, driveways, loading areas
- parking areas or reserve parking areas
- signs or lighting fixtures
- solid waste receptacles
- other structures or uses prohibited by the Planning Board."

Amend Section 106-10B, Table 16, Table of General Bulk Regulations as follows:

In the row beginning with LIO Group LL:

Change Column 7 (Required front yard depth)  
from 80 ft. to 80 ft. (See Note 26).  
Add new Note 26 as follows: "No parking allowed in required front yard."

Change Column 8  
(Required side yard width) from  
60 ft. (see notes No.4,5) to 60 ft. (see Note 4)

Change Column 9 (Total Width Both side yards)  
from 150 ft. to 150 ft. (See Note 15).  
Add at bottom of Table the following new Note 15: A total of at least 15% of the provided lot width shall be provided as buffer areas placed along each side lot line, but where provided shall not be less than 15 ft. No buffer is required where the loading docks of buildings on adjoining lots directly abut, but the cumulative buffer must be provided along the other side lot line instead.

Change Column 10 (Required rear yard)  
from 50 ft.(see Notes 4,5) to 50 ft. (see Notes 4, 16): Add new Note 16: At least 15 ft. shall be provided as a buffer area placed along the rear lot line.

Change Section 106-10A, Table 14, Table of General Use Regulations (LIO zone):

Change Column 8, Note 14, from "No to parking areas shall be provided within 50 ft. of any residential districts, and such buffer strips shall be landscaped so as to screen such areas from said adjoining district; within any "Notwithstanding any other buffer requirement, no parking shall be provided within 50 ft. of any residential district, and such area shall be landscaped. No parking shall be provided within 10 ft. of any any building."

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RESOLUTION NO. (47-1987) Continued

front yards, no parking shall be provided within 50 ft. of any street line or within 20 ft. of any building, and such buffer strip shall be appropriately landscaped."

Amend Section 106-10B, Table 16, Table of General Bulk Regulation as follows:

In the row beginning with LO Group BB:

Change Column 7 (Front Yard):

from 100 ft. to 100 ft. (See note 26)

Change Column 9 (Total Side yards):

from 160 ft. to 160 ft. (See note 15)

Change Column 10 (Rear Yard):

from 100 ft. to

100 ft. (See Note 17)

Add new Note 17 as follows:

At least 15% of the provided lot depth shall be provided as a buffer area placed along the rear lot line, but shall not be less than 15 ft.

Change 106-10A, Table 8 Table of General Use Regulations: (LO zone), as follows:

In column 8 change Note 14 from

"No parking areas shall be provided within 50 ft. of any residential districts and such buffer strips shall be landscaped so as to screen such areas from said adjoining district; within any front yards, no parking shall be provided within 50 ft. of any street line or within 20 ft. of any building, and such buffer strip shall be appropriately landscaped."

to read as follows:

"Notwithstanding any other buffer requirement no parking shall be provided within 50 ft. of any residential district and such area shall be landscaped. No parking shall be provided within 20 ft. of any building."

Amend Section 106-10B, Table 16, Table of Bulk Regulations as follows:

In the row beginning with PO (Group DD):

Change Column 9 (Total Side Yards):

from 65 ft. to

65 ft. (See Note 18)

Add new note 18 as follows: A total of at least 10% of the

provided lot width shall be provided as buffer areas placed along each side lot line, but where provided shall not be less than 10 ft. except where driveways connect abutting parking lots.

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## RESOLUTION NO. (47-1987) Continued

Change Column 10 (Rear Yard):

from 50 ft.

to

50 ft. (See Note 19)

Add new note 19 as follows:

When abutting a residential zone, at least 15 ft. shall be provided as a buffer area along the rear lot line. When abutting a commercial zone, 10 ft. shall be provided as a buffer area along the rear lot line.

Amend Section 106-10A, Table 9, Table of General Use Regulations (PO zone) as follows:

Change Column 8, Note 12 from

"For offices and banks, no parking space shall be closer than 10 ft. to any building or front line nor to any other lot line."

to read as follows:

"No parking space shall be closer than 5 ft. to any building, provided, however, no parking space shall be closer than 10 ft. to any offices and banks. Buffer areas of at least 10 ft. shall be provided between any parking area and any lot line, and 5 ft. between any driveway and any lot line.

Amend Section 106-10B, Table 16, Table of Bulk Regulations, as follows:

In the row beginning with LS (Group FF):

Change Column 7 (Front Yard):

from 25 ft. (See Note 2)

to

25 ft. (See Notes 2,27). Add new Note 27 to read as follows: At least 10 ft. shall be provided as a buffer area along the front lot line where front yard parking is provided.

Change Note 2 to read as follows:

"May be reduced to the average of commercial buildings within 100 ft. on each side of the lot on the same side of the street."

Change Column 9 (Total Side yards)  
from None to

See Note 20. Add Note 20 to read as follows:  
"At least 5 ft. shall be provided as a buffer area along each side lot line, except where connecting driveways to abutting lots are provided, or where a building abuts a lot

RESOLUTION NO. (47-1987) Continued

line. When abutting a residential district, at least 10 ft. shall be provided as a buffer area. Side yard areas not used for driveways, parking or sidewalks shall be landscaped.

Change Column 10 (Rear Yard): from 25 ft. to 25 ft. (See Note 21)  
Add New Note 21 as follows: "At least 10 ft. shall be provided as a buffer area along the rear lot line."

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Amend Section 106-10A, Table 10, Table of General Use Regulations (LS zone) as follows:

Change Column 8, Note 12 from "No parking, loading or storage areas shall be provided within 30 ft. of any residential district" to No parking, loading or storage area shall be provided within 30 ft. of any residential district, and no parking shall be within 5 ft. of any building."

Amend Section 106-10B, Table 16, Table of General Bulk Regulations as follows:

In the row beginning with CS (Group HH):

Change Column 7 (Front Yard): from 30 ft. to 30 ft. (See Note 27)

Change Column 9 (Total Side yards): from none to (See Note 20)

Change Column 10 (Rear yard): from 50 ft. to 50 ft. (See Note 22)  
Add new Note 22 as follows: "At least 5 ft. shall be provided as a buffer area along the rear lot line. When abutting a residential district, 10 ft. shall be provided."

Amend Section 106-10A, Table 11, Table of General Use Regulations (CS zone) as follows:

Change Column 8 from "No parking, loading, or storage shall be provided within 30 ft. of any residential district." to "Notwithstanding any other buffer requirement, a buffer area of at least 30 ft. shall be provided along residential districts."

Amend Table 106-10B, Table 16, Table of General Bulk Regulations as follows:

RESOLUTION NO. (47-1987) Continued

In the row beginning with RS Group JJ):

Change Column 7 (Front yard):  
from 40 ft. to 40 ft. (See Note 28).  
Add new Note 28 as follows: "At least 15 ft. along the front lot line shall be provided as a buffer area."

Change Column 9 (Total Side yards):  
from 50 ft. to 50 ft. (see Note 23)  
Add new Note 23 as follows: A total of at least 10% of the provided lot width shall be provided as buffer areas placed along each side lot line, but each buffer area shall not be less than 5 ft. except where driveways connect abutting parking lots.

Change Column 10 (Rear yard):  
from 50 ft. (See notes 4 & 6) to 50 ft. (See Notes 4, 6 and 24). Add new Note (See Notes 4 & 6) 24 as follows: A buffer area of at least 10 ft. shall be provided along the rear lot line, but shall not be less than 30 ft. when abutting a residential zone.

Amend Section 106-10A, Table 12, Table of General Use Regulations (RS zone) as follows:

Change from "No parking, loading, or storage areas shall be provided within 30 ft. of any residential district." to read as follows: "Notwithstanding any other buffer requirement, a buffer area of at least 30 ft. shall be provided along residentially zoned districts."

Amend Table 106-10B, Table 16, Table of General Bulk Regulations, as follows:

In the row beginning with MRS:

Change Column 7 (Front Yard):  
from 40 ft. to 40 ft. (See Note 29).  
Add new note 29 as follows: "At least 20 ft. along the front lot line shall be provided as a buffer area."

Change Column 8 (Side yard):  
from 25 ft. (See Note 4) to 25 ft. (See Notes 4 & 25). Add new Note 25 as follows: At least 20 ft. shall be provided as a buffer area placed

RESOLUTION NO. (47-1987) Continued

along each lot line.  
When abutting a residential zone, at least 30 ft. shall be provided as a buffer area.

Change Column 10 (Rear Yard):  
from 50 ft. (See Note 4, 5) to 50 ft. (See Notes 4,5 & 24).

Amend Section 106-10A, Table 13, Table of General Use Regulations (MRS zone) as follows:

Change Column 8, Note 12 from "No parking, loading or storage areas shall be provided within 30 ft. of any residential district." to read as follows: Notwithstanding any other buffer requirement, a buffer area of at least 30 ft. shall be provided along residentially zoned districts. No parking shall be provided within 10 ft. of any building.

Amend Section 106-10B, Table 16, Table of General Bulk Regulations as follows:

In the row beginning with M (Group NN):

Change Column 7 (Front Yard):  
from 50 ft. to 50 ft. (See Note 26)

Change Column 8 (Side yard):  
from 50 ft. (See Notes 4,5) to 50 ft. (See Notes 4,25)

Change Column 10 (Rear Yard):  
from 50 ft. (See Notes 4,5) to 50 ft. (See Notes 4,19)

Amend Section 106-10A, Table 15, Table of General Use Regulations (M zone) as follows:

Change from Note 14 "No parking areas shall be provided within 50 ft. of any residential districts and such buffer strips shall be landscaped so as to screen such areas from said adjoining district; within any front yards, no parking shall be provided within 50 ft. of any street line, or within 20 ft. of any building, and such buffer strip shall be appropriately landscaped." to read as follows: "Notwithstanding any other buffer requirement, a buffer area of at least 50 ft. shall be provided along residential districts. No parking shall be provided within 20 ft. of any building."

Amend Section 106-6.1.C, Planned Economic Development District as follows:

C. Bulk Regulations: Add new number 5 The PB may require minimum buffer areas around the site, with no parking, or driveways regardless of adjoining uses.

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RESOLUTION NO. (47-1987) Continued

Amend Section 106-10A, Table 15A, Table of General Use Regulations as follows:

Change Column 6, Note 6, from "No parking shall be provided within 50 ft. of any residential district, and said parking area shall be appropriately landscaped with year round material to screen said areas from adjoining districts."	to read as follows: "No parking, roads, or driveways, shall be provided within 50 ft. of any residential district..."
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and be it

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

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (48-1987)

AUTHORIZING  
SUPERINTENDENT OF  
HIGHWAYS TO IMPLEMENT  
RECOMMENDED TRAFFIC  
SAFETY IMPROVEMENTS  
(INWOOD DRIVE &  
BARDONIA ROAD, BARDONIA)

Co. Carey offered the following resolution:

WHEREAS, Howard E. Lampert, Traffic & Highway Engineering Consultant, has recommended the following traffic improvements:

(1) Inwood Drive & Bardonia Road, Bardonia

(a) Existing Stop sign on Inwood Drive be relocated to approximately four feet from the sidewalk. In addition, a Stop line should be installed at the location of the Stop sign.

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RESOLUTION NO. (48-1987) Continued

(b) A "T" intersection warning sign, #W2-3C, be installed on EB Bardonia Road, approximately 200 ft. west of Inwood Drive.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (49-1987)

TERMS OF OFFICE FOR  
BOARD OF ASSESSMENT  
REVIEW MEMBERS  
(FONTANA AND DERELLA)

Co. Maloney offered the following resolution:

WHEREAS, Section 253 of the Real Property Tax Law has authorized municipalities to create a Board of Assessment Review, and

WHEREAS, such Board has been established by Local Law No. 5 of 1971, and

WHEREAS, the present provisions of the applicable enabling act requires that the Board of Assessment Review be comprised of members who have five (5) year terms which end in successive years on September 30th of each year, and

WHEREAS, it is necessary for the Town of Clarkstown to conform the composition of its Board of Assessment Review with the requirements of law;

NOW, THEREFORE, be it

RESOLVED, that the following terms of offices are hereby adjusted to conform to the requirements of law:

<u>Member</u>	<u>Previous End of Term</u>	<u>Revised End of Term</u>
Aristo J. Fontana 163 So. Harrison Ave. Congers, New York	9/30/90	9/30/89
Joan A. Derella 15 Tucker Avenue New City, New York	12/31/88	9/30/88

and be it

FURTHER RESOLVED, that the terms of the other members of the Board of Assessment Review hereby remain as established by the respective appointing resolutions.

Seconded by Co. Carey

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RESOLUTION NO. (49-1987) Continued

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (50-1987)

DECLARING ABANDONMENT OF  
PUBLIC RIGHT OF WAY AND  
AMENDING OFFICIAL MAP  
(TRAMQUILL AND GREEN  
AVENUES, VALLEY COTTAGE)

Co. Maloney offered the following resolution:

WHEREAS, by Petition dated October 21, 1986, TRAMQUILL ASSOCIATES, INC., has requested the Town Board, pursuant to Section 205 of the Highway Law, to declare the abandonment of the public right-of-way which may have existed along and through Green Avenue and Tramquill Avenue (mapped but unopened streets) as shown on the Official Map of the Town of Clarkstown and as further described in said Petition, and

WHEREAS, a public hearing was duly scheduled and held on December 18, 1986, at 10 Maple Avenue, New City, New York, at which time all persons in interest were given the opportunity to be heard, and

WHEREAS, the Town Board has been notified by the Superintendent of Highways that he has a personal interest in the matter in that he is involved with litigation affecting the title to property which abuts Green Avenue which is alleged by the Petitioner to be owned by it, and

WHEREAS, the certificate of abandonment provided for in Section 205 of the Highway Law may not be forthcoming from the Superintendent of Highways due to the possible conflict of interest referred to herein, and

WHEREAS, from all of the information presented to the Town Board, it appears that there is no dispute that the portions of Green Avenue and Tramquill Avenue as described in said Petition have not been opened or used by the public within the six year period prior to the filing of the Petition and that any public right-of-way which may have existed may be deemed to have been abandoned, and

WHEREAS, it appears to the Town Board to be in the best interest of the community to declare that an abandonment of any rights of the public to cross the said portion of Green Avenue and Tramquill Avenue have been abandoned and that same should be removed from the Official Map of the Town of Clarkstown in accordance with the provisions of Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines, on the basis of the Petition and evidence adduced at the public hearing held as aforesaid, that the public has no rights of travel on or across the portions of Green Avenue and Tramquill Avenue as described in said Petition and that the rights of the public, if any, may be deemed abandoned, and be it

Continued on Next Page

RESOLUTION NO. (50-1987) Continued

FURTHER RESOLVED, that in the event the Superintendent of Highways shall be unable to certify the findings contained herein in accordance with Section 205 of the Highway Law, the determination of the Town Board shall nevertheless confirm the abandonment, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended to delete portions of Green Avenue and Tramquill Avenue which were described in the Notice of Public hearing, and be it

FURTHER RESOLVED, that this resolution shall constitute the Order of the Town Board when signed by the majority of its members.

SO ORDERED:

/s/ William J. Carey

Dated: New City, New York

/s/ Edward J. Lettre

/s/ Charles Holbrook

/s/ John R. Maloney

/s/ Ann M. Smith

Seconded by Co. Lettre

(Schedules "B" and "C" are on file in Town Clerk's Office)

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (51-1987)

AUTHORIZING PAYMENT FOR PREPARATION OF APPRAISAL REPORT ON STREET SCHOOL (KARL A. KIRCHNER, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$1,200.00 be paid to KARL A. KIRCHNER, INC. for the preparation of an Appraisal Report of "STREET SCHOOL."

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (52-1987)

AUTHORIZING PAYMENT TO MARGARETANN RIES FOR PREPARATION OF TRANSCRIPT (AVERY VS. BOARD OF APPEALS)

ABE536

RESOLUTION NO. (52-1987) Continued

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$317.00 be paid to MARGARETANN RIES, Secretary to the Board of Appeals for the preparation of the transcript required in the following proceeding:

DONNA and CHARLES AVERY v. BOARD OF APPEALS

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (53-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID # 14-1987 - PRINTING OF 1987 RECREATION & PARKS BROCHURE)

Co. Maloney offered the following resolution:

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

BID #14-1987  
PRINTING OF 1987 RECREATION & PARKS BROCHURE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, February 5, 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. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (54-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #7A-1987 (ATHLETIC & RECREATION SUPPLIES (SUPPLEMENTAL BID)

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (54-1987) Continued

BID #7A-1987  
ATHLETIC & RECREATION SUPPLIES  
(SUPPLEMENTAL BID)

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, February 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 Clarkstown Director of Purchasing.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

ABE536

RESOLUTION NO. (55-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #15-1987 (SIDEWALKS - COLLYER AVENUE, NEW CITY)

Co. Maloney offered the following resolution:

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

BID #15-1987  
SIDEWALKS - COLLYER AVENUE, NEW CITY, N.Y.

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 Tuesday, March 3, 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. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (56-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #16-1987 (RENOVATION TO BUILDINGS AND SITE AT LAKE NANUET PARK, NANUET)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (56-1987) Continued

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

BID # 16-1987  
RENOVATION TO BUILDINGS & SITE AT  
LAKE NANUET PARK, NANUET, N.Y.

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Friday, February 20, 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. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (57-1987)

ASSESSING COST FOR  
CLEANUP ON PROPERTY MAP  
120, BLOCK H, LOTS 12.1  
and 20.1 (NORTHGATE)

Co. Carey 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 120, BLOCK H, LOT(s) 12.1 and 20.1 , and

WHEREAS, by Order of the Town Board, the Superintendent of Highways (or Building Inspector) 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 \$1,034.31, and

WHEREAS, the record property owner(s) has been notified and has failed to pay the amount due;

NOW, THEREFORE, be it

RESOLVED, that the Assessor is hereby authorized and directed to levy the sum of \$1,034.31 against MAP 120, BLOCK H, LOTS 12.1 and 20.1 in accordance with law.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (58-1987)

AUTHORIZING TOWN  
ATTORNEY TO DEFEND  
PROCEEDING (CEPOLA)

Co. Maloney offered the following resolution:

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

In the Matter of the Application of  
MICHAEL A. CEPOLA and DONNA K. CEPOLA,  
Petitioners,  
for a Judgment pursuant to CPLR Article 78

-against-

DAVID KRAUSHAAR, Chairman, ELIZABETH J.  
SQUILLACE, WILLIAM NIEHAUS, JOSEPH MARAIA,  
PENNY LEONARD, JOHN FELLA and ARNOLD AMSTER,  
constituting the ZONING BOARD OF APPEALS OF  
THE TOWN OF CLARKSTOWN and THE ZONING BOARD  
OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (59-1987)

SETTING PUBLIC HEARING  
AND REFERRING AMENDMENT  
TO ZONING ORDINANCE TO  
TOWN AND COUNTY PLANNING  
BOARDS (NONCONFORMING  
BULK)

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown  
desires to consider further amendment to said zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section  
264 of the Town Law be had at the Auditorium of the Town Hall, 10  
Maple Avenue, New City, New York, on the 10th day of March, 1987,  
at 8:10 P.M., to consider the adoption of the following proposed  
amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Continued on Next Page

ABE536

RESOLUTION NO. (59-1987) Continued

Amend the Title to Article 7 from:

"Preexisting Nonconforming Uses"

to read as follows:

"Preexisting Nonconforming Uses and Bulk"

Amend Section 106-27 from:

"Section 106-27. Buildings with Nonconforming Bulk"

Normal maintenance and repair, structural alteration in and moving, reconstruction or enlargement of a building with nonconforming bulk is permitted if the same does not increase the degree of or create any new nonconforming bulk in such building."

to read as follows:

"Section 106-27. Buildings with Nonconforming Bulk.

Buildings with nonconforming bulk may receive routine maintenance or repairs and interior structural alteration. Relocation or enlargement is permitted provided no new nonconforming bulk is added to such building. Nonconforming bulk shall mean any portion of the building which is located within a required front, rear or side yard. Additional nonconforming bulk shall be deemed to occur if any additional floor area or projection into a required front, rear or side yard is proposed. In the event a building with prior nonconforming bulk is damaged by casualty or voluntarily demolished, any new or replacement construction shall be required to conform to the then existing general bulk regulations, unless excepted by the provisions of Section 106-28 (E). In all cases involving reconstruction, alteration or enlargement, site plan approval, if required by Section 106-30 (C), shall be obtained prior to the issuance of a building permit."

Amend Section 106-28 (E) from:

"E. Damage and destruction. If a building occupied by a nonconforming use is damaged to the extent of fifty percent (50%) or more of its real value, such building may be repaired, provided that substantial work is undertaken within one (1) year after such damage; otherwise such building shall thereafter be occupied only by a conforming use. This provision shall not prevent the repair of a nonconforming building damaged to the extent of less than fifty percent (50%) of its real value."

to read as follows:

"E. If a building containing nonconforming bulk or in which a nonconforming use exists is damaged by casualty to the extent of fifty percent (50%) or more of its real value, as determined by the Tax Assessor, such building may be restored and nonconforming use continued provided the restoration work is commenced within twelve (12) months from the date of loss and completed within twelve (12) months thereafter. Failure to comply strictly to the reconstruction requirements of this provision shall result in extinguishment of the right of restoration."

and be it

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

Continued on Next Page

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Page 21

RESOLUTION NO. (59-1987) Continued

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

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (60-1987)

AWARDING BID FOR BID #6A-1987 - CRUSHED STONE (TILCON QUARRIES NEW YORK INC, NEW YORK TRAP ROCK/LONE STAR INDUSTRIES, RAIA INDUSTRIES INC. AND KEAHON BROS)

Co. Maloney offered the following resolution:

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

BID #6A-1987  
CRUSHED STONE

is hereby awarded to:

TILCON QUARRIES NEW YORK INC.  
66 Long Clove Road  
PO Box 362  
Haverstraw NY 10927

NEW YORK TRAP ROCK/  
LONE STAR INDUSTRIES  
Crusher Road  
West Nyack NY 10994

RAIA INDUSTRIES INC  
PO Box 505  
Hackensack NJ 07602

KEAHON BROS  
BOX #1  
166 S Main St  
Pearl River NY 10965

as per the following schedule

(A) FOB DISTINATION - CLARKSTOWN HIGHWAY DEPT. OR TOWN JOB SITE - IN VENDORS TRUCKS

Continued on Next Page

ABE536

RESOLUTION NO. (60-1987) Continued

<u>MATERIAL</u>	<u>TILCON</u>	<u>KEAHON</u>	<u>RAIA</u>
3/8" CRUSHED STONE	-	14.35 ton	-
2-1/2" " "	-	-	13.00 ton
1-1/2" " "	-	11.25 ton	-
3/4" " "	-	12.25 ton	-
5/8" " "	12.30 ton	-	-
1/4" " "	-	14.35 ton	-
SCREENINGS	-	9.35 ton	-
ITEM 4	11.15 ton	-	-
SHOULDER STONE	10.65 ton	-	-
SURGE STONE	11.75 ton	-	-

(B) FOB PLANT-LOADED INTO TOWN TRUCKS

<u>MATERIAL</u>	<u>TILCON</u> (HAVERSTRAW)	<u>LONE STAR</u> (WEST NYACK)
3/8" CRUSHED STONE	11.15 ton	11.40
2-1/2" " "	no award	no award
1-1/2" " "	8.65 ton	8.90 ton
3/4" " "	9.05 ton	9.10 ton
5/8" " "	9.05 ton	-
1/4" " "	11.15 ton	11.40 ton
SCREENINGS	6.15 ton	6.90 ton
ITEM 4	7.90 ton	8.40 ton
SHOULDER STONE	7.40 ton	7.40 ton
SURGE STONE	8.00 ton	7.90 ton

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Lettre.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (61-1987)

AWARDING BID FOR  
ATHLETIC AND RECREATION  
SUPPLIES (VARIOUS  
BIDDERS)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid for furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

BID #7-1987  
1987 - ATHLETIC EQUIPMENT

(complete list of awards on file in Town Clerk's Office)

Champion Products, Inc.  
Morley Athletic Supply Co.  
BSN Corp.  
The Finals

Passon's Sports  
Kenmar  
ARC  
Anaconda-Kaye Sports

GROSS TOTAL FOR ALL ITEMS: \$35,625.43

Seconded by Co. Carey

Continued on Next Page



With regard to the following resolution Supervisor Holbrook said the people in Forest Brook Estates requested a one-way and then decided that they didn't like it that way so they are now reversing it.

RESOLUTION NO. (64-1987)

RESCINDING RESOLUTION  
NO. 715-1986 -  
SUPERINTENDENT OF  
HIGHWAYS TO IMPLEMENT  
ABOVE (ONE-WAY SIGN TO  
BE REMOVED AT FOREST  
BROOK ESTATES)

Co. Maloney offered the following resolution:

RESOLVED, that Item 1 of Resolution No. 715-1986 passed at the Town Board meeting of August 12, 1986 be hereby rescinded. and be it

FURTHER RESOLVED, that the Superintendent of Highways, John O'Sullivan, be directed by copy of this resolution tdo implement the above.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (65-1987)

AUTHORIZING ATTENDANCE  
AT ASSOCIATION OF TOWNS  
CONVENTION - MEMBERS OF  
JUSTICE COURT STAFF  
(GEARY, DEVERY, LEWIS  
AND ROSSER)

Co. Smith offered the following resolution:

RESOLVED, the following members of the Justice Court staff:

Joann Geary, Nancy Devery, Sig Lewis and Judy Rosser are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 15, 16, 17, 18, 1987 for trips during their regular work hours, and the daily expenses incurred by the aforementioned during these work hours be made proper Town charges, and be it

FURTHER RESOLVED, that these staff members are encouraged to car pool to reduce mileage expenses, and the respective vouchers submitted for this purpose shall not only reflect miles traveled, but also passengers within the vehicle.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (66-1987)

ACCEPTING GRANT AND  
DECLARATION OF EASEMENT  
- ASSOCIATES OF ROCKLAND  
COUNTY (SECTION I,  
CLARKSTOWN EXECUTIVE  
PARK)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney of the Town of Clarkstown, Grant and Declaration of Easement made by ASSOCIATES OF ROCKLAND COUNTY dated January 21, 1986, required by the Planning Board of the Town of Clarkstown as a condition to granting site plan approval on a certain subdivision map entitled "SECTION I, CLARKSTOWN EXECUTIVE PARK, as prepared by Atzl & Scatassa Associates, dated January 28, 1983, last revised October 30, 1985, and filed in the Rockland County Clerk's Office on December 23, 1985, in Book 104 at Page 66 as Map No. 5834, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (67-1987)

MEMORIALIZING ROCKLAND  
LEGISLATORS FROM CLARKS-  
TOWN RE 2% SALES TAX

Co. Lettre offered the following resolution:

RESOLVED, that the Clarkstown Town Board supports the idea that all Towns in Rockland County share in the proceeds of the 2% Sales Tax, in proportion to the amount they contribute to that tax, and be it

FURTHER RESOLVED, that a meeting be conducted, at the earliest possible time, between the Rockland County Legislators from Clarkstown and the Clarkstown Town Board to discuss a method which will accomplish this goal, and be it

FURTHER RESOLVED, that the Town clerk is hereby directed to send copies of this memorializing resolution to Legislators Philip Bosco, Harriet Cornell, Jean Grogan, Alexander Gromack, Thomas Morahan and Kenneth Zebrowski.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (68-1987)

AUTHORIZING ATTENDANCE  
AT TRAINING PROGRAM -  
PENSKE POWER TRAINING

ABE536

RESOLUTION NO. (68-1987) Continued

(PASSARELLA AND SMITH) -  
CHARGE TO APPROPRIATION  
ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Joseph Passarella, Automotive Mechanic-Body Repairer, and Edward Smith, Automotive Mechanic-Welder, are hereby authorized to attend a three day training program sponsored by Penske Power Training, to be held April 20 through April 22, 1987, in Piscataway, New Jersey, and be it

FURTHER RESOLVED, that all proper charges, including the course fee of \$10.00 per day, per employee, be charged to Appropriation Account No. A 1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (69-1987)

APPOINTING TO POSITION  
OF TEMPORARY CUSTODIAL  
WORKER - MAINTENANCE  
DEPARTMENT (JOSEPH MC  
CLAFFERTY)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph McClafferty, 46 Marion Street, Nyack, New York is hereby appointed to the position of temporary Custodial Worker - Maintenance Department - at the current 1987 annual salary of \$13,788.00 - effective and retroactive to January 12, 1987 - for a period not to exceed 30 days, pending completion of a satisfactory physical examination.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (70-1987)

APPOINTING TO POSITION  
OF YOUTH COMMISSION  
MEMBER (STUDENT) -  
KATHLEEN GARVEY)

Co. Maloney offered the following resolution:

RESOLVED, that Kathleen Garvey, 34 Kenwood Lane, New City, New York is hereby appointed to the position of Youth Commission Member (Student) - to serve without compensation - term effective and retroactive to January 1, 1987 and to expire on December 31, 1987.

Seconded by Co. Smith

RESOLUTION NO. (70-1987) Continued

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (71-1987)	REAPPOINTING TO POSITION OF MEMBER - BOARD OF ASSESSMENT REVIEW (JOHN HORAN)
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Co. Lettre offered the following resolution:

RESOLVED, that John Horan, 62 Pineview Avenue, Bardonia, New York, is hereby reappointed to the position of Member to the Board of Assessment Review, at the current 1987 annual salary of \$50.00 per day when Board is in session, term retroactive to October 1, 1986 and terminating on September 30, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (72-1987)	APPOINTING TO POSITION OF MEMBER - ARCHITECTURAL REVIEW BOARD (FILLING UNEXPIRED TERM OF JOHN DIANIS) - JOHN J. MANGAN
--------------------------	---

Co. Smith offered the following resolution:

RESOLVED, that John J. Mangan, Jr., 25 North Conger Avenue, Congers, New York is hereby appointed to the position of Member/Architectural Review Board (to fill unexpired term of John Dianis), a term effective Monday, January 19, 1987 and to expire on October 23, 1989 at the current 1987 annual salary of \$1,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (73-1987)	CREATING POSITION OF PART-TIME TYPIST - TOWN ATTORNEY'S OFFICE
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ABE536

RESOLUTION NO. (73-1987) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on January 5, 1987, that the position of part-time Typist in the Town Attorney's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of part-time Typist - Town Attorney's Office - is hereby created - effective January 13, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (74-1987)

AUTHORIZING ATTENDANCE AT SEMINAR SPONSORED BY WESTCHESTER COUNTY BAR ASSOCIATION (TOWN ATTORNEY, DEPUTY TOWN ATTORNEYS, MEMBERS OF PLANNING BOARD AND DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL CONTROL- CHARGE TO ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, the Town Attorney and Deputy Town Attorneys, members of the Planning Board and Director of the Dept. of Environmental Control are hereby authorized to attend a seminar on Environmental Issues in Zoning to be held January 27, 1987 in White Plains, New York, sponsored by the Westchester County Bar Association in cooperation with the Municipal Law Resource Center of Pace University at a fee of \$16.00 per person, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (75-1987)

GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SECTION 83-65 OF CODE OF TOWN OF CLARKSTOWN - TRAVCON, INC./VINCENT

RESOLUTION NO. (75-1987)

JAMES TRAVAGLINI  
(CERTIFICATE NO. 87-10)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

Travcon, Inc./Vincent James Travaglino  
370 Kings Highway  
Valley Cottage, New York 10989

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 87-10 issued to Travcon, Inc./  
Vincent James Travaglino

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (76-1987)

AUTHORIZING TOWN  
ATTORNEY TO CONFER WITH  
OTHER MUNICIPALITIES TO  
FORM A SANITATION  
DISTRICT

Co. Maloney offered the following resolution:

WHEREAS, the Town Board believes it is in the best interest of the municipalities using the Town of Clarkstown Sanitary Landfill Facility to form a joint sanitation district so as to plan for the future needs of the respective communities for solid waste disposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to confer with appropriate officials of all municipalities who use the Clarkstown Sanitary Landfill to attempt to obtain their participation in a joint sanitation district to be formed.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (77-1987)

SETTING PUBLIC HEARING  
RE: PROPOSED LOCAL LAW  
AMENDING CHAPTER 71  
(PARKING)

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO LOCAL LAW NO. 2-1985, CHAPTER 71 (PARKING)" and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987 at 8:45 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (78-1987)

DIRECTING DIRECTOR OF  
ENVIRONMENTAL CONTROL TO  
SEEK PROPOSALS FOR  
EXTRACTION OF METHANE  
GAS FROM TOWN SANITARY  
LANDFILL AND REPORT TO  
TOWN BOARD PROMPTLY

Co. Carey offered the following resolution:

BE IT RESOLVED, that the Director of Environmental Control is hereby directed to seek proposals for the extraction of Methane gas from the Town Sanitary Landfill, and be it

FURTHER RESOLVED, that the Director of Environmental Control report his findings to the Town Board as soon as possible.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (78-1987) Continued

Councilman Carey.....Yes  
 Councilman Lettre.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Off Street Parking Requirements, was opened, time: 9:07 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Off Street Parking Requirements, was closed, RESOLUTION ADOPTED, time: 9:10 P.M.

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RESOLUTION NO. (79-1987)

AMENDING ZONING  
ORDINANCE OF TOWN OF  
CLARKSTOWN RE: OFF  
STREET PARKING  
REQUIREMENTS  
(RESTAURANTS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 13th day of November, 1986, provided for a public hearing on the 13th day of January, 1987 at 8:05 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, General Use Regulations,  
LO District, Column 6, item 6, from:

"Restaurants	3 seats plus 1 for each 2 employees"
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to read as follows:

"Restaurant-standard	100 gross square feet
Restaurant-fast food	75 gross square feet"

Amend Section 106-10A General Use Regulations,  
PO District, Column 6, Item 5, from

"Restaurants	3 seats plus 1 for each 2 employees"
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to read as follows

"Restaurants-standard	100 gross square feet
Restaurants-fast food	75 gross square feet"

Amend Section 106-10A General Use Regulations,  
LS District, Column 6 Item 4, from:

RESOLUTION NO. (79-1987) Continued

"Restaurants 3 seats plus 1 for each  
2 employees"

to read as follows:

"Restaurants-standard 100 gross square feet.  
Restaurants-fast food 75 gross square feet"

Amend Section 106-10A General Use Regulations,  
LS District, Column 6, Item 6(c) from:

"Retail and service stores 150 sq.ft. of net retail area"  
and establishments

to read as follows:

"Retail and service stores 200 gross square feet"  
and establishments

Amend Section 106-10A General Use regulations,  
CS District, Column 6, Item 4, from:

"Restaurants 3 seats plus 1 for each  
2 employees"

to read as follows:

"Restaurant-standard 100 gross square feet  
Restaurant-fast food 75 gross square feet"

Amend Section 106-10A General Use Regulations,  
CS District, Column 6, Item 6(c) from:

"Retail and service 150 sq.ft. of net retail area"  
stores and establishments.

to read as follows:

"Retail and service 200 gross square feet"  
stores and establish-  
ments.

Amend Section 106-10A General Use Regulations,  
RS District, Column 6, Item 4, from:

"Restaurants 3 seats plus 1 for each 2  
employees"

to read as follows:

"Restaurants-standard 100 gross square feet  
Restaurant-fast food 75 gross square feet"

Amend Section 106-10A General Use Regulations,  
RS District, Column 6, Item 6(c) from:

"Retail and service 150 sq.ft. of net retail area"  
stores and establish-  
ments.

to read as follows

"Retail and service 200 gross square feet"  
stores and establish-  
ments.

Amend Section 106-10A General Use Regulations,  
RS District, Column 6, Item 14, from:

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RESOLUTION NO. (79-1987) Continued

"Dance Halls 50 square feet"

to read as follows:

"Dance Halls 75 gross square feet"

Amend Section 106-10A General Use Regulations,  
MRS District, Column 6, from:

"all conforming uses 225 square feet, of floor area exclusive of any floor area devoted to enclosed malls, common service corridors, outdoor selling area, utility vaults, space principally devoted to electrical, mechanical, heating or cooling facilities or any incinerator room"

to read as follows:

"all conforming uses 300 gross square feet of floor area exclusive of any floor area devoted to enclosed malls, common service corridors, outdoor selling area, utility vaults, space principally devoted to electrical, mechanical, heating or cooking facilities or any incinerator room"

Amend Section 106-10A General Use Regulations,  
LIO District, Column 6, Item 11, from:

"Restaurants associated with an indoor tennis club or health club" 3 seats, plus 1 for each 2 employees"

to read as follows:

"Restaurants associated with an indoor tennis club or health club" 100 gross square feet"

Amend Section 106-10A General Use Regulations,  
M District, Column 6, Item 6, from:

"Restaurants 3 seats plus 1 for each 2 employees"

to read as follows:

"Restaurant-standard 100 gross square feet.  
Restaurant-fast food 75 gross square feet"

Amend Section 106-10A General Use Regulations,  
PED Column 4, Item 3, from:

"Restaurants, including dinner theaters 3 seats plus 1 additional space for each 2 employees when situated at the edges of the PED site; 6 seats plus 1 additional space for each 2 employees when located internally within the PED and

Continued on Next Page

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RESOLUTION NO. (79-1987) Cont.      where shared parking with other users can be demonstrated as feasible"

to read as follows:

"Restaurant-standard                      100 gross square feet  
Restaurant-fast food                      75 gross square feet"

Amend Section 106-3B, Definitions, to include the following:

"RESTAURANT; STANDARD - A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages, to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics.

- 1. Customers, normally provided with an individual menu, are served by a restaurant employee at the same table or counter where said items are consumed.
- 2. A cafeteria-type operation where foods, frozen desserts, or beverages are primarily consumed within the restaurant building.

RESTAURANT, FAST FOOD - A fast food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to consume state, usually served at or from counter in a paper, plastic, or other disposable containers, for consumption either within the restaurant building, elsewhere on the premises, for carry-out, or served from a drive-in window for consumption off the premises. Fast-food restaurants do not include bakeries or delicatessens."

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Lettre.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 31 (Kigler - Map 43, Block F, Lot 12) was opened, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:30 P.M.

RESOLUTION NO. (80-1987)                      AUTHORIZING AND DIRECTING BUILDING INSPECTOR TO PERFORM CORRECTIVE ACTION RE: KIGLER PREMISES (MAP 43, BLOCK F, LOT 12) - CHAPTER 31 PROCEEDING

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (80-1987) Continued

WHEREAS, by Resolution No. 1148 dated November 25, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 43, BLOCK F, LOT 12, 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 January 13, 1987, 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 31 of the Code of the Town of Clarkstown dated November 25, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to perform the corrective action ordered in said Order and Notice, if such condition continues uncorrected on or after January 27, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action and removal of debris, the costs of this proceeding 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 Building Inspector, the Town Attorney and any other necessary expenses.

SO ORDERED: TOWN OF CLARKSTOWN

By: Charles E. Holbrook Supervisor

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

(Councilman Lettre left the meeting before this vote)

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 31 (Ohio Steel) was opened, time: 9:31 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 31 (Ohio Steel) was closed, RESOLUTION ADOPTED, time: 9:37 P.M.

RESOLUTION NO. (81-1987)

AUTHORIZING TOWN  
ATTORNEY TO FILE

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RESOLUTION NO. (81-1987) Continued

CANCELLATION OF LIS  
PENDENS RE: CHAPTER 31  
PROCEEDING (OHIO  
STEEL-MAP 43, BLOCK E,  
LOT 6.88)

Co. Carey offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice dated November 25, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 43, BLOCK E, LOT 6.88 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens if filed in the Rockland County Clerk's Office, provided the sum of \$155.00 shall be paid to reimburse the Town for the cost of service of process, records search and stenographic services and all other expenses including attorney's time.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 31 (Private Holdings) was opened, time: 9:39 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 31 (Private Holdings) was closed, RESOLUTION ADOPTED, Time: 9:50 P.M.

RESOLUTION NO. (82-1987)

AUTHORIZING BUILDING  
INSPECTOR TO PERFORM  
CORRECTIVE ACTION RE:  
PRIVATE HOLDING, INC. -  
MAP 127, BLOCK C, LOT 17  
(CHAPTER 31)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 1150 dated November 25, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 127, BLOCK C, LOT 17, 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 January 13, 1987, 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 31 of the Code of the Town of Clarkstown dated November 25, 1986, have not been corrected, and be it

RESOLUTION NO. (82-1987) Continued

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to perform the corrective action ordered in said Order and Notice, if such condition continues uncorrected on or after February 22, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action and removal of debris the costs of this proceeding 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 Building Inspector, the Town Attorney and any other necessary expenses.

SO ORDERED: TOWN OF CLARKSTOWN

By: Charles E. Holbrook Supervisor

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 31 (John Conlon) was opened, time: 9:51 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 31 (John Conlon) was closed, RESOLUTION ADOPTED, time: 9:55 P.M.

RESOLUTION NO. (83-1987) AUTHORIZING BUILDING INSPECTOR TO PERFORM CORRECTIVE ACTION - JOHN CONLON - MAP 127, BLOCK C, LOT 17.01 (CHAPTER 31 PROCEEDING )

Co. Carey offered the following resolution:

WHEREAS, by Resolution No. 1149 dated November 25, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 127, BLOCK C, LOT 17.01, 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 January 13, 1987, 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

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RESOLUTION NO. (83-1987) Continued

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 31 of the Code of the Town of Clarkstown dated November 25, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to perform the corrective action ordered in said Order and Notice, if such condition continues uncorrected on or after January 20, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action and removal of debris, the costs of this proceeding 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 Building Inspector the Town Attorney and any other necessary expenses.

SO ORDERED: TOWN OF CLARKSTOWN

By: Charles E. Holbrook Supervisor

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Chapter 31 (Robespierre and Marie Smith), was opened, time: 9:56 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Chapter 31 (Robespierre and Marie Smith), was closed, RESOLUTION ADOPTED, time: 10:00 P.M.

RESOLUTION NO. (84-1987)

AUTHORIZING BUILDING INSPECTOR TO PERFORM CORRECTION ACTION RE: ROBESPIERRE AND MARIE SMITH - MAP 7, BLOCK E, LOT 2 (CHAPTER 31 PROCEEDING)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 1151 dated November 25, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 7, BLOCK E, 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

RESOLUTION NO. (84-1987) Continued

WHEREAS, a public hearing was duly held on January 13, 1987, 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 31 of the Code of the Town of Clarkstown dated November 25, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to perform the corrective action ordered in said Order and Notice, if such condition continues uncorrected on or after January 20, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action and removal of debris the costs of this proceeding 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 Building Inspector, the Town Attorney and any other necessary expenses.

SO ORDERED: TOWN OF CLARKSTOWN

By: Charles E. Holbrook Supervisor

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment of Official Map to Eliminate Through Traffic at the Terminus of East Orchard Street and Grace Street, Nanuet, was declared open, time: 10:00 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment of the Official Map to Eliminate Through Traffic at the Terminus of East Orchard Street and Grace Street, Nanuet, was declared closed, DECISION RESERVED, time: 10:50 P.M.

Supervisor Holbrook said that the course of action which the Town Board will be persuing will be stated at the Town Board Workshop of January 22nd so that the residents know what is being attempted.

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re: Local Law Amending Section 96-2(B) & Section 96-3(D),  
Chapter 96 (TAXATION).

RESOLUTION NO. (86-1987)

ADOPTING LOCAL LAW NO.  
1-1987 (AMENDING SECTION  
96-2(B) AND SECTION  
96-3(D) OF CHAPTER 96  
(TAXATION)

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled:

"A LOCAL LAW AMENDING SECTION 96-2(B) and  
SECTION 96-3(D) OF CHAPTER 96 (TAXATION)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held  
on the 31st day of December, 1986, and

WHEREAS, the Town Board of the Town of Clarkstown by  
resolution adopted on the 31st day of December, 1986, directed  
that a public hearing be held on the 13th day of January at 8:45  
P.M., and

WHEREAS, a notice of said hearing was duly prepared  
and published in the Journal News on January 7, 1987, and

WHEREAS, a copy of the proposed local law in final  
form was placed on the desks of the Supervisor and the Councilmen  
at their office at the Clarkstown Town Hall, 10 Maple Avenue, New  
City, New York, on December 29, 1986, and

WHEREAS, a public hearing was held by the Town Board  
of the Town of Clarkstown on January 13, 1987;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1987, entitled:

"A LOCAL LAW AMENDING SECTION 96-2(B) and  
SECTION 96-3(D) OF CHAPTER 96 (TAXATION)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Honorable Charles E. Holbrook, Supervisor...	Yes
Councilman William J. Carey, Councilman.....	Yes
Councilman Edward J. Lettre.....	Abstain
Councilman John R. Maloney.....	Yes
Councilman Ann Marie Smith.....	Yes

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

Seconded by Co. Smith

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There being no further business to come before the  
Town Board and 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: 10:59  
P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/87

9:07 P.M.

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

RE: OFF STREET PARKING REQUIREMENTS (RESTAURANTS)

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

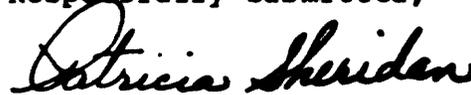
Supervisor asked if any Town Board member had any questions. There were none.

Supervisor asked if there was anyone from the public who wished to be heard in favor of or opposed to the proposed amendment or if there were any questions?

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (79-1987) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

321

Town Hall

1/13/87

9:10 P.M.

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

Re: CHAPTER 31 HEARING (KIGLER) MAP 43, BLOCK F, LOT 12

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared open. Supervisor Holbrook noted that Chapter 31 of the Town Code refers to unsafe structures. Town Attorney said this was authorized by resolution of the Town Board adopted on November 25, 1986 re the above referenced premises reputedly owned by one, Irving Kigler. By notice dated November 14, 1986 Map 43, Block F, Lot 12 was in violation of Chapter 31 of the Town Code in that inspection by the Fire and Building Inspectors of the Town of Clarkstown revealed that the premises located at Rockland Avenue, New City, New York were unoccupied and destroyed by fire. The premises were open, unsecured and an attractive nuisance to young people as well as vagrants.

Town Attorney stated that an order was served on the property owner directing him to make repairs or changes to the premises as required by the Building Inspector. The Order and Notice was served by certified mail and regular mail upon the property owner dated December 19, 1986. We also have a return receipt card from the U.S. Post Office indicating that Michael J. Burke received the mail that was addressed to Mr. Kigler on December 20, 1986.

Town Attorney then swore in Fire Inspector, Mark Papenmeyer.

Mr. Papenmeyer stated that he was the Fire Inspector of the Town of Clarkstown. He investigated the premises on July 28, 1986. The structure damaged by a previous fire had been left unoccupied and abandoned since that time. Structure appears to be in a state of collapse and is not secured to prevent entry. Large amounts of weeds and debris surround the structure. He presented photographs to be made a part of the record, some of which he had taken and some taken by his assistants.. He said they fairly and accurately depict the premises as it existed on the dates the photos were taken and also the present condition. He also presented a video tape that was taken at the premises and stated that the tape represents the condition of the premises at the present time. The tape was taken on December 23rd.

Mr. Papenmeyer said there was a previous public hearing on this property in 1981 and a resolution 448-1981 was passed at that time. Subsequent to that the attorney for the contract purchaser, Mr. Kigler, requested that the Town hold off any further litigation until his client took title to the property and he would remove the structure within a month's time. (Letter dated June 2, 1981 made a part of the record.)

Town Attorney asked if any contact had been made by Mr. Papenmeyer with the owner or his agent in the recent past? Mr. Papenmeyer said not since the violations went out.

Supervisor asked if any Board member had any questions? No one did.

Mr. Kigler appeared and Town Attorney told him he could question Mr. Papenmeyer or give a sworn statement. Mr. Kigler was then sworn in by the Town Attorney.

Mr. Kigler said this property was before the Town Board and was granted a 280a allowing a new house to be constructed on the

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property. There were certain requirements that had to be met. Things were worked out with Environmental Control but legal technicalities arose regarding the wording for the approval. Mr. Kigler said once a building permit is issued a new house will be built. The Building Department will not issue the building permit. He stated that he is afraid that if he takes down the house and does not obtain a building permit for his new house he will be unable to build. Town Attorney asked if the house was damaged 50% or more and stated that the building has been in this state for over five years. Mr. Kigler said it is less than 50% destroyed and it can be rebuilt. However, he wants a new home. He restated that the 280a was granted a year ago but he needs the building permit.

Supervisor Holbrook asked how much of the home was destroyed. Mr. Papenmeyer said it would be beyond a reasonable cost to repair and he believed it to be more than 50% damaged. He felt it should be removed as quickly as possible.

Supervisor Holbrook called upon Mr. Colucci, Clarkstown Building Inspector who said that Mr. Kigler had applied for a permit in July of 1985 and required a 280a which the Town Board authorized in September of 1985. It was then referred to Environmental and it took about six months to come back with their comments which required the opinion of the Town Attorney and it has been with the Town Attorney since. Town Attorney said he is aware of the problem and that actually that matter has been assigned to one of the deputies who has conferred with him on more than one occasion and it is his understanding that a recommendation has been made as to how the matter might be resolved at least a month and a half or two ago. The problem refers to the requirement that Mr. Kigler under Town Law 280a be prepared to contribute property towards the establishment of a Town Road should the Town want it to be established in that area and for him to declare that he would make the contribution. This would require him to build at a set back line that leaves his building much smaller than he would like to have. Town Attorney said it has nothing to do with the fact that the structure is unsafe.

(At this point Councilman Lettre left the meeting having received a call from his home that his son was not well.)

Mr. Kigler said the problem is with the set back of a new house. He said the house is definitely less than 50% destroyed by fire. If the building comes down and is gone for one year he will not be able to rebuild.

Supervisor Holbrook asked if Mr. Kigler was prepared to enter into a road improvement district as per the directives of the Director of the Department of Environmental Control? Mr. Kigler said yes. Town Attorney said the declaration that Mr. Kigler filed requires him to contribute more towards the road should the Town Board ever desire the road to be widened there which he is prepared to give.

Supervisor Holbrook asked the Town Attorney if this was a resolvable issue? Town Attorney said that there were two issues here and they are not held together. One is that the condition of the present existing house is a danger to the health, safety and welfare of the community and the board has to act for the safety of the community. The second issue is the building permit which is a totally separate issue from the condition and hazard of the house.

Mr. Kigler said he could resecure the house. Supervisor said this might take another year or more to resolve and he would like to resolve it right now. Based upon the recommendation and looking at these pictures this is not a safe structure and should be taken down. Supervisor Holbrook again asked Mr. Papenmeyer if this structure was unsafe and Mr. Papenmeyer responded in the affirmative.

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Supervisor Holbrook told Mr. Kigler to work out the legal terms of the building permit with the Town Attorney. Mr. Kigler asked for more time. Supervisor said they would set in motion the machinery for taking down the building and perhaps the issue of the building permit will also be resolved. It was agreed among the Town Board members that Mr. Kigler would be given until January 27th to resolve this matter.

Town Attorney told Mr. Kigler that he was certainly free to take out a demolition permit and do the work himself rather than have the Town do it which the Town Board would prefer. Mr. Kigler said he was told that he could save a substantial amount of money by removing the structure when he received the building permit which he was assured would not be a long time in coming but that was in July of 1986. Town Attorney, in response to a suggestion from Mr. Kigler regarding resecuring the building stated that the Fire Inspector had not recommended resecuring and the Board was not prepared to allow the resecuring. Supervisor reiterated that the structure had to go.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:30 P.M.

Respectfully requested,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (80-1987) ADOPTED

ABE536

TOWN OF CLARKSTOWN  
PUBLIC HEARING

325

Town Hall

1/13/87

9:31 P.M.

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

RE: CHAPTER 31 (OHIO STEEL AND SHEET METAL CORP.)  
Map 43, Block E, Lot 6.88

ABE536

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper posting and notification stating this was a Chapter 31 proceeding instituted by resolution of the Town Board dated November 25, 1986 against property designated on the Clarkstown Tax Map as Map 43, Block E, Lot 6.88 reputedly owned by the Ohio Steel and Sheet Metal Corporation. Pursuant to the Town Board's resolution an Order was prepared and served by certified mail, return receipt and ordinary mail upon the Ohio Steel and Sheet Metal Corporation at 18142 Oak Ridge, Santa Ana, California. The premises located at 10 Wingate Drive, New City, New York were to be secured immediately because the unsafe condition created a hazard to the community. Town Attorney stated that he had not received anything which would indicate that his mailings had been received by the reputed property owner but that he has been informed that an attorney representing the property owner had contacted the Building Department.

Fire Inspector Mark Papenmeyer, still under oath, stated that on September 30, 1986 an inspection was made based on a complaint regarding an open building at said location. He stated this is a single family house which is unoccupied and appears to have been abandoned. The overhead garage door is open and not secured. A door leading to an outside closet was open and not secured. Several windows were broken. At the rear of the house is an inground swimming pool, filled but with a ripped cover. The fence surrounding the pool was not locked. There is a heavy growth of weeds surrounding the house. Mr. Papenmeyer recommended that the house be secured immediately and all unsecured areas of entry, including the broken windows, be secured. The fence around the pool is to be locked.

Mr. Papenmeyer stated that he had a letter from the attorney for the corporation dated January 6, 1987 in which they have contracted with an individual to secure the premises and to lock the gate around the pool. Inspection as of this morning indicates that this has been done and there is no longer a violation.

Supervisor asked if the attorney had given any indication as to what will be done with the premises as the people just disappeared in the middle of the night and nothing has been done in five years. Mr. Papenmeyer stated that there is no explanation of that. Supervisor stated that this is a bizarre situation.

Town Attorney said the Town Board should be aware that there were expenses incurred in bringing this proceeding to this point, notwithstanding the fact that corrections have been made, and there is a proposed resolution which authorizes the discontinuance of this proceeding with a modest collection charge.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:37 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (81-1987) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/87

9:39 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney and Councilwoman Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: CHAPTER 31 PROCEEDING - PRIVATE HOLDING CORP.  
Map 127, Block C, Lot 17

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared open. Town Attorney stated this was a Chapter 31 proceeding instituted by resolution of the Town Board on November 25, 1986 with respect to property designated on the Clarkstown Tax Map as Map 127, Block C, Lot 17. The Town Attorney was authorized to serve the reputed property owner, Private Holding Corp.. An order and notice was prepared and served upon the property owner by certified mail, return receipt, addressed to Private Holding Inc. c/o L. J. Griffin, Jr., Esq., Rosecrans Avenue, Congers, New York as well as ordinary mail. Town Attorney said his records indicate that the certified mail was returned as unclaimed. He said he has no reason to suspect that the ordinary mail did not reach the addressee but he has no confirmation that it did.

The order of the Building Inspector is dated October 28, 1986 and states that the building located at Rosecrans Avenue, Congers, because of its lack of repair and damage by fire is unsafe and has created a hazardous condition and is ordered removed from the premises.

Mr. Mark Papenmeyer, Fire Inspector of the Town of Clarkstown still under oath, stated that on October 28, 1986 he had been requested to make an inspection of the premises. He found an unoccupied structure unsecured at doorways. The structure had been previously destroyed by fire and a small portion of the building remained. The remains of the foundation still exist and is covered with weeds. There is still some debris remaining from the fire. This could fill with water and become a very dangerous condition. At this time the remains of the structure serve no useful purpose. It serves as a hazard making an attractive nuisance to young children, vagrants and other trespassers who may be injured within. It could become a place of rodent infestation and presents other dangers to the health, safety, morals and general welfare of the public. It was his recommendation that the building be removed. He presented pictures of the premises and ran a video tape.

In answer to a question from Town Attorney, Mr. Papenmeyer stated that the pictures present a fair and accurate depiction of the property as he had observed it. The video tape was taken on December 23rd. Mr. Papenmeyer said the condition remains today as depicted.

Supervisor asked if anyone was here representing the property owner.

Mr. John Conlon, owner of Private Holding, Inc. was sworn in by the Town Attorney and stated he was the property owner. He said he was having a plot plan prepared and that would take anywhere from thirty to sixty days. He said the building is as sturdy as the Town Hall building. Town Attorney asked him what his plans were for this building. Mr. Conlon said he planned to pick up the building plan and the permit within thirty days. He said he planned to remove the building but would need at least thirty to sixty days. Mr. Conlon asked for forty days as that would cover the period of time he needed. He said he would have it repaired or taken down by that date, one or the other.

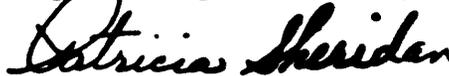
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Supervisor asked if any Town Board Members had any questions. No one did. Town Attorney asked if Mr. Conlon would post a warning sign regarding the foot of water in the foundation so that no child would fall into that water. Mr. Conlon agreed to that.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (82-1987) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/87

9:51 P.M.

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

RE: CHAPTER 31 PROCEEDING - JOHN CONLON - MAP 127,  
BLOCK C, LOT 17.012

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open. Town Attorney testified as to proper posting and publication.

Town Attorney said the property is reputedly owned by John Conlon and is located at Rosecrans and Fisher Avenues in Congers. The order of the Building Inspector is dated November 17, 1986 and reports that an unoccupied structure is open and not secured at the windows. An Order and Notice was served by certified mail, return receipt and by ordinary mail upon Mr. John Conlon, c/o Private Holding Inc., 1 Rosecrans Avenue, Congers, New York. He said he had received that communication back as unclaimed. He further stated that he had no reason to know that the ordinary mail was not delivered to the addressee.

Mr. Mark Papenmeyer, Fire Inspector of the Town of Clarkstown, still under oath, stated that an inspection was made on October 28, 1986 and revealed an unoccupied structure with unsecured doorways and windows. A large sliding door on the second floor was broken and glass was strewn about. As it is an unoccupied structure it makes an attractive nuisance for young children, vagrants and other trespassers who may be injured within. It presents other dangers to the health, safety and morals of the general public and it was his opinion that this building be secured immediately.

Mr. Papenmeyer presented photographs of the site and referred to a video previously shown of the site. Town Attorney asked Mr. Papenmeyer how recent his observations were and Mr. Papenmeyer said inspection on January 12, 1987 revealed that an attempt had been made to secure the building. However, there are additional windows needing securing and upon conversation with Mr. Conlon it has been ascertained that he is willing to secure those windows.

Mr. Papenmeyer stated that if Mr. Conlon is willing to finish securing the remaining open windows he would recommend that no further action be taken by the Town Board.

Supervisor asked Mr. Conlon what his intentions were regarding this structure? Mr. Conlon said he would fix up the structure to make it habitable.

Supervisor asked if any Town Board members had any further questions. No one did.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:55 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (83-1987) ADOPTED

ABE536

TOWN OF CLARKSTOWN  
PUBLIC HEARING

331

Town Hall

1/13/87

9:56 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney and Councilwoman Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: CHAPTER 31 PROCEEDING - ROBESPIERRE AND MARIE SMITH -  
MAP 7, BLOCK E, LOT 2

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open.

Town Attorney testified as to proper posting and publication. This was instituted by resolution of the Town Board dated November 25, 1986 with respect to property designated on the Tax Map as Map 7, Block E, Lot 2 reputedly owned by Robespierre and Marie Smith - property located at Second Avenue, Spring Valley, New York. The Order of the Building Inspector dated November 14, 1986 indicated that an unoccupied structure was unsecured and open and was an attractive nuisance. Pursuant to Town Board Resolution an Order and Notice was served by certified mail and ordinary mail upon one Marie Lourdes Smith, 10 Gurran Drive, Stony Point, New York and one Robespierre Smith, same address. Green cards have been received from the post office indicating that the Order and Notice were received by the addressee on December 22, 1986.

Town Attorney swore in Deputy Fire Inspector William Bowler and he testified that on October 31, 1986 he had been called to the scene of a fire on Second Avenue at the request of the Spring Valley Fire Chief. He found a severely fire damaged building and he had an order issued that day directed to the owners to have the building removed. The order was posted physically on the building on November 3, 1986. Mr. Bowler stated he had made an additional inspection on November 13, 1986. He presented pictures for the record and said they represent a fair and accurate depiction of the premises. Town Attorney asked if they depicted the present condition of the premises to which Mr. Bowler replied in the affirmative. Mr. Bowler said on November 13, 1986 he found the structure open at the doorways and windows making it an attractive nuisance for youth, vagrants and other trespassers who might be injured within. He added that it might become a place of rodent infestation and presents a hazard to the health, safety, morals and general welfare of the public.

Mr. Bowler said the latest inspection showed a ridge beam to be in a swayed condition and in a state of collapse. He said ventilation holes placed by the Fire Department had exposed the structure to further deterioration from the weather. He said it was his opinion that this structure in its present condition presents a hazard and should be removed.

Town Attorney asked Mr. Bowler if he had any personal contact with the property owners? Mr. Bowler said he had not.

Town Attorney asked if the property owners were present in the audience or if there was anyone in the audience wishing to ask any questions or make any statements with respect to this matter?

At this point a video tape was shown depicting the premises in question.

Appearance: Mr. Kelly Bernard  
Spring Valley, New York

Mr. Bernard stated that he owns property on Second Avenue in Spring Valley. He said he knew Mr. Smith had made application to build on this property and that he had not planned to

Continued on Next Page

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speak at this public hearing but just happened to be here. He said he would recommend to the Town Board that they contact Mr. Smith and see what the situation is as he has applied for building permits and intends to put a number of buildings on this property.

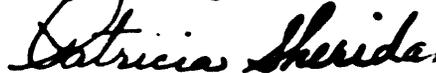
Supervisor said this has gone on for over a year and we are still looking at a vacant lot with debris and it is an eyesore to the whole neighborhood.

Mr. Bowler said they did not take any action at this time but they are keeping it under observation.

Town Attorney asked Mr. Bowler if he thought it would be safe and reasonable for the Town to defer action with respect to these premises pending a building permit being issued? Mr. Bowler said he did not think that would be wise as there is a very hazardous condition there.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (84-1987) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

333

Town Hall

1/13/87

10:00 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney and Councilwoman Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: AMENDMENT TO OFFICIAL MAP TO ELIMINATE THROUGH TRAFFIC AT  
THE TERMINUS OF EAST ORCHARD AND GRACE STREETS, NANUET

On motion of Councilman Carey, seconded by Councilman Maloney 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 then read a letter dated January 7, 1987 from one Frank T. Simeone which is on file in the Town Attorney's office. Copies of this letter were given to each Town Board member and is on file in Town Clerk's Office.

Town Attorney then read a letter from one Walter Eggmann, 19 Van Nostrand Place, Nanuet, New York. This letter is on file in Town Clerk's office.

Town Attorney also referred to Clarkstown Planning Board's recommendation dated December 22, 1986 stating that they were 5-0 opposed to closing the street. Town Attorney read the report into the record and it is on file in Town Clerk's Office.

Supervisor Holbrook said he had a communication from the Rockland County Planning Board stating that they suggested no action be taken on the closing of East Orchard and Grace Streets until an area wide traffic study is undertaken to determine the effects this action would have on Smith Road and Route 59. This was dated December 9, 1986.

Supervisor stated he had received a number of letters from residents requesting that the streets be closed off.

Supervisor asked if there was anyone present wishing to be heard.

Appearance: Mr. George Morgan,  
Nanuet, New York

Mr. Morgan stated that he was the Fire Commissioner for the District of Nanuet. He recommended, from the Fire Department's point of view, that the roads not be closed as there are fire hydrants (one on each street) and if the streets are closed half of the fire fighting water supply would be knocked out. There is a hydrant on Smith Street and also on Route 59. There are two others on Smith and Grace Streets. By erecting barriers the whole end of the complex would be unprotected and would create hardship to any Fire Department fighting a fire at the location.

Appearance: Mr. George Eckerson  
21 Grace Street  
Nanuet, New York

Mr. Eckerson asked why they did not have hydrants in the shopping center? He said hydrants on the streets are for the protection of the residences.

Appearance: Mr. Ted Piowar  
24 Grace Street  
Nanuet, New York

Mr. Piowar said he has lived on that street for thirty years and watched his children grow up there. He complained about

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the traffic situation and the difficulty emergency vehicles would have getting to the residents on those streets. He was in favor of the closing. He stated he had an accident there and was also speaking for a Mr. Young whose child had been hit.

Appearance: Mr. Daniel Piowar  
24 Grace Street  
Nanuet, New York

Mr. Piowar stated that he is a member of the Nanuet Ambulance Corps although he was not speaking for that organization. One of his worst fears is having one of the residents on that street suffer a heart attack during the Christmas season as the road is totally unaccessible. He is in favor of the closing as the traffic situation is ludicrous.

Appearance: Mrs. Patricia Rossi  
8 Grace Street  
Nanuet, New York

Mrs. Rossi said she had originally initiated this with the Supervisor back in July of 1986. She presented photographs taken during the recent holiday season to illustrate the traffic problem there. She said there could be another access to First Street. The children in the area must walk to school. For the safety of the children, for the elimination of the pollution, for the annoyance of huge trucks coming through the street, for the safety of the elderly population (which is quite large) she urged the closing of the streets.

Appearance: Mr. Don Dillon  
31 East Orchard Street  
Nanuet, New York

Mr. Dillon said he had requested this barrier in 1965. There had not been a fire in all the years he has been here except once in the Channel Store. He urged that the streets be blocked off and complained about the congestion, etc.

Appearance: Mr. Charles Weinberg  
29 East Orchard Street  
Nanuet, New York

Mr. Weinberg stated he has lived there for thirty-one years. Mr. Weinberg presented an accident report and detailed the accident for the Board. He was definitely in favor of the closing.

Appearance: Mr. Alan Friedman  
112 Church Street  
Nanuet, New York

Mr. Friedman stated that if Grace and East Orchard Streets were closed it would channel the traffic on to Church Street. He mentioned many other accidents he had witnessed on the street. He presented a detailed study of the area with suggestions on how to close the streets and make improvements in the area. Supervisor Holbrook told Mr. Friedman that he would like to refer his letter to the Town Planning Board as his suggestions certainly had merit and he would like the Consultant to go over them.

Appearance: Mr. Keith Bickford  
82 East Orchard Street  
Nanuet, New York

Mr. Bickford inquired where was the hydrant that was in the Korvette Shopping Center? He suggested speed bumps to slow down traffic if the road is not closed entirely.

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Appearance: Mr. James Perini  
11 Van Nostrand Place  
Nanuet, New York

Mr. Perini said you cannot get out of any of these streets, no matter in what direction you are going, during the holidays. You cannot go south on College if you are coming out of any of these streets. Traffic is a major consideration. He said you cannot lock up this area as no emergency vehicles will be able to get in. All traffic problems must be considered before streets are closed off. He hoped it would be done but not without solving the traffic problem.

Appearance: Mr. Anthony Rhoder (?)  
74 College Avenue  
Nanuet, New York

He said if the traffic did not come out of Grace and Orchard Streets interrupting the flow of traffic on College Avenue that will keep traffic moving on College Avenue because it will not be stopped by the cars turning out. He referred to the legality of opening the streets and Supervisor Holbrook said they had looked into it but they did not find any specific Town Board resolution that approved the opening of the streets. He does not know how it happened but it did happen and that's why we are having this public hearing to reconsider that move.

Appearance: Mr. Phillip Kwong  
16 East Orchard Street  
Nanuet, New York

Mr. Kwong stated that he had lived there almost fourteen years. He said he would allow emergency vehicles to move but was in favor of the closing. He made many recommendations looking to resolve the traffic problems in the area.

Appearance: Mr. Danny Mirro  
11 East Orchard Street  
Nanuet, New York

Mr. Mirro was in favor of the proposed closings.

Appearance: Mr. Bob Lappe  
104 Church Street  
Nanuet, New York

Mr. Lappe stated he in was in full agreement with the people who have the traffic problems. He thought the streets should be closed off and that would help their property values. He suggested alternate entrances and exits from the shopping center on to Route 59.

Appearance: Mr. Kelly Bernard  
Spring Valley, New York

Mr. Bernard said he had not heard tonight a comprehensive reason for closing the streets but he reiterated the comments he had heard from the previous speakers.

Appearance: John O'Sullivan  
Clarkstown Superintendent of Highways

Mr. O'Sullivan said he has been wrestling with this problem for many months since he took office. These streets were always dead end streets. He said we do not have to go all the way across with the barriers but can leave a four foot walkway on the sides. Mr. O'Sullivan said the fact that he would have a problem snow plowing did not change his mind. He still felt the barriers should go up.

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Appearance: Frank Minchella  
representing the owners  
of the shopping center

Mr. Minchella said that the shopping center definitely opposes the road closing. The shopping center was purchased, redeveloped and improved with these roads there providing ingress and egress. He said there is one fire hydrant on the site (in front of Service Merchandise) and there is a secondary hydrant in front of the Pathmark Store. He said he understood the concerns of the residents in the area and only hoped that they could understand the concerns of the tenants of the shopping center, many of whom are residents of the area also. He stated that he would like to meet with the Town Board, the residents of the area and other interested parties at any time to resolve the situation so that the roads would not be closed.

Appearance: Mr. Carlson Demming  
26 Van Nostrand Street  
Nanuet, New York

Mr. Demming said that his property adjoins the shopping center and the garbage and debris that blows from the shopping center is one of his biggest problems along with the rats coming from there. He said there are thousands of crows which feed on the garbage that is not picked up behind the shopping center. He said the shopping center people have not demonstrated a credibility in terms of working with the community on the issues presented. These roads never were through roads so why should they be now?

Appearance: Mrs. Maria Rossi  
West Nyack, New York

She said she was not a resident of the area and has no vested interest in it. However, she is a shopper at the shopping center and one of the problems she has with the center is the entrance into it from Route 59 or from Smith Street. You do not know which way to turn. From an airplane it probably looks wonderful but when you are in a car it is impossible. She gave some options for ingress to and egress from the shopping center.

Appearance: Mr. John Dizenzes(?)  
East Orchard Street  
Nanuet, New York

He was in favor of the closing and discussed the traffic problem.

Supervisor said the Board will reserve decision on this tonight. He said there have been a number of points raised in terms of traffic and things that are not unsolvable. We have to decide - for every action there is an equal and opposite reaction. If the Town Board is going to entertain the ultimate closing off of these streets the Town then has to look at what the ramifications of that are going to be from the standpoint of traffic. He said we must be concerned about fire safety but he also thinks there are ways to answer that question as well. He mentioned positioning of fire hydrants. He said the Town Board members would like to have a little bit of time to digest the comments made here this evening and to talk with our Planning Consultants and traffic experts as to what reactions would occur if a positive action on this were taken. He felt if we can come up with a cogent plan that would address everyone's concerns perhaps we can solve a difficult problem.

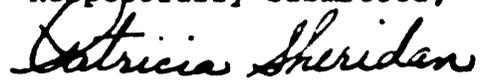
Supervisor said to make a decision tonight would be a little bit hasty and he wanted to discuss this with the planners and traffic consultants.

Continued on Next Page

PH - Amend. to Official Map - E. Orchard and Grace Sts. - 1/13/87  
Page 5

On motion of Councilman Maloney, seconded by  
Councilwoman Smith the public hearing was declared closed, DECISION  
RESERVED, time: 10:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

ABE536

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/87

10:55 P.M.

Present: Supervisor Holbrook  
Councilmen Carey, Maloney and Councilwoman Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: LOCAL LAW FOR LAND SUBDIVISION REGULATIONS (Continuation  
of hearing begun on December 18, 1986

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open. The notice of this hearing was read at the opening of the hearing on December 18, 1987 and the hearing was subsequently recessed to tonight.

Town Attorney said this is a proposed local law establishing the revised Subdivision Regulations. The last draft of these regulations was distributed on or about December 11, 1986 and the Town Board members received their copies. After the public hearing the Board may act affirmatively or negatively.

Supervisor Holbrook asked if there was anyone present who had any comments regarding this proposed local law.

No one appeared.

There being no one wishing to be heard, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:56 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (85-1987) Adopted

ABE536

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/87

10:57 P.M.

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

RE: LOCAL LAW AMENDING SECTION 96-2(B) & section 96-3(D),  
CHAPTER 96 (TAXATION)

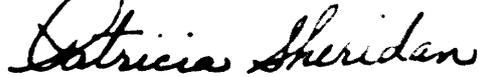
On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and Town Attorney testified as to proper posting and publication.

Supervisor asked if there was anyone present wishing to speak in favor of or in opposition to the proposed local law or had any questions.

No one appeared.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:58 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (86-1987) ADOPTED

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