

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

149

Town Hall

6/23/87

8:00 P.M.

Present: Supervisor Holbrook
Council Members Carey, Maloney,
Councilman Lettre arrived 8:15 P.M.
Councilwoman Smith arrived 8:15 P.M.
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

The Supervisor read the following proclamation and presented it to Mr. Edward Ghiazza, Superintendent of Parks & Recreation:

"RECREATION AND PARKS MONTH
JULY - 1987

- WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and
- WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and
- WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and
- WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and
- WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 23rd day of June, 1987, do hereby proclaim the month of July, 1987 as "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS 23RD
DAY OF JUNE, 1987.

/s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supv.

/s/ William Carey
WILLIAM CAREY, Councilman

/s/ Edward J. Lettre
EDWARD LETTRE, Councilman

/s/ John Maloney
JOHN MALONEY, Councilman

/s/ Ann Marie Smith
ANN MARIE SMITH, Councilwoman

The Supervisor at this time declared the public portion of the meeting open and asked if there was anyone wishing to speak on any item on the agenda or any item other than the public hearings at which people will have opportunity to express their point of view.

ABE650

Appearance: Susan Hale

She said she was the president of the Lakeland PTA and said she would like the Board to pass the resolution allowing the "No Parking" signs on Lakeland Avenue. She said the children have no place to walk safely to and from school because of the parking on both sides of the road.

Appearance: Andrea Weiss
2 Brookline Circle
New City

She said she missed the Board members at their picket at the Post Office. She asked the Supervisor about his statement that he made on WRKL where he said that allowing the Post Office in a residential area would by no means provide for down zoning and she asked the Supervisor if he could guarantee that the present and future administration would not permit any downzoning in an R-15 zone.

The Supervisor said he could not guarantee what a future Town Board would do. All he could speak for is this Town Board and himself. What the Town Board amended was the use in that particular zone and it does not imply directly that there would be any commercial development. It does not permit that by right in that zone now. Things that are permitted by right are an ambulance station, fire station, single family house and police station as well as a post office. That's it at this point now.

Mrs. Weiss asked the Supervisor if he didn't previously assure the people of Clarkstown that a post office wouldn't go into R-15 zone?

The Supervisor said the Town Board previously had expressed their preference for other sites other than the one that the post office had designated. That is true. Given the set of circumstances that was discussed at the hearing the majority of the Town Board felt that it would be appropriate to amend the use but that does not mean that there will be commercial development there.

Mrs. Weiss said but you can't guarantee it.

Supervisor Holbrook said he couldn't guarantee what a future Town Board would do.

Mrs. Weiss asked if the Supervisor could give any guarantee for this Town Board.

The Supervisor said that in the past the Town Board has resisted the applications to increase residential density in this particular area of New City. As a matter of fact the history of the Board in the past has been to upzone most of the property. For example: Many of the members of the Board voted for the R-160 zone which is the four acre zoning and this was done early in the 1980's. He said that he couldn't speak for future Town Boards. Personally, he said he supports the conservation idea and the limiting of increased density in this particular area of New City.

Mrs. Weiss said that on June 18 on WRKL the Supervisor stated that he felt that the new Post Office would not cause any safety problems with the traffic in the area surrounding the north Main Street property. She said the Supervisor also said that if there were going to be any traffic problems, the Planning Board would take care of it. She said if there is a need for traffic lights, an extension of Susan Drive, and making streets wider, who is going to pay for it, the citizens of Clarkstown or the Federal Government?

Continued on Next Page

Supervisor Holbrook said that before any Post Office is constructed a long form SEQRA is probably likely in the site plan review process. He said those are issues that the Federal authorities will have to deal with and our Planning Board will have to hold the hearings to make certain requirements. The Federal authorities have always been saying that they don't want to go against local zoning and local planning. The Planning Board in its hearings will be the determining factor as to how people will get in and out; whatever widening is necessary; and any other accoutrements that would surround this particular use on this site. The Federal authorities have said they would abide by the requirements of the local authorities in this regard.

Mrs. Weiss asked if that's true why, in the letter from Judith Principe(?) of the Postal Authorities on April 1987, did she put a gun to your head and make you go and vote for an amendment of the R-15 zone? What is to stop them from doing the same thing again?

The Supervisor said that what they basically said was that if the Town authorities would not permit a post office that the likelihood of one being built in New City would not occur. That's true but I do think that the undercurrent of all of this over the past few years has been that they did not want to go against local determination and local control.

Mrs. Weiss said but they did.

The Supervisor said they didn't because the Town Board amended the zone. If the Town Board had not done that they would not be constructing the post office.

Mrs. Weiss said she understands that the Planning Board voted against this. They were opposed to it and for two years, from the correspondence Mrs. Weiss said she recieved from the Supervisor, he and the Town Board members were against it.

The Supervisor said they tried to find an alternate site but the only other proposal made to the Post Authorities was on Squadron Boulevard but it was not accepted. The Board felt that there was a need for a post office and that's why they amended the use in the zone.

Mrs. Weiss said that on a Friday at 12:00 o'clock there was only one cashier in the New City post office, at the busiest time of the day. She said that they checked during the week and the parking lot was two thirds to half empty any time during the day. She said that she counted the number of trucks at the Post Office at 8:00 P.M. and there are twenty-one in the fleet. She said she took into consideration there are twenty-one vehicles. Adding the number of vehicles for the people who work during the day that would bring the number of vehicles to 30 in the lot. She asked why the post office needs, from the Geneslaw report of 1985 for the Hamlet of New City of 38,000 people, a post office on 2.3 acres, 18,000 square feet, and 90 off-street parking spaces. She said she tends to believe they need it to build a monument to someone but she is not quite sure who.

The Supervisor said he did not know the answer to that specifically but I do know that they were desirous of expanding the roots as well as the facilities. The Supervisor said that the use applies not only to this particular piece of property but it could also apply to other properties in the Hamlet of New City. He said that a property adjacent to Gessel's Garage has also made application to the postal authorities for their consideration.

Mrs. Weiss said from her observation this would not be a 2.3 acre and I also don't think 90 spots would fit in there. There was also in the report other sites, such as:

Continued on Next Page

ABE650

Bradley's Shopping Center, in addition to Squadron Boulevard, the 29 acres next to the jail, and if we take it out of the main area which is now up for sale and we put it down on north Main Street at that point in time we now would decentralize the business area. If we can decentralize it and put it on north Main Street, why can't we decentralize it and put it in any R-15 area in Clarkstown or put it in any commercial zone in Clarkstown once it is decentralized?

Appearance: Henry Horowitz

Mr. Horowitz said that on item 15 he wanted to urge the Board to approve the street name change which has been requested by the tenant.

The Supervisor said they intend to do that.

Appearance: Susan Goldberg
4 Cricket Court
New City

She said she received some correspondence from Charles Holbrook addressed to Mr. Barbieri and it has to do with improving the facility in New City. The letter said that it was important to keep the post office in New City centrally located in order to avoid the situation that occurred in Valley Cottage ten years ago when the post office and library relocated significantly and adversely affected the businesses in the immediate area.

The Supervisor said the post office had been adjacent to Lake Road and the postal authorities constructed a post office on Route 303 near the former Food Emporium.

Mrs. Goldberg asked how that adversely affected the business area?

The Supervisor said that by putting it up on 303 it in effect made the main street in Valley Cottage, Route 303 and not Lake Road. In this particular case, it was indicative of the Town Board's attempt to get the postal authorities to consider alternate sites.

Mrs. Goldberg asked if the Supervisor thought that would be the same situation they would run into when we take a post office that is in the middle of Town and take it to the other end completely.

The Supervisor said it tends to string development out but I think that in New City's instance with the County Court, the County Executive Building, and the Legislative Buildings in the center of Town, the situation is a little bit different. The Supervisor said that the language he used in the letter was indicative of the Town Board's struggle over the last couple of years to try to convince the postal authorities to consider other locations which we were unsuccessful ultimately in convincing them to do.

Mrs. Goldberg said that in the information that she received there were many many sites that were brought up and she wanted to know how it can be confirmed that the postal authorities checked into these sites. She said the only piece of paper that she has is regarding the Squadron Boulevard site.

The Supervisor said that was the only site where there was an offer made by the owners of the property. The other sites were suggestions from the Town to take a look at and in discussions with the postal authorities either were not available for sale or they did not meet their specific needs and qualifications in the proposal they published which Mrs. Weiss mentioned previously.

Mrs. Goldberg said she wanted to know if there was any kind of confirmation that they checked out some of these sites.

The Supervisor said he would check the files to see if there was anything specific they wrote on a point by point.

Mrs. Goldberg asked who specifically asked these people on these sites and there are many.

The Supervisor said, " the Town."

Mrs. Goldberg said but how does one know that they did that?

The Supervisor said that the Town Board members asked them that question and their answer to that was that it either was not for sale or they did not meet the requirements.

Mrs. Goldberg asked if they have any kind of information or data on that.

The Supervisor said he would check with his office or the Planning Board office. He said he did not find anything specific on a point by point rejection of each particular suggestion there but the ultimate one was the Squadron site which was a proposal that was made and that was rejected.

Mrs. Goldberg said they say that they spent \$40,000 to check out this information and she said she would like to have some confirmation that this was actually done.

The Supervisor said to write a letter to Mr. Gillman and ask him if he can come up with some information that would specifically relate to them spending that sum of money.

Mrs. Goldberg said that Mrs. Weiss did speak to someone in the postal service and was not given a direct answer and as New City residents and as Town Board members, I would think you would want to know aside from "yes I did" some concrete information. Did Mr. Apfelbaum have some leverage?

The Supervisor said that Mr. Gilman as a Congressman to a constituent would be able to release the information regarding the expenditure of \$40,000 in their search. Just as I am able to release what is in my files to the constituents that I represent.

Mrs. Goldberg said as a Town Board did you think to find out through Representative Gilman whether or not they did their homework?

Mr. Maloney said they met with Mr. Gilman and representatives from the post authority and they asked for information at the last meeting of how many sites they had looked at. They indicated that the majority of the sites were not for sale. We asked them specifically and they said no that the majority of the sites were not for sale and the people were not willing to sell and they came down to the few sites they looked at. Some were not acceptable as to what they were looking for. Mr. Gilman was sitting in the office and so were the postal authorities and we came down with the one site that was the only viable site. He said the amended zoning ordinance means any place that meets their requirements in an R-15 zone would be acceptable.

Mrs. Goldberg said if she calls up some of these sites and they say now my property is for sale, then we might look into the entire issue?

Continued on Next Page

ABE650

The Supervisor said that the concerns that you have should be addressed to the postal authorities and Mr. Gilman. He would be able to answer the expenditure of funds and all the other things directly from his office.

Mrs. Goldberg said what she got from Mr. Gilman was a letter from Judith Principe (?) saying that they had spent \$100,000. They are not spending any more and they don't understand what the problem is as the site picked is across the street from professional buildings and adjacent to a lot. The letter makes no mention that the professional buildings are one story, one row and behind that is entire complex of condominiums.

Supervisor Holbrook said to press Mr. Gilman for additional information.

Appearance: Joseph Hirshfield
96 Susan Drive
New City

Mr. Hirshfield said he was the president of the North Clarkstown Community Council and president of Little Tor Home Owner's Association. He wanted to know how this Board or a succeeding Board is going to get around to the increased pressure for commercialization which is going to result from a "practical" down zoning of a certain area. He said the whole concept of concentric zoning will go out the door. He said if the post office really wants to move and they may walk away now, they will be back. He said no one knows what kind of monstrosity they plan to build on Buckley Farms. He asked the Supervisor if he knew?

The Supervisor said it is a one story building but when we get to the site plan if and when it gets to the site plan process then the Planning Board will have the jurisdiction of determining what is built there and how it is built.

Mr. Hirshfield said inquiries should be made. He said he has heard two and a half acres and four acres and he is concerned that this may be not merely be a post office for 10956, the New City zip code number, but they may be thinking in terms of a distribution center for Rockland County.

Appearance: Alan Gerber
92 Susan Drive
New City

Mr. Gerber said on Item #21 he would like more specifics where you are authorizing the Superintendent of Highways to perform corrective drainage work on Demarest Hill which is right near the New City Condominiums. Would that affect any other areas such as Squadron Boulevard?

The Supervisor said the work to be done will be done between Squadron Boulevard and the Condominiums. It will prevent a breach of the earth. It will prevent the Demarest Kill from ever breaching that berm and getting into the back of the Condominium.

Mr. Gerber said that the Demarest Kill is part of the 100 year flood plain. The Supervisor said it is. Mr. Gerber said that he would assume that the parking lot where the area that was offered for the post office would be affected by that.

The Supervisor said that part of it is in the 100 year flood plain.

Continued on Next Page

Mr. Gerber said that's why the postal authorities rejected the area for two reasons - that and the loading docks. Mr. Gerber said why don't you inform Mr. Gilman's office and all the other necessary offices that the County of Rockland and the Town of Clarkstown are doing corrective work in this area which is P.O. zoned not residential zoned and that there will not be a 100 year flood plain effect on the area.

The Supervisor said that he thinks that the work that is being done would not prevent flooding on that open field below the Racquet Ball Club. What it would do is keep the Demarest Kill within its banks to a certain parameter so that it would be able to flow through the culvert that goes through the middle of the condominiums.

Mr. Gerber said then we are only talking about parking areas.

The Supervisor said that's correct.

Mr. Gerber said I think you should tell the postal authorities that you are doing corrective work that may effect them.

Appearance Zippy Fleisher
 443 Buena Vista Road
 New City

Mrs. Fleisher said she found it amazing that you didn't tell the postal authorities that you would be willing to take over that part of the lot that was in the 100 year flood plain and then let them buy the land without it because Mr. Gilman said to me who would want the U.S. Post Office to spend their money on something in the flood plain? Mrs. Fleisher said to Mr. Gilman, chalk it off and buy the rest of it. Why couldn't we offer that and let the Town take over that little piece that's in the flood plain and let the post office off the hook on that Squadron parcel. She said I still think the present site is the site you should be pushing for. The owner of the building told Mrs. Fleisher he is willing to sell it and she said the Town should take it over while it is half empty. She said the Board has said the building is too small and doesn't meet fair qualifications. You should tell them their qualifications are too tough. We are not going to need the kind of post office that they have told me they are going to build there. If they took over the present site, they would save a lot of money. She said that the traffic is heavy on Saturday and Christmas and that was not a reason to move the building for the damage they would be doing to northern New City. She asked why the Board is not pushing for the present site.

The Supervisor said it has been suggested in the past and it's not beyond the realm of possibility that the postal authorities might consider it in the future.

Mrs. Fleisher said that Mr. Jeffrey Cowan is willing to sell it and she would like the Board to call him tomorrow and ask him to please make him an offer and see if we can't get out of this trap.

The Supervisor said he can write a letter to the postal authorities the same way that Mr. Rapkin did on the piece of property that is adjacent to Gessel's Garage. The Town Board does not preclude anybody that owns a piece of property from doing that.

Mrs. Fleisher said to the Supervisor if you could say to the postal authorities that you know that piece of property is for sale and that a man is willing to sell it, and if the Town Board thought that that was the best solution, I don't think they would fail to notice that.

ABE650

RESOLUTION NO. (657-1987)

ADOPTING DETERMINATION AND
FINDINGS PURSUANT TO EMINENT
DOMAIN PROCEDURE LAW, SECTION
204 (COSCIA - MAP 57, BLOCK
J., LOT 1, NEW CITY, NEW YORK)

Co. Carey offered the following resolution:

RESOLVED, that the attached Determination and Findings, pursuant to Eminent Domain Procedure Law, Section 204, is hereby adopted, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to publish such findings in accordance with Section 204 of the Eminent Domain Procedure Law and take all other steps necessary to obtain title for the Town of Clarkstown to the property described in Schedule "A" of the attached Determination and Findings.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (658-1987)

SETTING PUBLIC HEARING FOR
EXTENSION OF CONSOLIDATED
WATER SUPPLY DISTRICT NO. 1
TO INCLUDE RIDGE NINE WEST

Co. Carey offered the following resolution:

WHEREAS, a written Petition dated June 2, 1987 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office.)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 11th day of August, 1987, at 8:35 P.M. D.S.T. to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (659-1987)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
HYDRANT - ONE (1) EAST SIDE
TURNER COURT, SPRING VALLEY

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control, the Spring Valley Water
Company is hereby authorized to install:

One (1) hydrant as follows:

East side Turner Court, Spring Valley

Investigation No.: 10131, and be it

FURTHER RESOLVED, that a certified copy of this
resolution be forwarded to Tricia Betz, Service Investigation
Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (660-1987)(FAILED)

AMENDING ZONING ORDINANCE OF
TOWN OF CLARKSTOWN - TOWN'S
OWN MOTION - RS DISTRICT TO
R-15 DISTRICT (MAP 163, BLOCK
B, LOT 1 - MAP 14, BLOCK D,
LOTS 20, 21, 22, 23, 23.01,
24, 25, 27 AND 28 - MAP 15,
BLOCK A, LOTS 12, 12.01,
12.03, 13, 14, 15, 17, 18 AND
19

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by
resolution duly adopted on the 10th day of February, 1987,
provided for a public hearing on the 24th day of March, 1987, at
8:30 P.M., to consider on the Motion of the Town Board, amending
the Zoning Ordinance of the Town of Clarkstown by redistricting
property designated on the Clarkstown Tax Map as: Map 163, Block
B, Lot 1 - Map 14, Block D, Lots 20, 21, 22, 23, 23.01, 24, 25,
27 and 28 - Map 15, Block A Lots 12, 12.01, 12.03, 13, 14, 15,
17, 18 and 19, from an RS District to an R-15 District, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert
Geneslaw, dated March 23, 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

Continued on Next Page

ABE650

RESOLUTION NO. (660-1987) Continued

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting property designated as Map 163, Block B, Lot 1 - Map 14, Block D, Lots 20, 21, 22, 23, 23.01, 24, 25, 27 and 28 - Map 15, Block A, Lots 12, 12.01, 12.03, 13, 14, 15, 17, 18 and 19, from an RS District to an R-15 District. The property is located in the Route 59 Corridor, Nanuet, New York, in the Town of Clarkstown, and be it

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

Seconded by Supv. Holbrook

Councilman Lettre said he would like to look into the possible ramifications of the Supreme Court ruling handed down about a week ago in reference to municipal zoning and possible repercussions upon the Town. He said there may not be any but he would like to hold this off until it is investigated further.

Councilman Carey said if the Town Attorney has the answer there is no reason why we can't take care of this right now.

Councilman Maloney said he did not mind waiting and looking into the ramifications of the new ruling. He said it has been tabled before.

Councilwoman Smith said she could not imagine why on the major east/west road in the county we would go from RS to R-15 and she voted "No."

On roll call the vote was as follows:

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

RESOLUTION NO. (661-1987)

MODIFYING CONTRACT FOR
MAINTENANCE AND IMPROVEMENT
OF TOWN CUL DE SAC ISLANDS
(IRA WICKES, INC.) - CHARGE
TO ACCOUNT D 5140-384

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown adopted Resolution No. 397 on April 7, 1987, awarding the bid to Ira Wickes, Inc., for the maintenance and improvements of Town Cul de Sac islands, and

WHEREAS, the Director of Environmental Control has recommended that Ira Wickes, Inc., perform the additional tasks of weeding, spraying Surflan and spreading salt hay over an area planted with pachysandra as part of the Lake Road project and installing a drain to remove slime flux and cabling the main branches together in an effort to save an Elm tree on Old Haverstraw Road,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (661-1987) Continued

RESOLVED, that the Director of the Department of Environmental Control is authorized to include the tasks referred to herein as a change order to the original bid for a sum not to exceed \$1,000, and be it

FURTHER RESOLVED, that the sum of \$1,000 be charged to D 5140-384.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (662-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT RE
EMPLOYEE HEALTH MAINTENANCE
SYSTEMS

Co. Maloney offered the following resolution:

RESOLVED, that the proposal received on or about May 14, 1987, from Employee Health Maintenance Systems and the supplement thereto received on or about May 27, 1987, which would provide for an employee wellness program for Town of Clarkstown employees to participate on a voluntary basis during work hours on Town property is hereby accepted subject to a contract in a form approved by the Town Attorney which shall provide for employee chiropractic examination and adjustments at a total cost not to exceed \$80,000 per year and provided further that in the event the cost effectiveness of the program is not established by the formula to be agreed upon by the parties, the contractor, EHMS, shall forfeit all compensation, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract as described above, subject to the further requirement that general liability errors and omission insurance and all other insurance required by the Town's insurance consultant be provided to the Town in aggregate limits of not less than one million dollars per occurrence.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (663-1987)

AUTHORIZING ATTENDANCE OF
PLANNING BOARD MEMBERS
YACYSHYN AND NEST AT
CONFERENCE ON TOWN LAW 281
"OPEN SPACE" OR CLUSTERED
SUBDIVISION - CHARGE TO
APPROPRIATION ACCOUNT NO. A
1010-414

ABE650

RESOLUTION NO. (663-1987) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Rudolph J. Yacysnyn, Chairman and William Nest, Vice-Chairman of the Planning Board of the Town of Clarkstown are hereby authorized to attend a conference on Town Law 281: The "Open Space" or Clustered Subdivision to be held by the New York Land Institute at Pace University, White Plains, on Friday, June 19, 1987, and be it

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

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (664-1987)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING AGAINST TOWN OF CLARKSTOWN (ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION, INC. V. TOWN OF CLARKSTOWN AND POLICE COMMISSION OF TOWN OF CLARKSTOWN)

Co. Maloney offered the following resolution:

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

ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION, INC.,

Petitioner,

-against-

TOWN OF CLARKSTOWN and POLICE COMMISSION OF THE TOWN OF CLARKSTOWN,

Respondent,

for a review under Article 78 of the CPLR

NOW, THEREFORE, be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (664-1987) Continued

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

RESOLUTION NO. (665-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING BEFORE
NYS PUBLIC EMPLOYMENT
RELATIONS BOARD RE: PBA

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding before the New York State Public Employment Relations Board entitled "Improper Practice Charge on Behalf of Rockland County Patrolmen's Benevolent Association, Inc."

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (666-1987)

DECREASING APPROPRIATION
ACCOUNT B 8020-110 AND
INCREASING APPROPRIATION
ACCOUNT B 8020-438

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account B 8020-110 and increase Appropriation Account B 8020-438 by \$1000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (667-1987)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1430-114
(PERSONNEL-PART-TIME)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1430-114 (Personnel-Part-Time) by \$4,500.00.

Seconded by Co. Smith

Continued on Next Page

ABE650

RESOLUTION NO. (667-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (668-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1355-110
(ASSESSOR'S-SALARIES) AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1355-408
(BLDG. REPAIRS &
IMPROVEMENTS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1355-110 (Assessor's-Salaries) and increase Appropriation Account No. A 1355-408 (Bldg. Repairs & Improvements) by \$916.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (669-1987)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING - MAP 106, BLOCK
A, LOT 17 (RAPHAEL RIVERSO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by RAPHAEL RIVERSO in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 106, BLOCK A, LOT 17, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of September, 1987, at 8:05 P.M., providing service of Notice Pursuant to Town Code, Chapter 31 is made on or before the 20th day of July, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (670-1987)

DIRECTING DIRECTOR OF ENVIRONMENTAL CONTROL TO MOVE HYDRANT (VIRGINIA STREET, VALLEY COTTAGE)

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Environmental Control, Leslie Bollman, is hereby directed to move the hydrant installed on Virginia Street, Valley Cottage to a more suitable location on that street.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (671-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING" SIGNS (LAKELAND AVENUE AND BEECHWOOD DRIVE, CONGERS)

Co. Lettre offered the following resolution:

RESOLVED, that Highway Superintendent, John O'Sullivan is hereby directed to install "No Parking" signs on Lakeland Avenue and Beechwood Drive, Congers, and be it

FURTHER RESOLVED, that these signs are to be installed as soon as possible.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (672-1987)

AUTHORIZING ATTENDANCE AT NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE ANNUAL CONFERENCE (SCHNAKENBERG) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that George R. Schnakenberg, Chief of Police, Town of Clarkstown, is hereby authorized to attend the New York State Association of Chiefs of Police Annual Conference from August 30th through September 3rd, 1987, in Syracuse, New York, and be it

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

Seconded by Co. Smith

Continued on Next Page

ABE650

RESOLUTION NO. (672-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (673-1987)

AUTHORIZING PAYMENT TO
 SECRETARY TO BOARD OF
 APPEALS (RIES)
 (HUTTON-JOHNSON CO., INC.
 V. DAVID KRAUSHAAR, ET AL.)

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$501.75 be paid to MARGARETANN
 RIES, Secretary to the Board of Appeals, for the preparation of the
 transcript required in the following proceeding:

HUTTON-JOHNSON CO., INC. v. DAVID KRAUSHAAR, et al.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (674-1987)

AUTHORIZING CHANGE OF NAME
 OF STREET AT ROCKLAND
 CORPORATE CENTER SITE
 ("NEWTOWN ROAD" TO
 "CROSFIELD AVENUE")

Co. Maloney offered the following resolution:

WHEREAS, a request has been made that the street shown
 on a final map entitled, "Subdivision Rockland Corporate Center,"
 and known as Newtown Road, be changed to "Crosfield Avenue;"

NOW, THEREFORE, be it

RESOLVED, that the name of "Newtown Road" is hereby
 changed to "Crosfield Avenue," and be it

FURTHER RESOLVED, that the Highway Superintendent take
 notice of this resolution and make appropriate changes in the street
 signs as may be necessary and that the Town Clerk pursuant to Town
 Law 64(9) shall within ten (10) days from the date hereof cause a
 copy of this resolution to be forwarded to the owner of Rockland
 Corporate Center, the Clarkstown School District, West Nyack Post
 Office, West Nyack Fire Department, Nanuet Ambulance Corps, the
 Nyack Ambulance Corps, and the Clarkstown Police Department and that
 a certified copy of this resolution be filed with the Rockland
 County Clerk and the Rockland County Engineer, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

RESOLUTION NO. (674-1987) Continued

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (675-1987)

SETTING PUBLIC HEARING FOR
CHANGE OF ZONE AND
REFERRING PETITION FOR SAME
TO TOWN AND COUNTY PLANNING
BOARDS (TOWN'S MOTION - LS
TO R-80 (MAP 138, BLOCK H,
LOTS 35, 37 AND 38)

Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has recommended to the Town Board that the Zoning Ordinance of the Town be amended by redistricting property from an LS District to an R-80 District, which property is designated on the Clarkstown Tax Map as Map 138, Block H, Lot(s) 35, 37 and 38;

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the Town of Clarkstown the proposal for a change of zone from an LS District to an R-80 District on property designated on the Clarkstown Tax Map as Map 138, Block H, Lot(s) 35, 37 and 38, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 8th day of September, 1987 at 8:20 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the proposal for a zone change shall be referred to the Rockland County Planning Board for report pursuant to Section 239-1 and 239-m of the General Municipal Law, and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (676-1987)

SETTING PUBLIC HEARING ON
ZONE CHANGE AND REFERRING
SAME TO TOWN AND COUNTY
PLANNING BOARDS (TOWN'S OWN
MOTION - RG-2 TO R-15 - MAP
33-2, BLOCK B, LOTS 22.01,
22.02, 22.03 AND PART OF
23.25)

Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has recommended to the Town Board that the Zoning Ordinance of the Town be amended by redistricting property from an RG-2 District to an R-15 District, which property is designated on the Clarkstown Tax Map as Map 33-2, Block B, Lot(s) 22.01, 22.02, 22.03 and part of 23.25;

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the Town of Clarkstown the proposal for a change of zone from an RG-2 District to an R-15 District on property designated on the Clarkstown Tax Map as Map 33-2, Block B, Lot(s) 22.01, 22.02, 22.03 and part 23.25, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 8th day of September, 1987 at 8:25 P.M., relative to the proposed amendment, and be it

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

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (677-1987)

SETTING PUBLIC HEARING RE
AMENDMENT TO ZONING
ORDINANCE AND REFERRING
SAME TO TOWN AND COUNTY
PLANNING BOARDS - RE:
PARKING REQUIREMENTS FOR
DWELLING UNITS IN MF-1,
MF-2 AND MF-3 DISTRICTS

Continued on Next Page

RESOLUTION NO. (677-1987) Continued

Co. Smith offered the following resolution:

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

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

NOW, THEREFORE, be it

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

Amend Section 106-10A, Table 19, Column 6 of the General Use Regulations, MF-1, MF-2 and MF-3 Districts from:

"1. Dwelling unit - 1/2 unit. At least 1/4 of all required parking shall be enclosed. At least 20% of required parking shall be available for guests. Guest parking shall be in groups of 5 or more spaces. Driveways shall not be considered as parking spaces for purposes of meeting these requirements."

to read as follows:

"1. Dwelling unit - 1/2 unit. At least 1/4 of all required parking shall be enclosed. Additional guest parking shall be provided and shall be no less than 20% of the required parking. Guest parking shall be in groups of five (5) or more spaces and shall be to allow convenient use by guests, as determined by the Planning Board. Driveways shall not be considered as parking spaces for purposes of meeting these requirements,"

and be it

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

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

FURTHER RESOLVED, that the above proposed amendment(s) be referred to the Rockland County Planning Board for their recommendations and report, as required by law.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (678-1987)

SETTING PUBLIC HEARING RE:
PROPOSED LOCAL LAW TO AMEND
LAND SUBDIVISION REGULATIONS

Co. Smith offered the following resolution:

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"A LOCAL LAW TO AMEND LOCAL LAW NO. 2-1987 ENTITLED, 'LOCAL LAW FOR LAND SUBDIVISION REGULATIONS'"

intended to amend the subdivision regulations to grant to the Planning Board authority to authorize issuance of Building Permits for a model home/unit prior to final approval,

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of September, 1987 at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (679-1987)

SETTING PUBLIC HEARING RE
SANITARY LANDFILL VIOLATION
HEARING - CHAPTER 63 OF
TOWN CODE (C & A CARBONE,
INC.)

Co. Smith offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that C & A CARBONE, INC., located at 183 Western Highway, West Nyack, New York, a garbage carter suspended from use of the Clarkstown Sanitary Landfill by virtue of a Consent Order dated February 27, 1987, has violated one or more provisions of said Consent Order in that a company related in ownership has disclosed by affidavits of the principals of C & A Carbone, Inc., has removed garbage/debris from customers formally served by C & A Carbone, Inc., and disposed of same in the Clarkstown Sanitary Landfill in violation of the terms and conditions of the Consent Order at various times during the period of suspension agreed upon by C & A Carbone, Inc., on or about June 4, 1987, June 10, 1987 and June 11, 1987;

Continued on Next Page

RESOLUTION NO. (679-1987) Continued

NOW, THEREFFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to prepare a Statement of Allegations with specifications, and serve notice thereon upon C & A CARBONE, INC., for a public hearing to be held before the Town Board of the Town of Clarkstown on August 11, 1987 at 9:00 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (680-1987)

SETTING PUBLIC HEARING RE:
SANITARY LANDFILL VIOLATION
HEARING - CHAPTER 63 OF
TOWN CODE (FRANK CAPASSO
CARTING COMPANY, INC.)

Co. Smith offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that FRANK CAPASSO CARTING COMPANY, INC., located at 20 Svensson Drive, Nanuet, New York, a garbage carter authorized to use the Clarkstown Sanitary Landfill, has violated certain provisions of Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which are required to be observed by carters who dump in the Clarkstown Sanitary Landfill, in that garbage/debris from outside the Town of Clarkstown was dumped therein by Frank Capasso Carting Company, Inc., on or about June 5, 1987 and June 9, 1987 (two occasions) without special permission of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to prepare a Statement of Allegations with specifications, and serve notice thereon upon Frank Capasso Carting Company, Inc., for a public hearing to be held before the Town Board of the Town of Clarkstown on August 11, 1987 at 8:45 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (681-1987)

AMENDING RESOLUTION NO.
473-1987 RE: CHAPTER 31
PROCEEDING (JOY ACRES,
VALLEY COTTAGE)

Continued on Next Page

ABE650

RESOLUTION NO. (681-1987) Continued

RESOLVED, that Resolution No. 473 adopted by the Town Board on April 28, 1987, is hereby amended to provide for an appropriation of the sum of \$995.21 for the purposes stated therein for a total appropriation of \$1,995.21.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (682-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK ALONG DEMAREST KILL - CHARGE TO DRAINAGE BOND CAPITAL ACCOUNT #2

Co. Lettre offered the following resolution:

WHEREAS, a drainage report has been prepared by Henry Horowitz, Inc., recommending that trapezoidal channel be installed within the existing 40-foot easement between Squardron Boulevard and the New City Condominiums, and

WHEREAS, the Department of Environmental Control has concurred with said recommendation,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform this corrective drainage work at a cost not to exceed \$7,000.00, and be it

FURTHER RESOLVED, that the sum of \$7,000.00 be charged to Drainage Bond Capital Account #2/

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (683-1987)

DETERMINING THAT APPLICABLE PROVISIONS OF SEQRA HAVE BEEN COMPLIED WITH RE TUNNEL BY-PASS ROAD

Co. Maloney offered the following resolution:

WHEREAS, the Director of the Department of Environmental Control, acting as agent for the Town Board for the State Environmental Quality Review Act (SEQRA) review, with respect to a request for authorization to use a sixty (60) foot wide strip right-of-way for the construction of a thirty (30) foot paved

Continued on Next Page

RESOLUTION NO. (683-1987) Continued

travelway within land owned by the New York State Department of Transportation formerly intended for the now defunct Route 45 By-Pass, has completed the required review of said proposal, and

WHEREAS, by letter dated June 18, 1987, the Director of Environmental Control has advised that his department acting as staff for the Town Board has determined that the project referred to herein shall result in no significant environmental impact and that all involved agencies were notified of said opinion, and no written objection has been received;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a copy of this resolution to the New York State Department of Transportation, on or after June 25, 1987, provided no adverse comment is received on or before June 25, 1987.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (684-1987)

AUTHORIZING SUSPENDED
CARTER TO LEASE TWO
VEHICLES TO OTHER LICENSED
CARTER (MARANGI TO NAZZARO)

Co. Maloney offered the following resolution:

WHEREAS, by Consent Order dated February 29, 1987, Donato Marangi, Inc., has agreed to a period of suspension of its privileges to use the Clarkstown Sanitary Landfill, and

WHEREAS, it was contemplated by Donato Marangi, Inc. that it would transfer the title to its vehicles to another licensed carter which, acting for its own account, would service the customers affected by the suspension order, but such arrangement cannot be practicably made;

NOW, THEREOFRE, be it

RESOLVED, that the Town Board hereby approves the use of the lease dated June 16, 1987 between Donato Marangi, Inc. and Pat Nazzaro, Inc. during the period of suspension referred to above, and be it

FURTHER RESOLVED, that the above contained approval is in the interest of minimizing the inconvenience to the public caused by the Respondent's violation of Chapter 63 and not to confer any benefit upon the Respondent.

Seconded by Co. Smith

Continued on Next Page

ABE650

RESOLUTION NO. (684-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (685-1987)

SETTING PUBLIC HEARING RE
PROPOSED LOCAL LAW
RESCINDING LOCAL LAW NO.
6-1976 (FRESHWATER WETLANDS
PROTECTION LAW)

Co. Lettre offered the following resolution:

WHEREAS, Chapter 49 of the Town Code of the Town of Clarkstown entitled, "Freshwater Wetlands Protection Law of the Town of Clarkstown" (adopted as Local Law No. 6-1976), has been made obsolete by promulgation of regulations by the New York State Department of Environmental Conservation, and

WHEREAS, the Director of the Department of Environmental Control has recommended that the Town of Clarkstown not seek to retain any permitting authority with respect to designated wetlands in the Town of Clarkstown, and

WHEREAS, Councilman Lettre, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law for the purpose of rescinding Chapter 49 referred to above entitled,

"A LOCAL LAW RESCINDING LOCAL LAW NO. 6-1976
OF THE TOWN OF CLARKSTOWN;"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 11th day of August, 1987 at 8:30 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (686-1987)

AUTHORIZING BLOOD PRESSURE
SCREENING FOR TOWN EMPLOYEES

Co. Maloney offered the following resolution:

WHEREAS, Iris Landau, R.N., a Town employee, has volunteered her time and services to all interested employees of the Town of Clarkstown for a free blood pressure screening and pulse checkup, and

WHEREAS, insurance will be provided under Iris Landau's nurse's liability policy;

NOW, THEREFORE, be it

RESOLVED, that Iris Landau, R.N., is hereby authorized to provide blood pressure screening and pulse checkup to employees of the Town of Clarkstown free of charge, and be it

FURTHER RESOLVED, that the screening program will be subject to approval of the liability insurance coverage which has been submitted for review by the Town's insurance carrier.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (687-1987)

AWARDING BID FOR BID
#58-1987 - SECURITY GUARD
SERVICE FOR KEMMER LANE
COMMUTER PARKING LOT
(JUSTICE SECURITY GUARD
SERVICES INC.)

Co. Maloney offered the following resolution:

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

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

is hereby awarded to:

JUSTICE SECURITY GUARD SERVICES INC.
421 East Route 59
Nanuet, New York 10954

as per their low bid proposal of \$9.90 per guard, per hour, and be it

FURTHER RESOLVED, that this award is subject to the receipt of appropriate insurance documents as specified in bid specs in a form satisfactory to the Town Attorney, and to signing of a formal agreement as prepared by the Town Attorney.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

ABE650

RESOLUTION NO. (687-1987) Continued

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

RESOLUTION NO. (688-1987)

AWARDING BID FOR BID
#57-1987 - VENDING MACHINE
SERVICE (ROCKLAND VENDING
CORPORATION)

Co. Maloney offered the following resolution:

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

BID #57-1987
VENDING MACHINE SERVICE

is hereby awarded to:

ROCKLAND VENDING CORPORATION
28 Chestnut Street
Suffern, New York 10901

as per their proposed commission on vending sales of 14%, and be it

FURTHER RESOLVED, that said award is hereby subject to
the mutual execution of a contract as drawn up by the Town Attorney
and the presentation of a Certificate of Insurance as outlined in
bid specifications.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (689-1987)

AWARDING BID FOR BID
#36-1987 - BODY ARMOR FOR
CLARKSTOWN POLICE
DEPARTMENT (JOHN JOVINO
CO., INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Captain of the Police Department and the Director of Purchasing that

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

is hereby awarded to

JOHN JOVINO CO., INC.
5 Centre Market Place
New York, New York 10013

for Point Blank - Model 20 side panel vests as per their proposed
unit cost of \$307.00 each, and be it

Continued on Next Page

RESOLUTION NO. (689-1987) Continued

FURTHER RESOLVED, that said award is subject to the receipt of an updated Certificate of Insurance from manufacturer.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (690-1987)

AMENDING RESOLUTION NO.
622-1987 RE BID #45-1987 -
COMPUTER EQUIPMENT (GLOBE
OFFICE SUPPLY CO., INC. AND
WEL-COM SYSTEMS
CO.-PARTIALLY AWARDED

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Computer Consultant and the Director of Purchasing that resolution No. 622-1987 dated June 9, 1987 is hereby amended to partially award

BID #45-1987
COMPUTER EQUIPMENT

to

GLOBE OFFICE SUPPLY CO., INC.
5800 Third Avenue
Brooklyn, New York 11220

and

WEL-COM SYSTEMS CO.
253 Eastchester Road
New Rochelle, New York 10801

as per the attached item price schedule.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (691-1987)

DIRECTING CODE INSPECTOR TO
INVESTIGATE (AT REQUEST OF
MARTIN BERNSTEIN) - TWO
PURPORTEDLY ILLEGAL TOW
TRUCK OPERATIONS ON NORTH
MAIN STREET, NEW CITY, NEW
YORK

Co. Maloney offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (691-1987) Continued

RESOLVED, that the Code Inspector of the Town of Clarkstown is directed to investigate the sites mentioned in the attached letter from Mr. Martin Bernstein, President, New City Civic Association, and be it

FURTHER RESOLVED, that all necessary action be taken to enforce the zoning ordinance.

(Letter from Mr. Bernstein on file in Town Clerk's Office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (692-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CONSTRUCT SIDEWALK ALONG LAKEWOOD DRIVE, CONGERS - CHARGE TO ACCOUNT DB 5110-387

Co. Lettre offered the following resolution:

WHEREAS, the plan has been completed by the Department of Environmental Control for the installation of sidewalks along Lakewood Drive, Congers,

NOW, THEREFORE, be it

RESOLVED, that the superintendent of Highways be authorized to construct said sidewalk in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$30,500, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to hire the necessary equipment to accomplish this sidewalk construction and supply the necessary supervision, and be it

FURTHER RESOLVED, that the sum of \$30,500 be charged to account DB 5110-387.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (693-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID FOR BID #63-1987 - COMPUTER/WORD PROCESSING SUPPLIES

Co. Lettre offered the following resolution:

Continued on Next Page

RESOLUTION NO. (693-1987) Continued

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

BID #63-1987
COMPUTER/WORD PROCESSING SUPPLIES

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, July 15, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (694-1987)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDINGS
FOR REMOVAL OF VIOLATIONS -
CHAPTER 79 - MAP 40, BLOCK
A, LOT 7.1 (GARDEN HILL
PROPERTY OWNERS
ASSOCIATION, INC.)

Co. Maloney offered the following resolution:

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

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 40, BLOCK A, LOT 7.1, located at Verdin Drive, New City, New York, reputedly owned by GARDEN HILL PROPERTY OWNERS ASSOCIATION, INC., has been the subject of a violation notice issued against the property owner(s) for lack of proper maintenance of the property in that the owner(s) have failed to trim grass outside a fence on the premises and in and around the pool area, and to remove debris and leaves in and around such area, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violation and elimination of the nuisance and hazard allegedly existing on said premises, pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as

Continued on Next Page

ABE650

RESOLUTION NO. (694-1987) Continued

MAP 40, BLOCK A, LOT 7.1, reputedly owned by GARDEN HILL PROPERTY OWNERS ASSOCIATION, INC., and be it

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

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 11th day of August, 1987, at 8:25 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owners by personal service, if possible, and by certified mail, return receipt on or before July 10, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (695-1987)

GRANTING ONE YEAR LEAVE OF ABSENCE TO MOTOR EQUIPMENT OPERATOR I - TOWN HIGHWAY DEPARTMENT (LAWRENCE BURGIO)

Co. Smith offered the following resolution:

WHEREAS, Lawrence Burgio has requested a leave of absence, without pay,

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1987 provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Lawrence Burgio, 22 Oak Road, Congers, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted a one year leave of absence, without pay, effective and retroactive to June 16, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (696-1987)

GRANTING ONE YEAR LEAVE OF
ABSENCE - MOTOR EQUIPMENT
OPERATOR II - TOWN HIGHWAY
DEPARTMENT (NICHOLAS MAZZIO)

Co. Smith offered the following resolution:

WHEREAS, Nicholas Mazzio has requested a leave of
absence, without pay,

WHEREAS, Article XIX, Section 1 of the Town of
Clarkstown Labor Agreement of January 1, 1987 provides for a leave
of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Nicholas Mazzio, 111 New York Avenue,
Congers, New York - Motor Equipment Operator II, Town Highway
Department - is hereby granted a one year leave of absence, without
pay, effective and retroactive to June 16, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (697-1987)

RECLASSIFYING POSITION OF
MAINTENANCE MECHANIC TO
MAINTENANCE MECHANIC II -
SEWER DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on June 17, 1987 that the position of Maintenance Mechanic
can be reclassified to the position of Maintenance Mechanic II,

NOW, THEREFORE, be it

RESOLVED, that the position of Maintenance Mechanic II -
Sewer Department - is hereby created effective June 29, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (698-1987)

APPOINTING TO POSITION OF
MAINTENANCE MECHANIC II -
SEWER DEPARTMENT (THOMAS R.
COLEMAN)

Co. Smith offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (698-1987) Continued

RESOLVED, that Thomas R. Coleman, 43 First Avenue, Spring Valley, New York is hereby appointed to the position of Maintenance Mechanic II - Sewer Department - at the current 1987 annual salary of \$33,423.00, effective June 29, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (699-1987)

APPOINTING TO POSITION OF
(PROVISIONAL) - YOUTH
COUNSELOR I - COUNSELING
CENTER (JANET DROGA)

Co. Smith offered the following resolution:

RESOLVED, that Janet Droga, 3 Old Phillips Hill Road, New City, New York is hereby appointed to the position of (provisional) - Youth Counselor I - Counseling Center - at the current 1987 annual salary of \$18,626.00, effective and retroactive to June 8, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (700-1987)

APPOINTING TO POSITION OF
TYPIST - BUILDING
DEPARTMENT (DOLORES PIPER)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles CR-1 87-44 which contains the name of Dolores Piper,

NOW, THEREFORE, be it

RESOLVED, that Dolores Piper, 21 Floral Court, Nanuet, New York is hereby appointed to the position of Typist - Building Department - at the current 1987 annual salary of \$13,218.00, effective and retroactive to June 9, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (701-1987)

RECOGNIZING APPOINTING BY
PARKS BOARD & RECREATION
COMMISSION OF PROVISIONAL
RECREATION INFORMATION
CLERK - PARKS BOARD AND
RECREATION COMMISSION
(PATRICIA SMITH)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
apppointment by the Parks Board & Recreation Commission of Patricia
Smith, 332 Strawtown Road, New City, New York, as (provisional)
Recreation Information Clerk - Parks Board and Recretion Commission
- at the current 1987 annual salary of \$14,387.00, effective June
29, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (702-1987)

APPOINTING TO POSITION OF
MEMBER - BOARD OF ETHICS
(RABBI HENRY A. SOSLAND)

Co. Smith offered the following resolution:

RESOLVED, that Rabbi Henry A. Sosland, 6 Long Meadow
Drive, New City, New York is hereby appointed to the position of
Member - Board of Ethics - to serve without compensation - term
effective June 24, 1987 and to expire on June 23, 1992.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOUTION NO. (703-1987)

APPOINTING POSITION OF
(FULL-TIME) BUS DRIVER -
PAUL SCHWARTZ POSITION
(HAROLD MCCOY)

Co. Smith offered the following resolution:

RESOLVED, that Harold McCoy, 298 Old Haverstraw Road,
Congers, New York is hereby appointed to the (full-time) position of
Bus Driver (Paul Schwartz position) - Mini Trans Department - at the
current 1987 annual salary of \$17,424.00, effective and retroactive
to June 22, 1987.

Seconded by Co. Maloney

Continued on Next Page

ABE650

RESOLUTION NO. (703-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (704-1987)

APPOINTING TO POSITION OF
MEMBER - CONDOMINIUM
INFORMATION BOARD (MARILYN
SENTNOR)

Co. Smith offered the following resolution:

RESOLVED, that Marilyn Sentnor, 153 Treetops Circle,
Nanuet, New York is hereby appointed to the position of Member -
Condominium Information Board - to serve without compensation - term
effective June 24, 1987 and to expire on June 23, 1994.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (705-1987)

RECOMMENDING DISTRIBUTION
OF BALANCE OF CLARKSTOWN'S
COMMUNITY DEVELOPMENT FUND
FROM CLARKSTOWN CENTRAL
NYACK SIDEWALK ACCOUNT TO
CENTRAL NYACK COMMUNITY
CENTER ACCOUNT

Co. Smith offered the following resolution:

WHEREAS, a balance of \$500.00 exists in the Clarkstown
Central Nyack Sidewalk account for the program year of 1981, and

WHEREAS, Doris F. Ulman, Director of the Office of the
Community Development, has advised that the sidewalk work was
completed some time ago and recommends that the Town reprogram the
funds into the Central Nyack Community Center;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
hereby accepts the recommendations of Doris F. Ulman and recommends
that the \$500.00 existing in the Clarkstown Central Nyack Sidewalk
account be reprogrammed to the Central Nyack Community Center
account.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (706-1987)

EXEMPTING FROM SECTION 64-2
OF THE TOWN CODE FROM
AUGUST 15, 1987 TO OCTOBER
15, 1987, THE POSTING OF
"SCHOOLS OPEN" SIGNS BY THE
AUTOMOBILE CLUB OF NEW YORK

Co. Smith offered the following resolution:

WHEREAS, the Automobile Club of New York has requested permission to post approximately one hundred (100) "School's Open" signs on utility poles in the Town of Clarkstown, and

WHEREAS, this 42nd year of the "School's Open-Drive Carefully" safety campaign has the endorsement of the Governor of the State of New York, the Superintendent of State Police and various mayors and police chiefs throughout New York State, and

WHEREAS, the effectiveness of the campaign has been documented by a substantial decrease in the fatality rate among children from ages five to fourteen years during the September and October school months;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby finds and declares that, for the period August 15, 1987 to October 15, 1987 inclusive, the "School's Open-Drive Carefully" signs posted by the Automobile Club of New York, on utility poles throughout the Town with the permission of Orange and Rockland Utilities and the New York Telephone shall be a public notice of the Town of Clarkstown, thereby exempting said signs from the purview of Section 64-2 of the Town Code of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION No. (707-1987)

APPROPRIATING FUNDS TO THE
DRUG ABUSE PREVENTION
COUNCIL FOR 1987 PROGRAMS -
CHARGE TO ACCOUNT NO.
A-8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Drug Abuse Prevention Council has requested that the Town Board appropriate the sum of \$5,000.00 to be used to provide grants to Town organizations or groups for the purposes of establishing programs which would seek to combat drug and other substance abuse problems within the Town, as well as educate youth and others to avoid such problems, and

WHEREAS, the proposal is consistent with the legislative objectives as set forth in Section 7B of the Town Code of the Town of Clarkstown entitled, "Drug Abuse Prevention Council;"

NOW, THEREFORE, be it

Continued on Next Page

ABE650

RESOLUTION NO. (707-1987) Continued

RESOLVED, that the Town Board hereby appropriates the sum of \$5,000.00 to provide for a grant or grants to the Town of Clarkstown organizations or groups recommended by the Drug Abuse Prevention Council, and be it

FURTHER RESOLVED, that all grant awards shall be subject to approval by further resolution of the Town Board, and be it

FURTHER RESOLVED, that said \$5,000.00 shall be appropriated from Account No. A-8840-424.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (708-1987)

AWARDING GRANTS AT
RECOMMENDATION OF DRUG
ABUSE COUNCIL TO CANDLE AND
NANUET HIGH SCHOOL - CHARGE
TO ACCOUNT NO. A-8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has established a Drug Abuse Prevention Council pursuant to local law, and

WHEREAS, by resolution dated June 23, 1987, the Town Board appropriated the sum of \$5,000.00 to provide for grants to the Town of Clarkstown organizations or groups recommended by the Drug Abuse Prevention Council for the purposes of establishing programs or otherwise engaging in activities which would seek to prevent or combat drugs and other substance abuse problems within the Town, and

WHEREAS, the Drug Abuse Prevention Council has recommended certain grant awards be made;

NOW, THEREFORE, be it

RESOLVED, that the following organizations are hereby awarded grants pursuant to the authority contained in Chapter 7 of the Town Code:

<u>PROJECT & DIRECTOR</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
CANDLE Eileen Browning	\$500.00	Film to be shown to schools and the public in the Fall of 1987 - "Chemical Dependency Disease: A Family Matter"
NANUET HIGH SCHOOL Judy Hunter Ebeling	\$500.00	Workshop Sessions to be held in the Fall of 1987, focusing on alcohol and alcoholism and its impact on the family.

and be it

Continued on Next Page

RESOLUTION NO. (708-1987) Continued

FURTHER RESOLVED, that the appropriations provided for herein shall be charged to Account No. A-8840-424.

Seconded by Co. Smith

On roll call the vote was as follows:

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

Councilman Maloney made the presentation of award to a representative from Candle and as there was no one present representing Nanuet High School, Supervisor Holbrook said the award would be sent to them.

Supervisor Holbrook announced at this point that there would be no resolution regarding the Lipkind house at this meeting and that they would wait until August 11th. Councilwoman Smith urged that they continue the work on the property.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - O & R/Conway, was opened, time: 9:13 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - O & R/Conway, was closed, RESOLUTION ADOPTED, time: 9:35 P.M.

RESOLUTION NO. (709-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES DESIGNATED AS MAP 88, BLOCK A, LOT 28.01 (O & R/CONWAY)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 518 dated May 5, 1987, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 88, Block A, Lot 28.01 to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on June 23, 1987, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated May 5, 1987, have not been corrected, and be it

Continued on Next Page

ABE650

RESOLUTION NO. (709-1987) Continued

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after September 1, 1987, and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation (303 Erie Street - Tenant, Midas Muffler) was opened, time: 9:36 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation - 303 Erie Street - Tenant, Midas Muffler, was closed, RESOLUTION ADOPTED, time: 9:38 P.M.

RESOLUTION NO. (710-1987) CANCELLING LIS PENDENS (303 ERIE STREET REALTY MAP 106, BLOCK A, LOT 26.5 - MIDAS MUFFLER)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated May 5, 1987, for premises designated on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 26.5 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, provided the sum of \$220.40 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, service of process, records search, stenographic services and all other expenses including attorney's time.

Seconded by Co. Smith

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation - 303 Erie Street Realty - Tenant, Lee Myles, was opened, time: 9:36 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation - 303 Erie Street Realty - Tenant, Lee Myles, was closed, RESOLUTION ADOPTED, time: 9:38 P.M.

RESOLUTION NO. (711-1987)

CANCELLING LIS PENDENS RE:
303 ERIE STREET REALTY -
MAP 106, BLOCK A, LOT 26.4
(LEE MYLES)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated May 5, 1987, for premises designated on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 26.4 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, provided the sum of \$220.40 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, service of process, records search, stenographic services, and all other expenses including attorney's time.

Seconded by Co. Smith

On roll call the vote was as follows:

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

There was discussion regarding the Afco Zone Change hearing and Town Attorney mentioned that documents were not able to be prepared as the long form SEQRA report requested by the Department of Environmental Control and the Planning Consultant who was appointed to process the SEQRA review had not been received as of this afternoon. The public hearing therefore will not go forward.

Supervisor asked who was present regarding this hearing? No one appeared. Town Attorney said that the Board could open this hearing and then adjourn it so that republication will not be necessary. Supervisor asked when that adjournment date would be?

Town Attorney said perhaps Mr. Wes Bruckno could give advice regarding that since Mr. Robert Geneslaw, Planning Consultant, was the one who was working on the SEQRA review. Mr. Bruckno said it was his understanding that a long form be submitted for this application and at this time we do not have it.

After much discussion Town Attorney said it should be put off until August 11th at 8:35 P.M. to facilitate the gathering of all material necessary for a thorough review.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Zone Change R-40 to R-15 - Afco Realty Corp., was opened and recessed until August 11, 1987 at 8:35 P.M.

ABE650

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Kloek was opened, time: 9:44 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Kloek was closed, RESOLUTION ADOPTED, time: 9:52 P.M.

RESOLUTION NO. (712-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES DESIGNATED AS MAP 139, BLOCK B, LOT 20 (KLOEK)

Co. Smith offered the following resolution:

WHEREAS, by Resolution No. 521 dated May 5, 1987, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 139, BLOCK B, LOT 20 to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on June 23, 1987, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated May 5, 1987, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after July 10, 1987, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing Re: Amendment to the Zoning Ordinance - Minimum Lot Area - Fee Simple Ownership, was declared open, time: 9:54 P.M.

Continued on Next Page

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing Re: Amendment to the Zoning Ordinance - Minimum Lot Area - Fee Simple Ownership, was declared closed, DECISION RESERVED, time: 10:01 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change - LO to CS - Gina Auto and Tire, Inc., was declared open, time: 10:01 P.M.

On motion of Councilwoman Smith, seconded by Councilman Lettre and unanimously adopted, the public hearing re: Zone Change - LO to CS - Gina Auto and Tire, Inc., was declared closed, RESOLUTION ADOPTED, time: 10:20 P.M.

RESOLUTION NO. (713-1987)

GRANTING CHANGE OF ZONE
FROM LO DISTRICT TO CS
DISTRICT (GINA AUTO AND
TIRE, INC.)

ABE650

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 12th day of May, 1987, provided for a public hearing on the 23rd day of June, 1987, at 8:30 P.M., to consider the application of GINA AUTO AND TIRE, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an LO District to a CS 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 8, 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 by redistricting from an LO District to a CS District, the following described property in the Hamlet of Central Nyack, New York, in said Town, and

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the area does not need to be comprehensively restudied as recommended and that the impact of this change shall not be significant, and be it

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

(Description on File in Town Clerk's Office)

Seconded by Co. Lettre

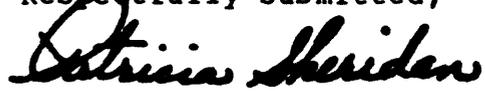
Continued on Next Page

On roll call the vote was as follows:

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

There being no one further wishing to be heard and no further business to come before the Town Board, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board meeting was declared closed, time: 10:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

191

Town Hall

6/23/87

9:13 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING - MAP 88, BLOCK A,
Lot 28.01 - O & R/CONWAY

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared open. Town Attorney said this was instituted by the Town Board by resolution dated May 5, 1987 with respect to premises known as Map 88, Block A, Lot 28.01 reputedly owned by Orange & Rockland Utilities, Inc. and occupied by a tenant in possession.

Town Attorney went on to state that the resolution directed the Town Attorney to institute proceedings against premises located at 121 Western Highway, West Nyack, New York as a result of a lack of property maintenance which included sections of trees, branches, grass clippings, piles of leaves, broken lawn furniture, debris, garbage and miscellaneous litter scattered on the property, which to the extent alleged accumulation has occurred on said property and has created a nuisance and health hazard to the community. Pursuant to the resolution an Order and Notice under Chapter 79 was prepared and served upon the reputed property owner and tenant by certified mail, return receipt, addressed to Orange & Rockland Utilities. It was mailed on May 15, 1987 and received by a Dennis Gallagher on May 18, 1987. Also certified mail, return receipt, was addressed to a Mr. Louis B. Conway, 121 Western Highway, West Nyack, New York, the reputed tenant. The postal service informed the Town Attorney's office that delivery was attempted on three occasions and the mail was returned to the office marked "unclaimed."

Town Attorney swore in Mrs. Irene Saccende, Code Inspector for the Town of Clarkstown.

Appearance: Mrs. Irene Saccende
Code Inspector, Town of Clarkstown

Mrs. Saccende stated that she conducted a reinspection of the premises on June 19, 1987 at approximately 11:30 A.M. and found very little correction of the conditions which existed on the property when the violation was first issued on April 8, 1987 (Violation 87-173). Mrs. Saccende said when she first observed the property there were remnants of trees, bushes, grass clippings, larger sections of trees which had been cut up all laying on the property.

Town Attorney established ownership of the premises at this time and also determined that Mr. Louis B. Conway was the tenant on these premises.

Mrs. Saccende stated that Mr. Conway wanted to conduct a landfill in this area by having clean fill put over the residue which is on the land right now. She said that she had informed him that would necessitate him applying for a special permit which meant filing maps and going through the paper work. An appointment was set up with the Environmental Department and Mr. Conway felt, at the time, that he could not afford to go through making up the maps, etc., that would be necessary for a landfill operation.

In answer to a question from the Town Attorney, Mrs. Saccende stated that some of the debris was of Mr. Conway's doing and that Mr. Conway had told her that some of it had been dumped by others. Mrs. Saccende said the dumping had occurred during the past year.

Continued on Next Page

ABE650

Supervisor asked Mrs. Saccende if the report she had submitted was indicative of the present condition of the property and she replied affirmatively. Mrs. Saccende also presented photographs of the premises which she stated that she had taken in April, 1987. She said there was little or no change to the property so she had not taken any other photos. She stated that they represented a fair and accurate depiction of the property as it presently exists.

Supervisor asked if any of the Board members had any questions? Supervisor said he could attest to the condition of the property as he visited the property last Friday and observed the same mess.

Town Attorney asked Mrs. Saccende if she had any recommendations to make to the Town Board? She said she would recommend that the Town undertake the cleanup of this property. Town Attorney asked in her opinion does the present condition of the property present a hazard to the health, safety and welfare of the community? Mrs. Saccende said yes.

At this point Town Attorney told Mr. Louis Conway that he could ask questions of Mrs. Saccende or he could make a statement. Town Attorney then swore Mr. Conway in for the purpose of making a statement under oath.

Appearance: Mr. Louis Conway
 121 Western Highway
 West Nyack, New York

Mr. Conway stated that the railroad company comes in periodically, cuts down trees, brush, etc. and picks nothing up. Mr. Conway illustrated his point through the use of the pictures presented. He referred to power lines running through the property and stated that O & R does not allow vegetation to grow beneath the power lines and have the right to cut down twenty-five feet in either direction and that is what they do. He stated that he leased the land from O & R for twelve years and there has been no hassle so far as what he has been doing for the land.

Mr. Conway said he is a landscaper and is in that business and as long as he can do it without any major cost to himself he repairs the land and he plants grass. He showed photos of the property indicating that he had cleaned it up, it was level, he planted grass and stated that it looked nice.

Supervisor asked him what he intended to do with the piece Mrs. Saccende had described and which he, the Supervisor, had seen himself? Mr. Conway said he absolutely intended to get the property in shape so long as he could do it without any heavy financial burden to himself. He said he had taken care of it for twelve years without asking O & R for anything but had taken it upon himself. He stated that he had constructed a barrier at his own expense to prevent cars from coming onto the property as a result of accidents. He said the Highway Department then notified him that he was on their right of way. He told them if they would not let him build the barrier and anything happened to his house, etc. he would "get them." They allowed him to build the barrier and he is currently working on it.

Supervisor asked him about the property in question tonight. Mr. Conway said he was trying to demonstrate that he is a competent landscaper and he will take care of the site. He has been back there working the site with a backhoe since Mrs. Saccende took the pictures. He said friends of his had dropped off material for fill in order that he could fill in a big hole left by O & R.

Supervisor asked Mr. Conway what time frame he was talking about with regard to cleaning up the site which is the

Continued on Next Page

subject of tonight's hearing? Mr. Conway said he would have it done by the end of the year. He said we are talking here about clean, biodegradable fill, leaves, grass clippings, trees. He did not understand the hassle over material that is not causing harm to anybody.

Mrs. Saccende asked are we talking landfill or clearing off the property? Supervisor said landfill you need a permit for.

Town Attorney said he was going to ask Mr. Conway to clarify that. Mrs. Saccende said they have no problem with that if he goes through Environmental for a landfill, fine. Mr. Conway said if he has to go through this much hassle to make it look nice, he will leave it alone and just leave the hole.

Town Attorney told Mr. Conway that he would have to clarify his intentions. The photographs show quite a bit of debris on the property, large tree branches, piles of sawdust, some cartons, etc. Mr. Conway said the majority of what is in the pictures has been rectified. He said he planned on taking care of it all. Town Attorney said the Town Board wanted to know if Mr. Conway intended to remove all this or did he plan to cover it with other material? To cover it with other material would require a special permit to conduct a landfill. The Board wants you to make a commitment to remove the offending matter and not cover it without a permit.

Mr. Conway asked what was offensive about tree branches or piles of leaves in the middle of the woods which cannot be seen from the highway? The Town has never complained to the railroad company for tearing up railroad ties and throwing them into a ditch which is on his property. You never asked them when they were going to remove them.

Supervisor asked Mr. Conway if he was the owner of this particular property and Mr. Conway said O & R owns it but his property is adjacent to it. Supervisor said ultimately it is O & R's responsibility. Mr. Conway said it is his responsibility also because he has a lease/contract with O & R which holds him responsible for the land also.

Supervisor said either you apply for a permit to get a landfill and smooth it out and plant grass or you have to remove the debris some other way. We are looking for a determination within a relatively short period of time. He said they could give him extensions but not to the end of the year. This is something that needs to be addressed relatively quickly, say thirty days. Mr. Conway said it is already a lot neater than the photographs show. Supervisor asked can a substantial improvement be made by the 31st of July or the 1st of August? Councilman Carey suggested that he be given until September 1st. Supervisor said Mrs. Saccende will make an inspection on September 1st.

Appearance: Mr. Martin Hodge
represents O & R Utilities

Mr. Hodge said he came to advise that Mr. Conway could use the material left there as part of a fill operation and that if he failed to do so O & R would do so. Councilwoman Smith asked when O & R comes in to clean this area for safety reasons would they try to leave it in better condition? Mr. Hodge said in a populated area they do remove the trees and the branches. Supervisor said they expected by September 1st it would look good.

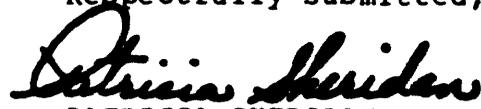
Town Attorney asked Mr. Conway if he was accepting the Board's determination that he be given until September 1st and Mr. Conway said he did not have much choice and he was accepting it.

Continued on Next Page

ABE650

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was closed, DECISION ADOPTED, time: 9:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (709-1987) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

195

Town Hall

6/23/87

9:36 P.M.

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

RE: CHAPTER 79 VIOLATION - 303 ERIE STREET
REALTY - TENANT, MIDAS MUFFLER

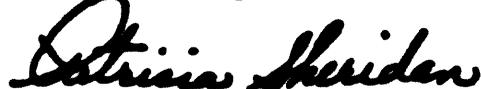
On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared open.

Town Attorney testified that this was a Chapter 79 hearing instituted against property designated on the Clarkstown Tax Map as Map 106, Block A, Lot 26.5 reputedly owned by the 303 Erie Street Realty Corporation. Resolution instituting this proceeding was adopted on May 5, 1987 and pursuant to that resolution the Town Board ordered the Town Attorney to serve a Notice and Order upon the premises located at 308 Route 59, West Nyack reputedly owned by 303 Erie Street Realty Corporation. The tenant is Midas Muffler. The order was served by certified mail, return receipt, upon the property owner, addressed to Mr. Harry Adler, 80 Strawtown Road, West Nyack, New York. The return receipt card indicates that delivery was made by the postal service on May 22, 1987. Midas Muffler was notified by mail addressed to 308 Route 59, West Nyack, New York and delivery was made, according to the postal service, on May 16, 1987.

Town Attorney said Mrs. Saccende's report indicated that she was not recommending any further action at this time.

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. 710-1987 ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

197

Town Hall

6/23/87

9:36 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING - 303 ERIE STREET
REALTY - TENANT, LEE MYLES

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

Town Attorney testified that this was a Chapter 79 hearing instituted against property designated on the Clarkstown Tax Map as Map 106, Block A, Lot 26.4 reputedly owned by the 303 Erie Street Realty Corporation. Resolution instituting this proceeding was adopted on May 5, 1987 and pursuant to that resolution the Town Board ordered the Town Attorney to serve a Notice and Order upon the premises located at 318 Route 59, West Nyack reputedly owned by 303 Erie Street Realty Corporation. The tenant is Lee Myles
Transmission The order was served by certified mail, return receipt, upon the property owner, addressed to Mr. Harry Adler, 80 Strawtown Road, West Nyack, New York. The return receipt card indicates that delivery was made by the postal service on May 22, 1987. Lee Myles was notified by mail addressed to 318 Route 59, West Nyack, New York and delivery was made, according to the postal service, on May 16, 1987.

Town Attorney said Mrs. Saccende's report indicated that she was not recommending any further action at this time.

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. 711-1987 ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

199

Town Hall

6/23/87

9:44 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING - KLOEK

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

Town Attorney said this matter referred to property designated as Map 139, Block B, Lot 20 for premises located at 162 New York Avenue, Congers reputedly owned by Barbara Kloek. An Order and Notice was prepared and served by certified mail upon the record owner at 162 New York Avenue, Congers, New York. The postal service indicated that it was supposed to go to P.O. Box 173. Certified mail, return receipt mailing to that address was returned by the postal service to the Town Attorney's office indicating that three attempts at delivery were made and that the reason for its return was that it was refused.

Town Attorney stated that the Order and Notice contained as an attachment a violation notice dated May 4, 1987 addressed to the reputed property owner indicating that on the property there were unlicensed vehicles, car parts and working automobiles parked on the premises in violation of Chapter 79, Section 2. The violation notice asked that the condition be corrected in ten days and the Town Board's order asked that the condition noted in that violation be corrected within ten days of service of the order.

Town Attorney then called upon Mrs. Irene Saccende, Code Enforcement Officer who had been previously sworn in. Mrs. Saccende was asked to give a report to the Town Board concerning the premises and the condition in which it was when first observed and its present condition.

Mrs. Saccende said during the inspection of the above described premises on 6/22/87 at approximately 3:20 P.M. she found the property had been cleared. The debris was put by the road for the Town pick-up. Four cars in the driveway were all registered vehicles. One car on the north side of the driveway is not registered. This car is expected to be registered within the month. There is an unregistered car in the road right-of-way north of the driveway that does not belong to the property owner. There was also a tow truck parked in the road right-of-way south of the driveway that is owned by Mr. Kloek. Mrs. Saccende requested that the Town police be notified of the cars in the road right-of-way for removal.

Town Attorney asked if she had observed these vehicles previous to the last observation on the property in question and that they have been removed from that property and placed in the Town's right of way? Mrs. Saccende said no, there were cars on the property which were unlicensed vehicles. At her reinspection there were only four cars in the driveway, all registered, licensed vehicles. There is only one car on the property which she believed belonged to one of the sons that is being worked on and it is expected that car will be on the road within a month. There is one car and a tow truck on the Town right-of-way. The car does not belong to the property owner. The tow truck is his. Town Attorney asked if that was a registered vehicle? Mrs. Saccende said yes.

Town Attorney swore in the property owner, Mr. Kloek.

Continued on Next Page

ABE650

Appearance:

Mr. Habbo Kloek
162 New York Avenue
Congers, New York 10920

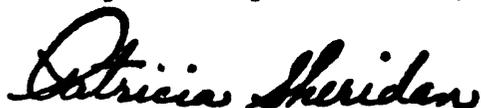
Mr. Kloek said the property is in the name of Barbara Kloek but he is the sole owner of the property. Town Attorney said but you have an interest in the property? He said he has lived there for twenty years and paid his taxes. Town Attorney said is there anything which Mrs. Saccende said with which you disagree? Mr. Kloek said no, Mrs. Saccende is right except he has not done mechanical work in years. He said he refused to accept the registered letter because he felt it was ridiculous. He called the Supervisor right away after the postal authorities had attempted to deliver the letter.

Supervisor asked Mrs. Saccende if she had a recommendation to make on this particular property at this time? Mrs. Saccende said right now the property is in compliance. The only thing that isn't in compliance is the tow truck parked on the road right-of-way and the other car on the road right-of-way.

Supervisor asked Mr. Kloek is he would please take care of those items within a couple of weeks. He said he would take care of it. Supervisor said he understood there was a pile of debris that had been cleaned up and is on the road right-of-way for the Highway Department. Mrs. Saccende said she had spoken to the Highway Department and they are going to take care of it.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED UNTIL AUGUST 11, 1987, time: 9:52 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,

Town Clerk

Resolution No. (712-1987) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

201

Town Hall

6/23/87

9:54 P.M.

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

RE: AMENDMENT TO THE ZONING ORDINANCE - MINIMUM
LOT AREA - FEE SIMPLE OWNERSHIP

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

Town Attorney said he had correspondence from the County of Rockland Planning Department dated May 19, 1987 addressed to the Town Board. Mr. William M. Chase, Commissioner of Planning approves and indicates that this is for local determination. Town Attorney said he has an affidavit of service by mail of notice of this public hearing upon all the interested agencies and departments of government within Rockland County which are entitled to notice under the General Municipal Law.

Supervisor stated that he would assume that our Planning Board was in favor of this particular amendment.

Supervisor asked if there was anyone present wishing to speak either for or against this proposed amendment?

Appearance: Henry Horowitz, Esq.
55 Virginia Avenue
West Nyack, New York 10994

Mr. Horowitz said this was the first time he had heard of this. He said it is a little difficult to follow when you are reading modifications to sections. He said he knew the objective of it was to have the condominiums on fee simple absolute lots which is fine. He said unless there is some refining or explanation as to what "additional requirements" are this on its face could not legally stand. The Planning Board could make whatever number it chose "to the acre." He said there has got to be some guide for the conditions which the Planning Board should have which should relate to the objective here in connection with the fee simple absolute.

Supervisor then read the amendment again. Mr. Horowitz said relating to what - bulk, density, front yards, side yards, rear yards?

Supervisor asked Mr. Wes Bruckno to answer that question.

Mr. Bruckno said the intent of this change is not to change the required or the maximum density allowed. The intent is so that the bulk and lot and set back and other regulations can be determined by the Planning Board and not require a variance after the subdivision is approved or the site plan is approved depending on which is presented. Mr. Bruckno said it is his understanding that the Building Inspector interprets yard setbacks in the MF to apply to the perimeter of the entire site and not to each individual unit and therefore you couldn't do fee simple in the MF. That is what this ordinance is intended to resolve.

Councilwoman Smith asked Mr. Bruckno to clarify the language so that it is not so broad and it defines more of what the intent is rather than just saying "additional requirements?" Mr. Bruckno said that phrase can be removed. Supervisor asked if that would be a substantive change? Town Attorney said it would not be the type of change that would require further publication.

Continued on Next Page

ABE650

Supervisor asked if we can delete that if we choose? Town Attorney said he believed so.

Town Attorney said this public hearing could be continued to another date. After discussion it was agreed among the council members that it be adjourned.

Mr. Bruckno said the reason for the last phrase was that the Board had some yard setback requirements. If the Board is going to reduce minimum lot size we would have to also reduce the front yard and side yard and rear yard setbacks. They would not conform to any particular zoning district.

Town Attorney asked was there some discussion concerning decks or no decks which related to whether or not the Planning Board wanted to see decks on some of these buildings and not on others and wanted to have some discretion to be able to deny the installation of decks or patios?

Councilwoman Smith said after the fact? Town Attorney said no, as part of the approval process when fee simple type town houses were approved. Mr. Bruckno said that discussion was not part of the fee simple request. The Planning Board did not want to be bound by any regulation which required decks to be set in any particular configuration. He said he believed the concensus was that decks should be located in the rear when possible but not required.

Supervisor asked if there was anyone else present wishing to make a comment or ask a question? No one appeared.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted the public hearing was recessed, DECISION RESERVED, time: 10:01 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Town Hall

6/23/87

10:01 P.M.

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

RE: ZONE CHANGE - LO TO CS - GINA AUTO AND TIRE, INC.

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

Town Attorney said he had correspondence from the Department of Planning of the County of Rockland, correspondence from Robert Geneslaw, acting as agent for the Town Board for purposes of SEQRA review, and recommendation from the Clarkstown Planning Board.

He said the correspondence from the County of Rockland Planning Department was dated June 10, 1987 addressed to the Clarkstown Planning Board with respect to Map 120, Block A, Lot No. 12.01. The recommendation disapproved and stated that in the past we have disapproved the requested variances for the expansion of building abutting the New York State Thruway. While the minimum lot size in the LO zone (200,000 square feet in area) is far above existing lots for the area and possible change of zone should be considered, a zone change to CS would allow a 0 foot side yard abutting the New York State Thruway. This would allow construction directly adjacent to Thruway lands which is an undesirable aspect of the requested rezoning especially as the Thruway is considering a widening of the abutting ramp. Granting the subject changes will encourage similar requests. This area should be comprehensively restudied and not changed on a piecemeal basis. This communication was signed by Mr. William M. Chase, Commissioner of Planning.

Town Attorney noted that since this is a disapproval there is a notation that the general municipal law requires a two-thirds vote of all members or a majority plus one to act contrary to the above findings.

Town Attorney referred to a memo dated June 23, 1987 addressed to the Town Board signed by Robert Geneslaw as Planning Consultant. The memo stated that by Town Board Resolution 559, May 12, 1987 we have been directed to act as staff for the Town Board with respect to SEQRA review. The applicants for the above commenced SEQRA review May 8, 1987 with the Department of Environmental Control which notified all involved agencies of their opinion of non-significance. No involved agency provided any information that suggested an adverse environmental impact. We concur that the proposed action is not likely to have a significant impact on the environment. If the Town Board agrees, the Town Board may by resolution adopt a negative declaration indicating that no environmental impacts have been identified with respect to the proposed action.

Town Attorney then referred to a memo dated June 23, 1985 from the Town of Clarkstown Planning Board to the Town Board. It stated that the Planning Board reviewed the proposal at a meeting of June 10, 1987:

"...Taking into account the existing land uses and the recent amendment to the Zoning Ordinance on a nearby parcel from LO to RS, the Board adopted the following...

Motion of Maraia, second of Schweitzer, carried 5:0 with Ayes of Centra, Paris and Yacyshyn, approving the following...

Continued on Next Page

ABE650

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has reviewed the request for change of zone from LO to CS for Gina Auto & Tire Co. in relation to the existing land uses, the potential use, and the Comprehensive Plan and recommends that the petition be granted. It is respectfully recommended that any further development on this site shall be subject to Planning Board site plan review.

Further it is respectfully suggested that another small LO area to the west, currently in residential use, be evaluated for rezoning. This parcel could either be rezoned to R-15 which approximates its current use, or be rezoned to CS if the Town Board wishes to encourage its redevelopment for retail uses."

Town Attorney said the minutes of the Planning Board meeting of June 10, 1987 were submitted with that memo.

Supervisor asked if the applicant or his representative was present.

Appearance:

Henry Horowitz, Esq.
55 Virginia Avenue
West Nyack, New York 10994

Mr. Horowitz said the subject property consists of .43 acres, a little over 20,000 square feet. The zone in which it is located is an LO zone requiring a minimum lot area of 200,000 square feet. The parcel is on the north side of Route 59 just between the Thruway and the House of Power. He referred to the Land Use Map and said you can see the shaded area, which is the subject parcel, is zoned LO. He said if you were to remove the Thruway property every square foot of property in the LO all combined still does not equal 200,000 square feet. The zone in that particular area absolutely does not belong.

He said, in addition, if you take a look at the uses in an LO zone (and there are not that many) we have a site that is about 20,000 square feet in a zone which requires a minimum lot area of 200,000 but not only that; if you took every single piece of privately owned property within that particular LO zone you would still not reach 200,000 square feet. The subject of the zone change is a place which sells tires, has for some time and wishes to continue. The impact of the zone change is really minimal because nothing will change. The uses of this particular property and those surrounding permitted by right is a place of worship. It could be a public park and playground. It could be a fire, police or similar building. It could be a research development lab. It could be a book distribution center. It could be a golf course but you would need five acres. It could be a carnival or a circus. The use conducted there is permitted in the CS zone which is being requested.

Mr. Horowitz went on to say immediately across the street on the south side of Route 59 is the Village of Nyack. We have no control over their zoning. Their zoning is commercial. Their zoning does allow the specific use which we are requesting. The Town Planning Board recommended approval 5:0. He said we now want to concentrate on the County Planning Board which has indicated that the zoning is improper and should change.

Supervisor noted that Mr. Horowitz should make a correction as there is no such thing as a County Planning Board. There is one person. It is a misnomer. Mr. Horowitz said the Supervisor is correct. Mr. Horowitz said their recommendation is that of an adverse and while they do indicate in their minutes that the zone which exists is not proper, they do not like a piecemeal zone change. Mr. Horowitz stated that no one likes a piecemeal except the person who is subjected to that particular zone.

Supervisor asked if any Board members had any specific questions to ask Mr. Horowitz?

Continued on Next Page

Councilman Lettre asked if there was any problem covenanting the existing use that it is? Mr. Horowitz referred to the letter with the comment referring to the fact that it is seven feet off the Thruway and said they will covenant that we will not be any closer to the Thruway than we already are. That building has existed there for over forty years. He said they also have a letter from the Thruway that they have no objection to the plan. He mentioned the Planning Board minutes and said the Chairman advised that the Thruway response to the Planning Board was that they had no concern.

Mr. Horowitz said the reason for the requested change is to allow his client to add a small expansion on and get rid of a trailer on that site which stores tires. He said they will have to return to the Planning Board for site plan approval. They will covenant that they will do any use permitted by the zone change. He said if you insist on that he will have to ask whether or not you wish us to covenant that only the business which exists now should be conducted.

Councilman Lettre inquired if Mr. Horowitz's client was present and could answer that now? Mr. Horowitz said yes.

Mr. Horowitz said he wished to point out that the application was submitted by the tenant of this property. He has indicated that so long as he is a tenant, and he is doing this in order to extend his lease, only the business conducted there will continue. No other new business will be conducted.

Supervisor asked if there was anyone present from the public wishing to comment on this matter? No one appeared.

Councilman Lettre requested an addition to the proposed resolution stating that it be covenanted that the zone change be predicated upon the existing use being the only permitted use. Supervisor asked would that be contingent upon this specific use? Councilman Lettre said yes. Town Attorney asked if you are suggesting that the record property owner be required to file a covenant which would run against the land which would bind the property to the present use? Councilman Lettre said that is the only way you can assure that ... Councilman Maloney interrupted to state that this person is only the tenant. Supervisor said he did not think we could do that. Town Attorney said if you are going to place a condition on it that would just be personal to the owner and would extinguish upon the sale... Councilman Lettre said you have to do that because if the lease expires the owner of the property could use it for something else.

Mr. Horowitz asked why they felt that was necessary if the use that is there now would be permitted under CS and this is consistent with all of the other existing uses. If he were to change his use would you rather him not have another use which is permitted in the CS but go back again to the circus or the laboratory? He did not know what Councilman Lettre's basic logic was. Councilman Lettre said if for some reason that should happen it should be the prerogative of the Board to look at it to see what...

Mr. Horowitz said the problem we have here is a tenant. He said when they discussed the piecemeal zoning they contacted the owner, who owns some of the other pieces, and he did not wish to. He said he was living there, etc. Mr. Horowitz said he could not fight that kind of logic. The tenant has taken this burden on his own to do this because they feel it makes sense. To try and get the owner now to agree to a covenant that he can't use that building for the use that has been in there for at least the last eight to ten years is an unfair burden. Town Attorney said no it was for any other use. Councilwoman Smith said any subsequent tenant would have to be a CS? Mr. Horowitz said that was correct.

Councilman Lettre inquired as to the other permitted uses in the CS? Town Attorney gave the uses permitted by right in

ABE650

the CS district. Councilman Lettre said they would have to deal with it in the future.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:20 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (713-1987) ADOPTED