

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

99

Town Hall

6/9/87

8:05 P.M.

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

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

Supervisor Holbrook offered the following proclamation
for Henry Varnum Poor who was a very prominent versatile artist who
lived in New City much of his life:

"HENRY VARNUM POOR
Centennial Month - June 1987

- WHEREAS, in an age of specilaization, Henry Varnum Poor was the complete artist --painter, sculptor, author, ceramicist, builder of houses and teacher, and
- WHEREAS, Henry Varnum Poor's outstanding gifts as an artist have been recognized by major museums in the United States, including The Metropolitan Museum of Art and The National Portrait Gallery among many others, and
- WHEREAS, Henry Varnum Poor was a person of remarkable warmth, humor, wisdom and reliability whose everyday life was that of a dedicated and productive workman, and
- WHEREAS, in the autumn of 1919, Henry Varnum Poor came to Rockland County, purchased land in New City on South Mountain Road and, within a year, began construction of his unique studio and home using locally quarried sandstone and wood from blight-destroyed chestnut trees, giving to this structure the name Crow House, and
- WHEREAS, in the course of a half-century of life in our midst, Henry Varnum Poor designed and supervised construction of an extraordinary series of houses for Maxwell Anderson, Burgess Meredith, Milton Caniff and John Houseman, among others, bringing to these homes an unusual sensitivity to site and season, and providing as well, hand-painted ceramic tiles, sculptural staircases and individually conceived fireplaces, and
- WHEREAS, Henry Varnum Poor, had he not died in 1970, would be celebrating his 100th Birthday this year, and
- WHEREAS, the residents of the Town of Clarkstown wish to express publicly their appreciation for the visible legacy which Henry Varnum Poor has left in their midst and to declare that they value not only the artwork and buildings which remain but equally, they prize the example of Henry Varnum Poor's lifetime of commitment to quality:

NOW, THEREFORE, BE IT RESOLVED, that the month of June, 1987 be declared HENRY VARNUM POOR CENTENNIAL MONTH and that full and proper notice be taken by all the Citizens of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKTOWN TO BE
AFFIXED THIS 4TH DAY OF JUNE, 1987.

/s/ Charles E. Holbrook, Supervisor
CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown"

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Supervisor said a few days ago they had a presentation to Henry Varnum Poor's daughter at which Allan Gussow, another prominent artist who lives in the Hamlet of Congers, was also present. He said there is on display in the Town Hall some pictures and works of art from the personal collection of Ann Poor, his daughter.

The Community Service Award was presented to Victoria Brooks who was introduced by Edward Ghiazza. Mr. Ghiazza noted her services to the Community and the Supervisor presented her with a plaque. Ms. Brooks said what she did was for the community.

The Supervisor presented the Eagle Scout Award to Robert Greenberg, Troop 313. Councilman Maloney presented the plaque. The Supervisor congratulated the parents and leaders

Detective Chris Goodyear presented the 11th Graduating Class of the Clarkstown Youth Court. Detective Goodyear introduced the Chief of Police George Schnakenberg, Anthony Schiero, chairman of the Steering Committee, and Patricia Barad, secretary of the Youth Court. Chief Schnakenberg presented certificates of awards to the graduating class and gave a history of the Youth Court. Supervisor Holbrook extended his congratulations to the graduates.

Supervisor declared the Public Portion of the meeting open.

Appearance: Allan Gerber
92 Susan Drive
New City

He spoke regarding use change for the Post Office and asked the Town Board to rescind their decision to change the zoning ordinance to allow U.S. Postal Service Post Office facilities in residential districts. He gave the following reasons:

a. The SEQRA form report was dated and prepared May 12, 1987. The cover letter stated that Mr. Geneslaw was preparing a report was dated May 5, 1987. The fifteen day requirement for written objections was not met. The report was being analyzed; not the cover letter. Since the report was of generic nature, it should have been distributed to all agencies for their input. Certain examples of agencies that did not receive the report were the New York State Department of Transportation and the New York State Department of Environmental Conservation.

b. The Town Board cannot accept the use of short form SEQRA. The form prepared included many inaccurate answers. Question 15: Is there any public controversy concerning the project? It should have been answered "yes." In a letter from Supervisor Holbrook to Mr. Frank Barbieri, Real Estate Office in New York Real Estate and Buildings Office, U.S. Postal Service, dated March 17, 1986, Mr. Holbrook stated and I quote this. "As you know, there is considerable community resistance to the North Main Street site initially selected by the Postal Service." He goes on to say that and I quote again "The New City Post Office should be centrally located to avoid a situation that occurred in Valley Cottage some years ago when the Post Office and the Library relocated, significantly and adversely affecting the business in the immediate area. Question 8: Will the project have a major effect on visual character of the community? Question 11: Will the project result in major traffic problems or cause major effects to existing transportation system? The answer to both of these questions should have been "yes." In a memorandum from Robert Geneslaw to the Clarkstown Town Board and Clarkstown Planning Board dated December 16, 1985, they stated and I quote them: "The Post Office would like space for an 18,000 square foot plus or minus building and 90 plus or minus off-street parking spaces". How can members of the Town

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Board say they did not have knowledge of the size building being proposed? This is definitely not a size structure for a local use postal facility in a residential district. Since there were many inaccurate statements and many errors in the preparation of the zone change resolution, the Town Board must reverse their decision immediately which allowed U.S. Postal Service Post Office facilities to be included in the general use regulations residential district until such time as a full environmental assessment form is completed and further public hearings are held regarding these changes. The Town Board must also notify in writing the U.S. Postal Service, Congressman Gilman, and other agencies or offices involved in site selection that the post office cannot be located on residential property in the Town of Clarkstown as a use by right in a zoning ordinance. The appropriate agencies and officials should be directed to find a location that would be deemed proper for such a structure as is being proposed before proceeding with their final site selection.

Appearance: John Lodico
2 Birch Lane
New City

He said he was opposed to the sanitary district and he spoke regarding community development funds and the fact that Clarktown was not getting a fair share.

Appearance: Michael Moriarity
2 Clover Court
New City

He raised questions regarding Item No. 1 which is LO to R22 - Richart. He asked if the zoning change is granted will that building be raised?

Supervisor said that the front portion of the property, where the Medical Offices are presently, will remain Medical Offices.

Mr. Moriarity asked if the zone change is granted to R22, how do they propose by right to enter and leave this property?

The Supervisor said that Congers Road is in the jurisdiction of the Rockland County Highway Superintendent and any access to that road would have to go through his office. He said that Pine Street in New City comes in the back and that would probably be the most logical entry into this site.

RESOLUTION No. (611-1987)

AMENDING ZONING ORDINANCE -
LO TO R-22 - RICHART

Co. Carey 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 26th day of May, 1987 at 8:05 P.M., to consider the application of RALPH M. RICHART, M.D., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting a portion of the property owned by the Petitioner designated on the Clarkstown Tax Map as Map 77, Block A, Lot 27 and Map 78, Block A, Lot 18.01, as described in a petition dated March 5, 1987, from an LO District to an R-22 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 Kurian L. Kalarickal, dated April 27, 1987, acting as staff to the Town Board

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RESOLUTION NO. (611-1987) Continued

as lead agency, the Town Board hereby determines that the proposed 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 subject to the conditions set forth below and 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 LO District to an R-22 District, the property described in Schedule "A" attached, located in the Hamlet of New City, New York, in the vicinity of Congers Road, New City, in said Town, and be it

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the receipt and acceptance by the Town Board of a covenant in a form approved by the Town Attorney submitted by the record owner, which covenant shall provide that the recommendations of the Planning Board made upon review of the proposed zone change shall be implemented by the property owners or his successor in interest as follows:

1. The premises to be rezoned shall be subject to residential development by a design which does not result in more than eighteen (18) lots on a permanent deadend Town dedicated road (subject to securing waiver from the Town of Clarkstown Planning Board of Subdivision Regulations).

2. That upon development a minimum buffer zone of fifty (50) feet in width shall be created along the LO portion of the premises owned by the petitioner to protect the prospective purchasers of any newly created residential lot(s).

3. The balance of the petitioners' property which shall be retained in the LO zone shall be required to conform to all of the LO District requirements prior to subdivision approval so that no nonconforming conditions shall result.

4. The property owner shall agree to comply with the recommendations of the Director of Environmental Control and the Planning Board of the Town of Clarkstown for the upgrading of the remaining commercial site to meet all of the requirements of the current Site Plan Regulations including any necessary drainage and sewerage installations or easements, and be it

FURTHER RESOLVED, that the covenant required herein shall be in a form which shall run with the land, be insurable for the benefit of the Town of Clarkstown and shall not be modified or amended except after a public hearing duly held in accordance with the provisions of Town Law Section 264, 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, provided the Town Board shall first adopt a resolution accepting the covenant required herein.

(SCHEDULE A ON FILE IN TOWN CLERK'S OFFICE))

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (612-1987)

AUTHORIZING REDUCTION IN
OWNER'S PERFORMANCE
BOND: (a) (MOUNTAINDALE
SUBDIVISION; AND (b)
SOUTH OF THE MOUNTAIN

Co. Maloney offered the following resolution:

WHEREAS, SOUTH OF THE MOUNTAIN VILLAGE, LTD., Joseph Adler, Principal, furnished to the Town of Clarkstown an Irrevocable Letter of Credit in the sum of \$47,000, and an Owner's Performance Bond covering the improvements and other facilities as shown on the Final Plat of MOUNTAINDALE ESTATES filed in the Rockland County Clerk's office on October 25, 1985, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that said Letter of Credit be returned and replaced with a further Letter of Credit in the amount of \$15,000 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that SOUTH OF THE MOUNTAIN VILLAGE, LTD., Joseph Adler, Principal, may replace the aforementioned Irrevocable Letter of Credit with a new Irrevocable Letter of Credit in the sum of \$15,000, which shall not expire before June, 1989, together with a Performance Agreement, both of which shall be in a form approved by the Town Attorney.

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. (613-1987)

APPROVING REDUCTION IN
AMOUNT OF PERFORMANCE
BOND (SOUTH OF THE
MOUNTAIN)

Co. Maloney offered the following resolution:

WHEREAS, Performance Bond No. 940732 in the amount of \$20,900 for Section IV, dated June 28, 1984, and Performance Bond No. 940733 in the amount of \$32,500 for Section II, dated June 28, 1984, SOUTH OF THE MOUNTAIN VILLAGE, LTD, as Principal, Joseph Adler, Lillian Adler, Alex Neuman and Clara Neuman as Co-Principals, and REPUBLIC INSURANCE COMPANY, as Surety, covering the improvements and other facilities as shown on the Final Plat of SOUTH OF THE MOUNTAIN, SECTION II and SECTION IV, filed in the Rockland County Clerk's Office on August 27, 1984, were furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has reported that said Bond Nos. 940732 and 940733 may be reduced as follows:

Bond No. 940732, Section IV, to \$7,000
Bond No. 940733, Section II, to \$10,000

as much of the work has been completed to Town specifications, provided the Surety shall acknowledge that the bonds otherwise remain in full force and effect for a period not less than two years from the date hereof;

NOW, THEREFORE, be it

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RESOLUTION NO. (613-1987) Continued

RESOLVED, that Performance Bond No. 940732 may be reduced to \$7,000, and Performance Bond No. 940733 may be reduced to \$10,000. subject to receipt of written acknowledgement from the Surety as provided above.

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. (614-1987)

STAYING DATE OF
SUSPENSION PURSUANT TO
CONSENT DETERMINATION -
DONATO MARANGI, INC.

Co. Carey offered the following resolution:

WHEREAS, DONATO MARANGI, INC., Respondent, has entered into a Consent Determination with respect to a violation of Chapter 63 of the Town Code (Landfills) which provides, among other things, that the Respondent's privilege to use the Clarkstown Sanitary Landfill be suspended for a period of two months commencing on June 9, 1987, and

WHEREAS, the Respondent has made reasonable and good faith efforts to comply with the requirements of the Consent Determination and to arrange for alternative refuse service for its customers but needs additional time;

NOW, THEREFORE, be it

RESOLVED, that the effective date of suspension referred to above is hereby changed to commence at 8:00 A.M. on June 22, 1987 and terminate two months from said date in accordance with the provisions of the Consent Determination.

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. (615-1987)

DIRECTING JOHN
O'SULLIVAN,
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
TRAFFIC SIGNS AT LAKE
ROAD AT LENOX AVENUE

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated May 22, 1987 has recommended traffic safety improvements for Lenox Avenue, Congers,

NOW, THEREFORE, be it

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

RESOLUTION NO. (615-1987) Continued

SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/s Lenox Ave. for a distance of 125 ft. south of Lake Rd.	No Parking Anytime	Pl-1C
s/s Lake Rd. for a distance of 30 ft. west of Lenox Ave.	No Parking Here to Corner	Pl-9C
s/s Lake Rd. for a distance of 30 ft. east of Lenox Ave.	No Parking Here to Corner	Pl-9C

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. (616-1987)

AUTHORIZING JOHN O'SULLIVAN, SUPT. OF HIGHWAYS TO INSTALL TRAFFIC SIGNS ON MASSACHUSETTS AVE., CONGERS

Co. Maloney offered the following resolutions:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated June 1, 1987 has recommended traffic safety improvements for Massachusetts Avenue, Congers,

NOW, THEREFORE, be it

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

SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
NB at Lake Road	Stop	R1-1C
SB s/o Colton Street	Town Speed Limit 30	R2-6C
SB s/o Jolliffe Ave.	Town Speed Limit 30	R2-6C
NB n/o Tanglewood Ct.	Town Speed Limit 30	R2-6C
SB s/o Tanglewood Ct.	Reverse Turn (R) 20 MPH	W1-6C W9-1X
NB s/o Pennsylvania Ave.	Reverse Turn (R) 20 MPH	W1-6C W9-1X
SB s/o Virginia St.	Reverse Turn (R) 20 MPH	W1-6C W9-1X
NB n/o Sedge Dr.	Reverse Turn (R) 20 MPH	W1-6C W9-1X

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (617-1987)

DIRECTING JOHN
O'SULLIVAN, SUPT. OF
HIGHWAYS TO INSTALL
TRAFFIC SIGNS ON
CAIRNGORM ROAD, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated June 1, 1987 has recommended traffic safety improvements for Cairngorm Road, New City,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Supt. of Highways is hereby directed to install the following in compliance with both the NYS Manual of Uniform Traffic Control Devices (Section 233.7) and the General Municipal Law (Section 200.4d):

SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/s Cairngorm Road, s/o intersection Mary Ann Lane.	"Dead End"	W3-17C

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. (618-1987)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002680 (INSURANCE
RECOVERIES) and
APPROPRIATION ACCOUNT
NO. A 7140-424 BY \$845.
INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 AND
APPROPRIATION ACCOUNT
NO. A 9550-910 (TRANSFER
TO CAPITAL #2 FUND) BY
\$322,000 AND TRANSFER TO
CAPITAL #2 FUND

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002680 (Insurance Recoveries) and Appropriation Account No. A 7140-424 (Parks & Playgrounds-Contractual Expenses) by \$845.

RESOLVED, to increase Estimated Revenue Account No. 01-002999 (Unexpended Balance) and Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) by \$322,000, and be it

FURTHER RESOLVED, to transfer said amount to the Capital #2 Fund.

Seconded by Co. Carey

On roll call the vote was as follows:

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RESOLUTION NO. (618-1987) Continued

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

RESOLUTION NO. (619-1987)

DECREASING APPROPRIATION
ACCOUNT NO. B 3620-230
(BUILDING-COMMUNICATION
EQUIPMENT) BY \$467 AND
INCREASING APPROPRIATION
ACCOUNT NOS.: B 3620-407
(EQUIPMENT REPAIRS) \$32.
B 3620-438 (MAINTENANCE
AGREEMENTS)....\$435

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No.
B 3620-230 (Building-Communications Equipment) by \$467 and
increase the following Appropriation Account Nos.:

B 3620-407 (Equipment Repairs).....\$ 32
B 3620-438 (Maintenance Agreements)....435

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. (620-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1355-203
AND INCREASE
APPROPRIATION ACCOUNT
NO. A 1355-408 BY \$1,292
AND DECREASING ACCOUNT
NO. A. 1355-110 AND
INCREASING ACCOUNT NO.
1355-408 BY \$1292. TO
COVER OVERDRAFT

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No.
A 1355-203 (Assessor's-Motor Vehicles) and increase Appropriation
Account No. A 1355-408 (Building Repairs & Imp.) by \$1,292.

RESOLVED, to decrease Account No. A 1355-110
(Assessor's Salaries) and increase Account No. 1355-408 (Bldg.
Repairs & Impr.) by \$1292.00 to cover the overdraft.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (621-1987)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 BY
\$6,175 AND INCREASING
APPROPRIATION ACCOUNT
NOS.: A 3320-409 - \$3,000
A 5650-409 - \$3,000; A
5650-419 - \$25.; A 8511-409
- \$75.; A 8511-412 - \$75.

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505
by \$6,175 and increase the following Appropriation Account Nos.:

A 3320-409	(Installation of Traffic Signals Fees for Services).....	\$3,000
A 5650-409	(Commuter Parking-Fees For Services)	3,000
A 5650-419	(Commuter Parking - Misc.Services).	25
A 8511-409	(Commuter Beautification-Fees for Services).....	75
A 8511-412	Community Beautification-Refuse- Window Cleaning).....	75

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. (622-1987)

AWARDING BID #45-1987
COMPUTER EQUIPMENT
PARTIALLY AWARDING TO
GLOBE OFFICE SUPPLY CO.,
INC. AND WEL-COM SYSTEMS
CO.

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town
Computer Consultant and the Director of Purchasing that

BID #45-1987
COMPUTER EQUIPMENT

is hereby partially awarded to

GLOBE OFFICE SUPPLY CO., INC.
5800 THIRD AVENUE
BROOKLYN, NY 11220

and

WEL-COM SYSTEMS CO.
253 EASTCHESTER ROAD
NEW ROCHELLE, NY 10801

as per the attached item price schedule

Seconded by Co. Carey

On roll call the vote was as follows:

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RESOLUTION NO. (622-1987) Continued

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

RESOLUTION NO. (623-1987)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
ACTION -SMALL CLAIMS
COURT - BAKHSHISH S.
SANDHU v. TOWN OF
CLARKSTOWN

Co. Carey offered the following resolution:

WHEREAS, an action has been instituted in Justice
Court, Town of Clarkstown, entitled as follows:

BAKSHISH S. SANDHU v. 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. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (624-1987)

AUTHORIZING ATTENDANCE
AT PROGRAM - MUNICIPAL
LAW RES. CENTER -
CHARLES HOLBROOK,
SUPERVISOR, JOHN COSTA,
TOWN ATTORNEY, AND
ELIZABETH SQUILLACE,
DIR. OF FINANCE AND
CHARGING FEE AND ALL
TRAVEL AND OTHER
NECESSARY EXPENSES TO
ACCOUNT NO. A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that the following are hereby authorized to
attend a program sponsored by the Westchester County Bar
Association in cooperation with the Municipal Law Resource Center
of Pace University, to be held at White Plains, New York, on June
16, 1987, at a fee of \$16.00 per person:

CHARLES E. HOLBROOK, Supervisor
JOHN A. COSTA, Town Attorney
ELIZABETH J. SQUILLACE, Dir. of Finance

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (625-1987) Continued

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

RESOLUTION NO. (625-1987) CANCELLING LIS PENDENS
(SOREL)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated October 28, 1986, for premises designated on the Clarkstown Tax Map as MAP NO. 7, BLOCK E, LOT 6, has been corrected;

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 on February 2, 1987, provided the sum of \$211.40 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, records search, mailings, and all other expenses including attorney's time.

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. (626-1987) CANCELLING LIS PENDENS
(C.A.P. ENTERPRISES)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated October 28, 1986, for premises designated on the Clarkstown Tax Map as MAP 88,

BLOCK A, LOT 13 has been corrected;

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 on February 2, 1987, provided the sum of \$197.00 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, mailings, records search, and all other expenses including attorney's time.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (627-1987)

CANCELLING LIS PENDENS
(SAVINO)

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 57, BLOCK D, LOTS 5 and 6 has been corrected;

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 on February 2, 1987, provided the sum of \$236.40 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, mailings, records search, photographs, stenographic services, and all other expenses including attorney's time.

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. (628-1987)

AUTHORIZING BUILDING
INSPECTORS DAVE MCLEOD
AND WILLIAM MAHONEY TO
ATTEND A SEMINAR - NEW
STATE ENERGY CODE
AMENDMENTS AND CHARGED
TO ACCOUNT NO. A-1010-414

Co. Carey offered the following resolution:

It is resolved that two assistant Building inspectors (Dave McLeod and William Mahoney) are authorized to attend (retroactively) a seminar on the New State Energy Code Amendments to be held in Newburgh, N.Y. on May 7, 1987 at a cost of \$14.00 each plus tolls.

Be it further resolved, that all necessary expenses be charged to account No. A-1010-414.

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. (629-1987)

AUTHORIZING THE
APPROPRIATION OF FUNDS
FOR COST OF TITLE
INSURANCE AND RECORDING
FEES WITH RESPECT TO
PROPERTY ACQUIRED BY THE
TOWN FROM MASCO CONGERS
CORP. - MAP 127, BLOCK
D, LOT 5.1 AND 6.3 AND

ABE650

RESOLUTION NO. (629-1987) Continued

TRANSFERRING \$312.00
FROM THE
MONEY-IN-LIEU-OF-LAND
ACCOUNT TO THE PARKLANDS
ACCOUNT

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 1038-1986, the Town Board authorized the transfer of funds from the money-in-lieu-of-land account to the parklands account to cover the cost of title insurance and recording fees with respect to the acquisition of additional park lands, and

WHEREAS, said money is no longer in the parklands account to cover the fee of \$312.00 for title insurance and recording fees;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$312.00 is hereby appropriated to pay for the cost of title insurance and recording fees with respect to the acquisition referred to herein, and be it

FURTHER RESOLVED, that the sum of \$312.00 is hereby transferred from the money-in-lieu-of-land account to the parklands account.

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. (630-1987)

AUTHORIZING EDWARD J.
GHIAZZA, SUPT. OF
RECREATION AND PARKS TO
ATTEND THE MID-YEAR
MEETING OF REVENUE
SOURCES MANAGEMENT
SCHOOL AND CHARGE TO
APPROPRIATION ACCOUNT A
7020-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission, that Edward J. Ghiazza, Superintendent of Recreation and Parks, is hereby authorized to attend the Mid-year Meeting of the Revenue Sources Management School, conducted by the North Carolina State University, from July 10, 1987 through July 12, 1987 in Lexington, Kentucky, and

FURTHER RESOLVED, that all appropriate expenses be charged against Appropriation Account A 7020-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (631-1987) ACCEPTING MINUTES OF THE SPECIAL
TOWN BOARD MEETING OF MAY 14, 1987
AND REGULAR TOWN BOARD MEETING OF
MAY 26, 1987

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the Special Town Board meeting of May 14, 1987 and the regular Town Board meeting of May 26, 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. (632-1987) ISSUING A BUILDING PERMIT TO LOUIS
DiGIOIA - MAP 114- BLOCK A, LOT
29.30

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to LOUIS DiGIOIA for property situate on the southwest corner of Chester Avenue and Beacon Street, Congers, New York, more particularly designated on the Clarkstown Tax Map as Map 114, Block A, Lot 29.30, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to obtain approval of the Department of Environmental Control for the design and installation of a sewer ejection pump, and to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along Chester Avenue, Congers, New York, or other abutting mapped but unopened streets.

2. The property owner shall acknowledge in said Declaration that the proposed dwelling shall be located on the premises which is low lying and wet.

3. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown.

4. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises and in the subject premises to the designated street line to accomplish the widening of such mapped street or streets, including Chester Avenue, to fifty (50) feet in width.

5. That the access to the proposed dwelling shall be located within the right-of-way of Chester Avenue and Beacon Street and shall be improved with a gravel surface and maintained

Continued on Next Page

ABE650

RESOLUTION NO. (632-1987) Continued

at the expense of the property owner to the satisfaction of the Director of Environmental Control.

6. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.

7. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall:

(a) Raise the grade near the sanitary sewer manhole at the intersection of Beacon Street and Chester Avenue, to provide sufficient cover for the sewer line and the house connection.

(b) Install a gravel access way along Chester Avenue to the satisfaction of the Department of Environmental Control.

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. (633-1987)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #59-1987 - UNIFORM MAINTENANCE SERVICE FOR CLARKSTOWN POLICE DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #59-1987

UNIFORM MAINTENANCE SERVICE FOR CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, June 25, 1987, at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (633-1987) Continued

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

RESOLUTION NO. (634-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #60-1987 -
UNIFORMS FOR CLARKSTOWN
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #60-1987

UNIFORMS FOR CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on
Tuesday, June 30, 1987, at which time bids will be opened and
read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (635-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #61-1987,
REINFORCED CONCRETE
CULVERT PIPE, CONCRETE
CATCH BASIN BLOCK AND
BRICK

Co. Maloney offered the following resolution:

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

BID #61-1987

REINFORCED CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK AND BRICK

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 24, 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.

On roll call the vote was as follows:

Continued on Next Page

ABE650

RESOLUTION NO. (635-1987) Continued

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

RESOLUTION NO. (636-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #62-1987,
IMPROVEMENTS TO NEWDON
SHOPPING CENTER, NEW CITY

Co. Maloney offered the following resolution:

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

BID #62-1987
IMPROVEMENTS TO NEWDON SHOPPING CENTER, NEW CITY

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
Monday, July 20, 1987, at which time bids will be opened and
read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (637-1987)

AUTHORIZING THE
SUPERINTENDENT OF
HIGHWAYS TO INSTALL A
STOP SIGN ON THE
WESTSIDE OF SOUTH GRANT
AVE., AT WALDBERG AVE.,
CONGERS

Co. Carey 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 to be erected on the west side of South
Grant Ave. at Waldberg Ave., 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. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (637-1987) Continued

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

RESOLUTION NO. (638-1987)

AUTHORIZING THE
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
SIGNS "NO PARKING
ANYTIME" ON THE SOUTH
SIDE OF GILCHREST ROAD
FROM KINGS HIGHWAY TO
THE RAILROAD TRACKS,
CONGERS

Co. Carey 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 Anytime" to be erected
on the south side of Gilchrest Road from Kings
Highway to the railroad tracks, 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. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (639-1987)

AUTHORIZING THE
SUPERINTENDENT OF
HIGHWAYS TO INSTALL A
CURVE SIGN ON BOTH SIDES
OF LAKE ROAD, VALLEY
COTTAGE

Co. Carey 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 curve sign with a panel to read, "20 MPH" on
both sides of Lake Road, Valley Cottage for the
curve East of Bellville Drive, Valley Cottage

and be it

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

Seconded by Co. Maloney

Continued on Next Page

ABE650

RESOLUTION NO. (639-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (640-1987)

AUTHORIZING THE
SUPERINTENDENT OF
HIGHWAYS TO INSTALL A
STOP SIGN ON HEDGEROW
LANE AT WEST CLARKSTOWN
ROAD, SPRING VALLEY

Co. Carey 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 on Hedgerow Lane at West Clarkstown
Road, Spring Valley

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (641-1987)

AUTHORIZING THE
SUPERINTENDENT OF
HIGHWAYS TO INSTALL A
STOP SIGN AT THE
INTERSECTION OF RIDGE
ROAD AND LAKE ROAD,
VALLEY COTTAGE

Co. Carey 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 to be erected at the intersection of
Ridge Road and Lake Road, Valley Cottage

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (641-1987) Continued

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

RESOLUTION NO. (642-1987)

AMENDING RESOLUTION
DATED FEBRUARY 10, 1987,
WHICH AUTHORIZED THE
SUPERVISOR TO ENTER INTO
AN AGREEMENT WITH THE
AMBULANCE CORPS FOR
BASIC AMBULANCE SERVICE
AND ADVANCED LIFE
SUPPORT SERVICE FOR THE
YEAR 1987

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 141-1987 authorized the Supervisor to enter into a contract with the four Ambulance Corps which serve the incorporated and unincorporated portions of the Town of Clarkstown by providing emergency ambulance and Advanced Life Support services (ALS) for the calendar year 1987, and

WHEREAS, the four Ambulance Corps have entered into an agreement with Nyack Hospital for ALS service in the Town of Clarkstown for 1987, and said agreement provides that each of the four Corps shall pay the sum of \$168,717.00 to Nyack Hospital for ALS service, and

WHEREAS, the Town of Clarkstown is not required to provide the Nyack Ambulance Corps with the same level of funding as the other Corps because only 40.5% of its service area is in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 141-1987 is hereby amended to provide that the Supervisor is authorized and directed to enter into an agreement in a form approved by the Town Attorney with the four Ambulance Corps in order to provide for emergency ambulance service and Advanced Life Support service (ALS) to the Town of Clarkstown for the calendar year 1987, by payment of the sums set forth below in quarterly installments at the beginning of each quarter during the calendar year 1987:

	<u>BASIC AMBULANCE SERVICE</u>	<u>ALS</u>
Congers-Valley Cottage Volunteer Ambulance Corps, Inc.	\$ 85,050.00	\$168,717.00
New City Volunteer Ambulance Corps/ Rescue Squad, Inc.	\$ 58,435.00	\$168,717.00
Nanuet Community Ambulance Corps, Inc.	\$ 82,850.00	\$168,717.00
Nyack Community Ambulance Corps	<u>\$ 40,172.00</u>	<u>\$ 68,330.00</u>
Total Basic Service.....	\$266,507.00	
Total Advanced Life Support Service.....	\$574,481.00	

Seconded by Co. Smith
On roll call the vote was as follows:

Continued on Next Page

ABE650

RESOLUTION NO. (642-1987) Continued

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

RESOLUTION NO. (643-1987)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR
STREET LIGHTING (GOEBEL
ROAD, NEW CITY)

Co. Maloney offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Service Investigation Clerk, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

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

Goebel Road New City
Existing Pole No. 59927/42508 - Install (1)
5800 lumen sodium vapor street light

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. (644-1987)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR
STREET LIGHTING AT
CONGERS ROAD, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Service Investigation Clerk, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

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RESOLUTION NO. (646-1987) Continued

easement is hereby accepted 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (647-1987)	INCREASING PETTY CASH IN JUSTICE COURT
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Co. Maloney offered the following resolution:

RESOLVED, to increase Petty Cash in the Justice Court from \$75.00 to \$100.00.

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. (648-1987)	AUTHORIZING INCREASE OF CHARGE TO \$3.00 PER DUPLICATE TAX BILL
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Co. Carey offered the following resolution:

RESOLVED, Resolution No. 148-1978 dated March 1, 1978, wherein the Receiver of Taxes shall charge the sum of \$1.00 per duplicate tax bill for all duplicate bills issued, which charge shall be for the purpose of defraying the cost of preparation of the bills, be amended, and be it

FURTHER RESOLVED, that the charge for such bills shall be increased to \$3.00 per duplicate tax bill.

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. (649-1987)	AUTHORIZING CODE INSPECTOR OF TOWN OF CLARKSTOWN TO TAKE APPROPRIATE ACTION PURSUANT TO CHAPTER 79 (UDELSMAN)
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Co. Maloney offered the following resolution:

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RESOLUTION NO. (649-1987) Continued

RESOLVED, that the Code Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever action is appropriate pursuant to Town Code, Chapter 79 (Property Maintenance) with respect to the condition of premises located at 5 Woodward Drive, West Nyack, New York, more particularly described as MAP 69, BLOCK A, LOT 53.7, reputedly owned by James Udelsman and Deborah Udelsman.

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. (650-1987)

APPOINTING TO POSITION
OF MEMBER - LITTER
CONTROL BUREAU (EILEEN
CINCIMINO)

Co. Smith offered the following resolution:

RESOLVED, that Eileen Cincimino, 4 Roman Court, West Nyack, New York, is hereby appointed to the position of Member - Litter Control Bureau - at the current 1987 annual salary of \$500., effective and retroactive to June 8, 1987.

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. (651-1987)

APPOINTING PATRICIA
MALONEY TO THE POSITION
OF TEMPORARY CLERK,
ASSESSOR'S OFFICE

Co. Smith offered the following resolution:

RESOLVED, that Patricia Maloney, 1 Victoria Drive, Nanuet, New York is hereby appointed to the position of (temporary) Clerk (position encumbered by Frances Koppel) - Town Assessor's Office - at the 1987 annual salary of \$13,218., effective and retroactive to June 3, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (652-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #32-1987 -
ADDITIONS AND
ALTERATIONS TO COMMUNITY
CENTERS AT CENTRAL NYACK
AND CONGERS LAKE
MEMORIAL PARK AND BID
#32a-1987 - ADDITIONS
AND ALTERATIONS TO
COMMUNITY CENTERS AT
CENTRAL NYACK AND
CONGERS LAKE MEMORIAL
PARK FOR GENERAL
CONSTRUCTION PLUMBING

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 470 dated April 28, 1987 authorized the Director of Purchasing to advertise for:

Bid #32-1987
Additions and Alterations to Community Centers at
Central Nyack and Congers Lake Memorial Park,

and

WHEREAS, only one qualified bid was received for General Construction phase, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks; Laurence Kohler, Director of Purchasing and Schofield Colgan Architects, all bids for General Construction are hereby rejected, and

WHEREAS, no bids were received for the plumbing phase,

NOW, THEREFORE, be it

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

Bid #32a-1987
Additions and Alterations to Community Centers at
Central Nyack and Congers Lake Memorial Park for
general construction and plumbing

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 Tuesday, July 7, 1987, at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (653-1987)

AUTHORIZING SUPT. OF
HIGHWAYS TO INSTALL "NO
PARKING 8:00 A.M. TO 4
P.M. MON.-FRI." ON THE
NORTH SIDE OF WEST NYACK
ROAD, NANUET

Co. Smith offered the following resolution:

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RESOLUTION No. (653-1987) Continued

John O'Sullivan, Superintendent of Highways, is hereby authorized to install the following parking restrictions:

"No Parking 8 a.m. - 4 p.m., Monday - Friday" to be installed on the north side of West Nyack Road, Nanuet, between St. Anthony's Church and St. Anthony's school.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the Public Hearing re: Condemnation of Property (Demarest Ave.), was opened, time: 9:01 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:12 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: J. Owens Building, was opened, time: 9:12 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared ADJOURNED TO JULY 14, 1987, time: 9:19 P.M.

RESOLUTION NO. (654-1987)

ADJOURNING PUBLIC HEARING TO JULY 14, 1987 RE: APPLICATION OF J. OWENS BUILDING CO. TO CONDUCT A LANDFILL OPERATION - MAP 71, BLOCK A, LOT 5

Co. Maloney offered the following resolution:

RESOLVED, that the public hearing to consider the application of J. Owens Building Company, for a special permit to conduct a landfill operation for property located to the north of Route 59 and the 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 12, Column 3, Item B-2, and Table 15, Column 3, Item B-3 of the Zoning Ordinance of the Town of Clarkstown is hereby adjourned to July 14, 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

ABE650

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: ZONE CHANGE - HENNER, was opened: time: 9:19 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:39 P.M.

RESOLUTION NO. (655-1987)

AMENDING ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN - ROBERT HENNER, D.D.S. AND CONGERS PROFESSIONAL CENTER, INC. BY REDISTRICTING PROPERTY FROM AN R-15 DISTRICT TO AN LS DISTRICT (WITH RESTRICTIVE COVENANTS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 5th day of May, 1987, provided for a public hearing on the 9th day of June, 1987 at 8:20 P.M., to consider the application of ROBERT HENNER, D.D.S. and CONGERS PROFESSIONAL CENTER, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an R-15 District to an LS 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, dated May 22, 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 for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended subject to the special conditions set forth below by redistricting from an R-15 District to an LS District, the property designated on the Clarkstown Tax Map as Map 127, Block P, Lot 15, more particularly described on Schedule "A" attached, situated in the Hamlet of Congers, New York, in said Town, and be it

FURTHER RESOLVED, that the zone change shall not become effective until the certified record owner shall provide a restrictive covenant in a form approved by the Town Attorney, for the benefit of the Town of Clarkstown, which shall provide that the premises as constructed or to be constructed shall not be used for any other use than as professional offices, 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 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.

(Schedule "A" on file in the Town Clerk's office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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RESOLUTION NO. (655-1987) Continued

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: CHAPTER 31 PROCEEDING - LIPKIND, was opened, time: 9:42 P.M..

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 10:33 P.M.

RESOLUTION NO. (656-1987)(FAILED)

ADJOURNING CHAPTER 31
PROCEEDING (LIPKIND) TO
AUGUST 11, 1987

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 898 dated September 23, 1986, a public hearing pursuant to Chapter 31 of the Code of the Town of Clarkstown was scheduled for November 25, 1986, with respect to an unsafe building located on premises described on the Clarkstown Tax Map as MAP 111, BLOCK A, LOT 28.07, and

WHEREAS, by Resolution No. 576 dated May 26, 1987, the Chapter 31 proceeding was reconvened upon written notice to the property owner and his attorney for June 9, 1987, at 8:25 P.M., and

WHEREAS, at said time and place the property owner, by his attorney John Chronin, appeared and offered evidence to establish that reasonable efforts are being made by the property owner to repair and otherwise restore the unsafe premises to a habitable state but that an extension of time was required to fulfill the obligations of the property owner, and

WHEREAS, the Town Board believes the property may be restored in accordance with the representations made on behalf of the property owner;

NOW, THEREFORE, be it

RESOLVED, that the Chapter 31 proceeding herein is hereby adjourned to August 11, 1987, at 8:15 P.M., at which time the Town Board will make further inquiry into the status of the premises.

On roll call the vote was as follows:

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

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: 10:39.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/9/87

9:01 P.M.

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

RE: CONDEMNATION OF PROPERTY - DEMAREST AVENUE

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

Town Clerk read notice calling Public Hearing. Town Attorney testified as to proper posting and publication. Town Attorney said he had received confidential information for the Town Board from Karl A. Kirchner, Inc., the appraiser chosen by the Town Board to do a preliminary evaluation on the property.

Supervisor Holbrook asked the Town Attorney how to proceed in this matter?

The Town Attorney said the public should be invited to make any comment or ask any questions concerning this proposal. The notice set forth the purpose of the hearing and any comment is appropriate at this time.

The Supervisor asked if there was anyone present who wished to make a comment or ask a question in regard to this specific matter.

Appearance: Constance Bosco
2 Short Street
West Nyack

She said she was against the Town taking this property for a Town parking lot or garage. She said it would be another loss of taxes from the tax rolls. She said that when Mr. Vines was Supervisor a suggestion was made to use that property for a garage but it was never acted upon. Perhaps the Town might also get together with the County because I think we have a parking problem here because of the fact that we have two governments, County and Town government being in the same area. She said maybe you could build a parking garage behind Dutch Gardens which would be accessible to people coming to Town Hall, the County Office Building and the County Complex.

The Town Attorney said he had prior to today obtained updated title information concerning this property and a report that he received on May 26 indicates that a Constance J. Bosco and a Phillip J. Bosco were the owners of this property and conveyed title to an Anthony Coshia (?) on December 31, 1986. He asked her if she had an interest in this property?

Mrs. Bosco asked "what interest do I have?"

The Town Attorney said that according to the information he received there was a mortgage made by Anthony Coshia(?) to Phillip J. Bosco and Constance J. Bosco on September 30, 1986.

Mrs. Bosco said exactly but that has nothing to do with what I said tonight.

Co. Maloney asked how much of the land are we talking about?

The Town Attorney said the property is approximately 24,530 square feet. It is situated on the corner of Demarest Avenue and Route 304. The frontage on Demarest Avenue is in a broken line but it consists of about 150 feet and there is approximately 240 feet on Route 304.

Continued on Next Page

ABE650

There is a one story block building and a macadam parking area and a one story frame building on the premises.

Supervisor asked would it be appropriate, if there was no further public comment, for the Town Board at this time to close the Public Hearing and reserve decision?

The Town Attorney said "yes" or you can make a determination. There is a proposed determination and findings available to the Town Board if it wishes to act tonight.

The Supervisor said he thought that the Town Board would like to defer decision for at least two weeks. The reason for the Town Board taking this preliminary action at this time is the parking problem which exists in and around Town Hall and the downtown New City area. New City is the County Seat and considerable business is done at the County Office Building. He said he believed that it would be appropriate sometime in the future for the County of Rockland to engage in the construction of a parking facility behind the County Office Building. However, that day may be far in the future.

The Town Board at this time is dealing with a situation where we will be facing the widening of Route 304 into four lanes which will begin next year in the spring and result in losing 35 spaces of our parking lot. If you spend another \$150,000 we can reduce that number to twelve. That still does not address the need for people coming to Town Hall. If you come on Monday or Wednesday when Justice Court meets, it is impossible to find a parking space at Town Hall. The Town is very seriously considering this from a twofold point of view; not simply from the parking concerns of Town Hall but also for the parking concerns that exist in the downtown New City area.

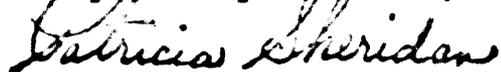
Appearance:

John Lodico
2 Birch Lane
New City

He said that he didn't know whether Mrs. Bosco's remarks were in reference to the original construction of this Town Hall Building which was initiated by our particular majority in 1972. As a part of that program, this building was held up for six months because he had personally initiated a three-story car garage that would have cost the taxpayers of Clarkstown nothing. He said the unfortunate thing is that he believed that the Town had the opportunity to get this property before it was sold and didn't act on it. I wonder now if we are going to be paying more for this piece of property than we would have paid six months or a year ago from the Bosco's. He thought that the property now used by the Clarkstown Counseling Center should have been used to increase the size of the garage.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESERVE DECISION, time: 9:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/9/87

9:12 P.M.

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

RE: SPECIAL PERMIT - J. OWENS BUILDING COMPANY

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

The Town Attorney said he had memorandums from the Town of Clarkstown Planning Board, memorandums from himself to the Town Board, a memo from the Department of Planning of the County of Rockland with an attachment consisting of a letter from the Environmental Management Council, and a statement provided by the County of Rockland Planning Department. The Town of Clarkstown Planning Board Memo is as follows:

"June 4, 1987

TO: John A. Costa, Town Attorney
FROM: Tillie Schwartz, Planning Assistant
SUBJECT: TB REFERRAL: J. OWENS BUILDING CO., 71A5 WEST NYACK

The Planning Board has not reviewed or made recommendation on the above as the information requested by the Technical Advisory Committee has not been provided.

At the TAC meeting of May 6th, the applicant was requested to submit a complete proposal to show how much of the area should be filled. A site layout that included landfilling would have provided more information upon which to make a recommendation.

/s/ Tillie"

The Town Attorney said as a result of that memo he sent the following memo to the Town Board Public Hearing scheduled for June 9, 1987.

"FROM: John A. Costa, Town Attorney DATE: 6/5/87
TO: TOWN BOARD
SUBJECT: Public Hearing Scheduled for June 9, 1987
Special Permit Application to Conduct a Landfill
Operation - J. Owens Building Company

Attached for the information of the Town is a memorandum from the Planning Board indicating that the Board has not yet reviewed the application referred to above because the necessary information has not been provided by the applicant. Also, the SEQRA report of the Director of Environmental Control has not yet been received.

Should the public hearing go forward as scheduled, I recommend that any decision be reserved until SEQRA is completed and recommendations of the Planning Board have been made.

/s/ John A. Costa
John A. Costa

JAC:na
Att.
cc: Planning Board

The Town Attorney read the following Memo from the Rockland County Department of Planning:

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ABE650

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Page 3

May 28, 1987

Mr. William Chase, Commissioner
Rockland County Dept. of Planning
County Office Building
New Hempstead Road
New City, New York 10956

Re: Landfill Operation (J. Owens Bldg. Co.)
Request for Special Permit / West Nyack

Dear Mr. Chase:

The Environmental Management Council members and staff have reviewed the Owens application maps and the petition for a landfill operation permit in the Town of Clarkstown.

The property in question has 2 streams running through from Old Nyack Turnpike on the north to Route 59 on the south. They are bordered by steep banks and several wetland type plants are known to grow in the area (e.g. marsh marigolds).

In the opinion of the Council the area should not be filled and the permit request should be denied. The environmental impacts from landfill operations would be significant, affecting the small streams and the surrounding area.

Sincerely,

/s/ Barbara Porta
Barbara Porta
Executive Director

BP/jlr

copy to: Supervisor and Town Board
Town of Clarkstown"

The Town Attorney said that under the General Municipal Law, Mr. Chase points out in his memo that the General Municipal Law will require a two-thirds majority vote of all members or a majority plus one of the Town Board to act contrary to the above findings and recommendations.

The Supervisor asked if there was any member of the Board wishing to comment on this issue?

Councilman Maloney said he thought we should hold off until all the material is completed.

Supervisor asked the Town Attorney if we wanted to hold off would it be appropriate to adjourn the meeting at this particular point?

The Town Attorney said a resolution adjourning it to a date certain if you have one would be preferred but without a date, if you don't. The only problem without having a date is you would have to adopt another resolution setting the date and we will have to re-advertise.

The Supervisor said July 14th would be the date and to adjourn the meeting due to the lack of complete information.

On motion of Councilman Maloney, seconded by Councilman Smith and unanimously adopted, the Public Hearing was adjourned until July 14, 1987, time: 9:19 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

Patricia Sheridan

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

135

Town Hall

6/9/87

9:19 P.M.

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

RE: ZONE CHANGE - ROBERT HENNER, D.D.S. AND CONGERS
PROFESSIONAL CENTER, INC.

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

Town Attorney said he had a memo dated June 1, 1987 from the Clarkstown Planning Board and another memo dated May 29, 1987 from the County of Rockland Department of Planning and he said he has also been provided with the minutes of the Town of Clarkstown Planning Board meeting of May 27, 1987.

(Letterhead of Clarkstown Planning Board)

"June 1, 1987

The Honorable Town Board
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Gentlemen: TB REFERRAL: ZONE CHANGE REQUEST R-15 TO LS,
CONGERS PROFESSIONAL CENTER, 127P15 CONGERS.

At the Planning Board meeting of May 27, 1987 Member Nest made a motion which was seconded by Schweitzer and carried 6:0 with Ayes of Centra, Maraia, Paris and Yacyshyn, approving the following...

RECOMMENDTION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the above request for change of zone from R-15 to LS for Congers Professional Center in relation to the existing land use pattern, the Comprehensive Plan and the statutory requirements and recommends that the petition be granted with the following conditions:

1. Applicant shall provide restrictive covenant that the use of the building shall be for dental office only, and
2. Applicant shall submit a site plan prepared in accordance with site plan regulations for review and approval by Planning Board."

In addition this memo indicates that the statutory requirements for Planning Board review were made and found not to interfere with the recommendations.

The Town Attorney said that the Rockland County Department of Planning memo addressed to the Clarkstown Town Board with respect to this matter reads as follows:

"The Department of Planning has reviewed the above item acting under the terms of the General Municipal Law powers and those vested by the Rockland County charter are hereby approved with the following comment: Since the subject parcel is isolated by LS zoning and the granting of the zone change will create a more homogeneous zone the zone change is approved for local determination.

/s/ William M. Chase
William M. Chase, Commissioner of Planning"

The Town Attorney said he would not read the minutes of the May 27th meeting because the June 1st memo from the Planning Board contains the salient points.

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The Supervisor asked if the applicant was present.

Appearance: Ronald Kahn, Esq.
appearing on behalf of Dr. Henner and the
Congers Professional Center.

He said the purpose of our presentation tonight is to seek the approval of this Board for the uses that Dr. Henner proposes - that of a Dental office. He said he would submit a posting affidavit and affidavit of service this evening. He showed a rendering done of the immediate vicinity. He submitted a map showing the LS zone. He showed the various businesses and properties in the area and pointed them out on the map. He said that they would have no objection to a site plan review. He said they would like the Board not to restrict them to just a dental office but to consider them for a professional office. He submitted exhibit four which was pictures of the property showing the natural landscape barrier north of the property separating the residential zone. Dr. Henner presented a petition to the surrounding property owners which they signed stating they had no objections to the zone change of the petitioner. He said their engineer advised them that there is more than adequate parking space on the site.

Mr. Kahn introduced their witness to give the Town Board more information on the property.

The Town Attorney swore in Mr. Barletta.

Appearance: Anthony Barletta
Deer Track Lane
Valley Cottage

He said he is a broker and appraiser in Rockland County specializing in the Clarkstown area for about 15 years. He said he was familiar with this particular property.

Mr. Kahn said he believed that Mr. Barletta was involved with the sale of the property some time prior to Dr. Henner.

Mr. Barletta said he listed the property for Mr. Basnight in 1980 for \$69,900. He said it was a difficult house to sell because it is surrounded on three sides by LS and they finally sold it for \$63,000. He said a comparable house two blocks away but surrounded by residential sold for \$68,500. He felt there was market penalty for the house if it is sold or rented as a residential piece.

Mr. Kahn asked Mr. Barletta what is the best utilization of this property under the circumstances?

Mr. Barletta felt that consistent with the other property it should be LS and there was no adverse condition as there was a sufficient buffer on the northern perimeter of the property.

Councilman Carey asked if they are going to take the existing building down?

Mr. Kahn said the existing building will be utilized as is.

Councilman Carey asked why there wasn't a P.O. zone requested rather than LS?

Mr. Kahn said just to make it compatible with the existing area. He said if you look at the petition it says they will take any use district compatible for the use intended. We sought LS initially but said we would accept anything that would be compatible with our use.

Supervisor Holbrook asked if there was anyone from the public wishing to speak.

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Appearance: Howard Rosenzweig
Midway Avenue
Congers

He asked to be shown where the adequate parking is located?

Mr. Kahn said he did not have the survey map out he said the property is 6,702 square feet. He said he thinks they figured about 20 feet by 10 feet.

Supervisor asked if they are going to use the driveway of the garage that is there now for parking?

Mr. Kahn said they have no intention of changing the entrance to the property.

Appearance: John Lodico
2 Birch Lane
New City

He said that this is the kind of zoning we're looking for in the Town where we can utilize in a general area that is professional use. I think it is conducive to the area. He felt that there should not be any restriction as to the professional use and it should be granted as it is in the interest of the taxpayers of Clarkstown.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:39 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (655-1987) ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/9/87

9:42 P.M.

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

RE: CHAPTER 31 PROCEEDING - LIPKIND - MAP 111, BLOCK A,
LOT 28.07

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

The Town Attorney said this is a Chapter 31 proceeding against property designated on the Clarkstown Tax Map as Map 111, Block A, Lot 28.01 reputedly owned by Rudy Lipkind whose address is 530 East 23rd Street, New York, New York. On May 26, 1987, the Town Board adopted the resolution which is a follow-up to a public hearing which had previously been held. The Town Attorney read the resolution. Pursuant to that resolution correspondence dated May 27, 1987 was forwarded to John Chronin, Esq. as well as to Mr. Rudy Lipkind at the address stated above. The information and the letter to Mr. Chronin advised him of the hearing being reconvened tonight and forwarded to him a certified copy of the resolution. The Town Attorney said he has the return receipt cards for both those letters in the Town Attorney's file indicating that Irene Lipkind received a letter and John Chronin received the other letter. In response to that notice, I received a letter dated June 4, 1987 addressed to me as Town Attorney and the Town Attorney read the letter as follows:

I am in receipt of your notice of May 27, 1987 and I will appear before the Town Board when they reconvene the Chapter 31 Proceedings on June 9 at 8:25 P.M.

Please be advised that Mr. Lipkind did apply for the building permit on January 21, 1987 and was told by the Building Department that they wanted a number of changes which required new blueprints from the architect. These were submitted on March 30, 1987 and Mr. Lipkind was issued a building permit on April 10, 1987. In the interim, he had been attempting to secure the services of a contractor to do grading but was unable to do so until on or about April 25, 1987 when Steve Dariff was retained to do the rough grading. Immediately thereafter there was a stretch of rain which prevented Mr. Dariff from completing his initial part of the work until May 14, 1987. The materials had been ordered from Bekerly Lumber on April 20, 1987 but delivery could not be made to the property because the grading had not been done and because of the ground being too wet. Finally on May 27 the timbers were delivered. Part of this delay was due to the Memorial Day Holiday and the wet condition of the property. The footings for the front porch are now being put in. Mr. Lipkind is giving me the following schedule:

1. Driveway to be completed by July 15, 1987.
2. Roof completed six weeks from the date of this letter on or before July 16, 1987 which would be a tremendous improvement to the esthetics of the house.
3. Thereafter it would take approximately one month to complete the installation of the interior needs.
4. Thereafter it would take approximately one month to complete the interior work to make the premises habitable.
5. Thereafter it will take one month to dress up the property according to the standards of landscape specifications submitted by the architect and approved by the building inspector.

I am attempting to have Mr. Lipkind make arrangements to have the architect appear on the evening of the hearing in order to be examined by the Board if it so desires.

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Thank you for your cooperation in this matter..

Very truly yours,

John Chronin

The Town Attorney said he also has correspondence in the file dated January 9, 1987 which was addressed from Peter Bearey to the Building Inspector, Gerald Colucci. The subject was Inspection Report Rudy Lipkind Property, Rainer Court, Valley Cottage, Map 111, Block A, Lot 28.07.

The Supervisor asked if this was as per the performance agreement.

The Town Attorney said that the performance agreement that they have been referring to is dated December 10, 1986 and Mr. Lipkind agreed with the Town to a certain schedule of activities that were to take place.

The Supervisor asked what was the date of completion of all those?

The Town Attorney said that the final date for completion of the restoration of the premises was May 15, 1987. The exact language is as follows:

The property owner was to "undertake and complete all necessary work to restore the premises to a habitable state in accordance with the building permit requirements and plans on or before May 15, 1987."

The Supervisor said to proceed with Mr. Bearey's letter. This is a description of the interior of the house as of January 5th.

The Town Attorney said it is January 9th and it indicates as follows:

The purpose of this inspection was to investigate the extent of interior decay or structural damage to the premises to determine if same can be restored to a habitable state. The inspection took place January 8, 1987, at 2:00 P.M. in the company of Mr. Lipkind.

Findings: 1. The interior finish of the dwelling - wallboard, trim, flooring, etc. was damaged extensively due to prolonged exposure to the elements.

2. The framing components of the roof - rafters, ridge, ceiling, etc. showed signs of structural weakness caused not only by exposure but also by poor design in construction.

3. The substructure of the building - joints, girders, posts, etc. while sustaining only minor water damage is in need of repair and reconstructure due to poor design, substandard workmanship, and the piecemeal fashion in which it was constructed.

Recommendations: The building in its present condition is unfit for the purposes for which it may legally be used. It can, however, be made habitable and brought into conformance with today's building codes through professional design and competent construction. These measures should include: certification by a licensed professional engineer or architect as to its present structural integrity and complete architectural plans for reconstruction to be undertaken by a reliable contractor. It is signed Peter Bearey, Assistant Building Inspector. The Town Attorney said he had no further correspondence.

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PH - Chapter 31 Proceeding (Lipkind) - 6/9/87
Page 3

Appearance: John Chronin
104 Lafayette Ave.
Suffern

He said he is an attorney who has represented Mr. Lipkind for over ten years. He said Mr. Lipkind's grandfather owned a forty acre farm on this site and this piece that Mr. Lipkind has is from that original parcel. He said that they are working on the property and have filled in the hole that was in the roof.

The Town Attorney asked if Mr. Chronin's client was present?

Mr. Chronin said no. He said he had sent letters to the Town Attorney concerning his clients physical condition.

The Town Attorney said he hadn't gotten any letters yet. He said he received a letter which he read into the record.

Mr. Chronin read two letters from Mr. Lipkind's physicians describing his physical condition.

The Supervisor asked Mr. Chronin who the contractor is who is supposed to be doing the work? The Supervisor said he understood that Mr. Lipkind was trying to do the work himself which is contradictory to the report of the doctors.

Mr. Chronin said that Mr. Lipkind's angina is due to stress and the outdoor work that he is doing is good for him and he is his own contractor.

The Town Attorney asked if Mr. Lipkind has notice of the continuation of this proceeding?

Mr. Chronin said he has notice of the proceedings and Mr. Chronin has the authority to act as his agent.

The Supervisor asked when was the last time the house was inhabited by anybody?

Mr. Chronin said probably eight or nine years ago. He said he has laborers working for him to complete the roof. He said he has pictures showing the work that is being done. He showed the pictures to the Board. He said Mr. Lipkind will be doing the supervision and not the work. The pictures were of the southerly side of the building.

The Town Attorney asked if Mr. Chronin had taken the pictures.

Mr. Chronin said that Mr. Lipkind had taken the pictures today. The roof should be completed by July 16th. The driveway will be completed by July 16th. The installation of all the interior beams by August 16th. The completed interior finished by September 16th and the landscape by October 16th. He said Mr. Lipkind has roots in the community. He is not a well man. He is living on a pension and social security. The money he is spending on the property is a hardship for him.

The Town Attorney asked Mr. Chronin to look at the performance agreement which is dated December 10, 1986 and you were representing Mr. Lipkind when he signed this agreement and this is a copy of the agreement that he signed. This will be a part of the record of this proceeding.

Mr. Chronin was in agreement with the Town Attorney.

Appearance: Jane Scarano
6 Reina Court
Valley Cottage

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She said that he has started the work but that the part that is facing her street is the back of the house and she is concerned whether that is going to continue being the back of the house and the foot of the house is facing the woods. She said it seems that Mr. Lipkind is just doing the patch that had collapsed and hasn't been redoing the entire roof.

The Town Attorney asked Ms. Scarano how long she has lived in the neighborhood?

She said they moved in three years ago and she felt that the house is deteriorating. She wanted to know if Mr. Lipkind is planning to reverse the way the house is constructed presently?

Mr. Cronin said the deck in the front of the house would have a roof over it going up to the peak. He said the entrance would be on the side of the house.

Appearance: Denise Ottomanelli
4 Reina Court
Valley Cottage

She said she lives across the street from Mr. Lipkind's house. She presented photos that were taken of the house. The Town Attorney asked if Ms. Ottomanelli wanted the photos to be put into evidence in this proceeding? She said yes and the Town Attorney swore her in as a witness. She said these photos were taken Sunday during the course of Mr. Lipkind's renovation. She also submitted a photo with the date on the back showing her daughter at two. Her daughter is now twelve. She said she has lived there thirteen years and Mr. Lipkind has never lived in that home.

The Town Attorney asked her if there was anyone to her knowledge that has lived in the house.

Ms. Ottomanelli said no. She said there are animals that are living in the house.

The Town Attorney asked her if the photographs taken previously and the current ones depict in a fair and reasonable manner the condition of the premises as they exist?

Ms. Ottomanelli said yes. Her camera is very good.

The Town Attorney said then the pictures make it look better than it is? She said yes.

The Town Attorney asked if she had ever seen any trespassers, vandals or other persons on the property or in the property.

She said that a silent alarm would go off in the Police Department and the Police would come because 18 or 19 year olds would try to break in because it looked like an abandoned building. She said you find beer bottles scattered around and it was a place to hang out.

The Town Attorney asked her if it is her statement that for the period from December 10, 1986 through May 14, 1987 that the only time you saw Mr. Lipkind on the property was on May 14, 1987?

Ms. Ottomanelli said it was the first time she saw him try to do anything on that property.

The Town Attorney asked her if she had information or knowledge concerning any problem with respect to say fire or other hazard that may be presented by the premises?

Ms. Ottomanelli said she couldn't say anything about that.

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PH - Chapter 31 Proceeding (Lipkind) - 6/9/87
Page 5

Appearance: Mr. John Spetafino
35 Oaks Lane
Valley Cottage

The Town Attorney swore Mr. Spetafino in as a witness.

Mr. Spetafino said his property abuts Mr. Lipkind's property and he said that the last time they were here Mr. Lipkind was trying to preserve two truck bodies back there and he wanted to know if they were going to remain there and also the four foot sewer main and also three piles of railroad ties.

Appearance: David Katz
5 Reina Court
Valley Cottage

He said he lived next door to the Lipkind property. The Town Attorney swore him in. He said he wanted to reaffirm everything that was said so far. He said he spoke to Mr. Lipkind around May 13 or 14 when the bulldozer came in. He said the bulldozer came in a day before when everything was supposed to be fixed up. Mr. Lipkind told him that he was going to fix up the property. He said the only people he saw fixing up the place was Mr. Lipkind and two young men who looked like laborers.

Supervisor asked Mr. Katz how long he lived in the area? Mr. Katz said eight years.

Supervisor asked if the condition of the house has changed in that time? Mr. Katz said no. Mr. Katz said he was going to clear it within six inches of the property line and he asked Mr. Lipkind why he didn't do it. Mr. Lipkind said he needed a surveyer to come in. No one since has come in to clear the area around the property line.

Supervisor asked Mr. Chronin if he wanted to rebut any of the statements that were made?

Mr. Chronin said that he thought the police records of the Town of Clarkstown show that there were several burglaries at this house and Mr. Lipkind had tried to secure the house against those burglaries.

The Town Attorney said he wanted to ask Mr. Chronin about a letter that he has in his file from Charles P. Winter an Architect, dated December 23, 1986 and it was addressed to the Building and Zoning Department with respect to the property of Rudy Lipkind. The Town Attorney read the letter.

Gentlemen:

This is to advise that Mr. Lipkind and this office are in the process of re-evaluating earlier design ideas in connection with the above mentioned property. We will submit design sketches to your office for your approval by January 21, 1987.

The Town Attorney asked Mr. Chronin if he knew if the building permit was issued on or about the January date?

Mr. Chronin said he already spoke to that issue and it was not. Mr. Lipkind stated to me that he applied for the building permit on January 21 but was told by the Building Department that they were requiring a number of changes and he had to go back to his architect which he did. The plan was then resubmitted on March 30, 1987 and he was issued a building permit on April 10, 1987.

The Town Attorney asked if Mr. Chronin had anyone present on behalf of Mr. Lipkind that has any information concerning the state of construction or the state of repair or disrepair of the

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interior of the premises - anything to contradict the statement of Mr. Beary, the Building Inspector?

Mr. Chronin said that Mr. Beary stated that the architect's plans could indicate what repairs had to be made to the interior. That's why we need a month on the inside.

Supervisor asked if Mr. Chronin had anything else he wanted to add?

Mr. Chronin said Mr. Lipkind's nephew was here and would like to address the Board.

Appearance: Daniel Schavez
353 E. 83rd Street
New York City

The Town asked if Mr. Schavez had anything to add that would become part of the record? Mr. Schavez said yes and was sworn in.

Mr. Schavez said he had been present and heard various people speak and he said he was a little concerned about what appears to be, I wouldn't call it a community witch hunt, but I do detect a lot of sarcasm in this room and I do find what could be viewed in some way as some sort of a vendetta. I would like to reiterate what Mr. Chronin has first addressed this Town Board meeting with and that is that Mr. Lipkind has been a life long resident of Rockland County.

The property that Mr. Lipkind's house is on was part of a larger parcel that was purchased by his father over 50 years ago and he has kept that property in the family ever since then. As a matter of fact that parcel of property has provided the homes for the people who have gotten up and spoken here today. Reina Court is named for my cousin and Mr. Lipkind's daughter and 5 Oaks refers to five sons and I am one of those five sons so I have a personal interest in this matter. I'm a little bit concerned about what might happen at a meeting such as this - the tyranny of the majority. We have several people who come up here and basically say that they don't like the way the place looks. I think we have to be very careful not to be swayed by issues of esthetics. Not everyone is going to like everyone else's house. Not everyone is going to agree with the color chosen, or the configuration chosen by the house that someone chooses to live in. I don't think we should be concerned with that.

I also don't think that many of the items mentioned by the people who gave testimony here today are actually before this Board - items such as a truck, a drain cover, or some lumber. I think that the issue before this Board is the performance agreement. Now I am not very familiar with all of the facts and circumstances. I have become somewhat familiar very recently because of what now appears to be a dire situation for my uncle. He said from what I can see my uncle did enter into a performance agreement in good faith sometime in December of last year or January of this year and a time-table was set up. I think it was the intention of all parties that this time-table could be met provided certain other things took place and I think that one of those other things that was assumed by all parties, the Town, my uncle, and Mr. Chronin was that a building permit would issue forthwith upon its application. It turns out that the building permit itself was delayed some three or four months. That fact alone should set the entire time-table forward three or four months if through no fault of Mr. Lipkind and certainly through nothing that Mr. Lipkind himself could control, his progress was delayed substantially. I think that should and could be taken into consideration by this Board.

It appears as though the people here think nothing has been done. Certainly the issue here is not whether or not, with all

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due respect to the Supervisor, there has been a change over the past thirteen years or change over the past eight years. I don't think the issue is whether or not it's been occupied. I don't think the issue is which way the house is turned. I think the issue is how do we deal with the performance agreement and I think that's very specific and I think it's on paper and I think we should address ourselves to that issue. With respect to that issue I would like to reiterate that Mr. Lipkind has not done nothing. He has spent thousands of dollars. It's not cheap to hire an architect and to submit plans and resubmit plans. There was money spent on material and supplies and I know there is a lot of money being spent for labor. I know that my 70 year old uncle although he might be seen sometimes on the roof, is certainly not performing the labor that will go into making this house habitable. He is committed to completing this job and he wants to complete this job. I would like to also state that this is something I know as personal fact that my uncle has wanted to do for his entire life.

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My uncle is a very educated man. I believe he has a PHD. I know he has been an educator for some twenty or thirty years for the New York City School system. He has always worked within the system and has never been a rabble rouser. He is not a trouble maker. He does not seek this attention. He merely wants to be let alone and to conclude his years in retirement here in Rockland County on the land that his father purchased and on the land that he has had for the last thirty years. I ask this Board to consider that and to have some mercy for Mr. Lipkind. I have visited the property recently and what it looks like to me is a house under renovation and if any of us were to go to any house that is under renovation we could say that it is not esthetic. We could say that it poses a fire hazard. We could say it is a disgrace to the neighborhood and I think that would be an unfair assessment of how that house is because that house is under renovation. He said this house is under renovation and Mr. Lipkind is committed to completing it and I would ask this court in its authority and its wisdom and in its charity to extend Mr. Lipkind in what most probably will be a final adjournment to complete this matter.

It's curious that someone would take an oath and say that Mr. Lipkind has not been there from December '86 until May 14, 1986. I just question the credibility of someone who says that. Particularly when common sense dictates that no one would ever consider keeping a twenty-four hour watch on a neighbor's property. I think that is just an example of what we have to be mindful of here and that is the tyranny of the majority and I would ask this court, under what appears to be an adversarial situation here, to exercise its good judgment and its common sense and to please afford Mr. Lipkind, my uncle, whatever additional time he feels he needs. I think the estimates given by Mr. Chronin are perhaps somewhat exaggerated but that's just to insure that the work does in fact get completed.

The Town Attorney asked Mr. Schavez if he had any knowledge concerning the budget for a completion of this project if it were to go forward.

Mr. Schavez said he couldn't testify as to numbers but he said he had helped his uncle and he did not believe there would be a problem in completing the work that needs to be done.

Mr. Chronin said if the Board feels that is vital, he would recommend to Mr. Lipkind to come before the Board and give sworn testimony. The Town Attorney said he had his opportunity tonight. I know what you said about his medical condition but do you Mr. Chronin know what his budget is for the restoration of the premises?

Mr. Chronin said he had it figured out to \$18,274 plus legal fees. In addition to that he has a \$300 outlay on scaffolding.

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The Town Attorney said in your client's opinion is this sufficient expenditure to bring this premises into a habitable condition? The Town Attorney said that the penalty that he basically obligated himself to was the demolition of the premises if he did not restore it as he agreed to. I don't know what further penalty he would be willing to agree to.

Mr. Chronin said he would agree to a monetary penalty if he did not keep up with this now. He said the rain in April held him up. He said Mr. Lipkind is not completely at fault. He may be slow.

Mr. Schavez that the concern of the neighbors is a very legitimate one and he said Mr. Lipkind's goals are to make the house esthetically desirable and spend the rest of his years there. He said the threat of demolishing his home where he raised his children is a real one and Mr. Lipkind is acting accordingly.

Mr. Chronin said he was not aware of any wood debris being on the property and he said he would personally have the wood removed within ten days or two weeks at the most.

There was a motion for demolition which was read by the Supervisor but was pulled in favor of a resolution giving Mr. Lipkind an extension of time.

Mr. Maloney said that he was prepared on the resolution in front of him drawn up by the Town Attorney to adjourn to August 11, 1987 which is two months from now and to see how much work was being done in the next two months from June 9 to August 11th and at such time on August 11th we might be able to go ahead with the resolution that the Supervisor just read. I think two months additional time is not too much to ask for since it has been standing there for fourteen or fifteen years and I know that April was a rainy month. I can attest to that and all things indicated that he did get the building permit and the wood was ordered. I would be willing to go along with two months and to at least adjourn the proceedings until August 11, 1987 at that Town Board meeting and then find out what's been happening in the next two months. This will be final. If things have not been done in two months then I think that particular resolution will fly.

Councilwoman Smith said if that is a motion then I will second it. I don't think we all have to like the color and the shape of a person's home but I believe the community and the neighborhood is entitled to safety and health and this would be the absolute last extension for you to complete your work.

The Town Attorney said there were two motions that his office had prepared. One that was read by Mr. Holbrook.

Mr. Holbrook said he was not going to second it at this time.

The Town Attorney said the one you refer to is the one with respect to extension of time.

Councilwoman Smith said Mr. Costa with the first motion if that comes into fact in August I would have difficulty with saying that we could prove that it has been uninhabitable for fifteen years so I think that wording would have to be clarified.

The Town Attorney said you can draw whatever conclusion you want from the facts that are in the report.

The Supervisor said we are voting on the August 11 one.

The Supervisor said his previous motion failed for lack of a second or because it wasn't brought up for a vote so I am going

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to withdraw that motion and we will bring it back for the next Town Board meeting.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the Public Hearing was declared closed, time: 10:33 P.M.

Respectfully submitted,
Patricia Sheridan
Town Clerk

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