

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/26/87

8:00 P.M.

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

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

Supervisor said he wanted to acknowledge the Eagle Scouts this evening and he said he had awards to give out to them. He said Eagle Scout is the highest honor in the chain of scouting and it is certainly a remarkable achievement and so the Town Board would like to take some time this evening to recognize those who have achieved this distinguished rank. He said there are five Eagle Scouts and their parents present this evening. He also said he would like to congratulate the parents and their scout masters and all those involved in scouting for the participation and the dedication they've shown for a very worthwhile program. Awards were given out to the following Eagle Scouts: John Genevise - Troop 313, Christopher Sera - Troop 313, Joannathan Zimmerman - Troop 313, Craig Tanks - 313, John Helmers - Troop 146. The Town Board acknowledged the parents and the leaders of the Eagle Scouts.

Supervisor declared the Public Portion of the meeting open.

Appearance: Joseph Hirschfield
96 Susan Drive
New City, New York

Mr. Hirschfield spoke regarding the Post Office on Buckley Farms. He asked the Board to rise above their involvements and vote their conscience. He asked that they deny the change of use.

Appearance: Phyllis Bulhack
9 West Gate Boulevard
New City, New York

She said she represented Fairhaven Civic Assoc. and High Meadow Park Home Owner's Assoc. She said she knew that a commitment had been made regarding those people in Spring Valley who would have New City addresses if this went through but she now asked the Town Board if they had gotten a commitment from the postal officials about road widening and street improvements. Supervisor said that the postal officials would submit themselves to the SEQRA and the Planning Board recommendations. She said that it was a county road involved and therefore the postal authorities would not make improvements off site but only on site.

Mrs. Bulhack discussed what she said was going to be a horrendous traffic condition.

Supervisor said that they would have to submit to the jurisdiction of the county in whatever requirements the county would impose if in fact this particular site was ultimately selected by the post office. He said there is another site close to Gessel's Gas Station that is also interested in pursuing the postal authorities from the standpoint of a post office.

Mrs. Bulhack said that since you all knew that it was a bad site to begin with why didn't you get a written commitment from the postal officials that if you approved this change of zone that

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they would improve Main Street? She said that she was told by the County and the Town Planning Department that the Town Board can't ask anymore of them because it is a county highway.

The Supervisor said the post authorities would agree to adhere to the requirements in the site plan review and the SEQRA of the Town Planning Board. It would also have to be referred to the County Planning Board because it abuts on a county road. In both of those instances there would be opportunities for input to be had and also requirements for whatever is to be constructed. They indicated to us that they would proceed in that vein and not go contrary to the wishes of the Planning Board and would submit themselves to site plan and SEQRA review.

She said that most of the time when you have a zone change you wait and receive all of the reports and all of the SEQRA and this time you didn't wait for a full plan from SEQRA. She asked why they hurried this?

Supervisor Holbrook said that at the time the Town Board voted they thought it was sufficient but the Town Attorney advised that the SEQRA period had been submitted on the 5th and since the meeting was on the 14th it was only 9 days and it required 15 days. The Supervisor said that if in approving this, four votes were needed, a reason had to be submitted with regard to the comments made by the County Planner, Mr. Chase. Those things are included in the new resolution on the agenda.

Appearance: Peter Green
14 Rugby Road
New City, New York

He said this Post Office has become the most talked about item in Town. He said that we all agree that is not the proper site for the building and if we stand firm the postal authorities will find an alternate site.

Ziporah Fleisher
443 Buena Vista Road
New City, New York

She said that she had been promised that Buckley Farms would be one acre zoning and now it is zoned one half acre. She said we have to think about the empty land around the site as well as how poor that site is and that it will be used as an excuse to come in and ask for a change of zone. She also asked about the cost of the enlargement of that road and who will pay for it and maintain it. She said the other option of a Post Office is the present site and the owner was urged to offer the site to the postal service. She asked the Board to study the present site with a view to improving it. She said she is also making a study of when the parking lot is full and when it isn't.

Appearance: Andrea Weiss
2 Brookline Circle
New City, New York

Mrs. Weiss read a statement in opposition to the Post Office. She was concerned that the Post Office would be open twenty-four hours a day, seven days a week. She expressed concern regarding the traffic and the danger to children, handicapped children, the retarded adults living at Jawanio, and the residents and shoppers living in the area. She said the new site would have a negative effect on the property values in the area. She asked if there was some benefit that the Town Board

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would gain either now or in the future by amending the present zoning code? Supervisor Holbrook said that he would have no personal gain from it.

Appearance: Louis Fishlin
4 Crum Creek Road
New City, New York

He said that all of the members of the Town Board live outside of New City. He said the Hamlet of New City has no representation on this panel at all. With the exception of Mr. Carey, the Town Board members do not hear the people of New City.

Appearance: Allan Gerber
92 Susan Drive
New City, New York

He said that the report of Robert Geneslaw should not be accepted. He said we should have a complete environmental assessment because the short form is incomplete. By answering one "yes" you are required to have a full environmental SEQRA. He asked if anyone on the Board had asked the postal authorities how big the building is going to be?

Supervisor said the size of it is undetermined but he believed it would all be on one story but he did not know the exact square footage.

Mr. Gerber said he heard from Alan Apfelbaum that it would be 100 x 200. He said that would accommodate seventy-five employees and a minimum of twenty-five vehicles. He said that Mr. Apfelbaum is proposing more than two and a half acres.

Appearance: Marvin Portnoy
90 Susan Drive
New City, New York

He said that he could not believe that one man's money could buy an entire Town Board.

Appearance: Alan Freedman
112 Church Street
Nanuet, New York

He said that he lives on Church Street close to one of the bridges that you say is falling down. He said that he could not understand how the Town is going to check three or four bridges for \$5400.00

Supervisor said there has been some preliminary work done on them and what they have to determine is the degree of deterioration and that requires some further testing.

Mr. Freedman said that the going rate of engineers and architects is about \$100.00 per hour. He said the \$5400.00 would cover about a week's work.

Supervisor said that the bridges may just need some remediation and not be replaced. Most of the fund will be allocated to the study of the Church Street bridge.

Appearance: Susan Goldberg
4 Cricket Court
New City, New York

She asked for more information on the new site for the post office which Supervisor Holbrook mentioned earlier.

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Supervisor mentioned that another person had also expressed interest in having the post office erected on his property which site is adjacent to Gessel's garage. Mrs. Goldberg asked if that would change the way you might think about the site on Buckley Farms

Supervisor said that the amendment the Board passed, although it would apply to the Buckley Farm site, would also apply to this particular site because it is also zoned R-15. He said the feeling of the Town Board is that if the postal authorities were to select that particular site it is a little bit closer to Squadron Boulevard and adjacent to the Gas Station. He said he didn't think the Board members would have any objection to that either.

In response to another question from Mrs. Goldberg the Supervisor said we are not downzoning Buckley Farms. He said if this particular use was not done, neither the Buckley Farms site nor the site that this particular person has proposed would not be used by the postal authorities because they choose not to exercise their power of condemnation over real estate within the jurisdiction of the Town.

Mrs. Goldberg also expressed concern regarding the traffic in the area and then asked if she could see a list of the other sites which had been considered and a reason for their rejection.

Supervisor said he could submit a list to her that the Town forwarded to the postal authorities.

Appearance: Andrew Kaplan
11 Fairhaven Drive
New City, New York

He said the implementation of countywide 911 will eliminate the problem for the people on West Clarkstown Road. He said that it is common knowledge in political circles that Ann Smith and John Maloney are both personal and close friends of Don Tracy whom they consider their mentor. Edward Lettre is in business in Stony Point with the family of Donald Tracy. Our question is that maybe it's a moral question that these people should vote on anything involving the attorney for the Apfelbaum family in this affair.

Appearance: Jack Cuff
West Nyack, New York

Mr. Cuff had a criticism regarding the flag flying in front of Town Hall. He said that the flag was at half mast and after sundown either the flag comes down or proper illumination is provided on the flag.

Appearance: Mark Abrahams
11 Brookline Way
New City, New York

Mr. Abrahams described the bad traffic conditions on Main Street. He said that our representatives should stand up to the Federal Government and the Board should fight for us.

Supervisor said that the Town Board has spoken to Congressman Gilman on numerous occasions and he said that he has even written letters to Senator Moynihan. Essentially, he indicated that his hands are tied in this matter.

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Appearance: Donald Tracy, Esq.
Middletown Road
New City, New York

He said he came here tonight on Item #6 on the agenda but wanted to set the record straight. He said he represented Alan Apfelbaum before the Zoning Board of Appeals. He said that he litigated that matter and he lost it. He said he hasn't heard anything about the Post Office since and didn't initiate this zone change application and does not represent Mr. Apfelbaum. He said he has many people in north New City who are his friends and whom he represents. He said he wished Mr. Kaplan would check the record on this matter before he makes any hasty statements.

Appearance: John Lodico
New City, New York

He said he was here to ask the Town to reject the proposal for a Tri-Town Compact on the garbage situation in Rockland County. He said it is a dangerous thing the Town has conceived off and would end up in a bigger bureacracy than we presently have in the government. He said he hoped the Town Board would reconsider any proposal except to give them emergency help.

Appearance: Arlene Brenner
441 N. Little Tor Road
New City, New York

She said she could not believe what happened at the last Board meeting. She asked the Town Board Members if they honestly felt that the children who walked to school would or would not be a greater risk with the implementation of the Post Office at that location?

All Town Board Members, with the exception of Councilman Carey, said a lesser risk.

Mrs. Brenner discussed the traffic and safety problem in the area and said, with the exception of Councilman Carey, we are very disappointed in all of you.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted the Public Hearing re: Zone Change - LO District to R-22 District - Ralph M. Richart, M.D., was opened, time: 8:55 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change - LO District to R-22 District - Ralph M. Richart, M.D., was closed, DECISION RESERVED, time: 9:27 P.M.

With regard to the Public Hearing scheduled for 8:10 - Violation Hearing - Karten, Town Attorney stated that he had a letter addressed to himself dated May 26, 1987 from Milton B. Shapiro, attorney on behalf of Karten, Lake Road, Valley Cottage, New York:

"Dear Mr. Costa:

On behalf of Isidore Karten and Julia Karten, the owners of the premises known as Map 137, Block A, Lot 11 we are prepared to stipulate and agree as to the billing described in the Order and Notice pursuant to Town Code, Chapter 31 (Unsafe Buildings) dated March 24, 1987 that:

- 1. A demolition permit will be immediately applied for.

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2. That the building will be demolished within forty-five (45) days unless the time is extended by the Building Inspector for good cause.
3. If the building is not so demolished the Town of Clarkstown may proceed in accordance with paragraph F of your Order and Notice of March 24, 1987.

If any additional stipulation is desired, we will be glad to cooperate in effecting the same. In view of the stipulation and in accordance with our discussions, it will be unnecessary to proceed with the hearing scheduled for this evening.

Thank you for your cooperation.

/s/ Milton B. Shapiro*

Supervisor asked Mr. Costa if, in his opinion, this was satisfactory to the Town. He said he felt that it was. Town Attorney said he agreed with that and he had a resolution prepared which accepts this stipulation and also at the same time, just as an insurance policy, adjourned the matter to August 11, 1987 in the event there is no follow through.

RESOLUTION NO. (569-1987)

ACCEPTING STIPULATION RE:
VIOLATION HEARING ON PREMISES
MAP 137, BLOCK A, LOT 11
(KARTEN) AND SCHEDULING PUBLIC
HEARING FOR AUGUST 11, 1987 IF
NECESSARY

Co. Lettre offered the following resolution:

WHEREAS, by Resolution No. 354 dated March 24, 1987, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 137, BLOCK A, LOT 11, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, Milton Shapiro, Esq., on behalf of Isidore Karten and Julia Karten, the owners of the premises referred to herein, has offered to enter into a stipulation whereby the structures complained of, located on the subject premises and described as a wood frame three-story building with two substantial additions and an ancillary one-story frame structure located to the west of the main building, shall be demolished and removed from said premises by the property owners or their successor in interest within 45 days from the adoption of this resolution unless the Building Inspector shall for good cause extend such period;

NOW, THEREFORE, be it

RESOLVED, that the proposal described above is hereby accepted by the Town Board, and be it

FURTHER RESOLVED, that the public hearing scheduled for May 26, 1987, is hereby adjourned to August 11, 1987, at 8:05 P.M., at the Auditorium of Town Hall, 10 Maple Avenue, New City, New York, at which time if the premises are not demolished and removed as stipulated by the owners, the Town Board shall consider an Order requiring same to be done by the Building Department and the cost assessed against the property in accordance with Chapter 31.

Seconded by Co. Maloney

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RESOLUTION NO. (569-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (570-1987)

RESCINDING RESOLUTION NO.
568-1987 RE: AMENDMENT TO THE
ZONING ORDINANCE RE: POST
OFFICES

Co. Lettre offered the following resolution:

RESOLVED, based on the recommendation of the Town Attorney, Resolution No. 568 dated May 14, 1987, is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (571-1987)

AMENDING THE ZONING ORDINANCE
OF THE TOWN OF CLARKSTOWN RE:
POST OFFICES

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of April, 1987, provided for a public hearing on the 14th day of May, 1987 at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated May 5, 1987, acting as staff to the Town Board, the Town Board hereby determines that it shall act as lead agency, the Amendment to the Zoning Ordinance 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 the Zoning Ordinance of the Town of Clarkstown is hereby amended as follows:

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,"

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RESOLUTION NO. (571-1987) 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."

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

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RESOLUTION NO. (571-1987) Continued

"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."

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law, and be it

FURTHER RESOLVED, that the resolution adopted herein by a majority plus one of the members of Town Board pursuant to General Municipal Law Section 239-m without conforming to the conditional recommendation of the Rockland County Planning Board, is so adopted because the incidence of the construction of new U.S. postal facilities is too infrequent in the opinion of the Town Board as to require use of a special permit procedure with consequent public hearing and further, any location where such a facility would be constructed would be subject to site plan review and a public hearing incidental thereto.

Seconded by Co. Maloney

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Carey..... | No |
| Councilman Lettre..... | Yes |
| Councilman Maloney..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

Councilman Carey stated that he had not changed his mind since May 14, 1987. He said he felt a post office in a town is not a town board matter. He said since it is on a town board agenda it is in the wrong place. The traffic in that part of northern New City will be intolerable. He said it was counter to the tenets of the Master Plan. It is only reasonable that the people this evening ask that this be put off for a couple of more weeks so we can at least get an answer to the SEQRA and the off street parking. He voted "No."

Councilman Maloney said he wanted to remind everybody that this is an amendment to the zoning ordinance and is not a zone change. Right now we would allow a fire house, a police station or an ambulance station there and he did not know how many people would want that. He said nobody had any prepared statements made last May 14th when we had the hearing. Whatever anyone said they said at that particular moment. There was nothing written by anybody sitting up here. He also said that everyone sitting up here is elected for the entire town and not just one segment of that town and therefore he had to vote in accordance with the fact that he is elected by all the people in the Town of Clarkstown. He wanted to remind some of the people from New City who perhaps are here for the first time tonight that he has protected the environment of New City with many, many, many votes in the past to protect the zoning integrity of this part of New City. He said this is a vote that will change the ordinance, not just on one site but on any site in the Town of Clarkstown on any district to allow a post office as a public safety building in addition to a fire house, a police house

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RESOLUTION NO. (571-1987) Continued

or an ambulance station and therefore he was voting "Yes" as he voted last time.

Councilwoman Smith said the underlying reason for her vote, and people could believe as they wished to believe, is the need for the post office in New City and she voted "Yes."

Supervisor Holbrook said that he had stated on a number of occasions that in the past year and one half the Town Board has attempted to find a number of sites in New City acceptable to the postal authorities. He said this particular amendment will permit it to be possibly located on this particular site. There are also other sites that it could be located on. He said the Hamlet of New City is in need of expanded postal facilities and has been for some time. Therefore, on the basis of the 38,000 people who live in the Hamlet of New City and require postal service, he was voting "Yes" for the amendment.

RESOLUTION NO. (572-1987)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
CS DISTRICT TO RS DISTRICT
- MAP 120, BLOCK A, LOTS
23, 26 AND 74 (PAUL P. JOHN
A. AND JOSEPH P. GUARINO

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 7th day of April, 1987, provided for a public hearing on the 12th day of May, 1987, at 8:05 P.M., to consider the application of PAUL P., JOHN A. and JOSEPH P. GUARINO, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners from a CS District to an RS District, which is designated on the Clarkstown Tax Map as Map 120, Block A, Lots 23, 26 and 74, 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, dated May 5, 1987, 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 the zone change provided for herein is approved subject to the record owner providing a restrictive covenant benefitting the Town of Clarkstown in a form approved by the Town Attorney which shall provide that the applicant or successor in interest shall develop the premises for no other use except a mini-storage complex and conform to the following conditions:

a) There shall be no ingress and egress to the subject property from First Street and Ingals Street.

b) A suitable buffer of trees and shrubbery shall be provided along the westerly property line, not less than 20 feet in width, in order to screen the residential properties situate on Ingals Street, installed in a manner approved by the appropriate agencies of the Town of Clarkstown.

RESOLUTION NO. (572-1987) Continued

c) The applicant shall gratuitously convey, when required by the State of New York, a widening strip to provide for a 40 foot right-of-way measured from the center line of Route 59.

d) The ingress and egress to the subject property from Route 59 shall be situate directly opposite the entrance to West Broadway.

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown subject to the conditions set forth above, is hereby amended by redistricting from a CS District to an RS District, the property described on Scheduled "A," in the Hamlet of Central Nyack, New York, in said Town, which is also designated on the Clarkstown Tax Map as Map 120, Block A, Lots 23, 26 and 74, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

(DESCRIPTION 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 |

At this point a gentleman from the audience (Ed Carter ?) stated that he lived on Ingalls Street, Central Nyack. He said he had not seen a map or anything and they did not know what was going on regarding the property which is the subject of this resolution. Supervisor said the proposal at the public hearing was to change the zone to RS because in this particular instance the RS is the zone that permits by right mini-storage according to the Town Building Inspector. That basically is what the proposal was. The zone change was acted hereon by the Town Board subject to the following conditions. Supervisor gave a copy of the conditions to the gentleman.

The gentleman said they had been told to come back tonight as a decision would be made after the SEQRA report. Supervisor asked Town Attorney if the SEQRA had been completed and the Town Attorney replied in the affirmative. Supervisor asked if there was a comment with regard to the SEQRA and Town Attorney said a copy was received in his office today dated May 5, 1987 and signed by Robert Geneslaw, Town Planning Consultant and has as an attachment the short form environmental assessment. That has been prepared by the applicant's engineer or engineer's agent and countersigned by Robert Geneslaw. The conclusion is that the project will result in no major impact and therefore is one which may not cause significant damage to the environment. If no agency copied below responds within fifteen days from the date of mailing this notification, no further processing under SEQRA is required. Supervisor asked if the statutory time for SEQRA had transpired or is it as of today...Town Attorney said as of the date of this correspondence, the statutory time would have transpired on May 20th. Supervisor said the Town could not take the action on this at the previous public hearing because the SEQRA was not complete.

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RESOLUTION NO. (572-1987) Continued

Mr. Carter(?) said then we have to take what we get. Supervisor said if you were at the public hearing you knew exactly what was being proposed. The gentleman said the attorney did not even know what was going on. Supervisor said there is a restrictive covenant which permits only the use of mini-warehouse.

Councilman Lettre said there is also a public hearing which will take place before the Planning Board. Supervisor advised Mr. Carter(?) to take a look at the restrictions and he thought a lot of his questions would be answered. Councilman Lettre said he thought they would be dealt with directly at the Planning Board level.

RESOLUTION NO. (573-1987)

ACCEPTING MINUTES OF
REGULAR TOWN BOARD MEETINGS
OF APRIL 28TH AND MAY 12,
1987 AND SPECIAL TOWN BOARD
MEETING OF MAY 5, 1987

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meetings of April 28th and May 12, 1987 and the Special Town Board meeting of May 5, 1987 are hereby accepted as submitted by the Town Clerk.

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. (574-1987)

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

Co. Maloney offered the following resolution:

WHEREAS, a resident of Susan Drive, New City has requested the Town Board to install a street light in the area of Town owned land,

NOW, THEREFORE, be it

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

Susan Drive New City
(Existing Pole #59195/42298 - One (1) lumen
sodium vapor street light)

Seconded by Co. Lettre

On roll call the vote was as follows:

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RESOLUTION NO. (574-1987) Continued

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

RESOLUTION NO. (575-1987)

REFERRING ZONE CHANGE TO
 TOWN AND ROCKLAND COUNTY
 PLANNING BOARDS AND SETTING
 PUBLIC HEARING RE SAME -
 LIO DISTRICT TO R-15
 DISTRICT (KARASSIK)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has recently rezoned property located in the vicinity of Smith Road and Pascack Road, Spring Valley, New York, from an LIO District to an R-15 District, and

WHEREAS, an adjacent property owner has requested the Town Board, on its own motion, to consider further amendment to the zoning ordinance by redistricting property adjacent to that which was recently changed from an LIO District to an R-15 District;

NOW, THEREFORE, be it

RESOLVED, that on the motion of the Town Board of the Town of Clarkstown a proposal for a change of zone from an LIO District to an R-15 District on property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 19, is hereby scheduled for a public hearing pursuant to Sections 264 and 265 of the Town Law, to be held in the Auditorium of the Town Hall, 10 Maple Avenue, New City, Rockland County, New York, on the 11th day of August, 1987, at 8:05 P.M., relative to said proposed amendment, and be it

FURTHER RESOLVED, that the proposal referred to herein shall be referred to the Rockland County Planning Board for report pursuant to Section 239-1 and 239-m of the General Municipal Law, and to the Planning Board of the Town of Clarkstown for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (576-1987)

RESCHEDULING CHAPTER 31
PROCEEDING - MAP 111, BLOCK
A, LOT 28.01 (LIPKIND)

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on September 23, 1986, a public hearing pursuant to Chapter 31 was scheduled and held on November 25, 1986, with respect to property designated on the Clarkstown Tax Map as MAP 111, BLOCK A, LOT 28.01 owned by RUDY LIPKIND residing at 530 East 23rd Street, New York, New York 10010, and

WHEREAS, subsequent to said public hearing in lieu of a final determination by the Town Board, the property owner entered into a performance agreement by which the respondent acknowledged the jurisdiction of the Town and agreed to undertake to either restore the premises to a habitable state or to demolish or remove same, and

WHEREAS, said agreement required the premises to be restored no later than May 15, 1987, and

WHEREAS, the property owner has defaulted in his promise referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Chapter 31 proceeding is hereby reconvened upon ten days written notice to the property owner, or his attorney, for June 9, 1987, at 8:25 P.M., at the Auditorium of Town Hall, 10 Maple Avenue, New City, New York, at which time the Town Board shall consider an Order requiring the Building Inspector or his designee to demolish and remove the structure in accordance with the provisions of Chapter 31 of the Town Code which provides that the cost of such removal may become a charge to be assessed against the premises in accordance with law, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve copies of this resolution upon the property owner and his attorney JOHN CHRONIN, ESQ.

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. (577-1987)

AUTHORIZING PAYMENT TO
MARGARETANN RIES
(PREPARATION OF TRANSCRIPT
- MCCALL V. ZONING BOARD OF
APPEALS)

Co. Smith offered the following resolution:

RESOLVED, that the sum of \$139.25 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript required in the following proceeding:

MCCALL v. ZONING BOARD OF APPEALS

Seconded by Co. Carey

RESOLUTION NO. (577-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (578-1987)

DECREASING CONTINGENCY
ACCOUNT A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT A 1410-328 (BOOKS &
PUBLICATIONS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account A 1990-505 and
increase Appropriation Account A 1410-328 (Books & Publications) by
\$6,979.00.

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. (579-1987)

DECREASING APPROPRIATION
ACCOUNT A 1640-204 (OFFICE
MACHINES) AND INCREASING
APPROPRIATION ACCOUNT A
1640-307 (UNIFORMS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1640-204
(Office Machines) and increase Appropriation Account A 1640-307
(Uniforms) by \$32.00.

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. (580-1987)

INCREASING ESTIMATED REVENUE
ACCOUNT NO. 04-102999
(UNEXPENDED BALANCE) AND
APPROPRIATION ACCOUNT NO.
DB 5110-230 (HIGHWAY-
COMMUNICATIONS EQUIPMENT)

Co. Maloney offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (580-1987) Continued

RESOLVED, to increase Estimated Revenue Account No. 04-102999 (Unexpended Balance) and Appropriation Account No. DB 5110-230 (Highway-Communications Equipment) by \$22,000.00.

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. (581-1987)

INCREASING TOWN BOARD
RESOLUTION NO. 145-1987
RE: NANUET RAILROAD
STATION PARKING AREA -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 5650-409
(COMMUTER PARKING-FEES FOR
SERVICES) AND DECREASING
CONTINGENCY ACCOUNT NO. A
1990-505 AND APPROPRIATION
ACCOUNT NO. A 5650-409

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 145-1987 be increased to \$66,073.20 to reflect the actual cost of completion of work at the Nanuet Railroad Station Parking Area, and be it

FURTHER RESOLVED, that this sum be charged to Appropriation Account No. A 5650-409 (Commuter Parking-Fees for Services) and to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 5650-409 by \$26,000.00.

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. (582-1987)

ACCEPTING DONATION FROM
ORANGE & ROCKLAND RE: 150TH
ANNIVERSARY OF MARTIN
VANBUREN'S ARRIVAL IN
CLARKSTOWN - INCREASING
ESTIMATED REVENUE ACCOUNT
NO. 01-002705 (GIFTS &
DONATIONS) AND A 7550-409
(BICENTENNIAL CELEBRATIONS
- FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, Orange & Rockland Utilities has donated \$3,000.00 to the Clarkstown Bicentennial Fund to honor the 150th Anniversary of Martin VanBuren's arrival in the Town of Clarkstown, on Sunday, September 12, 1987,

RESOLUTION NO. (582-1987) Continued

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and A 7550-409 (Bicentennial Celebration - Fees for Services) by \$3,000.00.

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

ABE650

RESOLUTION NO. (583-1987)

ASSESSING COST FOR CHAPTER 31 AND 79 PROCEEDING - MAP 127, BLOCK C, LOT 17 (PRIVATE HOLDING)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notices dated September 9, 1986, (Chapter 79) and November 25, 1986, (Chapter 31) regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK C, LOT 17, which was the subject of a Chapter 79 (Property Maintenance) and Chapter 31 (Unsafe Buildings) proceeding has been corrected by the Town, and

WHEREAS, by resolution of the Town Board adopted January 13, 1987, the record property owner(s) were required to reimburse the Town for the expenses incurred for the cost of the proceedings and removal of the structure, and

WHEREAS, the property owner(s) have been notified of the amount due and have 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 \$1,722.00 against MAP 127, BLOCK C, LOT 17.

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. (584-1987)

CANCELLING LIS PENDENS (E. LANE - HEGERTY HOMES)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated December 31, 1986, for premises designated on the Clarkstown Tax Map as MAP 120, BLOCK A, LOT 31.1 has been corrected;

RESOLUTION NO. (584-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office, provided the sum of \$224.50 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, service of process, records search, stenographic services, and all other expenses including attorneys time.

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. (585-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION AGAINST
TOWN OF CLARKSTOWN (KALLEN
V. TOWN OF CLARKSTOWN)

Co. Maloney offered the following resolution:

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

EDWARD KALLEN and ELIZABETH KALLEN,

-against-

TOWN OF CLARKSTOWN

NOW, THEREFORE, be it

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

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. (586-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
(HUTTON-JOHNSON CO., INC.
V. MEMBERS OF ZBA AND ZBA
OF TOWN OF CLARKSTOWN)

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (586-1987) Continued

In the Matter of the Application of

HUTTON-JOHNSON CO., INC.,

Petitioner,

-against -

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

Respondent.

NOW, THEREFORE, be it

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

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. (587-1987)

AWARDING BID FOR BID
#51-1987 - HELICALLY
CORRUGATED ALUMINUM CULVERT
PIPE ROUND & OBLATE
(BRIGHTON STEEL CO.,
CHEMUNG SUPPLY CORP. AND
CAPITOL HIGHWAY MATERIALS)

Co. Maloney offered the following resolution:

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

BID #51-1987

HELICALLY CORRUGATED ALUMINUM CULVERT PIPE
ROUND & OBLATE

is hereby awarded to:

BRIGHTON STEEL CO.
ROUTE 52
HOPEWELL JCT., N.Y. 12533

CHEMUNG SUPPLY CORP.
P.O. BOX 527
ELMIRA, N.Y. 14902

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE, N.Y. 10505

as per the attached schedule of items/prices.

Continued on Next Page

ABE650

RESOLUTION NO. (587-1987) Continued

(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. (588-1987)

AWARDING BID FOR BID
#54-1987 - RIVETED
CORRUGATED STEEL CULVERT
PIPE (CHEMUNG SUPPLY CORP.)

Co. Maloney offered the following resolution:

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

BID #54-1987
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to

CHEMUNG SUPPLY CORP.
P.O. BOX 527 - ROUTE 14
ELMIRA, N.Y. 14902

as per the attached item/price schedule.

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. (589-1987)

AWARDING BID FOR BID
#53-1987 - HELICALLY
CORRUGATED STEEL CULVERT
PIPE (BRIGHTON STEEL CO.)

Co. Maloney offered the following resolution:

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

BID #53-1987
HELICALLY CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

BRIGHTON STEEL CO.
R.D. #2 BOX 267
HOPEWELL JCT, NY 12533

as per the attached schedule of items/prices.

Continued on Next Page

RESOLUTION NO. (589-1987) Continued

(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. (590-1987)

AWARDING BID FOR BID
#55-1987 - ALUMINIZED STEEL
TYPE 2 CULVERT PIPE
(CHEMUNG SUPPLY CORP. AND
BRIGHTON STEEL CO.)

Co. Maloney offered the following resolution:

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

BID #55-1987
ALUMINIZED STEEL TYPE 2
CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
CORNING ROAD-ROUTE 14
BOX 527
ELMIRA, NY 14902

and

BRIGHTON STEEL CO.
RD 2 - BOX 267
HOPEWELL JCT, NY 12533

as per the attached schedule of items/prices.

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. (591-1987)

AWARDING BID FOR BID
#56-1987 - CAST IRON CURB
INLETS, CATCH BASINS,
FRAMES & GRATES (CAMPBELL
FOUNDRY CO., CAPITOL
HIGHWAY MATERIALS, INC.,
BRIGHTON STEEL CO., AND
PRECAST CONCRETE SALES CO.

Co. Maloney offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (591-1987) Continued

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

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

is hereby awarded to:

CAMPBELL FOUNDRY CO.
800 BERGEN STREET
HARRISON, NJ 07029

CAPITOL HIGHWAY MATERIALS, INC.
ROUTE 6
BALDWIN PLACE, NY 10505

BRIGHTON STEEL CO.
ROUTE 52
HOPEWELL JCT, NY 12533

PRECAST CONCRETE SALES CO.
27 N. ROUTE 303
P.O. DRAWER O
VALLEY COTTAGE, NY 10989

as per the attached schedule of items/prices.

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. (592-1987)

AWARDING BID FOR BID
#40A-1987 - SOFT DRINKS FOR
TOWN OPERATED REFRESHMENT
STANDS (PEPSI COLA NEWBURGH)

Co. Maloney offered the following resolution:

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

BID #40A-1987
SOFT DRINKS FOR
TOWN OPERATED REFRESHMENT STANDS

is hereby awarded to:

PEPSI COLA NEWBURGH
237 DUPONT AVENUE
NEWBURGH, NY 12550

as per the following item/price schedule

| <u>ITEM</u> | <u>PROPOSED COST (5 GALLON CONTAINER)</u> |
|-------------|---|
| COLA | \$ 32.00 |
| DIET COLA | \$ 32.00 |
| LEMON | \$ 32.00 |
| ORANGE | \$ 32.00 |

RESOLUTION NO. (592-1987) Continued

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. (593-1987)

CANCELLING BID #52-1987 -
RIVETED CORRUGATED ALUMINUM
CULVERT PIPE

Co. Maloney offered the following resolution:

RESOLVED, that

BID #52-1987
RIVETED CORRUGATED ALUMINUM
CULVERT PIPE

is cancelled since item is no longer available.

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. (594-1987)

AUTHORIZING ATTENDANCE AT
CONFERENCE THE "OPEN SPACE"
OR CLUSTERED SUBDIVISION -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Lettre offered the following resolution:

RESOLVED, that a Deputy Town Attorney is hereby authorized to attend a Conference to be held on June 19, 1987, at Pace University, White Plains on Town Law 281: The "Open Space" or Clustered Subdivision, in cooperation with the Real Estate Law Society, at a fee of \$75.00, and be it

FURTHER RESOLVED, that all travel and other necessary expenses be charged to Account No. A 1010-414; and be it

FURTHER RESOLVED, all Town Board members are also authorized to attend.

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 |

ABE650

RESOLUTION NO. (595-1987)

SETTING PUBLIC HEARING RE:
PROPOSED LOCAL LAW -
REVISION OF CHAPTER 79 OF
THE TOWN CODE (PROPERTY
MAINTENANCE)

Co. Lettre offered the following resolution:

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

"A LOCAL LAW REVISING CHAPTER 79 OF THE TOWN CODE - PROPERTY MAINTENANCE"

and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider adoption of said local law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of July, 1987 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. 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. (596-1987)

AUTHORIZING ATTENDANCE AT
CONFERENCE "OPEN SPACE" OR
CLUSTERED SUBDIVISION
(KURIAN L. KALARICKAL AND
RALPH LAURIA, DEPARTMENT OF
ENVIRONMENTAL CONTROL -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Kurian L. Kalarickal, Deputy Director, and Ralph Lauria, Engineer II, Department of Environmental Control of the Town of Clarkstown, are hereby authorized to attend a conference on Town Law 281: The "Open Space" or Clustered Subdivision to be held by the New York Land Institute at Pace University, White Plains on Friday, June 19, 1987, and be it

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

Continued on Next Page

RESOLUTION NO. (596-1987) Continued

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. (597-1987)

AUTHORIZING ATTENDANCE AT
SIXTH ANNUAL NEW ENGLAND
RESOURCE RECOVERY
CONFERENCE & EXPOSITION
(LESLIE F. BOLLMAN,
DIRECTOR, DEPARTMENT OF
ENVIRONMENTAL CONTROL) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, Town of Clarkstown, is hereby authorized to attend the Sixth Annual New England Resource Recovery Conference & Exposition at the New Hampshire/Holiday Inn & Conference Center, Manchester, New Hampshire on June 9, 10 and 11, 1987, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A1010-414.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (598-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGNS AT CLARKSTOWN PLAZA
SHOPPING CENTER, NEW CITY

Co. Maloney offered the following resolution:

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

"STOP" signs at all the exits from the
Clarkstown Plaza Shopping Center, New City,
New York

and be it

FURTHER RESOLVED, that materials and labor for installation of signs referred to herein shall be charged to the property owner, and be it

Continued on Next Page

ABE650

RESOLUTION NO. (598-1987) Continued

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

Seconded by Co. 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. (599-1987)

ACCEPTING PROPOSAL OF
MCLAREN, P.C., CONSULTING
ENGINEERS RE: PROVIDING OF
SERVICES CONSISTING OF
STRUCTURAL INVESTIGATION
AND ANALYSIS OF CHURCH
STREET BRIDGE OVER
NAURAUSHAUN BROOK, NANUET,
BOX CULVERTS AT BROOKSIDE
AVENUE, VALLEY COTTAGE AND
PHILLIPS HILL BRIDGE, NEW
CITY - CHARGE TO ACCOUNT
NO. D 5120-409

Co. Lettre offered the following resolution:

WHEREAS, the Superintendent of Highways has advised the Town Board that two bridges and two box culverts over streams crossing Town roads are showing signs of deterioration and may be in need of repair, and

WHEREAS, a proposal has been submitted by M.G. McLaren, P.C., Consulting Engineers, 10 Pine Crest Road, Valley Cottage, New York, dated May 20, 1987, to provide services consisting of structural investigation and analysis of the Church Street bridge over the Nauraushaun Brook, Nanuet, the box culverts at Brookside Avenue, Valley Cottage, and Phillips Hill bridge in New City for a cost not to exceed \$5,400.00, and

WHEREAS, the Town Board deems it important for the health, safety and welfare of persons using the bridges and culverts referred to herein to accept said proposal;

NOW, THEREFORE, be it

RESOLVED, that the proposal of M.G. McLaren, P.C., Consulting Engineers, is hereby accepted, and be it

FURTHER RESOLVED, that the sum of \$5,400.00 is hereby allocated for the structural investigation and analysis described in said proposal, and be it

FURTHER RESOLVED, that the sum of \$5,400.00 shall be charged to Account No. D-5120-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (599-1987) Continued

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

RESOLUTION NO. (600-1987)

ACCEPTING RESIGNATION OF
PART-TIME BUS DRIVER - MINI
TRANS (BALKER LAZARE)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Balker Lazare, 18 Waldron Avenue, Nyack, New York - part-time Bus Driver - Mini Trans is hereby accepted - effective and retroactive to May 9, 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. (601-1987)

ACCEPTING RESIGNATION OF
MEMBER - LITTER CONTROL
BUREAU (DOUGLAS EICHELE)

Co. Maloney offered the following resolution:

Resolved, that the resignation of Douglas Eichele, 43 North Conger Avenue, Congers, New York - Member - Litter Control Bureau - is hereby accepted - effective and retroactive to May 2, 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. (602-1987)

REAPPOINTING VICTOR VITALE
MEMBER - ARCHITECTURAL
REVIEW BOARD

Co. Maloney offered the following resolution:

RESOLVED, that Victor Vitale, 38 Sturbridge Court, Nanuet, New York - is hereby reappointed to the position of Member - Architectural Review Board - at the current 1987 annual salary of \$1,000., effective and retroactive to May 25, 1987 with a term to expire on May 24, 1992.

Seconded by Co. Smith:

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RESOLUTION NO. (602-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (603-1987)

APPOINTING CHARLES NYLIN
POLICE RADIO DISPATCHER
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Charles Nylin, 4 Ferndale Road, New City, New York, as Police Radio Dispatcher - Police Department - from Certification of Eligibles #86015 -at the current 1987 annual salary of \$17,082, effective and retroactive to May 10, 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. (604-1987)

CREATING FOUR (4)
POSITIONS OF GROUNDWORKER
(SEASONAL) PARKS BOARD AND
RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 21, 1987 that 4 positions of Groundworker (Seasonal) can be created,

NOW, THEREFORE be it

RESOLVED, that the four (4) positions of Groundworker (Seasonal) Parks Board and Recreation Commission are hereby created effective May 26, 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. (605-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #58-1987 - SECURITY

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RESOLUTION NO. (605-1987) Continued

GUARD SERVICE FOR KEMMER
LANE COMMUTER PARKING LOT

Co. Maloney offered the following resolution:

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

BID #58-1987
SECURITY GUARD SERVICE FOR
KEMMER LANE COMMUTER PARKING LOT

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,
JUNE 17, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Lettre:

On roll call the vote was as follows:

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

RESOLUTION NO. (606-19897)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #57-1987 - VENDING
MACHINE SERVICE

Co. Maloney offered the following resolution:

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

BID #57-1987
VENDING MACHINE SERVICE

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 June
16, 1987 at which time bids will be opened and read and be it

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

Seconded by Co. Lettre:

On roll call the vote was as follows:

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

RESOLUTION NO. (607-1987)

AUTHORIZING THE PREPARATION
OF A GENERAL MAP, PLAN AND
REPORT FOR A PROPOSED

Continued on Next Page

ABE650

RESOLUTION NO. (607-1987)

REFUSE AND GARBAGE DISTRICT
WITH THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, the Supervisor of the Town of Clarkstown has proposed that the Town Board of the Town of Clarkstown establish a Refuse and Garbage District in the Town of Clarkstown, which district shall include the entire unincorporated area of the Town, the Village of Upper Nyack, and those portions of the Villages of Nyack and Spring Valley, located within the Town of Clarkstown, and

WHEREAS, there is considerable public interest within the unincorporated and incorporated portions of the Town of Clarkstown for the formation of a district to provide for the efficient pickup and disposal of refuse, garbage and solid waste, and to plan for the future disposal of same;

NOW, THEREFORE, be it

RESOLVED, pursuant to Section 209-b of the Town Law, the Director of Environmental Control is hereby authorized and directed to prepare a general map, plan and report for providing the facilities, improvements and to obtain services for a proposed Refuse and Garbage District within the Town of Clarkstown and upon completion thereof to file his report in the Office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized to retain the services of Charles R Velzy Associates, Inc., to assist him in identifying the location and describing the facilities and equipment necessary for the implementation of any plan proposed as provided for herein, and be it

FURTHER RESOLVED, that the boundary lines for the proposed district need not be established by a metes and bounds description but may be established by reference to tax map description of all the properties within the incorporated and unincorporated area of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the sum of \$15,000.00 is hereby appropriated to pay the cost of preparing the general map, plan and report for providing the facilities, improvements or services, including engineering fees and legal fees, in the area proposed for the establishment of the Refuse and Garbage District, and be it

FURTHER RESOLVED, that the appropriation made herein shall be a proper district charge in the event the district is established or in the event no district is established such expenditures shall be a proper Town charge, and be it

FURTHER RESOLVED, that this resolution be subject to a Permissive Referendum.

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. (608-1987)

RESCHEDULING A PUBLIC
HEARING WITH RESPECT TO
AMENDMENT TO OFFICIAL MAP -

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RESOLUTION NO. (608-1987)

POTENTIAL ACCESS TO
PROPERTY -MAP 165, BLOCK A,
LOT 3.46 (KINGSGATE)

Co. Maloney offered the following resolution:

RESOLVED, that a public hearing scheduled for June 9, 1987 at 8:15 P.M., in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 273, is hereby rescheduled to August 11, 1987 at 8:10 P.M.

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. (609-1987)

RATIFYING MEMORANDUM OF
AGREEMENT AND AUTHORIZING
SUPERVISOR TO SIGN CSEA
COLLECTIVE BARGAINING
AGREEMENT FOR 1987

WHEREAS negotiations have been ongoing between the negotiating team for the Town Board of the Town of Clarkstown and the negotiating team for the Town of Clarkstown Special Unit, Rockland County Local 844 of the Civil Service Employees Association for a successor agreement to the 1984-1986 collective bargaining agreement between the parties; and

WHEREAS a tentative agreement has been reached on the terms for such a successor agreement which is memorialized in a Memorandum of Agreement dated May 19, 1987; and

WHEREAS the Town Board has determined that the terms and conditions contained in the Memorandum of Agreement are fair and equitable;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies said Memorandum of Agreement and agrees to the terms contained therein and further authorizes the Supervisor to sign a collective bargaining agreement containing terms consistent with said Memorandum of Agreement which contract shall be drafted by the Town Attorney or his designee with a copy of said contract, upon its full execution, to be forwarded to the Public Employment Relations Board

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. (610-1987)

AUTHORIZING STUDY WITH
RESPECT TO ESQUIRE ROAD,
NEW CITY

ABE650

RESOLUTION NO. (610-1987) Continued

Co. Carey offered the following resolution:

RESOLVED, that the Superintendent of Highways and the Director of Environmental Control are hereby authorized and directed to study and submit recommendations with respect to drainage problems on Esquire Road, New City, New York.

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 |

There being no further business to come before the Town Board Meeting and no one further wishing to be heard, the Town Board Meeting was declared closed, time: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/26/87

8:55 P.M.

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

RE: ZONE CHANGE LO to R-15 - RALPH RICHART, M.D.

On motion of Councilman Maloney, seconded by Councilman Lettre 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 in his file correspondence from the Rockland County Planning Department and Robert Geneslaw, acting as agent to the Town Board with respect to SEQRA review. He also stated that he had minutes of the Town of Clarkstown Planning Board.

Town Attorney said the Rockland County Department of Planning stated that they approve subject to:

1. Recommendations of the the Rockland County Highway Department, letter of April 15, 1987;
2. That Lot No. 6 conform to the existing LO requirements;
3. Consideration of how the designated street line affects point 2 above."

Town Attorney referred to correspondence from Robert Geneslaw, Planning Consultant dated May 5, 1987 and sent to the applicant. This contains an attachment of the short form environmental assessment prepared by the applicant and signed by Mr. Kalarical of the Department of Environmental Control. The letter reports that: "If, within fifteen days from the date of this letter, no involved agency copied below submits a written objection to the Clarkstown Town Board being lead agency, the Town Board will be lead agency and will carry out the provisions of the State Environmental Quality Review Act."

Town Attorney went on to state that the environmental assessment form prepared on April 22nd and countersigned by the Department of Environmental Control on April 27th concludes as follows: "The project will result in no major impact and therefore is one which may not cause significant damage to the environment. If no agency copied below responds within fifteen days from the date of mailing of this notification no further processing under SEQRA is required."

Town Attorney said he also had the extract of the Planning Board's minutes with respect to their recommendation to the Town Board. "The Planning Board has examined a request for change of zone for a portion of the properties owned by Richart in relation to the existing surrounding land use pattern, the topography, the proposed layout, the comprehensive plan and the statutory requirements and recommends:

1. That the petition be granted subject to the following conditions and modifications:

A. Since there are twelve homes on existing Pine Street and since the regulation permits no more than fifteen homes on a permanent dead end Planning Board will consider waiving the requirement to allow for no more than eighteen lots on a permanent dead end.

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PH - Zone Change - LO to R-22 - Richart
Page 2

B. A buffer zone of fifty foot minimum shall be created along the LO portion to protect the prospective purchase of the newly created residential lots.

C. The balance of land with the existing buildings shall conform to all requirements of the LO district with sufficient area to allow for the request for renovations and additional parking so that a hardship will not result in complying with LO requirements.

D. Upgrading of the existing commercial site is recommended in accordance with site plan regulations.

E. Provide necessary drainage and sewer easements in favor of the commercial parcel through the proposed residential zone.

F. County official map width of New City/Congers Road is seventy foot. Therefore, a widening strip across the entire frontage of the property on New City/Congers Road shall be provided.

G. Applicant shall return to the Planning Board for subdivision and site plan review."

Supervisor asked if the applicant was present.

Appearance: Thomas A. Condon, Esq.,
Attorney for the applicant

Mr. Condon said this has been discussed at great length before the Technical Advisory Committee. He said they had met with some members of the Board who had shown some interest in knowing a little more about the scope of the application and why we have chosen to up zone an area.

Mr. Condon said the buildings in the front have already had renovation begun on them by Dr. Richart. It is his intention to eventually come in with the commercial site and get a full site plan review as renovation process continues. The applicant was faced with several choices, one of which was to use the LO zone for its current purposes and construct additional LO to be commercial laboratory/office space there, probably which would have increased thirty-five to thirty-seven thousand square feet of existing laboratory/office space. He said that could have been increased to about seventy-four to seventy-five thousand square feet of office space. They felt that would cause various problems from the stand point of the existing neighborhood and in the long run that choice was not a good one for the applicant or the neighborhood. He said they are aware of turnaround problems and other difficulties on Pine Road or Pine Street which abut the parcel. He said they felt that the entire site conformed very well to what their needs are and the only concern would be that if the waiver were not to be granted then the zone change is certainly no benefit to the owner and would not be something they would want to do. The Planning Board has looked at this in somewhat more detail than they usually do when something is referred to them for comment and this was done at his request. He wanted them to be aware of the necessity for the waiver and what the ultimate plans were.

He said his only concern is that he would not want to see the zone change itself cluttered by conditions which may require changes later. They are going to go to the Planning Board for site plan review of the five lots which they intend to create. They are going to be exactly as shown on the map (which he presented). He said a previous partner wanted to go ahead with the extensive commercial development. Dr. Richart did not. The partnership was terminated and now Dr. Richart is going forward with his plan and has already started on renovation of the front portion of the property. When they are finished not only will there be a very attractive piece of property from the commercial side but the residential property will speak for itself.

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He said he hoped that the Planning Board, the Town Board and all who have reviewed it will continue to have the same opinion that it would be a valuable change for the Town and for the applicant.

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

Supervisor asked if any member of the audience had a comment or a question on this proposed change?

Appearance: Mr. Fred Roguish
representing New City Volunteer Ambulance Corp.

Mr. Roguish asked if this was the old Carworth property? Mr. Condon said he had never heard it referred to as that but as the rat or mouse farm. Mr. Roguish said the technical name was Carworth. He said their concern is that their property abuts the property in question and the development of the ingress and egress was of prime concern to the Ambulance Corps. He said they have five emergency vehicles going in and out all the time. If there is going to be lots of traffic in and out to the Doctor's office there is a possibility of accident.

Mr. Condon said there would be no impact on traffic as they would not be changing the ingress and egress to the existing site. Mr. Roguish said then they would have no objection.

Appearance: Mr. Alan Albert
69 Pine Street
New City, New York

Mr. Albert said he lives right on the dead end where this proposed development would take place. He asked to see the subdivision map. Mr. Condon said he understood Mr. Albert had a concern regarding turning in the area and the proposed cul-de-sac would take care of that. Mr. Albert asked if all the trucks and machinery coming in would use Pine Street and Mr. Condon replied that he did not know for sure but anticipated that they would have to use Pine Street. Mr. Albert asked at what time in the morning work would begin? Mr. Condon said he did not know and the Supervisor said they cannot start before 7:00 A.M. Mr. Condon said probably 7:30 A.M. or 8:00 A.M.

Mr. Albert asked if there was any way of getting to the property through Congers Road? Mr. Condon said they would have to come in through the back of the site and the Town has asked that a buffer be placed between the existing commercial development and the residential development. The Planning Board would be more apt to answer this when they come in for specific approval for these lots.

Mr. Albert asked when construction would begin and was told that it had to go through the planning process first. It would be several months away. Supervisor said if the Town Board were to approve this they would have to go back to the Planning Board and that would be the subject of another public hearing which would indicate how the lots would be laid out and also the ingress and egress into the particular site.

Mr. Albert asked when final dedication of Pine Street would take place. Supervisor said that would be held in abeyance until whatever construction to be done is finished.

Mr. Condon said because of the limited amount of road work there would not be an awful lot of heavy construction equipment in there. There would be a concrete truck to pour foundations but that would be the heaviest truck. Mr. Albert said there is a tremendous amount of tree growth and that would take some heavy equipment to remove.

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Appearance: Mr. John Lodico
Birch Drive
New City, New York

Mr. Lodico expressed concern for the shrinking commercial land in the Town and said an LO district is a profit to the Town. Residential designation is a debit. We are giving up a ratable piece of property that has no services, for all practical purposes, required by the taxpayers. He said we must keep in mind that it is taxes that keep this government alive and the services alive. He said he is concerned that the Town of Clarkstown does not lose whatever amount of acreage it is from commercial, less serviced, tax ratable to bring in more houses, more children, more services, more taxes and more school teachers.

Appearance: Mr. Gary Costella(?)
67 Pine Street
New City, New York

He said he lives in one of the twelve homes abutting the proposed development. He asked if Dr. Richart was building on this himself or was considering selling it off? Mr. Condon said that had not been decided yet but he would be surprised if Dr. Richart were to develop it himself. Mr. Costella asked if this would be a cul-de-sac? Mr. Condon said yes. Mr. Condon said the people apparently had not had a chance to see the map. He presented it for their viewing and explained the layout proposed.

Mr. Costella asked if any restrictions had been placed on the minimum square footage for houses to be built at this location? Mr. Condon said no. Mr. Costella asked if the Town Board had considered that at all. Supervisor said if the zone is changed to R-22 it would be a minimum of 22,000 square feet. Mr. Costella said that is for the lot but how about the houses to be constructed? Supervisor said that would be up to the developer to determine how large the house would be. It would have to meet the floor area ratio of the size of the lot and would also have to meet the zoning requirements of the R-22 set backs from back yard, side yard and front yard.

Supervisor said if the Town Board were to grant the zone change this would then have to go to the Planning Board for site plan review and another public hearing. Mr. Costella said he would like to go on record as supporting the proposal.

Appearance: Mr. Harold Jigarjian
68 Pine Street
New City, New York

He said he has a house at the end of the cul-de-sac and his concern is that his property is pie shaped with a wide frontage on Pine Street and a point at the back of the house. He asked if adjustments could be made so that he could have a trade off in property lines. Supervisor asked if he abutted the proposed subdivision? Mr. Jigarjian said yes and the Supervisor said he would have to speak to the owner of the property.

Mr. Jigarjian said the previous builder in the area damaged all the trees abutting his property. He said what they object to is that the next builder may do an equally incompetent job and they want to save the trees that are there. He said he is opposed to the plan unless they could get assurance from the builder that he would be conscious of the trees on the site presently. He said it may seem a small matter but the killing of the trees spoils the property. He could not understand that a builder who did the damage the first time should be allowed to build again.

Appearance: Mr. Joseph Pantano
New City, New York

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PH - Zone Change - LO to R-22 - Richart
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Mr. Pantano asked how many acres are being discussed and was told eight acres with five remaining in the LO zone so about three acres would be built on with this proposal. Mr. Pantano asked why the property was split and not all changed to residential? Mr. Condon said the most obvious reason is that Dr. Richart has a commercial laboratory working there and this is his place of business. He does not plan on changing it. Mr. Pantano said you feel it cannot be used in the present zone for the other three acres. Mr. Condon said it could be used in the present zone. They could build more office space but quite frankly thought that would be more objectionable to the Town and to all the abutting individuals.

Mr. Pantano said he would like to go on record as being opposed. He said the owner knew what the zone was when he bought the property. He said it is more detrimental to the Town to have it zoned residential rather than commercial. It is more positive to remain in the LO as we need more industry in the Town. This is a good ratable as is and he is opposed to the change.

Appearance: Mrs. Carole Jigarjian
68 Pine Street
New City, New York

Mrs. Jigarjian said five homes would be packing people in there and why not have three? She felt the land would be ruined and there would not be a tree left standing. She called Pine Street the treeless wonder. Air conditioning must be used all the time in the summer as with shade that would not be necessary. She felt that with three houses rather than five they would better be able to maintain the land. If you try to erect five houses everything would have to be bulldozed.

Mrs. Jigarjian asked what would happen if that land stayed commercial? Supervisor said it could potentially be used by the owner of the property for uses commensurate with LO use. However, there is no guarantee they would use it for that. For many years it has not been used. That would be an economic decision they would have to make. She asked if they could be stopped from expanding commercially. Supervisor said if they had the bulk and they met the floor area ratio requirements of the site they could build as of right. That does not excuse them from going to the Planning Board for site plan approval. If they were to need variances or something of the sort that would call for a public hearing before the Zoning Board.

Mrs. Jigarjian said normally she would like to see it stay the way it is but she did not want to support something which could come back later and be something worse. Supervisor said it could but for many years it has been vacant. The lab has been there for many years and the present owner has been there for three years.

Mrs. Jigarjian said presently she would lean toward being opposed to this change.

Mr. Condon said as a matter of right they could build approximately 35,000 more of commercial footage there. This is a choice which came up which they thought would be most agreeable to all the residents. Without the five lots it makes no sense to do this. We are much better off with a commercial development as this land is much too valuable to put only three houses on it. There is R-15 and R-22 all around and this would conform to the R-22 zone. We could have asked for R-15 and put a couple of more houses in there. We feel this is the least dense and best use for the property.

Appearance: Mr. Irwin Goldberg
65 Pine Street
New City, New York

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Mr. Goldberg said he is in favor of residential rather than commercial but he was concerned about two more years of undedicated streets. He said his driveway is crumbling and he has been putting off doing something until the street is done. He would like cable TV but has been told that it would have to wait for one year after the streets are dedicated. He wanted to know what the Town would do to make the street better, to try to get cable TV in there, to try and give us some semblance of a finished neighborhood for the part that is complete.

Supervisor said they could request in the case of cable TV, with the permission of the owners, to put the cable in beforehand. With regard to the condition of the street that could be something that the Town Board could require the developer to take a look at. Even if it weren't to be dedicated it might be improved to such a degree that it would improve the development.

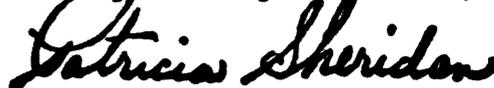
Mr. Golberg said then he would be in favor.

Mr. Condon said he would hope that this Board and the Planning Board (because they had just been made aware of the problems regarding dedication of the streets) would not impose upon them the obligation to fix a problem which was caused by someone else as far as dedication is concerned. He said they would do a more than adequate job and something the Town will like with respect to both the residential and commercial development. The commercial has been an eyesore up to now. Only a fraction of the landscaping has been done but all buildings will be improved. There will be a full site plan review.

Supervisor called for a reserve decision stating that this would be put on the agenda for the first Town Board Meeting in June.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, Time: 9:27 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
TOWN CLERK