

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

129

Town Hall

3/10/87

8:00 P.M.

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

Supervisor declared Town Board Meeting open.  
Assesmblage saluted the flag.

Supervisor declared the Public Portion of the meeting open and asked if there was anyone present wishing to speak on any item on the agenda.

Appearance: Jack Cuff  
Pheasant Drive  
West Nyack

Mr. Cuff said he accused the Town of moving too quickly in regard to allowing the Town of Ramapo to use the Clarkstown Sanitary Landfill for their garbage and he felt that a Public Hearing was in order before a decision was made.

The Supervisor said that as soon as a site is constructed in the Town of Ramapo, the sludge facility will be operational. The Supervisor said that a few years ago Ramapo was not prepared to be a host community for sludge. The garbage situation is temporary and sludge is forever. Clarkstown will be in position to become a master of its destiny with regard to its sanitation district which will move toward the immediate mandatory recycling of solid waste once that district is created which is a prerequisite for the implementation of the creation of resource recovery. The money that will come into the landfill would be in an escrow account which would only be used for the closing of the Clarkstown Landfill when that occurred and not to wash through the general fund to make the Town Board look good at budget time.

Mr. Cuff said in regard to this money that you mentioned that will be coming in from Ramapo, I think it amounts to \$2,000,000, you consider it upgrading your bond issue but I think that \$2,000,000. is practically a wash.

Supervisor said that there is a need for recreational facilities, ball fields, etc. which the Town Board has been committed to and over the course of the last fifteen years there have not been many major improvements to those facilities and this was money that was necessary to improve them. Closing the landfill is a cost of the future and it is very expensive to do that and we felt we would not take this money and wash it through the general fund simply to make ourselves look good. We escrowed that money into interest bearing accounts so that when the time comes when the tremendous cost of closing the landfill is upon us, the taxpayers at that time will at least have the where-with-all to absorb that cost and not have to resort to a large scale bonding.

Mr. Cuff said lets hope now that a group of Ramapo citizens doesn't get together when they choose the site for the sludge facility and take it into court and we wind up going into the twenty-first century looking for a sludge facility.

Appearance: John Lodico  
New City

Mr. Lodico said he hoped that somewhere in the contract with Ramapo that there would be a "bail out" for the Town of Clarkstown. Mr. Lodico asked if the Board had already approved the contract. The answer was no. He said he hoped that the Town would consider extending the landfill further south up to the Orangetown

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line with the potential of upgrading its elevation above high tide by five or six feet that they normally like to do. He said that this contract is a municipal contract between the Town of Ramapo and the Town of Clarkstown. How can they isolate or separate sludge if both Towns are involved in this situation which is called the County Sewer District which only takes in two Towns. The Rockland County Sewer District is also in the situation of developing a sludge plant itself. So meanwhile we're going to be in a situation where we make a unilateral contract between two Towns as a municipality operation contract and then when Rockland County Sewer district builds a sludge plant, we will have to use their county sludge facility as a criteria for handling the sludge. It all goes to Orangetown. I can vision the Town of Ramapo having a contract and Clarkstown approving it tonight and we can be taking in the Town of Ramapo's garbage for the next two, three, four years and still never see a sewage sludge plant built in the Town of Ramapo.

The Supervisor said that Mr. Lodico's concern is valid but the Town would not let that occur. It was the Citizen's Advisory Committee who voted to site the sludge facility at the Clarkstown Landfill. Subsequent to that the commissioners voted to put it at the site of the plant and I supported that because I felt that made sense. It could end up there but the point is it's not going to because of the situation on the County Legislature. Ramapo has agreed to be the host community for that sludge plant and that resolution will be adopted at the next Sewer Commission meeting. Then the question comes up whether it's going to be built by the district or whether it becomes a private concern. That decision will be up to the district to decide. The Supervisor said that they are going to create a Sanitation District which is going to lock people into conforming to the requirements of sound environmental practice in terms of recycling and other circumstances involved in the landfill and the communities that use the Clarkstown landfill are going to be part of that and if they don't want to be part of it, they dump their garbage someplace else.

Appearance: Martin Bernstein  
New City

He said that for the past year he has been trying to get the Town to do something about the two automobile repair shops on North Main Street. The Zoning Ordinance says that the repair shop is to be an accessory used to a gas station. One of the gas stations is an accessory used to a tow truck operation.

Supervisor said they are looking into that and something will be done this spring.

RESOLUTION NO. (241-1987)

MEMORIALIZING THAT THREAT  
OF SUBSTANCE ABUSE BE  
RECOGNIZED

Co. Lettre offered the following resolution:

WHEREAS, the Clarkstown Community Coalition, Clarkstown Central School District and community clergy, are presenting a Drug Alert Program for parents, and

WHEREAS, Father Dan Egan, S.A., who is famed for his work with young drug addicts and in the field of drug prevention, will be the guest speaker at this important program,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown recognizes the threat to children and teens, supports this Drug Alert Presentation Program for parents and urges that all concerned citizens work towards combatting and wiping out substance abuse.

Seconded by Co. Carey

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RESOLUTION NO. (241-1987) 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. (242-1987)

DIRECTING SUPT. OF HIGHWAYS  
TO INTSTALL SAFETY  
IMPROVEMENTS ON LUDVIGH  
ROAD, BARDONIA; RED HILL  
RD., NEW CITY; PELHAM AVE.,  
NANUET; ALLISON AVE.,  
NANUET; NORWOOD LANE,  
NANUET; GERLACH DRIVE, NEW  
CITY

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway  
Engineering Consultant in a report dated February 19, 1987 has  
recommended various traffic safety improvements for several roads  
within the Town,

NOW, THEREFORE, be it

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

Location	Legend	NYS Sign #
<u>Ludvigh Rd., Bardonia</u> EB 200 Ft., w/o Doris Dr.	Left Turn 20 MPH	W1-1C W9-1X
WB 100 Ft. E./O Carmen Dr. (W.End)	Right Turn 20 MPH	W1-2C W9-1X
EB 200 Ft. W.O Pigeon Hill Rd. EB W/O Pigeon Hill Rd. WB E.O " " "	School Child School Crossing	W6-1C W6-2C
WB 200 Ft. E./O Pigeon Hill Rd. EB 300 Ft. W/O Birch Rd.	School Child Right Turn 20 MPH	W6-1C W1-2C W9-1X
WB 100 Ft. E/O " "	Left Turn 20 MPH	W1-1C W9-1X
<u>Red Hill Rd., New City</u> WB E/O Hansen Ave.	Right Turn 15 MPH	W1-2C W9-1X
WB 200 Ft. S/O Lindbergh La.	Left Turn 15 MPH	W1-1C W9-1X
EB S/O Lindbergh La.	Left Turn 15 MPH	W1-1C W9-1X
EB E/O Amundsen Ave.	Right Turn 15 MPH	W1-2C W9-1X
WB W/O Amundsen Ave. EB E/O Link School Crosswalk WB E/O White Birch Ct. WB 100 Ft. N/O Parker Ave.	School Child School Crossing School Crossing Left Turn 15 MPH	W6-1C W6-2C W6-2C W1-1C W9-1X
EB 200 Ft. E.O Carrie Dr.	Right Turn 15 MPH	W1-2C W9-1X

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RESOLUTION NO. (242-1987) Continued

<u>Pelham Ave., Nanuet</u> WB W/O Norwood Pl.	Left Turn 15 MPH	W1-1C W9-1X
NB S/O #5 Pelham Ave.	Right Turn 15 MPH	W1-2C W9-1X
SB 400 Ft. N/O Pelham Ct.	Winding Rd. (R) 15 MPH	W1-10C W9-1X
<u>Allison Ave., Nanuet</u> NB N/O #20 Allison Ave.	Winding Rd. (L) 15 MPH	W1-9C W9-1X
<u>Norwood La., Nanuet</u> SB S/O Church St.	Town Speed Limit 30	R2-6C
<u>Gerlach Dr., New City</u> NB 200+ Ft. N/O Germonds Rd.	Reverse Turn (L) 15 MPH	W1-5C W9-1X
SB Between #15 & 17 Gerlach Dr.	Reverse Turn (L) 15 MPH	W1-5C W9-1X

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. (243-1987)

DIRECTING SUPT. OF HIGHWAYS  
TO INSTALL TRAFFIC SAFETY  
IMPROVEMENTS FOR GILCHRIST  
ROAD, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated February 23, 1987 has recommended various traffic safety improvements for Gilchrist Road, Congers,

NOW, THEREFORE, be it

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

Gilchrist Road from Kings Highway to Railroad Tracks

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
EB E/O Kings Highway	School Child	W6-1C
WB W/O RR Crossing	School Child	W6-1C
EB 300 Ft. W/O RR Crossing	RR Crossing	W5-14B
WB W/O Stern Place	RR Crossing	W5-14B
WB 250 Ft. E/O #22 Gilchrist Rd.	⌈ Driveway	W2-3C
		W5-16X

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (243-1987) Continued

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

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RESOLUTION NO. (244-1987)

AMENDING RESOLUTION NO.  
 157-1987 TO READ THIRTY  
 FEET WEST OF THE  
 INTERSECTION OF WHITMAN  
 STREET

Co. Lettre Offered the following resolution:

RESOLVED, that Resolution No. (157-1987) adopted  
 February 10, 1987 be amended to read Joseph Hornik, Supt. of  
 Highways, County of Rockland is directed to install a sign "No  
 Parking Here to Corner" on the south side of Lake Road, Congers as  
 Lake Road is a County road, and be it

FURTHER RESOLVED, that the distance of this sign  
 posting be amended to read thirty (30) feet west of the intersection  
 of Whitman Street, in accordance with the recommendation submitted  
 by Howard E. Lampert, P.E., Traffic and Highway Consulting Engineer.

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. (245-1987)

AWARDING BID #21-1987,  
 REPAIR OF A CATERPILLAR D-8  
 TO TRACK WELD SERVICE INC.

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
 Director of Department of Environmental Control and the Director of  
 Purchasing that

Bid #21-1987  
 REPAIR OF A CATERPILLAR D-8

is hereby awarded to:

TRACK WELD SERVICE INC.  
 34-07 COLLEGE POINT BLVD.  
 FLUSHING NY 11354

per their low bid proposal of \$6649.72

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (245-1987) Continued

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

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RESOLUTION NO. (246-1987)

AWARDING BID #16-1987 FOR  
RENOVATIONS TO BUILDING AND  
SITE AT LAKE NANUET PARK TO  
LORENCIN CONTRACTING CORP  
AND EXPENSES CHARGED TO  
CAPITAL FUND ACCOUNT NO.  
H7180-01-409

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Laurence  
Kohler, Director of Purchasing and Edward J. Ghiazza, Supt. of  
Recreation and Parks, that

Bid #16-1987  
for  
RENOVATIONS TO BUILDING AND SITE AT LAKE NANUET PARK

is hereby awarded as follows:

ELECTRICAL - CONTRACT NO. 3 - Lorencin Contracting Corp., P.O. Box  
571, Bardonia, NY 10954

Base Bid.....\$73,700.00  
TOTAL CONTRACT-ELECTRICAL.....\$73,700.00

BE IT FURTHER RESOLVED, that said expenses be charged  
against Capital Fund Account No. H 7180-01-409 (Lake Nanuet-Fees for  
Services), and

BE IT FURTHER RESOLVED, that this resolution shall be  
related to Town Board Resolution No. 208 dated February 24, 1987  
with respect to any change orders that may be required.

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. (247-1987)

PURSUANT TO CHAPTER #63 -  
INTERIM DISPOSAL OF TOWN OF  
RAMAPO GARBAGE IN  
CLARKSTOWN SANITARY LANDFILL

Co. Carey offered the following resolution:

WHEREAS, by Resolution No. 240-1987 adopted on March 5,  
1987, the Town of Clarkstown has authorized the Town of Ramapo to  
dispose of solid waste in the Clarkstown Sanitary Landfill for an  
interim period during which the Towns of Clarkstown, Orangetown and  
Ramapo shall enter into an intermunicipal agreement to form a joint  
sanitation district, and

RESOLUTION NO. (247-1987) Continued

WHEREAS, the Town Board wishes to establish the rate at which solid waste from the Town of Ramapo shall be acceptable for disposal in the Clarkstown Sanitary Landfill during the interim period and to make other arrangements with respect thereto;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority provided in Sections 63-6(B) and 63-8 of the Town Code of the Town of Clarkstown, the Town Board hereby provides that up to 110 bales of garbage from the Town of Ramapo bailing station may be admitted to the Town of Clarkstown Sanitary Landfill for disposal therein per day at a fee of \$14.00 per ton plus one half ton of acceptable cover material per ton of solid waste, and be it

FURTHER RESOLVED, that all waste materials originating in the Town of Ramapo bailing station are required further to have originated within the Town of Ramapo and that all provisions of Chapter 63 of the Town Code of the Town of Clarkstown shall be complied with, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control and the Landfill Supervisor shall maintain separate records of all solid waste accepted at the Clarkstown Sanitary Landfill from the Town of Ramapo and such records shall be provided to the Town Comptroller for the further purposes set forth herein, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized and directed to establish a separate revenue account for the deposit of all funds collected pursuant to this resolution, which fund shall be set aside for the purpose of financing expenditures expected to be incurred with respect to the final closure of the Clarkstown Sanitary Landfill, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the funds referred to above shall not be commingled with the Town of Clarkstown general fund but reserved for use with respect to environmentally sound landfill management, closure and planning for future disposal of solid waste from the Town of Clarkstown, and be it

FURTHER RESOLVED, that the interim permission for the disposal of the refuse referred to herein shall be conditioned upon receipt from the New York State Department of Environmental Conservation a written or verbal authorization or waiver of the terms of the Town of Clarkstown Consent Order with the New York State Department of Environmental Conservation which presently limits the disposal of solid waste in the Clarkstown Sanitary Landfill to the Towns of Orangetown and Clarkstown.

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. (248-1987)

AUTHORIZING THE DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #33-1987,  
OFFICE FURNITURE

Co. Maloney offered the following resolution:

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RESOLUTION NO. (248-1987) Continued

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

BID #33-1987  
OFFICE FURNITURE

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, April 2, 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

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RESOLUTION NO. (249-1987)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #35-1987, TWO COMMERCIAL TYPE MINI BUSES

Co. Maloney offered the following resolution:

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

BID #35-1987  
TWO (2) COMMERCIAL TYPE MINI BUSES

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, April 23, 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

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RESOLUTION NO. (250-1987)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #36-1987, BODY ARMOR FOR CLARKSTOWN POLICE DEPT.

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (250-1987) Continued

BID #36-1987  
BODY ARMOR FOR CLARKSTOWN POLICE DEPT.

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, April 21, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (251-1987)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #34-1987, SECURITY GUARD SERVICE FOR TOWN PARKS

Co. Maloney offered the following resolution:

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

BID #34-1987  
SECURITY GUARD SERVICE FOR TOWN PARKS

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

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RESOLUTION NO. (252-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #30-1987 - MAINTENANCE/IMPROVEMENTS TO TOWN CUL-DE-SACS

Co. Maloney offered the following resolution:

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

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RESOLUTION NO. (252-1987) Continued

BID #30-1987  
MAINTENANCE/IMPROVEMENTS TO TOWN CUL-DE-SACS

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, April 6th, 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

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RESOLUTION NO. (253-1987)

SETTING PUBLIC HEARING -  
APRIL 28, 1987 ON ZONE  
CHANGE ON TOWN'S OWN MOTION  
- CHANGE FROM R-80 TO  
R-160, MAP 99, BLOCK A,  
LOTS 12, 12.01, 13.01,  
13.02, 14 AND 15 AND MAP  
81, BLOCK A, LOTS 1 (PART  
OF) 3.01, 3.02 AND 3.03

Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has recommended to the Town Board that the Zoning Ordinance of the Town be amended by redistricting property described from an R-80 district to an R-160 district, which property is designated on the Clarkstown Tax Map as: Map 99, Block A, Lots 12, 12.01, 13.01, 13.02, 14 and 15 - Map 81, Block A, Lots 1 (part of), 3.01, 3.02 and 3.03;

NOW, THEREFORE, be it

RESOLVED, that on Motion of the Town Board of the Town of Clarkstown that the proposal for a change of zone from an R-80 district to an R-160 district on property designated on the Clarkstown Tax Map as: Map 99, Block A, Lots 12, 12.01, 13.01, 13.02, 14 and 15 - Map 81, Block A, Lots 1 (part of), 3.01, 3.02 and 3.03, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 28th day of April, 1987, at 8:05 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the application for a zone change shall be referred to the Rockland County Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, and to other municipalities and governmental bodies as required by Sections 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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RESOLUTION NO. (253-1987) Continued

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

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

Seconded by Co. 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. (254-1987)

AUTHORIZING RUDOLPH J. YACYSHYN, CHAIRMAN OF THE PLANNING BOARD TO ATTEND THE AMERICAN PLANNING ASSOCIATION AND CHARGED TO ACCOUNT NO. 8020-404.

Co. Smith offered the following resolution:

RESOLVED, that Rudolph J. Yacyshyn, Chairman of the Planning Board is hereby authorized to attend the American Planning Association conference in New York City on April 25-29, 1987 at a cost of \$245 registration fee, plus travel and other necessary expenses, and

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 8020-404.

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. (255-1987)

GRANTING PERMISSION TO THE ROCKLAND COUNTY ANCIENT ORDER OF HIBERNIANS TO USE THE TOWN OF CLARKSTOWN SHOWMOBILE - MARCH 22, 1987

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Ancient Order of Hibernians has requested use of the Town of Clarkstown showmobile on Sunday, March 22, 1987, for the Annual St. Patrick's Day Parade in Pearl River, New York,

NOW, THEREFORE, BE IT

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RESOLUTION NO. (255-1987)

RESOLVED, that permission is hereby granted to the Rockland County Ancient Order of Hibernians to use the Town of Clarkstown showmobile on Sunday, March 22, 1987, for the above purposes and subject to the provision of the necessary insurance policies.

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. (256-1987)

GRANTING PERMISSION TO THE  
NEW CITY ROTARY TO USE THE  
TOWN OF CLARKSTOWN  
SHOWMOBILE ON MAY 9, 1987

Co. Carey offered the following resolution:

WHEREAS, the New City Rotary has requested use of the Town of Clarkstown showmobile on Saturday, May 9, 1987, for the Polio Plus Walk-a-thon at Rockland Lake State Park,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the New City Rotary to use the Town of Clarkstown showmobile on Saturday, May 9, 1987, for the above purposes and subject to the provision of the necessary insurance policies.

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

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RESOLUTION NO. (257-1987)

AUTHORIZING THE CLARKSTOWN  
PARKS BOARD AND RECREATION  
COMMISSION MEMBERS AND THE  
TOWN BOARD LIAISON TO THE  
COMMISSION TO ATTEND THE  
1987 NEW YORK STATE  
RECREATION PARK SOCIETY  
CONFERENCE IN MONTICELLO  
FROM APRIL 5 TO APRIL 8,  
1987 AND EXPENSES BE  
ALLOCATED AGAINST  
APPROPRIATION ACCOUNT A  
7020-414

Co. Maloney offered the following resolution:

RESOLVED, that the Clarkstown Parks Board and Recreation Commission members and the Town Board Liaison to the Commission are hereby authorized to attend the 1987 New York State Recreation and Park Society Conference from Sunday, April 5, 1987 through Wednesday, April 8, 1987 to be held in Monticello, New York, and

RESOLUTION NO. (257-1987) Continued

FURTHER RESOLVED, that all necessary expenses (\$350.00 per person) be allocated against Appropriation Account A 7020-414.

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

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RESOLUTION NO. (258-1987)

AUTHORIZING THE SUPERINTENDENT OF RECREATION AND PARKS AND DESIGNATED STAFF MEMBERS TO ATTEND THE 1987 NEW YORK STATE RECREATION AND PARK SOCIETY CONFERENCE IN MONTICELLO FROM APRIL 5 THROUGH APRIL 8, 1987 AND ALL EXPENSES BE ALLOCATED AGAINST APPROPRIATION ACCOUNTS A 7141-414 AND A 7310-414

ABE740

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Recreation and Parks and designated staff members are hereby authorized to attend the 1987 New York State Recreation and Park Society Conference from Sunday, April 5, 1987 through Wednesday, April 8, 1987 to be held in Monticello, New York, and

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Accounts A 7141-414 and A 7310-414.

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

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RESOLUTION NO. (259-1987)

AUTHORIZING JOHN A. COSTA, ESQ. AND ONE DEPUTY TOWN ATTORNEY TO ATTEND THE NEW YORK STATE CONFERENCE OF MAYORS AND OTHER MUNICIPAL OFFICERS IN ALBANY ON MARCH 26 AND 27, 1987 AND ALL CHARGES BE CHARGED AGAINST ACCOUNT NO. A-1010-414

Co. Carey offered the following resolution:

RESOLVED, that John A. Costa, Esq., and one Deputy Town Attorney are hereby authorized to attend the New York State Conference of Mayors and other Municipal Officers to be held on March 26 and 27, 1987, at 119 Washington Avenue, Albany, New York, and be it

RESOLUTION NO. (259-1987) Continued

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

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. (260-1987)

AUTHORIZING THE SUPERVISOR TO ENTER INTO A CONSENT DETERMINATION WITH FRANK CAPASSO, INC. AND THE PUBLIC HEARING SHALL BE RECONVENED ON MARCH 24, 1987

Co. Carey offered the following resolution:

WHEREAS, by Charges and Specifications served on or about February 10, 1987, FRANK CAPASSO, INC., located at 20 Svensson Place, Nanuet, New York, a corporation authorized to use the Clarkstown Sanitary Landfill and engaged in business of garbage removal in the Town of Clarkstown was charged with violation of Section 63-10(C) of the Town Code of the Town of Clarkstown, committed on or about January 28, 1987, for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without the special permission of the Town Board when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for March 10, 1987 at 9:00 P.M., in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York, pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, FRANK CAPASSO, INC., the Respondent, has by its attorney offered to enter into a Consent Determination in lieu of such fact finding hearing being held whereby the Respondent would admit the essential Allegations of Specification No. 1 in the Statement of Allegations dated February 10, 1987, consent to the imposition of a civil penalty of \$2,200.00, payable on or before March 24, 1987, and further consent to the imposition of a six (6) month period of suspension of the Respondent's permission to use the Clarkstown Sanitary Landfill provided further that said suspension shall be deferred upon the condition that the Respondent commit no further violation of the Town Code or law regarding use of the Clarkstown Sanitary Landfill facility during the period of one (1) year from the date of the Consent Determination, or in lieu thereof, upon conviction or adjudication of any such violation committed during said period such deferred suspension shall be revoked and the Respondent, in addition to any other penalties or convictions it may suffer, shall be barred from the use of the Clarkstown Sanitary Landfill for a period of six (6) months thereafter, and as a further requirement of such Consent Determination, the Respondent shall within thirty (30) days from the date thereof submit to the Town Board a plan for the creation and implementation of a permanent record keeping system to be established by the Respondent for the purpose of keeping a permanent record in chronological order listing:

- i. the date,

Continued on Next Page

RESOLUTION NO. (260-1987) Continued

- ii. the origin and general description of all materials transported for disposal,
- iii. the identification of the container or vehicle used and the person responsible for removal from the location of origin,
- iv. the person responsible for transport to the final disposal site, and
- v. the final disposal site,

which record book shall be kept for a period of not less than four (4) years and which shall be available for inspection by Town officials upon reasonable notice and provided further that such plan of record keeping shall be implemented by the Respondent within five (5) days of receipt of written notice of its acceptance by the Town Board, and

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Consent Determination pursuant to the terms and conditions set forth above in a form approved by the Town Attorney, or in lieu thereof the public hearing originally scheduled for March 10, 1987 at 9:00 P.M., in Room 311 of the Clarkstown Town Hall shall be reconvened upon two (2) days notice to Respondent's attorney on March 24, 1987 at 9:30 P.M., and be it

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

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. (261-1987)

SETTING PUBLIC HEARING AND  
REFERRING A ZONE CHANGE  
PETITION OF AIRPORT  
EXECUTIVE PARK, INC. TO THE  
TOWN AND COUNTY PLANNING  
BOARDS

Co. Maloney offered the following resolution:

WHEREAS, AIRPORT EXECUTIVE PARK, INC., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner from an LIO district to an R-15 district, which property is designated on the Clarkstown Tax Map as: Map 164, Block A, Lot 17.02 (part of), and more fully described in Exhibit "A" annexed hereto;

NOW, THEREFORE, be it

Continued on Next Page

ABE740

RESOLUTION NO. (261-1987) Continued

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 28th day of April, 1987 at 8:10 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the application for a zone change shall be referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board, and other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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

Seconded by Co. 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. (262-1987)

AUTHORIZING THE SUPT. OF HIGHWAYS TO INSTALL " NO PARKING" SIGNS ON THE SOUTH SIDE OF MORRIS DRIVE FROM LYNCREST AVE. TO CAROL DRIVE

Co. Smith offered the following resolution:

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

Signs to read, "No Parking 8:00 AM - 4:00 PM Monday through Friday." These signs to be erected on the south side of Morris Drive from Lyncrest Avenue to Carol Drive (the southerly end of Lyncrest Avenue, New City)

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (262-1987) Continued

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

\*\*\*\*\*

RESOLUTION NO. (263-1987)

SEQRA COMPLIED WITH FOR  
SEWER IMPROVEMENT PROJECT  
FOR ROUTE 303, WEST NYACK

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on April 22, 1986, the Director of the Department of Environmental Control was directed to act as agent for the Town Board with respect to a proposed project for sewer improvement and has acted to complete the necessary State Environmental Quality Review Act (SEQRA) review of said proposal affecting sewer service in the vicinity of the Clarkstown Sanitary Landfill located at Route 303, West Nyack, and

WHEREAS, by letter dated February 24, 1987, the Director of Environmental Control has advised that his department acting as staff for the Town Board as lead agency has determined that the action referred to herein shall result in no significant environmental impact and that all involved agencies were notified of said opinion, and no written objection has been received;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that the applicable provisions of SEQRA have been complied with and that there shall be no significant impact on the environment as a result of the proposed action, and that no further processing under SEQRA is required.

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. (264-1987)

SEQRA COMPLIED WITH FOR  
SEWERAGE IMPROVEMENT  
PROJECT FOR OLD PHILLIPS  
HILL ROAD, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on April 22, 1986 the Director of the Department of Environmental Control was directed to act as agent for the Town Board with respect to a proposed project to improve and extend sewer service and has acted to complete the necessary State Environmental Quality Review Act (SEQRA) review of said proposal affecting sewer service in the vicinity of Old Phillips Hill Road, New City, and

WHEREAS, by letter dated February 24, 1987, the Director of Environmental Control has advised that his department acting as staff for the Town Board as lead agency has determined that the project referred to herein shall result in no significant

Continued on Next Page

ABE740

RESOLUTION NO. (264-1987) Continued

environmental impact and that all involved agencies were notified of said opinion and no written objection has been received;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby determines that the applicable provisions of SEQRA have been complied with and that there shall be no significant impact on the environment as a result of the proposed action and that no further processing under SEQRA is required.

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. (265-1987)

SEQRA COMPLIED WITH FOR  
HARRISON AVENUE, CONGERS,  
ROAD IMPROVEMENT

Co. Lettre offered the following resolution:

WHEREAS, by resolution duly adopted on February 10, 1987, the Director of the Department of Environmental Control was directed to act as agent for the Town Board with respect to a proposed project for road improvement and has acted to complete the necessary State Environmental Quality Review Act (SEQRA) review of said proposal affecting South Harrison Avenue, Congers, and

WHEREAS, by memo dated February 24, 1987, the Director of Environmental Control has advised that his department acting as staff for the Town Board as lead agency has determined that the road improvement project referred to herein shall result in no significant environmental impact and that all involved agencies were notified of said opinion and no written objection has been received;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby determines that the applicable provisions of SEQRA have been complied with and that there shall be no significant impact on the environment as a result of the proposed action and that no further processing under SEQRA is required.

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. (266-1987)

SETTING A PUBLIC HEARING ON  
THE PROPOSED ROAD  
IMPROVEMENT DISTRICT ON A  
PORTION OF SOUTH HARRISON  
AVENUE, CONGERS - APRIL 28,  
1987

RESOLUTION NO. (266-1987) Continued

Co. Carey offered the following resolution:

WHEREAS, on the Town's Own Motion, the Town Board wishes to consider establishing a road improvement project for an unimproved and undedicated portion of South Harrison Avenue, Congers, New York, hereinafter described by the widening of pavement beginning at or about tax parcel known as Map 125, Block B, Lot 15.14 north to include tax parcel known as Map 125, Block B, Lot 38.01, for a road frontage of approximately 901 feet, and

WHEREAS, the Director of the Department of Environmental Control has reported to the Town Board that the maximum amount proposed to be expended for the improvement is \$140,000.00, provided a twenty (20') foot wide travelway is planned, and it is

ORDERED, that the Town Board of the Town of Clarkstown, shall meet in the Auditorium at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of April, 1987 at 8:20 P. M., to consider said improvement and to hear all persons interested in the subject thereof, and it is

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

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

Seconded by Co. 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. (267-1987)

SEQRA COMPLIED WITH - NORTH FAIRVIEW AVENUE, NANUET, ROAD IMPROVEMENT

Co. Maloney offered the following resolution:

WHEREAS, by resolution adopted on December 18, 1986, the Director of the Department of Environmental Control was directed to act as agent for the Town Board with respect to a proposed project for road improvement and has acted to complete the necessary State Environmental Quality Review Act (SEQRA) review of said proposal affecting North Fairview Avenue, Nanuet, and

WHEREAS, by letter dated February 24, 1987, the Director of Environmental Control has advised that his department acting as staff for the Town Board has advised that his department has determined that the road improvement project referred to herein shall result in no significant environmental impact and that all involved agencies were notified of said opinion and no written objection has been received;

ABE740

RESOLUTION NO. (267-1987) Continued

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby determines that the applicable provisions of SEQRA have been complied with and that there shall be no significant impact on the environment as a result of the proposed action and that no further processing under SEQRA is required.

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. (268-1987)

ACCEPTING ROADS AND  
IMPROVEMENTS IN TOWN OF  
CLARKSTOWN (NARLAN  
DEVELOPMENT CORP.) - NEW  
HAVEN AVENUE

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of Environmental Control, and the Town Attorney of the Town of Clarkstown, deed from NARLAN DEVELOPMENT CORP. dated March 18, 1986, conveying road(s) and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "NARLAN DEVELOPMENT CORP." filed in the Rockland County Clerk's Office on June 5, 1986, in Book 105 at Page 62 as Map No. 5905 as follows:

NEW HAVEN AVENUE (Extension)      610 L.F.

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

FURTHER RESOLVED, that the agreement guaranteeing the road(s) and improvements for a period of one (1) year, with security posted by the developer in the amount of \$3,320.00 is hereby accepted, and be it

FURTHER RESOLVED, that the written guarantee with security posted by the developer in the sum of \$1,000.00 for the completion of certain items is hereby accepted.

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. (269-1987)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.

Continued on Next Page

RESOLUTION NO. (269 -1987) Continued      04-102680 (INSURANCE RECOVERIES) AND APPROPRIATION ACCOUNT NO. DA 5130-447 HIGHWAY-EQUIPMENT REPAIRS)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 04-102680 (Insurance Recoveries) and Appropriation Account No. DA 5130-447 (Highway-Equipment Repairs) in the amount of \$349.56.

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. (270-1987)      DECREASING APPROPRIATION ACCOUNT NO. A 8730-203 (ENVIRONMENTAL CONTROL-MOTOR VEHICLES) INCREASING APPROPRIATION ACCOUNT NO. A 1220-203 (SUPERVISOR-MOTOR VEHICLES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 8730-203 (Environmental Control-Motor Vehicles) and increase Appropriation Account No. A 1220-203 (Supervisor-Motor Vehicles) by \$4,271.

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. (271-1987)      SETTING PUBLIC HEARING ON ZONE CHANGE FROM AN RG-2 DISTRICT TO AN R-15 DISTRICT MAP 165, BLOCK A, LOTS 3.44 AND 3.45 - APRIL 28, 1987

Co. Lettre offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has recommended to the Town Board that the Zoning Ordinance of the Town be amended by redistricting property from an RG-2 district to an R-15 district, which property is designated on the Clarkstown Tax Map as: Map 165, Block A, Lots 3.44 and 3.45;

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the Town of Clarkstown that the proposal for a change of zone from an

Continued on Next Page

ABE740

RESOLUTION NO. (271-1987) Continued

RG-2 district to an R-15 district on property designated on the Clarkstown Town Map as: Map 165, Block A, Lots 3.44 and 3.45, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that such public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 28th day of April, 1987 at 8:15 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the application for a zone change shall be referred to the Rockland County Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, and to other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (272-1987)

AUTHORIZING SMITHY COURT,  
NEW CITY BE CHANGED TO  
CHESTNUT PARK COURT, NEW  
CITY

Co. Maloney offered the following resolution:

RESOLVED, that Smithy Court, New City be changed to Chestnut Park Court, New City, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a copy of this resolution to the Clarktown Planning Board and to those other agencies as required by Town Law.

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. (273-1987)

ACCEPTING MINUTES OF THE  
INFORMATION MEETING OF  
FEBRUARY 9, 1987 and TOWN  
BOARD MEETING OF FEBRUARY  
10, 1987

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the Information Meeting of February 9, 1987 and the regular Town Board meeting of February 10, 1987 are hereby accepted as submitted by the Town Clerk.

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. (274-1987)

AUTHORIZING TOWN ATTORNEY  
TO INSTITUTE PROCEEDING FOR  
REMOVAL OF VIOLATION ON  
PREMISES KNOWN AS MAP 124,  
BLOCK B, LOT 13 PURSUANT TO  
TOWN CODE, CHAPTER 79  
(STERNGASS)

Co. Maloney offered the following resolution:

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

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 124, BLOCK B, LOT 13, located at 67 Ridge Road, Valley Cottage, New York, reputedly owned by RUBIN STERNGASS and ROSE STERNGASS, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there are two unregistered vehicles on the premises, an accumulation of litter and debris, including but not limited to wood, tires, pipe fittings, plastic pipes, steel drums and cartons, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 124, BLOCK B, LOT 13, reputedly owned by RUBIN STERNGASS and ROSE STERNGASS, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice

ABE740

RESOLUTION NO. (274-1987) Continued

upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

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

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of April, 1987, at 8:25 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before April 1, 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. (275-1987)

AUTHORIZING THE TOWN  
ATTORNEY TO DEFEND AN  
ACTION AGAINST THE TOWN OF  
CLARKSTOWN RE: HENRY  
RENELLA AND MARY RENELLA

Co. Carey offered the following resolution:

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

HENRY RENELLA and MARY RENELLA

Plaintiffs,

-against-

CHARLES HOLBROOK, EDWARD LETTRE, ANN  
MARIE SMITH, WILLIAM J. CAREY and JOHN  
MALONEY, constituting the TOWN BOARD OF  
THE TOWN OF CLARKSTOWN and the TOWN OF  
CLARKSTOWN,

Defendants.

NOW, THEREFORE, be it

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

Continued on Next Page

RESOLUTION NO. (275-1987) Continued

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. (276-1987)

DIRECTING SUPT. OF HIGHWAYS  
TO INSTALL ONE HOUR PARKING  
SIGNS - MAIN STREET, NEW  
CITY AND MAPLE AVENUE, NEW  
CITY

Co. Maloney offered the following resolution:

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

One Hour Parking Signs - NYS Sign #P2-2

(a) Main Street, New City  
East side of Main Street from First Street north to Demarest Avenue

(b) Maple Avenue, New City  
East side of Maple Avenue from Third Street north to Demarest Avenue

West side of Maple Avenue from Demarest Avenue south to Third Street

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. (277-1987)

AUTHORIZING THE TOWN  
ATTORNEY TO ATTEND THE 1987  
LEGISLATIVE CONFERENCE IN  
ALBANY - MARCH 23 AND MARCH  
24, 1987 AND ALL CHARGES BE  
CHARGED AGAINST NO. A  
1010-414

Co. Carey offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to attend the 1987 Legislative Conference in Albany, New York, to be held on March 23 and March 24, 1987, and be it

FURTHER RESOLVED, that all proper charges be charged against Account No. A 1010-414.

Seconded by Co. Maloney

Continued on Next Page

ABE740

RESOLUTION NO. (277-1987) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (278-1987)

AUTHORIZING KARL GERLACH,  
DEPUTY SUPERINTENDENT OF  
HIGHWAYS, CHARLES BURGIO,  
HIGHWAY MAINTENANCE  
SUPERVISOR III AND GEORGE  
DRESCHER, HIGHWAY  
MAINTENANCE SUPERVISOR II  
TO ATTEND THE 27TH ANNUAL  
NORTH AMERICAN SNOW  
CONFERENCE ON APRIL 7-10,  
1987 AND ALL PROPER CHARGES  
BE CHARGED TO APPROPRIATION  
ACCOUNT NO. A 1010-41

Co. Maloney offered the following resolution:

RESOLVED, that Karl Gerlach, Deputy Superintendent of Highways, Charles Burgio, Highway Maintenance Supervisor III and George Drescher, Highway Maintenance Supervisor II, are hereby authorized to attend the 27th Annual North American Snow Conference, sponsored by the American Public Works Association, April 7-10, 1987, in Pittsburgh, Pennsylvania, and be it

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account No. A 1010-414.

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. (279-1987)

AUTHORIZING THE TOWN  
ATTORNEY AND DEPUTY TOWN  
ATTORNEY AND MEMBERS OF THE  
ZONING BOARD OF APPEALS TO  
ATTEND A SEMINAR IN WHITE  
PLAINS AND CHARGED TO  
ACCOUNT NO. A 1010-414

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney and Deputy Town Attorney and members of the Zoning Board of Appeals are hereby authorized to attend, on an availability basis, the Westchester County Bar Association luncheon/program, in cooperation with the Municipal Law Resource Center of Pace University, for a seminar entitled "Representing a Client Before the Zoning Board of Appeals," to be held on March 24, 1987, in White Plains, New York, at a cost of \$16.00 per person, and be it

FURTHER RESOLVED, that all proper charges be charged against Account No. A 1010-414.

RESOLUTION NO. (279-1987) Continued

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. (280-1987)

CONCURRING WITH NEW YORK  
STATE THRUWAY AUTHORITY'S  
REQUEST TO FILL IN VICINITY  
OF EXIT 12

Co. Lettre offered the following resolution:

WHEREAS, the New York State Thruway Authority will be letting a contract in April for the construction of a fourth lane in both the eastbound and westbound directions between Interchange II and the Tappan Zee Bridge, and

WHEREAS, it is the intent of the Thruway Authority to use the northwest quadrant of Interchange 12 as the prime spoil area for the excavated material, and

WHEREAS, the New York State Thruway Authority has requested that the Town of Clarkstown concur with this proposed course of action;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown approves the use of this area for the disposition of excavated material provided that the area to be filled is graded in accordance with Drawing Number D-5, dated February 6, 1987, covered with three inches of top soil, and appropriately landscaped and seeded; and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a copy of this resolution to the New York State Thruway Authority, and be it

FURTHER RESOLVED, that DEC permit be issued subject to the permission granted herein.

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

Supervisor Holbrook asked Les Bollman to explain where the site is specifically.

Mr. Bollman said that if you are going on the Thruway heading in a Westerly direction, you look to your right, you see where they started filling in and it was through the efforts of the Town that they were stopped by DEC because it was uncontrolled at that time. They were taking it from different places. DEC has said they are not going to give them a permit to take this soil from their fourth lane unless the Town of Clarkstown agrees. They have sent us a plan showing how they are going to grade it. They have

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RESOLUTION NO. (280-1987) Continued

also agreed to landscape. Mr. Bollman said it is going to be graded down and planted in the center and the ravine fully filled in.

Co. Lettre asked if they don't do as proposed what recourse will the Town have?

Mr. Bollman said we can always go back to DEC.

Co. Lettre asked if there would be any escrow and Mr. Bollman said no.

The Town Attorney said we can ask the DEC to make it a condition of the permit that they do what they said they are going to do.

Mr. Bollman said we can do that. The DEC said they requested that they get some kind of letter. I just thought it might be better to have a resolution so that the Town Board knew about it.

\*\*\*\*\*

RESOLUTION NO. (281-1987)

APPOINTING MARIANNE  
ANTOLINO TO THE POSITION OF  
TYPIST (TEMPORARY) -  
BUILDING DEPARTMENT

Co. Lettre offered the following resolution:

RESOLVED, that Marianne Antolino, 33 Amarillo Drive, Nanuet, New York, is hereby appointed to the position of Typist (Temporary) - Building Department - at the current 1987 hourly rate of \$6.00 per hour - effective and retroactive to February 17, 1987 - for a period not to exceed 30 days.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (282-1987)

APPOINTING MARIANNE  
ANTOLINO TO THE CONTINGENT  
PERMANENT APPOINTMENT OF  
TYPIST - BUILDING DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist CR-1 87-14, which contains the name of Marianne Antolino,

NOW, THEREFORE, be it

RESOLVED, that Marianne Antolino, 33 Amarillo Drive, Nanuet, New York, is hereby appointed to the Contingent Permanent position of Typist - Building Department - at the current 1987 annual salary of \$13,218.00, effective and retroactive to March 9, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (282-1987) Continued

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

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RESOLUTION NO. (283-1987)

APPOINTING CHRISTOPHER  
HURBAN SPECIAL STUDIES  
INTERN - COMPTROLLER'S

Co. Lettre Offered the following resolution:

RESOLVED, that Christopher Hurban, 20 Lawrence Street, Tappan, New York, 10983, is hereby appointed to serve in a training program as a Special Studies Intern - Comptroller's Office - without compensation - effective and retroactive to March 3, 1987.

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. (284-1987)

APPOINTING JOSEPH  
MCCLAFFERTY TO THE POSITION  
OF (TEMPORARY) CUSTODIAL  
WORKER

Co. Lettre offered the following resolution:

RESOLVED, that Joseph McClafferty, 46 Marion Street, Nyack, New York, is hereby appointed to the position of (Temporary) Custodial Worker - (Position encumbered by Angelo Puma) - Maintenance Department - at the current 1987 annual salary of \$13,788.00 - effective and retroactive to February 13, 1987.

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. (285-1987)

REAPPOINTING RALPH J.  
CONTENTO TO THE POSITION OF  
MEMBER - TRAFFIC & TRAFFIC  
FIRE SAFETY ADVISORY BOARD

Co. Lettre offered the following resolution:

RESOLVED, that Ralph J. Contento, 47 Beechwood Drive, Congers, New York, is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the annual 1987 salary of \$1,100.00, effective and retroactive to March 2, 1987 - with a term to expire on March 1, 1992.

Continued on Next Page

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RESOLUTION NO. (285-1987) Continued

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. (286-1987)

REAPPOINTING TO POSITION OF  
MEMBER - TRAFFIC AND  
TRAFFIC FIRE SAFETY  
ADVISORY BOARD (DAVID HOBBS)

Co. Lettre offered the following resolution:

RESOLVED, that David Hobbs, 21 Fernwood Drive, New City, New York, is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the annual 1987 salary of \$1,100.00, effective and retroactive to March 2, 1987 - with a term to expire on March 1, 1992.

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. (287-1987)

APPOINTING BRUCE HOEHN TO  
THE POSITION OF AUTOMOTIVE  
MECHANIC - TOWN GARAGE

Co. Lettre offered the following resolution:

RESOLVED, that Bruce Hoehn, 209 Sixth Avenue, Nyack, New York, is hereby appointed to the position of Automotive Mechanic - Town Garage - at the current 1987 annual salary of \$21,666.00 (Gr. 23 A-1), effective and retroactive to March 9, 1987.

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. (288-1987)

RESCINDING RESOLUTION NO.  
(116-1987) APPOINTING  
HAROLD W. MCCOY - BUS DRIVER

Co. Lettre offered the following resolution:

RESOLUTION NO. (288-1987) Continued

RESOLVED, that Resolution No. (116-1987) adopted at the Town Board Meeting of January 27, 1987 (appointing Harold W. McCoy - Temporary Bus Driver - Mini Trans Dept.) is hereby rescinded.

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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RESOLUTIN NO. (289-1987)

APPOINTING HAROLD W. MCCOY  
TO THE POSITION OF  
TEMPORARY BUS DRIVER RE:  
COVER LEAVE OF ABSENCE OF  
RAYMOND E. WOLICKI

Co. Lettre offered the following resolution:

RESOLVED, that Harold W. McCoy, 298 Old Haverstraw Rd., Congers, New York, is hereby appointed to the position of Temporary Bus Driver - Mini Trans Dept. - (to cover the Leave of Absence of Raymond E. Wolicki) - at the current 1987 annual salary of \$17,424.00 effective and retroactive to February 2, 1987.

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. (290-1987)

CREATING POSITION OF DATA  
ENTRY OPERATOR I  
(PART-TIME) - MINI TRANS

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 3, 1987, that the position of Data Entry Operator I (Part-Time - Temporary (6 Months) - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Data Entry Operator I (Part-Time) - Temporary (6 Months) - Mini Trans Department - is hereby created effective March 10, 1987.

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. (291-1987)

APPOINTING GEORGE KENT TO  
THE POSITION OF (TEMPORARY)  
PART-TIME DATA ENTRY  
TERMINAL OPERATOR #1 - MINI  
TRANS

Co. Lettre offered the following resolution:

RESOLVED, that George Kent, 26 Lake Road West, Congers,  
New York, is hereby appointed to the position of (Temporary)  
Part-Time - Data Entry Terminal Operator #1 - Mini-Trans Department  
- at the current 1987 hourly rate of \$7.46 - effective March 11,  
1987 - for a period not to exceed 6 months.

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.....Abstained

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RESOLUTION NO. (292-1987)

CREATING THE POSITION OF  
DEPUTY COMPTROLLER

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
certified that the position of Deputy Comptroller can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Deputy Comptroller is  
hereby created as of March 10, 1987.

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. (293-1987)

APPOINTING DOLORES F.  
LODICO TO THE POSITION OF  
DEPUTY COMPTROLLER

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board appoint Dolores F.  
Lodico, 2 Birch Lane, New City, New York to the position of Deputy  
Comptroller, effective immediatly, at the annual salary of \$2,500.

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. (294-1987)

APPOINTING GERALD BRICKWOOD  
TO THE POSITION OF  
ENVIRONMENTAL CONTROL  
SUPERVISOR (OPERATIONS)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #86334 - Environmental Control Supervisor (Operations), which contains the name of Gerald Brickwood,

NOW, THEREFORE, be it

RESOLVED, that Gerald Brickwood, 7 Frost Lane, Cornwall, New York, is hereby appointed to the position of Environmental Control Supervisor (Operations) - Department of Environmental Control - at the current 1987 annual salary of \$33,085., effective March 11, 1987.

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. (295-1987)

ACCEPTING GRANT OF  
GOVERNOR'S TRAFFIC SAFETY  
COMMITTEE

Co. Maloney offered the following resolution:

WHEREAS, the Governor's Traffic Safety Committee has approved a grant application by the Clarkstown Police Department in the sum of \$102,519.00, and

WHEREAS, the Clarkstown Police Commission, by resolution dated March 10, 1987, has unanimously recommended acceptance of said grant,

NOW, THEREFORE, be it resolved that the Town of Clarkstown hereby accepts said Traffic Safety Committee grant in the sum of \$102,519.00, and the Supervisor is hereby authorized to execute the necessary documents to effect said acceptance.

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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On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Buffer Areas) was opened, time: 8:55 P.M.

On motion of Council Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Buffer Areas) was closed, RESOLUTION ADOPTED, time: 9:15 P.M.

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RESOLUTION NO. (296-1987)

AMENDING THE ZONING  
ORDINANCE OF THE TOWN OF  
CLARKSTOWN, VARIOUS  
SECTIONS, BUFFER AREAS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 13th day of January, 1987, provided for a public hearing 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, 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:

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

"Buffer and/or buffer area: Area(s) on a lot usually within required yard areas, 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:

- 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."

Lot Depth: The horizontal distance measured from the mid-point of the front lot line to the mid-point along the rear lot line.

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

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RESOLUTION NO. (296-1987) Continued

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 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."

"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 building."

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

to read as follows: "Notwithstanding any

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RESOLUTION NO. (296-1987) Continued

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."

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.

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 non residential 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:

RESOLUTION NO. (296-1987) Continued

In the row beginning with LS (Group PF):

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 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."

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)

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RESOLUTION NO. (296-1987) Continued

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 to  
"No parking, loading, or storage shall be provided within 30 ft. of any residential district." "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:

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 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.  
(See Notes 4 & 6)

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

RESOLUTION NO. (296-1987) Continued

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 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)

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RESOLUTION NO. (296-1987) Continued

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.

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..."

Amend Section 106-2. Exceptions as follows:

Add New letter G:

"Buffer Areas: when buildings were constructed prior to the effective date of this sub-section, or sites have been granted preliminary approval or applications pending before the Board of Appeals as of March 10, 1987 prior to that date, and the subsequent provision of required buffer areas is not practical in the determination of the Planning Board, the Planning Board may, at its discretion, modify the buffer area requirements to an extent not to exceed fifty (50%) percent, and/or may allow required buffer areas to be placed on other locations on a site.

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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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance (Nonconforming Bulk) was opened, time: 9:16 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance (Nonconforming Bulk) was closed, RESOLUTION ADOPTED, time: 9:40 P.M.

RESOLUTION NO. (297-1987)

AMENDING ZONING  
ORDINANCE OF TOWN OF  
CLARKSTOWN RE :  
NONCONFORMING BULK

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 13th day of January, 1987, provided for a public hearing 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, 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 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."

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RESOLUTION NO. (297-1987) Continued

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."

Seconded by Co. Carey

On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard the Town Board Meeting was declared closed, time: 9:40 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

171

Town Hall

3/10/87

8:55 P.M.

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

RE: AMEND ZONING ORDINANCE (BUFFER AREA)

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing.

The Town Attorney testified as to proper posting and publication. The Town Attorney said the initiating recommendations for this matter was by memo of December 22, 1986 from the Town of Clarkstown Planning Board which voted the recommendations. They had considered it as a result of recommendations made to the Planning Board by the Town's Planning Consultants RPPW. and since the Public Hearing was set certain recommendations were gathered by RPPW Inc. and as a result of those recommendations certain changes were suggested by memo dated February 26, 1987 and then by a further memo dated March 4, 1987. The Town Attorney's Office was advised that none of the proposed changes would affect such a change that would require republication. Mr. Bruckno was here on behalf of the Town Board to advise regarding the substance of this proposal and how the buffer zones would be changed if the resolution adopting the change goes through.

Mr. Bruckno explained that the proposed ordinance would address the setbacks of landscaping. The buffer areas are intended to be drawn around the perimeter of non-residential developments and it is intended to be part of the yard setback.

Councilman Maloney asked if there are any provisions for grandfathering in for applicants who are at preliminary or final applications before the ZBA.

Mr. Bruckno said yes. In the case where a building has been constructed or received preliminary approval, the Planning Board would have the option of adjusting in those cases.

Supervisor Holbrook asked if there was anyone from the Public wishing to make a comment.

Appearance: Henry Horowitz  
New City

Mr. Horowitz said he thought the planning consultants exercised 80% of excellent judgement if they adopted eight out of the ten comments that were made. The buffer has to be 50% of the lot provided rather than the usual of 15% or 20% of the lot required. When they talk about front yard, they talk about required front yard and if you make a condition on what is provided than what is required, the obvious thing is there is no inducement for a builder to set his structure back further. I have had the same problem with sideyards. We've called for 15% buffer. I wouldn't really object if you called for 25 or even 30% buffer. I do object to having it based on the width of the lot that is provided rather than the width of the lot that is required. That also relates to further accumulative buffer. If someone has put up loading docks and so on, you don't have to put up a buffer on that side. They do say that you will then add the buffer on the side that you don't have to have one, to the buffer on the other side. In other words you are doubling up the buffer requirement on the opposite side. He said the primary thing he is concerned with is the saving clause. Originally there was no saving clause. We raised the saving clause relative to the Planning Board which is included. More importantly, the saving clause are those items before the Board of Appeals. Depending on what goes on tonight, I will have to amend the variances I am requesting because of this catchingness in the middle but that does not solve the problem. The Planning Board has

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recommended to the Board of Appeals and they have not recommended on the law which you are adopting tonight. What it does is after four months of waiting will now require that that waiting process start over again.

The Supervisor said he did not think it takes four months to get to the Board of Appeals.

Mr. Horowitz said to check the date that an application is submitted and check the date that the hearing is held and you will see that it is four months. He said he was asking that as far as the Board of Appeals is concerned if you have a saving now with the Planning Board that that saving clause be extended in any item which has been submitted. He said that when he is through with the Board of Appeals, he has to start with the Planning Board and we are going to have to repeat an entire process over again.

Councilwoman Smith asked Mr. Yacyshyn to address the first two points that Mr. Horowitz brought up in the wording of "provided" versus "required".

Mr. Yacyshyn said that the intent was that the larger lots that might be affected so in that sense we felt that a greater effort would be given to buffering these areas than there would be if we went to smaller lots.

Supervisor asked if Mr. Yacyshyn agreed with the language.

Mr. Yacyshyn said yes. He doesn't see any reason to change it. Mr. Horowitz, however, has brought up very good points and perhaps we can restudy it on that basis to see if the impact itself would be greater than we had anticipated as he indicated might be the case but that wasn't our intent.

Co. Maloney asked how about the saving clause that now applies to the Planning Board being also applied to those applications before the ZBA.

Mr. Yacyshyn said that we should be consistent in whatever actions that are taken before any board in this Town. I would see that given the advice of counsel perhaps that should be incorporative as well. We cannot afford to be inconsistent and bring to bear on applicants a situation where they would have to start all over again. That would not make any sense. Quite frankly perhaps we did not address that issue until Mr. Horowitz raised it.

Supervisor asked Mr. Costa if the Town Board were to entertain that suggestion would that be a substantive change added as a part of this.

Mr. Costa said that the version that is published is not the version that is before the Board tonight. It was changed slightly. When I saw the changes come through, I asked the Planning Consultants if they thought they were significant enough to warrant republication. I had my doubts at the time but I was not involved in the drafting of this nor did I know that much about the substance of it. It's very technical. They told me in their opinion it wasn't that substantial a change and I certainly deferred to them so that the version before the Town Board tonight could go forward and adopt it but every little change that you make is cumulative and I have to say that you make a few more changes and it gets to be a close call and maybe one that would be resolved against the Town in the event of a challenge. I would also like to note and that was the reason I was checking with the Town Clerk and Mr. Bruckno, I do not have in my file any return from the Rockland County Planning Board and I know that when the resolution was adopted in January this was sent to them and I don't see any report from them. The Rockland County Planning Board has recently been giving us opinions

that this is for local determination and they probably would do the same on this but we don't have that and so I'm suggesting that the Board be cautious about this.

Mr. Yacyshyn said that he concurs with Mr. Costa's remarks that cumulatively it would create a situation.

Mr. Carey said are you saying that we would have to readvertise then?

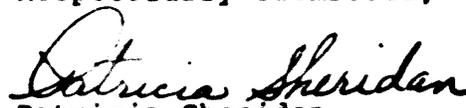
Supervisor Holbrook said maybe we could adopt with a modification of the zoning board thing and adopt it the way it is.

Councilwoman Smith asked if after it is adopted, could we go on to consider the points Mr. Horowitz made?

Mr. Horowitz said the amendments are in fact insignificant. The most major admendment was the saving cause. You express surprise when the item being heard before you tonight will take one month to come back after we advertise. Why would you be so shocked when I say four months before the Board of Appeals?

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:15 P.M.

Respectfully submitted,

  
Patricia Sheridan  
Town Clerk

Resolution No. (296-1987) ADOPTED

ABE740

TOWN OF CLARKSTOWN  
PUBLIC HEARING

175

Town Hall

3/10/87

9:16 P.M.

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

RE: AMEND ZONING ORDINANCE (NONCONFORMING BULK)

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

Town Clerk read notice calling Public Hearing and Town and Town Attorney testified as to proper posting and publication. The Town Attorney said he did not have the memo back from the Rockland County Planning Board although the resolution provided for it to be referred there. This was a proposal on the Town Boards own motion to amend sections in the zoning ordinance dealing with nonconforming use and nonconforming bulk to clarify what an enlargement or extension of the nonconforming bulk involves and also to combine nonconforming use and nonconforming bulk situations with respect to the destruction by casualty loss properties that were nonconforming regarding whether they could be rebuilt or not rebuilt.

Co. Lettre asked if a building is on a lot which is nonconforming and it burns down, can they move the structure on that lot?

The Town Attorney said in the event that there was a casualty loss of a building which was on a lot containing nonconforming bulk. If more than 50% of the real value of the premises was destroyed, the building could be restored providing it conformed to the bulk when applicable. If it was then 50% it could be restored to its former nonconforming status.

Co. Lettre asked what the logic is in that?

Supervisor said one of the major things is that in the second paragraph where they talk about the extensions of the nonconforming bulk, is what you have you can have, but it cannot be extended.

Co. Lettre asked if the building had to be put on the same foundation?

Supervisor said it can be put on the same foundation but you cannot extend the degree of nonconformity.

Co. Lettre said some of these older lots where they're nonconforming and they burn down, can you rebuild it on another location on the property which would be more suitable?

Supervisor said you would not be able to extend the house further, you could build what was there.

The Town Attorney said he received something on the recommendation from the Rockland County Planning Board. It did in fact come in on both public hearings this one and the buffer requirements and it indicates approval on both. The Town Attorney read the proposed law and said it gives you a right to rebuild within twelve months but not under any other circumstance and this has to be a casualty loss. He said that the second section - the first one that we read, would allow reconstruction if it's done within a twelve month period. He said the first section that we are changing creates that as an exception. Otherwise the building would have to conform to the zoning ordinance if it is rebuilt. If someone voluntarily takes down a building that is nonconforming with respect to bulk they have to put it back in the situation where it would be conforming because that's not a casualty loss.

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Appearance: John Lodico  
New City

He said he could not imagine anyone wanting to deprive a person of their property values. It would be just as simple to say if you lose a portion of your property or whatever the case may be you can rebuild it on existing lines without saying if you had more than a 50% loss you no longer can build it.

The Town Attorney explained the law and said if the building is damaged by more than 50%, you can reconstruct it right where it was under that exception.

Co. Lettre asked if someone has a structure that is old and falling down wouldn't it be better off even if it's nonconforming to allow the structure to be rebuilt under modern architecture as long as it's on the same foundation? He said there is a nonconformity that doesn't enlarge.

Supervisor asked if you took it down yourself, could you rebuild on the same foundation?

The Town Attorney said that has created the issue as to whether or not when you establish a set back line under a zoning ordinance and you say buildings under this zoning ordinance should be set back 40 feet from the street and it happens to be in an area where you have nonconforming buildings that are only twenty foot back from the street. A person takes down one of those buildings to the ground. It's a policy decision on the part of the Town Board. Do you want your zoning ordinance to allow the new building to be built within twenty feet of the street line or do you want the new building to be set back to what the zoning ordinance provides.

Co. Lettre said if you have a situation where the building can conform to zoning, I think it should. Your discouraging people from taking down old buildings and replacing them with new ones.

Supervisor asked if the William Street building would be an example of this?

Co. Lettre said if the William Street building was taken down and was built with the same square footage on the same foundation, no one would have taken exception to it but according to what we have here, you can't do that.

The Town Attorney said this does not prohibit alteration, maintenance or repair of a structure. If a structure is in danger of collapse and they want to repair it, they don't have to move it or make it conforming. This only requires conformity when the building is voluntarily taken down and then you have to conform to what the site requires or in the event you wanted to enlarge the building. Under this proposed amendment any enlargement would have to go within an area on the site that would be conforming as to side yard, rear yard and front yard.

The Town Attorney said the example that this would effect is the building on Third Street. A one family resident in a now commercial zone was removed. The set back in the commercial zone required the building to go a little further back than the house was set. To have done that there would have been a loss of parking space in the rear of the building and that would have limited the size of the building that could be put up. Under the current zoning ordinance a new office type structure was built along the same line as the residential set back which is closer than the zone would permit. Now this would change that and its really a policy decision on the part of the Town Board whether the Board wants a zoning ordinance to allow that line to be established by the nonconforming buildings or to encourage the buildings to conform.

Appearance: Rudy Yacyshyn

Mr. Yacyshyn said isn't it really an issue of trying to bring into conformity the older structures that Mr. Lettre speaks of and if there be an exception let that in fact be governed on its merits before the Zoning Board of Appeals. Mr. Yacyshyn said he supported this particular amendment and he felt that whatever exceptions there may be should be addressed on an individual basis.

Appearance: John Lodico

Mr. Lodico said he concurred with Co. Lettre if you build on the same lines of the same foundation as long as it doesn't extend larger than the existing square foot itself.

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

Appearance: Martin Bernstein  
New City

Mr. Bernstein said he supports the ammendment to the zoning ordinance because it provides an opportunity for in time to bring nonconforming uses into conforming uses. You allow people to keep the thing going forever. You can try to bring things up to what it should be rather what they were years ago which may not have been the best thing.

There was further dialogue regarding the discussion of the resolution.

There being no one wishing to be heard, on motion of Councilwoman Smith, seconded by Coucilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:40 P.M.

Respectfully submitted,  
*Patricia Sheridan*

PATRICIA SHERIDAN  
Town Clerk

RESOLUTION NO. (297-1987) ADOPTED (NOT UNANIMOUSLY)

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