

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/28/87

8:00 P.M.

Present: Supervisor Holbrook
Council Members Carey, Maloney, Smith
Councilman Lettre arrived 8:10 P.M.
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor declared Public Portion of the meeting open
and asked if there was anyone wishing to speak.

No one appeared.

RESOLUTION NO. (448-1987)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES
RE STREET LIGHTING AT
BROOKWOOD RISE, NEW CITY
AND WEST SLOPE STREET,
VALLEY COTTAGE

ABE740

Co. Carey offered the following resolution:

RESOLVED, based upon the recommendation of Kurian L. Kalarickal, Deputy Director, Department of Environmental Control, the following street lighting be installed to improve traffic and pedestrian safety, and be it

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

(A) Brookwood Rise, New City

Install: 1 - 5800 lumens sodium vapor street light on laminated wood poles.

Increase to the Town \$115.08 plus E.F.C.

Annual charges (\$115.08 per unit x 1 unit = \$115.08)

(B) West Slope Street, Valley Cottage

2 - 5800 lumens sodium vapor street lights on laminated wood poles.

Increase to the Town \$230.16 plus E.F.C.

Annual charges (\$115.08 per unit x 2 units + \$230.16)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (449-1987)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF APRIL 7,
1987 AS SUBMITTED BY TOWN
CLERK

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (449-1987) Continued

RESOLVED, that the Minutes of the regular Town Board meeting of April 7, 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 Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (450-1987)

SETTING PUBLIC HEARING AND
REFERRING TO THE TOWN AND
COUNTY PLANNING BOARDS
SPECIAL PERMIT TO CONDUCT
LANDFILL OPERATION (J.
OWENS BUILDING COMPANY)

Co. Maloney offered the following resolution:

WHEREAS, J. OWENS BUILDING COMPANY, as property owner has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation for property located to the north of Route 59 and east side of Sickletown Road, West Nyack, New York, designated on the Clarkstown Tax Map as Map 71, Block A, Lot 5, pursuant to Chapter 106-10A, Table 14, Column 3, Item B-3 of the Zoning Ordinance of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 9th day of June, 1987 at 8:10 P.M., to consider the application of J. OWENS BUILDING COMPANY, relative to said Special Permit, 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 Journal News, the official newspaper of the Town of Clarkstown as aforesaid, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that this application be referred to the Clarkstown Planning Board pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law for study and report, and the following agencies for comment or study and report on or before May 4, 1987:

1. Department of Environmental Control of the Town of Clarkstown.
2. Department of Environmental Conservation
3. Building Inspector of the Town of Clarkstown
4. Rockland County Soil Conservation
5. Rockland County Drainage Agency
6. Rockland County Health Department
7. Clarkstown Shade Tree Commission

and be it

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

RESOLUTION NO. (450-1987) Continued

directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that on or before the date set for the public hearing, the applicant file written proof with the Town Clerk that the person signing the petition has been authorized to make the application on behalf of the property owner.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE740

RESOLUTION NO. (451-1987)

AUTHORIZING ATTENDANCE AT
NEW YORK STATEWIDE TRANSIT
CONFERENCE (JOSEPH LEWIS)
CHARGE TO ACCOUNT NO. A
5630-414

Co. Smith offered the following resolution:

RESOLVED, that Joseph Lewis, Transit Operations Supervisor of the Town of Clarkstown, is hereby authorized to attend New York Statewide Transit Conference, Lake Placid, New York June 3-5, 1987, and be it

FURTHER RESOLVED, that all proper charges, not exceeding \$450.00 be charged against 5630-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (452-1987)

DECREASING APPROPRIATION
ACCOUNT A 4210-114
(PART-TIME SALARIES) AND
INCREASING APPROPRIATION
ACCOUNT A 4210-409 (FEES
FOR SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 4210-114 (Part-Time Salaries) and increase Appropriation Account A 4210-409 (Fees for Services) by \$7200.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (453-1987)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002665 (SALE OF
EQUIPMENT) AND
APPROPRIATION ACCOUNT NO. A
3120-203 (POLICE-MOTOR
VEHICLES)

Co. Maloney offered the following resolution:

RESOLVED, to increae Estimated Revenue Account No.
01-002665 (Sale of Equipment) and Appropriation Account No. A
3120-203 (Police-Motor Vehicles) by \$8,838.96.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (454-1987)

AUTHORIZING RENEWAL OF
AGREEMENT WITH NEW YORK
STATE THRUWAY AUTHORITY FOR
USE OF CLARKSTOWN SANITARY
LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the New York State Thruway Authority has an
agreement with the Town which provides for use of the Clarkstown
Sanitary Landfill for the period beginning May 17, 1986 and ending
on May 16, 1987, and

WHEREAS, the Town Board is willing to renew said
agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on
behalf of the Town of Clarkstown, to enter into an agreement with
the New York State Thruway Authority to provide for the use of the
Clarkstown Sanitary Landfill for a one year period commencing May
17, 1987 and terminating on May 16, 1988, upon payment of the sum of
not less than \$5,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (455-1987)

ACCEPTING PERFORMANCE
AGREEMENTS FOR KINGSGATE,
SECTIONS "D", "E-1", AND
"E-2"

Co. Carey offered the following resolution:

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RESOLUTION NO. (455-1987) Continued

WHEREAS, a Performance Agreement to implement the security provisions of Town Board Resolution No. 651/1986 authorizing the creation of Open Development Area for Sections "D", "E-1" and "E-2" of the condominium development known as "Kingsgate" has been tendered by the developers, and

WHEREAS, the Town Attorney recommends the acceptance of said agreements;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and hereby is authorized to accept the aforesaid Performance Agreements on behalf of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (456-1987)

SCHEDULING STUDENT
GOVERNMENT DAY FOR APRIL
30, 1987

Co. Maloney offered the following resolution:

RESOLVED, that Student Government Day is hereby scheduled for Thursday, April 30, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (457-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(KUBRAN AND LYNN V. MEMBERS
OF ZONING BOARD OF APPEALS
AND THE ZONING BOARD OF
APPEALS)

Co. Carey offered the following resolution:

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

JOHN P. KUBRAN and JANET C. KUBRAN, his
wife, and JOHN LYNN,

Petitioners,

-against-

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ABE740

RESOLUTION NO. (457-1987) Continued

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

Respondents,

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (458-1987)

CANCELLING TOWN BOARD WORKSHOP MEETING OF MAY 6, 1987 AND SCHEDULING SPECIAL TOWN BOARD MEETINGS FOR MAY 5, 1987 AND MAY 14, 1987

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board Workshop Meeting of May 6th be cancelled, and be it

FURTHER RESOLVED, a special Town Board Meeting shall be scheduled for Tuesday, May 5, 1987 and for Thursday, May 14, 1987 at 8:00 P.M.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (459-1987)

AUTHORIZING ATTENDANCE AT WORKSHOP "MANAGING MULTIPLE PRIORITIES" (SUSAN STEVENSON - ASSESSOR'S OFFICE) - CHARGE TO ACCOUNT NO.A1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Susan Stevenson, Assessing Clerk, Assessor's Office is hereby authorized to attend a workshop on "Managing Multiple Priorities" on June 18, 1987 at the Holiday Inn in Suffern, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$100.00 be charged against 1010-414.

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RESOLUTION NO. (459-1987) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (460-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING - SCHOOL DAYS FROM
8:00 A.M. TO 4:00 P.M." -
WEST SIDE SOUTH GRANT FROM
NEW CITY LAKE ROAD TO
WALDBERG AVENUE, CONGERS

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 - School Days from 8:00 A.M.
to 4:00 P.M.". These signs to be erected on the west
side of South Grant from New City Lake Road to Waldberg
Avenue, Congers.

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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (461-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGN INVERNESS DRIVE AT
DORAL COURT, NEW CITY

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:

A Stop sign Inverness Drive at Doral
Court, New City, New York

and be it

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

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ABE740

RESOLUTION NO. (461-1987) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (462-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO STANDING" SIGN EAST SIDE OLD HAVERSTRAW ROAD IN FRONT OF CONGERS POST OFFICE

Co. Smith offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated January 28, 1987 recommended the installation of a "No Standing" prohibition in front of the Congers Post Office, Old Haverstraw Road, Congers,

NOW, THEREFORE, be it

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

"No Standing (Pl-5C) - east side Old Haverstraw Road in front of Congers Post Office.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (463-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STATE LAW/DO NOT BLOCK SIDE ROAD" SIGN W/B THIRD STREET, EAST OF TUCKER AVENUE

Co. Smith offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated April 22, 1987 recommended the installation of a "State Law/Do Not Block Side Road" sign on Third Street, New City to improve traffic safety conditions at Third Street and Tucker Avenue,

NOW, THEREFORE, be it

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

"State Law/Do Not Block Side Road" (R9-4C)

w/b Third Street, just east of Tucker Avenue.

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RESOLUTION NO. (463-1987) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

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

At this time (8:10 P.M.) Councilman Lettre arrived.

RESOLUTION NO. (464-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #51-1987
(HELICALLY CORRUGATED
ALUMINUM CULVERT PIPE)

Co. Carey offered the following resolution:

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

BID #51-1987
HELICALLY CORRUGATED ALUMINIUM
CULVERT PIPE

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, May
19, 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. 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. (465-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #52-1987
(RIVETED CORRUGATED
ALUMINIUM CULVERT PIPE)

Co. Carey offered the following resolution:

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

BID #52-1987
RIVETED CORRUGATED ALUMINUM
CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:15 A.M. on Tuesday, May

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RESOLUTION NO. (465-1987) Continued

19, 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. 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. (466-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #53-1987
(HELICALLY CORRUGATED STEEL
CULVERT PIPE)

Co. Carey offered the following resolution:

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

BID #53-1987
HELICALLY CORRUGATED STEEL
CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: Wednesday, May 20, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (467-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #54-1987
(RIVETED CORRUGATED STEEL
CULVERT PIPE)

Co. Carey offered the following resolution:

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

BID #54-1987
RIVETED CORRUGATED STEEL
CULVERT PIPE

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RESOLUTION NO. (467-1987) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:15 A.M. on Wednesday, May 20, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (468-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #55-1987 (ALUMINIZED STEEL TYPE 2 CULVERT PIPE)

Co. Carey offered the following resolution:

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

BID #55-1987
ALUMINIZED STEEL TYPE 2
CULVERT PIPE

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, May 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 Clarkstown Director of Purchasing.

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. (469-1987)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #56-1987 (CAST IRON CURB INLETS, CATCH BASINS, FRAMES AND GRATES)

Co. Carey offered the following resolution:

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

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ABE740

RESOLUTION NO. (469-1987) Continued

BID #56-1987
CAST IRON CURB INLETS, CATCH BASINS
FRAMES AND GRATES

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, May 22, 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. 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. (470-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #32-1987
(ADDITIONS AND ALTERATIONS
TO COMMUNITY CENTERS AT
CENTRAL NYACK AND CONGERS
LAKE MEMORIAL PARK)

Co. Carey offered the following resolution:

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

BID #32-1987
ADDITIONS AND ALTERATIONS TO COMMUNITY CENTERS AT
CENTRAL NYACK AND CONGERS LAKE MEMORIAL PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York, by 2:00 P.M. on Wednesday, June 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. 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. (471-1987)

AMENDING RESOLUTION NO.
386-1987 RE SETTING DATE
FOR PUBLIC HEARING ON
SPECIAL PERMIT TO CONDUCT
LANDFILL OPERATION (LEDERLE
LABORATORIES)

RESOLUTION NO. (471-1987) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 386-1987 adopted by the Town Board on April 7, 1987 is hereby amended to change the date of the public hearing to be held in the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, from May 12, 1987 at 8:25 P.M. to May 5, 1987 at 8:00 P.M., and be it

FURTHER RESOLVED, that this resolution shall be retroactive to April 14, 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. (472-1987)

AMENDING RESOLUTION NO. 409
RE ZONE CHANGE PETITION OF
RALPH M. RICHART, M.D.

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 409-1987, adopted by the Town Board of the Town of Clarkstown on April 7, 1987, with respect to a zone change petition of Ralph M. Richart, M.D., is hereby amended to include property designated as Map 78, Block A, Lot 27, and be it

FURTHER RESOLVED, that this resolution is retroactive to April 16, 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. (473-1987)

AUTHORIZING SERVICES OF AN
ARCHITECT FOR REPORT AND
TESTIMONY FOR CHAPTER 31
PROCEEDING (JOY ACRES,
VALLEY COTTAGE - MAP 137,
BLOCK A, LOT 11)

Co. Carey offered the following resolution:

WHEREAS, by resolution dated March 24, 1987, the Town Board has commenced a proceeding pursuant to Chapter 31 of the Town Code against premises designated as Map 137, Block A, Lot 11, reported by the Building Inspector to constitute an unsafe, dangerous condition and a threat to the health, safety and welfare of the community, and

ABE740

RESOLUTION NO. (473-1987) Continued

WHEREAS, the Fire Inspector has requested that a licensed architect be retained for the purpose of investigating, reporting and giving testimony at the hearing described above;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to accept a proposal dated April 13, 1987, from Degenshein Denker, Architects and Planners, to provide services outlined therein with respect to the public hearing to be held on May 12, 1987, and be it

FURTHER RESOLVED, that the services of Degenshein, Denker may be retained for investigation of any further buildings located on said premises, and be it

FURTHER RESOLVED, that the appropriation pursuant to this resolution shall not exceed the sum of \$1,000.00. and shall be charged to Account No. A 1420-409.

Seconded by Co. Maloney

Before the roll call vote Councilman Lettre said he did not know what the monetary or legal aspect of this would be but we are aware that the entire parcel is a danger to the health, safety and welfare of the community and he would like to have an architect or someone licensed to check the entire premises to make sure that any and all buildings which may be a danger to the community could be included in a public hearing either this evening or at a later date.

Town Attorney said he had received a call from the architect today and he had concerns about another building located behind the subject structure. He was going to discuss that with the Fire Inspector. There may be a recommendation for a further procedure.

Councilman Lettre said if it meets with the Board's approval he would like to word this that, if in fact there are others, they would have the authority to be able to check those out.

Councilman Carey asked about the \$1,000.00 fee and Town Attorney said he was unsure right now about the amount for additional work but if it exceeds the amount he will be back to the board with a report

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. (474-1987)

ACCEPTING DEED FOR ROAD
WIDENING ALONG SECOND
AVENUE, SPRING VALLEY
(ROBESPIERRE AND MARIE
LOURDES SMITH)

Co. Maloney offered the following resolution:

RESOLVED, that deed dated December 1, 1986, between Robespierre Smith, Marie Lourdes Smith and the Town of Clarkstown

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RESOLUTION NO. (474-1987) Continued

for road widening purposes along Second Avenue, Spring Valley, New York, is hereby accepted upon the recommendation of the Department of Environmental Control and the Town Attorney and ordered recorded in the Rockland County Clerk's Office upon receipt of continuation report of clear title to date of recording.

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

ABE740

RESOLUTION NO. (475-1987)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1330-313
(RECEIVER OF TAXES - OFFICE
SUPPLIES AND PRINTING)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1330-313 (Receiver of Taxes - Office Supplies and Printing) by \$2,000.00.

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. (476-1987)

AUTHORIZING ATTENDANCE AT
FOURTEENTH ANNUAL
ACCOUNTING SHOW AND
CONFERENCE (LOUIS J.
PROFENNA) - CHARGE TO
ACCOUNT NO.A1010-414

Co. Maloney offered the following resolution:

WHEREAS, the fourteenth Annual Accounting Show and Conference will be held on May 18-20, 1987 at the Jacob K. Javits Convention Center in New York,

NOW, THEREFORE, be it

RESOLVED, that Louis J. Profenna, Comptroller, attend said conference and all necessary charges be charged to Appropriation Account No. A 1010-414.

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (476-1987) Continued

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

RESOLUTION NO. (477-1987)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 5650-419
(COMMUTER PARKING -
MISCELLANEOUS SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 5650-419 (Commuter Parking - Misc. Services) by \$625.00.

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. (478-1987)

REDUCING APPROPRIATION
ACCOUNT NO. DA 5130-312
(HIGHWAY-AUTO MAINTENANCE
SUPPLIES) AND INCREASING
APPROPRIATION ACCOUNT
NUMBERS (DA 5142-111, DA
5142-301 AND DA 5142-386)

Co. Maloney offered the following resolution:

RESOLVED, to reduce Appropriation Account No. DA 5130-312 (Highway-Auto Maintenance Supplies) by \$8,119.00 and increase the following Appropriation Account Numbers:

DA 5142-111 (Highway-Overtime).....\$ 31
DA 5142-301 (Food).....4,004
DA 5142-386 (Salt, Calcium Chloride).....4,084

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. (479-1987)

AUTHORIZING GRANT OF
UTILITY EASEMENT TO ORANGE
& ROCKLAND UTILITIES, INC.
(GERMONDS PARK IMPROVEMENT
PROJECT)

Co. Maloney offered the following resolution:

WHEREAS, it is necessary for the completion of a project known as "Germonds Park Improvement Project" to provide Orange and Rockland Utilities with an agreement for service and a utility easement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney and to provide Orange and Rockland Utilities with a utility easement as described and necessary for the completion of the Germonds Park Improvement Project.

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. (480-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
EQUITABLE LIFE INSURANCE
COMPANY FOR DEFERRED
COMPENSATION PLAN

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has determined to provide employees with a Deferred Compensation Plan in accordance with New York State enabling legislation, and

WHEREAS, the Equitable Life Insurance Company has been selected to administer an approved plan in accordance with bid proposals:

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form acceptable to the Town Attorney to provide that the Town of Clarkstown Employees Deferred Compensation Plan shall be administered by Equitable Life Insurance Company for a period not to exceed three years.

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

ABE740

RESOLUTION NO. (481-1987)

SCHEDULING TOWN BOARD
WORKSHOP AND REGULAR TOWN
BOARD MEETINGS FOR JULY AND
AUGUST OF 1987

Co. Maloney offered the following resolution:

RESOLVED, the Town Board Workshop meeting for July shall be scheduled for July 23, 1987 and the Town Board meetings shall be scheduled for July 14 and 28, 1987, and be it

FURTHER RESOLVED, that the Town Board Workshop meeting for the month of August shall be scheduled for August 6, 1987 and the regular Town Board meeting shall be scheduled for August 11, 1987.

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. (482-1987)

AWARDING BID FOR BID
#43-1987 - REFUSE PICK-UP
SERVICE (PAT NAZZARO
DISPOSAL, INC.)

Co. Maloney offered the following resolution:

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

BID #43-1987
REFUSE PICK-UP SERVICE

is hereby awarded to

PAT NAZZARO DISPOSAL, INC.
P.O. BOX 481
VALLEY COTTAGE, N.Y. 10989

as per their attached proposal.

(Proposal on file in Town Clerk's Office.)

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (483-1987)

AWARDING BID FOR BID
#35-1987 - TWO (2) 1987
MODEL COMMERCIAL TYPE MINI
BUSES (QUALITY BUS SALES &
SERVICE INC.)

Continued on Next Page

RESOLUTION NO. (483-1987) Continued

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Supervisor of Mini Trans Operations and the Director of Purchasing that

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

is hereby awarded to

QUALITY BUS SALES & SERVICE INC.
200 RIVERSIDE AVENUE
HAVERSTRAW, NY 10927

as per their proposal cost of \$45,882. per bus.

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. (484-1987)

AWARDING BID FOR BID
#17-1987 - GERMONDS PARK
IMPROVEMENT PROJECT -
GENERAL CONSTRUCTION (EDWIN
HELMKE & CO., INC.) AND
PLUMBING (GEORGE T. RENART)
- ALLOCATED AGAINST CAPITAL
FUND ACCOUNT H-9710-09-409
AND H-9140-03-409

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Henry Horowitz, P.E. Consulting Engineer; Laurence Kohler, Director of Purchasing and Edward J. Ghiazza, Supt. of Recreation and Parks, that

BID #17-1987
for
GERMONDS PARK IMPROVEMENT PROJECT

is hereby awarded as follows:

GENERAL CONSTRUCTION - Edwin Helmke & Co., Inc., 264 Red Schoolhouse Road, Spring Valley, N.Y. 10977

Lump Sum Bid-----\$1,382,970.00

TOTAL CONTRACT - GENERAL CONSTRUCTION----- 1,382,970.00

PLUMBING - CONTRACT - George T. Renart, 411 Little Tor Road, New City, N.Y. 10956

Bid----- 25,900.60

TOTAL CONTRACT - PLUMBING----- 25,900.60

TOTAL AWARD: \$1,408,870.60

Continued on Next Page

ABE740

RESOLUTION NO. (484-1987) Continued

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Henry Horowitz, P.E., not to exceed \$1,548,871.00 to be allocated against Capital Fund Account H-9710-09-409 and H-9140-03-409.

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. (485-1987)

AWARDING BID FOR BID
#44-1987 - TRUCKS FOR
RECREATION & PARKS
DEPARTMENT (SCHULTZ FORD,
INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Director of Purchasing that:

BID #44-1987
TRUCKS FOR RECREATION & PARKS DEPARTMENT

is hereby awarded to

SCHULTZ FORD, INC.
80 ROUTE 304
NANUET, N.Y. 10954

as per their low bid proposal as follows:

- (1) 1987 FORD F350 4X4 PICK-UP TRUCK @ \$14,899.00
- (2) 1987 FORD F350 4X4 DUMP TRUCK @ \$18,864.00

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. (486-1987)

AWARDING BID FOR BID
#33-1987 - OFFICE FURNITURE
(PRIDE OFFICE FURNITURE;
BOUTON, INC.; GENERAL
OFFICE EQUIPMENT; STATS
CORPORATION; AND IRWIN KAHN
ASSOCIATE

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (486-1987) Continued

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

BID #33-1987
OFFICE FURNITURE

is hereby awarded to:

PRIDE OFFICE FURNITURE
49 South Main Street
Spring Valley, N.Y. 10977

BOUTON, INC.
Route 59
Spring Valley, N.Y. 10977

GENERAL OFFICE EQUIPMENT
381 Market Street
Saddle Brook, N.J. 07662

STATS CORPORATION
14 Celia Street
Suffern, N.Y. 10901

IRWIN KAHN ASSOCIATE
10 Esquire Road
New City, N.Y. 10956

as per the attached schedule of items and prices.

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

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (487-1987)

AUTHORIZING ATTENDANCE AT
SEMINAR FOR TAX COLLECTING
OFFICERS (MARIE GERONIMO)
-CHARGE TO ACCOUNT 1010-414

Co. Carey offered the following resolution:

RESOLVED, that Marie Geronimo, Receiver of Taxes, is hereby authorized to attend a Seminar for Tax Collecting Officers co-sponsored by the Association of Towns of the State of New York and New York State Association of Tax Receivers and Collectors on June 21 to June 24, 1987 at the Marriott, Albany, New York at a cost of \$79.00 daily for lodging plus travel, food and other necessary expenses, said amount to be charged to Account No. 1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

ABE740

RESOLUTION NO. (488-1987)

GRANTING PERMISSION TO HOLD
TURKEY SHOOT (NYACK LIONS
CLUB)

Co. Maloney offered the following resolution:

RESOLVED, that the Nyack Lions Club is granted permission to hold a Turkey Shoot at their site on 9W, Upper Nyack on September 12, 19 and 26 and October 3, 1987.

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. (489-1987)

ASSESSING COST OF CHAPTER
31 PROCEEDING - MAP 43,
BLOCK F, LOT 12 (KIGLER)

Co. Lettre offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated November 25, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 43, BLOCK F, Lot 12, which was the subject of a Chapter 31 (Unsafe Buildings) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted April 7, 1987, the record property owner(s) was required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

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

NOW, THEREFORE, be it

RESOLVED, that the Assessor and the Receiver of Taxes are hereby authorized and directed to levy the sum of \$215.00 against MAP 43, BLOCK F, LOT 12.

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. (490-1987)

ACCEPTING RESIGNATION OF
TYPIST - TOWN JUSTICE
DEPARTMENT (MAUREEN
ALBERTSON)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Maureen Albertson, 24 Lake Road, Valley Cottage, New York - Typist, Town Justice Department - is hereby accepted effective May 8, 1987.

Continued on Next Page

RESOLUTION NO. (490-1987) Continued

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. (491-1987)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(THOMAS P. MCKIERNAN)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Thomas P. McKiernan, Normandy Village, Bldg. 7-6, Nanuet, New York as Police Officer - Police Department - from Certification of Eligibles Police Officer #84200 - at the current 1987 annual salary of \$27,929.00, effective and retroactive to April 6, 1987.

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. (492-1987)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(RAYMOND F. MULLINS)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Raymond F. Mullins, 118 Birchwood Avenue, Upper Nyack, New York, as Police Officer - Police Department - from Certification of Eligibles Police Officer #84200 - at the current 1987 annual salary of \$27,929.00, effective and retroactive to April 6, 1987.

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. (493-1987)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(DANIEL M. WEISBERG)

ABE740

RESOLUTION NO. (493-1987) Continued

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Daniel M. Weisberg, 3 Waters View, New City, New York, as Police Officer - Police Department - from Certification of Eligibles, Police Officer #84200 - at the current 1987 annual salary of \$27,929.00, effective and retroactive to April 20, 1987.

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. (494-1987)

RECOGNIZING (PROVISIONAL)
APPOINTMENT BY POLICE
COMMISSION - DOG CONTROL
OFFICER - POLICE DEPARTMENT
(RENEE A. NELSON)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the (Provisional) appointment by the Police Commission of Renee A. Nelson, 769 Birchwood Court, Valley Cottage, New York, as Dog Control Officer - Police Department - at the current annual salary of \$16,361.00, effective and retroactive to April 20, 1987.

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. (495-1987)

APPOINTING TO POSITION OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (THOMAS R.
LETO)

CO. Lettre offered the following resolution:

RESOLVED, that Thomas R. Leto, 31 Tulip Drive, Garnerville, New York, is hereby appointed to the position of Part-Time Bus Driver - Mini Trans Department - at the current 1987 hourly rate of \$7.51 per hour, effective and retroactive to April 8, 1987.

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. (496-1987)

REAPPOINTING TO POSITION OF
MEMBER - FIRE BOARD OF
APPEALS (JOHN WEIGOLD)

Co. Lettre offered the following resolution:

RESOLVED, that John Weigold, 7 Aspen Lane, New City, New York - is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to March 12, 1987, and to expire on March 11, 1990.

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. (497-1987)

REAPPOINTING TO POSITION OF
MEMBER - FIRE BOARD OF
APPEALS (ARTHUR SMITH)

Co. Lettre offered the following resolution:

RESOLVED, that Arthur Smith, 31 Pondview Drive, Congers, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to March 12, 1987 and to expire on March 11, 1990.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (498-1987)

REAPPOINTING TO POSITION OF
MEMBER - CONSUMER AFFAIRS
COMMISSION (ROBERT I.
KONIAK)

Co. Lettre offered the following resolution:

RESOLVED, that Robert I. Koniak, 16 Ferndale Road, New City, New York is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective and retroactive to April 5, 1987 and to expire on April 4, 1990.

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

ABE740

RESOLUTION NO. (499-1987)

REAPPOINTING TO POSITION OF
MEMBER - CONSUMER AFFAIRS
COMMISSION (THEODORE VON
ZWEHL)

Co. Lettre offered the following resolution:

RESOLVED, that Theodore Von Zwehl, 13 Inwood Drive, Bardonia, New York, is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective and retroactive to April 16, 1987 and to expire on April 15, 1990.

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. (500-1987)

REAPPOINTING TO POSITION OF
MEMBER - CONSUMER AFFAIRS
COMMISSION (EILEEN
GOLDBLATT)

Co. Lettre offered the following resolution:

RESOLVED, that Eileen Goldblatt, 167 Sierra Vista Lane, Valley Cottage, New York, is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective and retroactive to April 25, 1987 and to expire on April 24, 1990.

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. (501-1987)

ACCEPTING RESIGNATION OF
DUMP ATTENDANT - SANITARY
LANDFILL (JOSEPH BENDIG)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Joseph Bendig, 27 Brewery Road, New City, New York - Dump Attendant - Sanitary Landfill - is hereby accepted - effective May 1, 1987.

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. (502-1987)

APPOINTING TO POSITION OF
ASSISTANT MAINTENANCE
MECHANIC - SEWER DEPARTMENT
(FRANK BRUNO)

Co. Lettre offered the following resolution:

RESOLVED, that Frank Bruno, 14 Pigeon Hill Road,
Nanuet, New York - is hereby appointed to the position of -
Assistant Maintenance Mechanic - Sewer Department - at the current
1987 annual salary of \$20,735.00, effective and retroactive to April
20, 1987.

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. (503-1987)

APPOINTING TO POSITION OF
ASSISTANT FIRE SAFETY
INSPECTOR - BUILDING
DEPARTMENT (ALEXANDER
MCDUGALL)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Assistant Fire Safety Inspector
#86336 which contains the name of Alexander McDougall,

NOW, THEREFORE, be it

RESOLVED, that Alexander McDougall, 66 Parker Avenue,
New City, New York, is hereby appointed to the position of Assistant
Fire Safety Inspector - Building Department - at the current 1987
annual salary of \$23,657.00, effective and retroactive to April 27,
1987.

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. (504-1987)

AUTHORIZING ATTENDANCE AT
ANNUAL SPRING CONFERENCE OF
NEW YORK STATE ASSOCIATION
OF MUNICIPAL PURCHASING
OFFICIALS (LAURENCE KOHLER)
- CHARGE TO ACCOUNT NO. A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing
is hereby authorized to attend the annual Spring Conference of the

Continued on Next Page

ABE740

RESOLUTION NO. (504-1987) Continued

New York State Association of Municipal Purchasing Officials in Saratoga Springs, New York from May 13-15, 1987, and be it

FURTHER RESOLVED, that all appropriate expenses be charged to 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

RESOLUTION NO. (505-1987)

AUTHORIZING OPEN
DEVELOPMENT AREA -TOWN LAW
280-a(4) - RIDGE NINE WEST
SUBDIVISION

Co. Maloney offered the following resolution:

WHEREAS, application has been made to the Planning Board of the Town of Clarkstown for development of the premises known and designated on the Clarkstown Tax Map as Map 129, Block A, Lot 42.09 to permit the construction of fee owned town houses with common areas under the control of a Homeowner's Association;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes "an open development area" for property situate in Congers, New York which is intended to be developed with town houses having access only by right-of-way which property is more specifically designated on the Clarkstown Tax Map as Map 129, Block A, Lot 42.09, (Lot 10 of Ridge Nine West Subdivision) which property may be developed as a result of application of Albert J. Orlando presently pending before the Clarkstown Planning Board, provided, however, prior to the issuance of any building permit the following conditions shall be met by the owner:

1. The "open development area" shall consist of the right-of-way and common areas as shown on a proposed subdivision map entitled "Subdivision of Lot No. 10 Ridge Nine West" Town of Clarkstown, Rockland County, New York, dated March 18, 1987, last revised April 23, 1987, drawn by Atzl & Scatassa Associates, P.C., New City, New York, as Project No. 1585 for which building permits or certificates of occupancy may be issued for no more than eighteen (18) town house units subject to obtaining final subdivision and site plan approval of the Clarkstown Planning Board, for which access to said dwellings is given by the private right-of-way from a proposed subdivision road as shown on said proposed subdivision plan and site plan.

2. The applicant shall obtain the review and approval of the proposed access, any required drainage improvements and the necessary sewer system from the Department of Environmental Control prior to final approval.

3. Applicant, prior to final approval, shall contribute monies for money-in-lieu-of-land in accordance with Subdivision Regulations.

Continued on Next Page

RESOLUTION NO. (505-1987) Continued

4. Prior to final approval, applicant shall provide evidence that subject premises is in a water district or applicant has petitioned the Town Board for the creation or extension of a water district.

5. Prior to final approval, applicant shall secure separate tax lot numbers for all dwelling units and open areas.

6. Prior to final approval, applicant shall secure in writing a statement from the Congers-Valley Cottage Ambulance Corps and the Fire District servicing the area that the proposed right-of-way will provide sufficient emergency access.

7. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenant which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following declaration and covenants:

A. That the property owner acknowledges that access to the nearest public road has been obtained by private easement or right-of-way and that the property owner shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road;

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein;

C. That the fee ownership of the common areas and right-of-way be in a Homeowners' Association duly formed with responsibility for property maintenance and landscaping of which all dwelling unit owners shall be required to participate;

D. That the Declaration shall contain provisions for regular maintenance, repair, snow plowing and other necessary services on the right-of-way and other common element areas by the Homeowners' Association, with a sharing of the cost of same on an equitable basis;

E. That the Certificate of Occupancy issued for any fee units within the site plan or subdivision boundaries shall be conditioned upon observance and subject to the Declaration of Covenants herein required;

F. That in the event the property owner at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owner or Board of Directors of the Homeowners' Association shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent thereto, and said owner shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the Homeowners' Association's interest or fee units in accordance with the provisions of Town Law.

8. That any site plan or subdivision map approved by the Planning Board shall contain a note referring to the resolution establishing the "open development area" by date and number, which site plan or map note shall also state that the issuance of building permits and certificates of occupancy are subject to compliance with the Declaration of Covenants herein required.

Continued on Next Page

ABE740

RESOLUTION NO. (505-1987) Continued

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. (506-1987)

AUTHORIZING ATTENDANCE AT
CONFERENCE SPONSORED BY
UNIVERSITY OF WISCONSIN
(DR. DAVID KRAUSHAAR) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Dr. David Kraushaar, Chairman of the
Clarkstown Zoning Board of Appeals, or his designee, is hereby
authorized to attend a Conference sponsored by the University of
Wisconsin on June 8 to June 10, 1987, at Grand Junction, Colorado,
at a cost of \$195.00 plus travel, lodging and other necessary
expenses, said amount to be charged to Account No. 1010-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (507-1987)

SETTING PUBLIC HEARING ON
PROPOSED AMENDMENTS TO
ZONING ORDINANCE OF TOWN OF
CLARKSTOWN (POST OFFICES)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264
of the Town Law be had at the Auditorium of the Town Hall, 10 Maple
Avenue, New City, New York, on the 14th day of May, 1987, at 8:10
P.M., to consider the adoption of the following proposed amendments
to the Zoning Ordinance of the Town of Clarkstown:

Amend Table 1, General Use Regulations, R-80 District;
Section 106-10A, Column 2, Item "6" from:

"6. Fire, police, ambulance stations and other similar
public safety buildings,"

RESOLUTION NO. (507-1987) Continued

to read as follows:

"6. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Amend Table 2, General Use Regulations, R-40 District; Section 106-10A, Column 2, Item "6" from:

"6. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"6. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Amend Table 3, General Use Regulations, R-22 District; Section 106-10A, Column 2, Item "6" from:

"6. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"6. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Amend Table 4, General Use Regulations, R-15 District; Section 106-10A, Column 2, Item "6" from:

"6. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"6. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Amend Table 5, General Use Regulations, R-10 District; Section 106-10A, Column 2, Item "6" from:

"6. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"6. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Amend Table 6, General Use Regulations, RG-1 District; Section 106-10A, Column 2, Item "5" from:

"5. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"5. U.S. Postal Service post office facilities; fire, police, ambulance stations and other similar public safety buildings."

Continued on Next Page

ABE740

RESOLUTION NO. (507-1987) Continued

Amend Table 7, General Use Regulations, RG-2 District;
Section 106-10A, Column 2, Item "5" from:

"5. Fire, police, ambulance stations and other similar public safety buildings,"

to read as follows:

"5. U.S. Postal Service post office facilities; fire police, ambulance stations and other similar public safety buildings."

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

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

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

Seconded by Co. 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. (508-1987)

TEMPORARY DISPOSAL OF TOWN
OF RAMAPO SOLID WASTE IN
CLARKSTOWN SANITARY LANDFILL

Co. Carey offered the following resolution:

WHEREAS, by Resolution Nos. 240 and 247 dated March 5, 1987, and March 10, 1987, respectively, the Town of Ramapo has been authorized to dispose of up to 110 bales per day of solid waste, weighing approximately one ton each, in the Clarkstown Sanitary Landfill for a tipping fee of \$14.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste, and

WHEREAS, the Town of Ramapo had been disposing the balance of its solid waste in another landfill which has recently been closed, and

WHEREAS, in the continued spirit of municipal cooperation, the Town Board of the Town of Clarkstown wishes to authorize the further disposal within the Clarkstown Sanitary Landfill of the balance of the solid waste presently being generated in the Town of Ramapo for a temporary period during which period Ramapo shall take all necessary steps to obtain authorization to dispose of the additional refuse referred to herein at the landfill recently closed to Ramapo or to another acceptable site;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (508-1987) Continued

RESOLVED, that Resolution Nos. 240 and 247 of 1987, except as herein modified, are confirmed, and be it

FURTHER RESOLVED, that Clarkstown Sanitary Landfill shall continue to receive Town of Ramapo solid waste at the rate of \$14.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste up to a total of 600 tons per week, Mondays through Saturdays, and in addition thereto any additional solid waste from the Town of Ramapo processed at the baling station shall be accepted but shall be charged at the rate of \$21.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste, and be it

FURTHER RESOLVED, that all solid waste materials disposed of in the Town of Clarkstown Sanitary Landfill are required to have originated from within the Town of Ramapo and that all provisions of law, including Chapter 63 of the Code of the Town of Clarkstown shall be complied with, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized and directed to deposit any additional revenues derived subject to and in accordance with the provisions of Resolution No. 247/1987, and be it

FURTHER RESOLVED, that the disposal of solid waste referred to herein shall be conditioned upon receipt of additional written or verbal authorization or waiver of the Town of Clarkstown Consent Order with the New York State Department of Environmental Conservation; and be it

FURTHER RESOLVED, that the authorization to accept Ramapo solid waste in excess of 600 tons per week shall cease automatically upon the reopening to Ramapo of the landfill formerly used by it or upon sixty (60) days written notice from the Supervisor of the Town of Clarkstown to the Supervisor of the Town of Ramapo, and be it further

RESOLVED, that this resolution be retroactive to April 15, 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

RESOLUTION NO. (509-1987)

GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SECTION 83-65 OF CODE OF TOWN OF CLARKSTOWN (W. HARRIS & SON, INC.) - CERTIFICATE NO. 87-14

Co. Lettre offered the following resolution:

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

W. HARRIS & SON, INC.
37 W. Washington Avenue
Pearl River, New York 10965

Continued on Next Page

ABE740

RESOLUTION NO. (509-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 87-14 issued to W. Harris & Son, Inc.

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

At this point Supervisor Holbrook asked if anyone was present from the DADDY organization. Deacon Farrell Hopkins responded.

Mr. Chuck Giardino of the Clarkstown School System thanked the Town Board for \$5,000.00 in grants for substance abuse prevention programs for the Town of Clarkstown residents. He said they are offering the grants and the applications can be obtained in Supervisor Holbrook's office and returned to Councilman John Maloney's office. The deadline date is June 1st. He said people could contact himself or John Maloney.

Mr. Giardino went on to state that this evening the DADDY program is receiving a \$250.00 check for the New City unit and a \$250.00 check for the West Nyack unit.

Deacon Hopkins said he would like to invite everyone to the DADDY VICTORY PRARADE on Sunday in New City from the Courthouse to St. Augustine's and then there will be an ecumenical service. He said they are saying that we have a problem and we are going to do something about it. He mentioned the awareness nights to be held in various areas and requested that the dads join.

Deacon Hopkins thanked the Town Board and again urged attendance at the parade on Sunday. Mr. Giardino then made the presentation of the checks to Deacon Hopkins.

Supervisor Holbrook then called upon James Nack, Jr. and presented him with a Certificate of Award from the Town of Clarkstown on his attainment of the rank of Eagle Scout. Supervisor mentioned the very vital roll which the Boy Scouts of America play in our community.

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change Redistricting Property from R-80 District to R-160 District - Vicinity of High Tor Road, New City, New York, was opened, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Zone Change Redistricting Property from R-80 District to R-160 District - Vicinity of High Tor Road, New City, New York, was closed, DECISION RESERVED, time: 9:20 P.M.

Councilman Maloney asked when a vote would be taken on this and Supervisor said he thought May 14th.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change from LIO District to R-15 District re: Airport Executive Park, was opened, time: 9:21 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change from LIO District to R-15 District re: Airport Executive Park, was closed, RESOLUTION ADOPTED, time: 9:33 P.M.

RESOLUTION NO. (510-1987)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
AIRPORT EXECUTIVE PARK -
CHANGE OF ZONE FROM LIO to
R-15

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 10th day of March, 1987, provided for a public hearing on the 28th day of April, 1987, at 8:10 P.M., to consider the application of AIRPORT EXECUTIVE PARK, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting property of the Petitioner from an LIO District to an R-15 District, which is designated on the Clarkstown Tax Map as Map 164, Block A, Lot 17.02 (part of) and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Kurian L. Kalarickal, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LIO District to an R-15 District, the property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 17.02 (part of), described on the attached "Schedule A", in the Hamlet of Spring Valley, New York, in said Town.

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

On motion of Councilman Carey seconded by Supervisor Holbrook and unanimously adopted the Public Hearing re: Zone Change - Tunnel By-Pass Road - RG-2 to R-15, was opened, time: 9:33 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Zone Change - Tunnel By-Pass Road - RG-2 to R-15, was closed, RESOLUTION ADOPTED, time: 9:38 P.M.

RESOLUTION NO. (511-1987)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN -
RG-2 TO R-15 (TUNNEL
BY-PASS ROAD)

ABE740

RESOLUTION NO. (511-1987) Continued

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 10th day of March, 1987, on its own motion, provided for a public hearing on the 28th day of April, 1987, at 8:15 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 165, Block A, Lots 3.44 and 3.45, from an RG-2 District to an R-15 District, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RG-2 District to an R-15 District, the property designated on the Clarkstown Tax Map as Map 165, Block A, Lots 3.44 and 3.45, situated in the Hamlet of Spring Valley, New York, in said Town.

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

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Road Improvement (South Harrison Avenue), was opened, time: 9:39 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 10:40 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Hearing (Sterngass) was opened, time: 10:40 P.M.

On motion of Councilwoman Smith, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Chapter 79 Hearing (Sterngass) was closed, RESOLUTION ADOPTED, time: 10:53 P.M.

RESOLUTION NO. (512-1987)

AUTHORIZING ASSESSMENT OF EXPENSES AS A LIEN AGAINST PROPERTY - CHAPTER 79 PROCEEDING - MAP 124, BLOCK B, LOT 13 (STERNGASS)

Co. Smith offered the following resolution:

(RESOLUTION NO. (512-1987) Continued

WHEREAS, by Resolution No. 274 dated March 10, 1987, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 124, BLOCK B, LOT 13, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on April 28, 1987, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated March 10, 1987, have been corrected, and be it

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

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

Seconded by Co. Lettre

On roll call the vote was as follows:

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

At this point Mr. Sterngass approached the Board to protest the imposition of fees and stated that the Town Attorney had taken a position contrary to the Town Board's own resolution. He said the resolution submitted and served upon him (Mr. Sterngass) on March 31st specifically said that we had twenty days within which to abate which we did. Supervisor said we are assessing for the cost of the proceeding, the expenses which the Town has incurred to bring it to this point. If the junk had not been all over the property to begin with we would not be here. Town Attorney said the Order that was served did contain a copy of the January Order from the Building Inspector which was ignored. Mr. Sterngass said it was not ignored. What was done during that period of time was what the weather permitted to be done. Supervisor said the point is that if the situation did not exist we would not be to this point in any event. Mr. Sterngass said the point is that if you give notice and the person responds to the notice you can't come along on Christmas and New Year's and say dig out stuff that is iced in. Supervisor said what the notice here is saying is that the situation has been abated and the assessment will only be for the cost of the legal notice and the hearing. Mr. Sterngass said he wanted them to be aware of what took place.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Local Law No. 6-1987 - Re: Amending Chapter 91 of the Clarkstown Town Code (Permit Fees), was opened, time: 10:53 P.M.

Continued on Next Page

ABE740

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law No. 6-1987 - Re: Amending Chapter 91 of the Clarkstown Town Code (Permit Fees), was closed, RESOLUTION ADOPTED, time: 10:55 P.M.

RESOLUTION NO. 513-1987)

ADOPTING LOCAL LAW NO. 6-1987 REGARDING AMENDMENT OF CHAPTER 91 OF THE CODE OF THE TOWN OF CLARKSTOWN (PERMIT FEES)

Co. Lettre offered the following resolution:

WHEREAS, a proposed local law entitled:

"A LOCAL LAW AMENDING CHAPTER 91 (PERMIT FEES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on 24th day of March, 1987, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 24th day of March, 1987, directed that a public hearing be held on the 28th day of April, 1987, at 8:30 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 17, 1987, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 10, 1987, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 28, 1987;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6-1987, entitled:

"A LOCAL LAW AMENDING CHAPTER 91 (PERMIT FEES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor....Yes
William J. Carey, Councilman.....Yes
Edward J. Lettre, Councilman.....Yes
John R. Maloney, Councilman.....Yes
Ann M. Smith, Councilwoman.....Yes

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

Seconded by Co. Carey

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Chapter 79 Hearing (Feldi) was opened, time: 10:55 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 79

Hearing (Feldi) was closed, adjourned to May 14, 1987, time: 11:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Chapter 79 Hearing (Steirlen) was opened, time: 10:55 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 79 Hearing (Stierlen) was closed, adjourned to May 14, 1987, time: 11:00 P.M.

Supervisor stated that he had a resolution with respect to a Consent Determination regarding Donato Marangi, Inc.. He called upon Town Attorney to give the substance of the proposal.

Town Attorney said the respondent is offering to enter into a Consent Determination wherein the respondent would admit to the violation that occurred on January 24, 1987, pay a civil penalty of \$7,500.00, receive a two month's suspension of the respondent's privilege to enter into the Clarkstown Sanitary Landfill and further consent to a nine month probationary period which will begin at the conclusion of this suspension period.

Town Attorney went on to state that the stipulation is that if the respondent commits any further violations of Chapter 63 or violation of law related to the use of the Landfill within the period of suspension of the period of probation, the respondent's privilege to enter the Landfill will be revoked for a period of three years.

Town Attorney also said that the Consent Order requires that the respondent disclose the interest of its stockholders, directors and officers in any other carting company and that during the period of suspension the respondent will not collect any garbage, refuse or debris for disposal in the Town of Clarkstown, either directly or indirectly. If this agreement is not signed on or before May 8, 1987 the hearing which was originally scheduled for tonight will be convened on May 12, 1987 at 9:30 P.M.

RESOLUTION NO. (514-1987)

AUTHORIZING SUPERVISOR TO ENTER INTO CONSENT DETERMINATION WITH RESPECT TO VIOLATION OF CHAPTER 63 OF TOWN CODE (DONATO MARANGI, INC.)

Co. Carey offered the following resolution:

WHEREAS, by Statement of Allegations served on or about February 20, 1987, Donato Marangi, Inc., located at 15 Newport Drive, 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 24, 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 which alleged violation occurred during a period of deferred suspension of the Respondent as a result of a prior consent adjudication for improper disposal of unauthorized refuse at the Clarkstown Sanitary Landfill, and

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ABE740

RESOLUTION NO. (514-1987) Continued

WHEREAS, a public hearing was scheduled to be held on April 28, 1987, pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, the Respondent, through its attorney, initiated discussions which have taken place over several weeks and which have resulted in an offer to enter into a Consent Determination in lieu of said fact finding hearing being concluded whereby the Respondent would:

1. Admit the essential allegations contained in the Statement of Allegations dated February 10, 1987;

2. Consent to the imposition of a civil penalty of \$7,500.00;

3. Consent to the imposition of a two (2) month suspension of the Respondent's privilege to enter into the Clarkstown Sanitary Landfill to dispose of garbage, refuse or debris therein, which suspension shall be effective not less than ten (10) days after the Consent Determination shall have been accepted by the Town;

4. Further consent to a nine (9) month probationary period to commence at the conclusion of the period of suspension referred to above. If the Respondent commits any further violation of Chapter 63 or violation of law related to the use of the Clarkstown Sanitary Landfill or breaches the terms and conditions of the Consent Order, the Respondent's right to use the Clarkstown Sanitary Landfill shall be revoked for a period of three (3) years from the date of conviction, adjudication or determination of such violation or breach;

5. Simultaneous with the signing of the Consent Order, the Respondent shall provide affidavits of all of its officers, stockholders and directors, which affidavits shall disclose the interest, if any, of such officers, stockholders and directors in any other carting company existing as of the date of the violation and as of the date of such Consent Order;

6. The Consent Determination shall also provide that during the period of suspension and any revocation(s) pursuant to the disposition agreed upon by the Respondent that the Respondent shall not collect any garbage, refuse or debris for disposal at any location either directly or indirectly for its account from within the Town of Clarkstown and that no carting company presently related in ownership, as disclosed by the affidavits required as stated above, shall be permitted to dispose of any garbage, refuse or debris removed from any location within the Town of Clarkstown which was serviced at the time of violation by tipping same in the Clarkstown Sanitary Landfill, and

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

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 or in lieu thereof the public hearing which was to commence on April 28, 1987 shall be reconvened upon two days notice to Respondent's attorney on May 12, 1987 at 9:30 P.M., and be it

FURTHER RESOLVED, that the civil penalty to be imposed pursuant to the Consent Determination shall be payable by cash or certified check in one lump sum on or before 5:00 P.M., May 8, 1987, and be it

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RESOLUTION NO. (514-1987) Continued

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

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

There being no further business to come before the Town Board and no one further wishing to be heard, Supervisor Holbrook declared Town Board Meeting closed, time: 11:05 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

ABE740

TOWN OF CLARKSTOWN
PUBLIC HEARING

339

Town Hall

4/28/87

8:40 P.M.

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

RE: ZONE CHANGE - VICINITY OF HIGH TOR - R-80 to R-160

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

Town Clerk read notice calling Public Hearing. Town Attorney testified as to proper posting and publication. Town Attorney said he had the report of Robert Geneslaw, Town Planning Consultant dated March 20, 1987 with respect to the SEQRA processing of this proposed zone change and read as follows:

"NEGATIVE DECLARATION
AMENDMENT TO THE ZONING ORDINANCE

The Town has adopted a policy that called for the preservation of farmlands, and as a matter of policy that existing zoning would be maintained for all working farms. Parcel 99A14 no longer operates as a working farm. In the furtherance of the goal for preserving those lands with excess slopes, and lands that are environmentally sensitive areas, the Town wishes to change the zone to be compatible with the existing surrounding area. Slopes in this area are in excess of 30% with the potential for erosion and runoff onto adjacent properties.

To mitigate adverse impact on the existing environment, the Town Board determines that changing these parcels from R-80 to R-160 will provide for much less land disturbance and therefore shall have no significant impact.

This is a generic EAF. At such time as plans are submitted for any future development of the parcels, further determination shall be made under the SEQR process."

Town Attorney said attached to that is the EAF form indicating that there is no significant impact with respect to this proposed change. In addition, he said, he had received copies from the Town Clerk's office of various Town Law 265 petitions which were filed by a number of the affected property owners. These petitions were reviewed in the Town Attorney's office, tax records were consulted and based on that review Town Attorney said he had issued a memo dated April 28, 1987 indicating that his review discloses that the owners of more than 20% of the area affected have validly protested the change. Therefore, if the Town Board wishes to adopt the new zone it must do so by a minimum of four affirmative votes.

Town Attorney stated that he also had in his file the Planning Board's memo of March 4, 1987 which suggested this change.

Supervisor asked if there was anyone wishing to be heard?

Appearance: Henry Horowitz, Esq.

Mr. Horowitz said he was representing various persons who would be affected by this change, in particular Jeff McCall as well as one parcel owned by Abe Stern. He submitted a protest from Abe Stern who has some 7.9 acres. He said this was in addition to the 265 petitions already filed and he believed that there are 80% to 90% of the people represented by these petitions.

Town Attorney said they had correspondence from the Rockland County Commissioner of Planning dated April 2, 1987 which

Continued on Next Page

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states that they approve and their comment is "for local determination."

Mr. Horowitz then gave a description of the property scheduled for the change in zoning, which consists of some ten parcels. He said of the ten parcels, seven of them have just about two acres. He said we are proposing to place into a zone of R-160 ten parcels, seven of which do not have R-160. In fact they do not have even half of the R-160. He said if there is an existing dwelling on the lot you cannot add a swimming pool, a porch or anything but that it must go before the Board of Appeals. If there is a vacant lot any construction to go on must go before the Board of Appeals in addition to all the other agencies. Involved is about 100 acres and he said the protests we have cover about 80 or so acres.

Mr. Horowitz said the report read by the Planning Consultant suggest that the change be made because most of the property involved has slopes in excess of 30%. That is what is really germane to the whole problem. The Town of Clarkstown Zoning Ordinance has a section which indicates that if your lands are in excess of 30%, only 50% of your lot area can be counted towards the minimum required area which in effect, when you make this property R-160, in order to develop they have to have 320 so it is an 8 acre zone. This would indicate that most of these parcels would be affected by that particular change. What we are now coming up with is an 8 acre requirement.

Mr. Horowitz said no one wants to destroy or harm the mountain. He said the Board should have the opportunity to do something with the land itself. Some of the lots may have to be 10 acres. There is a pond and a lake involved. Some may be 12 or 14 acres. There may be some areas where there may be one acre, two acres, or three acres. He wanted to eliminate the cookie cutter approach of just grinding out as many lots as you can get. He said they are aware that the topo is extremely severe in the area and the lots should be worked with the topo. It is possible that maybe 5 or 10 of those acres should eventually go over to the Town because you can have some spectacular views from that area.

Mr. Horowitz said in order to develop in that way you would have to bring a road up of some 3,000 to 4,000 feet. It may go through the Trap Rock property (Tilcon) or some other property right through the rock. It would probably run somewhere in the neighborhood of \$1,000,000.00. If the site is restricted to just 3, 4, or 5 eight acre lots that is the end of it because you can't justify bringing a road up. If it is possible to have maybe 10 lots up there, have several acres set aside for the community, then things start to get practical. He said the property cannot be developed within the framework of the Zoning Ordinance as it stands today without some kind of application which would have to go before the Town Board and possibly before the Board of Appeals and the input would be had at that time. He did not want that piece of land condemned to a generation of non-productivity by throwing it into 8 acre zone.

Councilman Lettre asked Mr. Horowitz if he had a map showing the existing topos? Mr. Horowitz showed topo map and other exhibits. Mr. Horowitz said we are discussing the possibility of putting this into 4 acre which is effectively 8 acre. There was discussion of the maps and the area involved. He mentioned contiguous areas and said the zoning is either R-1 or LI. There is also an M zoning alongside those designations which has placed it into a mountain zone. Any lot which goes into that R-1 has to have twice the minimum required area. Only 50% of the land can be built upon in that mountain zone. However, the minimum lot area they have is 7500 square feet. They have not gone nearly far enough in protecting the mountain but by the same token we cannot take care of

their particular problems by taking our land and placing it ineffectively into an 8 acre piece.

Mr. Horowitz said in conclusion to please give the Planning Board the opportunity to come up with a development of that site which will maximize the amenities which exist there for the enjoyment of everyone in the area if we can have a safe access to that particular site.

Appearance: Mr. Walter Fleisher
Buena Vista Road
New City, New York

Mr. Fleisher said he is Vice President of the West Branch Conservation Association. He said he strongly supports the change of zone to R-160. Access there is almost impossible. High Tor Road looks like an alpine trail. He said he did not like to put onus on people so that they could not use their land and it might just be illegal. He said he did not see how they could get utilities up there and create something viable. Mr. Fleisher stated that maybe it should be even larger than R-160 and perhaps not built on at all or perhaps in just a few places because there would be problems. He said the area is visible from almost all of Clarkstown.

Appearance: Ms. Elsa Meniker
High Tor Road
New City, New York

She was in favor of the change of zone. She said she gets the impression that it is really a matter of intent in what is wanting to be done here. The intent of keeping the zoning as it is, is mainly one of development and perhaps I would assume from that profit. Keeping the zoning as it is, is supported by some people who live on the road and some people who own property there but don't live there. For some of us who live there, the main intent of living there is not one of making a profit from the place or developing it but to cherish and really enjoy the privilege of living in an area where the main characteristic of the place is not a place that has been designed or dominated by man's needs but it still a natural wilderness area which is of some value not only to those who live there but to the whole surrounding area.

She went on to say if we make maximum use of the area and lose it particularly with a major road being brought in we are going to have yet another development and we will lose an aspect of Rockland County that affects the sense of the quality of living here and our relationship to the natural area.

She asked for clarification regarding the two acre lots which would be useless for development. She said she had the impression that those two acre lots are all owned by the same person so it is not as if that person would not be able to develop at all. This person could go to four acres and still have some possibility for developing his investments. She added that the road which has been called unsafe is not a problem for her or her neighbors who live there. It is a hardship they gladly put up with in order to keep the area as it is. Getting a better road in is not a good argument for them.

Mr. Horowitz says everyone he represents does believe in the profit system. There is no question about that. In so far as the property owners having the same last names even if they are related you cannot put their lots together as they are not even contiguous. Mr. Horowitz again referred to maps and discussed the possible road and some other zoning designations in the area. He said everyone in the pre-existing R-160 it is the rear portions of their property that is R-160. Their front portions which come down to South Mountain Road are R-80. That is where the dwellings are. The hardship would be if the dwellings were built down on South

Continued on Next Page

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Mountain Road. Mr. Horowitz said they would have to go to the Board of Appeals because they would be completely non-conforming. That is the objection they have not that they are losing their land but they would have to have another agency and at least another year of processing before being able to get a building permit and that would happen if they had to add a porch or a room or any facility at all.

Town Attorney said that Mr. Horowitz had mentioned Lot No. 2 which is not among the lots recommended by the Planning Board in its initial memo of March 4, 1987.

Appearance: Mr. Robert McCall

Mr. McCall said he owns one lot which fits the current zoning. He lives in a house on that lot and he has less than 600 square feet of floor space. The Town would not let me build something like this. He said he has made plans to demolish the house and rebuild according to the ZBA approval that was given to the original seven acre plot of his brother's which got split into three lots of which he bought his current lot. He said he failed to see why he should be penalized when the Town has already granted approval through the ZBA to go to R-160. It then becomes a real hassle to replace the substandard house he now has, which the Town would not let be built in the first place, for something that is reasonable. He said he would like to build a home not just a house he is living in.

Appearance: Mr. Everett Burger
661 South Mountain Road
New City, New York

Mr. Burger asked if this property is now two acre or four acre? Supervisor said it is R-80 - two acre. He said he was under the impression that it was four acre. He said he believed the whole mountain is R-160 and if you downzone this to R-80 . . . Supervisor said what is being proposed is an upzoning from R-80 to R-160. Mr. Burger said if it does not get upzoned to R-160 what about the other people on the road? He said the other people are all in R-160 so now you are going to bring up the point if we did it here why can't we do it up there all along South Mountain Road. He said if he was not mistaken it was on both sides of the road. Councilman Lettre said some is R-22, some is R-80. The Supervisor said the golf course is also R-160. Mr. Burger referred to a portion on the west side of South Mountain Road which falls into that R-160 zone also which came up several months ago to be down-zoned. Supervisor said there was a question regarding R-80 on South Mountain Road. Mr. Burger said he was not familiar with the farming situation in a particular piece of property up there - and he asked to be enlightened regarding that.

Supervisor said at the present time he was not quite sure whether the vineyard is an active vineyard. That was a question being debated for awhile with the Town Assessor. Obviously it had been a vineyard and an active one for many years. A couple of years ago the farm exemption was terminated by the Assessor's Office and he was not sure if it had been reinstated or not.

Town Attorney said he did not believe it had been reinstated. Mr. Burger said then it is not under farming exemption? Town Attorney said no. Mr. Burger said if we start doing this it is going to mushroom up and down the road. Supervisor said what is in R-160 now will obviously remain in that zoning. This piece was never in R-160. What is being proposed is to bring this piece into R-160 along with all the other pieces. What is R-160 will remain.

Mr. Burger also referred to a restaurant on South Mountain Road and stated that on weekends you cannot get up that road due to traffic. Supervisor stated that was in violation of the Town Code.

PH - Zone Change - High Tor Vicinity - R-80 to R-160
Page 5

Appearance: Mr. Tom Meniker
5 High Tor Road
New City, New York

Mr. Mennicker asked whether exceptions could be made if this R-160 is granted? Could Mr. McCall be able to build himself the kind of house that he would like. He said it would certainly be inequitable if someone would be prevented in this situation from having the kind of home they would like on High Tor Road. His feeling was that he was in favor of whatever supports the greenbelt quality of the area around High Tor Road. He felt that the intent of the present zoning was to concentrate population in certain areas and leave the sense of nature and greenbelt in others. The area around High Tor Mountain is one of those. He said to the degree that the Town can do what it can to preserve and further those values it would seem to him it would be making a contribution to the quality of life for all of us.

Appearance: Mr. Jeff McCall
Nyack, New York

Mr. McCall stated that he owned three parcels on High Tor Road. He said he currently resides in Nyack but is going back to High Tor eventually. He gave the Board a history of the ownership of property in the area. He stated that the area was beautiful and he did not want to see it have an unbelievable amount of utilization that the property could not handle. He stated that he was strongly against R-160 zoning. He said his ZBA approval notes that one of his lots is about three and one-half acres. Because of the 35% grade it was achieved as a larger lot. You will get larger lots only because of that 35% grade factor. You are making it possible only for people with very high incomes to live up there. He stated he had lived here since 1953 and has rights as a landowner. He further stated that the Board must respect that he is a taxpayer and a businessman in this community. He urged the Board not to change this to an R-160 zone.

Appearance: Mr. Cornelius Murphy
11 High Tor Road
New City, New York

Mr. Murphy said he has been living there for twelve years and has been a county resident for twenty years. He said they had moved up here because they wanted to feel as though they were in the country. The road is a hardship but we chose to live there. It is a different life style but everyone is entitled to live the way they choose.

Appearance: Mr. Christopher Wells
High Tor Farm and Vineyards
New City, New York

Mr. Wells stated that he has been granted the agricultural exemption for the last two years. He said he strongly protested the proposed action. Under the master plan his farm, which he worked for the past six years, and the few remaining farms in the Town were to be considered on a case by case basis when each time one came up for development. He said the fact that he never applied for a subdivision plan nor sold his property does not mean that you should take his land and devalue it. None of the owners have come and asked for outrageous concessions. High Tor Road is a narrow winding road and all the properties about it and it would be very hard for it to be developed. Conservationists were elated that R-80 was imposed on much of South Mountain Road back in 1970. The New York Times reported them as saying "This will save the mountain forever." Today they have greedily returned and are bent on forcing owners to develop properties for the super rich because that is what will happen if these properties are finally whacked up one day down the road.

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Mr. Wells said most of the people being affected here are against this change and he could only view this as vindictive or malicious. The Town has given us no good reason for this unhappy untimely pursuit. He respectfully asked that the zoning be left as it is until such time as it comes up for development. He stated that he wanted to remain farming and to not feel that his work has been for naught.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 9:20 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/87

9:21 P.M.

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

RE: ZONE CHANGE LIO DISTRICT TO R-15 DISTRICT -
AIRPORT EXECUTIVE PARK

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

Town Attorney noted that he had a memo from the Town of Clarkstown Planning Board dated April 27, 1987. He read from that as follows:

(Letterhead of Clarkstown Planning Board)

*April 27, 1987

"RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board is very concerned that if a portion of parcel 164 A 17.03 (Airport Executive Park) is rezoned from LIO to R-15, the Karassik lot to the east would become subject to additional restrictions that requires parking to be setback at least 50 feet from residential zones. Zone lines are located to provide additional protection for residential property, and thus do not always follow lot lines. Such protection would not result if this rezoning were to occur. Currently the Karassik parcel is undersized for the LIO zone, would require numerous variances for an LIO-type development, and would be further limited if abutting parcel is changed to R-15.

"It shold be pointed out that the Master Plan indicates this area for industrial land uses, and a change to residential use would be contrary to the Master Plan.

"In lieu of a zone change, the Planning Board would support an application to the Zoning Board of Appeals to allow for development of the parcel in accordance with the R-15 requirements.

"Taking into account all of the aforementioned, the Planning Board recommends that the petition not be granted.

Very truly yours,

/s/ William Nest

William Nest
Vice-Chairman"

Supervisor asked if the petitioners were present.

Appearance: Martin Cornell, Esq.
Main Street
New City, New York

Mr. Cornell stated that he was representing the owners of the properties. He said the property was located on the corner of Smith Road and Pascack Road. If you go through the tunnel and go on Pascack Road when you make the immediate right onto Smith Road this parcel sits right on that corner. What has occured that part of this property (the corner piece) is in R-15. Roughly two thirds of the parcel is in R-15 which fronts on Pascack Road and Smith Road. There is a sliver of property stuck in between which is LIO. This is approximately 87 feet on Smith Road and a depth of about 190 feet approximately. The applicant is asking that the LIO parcel

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which cuts through the middle of this property be changed to R-15 so that the entire parcel will be R-15 and the property will not be bisected by the zone line.

Councilman Lettre asked what was the existing bulk of the R now? Mr. Cornell said the area left in R-15 is approximately 36,000 square feet. What is proposed to be done is to put three residences and consistent with what occurred a number of years ago with the Planning Board and the Master Plan when this area was discussed there was talk of pushing the LIO right up to Pascack Road. There was a tremendous outcry about it. The people on Pascack Road felt rightfully that Pascack Road is a residential road. They did not want residences and LIO property there. The LIO zone line was pushed east to the airport where it presently is. There was a little piece of LIO that got left which is attached to this parcel and is creating a problem for development of that corner.

Mr. Cornell stated that at the present time, in connection with this parcel, all of the property on the other side of Pascack Road is developed residentially. The property to the south is all residential. There are two new houses being constructed to the south right now. On the north side of Smith Road, directly across the street from this property, there are three residences. To the east of the subject property there is an existing residence which although its an LI zone is occupied as a residence and is a residence. The actual use completely surrounding this property is residential even though a portion on the east is LIO.

Mr. Cornell said the difficulty which has arisen here is that although the applicant can probably put three residences on this property as it is without a zone change, the result would be layout which would be totally unacceptable from a planning standpoint. The result would be that there would have to be access on Pascack Road and there would be lots askewed in an unacceptable layout. If the application is granted and the small piece of LIO is turned into residential the parcel can be developed with three residences and the access can be developed off Smith Road so there is not access on Pascack Road at that corner which is not an appropriate place for an access.

Mr. Cornell presented a map indicating the lot layout if the zone change application is not granted. That is what they think can be done with it in its present zoning. There would have to be, among other things, access off Pascack Road to accommodate the one house as it exists to avoid putting it in the LI zone. Mr. Cornell presented another map which shows, if the application is granted and it is all in the R-15, the houses can be laid out properly and the access can be off Smith Road. We avoid access off Pascack Road and we will have a much neater and less complicated planning arrangement.

Mr. Cornell said it was unclear to him what the rationale of the Planning Board was. They said this property could go before the ZBA and get a variance. Councilman Lettre said he thought they were referring to a domino effect. Mr. Cornell replied that they said a variance could be obtained and he wanted this Town Board to be aware of the fact that legally for a use variance you must establish hardship and that requires a dollars and cents proof. Supervisor said it is literally impossible to get that. Mr. Cornell said a variance is not available for this application.

Mr. Cornell said if the Board feels that this corner should be developed residentially then the small sliver of LIO ought to be eliminated so that it can be residential.

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

PH - Zone Change - Airport Executive Park - LIO to R-15
Page 3

Appearance: MR. & Mrs. Karassik
Smith Road
Spring Valley, New York

She stated that she felt they would be penalized if the R-15 was granted to Airport Executive Park and not to them. She said it had been residential for many years and then the Board changed it. She felt they should also be granted the R-15. Supervisor said that would have to be the subject of an additional petition to the Town Board although this hearing is certainly related to what Mrs. Karassik was saying.

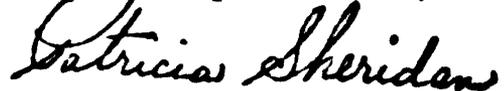
Mrs. Karassik said she wanted to go on record as being opposed to this parcel being zoned R-15 as it penalizes her and her husband.

Supervisor said they could not incorporate her request into this hearing but there could be a separate hearing on the merits of her request at a different time. Mr. Karassik said they would have no objection if their parcel could be included. Mrs. Karassik said at no time did they have enough land to be LIO.

Supervisor reiterated that they should make a petition to the Town Board as the petitioner in the instant case did.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:33 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (510-1987) ADOPTED

ABE740

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/87

9:33 P.M.

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

RE: ZONE CHANGE - TUNNEL BY-PASS ROAD - RG-2 to R-15

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

Town Attorney stated that he had correspondence from the Clarkstown Planning Board and he read the following:

(Letterhead of Clarkstown Planning Board)

*March 5, 1987

"RECOMMENDATION TO THE HONORABLE TOWN BOARD:

Whereas the Town Board recently amended the zoning map to provide for a portion of State owned property to be changed from RG-2 to R-15, and

Whereas the abutting area to the west and south is zoned R-15, and

Whereas the shape of these parcels make development under RG-2 zoning impractical, and

Whereas a service road may need to be constructed to allow individual lots to avoid access directly onto the planned bypass road,

Now therefore be it resolved that the Planning Board respectfully recommends that parcels 165 A 3.44 & 165 A 3.45 be changed from RG-2 to R-15 to be compatible with existing land uses."

Town Attorney said he also had the SEQRA report.

Supervisor noted that the Rockland County Planning Board had approved.

Town Attorney then read the Planning Consultant's report as follows:

"January 27, 1987 the Town Board amended the Zoning Ordinance of the Town of Clarkstown by redistributing State owned property from RG-2 to R-15. Parcels 165 A 3.44 and 3.45 directly abut these lands, and should have been included in said change.

It was found that the rezoning for the State property shall result in no significant environmental impact. Since these parcels total less than one acre in size and since they directly abut land zoned R-15, the Town Board determines that the proposed zoning ordinance amendment shall have no significant environmental impact."

At this point maps were referred to and the Town Attorney explained the proposed by-pass road of the Town.

Supervisor asked if there was anyone present who wished to speak on the proposed zone change.

No one appeared.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:38 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (511-1987) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/87

9:39 P.M.

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

RE: ROAD IMPROVEMENT DISTRICT - PORTION
OF SOUTH HARRISON AVENUE, CONGERS

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

Town Attorney gave an explanation of the proposed road improvement district. This runs from approximately the 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. This road improvement project would abut a road improvement project previously approved by the Town Board which picked up a portion of South Harrison Avenue from a little north of Third Street to the area described in tonight's notice of public hearing.

Supervisor called upon Mr. Les Bollman, Director of Environmental Control, to give a report on his findings in laying out the proposed road in terms of the cost, etc. Town Attorney wanted it noted that Mr. Bollman has reported to the Town Board that the SEQRA process has been concluded and that there is a finding of no significant impact.

Mr. Bollman said that based on a Town Board resolution they went through a design for a road and the cost comes to approximately \$100,000.00 for the portion of the road mentioned. That is based on the Town Board's resolution authorizing a 20 foot wide pavement which decreased the cost considerably because it would not now require retaining walls and excavation on the west side of the road. It provides for drainage and paving to the specifications of the Town of Clarkstown. He said he also has available figures and frontages for people involved.

Supervisor stated that Mr. Bollman had supplied the Town Board with figures that would apply to the people who abut this road, both those who have double frontage as well as those who have single frontage. In the past whenever the Town Board has approved of a road improvement district usually we have the case where people have double frontage. In this instance the figures of a cost of \$100,000.00 were broken down based upon the linear footage along the road for double frontage and single frontage in a 60/40 ratio and also on a 70/30 ratio.

A list of property owners and the amounts involved was then passed out to the audience and Supervisor Holbrook said anyone who wished to make a comment could do so.

Supervisor said in the past when the Town has gone ahead with a road improvement district the method of financing is that those who would be charged with the payment on the road would be permitted to either pay the amount indicated all at once or over a fifteen year period. Town Attorney said that was correct. However, legal research discloses that if someone opts to pay over the fifteen year period and wishes to prepay anytime during that period it is legally permissible to do so.

Supervisor said previously the Town had adopted a 60/40 ratio which would be 60% of the total cost allocated to those who had single frontage and 40% of the cost was allocated to those who had double frontage. The Town Board can adopt a road improvement district and set up any ratio that it deems proper. However, it is

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PH - Road Improvement District - Portion of South Harrison Avenue
Page 2

not the intent of the Town Board to mislead people. He said it is a somewhat controversial issue and has been difficult. He thought that by providing people with these figures it would give us an idea of what is being talked about in terms of the cost of the road in one year if one were to pay it off in one payment or one were to pay it off over a fifteen year period.

Supervisor said it is the intention of the Town Board this evening to listen to the input from the residents and to reserve decision because we are not prepared tonight to act on this but to consider what your comments are and to consider the figures distributed to the Board members.

Town Attorney stated that he had correspondence which he had promised to read.

Town Attorney referred to a letter from the Rockland County Department of Planning in which they report that this matter is for local determination by the Town Board.

Supervisor then asked if there was anyone wishing to speak on this.

Town Attorney then read a letter he had received from a resident as follows:

*179 So. Conger Ave.
Congers, NY 10920
April 15, 1987
Re: 392089 125 B 29
Your ltr dtd 4/10/87

John A. Costa
Town Attorney - Town of Clarkstown
10 Maple Ave. New City, NY 10956

Dear Mr. Costa:

This letter is being written to oppose my having to pay for the proposed pavement of So. Harrison Ave.

My home & garage both face So. Conger Ave., therefore I would not benefit from this action nor do I have access to this road. Pavement of So. Harrison Ave. would benefit me to the same degree as Elm St. in Toledo, Ohio.

I live on a fixed income (as do many other people) so I do not have the money & will refuse to pay for this road.

The people that live on So. Harrison Ave. knew it was a private road when they bought their homes. As a matter of fact the prices of their homes were reduced so they could pay for pavement of a road, therefore I definitely will not pay one penny.

Would the people that live on So. Harrison Ave., pay for road on So. Conger Ave.?

Thank you

Sincerely

/s/ Mrs. Emma M. Murphy

Ltr. sent to:

Leslie F. Bollman - Director Environmental Control
Charles E. Hobrook - Supervisor - Town of Clarkstown*

Town Attorney then read a letter as follows:

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PH - Road Improvement - Portion of South Harrison Avenue
Page 2

*173 So. Conger Ave.
125-B-30
Congers, N.Y.

Mr. Charles E. Holbrook, Supervisor
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Re: Proposed Road Improvement of a
Portion of South Harrison Ave.

Dear Mr. Holbrook:

We are writing this letter to protest any thoughts the town may have in increasing our taxes to pay for proposed road improvement of a portion of S. Harrison Ave.

The builder, (builders) completed homes with town approval and did not bring this stretch of South Harrison up to town standards as should have been done at that time.

Therefore, we most certainly contend that if the road - that we never use nor have access to, nor is of benefit to us - is completed, the town should pay for it.

The letter we received from the town stated our property 125-B-30 fronts South Harrison Avenue. This is incorrect. Our property fronts South Conger Avenue. We do not want to pay for something we have no use for. No one should be forced to pay for what they don't need and do not use.

One person built a house where the road ended (on S. Harrison portion being referred to.) He built one next to it, moved in and sold the first house. He built a house next to this, moved into it and sold the last house. He built one next to it, moved in and sold the last house - and on - and on. . . for 6 houses in a row. Bought the property for 'back taxes' for next to zero dollars - never improving the road as he went along and as he should have done. He's the 'fat cat' and our pay checks from now on are to pay for his profits, for his inequities?

Most certainly the condition of the road is not a situation created by us and certainly not our responsibility.

/s/ Robert and Diane Strong

Mr. & Mrs. Robert Glenn Strong
125-B-30
173 So. Conger Avenue
Congers, New York 10920

cc: Mr. John A. Costa, Esq.
Mr. Leslie F. Bollman"

Town Attorney stated that he had received a phone call from a Mr. Wertheimer and that letter had been answered by a Deputy Town Attorney to the effect that the Town did have the legal authority to do a road improvement district and to assess properties that would be benefitted by the improvement for the cost of the improvement.

Supervisor said the substance of Mr. Wertheimer's letter was that he was in opposition to the road improvement district. Supervisor said the letter would be made part of the public record.

Supervisor asked if there was anyone present wishing to make a comment regarding the proposal?

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Appearance: Mr. Dan Reinmuth
165 South Conger Avenue
Congers, New York

Mr. Reinmuth agreed with what had been written in the letters read by the Town Attorney. He wanted to know why this was not taken care of when these houses were built by the builder or the town? Why were these houses built if the road couldn't service them? He said he has nothing against his neighbors and they should have a road but there is no way that a taxpayer like himself should have to pay this kind of money to have a road there.

Supervisor said it is a legal requirement when creating a road improvement district that anyone who has property abutting the road must be assessed as they theoretically benefit. It is obvious that people who have double frontage don't have the benefits of the people who have single frontage.

Mr. Reinmuth again asked why these houses were built? Supervisor said over the years in Clarkstown there have been many private roads. Years ago people wanted private roads. They are a problem in many areas not just in Congers. He mentioned specifically Central Avenue off Middletown Road in New City, North Fairview Avenue in Nanuet and South Grant Avenue, Congers.

Mr. Reinmuth said if an improvement like this is to take place it should come out of current budget. It should not be assessed to the people who live on South Conger Avenue.

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

Mr. Rosensweig asked the Town Attorney if it was a proven fact that the section in question is a private road? Town Attorney John Costa said it has been the opinion of the Town Attorney's office since he has been Town Attorney and the prior three or four Town Attorneys have been of the opinion that the section has always been a private road. Mr. Rosensweig asked if there was a development past there? How did they get permission to build it there if it was a private road? Town Attorney said he thought Mr. Rosensweig was referring to three parcels on the east side of the road to the south of the area under consideration. Those three or four homes were built as a result of an application that had been made to the Zoning Board of Appeals under Town Law 280(a)3.

Town Attorney went on to state that it is possible to have permission to build on a private road. You do not have to have frontage on a Town owned road if you can obtain one of the three exceptions provided under Town Law 280(a) and Town Attorney said he believed those houses were built under that exception. Some of the other homes may actually have even been there so long that they predate the current modern restriction on building except on Town-owned and Town-maintained roads. Mr. Rosensweig said he knew that this particular piece had been the subject of a fight for about ten years. Town Attorney said he knows from reading the file on this matter that there was quite a controversy when it was initially approved. He said there was even some notation placed on the drawing of the subdivision indicating that it wasn't offered for dedication. It was never accepted for dedication.

Mr. Rosensweig said the people who live on that particular part which is not paved or dedicated - it is a burden on them. Town Attorney said the piece we are talking about is to the south of this area under discussion. That was the subject of a prior road improvement project which the Town Board approved earlier this year. Those properties are being assessed for the required improvements for that portion of the road.

Mr. Rosensweig stated actually what some of those people are complaining about is that they did not want to pay for the assessment of that also. Supervisor said but the Town Board earlier this year approved that road improvement and that will be done this year. Mr. Rosensweig said wasn't there some other legal ramifications - can't you get money from other sources so that it won't be such a burden on the taxpayers residing there now? Town Attorney said he did not believe such question was raised and he did not believe that there is any other source that could legally be used. Mr. Rosensweig inquired about Community Development Funds. Town Attorney said this area is not eligible for Community Development Funds. Supervisor said it would have to be a designation and this area does not qualify for a designation.

Appearance: Mr. Wesley Wertheimer
157 South Congers Avenue
Congers, New York 10920

Mr. Wertheimer asked if South Harrison Avenue was a town planned road. Supervisor said South Harrison Avenue was originally laid out under the auspices of the Boston Improvement Company back in the 1890's. It was planned by them and portions of it over the years have been taken over by the Town. However, this particular portion in the middle of it, which makes it somewhat unique, was never taken over by the Town of Clarkstown. Mr. Wertheimer said but it was still a planned road.

Supervisor said this is not an unusual thing because he lives on Snedecker Avenue which has two portions with a vacant section in between so that there is a West Snedecker and an East Snedecker. Mr. Wertheimer mentioned shenanigans and Supervisor Holbrook said the shenanigans were those of the Boston Improvement Company.

Mr. Wertheimer read the following:

"We are here tonight because of a public improvement. The very reason towns were formed is to enable a group of people who alone could not enjoy the benefits that as a group would be possible. Now our very own town is trying to make a public improvement and absolve its responsibility at the expense of a limited few in total definance for the purpose towns were created. I leave to your judgement the question is this proper just and fair?"

I now wish to read you my prepared short statement."

Mr. Wertheimer then said I ask you if any of you ladies and gentlemen had your legal residence, voted from, got all your mail and everything on one street and denied by zoning laws from the benefit and use of another street and a word like frontage is used which has a very ambiguous meaning and implies that you receive benefit. However, we are denied the use of South Harrison Avenue by zoning laws and we have nothing, absolutely nothing to gain but to be charged with something whereas the other side of the road has stars in their eyes because they expect their property will be enhanced. They would get all the benefits and will have a good road. There was a total injustice here.

Mr. Wertheimer then read the following:

"Ladies and gentlemen of the Town Board of Clarkstown I feel I speak to you as a neighbor in trouble needing help and seeking your aid with a problem not caused by anyone present here now. A problem I feel that you ladies and gentlemen of this Town Board have the power to correct by sensitive, sincere and sympathetic action. I refer to the proposed improvement of South Harrison Avenue in Congers.

Why a planned street like South Harrison Avenue was not fully completed by the Town requires some explanation. The answer

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may be indifference, dereliction or neglect; any of which does not absolve the town of its responsibility. The planned roads necessary in the orderly planning of a town are the responsibility of and are constructed and maintained by the town for the general welfare. They are not built at the whim and fancy of each property owner leaving a hodge-podge for a road.

The idea for having the payment for this improvement by the limited number by extended payments is absurd and unaffordable.

Presently Clarkstown is a viable modern and desirable community attributable to the Town Fathers who had the foresight to buy build and improve its schools, libraries, roads and sewer system, not to mention our lovely parks and lakes the use and beauty of which we all enjoy and benefit.

The present estimated cost for the improvement of South Harrison Avenue by Clarkstown would be miniscule compared to what has already been accomplished. The additional revenue now derived from the present growth of Clarkstown plus the increased value to be expected for the homes on South Harrison Avenue to be probably reflected in the assessed value should make this work affordable as a public improvement.

Lest these suggestions are not favorably received there appears to be no other fair or just way to solve this proposal. Therefore I would thus urge this proposal be scrapped and left in abeyance.

Respectfully,

/s/ Wesley B. Wertheimer*

Mr. Wertheimer then went on to say that the people along South Harrison Avenue to whose benefit and advantage this road would be, have been living on this road. They bought their property knowing what the situation was. About nine months of the year it is not bad. New York City has more potholes. Anyone on this 901 feet if they were in the exact middle would only have 450 feet in either direction to get onto a hard surfaced road. It is not an unbearable situation and to put us at this time at this terrible expense is unjust and unfair. He said he did not care what the Town laws and rules are. He asked the Town to accept the responsibility and consider him and his neighbors. He pleaded with the Town Board not to pass on this expense to them and to be just and fair.

Appearance: Mr. Joe Brogan
160 South Harrison Avenue
Congers, New York

Mr. Brogan said in 1979 there was a public hearing on the same proposal in 1979 and the same things were discussed. At that time, as now, no one was against improving the road. The issue is who should bear the cost. The Town maintains that it is a private road yet it has access to dedicated public sections on both sides. There are sewers, there are lights and the Town maintains the road by going in and putting more gravel down. It is plowed in the winter. The Town still maintains it is a private road. Since 1979 there has not been a title search to determine who actually is responsible for that section of the road. He said his house faces South Harrison Avenue but he has double frontage. He recently refinanced his house and the deed says nothing about access rights to the road. If indeed it is a private road, he said he has no access rights to it. He did not understand why the Town is asking him or anyone else living on the road to bear the cost.

Appearance: Mr. Jack Fontana
163 South Harrison Avenue
Congers, New York

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Mr. Fontana said whether this is a private road or not is the crux of the whole situation and always has been. He said he has heard some answers but he did not hear the proof. He said that Supervisor Holbrook had mentioned that the Town has not taken over the road. He said he disputed that also. He mentioned that this endless controversy has its origin in the fact that the Town of Clarkstown has either wilfully or unknowingly engaged in shameful duplicity in regard to its treatment of South Harrison Avenue since the year 1971. Public records reveal that there have been expenditures of public funds on a regular basis for the maintenance of what you claim to be a private street. He said their own official estimate of those expenditures places the figure at approximately \$30,000.00 to \$40,000.00. For the past twelve years there has been regular maintenance on this street that is consistent with maintenance of all other public streets. This, together with provisions specified in New York State Town Highway Law certifies South Harrison Avenue as a public street notwithstanding your claims to the contrary.

Mr. Fontana said the Town Board is mixing sheep and goats when you say we live on a private road and then turn around and authorize and expend public funds to maintain that road but with one great exception and that is to initiate a road improvement program to bring the road up to public street standards. We strongly suggest that this duplicity cease as we fear that it could lead to the possibility of your facing very serious charges for the expenditures of public funds for a private road.

Mr. Fontana stated that there have been specific actions taken by the Town which he wanted to make public tonight. He said in 1965 the Town caused street lighting to be installed. Utility costs for the same are being paid for by the Town for a total of twenty-two years. Fire hydrants had been installed around the same time. In 1971 the Town invaded the street and began to rip up the road bed for purposes of installing sewer lines not for us but for the homeowners on South Conger Avenue. No prior notice was given. No permission was requested and consequently no easement was ever granted. To this day the sewer lines exist without the Town having granted an easement.

One family received injuries resulting from the the condition of the road at the time of sewer installation and the Town settled damage claims brought against it out of court. Trees were cut down and removed. Bushes were trimmed. Street signs were installed and removed. We have regular post office deliveries. The street has been graded and leveled approximately five times. An asphalt apron (8 ft. by 25 ft.) was laid down at the entrance of a homeowner's driveway. More than 40 instances of maintenance have been properly documented from official town records and presented to the Supervisor, the Town Attorney and the Town Board in October of 1980. To this date not one item of documentation has been disputed as to its authenticity or veracity.

There is proof that promises made to the residents on that street have been broken by the Town and an attempt to compromise was agreed upon and not followed through. This entire mess can be laid at the door of the elected officials, past and present. In 1975 the road was opened up to public use for the benefit of a certain builder. That builder had access to his building site from the southern end of the street which was paved and always was paved. The destruction of our street which then became a through highway began with the movement of large heavy construction vehicles and the transporting of sections of prefabricated houses. The traffic continues unabated since that time and the road continues to deteriorate. There have also been five parking summonses issued on this road in the last two years. Finally, Mr. Fontana said that New York State laws prohibits our Highway Department to expend public funds to maintain any roadways other than those belonging to the town. In case some of you are not

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aware of this law its existence is fact. This fact has been made forcefully clear by Mr. John Costa, Town Attorney in recent times.

Mr. Fontana stated that on March 28, 1985 Town Attorney John Costa replied to a letter written by Mr. Doug Eichele, then President of the Congers Civic Association, wherein Mr. Eichele on behalf of the Association commented on the deplorable condition of South Harrison Avenue. Mr. Costa, in explaining to Mr. Eichele why road improvement costs must be borne by the homeowners and not by the town said "In my opinion this would be legally impermissible and would constitute a gift of public funds to aid a private cause."

Mr. Fontana asked was the law violated or not and if not, when are you finally going to authorize the restoration of South Harrison Avenue at town expense where it legally belongs. It has been said that we are trying to get something for nothing in asking for the road improvement. In view of all that has been said, Mr. Fontana said the question arises just who is it trying to get something for nothing. As of this moment the Town Board has failed to prove their claim.

Mr. Fontana said the Town Board has all the documentation and it has not been disputed. He asked what else must they do to prove that we don't live on a private road? To come along with an initial estimate of \$100,000.00 is excessive. He felt they were being treated pretty badly. He said it is about time they got their just due.

Supervisor Holbrook said yes over the years the Town Board has been down this road many times and gone over the same ground. It is not the Town Board's desire to impose taxation on citizens in this particular instance without a necessity for it. If this has been taken over by the Town, as you have claimed, by implication over the years as he has suggested the only other alternative available to people there is to go to a judge and ask the judge to look at the record and to make that determination. Based upon the recommendations of Town Attorneys over the past ten years or so it is the Town's legal contention that the road has not been taken over by implication. Supervisor said if the amount of evidence that Mr. Fontana and others have amassed could in fact be presented to a judge, then that judge might very well decide that the actions of the Town over fifteen or twenty years would indicate that the road has been taken over by the Town by implication.

Supervisor Holbrook said he very readily understood the unwillingness of the residents to pay for a road improvement. If the citizens want the Town to go in there and pave then that determination must be made by a court that this is in fact a public road. He wanted it understood that he was not saying that in a facetious way but in a sincere way. This is a dilemma but if you have amassed all of this information it would seem that some of the residents on South Harrison Avenue can pool some of their resources and maybe seek an attorney to go to a judge and see if this can be determined to be a public road. That is not throwing the ball back to you without reflecting on the issue that we cannot, on the advice of attorneys, go in there and pave the road and make it a public street without the proof. If a judge were to tell us, based upon the prima facie evidence presented that this was in fact a Town road and has been taken over by the Town by implication over the years then the Town could go in and do it. We have been at a stalemate over the past few years because we have indicated that this is a course the citizens could take but that has not been taken up to this point.

Supervisor said the only other alternative to this problem is what we are doing here tonight/

Mr. Fontana said that was a weak position for the Town to take. Mr. Fontana said they have offered firm proof and what

more can they do? He said you have a legal mind here to say here it is. We don't need a judge to tell us that. We don't have to spend our hard earned money after dealing with twelve years with impossible conditions.

Supervisor said they have asked the State Audit and Control for opinions and have received the answer that it is not a town road. Supervisor said we are not trying to fight with the people there. All they are trying to do is to offer what he thinks is an alternative that can be pursued. If people don't want to spend \$100,000.00 and certainly the Town Board doesn't want to impose \$100,000.00 cost upon people, if they don't want it to be imposed upon them, one alternative is to seek a legal course of action.

Mr. Fontana said that has been suggested in the past but there is irrefutable evidence here that it is not necessary for them to spend their money. Mr. Fontana said he has a letter from the State Audit and Control and the Town Board is not living up to the contents of that letter. He said they are not living up to the law. Mr. Fontana then referred to a letter dated August 21, 1980 from the Department of Audit and Control in reply to the town's inquiry on the private road matter. He read the following:

"The street is located within an old subdivision plot which was filed around 1900. The street has not been officially dedicated and accepted by the town. The town, however, has designated the street as a public street on its tax map and official map, has installed drainage and sewer lines. The town also has on intermittent or sporadic emergency basis improved the street by filling potholes and plowing snow."

Mr. Fontana said that is not true and the road is regularly maintained as the Town Board can attest to along with the residents. Mr. Fontana read further from the same letter from Audit and Control:

"A private street can become a town highway in one of four ways, purchase or condemnation, public use for ten years or more together with maintenance by the town." Mr. Fontana said there it is, you have done it. What more can we do? The law says that.

Mr. Fontana then read from two letters written by former Town Attorney, Everett Johns. He said at one time he had asked Mr. Johns for proof of ownership of South Harrison Avenue. He said in a letter dated September 25, 1981: "The ownership of any parcel of land, public or private street, can only be determined by title examination by an approved title abstract company. In addition, private streets may become public by acts of exercise of ownership of a municipality by ways of maintenance, repairs, etc." Mr. Fontana said there it is again by the Town's own legal department. "The latter is a factual situation and must be proved by documentation of the use for the statutory period of time which is now ten years." Mr. Fontana said again it has been proven.

Mr. Fontana said on September 28, 1981 Mr. Johns writes to Fred Seeger, Superintendent of Highways. "The basic principle involved in a town sewer easement in a private road is the town is responsible for restoring the area of which the sewer easement was installed in the same condition as prior thereto. The extent of the road repairs will be up to the town sewer department which would have to justify the black topping of the entire road area to reserve the sewer easement." Mr. Fontana said this town does not have an easement for the sewers which they illegally installed on that road. Mr. Fontana went on to say that he has told the Town Board all there is to be told. He said you should go through with this road improvement at town expense.

Appearance: Mr. Dennis Slattery
155 South Harrison Avenue
Congers, New York 10920

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Mr. Slattery said he has lived there since the late 1960's going back to Mr. Vine's administration and when Mr. Seeger was head of the Highway Department. He said the town has come in and done maintenance on the road. He said he knew that Mr. Holbrook was aware of the circumstances on that road going back to the time he was a Councilman in the early 70's. Mr. Slattery said when he moved in there it was a dead end street and the only people coming into the street were those who actually lived on the roadway. Somewhere along the line there were shenanigans and the road was opened up when three houses were built by he believed, Bergstol. In any event the road was opened up.

Councilwoman Smith asked what year that was and Mr. Slattery said that was about 1977 or 1978, he thought. Supervisor said that was done by the Board of Appeals.

Mr. Slattery said in any event when those three houses were put in the road was opened up and now it was open for public use and no longer strictly to be used by the people who lived on the block. Whoever's fault it was over the years, whether it was Mr. Vine's administration, Mr. Gerber's administration, or Mr. Dusanenko's administration we are all sharing a hardship on the road. He referred to a letter read from a Mrs. Murphy who said they paid cheap prices for their houses. He said yes it was cheap in today's market but not when he bought it. A problem has been created over the years and not by the people who live on the road. He said he could not see any reason why the people who live on the road, or for that matter the people who have double frontage and therefore do not have much use of the road on South Harrison Avenue, should be forced to pay for something that was not their fault. He said he liked the fact that it was a dead-end street. It was safe. There are people driving down that road who do not realize that it will become a dirt road. The property directly in front of his house looks like a war zone. He stated that twice a year he tries to fill in the pot holes to the best of his ability but when cars come into the street sometimes in excess of fifty miles per hour they skid for two or three houses and they rip up the road. He said that cars have, on occasion, hit rocks in the road which then are thrown against his house which is recessed thirty or forty feet from the road. It is not the fault of the people living on the street but the people using the road as a through street. This is a problem we are forced to live with but there is no reason why we should be forced to pay to have it repaired.

Mr. Slattery said that Mr. Pontana's research has brought out that the Town is at fault. Everyone would like to see it repaired now but not necessarily at the expense of the residents living on the street.

Appearance: Mr. William Atzl
 181 South Harrison Avenue
 Congers, New York 10920

Mr. Atzl said it has been suggested that if he didn't like it there he should move. He stated that he has lived there for twenty-seven years paying high taxes, paying road taxes without any road, and he felt he was entitled to something. He stated that he had lived at 163 South Harrison Avenue for ten years and then it was decided to bring in sewers. Mr. Vines promised them a road - guaranteed them a road. Mr. Atzl stated that he liked the neighborhood; there was a good school system; there would be sewers and so he built another house. Well, they didn't get a road. It was a dead-end road with a stop sign and there was no problem. The Town then decided to let a subdivision go in there. The road was opened up. The women lined up with baby carriages trying to prevent the Town from making it a through street but they were threatened with arrest. The builder tore up the road, built his houses and when he was finished he put a six foot mound of dirt across his easement. It was a dead-end street again. The builder was forced

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to remove the mound of dirt and make it a through street and since then it has been nothing but muck, mire, dirt, mud, water. You cannot walk there without breaking a leg. If it is a private road then he would like to stop the sewerage from coming down. He said his neighbors have no problem running that through his private property. The whole neighborhood is going down hill from Lake Road to the end of Harrison Avenue. It is now a network of patches. By fixing this portion of the road and some of the other parts of it you would be doing the whole town a favor.

Mr. Atzl asked if the portion of the road on which the three new houses were built is a private road. Supervisor said because of a public hearing earlier this year that portion will become a public road. It was a private road and part of it had been paved a little bit when the houses were built and that will become a public road this year. Mr. Atzl said at a much lower price than they are asked to pay and Supervisor said the circumstances were a little different. Mr. Atzl said but the Town saw fit to repave that portion a year and a half ago. They spent five days there just before elections, paving - Town truck, steam roller. Why don't they get that service? Mr. Atzl said give us a little bit of that black top and their job would not cost so much. Incorporate our job with that one and do the whole road.

Town Attorney said the work was not done in the area of the last road improvement project. South of that the portion had been dedicated to the Town over the years. Town Attorney referred to a map and explained just which parcels were under consideration tonight. Town Attorney said the portion to which Mr. Atzl was referring -- Mr. Atzl said the portion to which he was referring was paved by the Town not the section to which Mr. Costa was referring. He asked if the residents tonight are second class citizens. Town trucks use the road every day and use it when they want to. Supervisor said it has become a public thoroughfare.

Mr. Atzl said after twenty-seven years of eating dust they are entitled to something. He reiterated his request that the Town pave the road at its expense.

Appearance: Ms. Deborah VonRonn
161 South Congers Avenue
Congers, New York 10920

Ms. VonRonn said she is pleading the case for the people on South Conger Avenue. This is a financial burden for her family and for the people in the area. This is not an area where you can just say pay thousands of dollars for work done. We have retired people. She said she is a working mother of three. She felt she should not have to go in debt or work overtime to pay for someone else's road. It needs to be taken care of but she could not handle the financial burden.

Appearance: Mr. Robert Strong
173 South Congers Avenue
Congers, New York 10920

Mr. Strong stated his opposition to paying for the road. He said he has seen Town trucks plowing snow. Town trucks have been there filling pot holes in that road. He said he is on the side of the residents living there to get the road finished but he did not feel anyone of them should have to pay to have the road completed. He believed that was the Town's responsibility. It should be investigated. He was opposed to any of the residents spending any money, whether they are on South Harrison or South Congers.

Appearance: Mrs. Jane Reinmuth
165 South Congers Avenue
Congers, New York 10920

She stated she was opposed to having this road paved. She said their taxes were raised considerably three years ago. She wanted to move here for her children's sake - for the schools, etc. She said if you are going to spend a billion dollars for parks she could not see why the Town could not spend \$100,000.00 out of their taxes to pave the road.

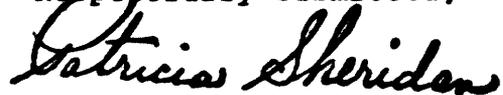
Councilwoman Smith asked Town Attorney if there was an easement to put the sewers in? Town Attorney said there was no formal easement. Councilwoman Smith asked if they had one to maintain the sewers? Town Attorney stated that the prior Town Attorneys had taken the position that the Town does have the right to protect the easement from damage or destruction and in fact an obligation to do but there is no formal easement. Councilman Lettre asked how the lines were put in without an easement? Supervisor said that was a good question. Town Attorney said the contractor dug up the street and installed them. Councilman Lettre said then don't the people who live on the street and own to the middle of the road have a right to sue the Town for illegally putting the lines in? Town Attorney said that is the nub of the problem. There is no evidence to indicate that the abutting owners have the fee for ownership of the title to the center of the road. Town Attorney went on to say that the problem with the Boston Improvement Company lots and map is that when those lots were originally sold back in the 1890's and early 1900's the lots were sold without the usual language that goes into the deed that says together with the interest of the party of the first part to the center of the road so that the ownership of the fee was most likely retained by the corporation which sold the lots and has descended to its successors, whoever they may be. Councilman Lettre asked wouldn't they have it through adverse possession then? It can't be both ways. Town Attorney said an adverse interest in property can only be acquired if a party asserts a legal claim to that and holds himself out as an owner for the prescriptive period which has been changed over the years. It is currently ten years but it used to be as long as twenty-five years. Councilman Lettre said there are some questions on this and this was not the appropriate place to debate them.

Councilwoman Smith said she would like to call for a complete investigation of the facts presented tonight. She said she really could not see that these people have to go to the cost of a judge if we can come up with the facts that it is indeed Town property. Supervisor said we can do that. Town Attorney said he has reviewed all of the materials, as had his predecessors in office over the years, and all of the things to which Mr. Fontana referred are part of the file in the Town Attorney's office. Councilwoman Smith she would like to see that file. Town Attorney said it is a voluminous file but she was certainly welcome to come in and see it. Councilwoman Smith said that these people are presenting genuine hardships and if the Town has let this go on for a number of years we should sit and reconsider this.

Supervisor said that was fine with him.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 10:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/87

10:40 P.M.

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

RE: Chapter 79 Hearing Map 124, Block B, Lot 13 - Sterngass

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

Town Attorney said this proceeding was commenced by resolution which the Town Board adopted on March 10, 1987 which authorized and directed the Town Attorney to institute a proceeding under Chapter 79 against property reputedly owned by Rubin and Rose Sterngass located at 67 Ridge Road, Valley Cottage, New York. As a result of the resolution adopted by the Town Board, Town Attorney's office prepared a Notice and Order pursuant to Chapter 79 and served the same by certified mail, return receipt, upon Rubin Sterngass and Rose Sterngass on March 30, 1987. The postal department has provided return receipts indicating that the mail was accepted by Rose (last name illegible) on March 31, 1987.

The Order of the Town Board referred to a prior Order of the Building Inspector dated January 14, 1987 which directed the owners of 67 Ridge Road, Valley Cottage, New York to remove from that property two (2) unregistered vehicles, accumulations of litter and debris including but not limited to wood, tires, pipe fittings, plastic pipes, steel drums and HP vacu-flow cartons within ten (10) days from the date of the Order which had not been complied with.

Town Attorney said Mr. Richard Sullinger of the Building Inspector's Office was assigned to this case and he is present. Town Attorney then swore in Mr. Sullinger.

Appearance: Mr. Richard Sullinger,
Code Inspector, Town of Clarkstown

In response to a complaint received in the Building Department on December 29th he made his first visit there on January 14, 1987 at which time he observed two unregistered autos, piles of corrugated boxes, tires, various litter and debris in front of the garage and on the side of the garage on the property. He sent a violation on that same day. He made a second visit there on March 6, 1987 and he observed there was no improvement on the property. On the 9th of April, he met with Mr. Sterngass and discussed the problem and agreed on what steps should be taken and what would be acceptable to cleaning up the property and screening off the remaining items which he felt were of value to him. Mr. Sullinger stated that he received a message that Mr. Sterngass has complied with this request and he made a revisit on the 22nd of April. In accordance with the discussion Mr. Sterngass had cleaned up a lot of the debris and has limited his unregistered vehicles to one (1) and he has placed screening in the rear of his property. Mr. Sullinger recommended, therefore, that at this time there be no further action by the Town Board as Mr. Sterngass has complied with the violation notice.

Town Attorney said they had commenced this proceeding as the result of a lack of compliance. It has been the Town Board's position that the cost of the proceeding would be assessed against the owner if it was necessary to start the proceeding. Town Attorney asked Mr. Sullinger if the condition observed initially constituted a health hazard to the community? Mr. Sullinger said yes. Town Attorney asked at the present time has that hazard been abated and is there no longer a present danger? Mr. Sullinger said

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yes. Town Attorney asked if corrective work had taken place prior to or subsequent to the commencement of the proceeding? Mr. Sullinger said some had taken place before and some after.

Supervisor asked if the Town Board members had any questions? There were none.

Supervisor asked if there was anyone present wishing to comment on this. No one appeared.

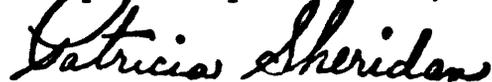
Appearance: Alan Simon, Esq.
43 North Madison Avenue
Spring Valley, New York 10977

Mr. Simon was representing the Sterngasses and was here on their behalf. He said there was no personal contact in reference to the particular problem until sometime in April when that problem was dealt with. Prior to that time the weather conditions were difficult and made compliance with this very difficult. He said further there is a question as to whether those items which people consider junk are things of value.

Supervisor asked what property this was and Mr. Simon said this was Mr. Sterngass' house. Many of those things were considered by Mr. Sterngass to be of value and not junk. There was some agreement as to what was valuable and what was junk. Provisions were made to store in an appropriate way that which he believed valuable. Further the Town has sought to bring criminal prosecution against Mr. Sterngass in reference to this same action. He said if the Board penalized him it would essentially put him in jeopardy in two different places at the same time. In essence there is an open case in the Clarkstown Justice Court in reference to the same particular problem which was initiated at the same time. He asked that the Board not impose any costs against Mr. Sterngass. He is still facing criminal charges and he believed that should be all that he should face. Mr. Simon said he felt that case could be resolved in the appropriate place where there would be an opportunity to have a trial based upon the facts surrounding this particular incident.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:53 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (512-1987) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

365

Town Hall

4/28/87

10:53 P.M.

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

RE: ADOPTING LOCAL LAW NO. 6-1987 - AMENDMENT TO CHAPTER
91 OF THE TOWN CODE OF TOWN OF CLARKSTOWN (PERMIT FEES)

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

Town Attorney gave an explanation of the proposed local law which is to provide an alternate permit fee of \$50.00 for an applicant who maintains a security deposit of \$50,000.00 against which the Town of Clarkstown may draw in the event the applicant fails to perform corrective work as required by the Town Engineer.

Supervisor asked if there was anyone wishing to be heard regarding the proposed local law.

No one appeared.

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:55 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (513-1987) ADOPTED

ABE740

TOWN OF CLARKSTOWN
PUBLIC HEARING

367

Town Hall

4/28/87

10:55 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING -
MAP 141, BLOCK A, LOT 16.01 (FELDI)

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

Town Attorney said this proceeding was initiated by Resolution 351 dated March 24, 1987 with respect to Map 141, Block A, Lot 16.01 reputedly owned by Martin Feldi. The property is located on North Route 9W, Congers, New York. The Notice and Order required by the Town Board was served upon Mr. Feldi by certified mail, return receipt, on April 6, 1987 and he received it on April 7th.

The complaint with respect to this property is that there is an accumulation of junk cars, car wheels, and miscellaneous debris on the property to the extent that it has created a nuisance and hazard to the health, safety and welfare of the community.

Town Attorney stated that Irene Saccende is the Code Enforcement Officer who can testify with respect to this matter. Town Attorney then swore in Mrs. Saccende.

Appearance: Irene Saccende, Code Inspector
Town of Clarkstown

Supervisor asked Mrs. Saccende if we are certain that this property, according to the report she just handed in, is now owned by another party? Mrs. Saccende said she spoke with Mr. Nardone and he indicated that he had purchased this property, Mr. Stierlen's property and also Mr. Miller's property.

Town Attorney then swore in Mr. Martin Feldi.

Appearance: Mr. Martin Feldi

Supervisor asked Mr. Feldi if his property on Route 9W (Map 141, Block A, Lot 16.01) had been sold to Louis Nardone. Mr. Feldi said yes. Mr. Feldi said he wanted to add one thing and he did not want the Town Board to blame Mr. Stierlen for the problem on the property. He had nothing to do with it. Mr. Feldi said his previous tenant was responsible. He said they have made every effort to clean it up. Supervisor noted that there had been some improvement. Mr. Feldi said he could not remove the garbage trucks because they would not let him enter onto the property.

Supervisor asked Mrs. Saccende if the report she had handed in was what she recommended at this time? She replied yes.

Town Attorney asked Mrs. Saccende if when she first examined the property did the conditions which existed constitute health and safety hazards to the community. She said in her opinion, yes.

Town Attorney said at the present time has the condition present on the property abated to the point where that particular hazard no longer exists? She said it is less of a hazard and they have cleaned up to a certain extent. Town Attorney asked should he interpret her recommendation that the Town adjourn this hearing rather than close it? Mrs. Saccende said yes.

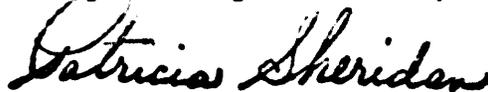
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ABE740

Supervisor said this would be adjourned to the meeting of May 14th for a further report. Town Attorney said they could continue the hearing at that time. He also said anyone who wished to be heard could be heard at that time.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was adjourned until May 14, 1987, time: 11:00 P.M..

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

369

Town Hall

4/28/87

10:55 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING -
MAP 141, BLOCK A, LOT 6.07 (STIERLEN

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

Town Attorney said this proceeding was initiated by Resolution 352 dated March 24, 1987 with respect to Map 141, Block A, Lot 6.07 reputedly owned by Mary Stierlen. The property is located on North Route 9W, Congers, New York.

The complaint with respect to this property is that there is an accumulation of junk cars, car wheels, and miscellaneous debris on the property to the extent that it has created a nuisance and hazard to the health, safety and welfare of the community.

Town Attorney stated that Irene Saccende is the Code Enforcement Officer who can testify with respect to this matter. Town Attorney then swore in Mrs. Saccende.

Appearance: Irene Saccende, Code Inspector
Town of Clarkstown

Supervisor asked Mrs. Saccende if we are certain that this property, according to the report she just handed in, is now owned by another party? Mrs. Saccende said she spoke with Mr. Nardone and he indicated that he had purchased this property, Mr. Feldi's property and also Mr. Miller's property.

Town Attorney then swore in Mr. Martin Feldi.

Appearance: Mr. Martin Feldi

Supervisor asked Mr. Feldi if his property on Route 9W (Map 141, Block A, Lot 16.01) had been sold to Louis Nardone. Mr. Feldi said yes. Mr. Feldi said he wanted to add one thing and he did not want the Town Board to blame Mr. Stierlen for the problem on the property. He had nothing to do with it. Mr. Feldi said his previous tenant was responsible. He said they have made every effort to clean it up. Supervisor noted that there had been some improvement. Mr. Feldi said he could not remove the garbage trucks because they would not let him enter onto the property.

Supervisor asked Mrs. Saccende if the report she had handed in was what she recommended at this time? She replied yes.

Town Attorney asked Mrs. Saccende if when she first examined the property did the conditions which existed constitute health and safety hazards to the community. She said in her opinion, yes.

Town Attorney said at the present time has the condition present on the property abated to the point where that particular hazard no longer exists? She said it is less of a hazard and they have cleaned up to a certain extent. Town Attorney asked should he interpret her recommendation that the Town adjourn this hearing rather than close it? Mrs. Saccende said yes.

Continued on Next Page

ABE740

Supervisor said this would be adjourned to the meeting of May 14th for a further report. Town Attorney said they could continue the hearing at that time. He also said anyone who wished to be heard could be heard at that time.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was adjourned until May 14, 1987, time: 11:00 P.M..

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk