

Town Hall

8/11/87

8:05 P.M.

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

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

Supervisor declared the public portion open and stated that the Board was prepared to hear comments on any item with the exception of Item No. 1 and the items scheduled for public hearing. Item No. 1 had, in essence, a public hearing at the previous workshop here which lasted for a couple of hours.

No one appeared.

RESOLUTION NO. (799-1987)(FAILED) REFERRING ZONE CHANGE
PETITION TO TOWN PLANNING
BOARD FOR SEQRA REVIEW -
CLINTON SQUARE PLAZA, INC.

Co. Maloney offered the following resolution:

WHEREAS, CLINTON SQUARE PLAZA, INC., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described in its petition from an LIO District to an MRS District, and

WHEREAS, this matter was discussed at the Town Board Workshop of August 6, 1987, and

WHEREAS, it appears that in order to comply with the State Environmental Quality Review Act (SEQRA), a Draft Environmental Impact Statement (DEIS) is likely to be required before the Town Board, as lead agency, could take any action with respect to the requested zone change;

NOW, THEREFORE, be it

RESOLVED, that 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 hereby appoints Rudolph J. Yacyshyn, Chairman of the Planning Board, with the assistance of the Planning Board members and staff, and consultants to the Planning Board, to act as agent for the Town Board with respect to State Environmental Quality Review Act (SEQRA) review, and be it

FURTHER RESOLVED, that the Planning Board is hereby authorized and directed to require the preparation of a Draft Environmental Impact Statement (DEIS) and all other matters necessary to comply with SEQRA.

Seconded by Co. Smith

Councilman Maloney said they were moving this on the basis of the fact that all we have been asked to do and all the public hearing has concerned itself with has been the referring of the application to the Town Planning Board and the other consultants to get their input and to get input from the citizens. He said it was only fair that we at least refer this application as we do with many others to the Planning Board.

Councilwoman Smith said she believed it is the proper procedure and the right thing to do to refer it to the Planning Board which we have established for all of our plans in Clarkstown.

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ABE650

RESOLUTION NO. (799-1987) Continued

Supervisor Holbrook said last year we spent a considerable amount of time studying the Clinton Square proposal and based upon the question of zoning and traffic he believed the issues were amply explored. He said for those reasons he was voting no on the motion.

On roll call the vote was as follows:

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

Councilman Lettre said many people came forth at the workshop meeting the other evening expressing comments both pro and con on this issue. This issue is probably the single most important issue that has come before the Town in many years and is probably one of the most important. He felt it was improper to forward this on to the Planning Board but he did think we should put the challenge on to Pyramid and ask them to go forward with the DEIS and with the full SEQRA review. If, in fact, Pyramid feels or claims that they have substantial monies to spend to improve drainage, to improve traffic, to not put a burden on our local interior roads the only way to find out is to do a full DEIS and SEQRA report.

He said he did not want this issue to be determined by an applause meter or by a political meter. We are here to do what is best for the Town of Clarkstown and the only way to do that is to have a SEQRA and a DEIS completed. We should have the Town Board as the lead agency and have the Town Board pick an outside, impartial firm to do the study at the expense of Pyramid. Vital information will be gained by this which will be valuable to the Town of Clarkstown regardless of what happens to the Pyramid project. He said he believes that is the route to go and he offered the following resolution:

RESOLUTION NO. (800-1987)

COMMENCING SEQRA PROCESS
WITH RESPECT TO PETITION OF
CLINTON SQUARE PLAZA, INC.

Co. Lettre offered the following resolution:

WHEREAS, CLINTON SQUARE PLAZA, INC., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described in its petition from an LIO District to an MRS District, and

WHEREAS, this matter was discussed at length at the Town Board Workshop of August 6, 1987, and

WHEREAS, it appears that in order to comply with the State Environmental Quality Review Act (SEQRA), a Draft Environmental Impact Statement (DEIS) is likely to be required before the Town Board, as lead agency, could take any action with respect to the petition;

NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall be and act as the lead agency and shall select such consultants at the expense of the applicant, be it Pyramid or Clinton Square Plaza, as it deems necessary to assist the Town Board with respect to State Environmental Quality Review Act (SEQRA), and be it

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RESOLUTION NO. (800-1987) Continued

FURTHER RESOLVED, that the Town Board hereby directs the preparation of a 3 Part Environmental Assessment Form (EAF) to commence the SEQRA process.

Seconded by Co. Maloney

Councilman Maloney said that he would second that since Councilman Lettre has come around to their (Councilwoman Smith and Councilman Maloney) way of thinking. Councilman Lettre said he felt that was an improper statement on Councilman Maloney's part. Councilman Maloney said he meant that we were referring it out. Councilman Lettre said no we are not referring it out. Councilman Maloney said but we are not turning it down. Councilman Lettre said we are asking that an impartial outside group do a full determination on this to see the true impact and to see if, in fact, the full benefit to the Town of Clarkstown is there or if it is just pure rhetoric. This is basically put up or shut up.

Councilman Maloney said that is exactly what they have been saying - give them a chance to have their plans examined, torn apart and looked at and come back to us and that is why he is seconding this motion.

On roll call the vote was as follows:

Councilwoman Smith said she has confidence in our Town agencies and she would have preferred that it go to the Planning Board directly but since the long range will benefit all of Clarkstown residents she would consent to the compromise.

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

RESOLUTION NO. (801-1987)

ACCEPTING MINUTES OF THE
REGULAR TOWN BOARD MEETING
OF JULY 27, 1987

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of July 28, 1987 are hereby accepted as submitted by 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. (802-1987)

AUTHORIZING BUILDING
INSPECTOR TO OBTAIN BIDS
FOR REMOVAL OF VIOLATION ON
PREMISES - MAP 139, BLOCK
B, LOT 20 (KLOEK)

Co. Maloney offered the following resolution:

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ABE650

RESOLUTION NO. (802-1987) Continued

WHEREAS, the condition complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated May 5, 1987, has not been corrected, and

WHEREAS, pursuant to Resolution No. 712 adopted June 23, 1987, the condition was to be corrected on or before July 10, 1987;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to obtain bids pursuant to Section 103 of the General Municipal Law, if required, with the assistance of the Director of Purchasing to obtain a contractor to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, and the expenses incurred with respect to the removal of the nuisance consisting of car parts and unlicensed vehicles and all other action which is necessary, including the costs of investigation and the proceedings herein, shall 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 and the Town Attorney.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (803-1987)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
TWO (2) HYDRANTS - PROPOSED
ROAD EAST OF OLD HAVERSTRAW
ROAD AND PROPOSED ROAD 50
FEET FROM SECOND DRIVEWAY

Co. Maloney 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:

Two (2) hydrants as follows:

N/S Proposed Road 330 feet east of Old Haverstraw Road
N/S Proposed Road 50 feet from second driveway

Investigation No.: 10164, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (803-1987) Continued

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

RESOLUTION NO. (804-1987)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT FOR ENGINEERING SERVICES RE CONSTRUCTION OF DOUBLEDECK PARKING FACILITY AT FORMER BOSCO PROPERTY, SOUTH OF DEMAREST AVENUE, NEW CITY (BETRAM J. CROSS, ARCHITECT AND M. G. McLAREN, P.C., STRUCTURAL ENGINEERS) - CHARGE TO ACCOUNT H 5160-409

Co. Carey offered the following resolution:

WHEREAS, there is a great need for additional parking space at Town Hall; and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from Henry Horowitz, Inc. working in conjunction with Bertram J. Cross, Architect, P.C. and M.G. McLaren, P.C., Structural Engineers, for the engineering services required to construct a doubledeck parking facility located on the former Bosco property, south of Demarest Avenue, New City;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the above firm for the preparation of specifications and contract documents for this facility for a cost not to exceed \$90,000.00, and be it

FURTHER RESOLVED, that the funds be charged against Appropriation Account H 5160-409.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (805-1987)

AMENDING RESOLUTION NO. 1209-1986 WITH RESPECT TO TIPPING FEES AT CLARKSTOWN SANITARY LANDFILL

Co. Smith offered the following resolution:

WHEREAS, a proposal has been made by the Director of Environmental Control and the Landfill Supervisor that the Town Board establish a separate fee for disposal of tires in the Clarkstown Sanitary Landfill, and

WHEREAS, the Town Board has duly considered such proposal;

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ABE650

RESOLUTION NO. (805-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 63-8 of the Town Code of the Town of Clarkstown, the Town Board hereby establishes the fee of one (\$1.00) dollar per tire to be paid in accordance with regularly established practices at the Clarkstown Sanitary Landfill, and be it

FURTHER RESOLVED, that Resolution No. 1209-1986, adopted on December 18, 1986, which established tipping fees pursuant to Chapter 63 of the Town Code is hereby amended to add Item No. 7 to the fee schedule contained therein to read as follows:

"7. The fee for disposal of tires shall be One (\$1.00) Dollar per tire (without rims). In the event tires are found in mixed loads, in addition to the fee applicable for such load, the Landfill Supervisor shall charge One (\$1.00) Dollar additional for each tire included in such mixed load or reject the entire load in his discretion."

and be it

FURTHER RESOLVED, that the Director of Environmental Control shall immediately post the revised fee schedule and notify all licensed carters and others regularly using the Clarkstown Sanitary Landfill of the revised rate schedule as soon as possible, and be it

FURTHER RESOLVED, that the revised fee schedule established pursuant to this resolution shall be effective 8:00 A.M., August 17, 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. (806-1987)

AUTHORIZING DIRECTOR OF THE
DEPARTMENT OF ENVIRONMENTAL
CONTROL TO PERFORM
CORRECTIVE DRAINAGE WORK -
MAP 57, BLOCK D, LOT 21.3
(CAL MART CONSTRUCTION
CORP., INC.) - CHARGE TO
DRAINAGE BOND CAPITAL
ACCOUNT #2

Co. Carey offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of Elinor Place over a drainage easement on Lot 57 D 21.3, and

WHEREAS, the homeowner has requested additional relief piping to reduce flooding conditions during periods of intense rainfall;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (806-1987) Continued

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire Cal Mart Construction Corporation, Inc. to perform this corrective drainage work for a sum not to exceed \$5,000.00; and be it

FURTHER RESOLVED, that the Superintendent of Highways performs the necessary landscaping work and supply the necessary pipe and stone required for this corrective drainage work, and be it

FURTHER RESOLVED, that the cost for the above be charged to the Drainage Bond Capital Account #2.

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. (807-1987)

REFERRING PROPOSAL FOR
AMENDMENT OF SECTION
106-20D OF THE ZONING
ORDINANCE TO THE TOWN AND
COUNTY PLANNING BOARDS

Co. Lettre offered the following resolution:

WHEREAS, Henry Horowitz, Inc., Land Planning Consultants, a firm which regularly practices before the Clarkstown Planning Board, has proposed that Section 106-20D of the Zoning Ordinance of the Town of Clarkstown which restricts bulk consideration for property under water, subject to flooding, or having a slope over thirty (30%) percent for residential development in the R-160 Zone, be amended to exclude such zone from the operation of said section, and

WHEREAS, the Town Board wishes the Clarkstown Planning Board to study and make recommendations with respect to said proposal;

NOW, THEREFORE, be it

RESOLVED, that the proposal referred to herein is hereby referred to the Clarkstown Planning Board for study, recommendation and report on or before September 30, 1987, and be it

FURTHER RESOLVED, that this proposal is hereby referred to the Rockland County Planning Board for report pursuant to the provisions of the General Municipal Law Section 239-1 and m.

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. (808-1987)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES ALONG
WALDRON AVENUE, CENTRAL
NYACK FROM STANLEY DIXON
(FREDERICK ESTATES
SUBDIVISION)

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated July 20, 1987, from STANLEY DIXON to the Town of Clarkstown required by the Planning Board for road widening purposes along Waldron Avenue, Central Nyack, New York, as shown on a Final Plat of "FREDERICK ESTATES SUBDIVISION" to be filed in the Rockland County Clerk's Office, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (809-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND A PROCEEDING
(PAGANO V. TOWN OF
CLARKSTOWN)

Co. Maloney offered the following resolution:

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

ROBERT PAGANO,

-against -

THE TOWN OF CLARKSTOWN

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (810-1987)

AUTHORIZING THE SUPERVISOR
TO ENTER INTO AGREEMENT
WITH FINNEGAN ASSOCIATES,
INC. (OFFICE OF THE TAX
ASSESSOR) - CHARGE TO A
1355-409

RESOLUTION NO. (811-1987)

Co. Lettre offered the following resolution:

WHEREAS, a proposal has been made by Finnegan Associates, Inc., to provide technical assistance and support services for the Office of the Tax Assessor as described therein, and

WHEREAS, the Tax Assessor recommends the Supervisor enter into an agreement for such services;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with Finnegan Associates, Inc., in a form approved by the Town Attorney in accordance with said proposal for the period commencing July 1, 1987 and terminating on June 30, 1988, at a cost not to exceed the sum of \$7,500.00 per month, for a total expenditure of \$90,000.00, and be it

FURTHER RESOLVED, that the sum of \$90,000.00 is hereby appropriated from Account No. A-1355-409 to pay for the services to be provided.

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. (811-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES
RE: SPECIAL WARRANT
ENFORCEMENT ENHANCEMENT
PROGRAM (SWEEP)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Police Department is responsible for enforcing warrants, and

WHEREAS, the State has recognized the need to assist local law enforcement agencies in enforcing outstanding warrants against the most serious offenders by continuing the Special Warrant Enforcement Enhancement Program (S.W.E.E.P.) in Fiscal Year 1987/1988;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the New York State Division of Criminal Justice Services with respect to Special Warrant Enforcement Enhancement Program (S.W.E.E.P.) for the Fiscal Year 1987/1988, which will provide up to \$15,000.00 for reimbursable costs for the term April 1, 1987 to March 31, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

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ABE650

RESOLUTION NO. (811-1987) Continued

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

RESOLUTION NO. (812-1987)

AUTHORIZING DIRECTOR OF
DEPARTMENT OF ENVIRONMENTAL
CONTROL TO PREPARE DETAILED
PLANS AND SPECIFICATIONS
FOR VARIOUS PROJECTS

Co. Maloney offered the following resolution:

RESOLVED, that the Director, Department of
Environmental Control, is authorized to prepare detailed plans and
specifications for bid purposes for the following projects:

- Bluebird Drive, Congers - Remove dip in road.
- Lindberg Lane, New City - Upgrade drainage system.
- Esquire Road, New City - Remove retaining wall
(Moscato) a) New retaining wall
b) Rip-rap

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. (813-1987)

ACCEPTING DEED FROM
BERGSTOL FOR ROAD WIDENING
ROCKLAND LAKE ROAD, VALLEY
COTTAGE (CARLSEN, VALLEY
COTTAGE)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the
Department of Environmental Control of the Town of Clarkstown, deed
dated June 22, 1987, from Kenneth Bergstol and Eric Bergstol
required by the Planning Board of the Town of Clarkstown for road
widening purposes along Rockland Lake Road, Valley Cottage, New
York, for property shown on a Final Plat of "Carlsen, Valley
Cottage" prepared by Atzl & Scatassa Associates, is hereby accepted
and ordered recorded in the Rockland County Clerk's Office.

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. (814-1987)

RECOMMENDING ENTERING INTO AGREEMENT FOR ENGINEERING SERVICES REGARDING LIQUID CHLORINE SYSTEM AT GERMONDS POOL COMPLEX (GASTON LAWRENCE RAFFAELLI OF ROCKY HILL, NEW JERSEY) - CHARGE TO APPROPRIATION ACCOUNT NO. A 7180-409

Co. Maloney offered the following resolution:

RESOLVED, that Edward J. Ghiazza, Superintendent of Recreation and Parks, hereby recommends to the Town Board that an agreement, in a form acceptable to the Town Attorney, be entered into with Gaston Lawrence Raffaelli of Rocky Hill, New Jersey, for engineering services regarding installation of a liquid chlorine system at the Germonds Pool Complex in accordance with a proposal dated July 29, 1987, and be it

FURTHER RESOLVED, that the necessary expenses be charged against Appropriation Account No. A 7180-409.

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. (815-1987)

RECOMMENDING ENTERING INTO AGREEMENT FOR ENGINEERING SERVICES FOR RENOVATION OF THE PARKING LOT AT LAKE NANUET PARK (GASTON LAWRENCE RAFFAELLI OF ROCKY HILL, NEW JERSEY) - CHARGE TO APPROPRIATION ACCOUNT NO. A 7180-409

Co. Maloney offered the following resolution:

RESOLVED, that Edward J. Ghiazza, Superintendent of Recreation and Parks, hereby recommends to the Town Board that an agreement, in a form acceptable to the Town Attorney, be entered into with Gaston Lawrence Raffaelli of Rocky Hill, New Jersey, for engineering services for renovations of the parking lot at Lake Nanuet Park in accordance with a proposal dated July 30, 1987, and be it

FURTHER RESOLVED, that the necessary expenses be charged against Appropriation Account No. A 7180-409.

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. (816-1987)

ACCEPTING DEED FOR EASEMENT
FOR SANITARY SEWER AND
STORM DRAIN EASEMENT (RACOM
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the Final Map of RACOM DEVELOPMENT CORP., the Planning Board of the Town of Clarkstown requested a deed for a sanitary sewer and storm drain easement as shown on the subdivision map dated September 9, 1986, last revised June 29, 1987, prepared by Dillin & Sorace Associates;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated July 2, 1987, from Marsha Rand gratuitously conveying a sanitary sewer and storm drain easement is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (817-1987)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO INSTALL VARIOUS
TRAFFIC SAFETY IMPROVEMENTS
AT LUDVIGH ROAD AND
CRANFORD DRIVE, BARDONIA

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant, in a report dated July 30, 1987 has recommended various traffic safety improvements for Ludvigh Road, Bardonia,

NOW, THEREFORE, be it

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

<u>Location</u>	<u>Legend</u>	<u>State Sign #</u>
<u>Ludvigh Road</u>		
WB W/O Route 304	Weight Limit 4 Tons Except Local Delivery	R5-1C R7-3W
WB 200 Ft. E/O Cranford Dr.	School Child	W6-1C
WB at Cranford Dr.	School Crossing	W6-2C
EB at Cranford Dr.	School Crossing	W6-2C
EB 200 Ft. W/O Cranford Dr.	School Child	W6-1C
WB W/O Birch Dr.	School Child	W6-1C
EB E/O Middletown Rd.	Weight Limit 4 Tons Except Local Delivery	R5-1C R7-3W

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RESOLUTION NO. (817-1987) Continued

Cranford Dr.

SB at Ludvigh Rd.	Stop	R1-1C
NB at Ludvigh Rd.	Stop	R1-1C

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. (818-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #65-1987 (FUEL
STORAGE TANK AT LANDFILL)

Co. Carey offered the following resolution:

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

BID #65-1987
FUEL STORAGE TANK AT LANDFILL

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,
September 3, 1987 at which time bids will be opened and read, and be
it

FURTHER RESOLVED, that bid specifications prepared by
the Department of Environmental Control 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. (819-1987)

AUTHORIZING CHANGE ORDER
FOR MILL STREAM IMPROVEMENT
PROJECT (J. FLETCHER
CREAMER AND SON) - CHARGE
TO DRAINAGE BOND CAPITAL
ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, at the Town Board meeting of 2/10/87 the Town
Board adopted resolution #161-1987 awarding the Mill Stream Drainage
Project to J. Fletcher Creamer and Son; and

WHEREAS, it has become necessary to modify this
contract to satisfy conditions uncovered during construction and to

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RESOLUTION NO. (819-1987) Continued

cover the cost of quantities actually used since this was a unit price bid and also for extras requiring increased wall construction, replacement wall construction, removal of trees, replacement of foot bridge, additional slope protection and additional excavation;

NOW, THEREFORE, be it

RESOLVED, that the Director, Department of Environmental Control is hereby authorized to execute a change order and extra for the above at a cost not to exceed \$108,000.00; and be it

FURTHER RESOLVED, that funds for same should be charged to the Drainage Bond Capital Account #2.

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. (820-1987)

TRANSFERRING APPROPRIATION
ACCOUNT NO. A 1420-409
INCREASING APPROPRIATION
ACCOUNT NO. A 1420-114
(TOWN ATTORNEY'S OFFICE)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1420-409 and increase Appropriation Account No. A 1420-114 by \$2,000.00.

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. (821-1987)

TRANSFERRING FUNDS TO
INCREASE AND DECREASE
VARIOUS FUNDS

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 9710-810 by \$345,000 and increase the following Appropriation Account:

A 1010-114.....\$ 1,500.00
A 1110-110..... 9,294.00
A 1220-110..... 7,214.00
A 1310-110..... 1,837.00
A 1315-110..... 21,635.00
A 1345-110..... 5,484.00
A 1355-110..... 2,936.00

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RESOLUTION NO. (821-1987) Continued

A 1410-110.....	8,318.00
A 1430-110.....	19,558.00
A 1490-110.....	1,608.00
A 1621-110.....	3,851.00
A 1640-110.....	12,531.00
A 1670-110.....	2,223.00
A 3010-110.....	1,963.00
A 3020-110.....	1,339.00
A 3120-112.....	48,917.00
A 4210-110.....	16,335.00
A 7020-110.....	1,470.00
A 7140-110.....	27,699.00
A 7141-110.....	43,189.00
A 8095-114.....	2,058.00
A 8730-110.....	51,541.00
A 5630-114.....	52,500.00

and be it

FURTHER RESOLVED, to increase Revenue Account 01-003005 (Mortgage Tax) and Appropriation Account A 1640-110- by \$20,858.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account B 9000-806 by \$88,480.00 and increase the following Appropriation Accounts:

B 3620-110.....	\$86,528.00
B 8010-114.....	1,952.00

and be it

FURTHER RESOLVED, to decrease Appropriation Account DB 9000-806 and increase Appropriation Account DB 5110-110 by \$106,097.00.

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. (822-1987)

INCREASE ESTIMATED REVENUE ACCOUNT NO. 01-003005 (MORTGAGE TAX) AND APPROPRIATION ACCOUNT NO. A 9710-409 (DEBT SERVICES - FEES FOR SERVICES)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-003005 (Mortgage Tax) and Appropriation Account No. A 9710-409 (Debt Services-Fees for Services) by \$10,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (822-1987) Continued

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

RESOLUTION NO. (823-1987)

DECREASING APPROPRIATION
ACCOUNT NO. B 8020-201
(PLANNING-FURNITURE &
FIXTURES) AND INCREASING
APPROPRIATION ACCOUNT NO. B
8020-423 (ASSOCIATION DUES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. B
8020-201 (Planning - Furniture & Fixtures) and increase
Appropriation Account No. B 8020-423 (Association Dues) by \$85.00.

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. (824-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1410-209
(TOWN CLERK - OTHER
EQUIPMENT) AND INCREASING
APPROPRIATION ACCOUNT NO. A
1410-438 (MAINTENANCE
AGREEMENTS)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1410-
209 (Town Clerk - Other Equipment) and increase Appropriation
Account No. A 1410-438 (Maintenance Agreements) by \$1,000.00.

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. (825-1987)

GRANTING PERMISSION FOR USE
OF TOWN OF CLARKSTOWN
SHOWMOBILE (NYACK
WATERFRONT ASSOCIATES)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (825-1987) Continued

WHEREAS, the Nyack Waterfront Associates has requested use of the Town of Clarkstown showmobile on Monday, August 31, 1987, for Ground Breaking Ceremonies in Nyack, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to Nyack Waterfront Associates to use the Town of Clarkstown showmobile on Monday, August 31, 1987, for the above purposes and subject to the provision of the necessary fees and insurance policies.

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. (826-1987)

RESCHEDULING PUBLIC HEARING
WITH RESPECT TO AMENDMENT
TO OFFICIAL MAP - POTENTIAL
ACCESS TO PROPERTY - MAP
165, BLOCK A, LOT 3.46
(KINGSGATE)

Co. Maloney offered the following resolution:

RESOLVED, that a public hearing scheduled for September 8, 1987 at 8:30 P.M., in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 273, is hereby rescheduled to October 13, 1987 at 8:05 P.M.

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. (827-1987)

SETTING DATE FOR PUBLIC
HEARING RE CHAPTER 79
HEARING (BERNASCHINA)

Co. Maloney offered the following resolution:

WHEREAS, a violation of Chapter 79-2 of the Code of the Town of Clarktown exists on premises at 10 Parliament Drive, New City, New York, Map 98, Block A, Lot 9.68 (Bernaschina),

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 8th day of September, 1987, at 8:35 P.M., or as soon thereafter as possible.

Seconded by Co. Smith

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ABE650

RESOLUTION NO. (827-1987) 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. (828-1987)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN - NO.
87-19 (H & R PLUMBING AND
HEATING)

Co. Maloney offered the following resolution:

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

H & R PLUMBING AND HEATING
53 Massachusetts Avenue
Congers, New York 10920

NOW, THEREFORE, be it
RESOLVED, that the following Certificate of
Registration be issued:

No. 87-19 issued to H & R Plumbing and
Heating.

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. (829-1987)

RESCHEDULING PUBLIC HEARING
WITH RESPECT TO ALLEGED
VIOLATIONS OF CHAPTER 63 OF
THE CODE OF THE TOWN OF
CLARKSTOWN (C & A CARBONE,
INC.)

Co. Maloney offered the following resolution:

WHEREAS, a request has been received from the attorney
for the Respondent, C & A Carbone, Inc., for additional time to
prepare his client's defense in the matter of charges pursuant to
Section 63 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the public hearing scheduled for August
11, 1987, with respect to alleged violation of Chapter 63 of the
Town Code of the Town of Clarkstown by C & A Carbone, Inc., is
hereby rescheduled to August 25, 1987 at 8:00 P.M. in the
Councilmen's Room, in the Clarkstown Town Hall, 10 Maple Avenue, New
City, New York.

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RESOLUTION NO. (829-1987) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (830-1987)

AUTHORIZING SUPERVISOR TO
ACCEPT PERMIT FOR
CONSTRUCTION OF ROUTE 45
BYPASS PROJECT

Co. Maloney offered the following resolution:

WHEREAS, by resolution dated April 10, 1984, the Town Board of the Town of Clarkstown sought permission for the intended construction of a Tunnel By-Pass Road within property owned by the State of New York, formerly intended for the now defunct Route 45 By-Pass Project, and

WHEREAS, the New York State Department of Transportation has tendered a Permit to authorize the construction of said project;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Town Attorney, the Supervisor is hereby authorized and directed to accept the Permit on behalf of the Town, provided that the Tunnel By-Pass Road shall be constructed within a right-of-way as shown on the drawings made by Henry Horowitz, Inc. dated February 28, 1985, to be attached as an exhibit to the Permit.

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. (831-1987)

SETTING PUBLIC HEARING WITH
RESPECT TO PROPOSAL
SETTLING ZONING DISPUTE
WITH PROPERTY OWNER (TRAP
ROCK CORP.)

Co. Carey offered the following resolution:

WHEREAS, by resolution dated January 28, 1986, the Town Board has determined to take action with respect to alleged quarrying by New York Trap Rock Corp., on lands not zoned for such activities, and

WHEREAS, pursuant to said resolution, the Town Attorney and other Town Officials have engaged in discussions with the property owner in an attempt to resolve the zoning dispute, and

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RESOLUTION NO. (831-1987) Continued

WHEREAS, the Town Board wishes to consider on its own motion a public hearing to consider changing the zone for certain of R-22 zoned premises owned by New York Trap Rock Corp., located in the vicinity of Crusher Road and Casper Hill Road, Valley Cottage/West Nyack to an M zone upon receipt of certain protective covenants and conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines to hold a public hearing pursuant to Sections 264 and 265 of the Town Law, on its own motion, to consider a proposal to change the zone from an R-22 zone to an M zone for the premises described on the attached Schedule "A", which public hearing shall be held on September 22, 1987, at 8:20 P.M., in the Clarktown Town Hall Auditorium, 10 Maple Avenue, New City, New York, 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 Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

Seconded by Co. Maloney

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

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. (832-1987)

AUTHORIZING AND DIRECTING
THE DIRECTOR OF
ENVIRONMENTAL CONTROL AND
DIRECTOR OF PURCHASING TO
OBTAIN BIDS FOR RESIDENTIAL
RECYCLING CONTAINERS

Co. Maloney offered the following resolution:

RESOLVED, that the Director of the Department of Environmental Control and the Director of Purchasing are hereby authorized and directed to prepare bid specifications to solicit bids for the purchase of residential recycling containers in an amount sufficient to provide all residences within the incorporated and unincorporated portion of the Town of Clarkstown whose premises are serviced by refuse carters for the purpose of implementing a general plan for the recycling of paper, glass and cans in the event a recycling program is implemented for the calendar year 1988.

Seconded by Co. Smith

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RESOLUTION NO. (832-1987) 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. (833-1987)

SETTING PUBLIC HEARING TO
ESTABLISH REFUSE AND
GARBAGE DISTRICT

Co. Carey offered the following resolution:

WHEREAS, by resolution dated May 26, 1987, the Town Board of the Town of Clarkstown, on its own motion, has proposed that a Refuse and Garbage District encompassing the incorporated and unincorporated areas of the Town of Clarkstown be created, and

WHEREAS, the Director of the Department of Environmental Control was authorized and directed to prepare a general map, plan and report for providing the facilities, improvements and to obtain the services required to implement said proposal, and

WHEREAS, the report from the Director of Environmental Control is imminent and the Town Board wishes to schedule a public hearing thereon and to invite the participation at said public hearing by the Villages of Upper Nyack, Nyack and Spring Valley with respect to the portion of said villages lying within the geographical limits of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that a public hearing in accordance with Article 12 A of the Town Law shall be held on the 29th day of September, 1987, at 8:05 P.M., at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the trustees of the Villages of Upper Nyack, Nyack and Spring Valley adopt a resolution agreeing to participate jointly in said public hearing with respect to the establishment of a joint Refuse and Garbage District, and be it

FURTHER RESOLVED, that the Director of Environmental Control as agent for the Town Board as lead agency is hereby authorized and directed to comply with the provisions of SEQRA with respect to said public hearing and proposed action to be taken, and be it

FURTHER RESOLVED, that the boundaries of the proposed Refuse and Garbage District shall encompass the entire incorporated and unincorporated portion of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the general map, plan and report describing the proposal in detail shall be available for review on or after September 1, 1987, in the Office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish a copy of the Notice of Hearing in the official newspapers of the Town of Clarkstown and to post a copy of same as required by law.

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RESOLUTION NO. (833-1987) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (834-1987)

ACCEPTING RESIGNATION OF
TYPIST - POLICE DEPARTMENT
(EILEEN TODD)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Eileen Todd, 100
Cedar Avenue, Pearl River, New York - Typist - Police Department -
is hereby accepted - effective August 11, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (835-1987)

CREATING POSITION OF SENIOR
STENOGRAPHER - TOWN HIGHWAY
DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on June 1, 1987 that the position of Stenographer can be
reclassified to the position of Senior Stenographer,

NOW, THEREFORE, be it

RESOLVED, that the position of Stenographer is hereby
reclassified to the position of Senior Stenographer - Town Highway
Department - effective and retroactive to August 10, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (836-1987)

APPOINTING TO POSITION OF
(PROVISIONAL) SENIOR
STENOGRAPHER - TOWN HIGHWAY
DEPARTMENT (JANINE
SCAGLIONE)

RESOLUTION NO. (836-1987) Continued

Co. Lettre offered the following resolution:

RESOLVED, that Janine Scaglione, 81 Blauvelt Avenue, West Haverstraw, New York, is hereby appointed to the position of (provisional) Senior Stenographer - Town Highway Department - at the current 1987 annual salary of \$18,195.00, effective and retroactive to August 10, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (837-1987)

APPOINTING TO POSITION OF
LABORER - SANITARY LANDFILL
(PATRICK J. NORDSTROM)

Co. Lettre offered the following resolution:

RESOLVED, that Patrick J. Nordstrom, 55 Jolliffe Avenue, Congers, New York, is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1987 annual salary of \$14,387.00, effective and retroactive to August 10, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (838-1987)

APPOINTING TO POSITION OF
(PROVISIONAL) REAL PROPERTY
DATA COLLECTOR - ASSESSOR'S
OFFICE (THOMAS ISENBECK)

Co. Lettre offered the following resolution:

RESOLVED, that Thomas Isenbeck, 23 Sunrise Drive, Stony Point, New York, is hereby appointed to the position of (Provisional) Real Property Data Collector - Assessor's Office - at the current 1987 annual salary of \$13,218.00, effective and retroactive to August 10, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (839-1987)

ACCEPTING RESIGNATION OF
BUS DRIVER - MINI TRANS
(RAYMOND WOLICKI)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Raymond Wolicki, P.O. Box 761, Vailsgate, New York, Bus Driver - Mini Trans Department - is hereby accepted effective and retroactive to July 28, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (840-1987)

CREATING POSITION OF
PRINCIPAL CLERK TYPIST -
PLANNING DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on July 16, 1987 that the position of Principal Clerk Typist - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Principal Clerk Typist - Planning Department - is hereby created effective August 17, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Violation Hearing - Map 137, Block A, Lot 11 (Karten), was opened, time: 8:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Violation Hearing - Map 137, Block A, Lot 11 (Karten) was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (841-1987)

AUTHORIZING REMOVAL OF
BUILDINGS ON PREMISES
DESIGNATED AS MAP 137-A-11
(KARTEN)

Co. Maloney offered the following resolution:

WHEREAS, by resolution adopted March 24, 1987, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 31 of the Code of the Town of Clarkstown

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RESOLUTION NO. (841-1987) Continued

affecting property known and designated on the Clarktown Tax Map as MAP 137, BLOCK A, LOT 11, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was scheduled for May 26, 1987, after notice and opportunity to be heard at said hearing was provided to the owners of record of the above premises as provided by law, and

WHEREAS, on May 26, 1987, the matter was adjourned to August 11, 1987, to permit the property owners or their successor in interest to demolish and remove the building(s) in violation as represented by the attorney for the property owners within 45 days from the date of the hearing;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby determines that the conditions complained of in the Notice pursuant to Town Code Section 31-5 dated March 24, 1987, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take the corrective action necessary and to hire a contractor pursuant to General Municipal Law requirement, to remove said building(s); and be it

FURTHER RESOLVED, that the expenses incurred with respect to such corrective action, including the cost of investigation and the costs of the proceeding, be assessed against the property, and be it

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

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Zone Change on Town's Own Motion from LIO to R-15 - MAP 164, BLOCK A, LOTS 17.01 and 19, was opened, time: 8:55 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change on Town's Own Motion from LIO to R-15 - MAP 164, BLOCK A, LOTS 17.01 and 19, was closed, time: 9:05 P.M.

RESOLUTION NO. (842-1987)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN FROM LIO TO R-15 RE: MAP 164, BLOCK A, LOT 19 (AIRPORT EXECUTIVE PARK AREA - KARASSIK)

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RESOLUTION NO. (842-1987) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 26th day of May, 1987, on its own motion, provided for a public hearing on the 11th day of August, 1987 at 8:05 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 19, from an LIO 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 June 30, 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 LIO District to an R-15 District, the property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 19, situated in the Hamlet of Spring Valley, New York, in said Town, 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 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

Although the next item of business was listed on the agenda as Public Hearing re: Chapter 31 (Lipkind), Town Attorney stated that this was a status report which related to property located in Valley Cottage on Reina Court. The Town Board commenced a hearing some months ago during 1986. The property owner, Rudy Likpind of 530 East 23rd Street, New York, appeared before the Town Board at the time of the public hearing and consented to the jurisdiction of the Town and also indicated that he was willing to enter into an agreement to restore the premises located on Map 111, Block A, Lot 28.07. Subsequent to that date, November 25, 1986, Mr. Lipkind entered into a performance agreement with the Town of Clarkstown which had as its requirement that the premises be restored to a habitable condition by May 15, 1987. On May 15, 1987 it was determined that the premises had not yet been restored to a habitable condition. The Town recommenced its proceeding pursuant to Chapter 31 against this property and it has been adjourned to tonight, August 11, 1987, for a status report regarding the reconstruction of the premises.

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Town Attorney stated that this afternoon he had received a memo from Peter Beary, Assistant Building Inspector dated August 11, 1987 and he read as follows:

"Mr. Lipkind has completed the construction of new porch roof and has re-roofed existing dwelling. The property has been cleaned up, graded and seeded.

"I was unable to make contact with Mr. Lipkind to report on progress in the interior work."

Appearance: John Cronin, Esq.
representing Mr. Lipkind

Mr. Cronin presented photographs of the work in progress and stated that in addition to completing the roof, Mr. Lipkind has had the stakes for the curbs put in for the driveway and the driveway has been excavated. It will require more work as it is too wet for the excavator to go on the property right now. They expect that will be done this week if it dries up, but certainly by September 1st.

Supervisor asked what about the remaining portion of the roof and the interior. Mr. Cronin said the interior has not been worked on but the exterior will be completed by October. The premises will be habitable by December 31st at the latest. He said the property has shown a tremendous improvement.

Supervisor said he would like to set an October date for another status report to the Board so that they can see where we are at that point. He asked Mr. Cronin if he would mind appearing at that date. Mr. Cronin said he would be happy to.

Councilwoman Smith asked if the driveway would be black topped? Mr. Cronin said it would be gravel.

Supervisor asked if the exterior would be completed by October 1st. Mr. Cronin said yes and that includes retaining walls and the driveway, etc. Town Attorney said for the purposes of continuing the jurisdiction of the Town Board in this matter he would recommend that this public hearing which has been carried over be carried over again and not closed so that the Board would be free to take appropriate action if the conditions are not corrected.

Town Attorney said there is a problem with respect to having Mr. Lipkind's cooperation in having representatives of the Building Department obtain inspection of the interior of the premises. Mr. Lipkind had agreed in the original agreement referred to, to allow that. Mr. Beary indicated that he had some difficulty getting in touch with Mr. Lipkind. Mr. Cronin said no work has been done on the inside. Town Attorney said it would be appropriate to allow inspection when the Building officials ask for it on reasonable notice. Mr. Cronin said he would arrange for that.

Councilwoman Smith asked if we have a time schedule documenting that certain things will be done by certain dates? Supervisor said going back to the original agreement the place was supposed to be habitable by the 15th of May. Since there appears to be an interest in redoing the building and some progress has been made, if the exterior were to be finished by the 1st and then work begun on the interior that would be satisfactory. The concerns of the surrounding residents have to do with the exterior but they would like to see someone move in and have it be habitable and the ultimate goal here is to have a CO. Mr. Cronin said he expects to have the premises habitable before the end of the year. The exterior should be 100% by October 1st.

Town Attorney asked Mr. Cronin if he was authorized and empowered to make a representation on behalf of Mr. Lipkind that all

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exterior work necessary to bring the structure up to standards would be completed by October 13th? Mr. Cronin said he was authorized to make such representation and he did so.

Town Attorney asked Mr. Cronin if it was his understanding that the balance of the interior work would be completed by December 31st and Mr. Cronin said yes. Mr. Cronin then thanked the Board for their consideration.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 79 Violation - Garden Hill, was opened, time: 9:17 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the public hearing re: Chapter 79 Violation - Garden Hill, was closed, RESOLUTION ADOPTED, time: 9:21 P.M.

RESOLUTION NO. (843-1987)

CANCELLING LIS PENDENS -
MAP 40, BLOCK A, LOT 7.1
(GARDEN HILL)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated June 23, 1987, for premises designated on the Clarkstown Tax Map as MAP 40, BLOCK A, LOT 7.1 has been corrected;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on July 6, 1987, provided that the sum of \$210.00 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens, mailings, records search, stenographic services and all other expenses including attorney's time.

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

On motion of Councilwoman Smith, seconded by Councilman Lettre and unanimously adopted, the public hearing re: Local Law Rescinding Freshwater Wetlands Local Law, was opened, time: 9:22 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Local Law Rescinding Freshwater Wetlands Local Law, was closed, RESOLUTIONS ADOPTED, time: 9:33 P.M.

RESOLUTION NO. (844-1987)

ADOPTING LOCAL LAW NO.
8-1987 (FRESHWATER WETLANDS)

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

Continued on Next Page

RESOLUTION NO. (844-1987) Continued

"A LOCAL LAW RESCINDING CHAPTER 49 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'FRESHWATER WETLANDS'"

was introduced by Councilman Lettre at a Town Board meeting held on the 23rd day of June, 1987, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 23rd day of June, 1987, directed that a public hearing be held on the 11th day of August, 1987, at 8:30 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 27, 1987, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 6, 1987, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 11, 1987;

NOW, THEREFORE, be it

RESOLVED, that Local Law No.8-1987, entitled:

"A LOCAL LAW RESCINDING CHAPTER 49 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'FRESHWATER WETLANDS'"

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

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

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

Seconded by Co. Maloney

RESOLUTION NO. (845-1987)

AUTHORIZING PREPARATION OF LOCAL LAW REGULATING FRESHWATER WETLANDS IN THE TOWN OF CLARKSTOWN WHICH ARE NOT UNDER THE JURISDICTION OF THE STATE OF NEW YORK

Co. Smith offered the following resolution:

WHEREAS, Local Law No. 8-1987 adopted by the Town Board on August 11, 1987, rescinded Chapter 49 of the Town Code of the Town of Clarkstown entitled, "Freshwater Wetlands," and

WHEREAS, the Town Board wishes to prepare a new local law regulating freshwater wetlands in the Town of Clarkstown which are not under the jurisdiction of the State of New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Director of Environmental Control, Planning Consultant

Continued on Next Page

ABE650

RESOLUTION NO. (845-1987) Continued

and the Town Attorney to prepare a proposed local law regulating freshwater wetlands which are not under jurisdiction of the State of New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Ridge Nine West was opened, time: 9:34 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Ridge Nine West was closed, ORDER SIGNED, time: 9:36 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-40 District to R-15 District (Afco Realty Corp.) was opened, time: 9:36 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-40 District to R-15 District (Afco Realty Corp.) was closed, DECISION RESERVED, time: 10:06 P.M.

There was lengthy discussion regarding a proposed resolution by Councilman Lettre regarding drug use in the Town of Clarkstown. Councilman Lettre read the following:

"WHEREAS, the people of Clarkstown are good, hard working people who want nothing more than to be safe and secure in our community, and

WHEREAS, the great large majority of our Clarkstown police officers are honest, hardworking, drug free, dedicated men and women who are Clarkstown's finest, and

WHEREAS, Clarkstown deserves better than to be known for the Brink's Robbery and 'Cokeheads,'

NOW, THEREFORE, be it

RESOLVED, that Clarkstown take whatever action is necessary to institute random and continuous drug testing of our police officers; publicize and advertise the County Drug Hotline which can receive calls regarding the sale and use of illegal drugs in our Town, and

FURTHER RESOLVED, to propose the creation of the Clarkstown Drug Awareness Task Force made up of Councilman Edward Lettre, Chairman, Deacon Farrell Hopkins as Co-Chairman and any members of the Town Board, concerned citizens, law enforcement

Continued on Next Page

officials, parents, and youth members. This committee will have a series of hearings throughout the Town of Clarkstown and prepare a comprehensive report outlining Clarkstown's plans to fight the use of drugs in the Town of Clarkstown."

Supervisor said he would like to take this up at a special workshop at 7:00 P.M. on August 25, 1987. Councilman Maloney said they have been aware of the drug problem in the Town of Clarkstown for a long time. He said if we take this up at a workshop we can develop the best means to go about this particular recommendation so that there is no duplication of services already existing.

Supervisor said we have a resolution to discuss the proposals made by Councilman Lettre in his proposed resolution relating to the use of drugs in Clarkstown and possible effective means to combat the same. Supervisor suggested a motion to discuss Councilman Lettre's proposal at a special workshop at 7:00 P.M. on August 25, 1987.

RESOLUTION NO. (846-1987)

AGREEING TO DISCUSS
COUNCILMAN LETTRE'S
PROPOSALS REGARDING USE OF
DRUGS IN CLARKSTOWN

Co. Lettre offered the following resolution:

RESOLVED, that a special workshop will be held on August 25, 1987 at 7:00 P.M. for the purpose of discussing certain proposals made by Councilman Edward Lettre regarding the use of drugs in the Town of Clarkstown and an effective means to combat the same.

Seconded by Co. Maloney

Councilman Maloney said he would be willing to discuss this so that we do not have a duplication of services.

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 was declared closed.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

307

Town Hall

8/11/87

8:50 P.M.

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

RE: CONTINUATION OF VIOLATION HEARING (CHAPTER 31
PROCEEDING) MAP 137, BLOCK A, LOT 11 (KARTEN)

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

Town Attorney said this hearing had already been opened and we had it adjourned to today's date. It was initially before the Town Board on May 26, 1987. At that time he had read a letter from the attorney for the property owner in which the property owner agreed to remove the structure that was causing the problem within 45 days.

Supervisor said he believed Mr. Hershkowitz is the owner of the property and Town Attorney said not quite. He is about to become the owner. He became the contract purchaser shortly after the Town Board determined to allow an additional 45 days to the property owner. Mr. Hershkowitz has indicated a willingness to take down the building. He has cooperated with the Town in all respects except that he has not quite accepted the responsibility to pay for the costs of the proceeding which to date, including the investigation made by the architect hired by the Town as its consultant, approach the sum of slightly over \$2,000.00 so that we have an impasse with respect to the payment for the cost of the proceeding. We do have a verbal understanding that the buildings are to come down in the near future.

Supervisor said he had spoken with Mr. Hershkowitz' office this week indicating that he wanted ten additional days to remove the structure. He said he had no problem giving him the ten days to take the structure down. Councilman Lettre asked if that was ten days from today? Supervisor said he believed so. Town Attorney said it would not be possible for the Town to act within ten days anyway because the magnitude of the project will probably require a bid for a contractor to take down that building.

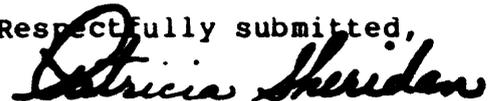
Councilman Lettre said he would like the resolution to be passed with the proviso that if it is down within a ten day period of time the resolution would have no effect but if it is not then we would be able to proceed and not have to wait until the next Town Board Meeting. Town Attorney said the resolution prepared and in the packets could certainly serve that purpose and would be moot if the building was taken down.

Supervisor asked if there was anyone present wishing to speak for or against the proposal.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (841-1987) ADOPTED

ABE536

TOWN OF CLARKSTOWN
PUBLIC HEARING

309

Town Hall

8/11/87

8:55 P.M.

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

RE: ZONE CHANGE ON TOWN'S OWN MOTION - LIO TO R-15
ON MAP 164, BLOCK A, LOTS 17.01 AND 19 (KARASSIK)

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

Town Attorney stated that he had correspondence from the Rockland County Planning Department as well as one of the property owners and the attorney for a property owner with respect to these two parcels.

Town Attorney said the Rockland County Planning Department reviewed this matter on the Town's referral on May 29, 1987 and again when the Town amended it's referral to add an additional parcel on July 21, 1987. Correspondence from William Chase, Commissioner of Planning, with respect to both reviews had indicated an approval of the proposed zone change.

Town Attorney said on July 30, 1987 Mr. Martin Cornell sent a letter to his (Town Attorney's) attention with respect to the subject matter and he indicated that he represented Airport Executive Park which owned premises designated as Map 164, Block A, Lot 17.01 which is included in tonight's proposed zone change and he reports as follows:

"My clients were astounded to learn that an attempt was being made to change the zone of their property particularly in light of the fact that they have pending before the Zoning Board of Appeals an application for a variance to construct an office building on their parcel. I am enclosing a copy of the tax map which I have marked in red showing the property which they own which includes Lot 17.01 and Lot 13.1. These two parcels together are the subject of the variance. I understand that Mr. Karassik is desirous of having his lot which is Lot 19 changed to R-15. There is certainly no reason to move the zone line any further east to include Lot 17.01 which is a very small parcel and should be related to Lot 13.1 which is presently in LIO. I would appreciate it if you would be kind enough to review this and advise me if the Board would consider eliminating my client's lot from the zone change."

Town Attorney said this correspondence was forwarded to the Board members after it was received in his office.

Town Attorney said he had a letter dated August 3, 1987 addressed to the Town Board, a copy of which he had. It is from Airport Executive Park, Inc. and it states that he was enclosing for reference a copy of a letter received by him dated July 23rd re notice of public hearing to be held on August 11th. Town Attorney did not read the letter into the record but it makes the request that the small lot be removed from the zoning change application to allow the property owner to pursue a plan to obtain approval for a building on the parcel.

Town Attorney said the only other correspondence he had is from the Planning Board and they initially recommended the inclusion of the lot referred to in Airport Executive Park's correspondence. Supervisor said that is the reason it was included.

Supervisor asked if Mr. Geneslaw had anything to add to Mr. Costa's comments since this is on the Town Board's own motion.

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ABE650

Mr. Geneslaw stated that he did not think the dropping of the parcel would be a problem.

Councilman Maloney asked if it would just be Lot 19? Mr. Costa said that was correct. They were both advertised but the Board need not move on both of them.

Supervisor asked if there was anyone present who would like to speak either for or against the proposal.

Appearance: Mr. Ronald Sovik
14 North Pascack Road
Spring Valley, New York 10977

Mr. Sovik asked if these two properties were on the easterly side of the old airport property? He was told they were west of the airport property.

Appearance: Martin Cornell, Esq.

Mr. Cornell said he would like to file a formal protest with the Board in connection with the zone change presented. He said with regard to Lot 17.01 there is a proposed building which, would be a ratable of over \$1,000,000.00, to be constructed on that lot and the adjoining lot if certain variances are granted by the Zoning Board of Appeals. He said they were very concerned about that lot being included in the zone change.

Supervisor asked Mr. Cornell if he was saying that he would like that deleted from the zone change and Mr. Cornell replied in the affirmative. Mr. Cornell said, in addition, they are in opposition to the proposed zone change for the adjoining parcel for the reason that it will be creating non-conforming uses with regard to the existing buildings which are known as 300 Airport Executive Park and in actuality these parcels (19 and 17.01) are an incursion of residential zoning into the LIO zone. He said you are really creating a thumb which is sticking into the LIO zone which they submit is not appropriate planning.

Councilman Maloney asked Mr. Cornell if he was opposed to having 19 rezoned and Mr. Cornell said yes but they were particularly opposed to changing 17.01.

Councilwoman Smith asked if there was a house on Lot 19 and Mr. Cornell said there was but he did not know if it was being used for residential purposes or not.

At this point Mr. Cornell filed his protest. Town Attorney asked Mr. Cornell if he could have some clarification with respect to the proposed protest. He asked if he was protesting both lots and Mr. Cornell said yes. Mr. Costa asked if Mr. Cornell's client was maintaining that he had 20% or more of the area involved in this change. Mr. Cornell said Airport Executive Park, Inc. owns Lot 17.01 which is the lot which is the subject of the zone change and also owns the property directly to the west of Lot 19 which would appear to be more than 20%. Town Attorney asked if that was Lot 17 to which Mr. Cornell was referring. Mr. Cornell said yes. Mr. Costa than apprised the Board of the fact that Mr. Cornell was filing a protest and it is possible that his client has ownership of lands which would make his protest valid under Town Law 265. He would suggest that if the Board intended to take action tonight they would have to have a majority plus one to carry the resolution in the face of the protest. If the protest is not sufficient he said they would have one extra vote anyway.

Appearance: Mr. and Mrs. Karassik
Spring Valley, New York

Continued on Next Page

Mrs. Karassik said when they purchased the property in 1969 it was zoned residential. It was not until 1978 that it was zoned LIO so they are really not encroaching on the LIO. They came along and they took us over. Supervisor asked if they lived on the property right now. Mr. Karassik said no. Supervisor asked what was located on the property right now and Mrs. Karassik said a house and a garage. Mr. Karassik said he protested that they wanted to put a building next to them. He felt their property should be in residential along with their house. Mr. Karassik said it seemed to him that anytime an executive park wanted to do something they could do it for their own benefit and not for the benefit of their neighbors.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:05 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (842-1987) ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

313

Town Hall

8/11/87

9:17 P.M.

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

RE: CHAPTER 79 VIOLATION - GARDEN HILL

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the public hearing was opened. Town Attorney said this was a Chapter 79 proceeding initiated by resolution of the Town Board adopted on June 23, 1987 with respect to property designated on the Clarkstown Tax Map as Map 40, Block A, Lot 7.0 reputedly owned by The Garden Hill Property Owners Association, Inc. The property is located at Verdin Drive, New City, New York and it appears from the report of the Building Inspector that the property has suffered from a lack of property maintenance in that the owners have failed to trim the grass outside the fence on the premises and in and about the pool area and to remove debris and leaves in and around such area which to the extent such accumulation has occurred has created a nuisance and hazard to the health, safety and welfare of the community. An Order pursuant to Chapter 79 was mailed by certified mail, return receipt to The Garden Hill Property Owners Association on June 26, 1987 and it appears that a person by the name of Jay Mayer received this Order and Notice on June 29, 1987.

Town Attorney called upon Mrs. Irene Saccende to testify to the effect that the property has received attention and is in good order.

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

Mrs. Saccende stated that she had inspected the property on the 13th of July and the grass had been cut inside and outside the fence. She made a reinspection at the beginning of August and again on August 6th and it is still being maintained in a proper fashion.

Town Attorney asked if the property no longer presents a nuisance or hazard to the community and Mrs. Saccende said not at this point.

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

Town Attorney reported to the Board that the costs of this proceeding which is for the filing of Lis Pendens, the mailings, obtaining index number, etc. is \$210.00.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:21 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (843-1987) ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

315

Town Hall

..8/11/87

9:22 P.M.

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

RE: LOCAL LAW RESCINDING LOCAL LAW NO. 6-1976
RE: FRESHWATER WETLANDS

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

Supervisor Holbrook called upon Mr. Robert Geneslaw, Town Planning Consultant to comment on the proposal.

Mr. Geneslaw said the action before the Board is to transfer the jurisdiction for the designation of freshwater wetlands from the Town to DEC. He said they feel that is appropriate since there are very few freshwater wetlands in the Town and the situation in most communities is that the designation is done by DEC based first on their published maps and secondarily on a field inspection of freshwater wetlands that appear on the map. The actual mapping is done by DEC personnel in conjunction with developer's representatives and municipal representatives and it seems to be an efficient system.

Councilman Lettre asked if there was a contradiction between the state and our local law? Mr. Geneslaw said originally there were a large number of state wetlands in the Town and the feeling was that because there were so many the Town should maintain the jurisdiction. There are now very few because of changes in mapping, development that has taken place and also changes in permitting procedure. It appears at this point that it would be more efficient for the State to control it.

Councilman Lettre asked if the State protected in their law all wetlands regardless of what size. Mr. Geneslaw said only wetlands of 12.4 acres or more. Councilman Lettre asked what happens to those that are smaller? Mr. Geneslaw said they fall through the cracks. Councilman Lettre said then how do we look to preserve and protect them? Mr. Geneslaw said you would have to pass a separate local wetlands law that would designate either on a map - the local wetlands that are smaller than 12.4 acres or a description of the kinds of land that would be protected based on their vegetation or their soil types or both.

Councilman Lettre asked would it be appropriate to hold off rescinding this until a local law could be drafted that would umbrella and cover all the area that has fallen through the cracks between the state and local law that is in place now? Mr. Geneslaw said if you feel it is important to protect the smaller wetlands than it would be appropriate to hold off.

Councilman Carey said he would support that because we are looking for continuous protection. Councilman Lettre said we want something that will cover from A to Z. If the state covers only the larger ones than we have to be concerned also in our community with the smaller ones. He said he would recommend that we hold off on this public hearing. Councilwoman Smith said she did not understand why they could not just approve this and work on the other. Councilman Lettre said because in the interim you would have a void. Councilwoman Smith asked how long would it be? Councilman Carey said that is the question.

Supervisor said the big wetlands would be taken care of but that is really a moot issue and it is the smaller ones we might

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ABE650

be abdicating. Councilman Maloney asked Mr. Les Bollman, Director of Environmental Control how many small wetlands, under 12.4 acres are there in the Town? Mr. Bollman said there are only about five or six major ones designated by the State and that is why he recommended the State handle this program. Councilman Maloney said but we are concerned about the smaller ones. Mr. Bollman said the smaller ones we still look at but there is no official designation. A few years back we had over three or four hundred individual wetlands. He said we advise the Planning Board basically as to the stability of the soil. Those that are significant and would be preserved are pretty much covered under the State except for the few that we have done such as the one north up on Route 304.

Councilwoman Smith asked if Chapter 49 of the Town Code should be made to apply to those under 12.4 acres? Mr. Bollman said if you wanted to leave them it could but he thought Chapter 49 dealt with the State law on wetlands and their restrictions and that he recommended we turn over to the State those they have designated in the Town of Clarkstown.

Councilwoman Smith asked then couldn't we have a local law for those areas 12.4 acres and under? Mr. Bollman said we could if we wanted to but we try to give all of that information to the Planning Board and the Town Board now as we make our reports. Town Attorney said Chapter 49 as it now reads refers to freshwater wetlands mapped by the State Department of Environmental Conservation and Mr. Bollman is saying that the only wetlands that appear on that map are those of 12.4 acres or more in size and Chapter 49 imposes no regulatory restrictions or any regulations with respect to wetlands smaller than that size. All it talks in terms of are those that are on the State map. This chapter goes back to 1974 when the State first started to look into this and to map these wetlands. Since 1984 new regulations have been adopted by the State which if the Town wishes to continue with Chapter 49 it would have to amend to bring into conformity.

Town Attorney said Mr. Bollman has recommended that Chapter 49 be rescinded in its entirety because he feels that the State regulations would be sufficient to regulate those wetlands which were previously controlled by this chapter. He said he did not believe we have anything in this Town nor have we ever had anything with respect to the small wetlands.

Mr. Bollman said when we do have a subdivision or some plan that has a wetland on it we so note that to the Planning Board and in many cases we have preserved even them by average density if we deem it is of a quality that should be preserved or it has some benefit.

Councilwoman Smith said then in reality the small wetlands have never been protected by the code. Town Attorney said they have only been covered in a sense by the Planning Board directing their attention to it when called to do so. Councilwoman Smith said then we can go ahead with this and also consider those less than 12.4 acres. Town Attorney said based on what Mr. Bollman has said tonight he felt there was no need to save it for an interim measure.

Councilman Carey said he would like to save this until we adopt something else. Town Attorney explained that Chapter 49 does not do the job anymore because the State has taken it over. Now Chapter 49 does not conform to the requirements of the State Department of Environmental Conservation. We either have to change Chapter 49 and continue to regulate those wetlands, which is one option or, as Mr. Bollman has recommended, rescind Chapter 49 and allow the State's permitting authority to operate exclusively in this area.

Councilman Lettre asked could we amend Chapter 49 to relinquish 12.4 acres and up and protect locally 12.4 and less?

Town Attorney said yes, you could do that. Councilman Carey said then we would have to leave this in effect until we adopt the other one. Town Attorney said you would have to look at every section and analyze it in terms of how that could be done but it is a possibility. Supervisor said let's hold this in abeyance until the next meeting. In the meantime we will ask Mr. Bollman, Mr. Geneslaw and Mr. Costa to discuss the prospect of a local law to protect wetlands under the 12.4 threshold.

Mr. Bollman said he had no objection to that but he did not see the purpose of holding anything in abeyance. Councilman Maloney said it is two separate things and he did not think we should hold this in abeyance either. Councilman Lettre asked are you saying that the code now does not protect 12.4 and under? Mr. Bollman said the State held public hearings and came out with an official map about six or eight months ago. We questioned some and they revised it and now that map has been presented in its final form. Mr. Bollman said it is acceptable to him. It only contains the real major wetlands and he would just as soon have the State regulate them. Councilman Lettre said then you are saying in rescinding we are relinquishing nothing; what we are relinquishing is what we do not have anyway? Mr. Bollman reiterated that it is only 12.4 and above.

Supervisor Holbrook said if we adopt this resolution for the law then we can add a resolution directing our Planning Consultants to draft a law which would then protect all the rest under 12.4. Mr. Bollman said he would like that discussed at a workshop. He would prepare a map to show the way it has been done with the Planning Board, keeping in mind that there are very few of significance in the Town once you take the seven or eight which the State has taken over off that map.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:33 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (844-1987) ADOPTED
RESOLUTION NO. (845-1987) ADOPTED

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

319

Town Hall

8/11/87

9:34 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE RIDGE NINE WEST

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's office an affidavit from the Deputy Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there as anyone present wishing to speak in favor of the proposed water extension.

No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition to the proposed water extension.

No one appeared.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:36 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABE650

TOWN OF CLARKSTOWN
PUBLIC HEARING

321

THIS HEARING WAS OPENED AND IMMEDIATELY RECESSED ON
JUNE 23, 1987 TO TONIGHT'S DATE.

Town Hall

8/11/87

9:36 P.M.

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

RE: ZONE CHANGE R-40 DISTRICT TO R-15 DISTRICT
AFCO REALTY CORP.

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 the proper posting and publication.

Town Attorney said this was originally set over by the Board because the requirements of SEQRA had not been completed on June 23rd. Today the Town Board received a memo from Mr. Geneslaw who is acting as agent for the Town Board as lead agency with respect to the SEQRA review which indicates that the information which he has obtained and analyzed suggests that a conclusion that this change would have no adverse environmental effects cannot be made. It is necessary to go to the next stage of SEQRA which is to obtain a draft environmental impact statement (DEIS). Town Attorney said, therefore, his recommendation to the Town Board based on his memo and a proposed resolution, is that the Town Board determine that this particular change may have a significant environmental impact and adopt the report of Robert Geneslaw, dated August 11, 1987 as its findings. Before considering this matter further he would suggest that the applicant prepare and submit to the Planning Board a DEIS.

Mr. Geneslaw said that the Planning Board had not taken the step of suggesting that a DEIS be prepared primarily because they feel that it probably would not disclose any additional information that would help the Board make a determination. It would extend the process and probably not shed any additional light on this situation. He further stated that all of the correspondence they have reviewed have pointed out problems with development of the property because of its physical configuration and because of the location of access. The findings themselves under SEQRA have to be made by the lead agency, which in this case is the Town Board. He said they had looked through the correspondence to try to find information that would either support or not support the requested change of zone in environmental terms. They were unable to find sufficient information in the reports of the various agencies in support of the zone change. That was the point of view they were trying to express in their memorandum.

Town Attorney then asked Mr. Geneslaw what the recommendation was to the Town Board regarding the SEQRA process - was it that this change shall have an adverse environmental impact and exercise their legislative authority not to go forward with the zone change? Mr. Geneslaw said the thrust of the reports from the various local and county agencies leads them to that conclusion.

Councilman Lettre called for a map and Mr. Benson, attorney for AFCO presented one.

Appearance: Edward Benson, Esq.
representing AFCO Realty Corp.

Mr. Benson said there was no doubt that this is a problem location. They are requesting that the zoning be changed from R-40 to R-15 and that they have average density cluster zoning for eight homes. He said whatever problems are suggested by Mr.

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Geneslaw or any other agency apply with equal force to the present zoning of R-40. The reason that his client is before the Board for a change to R-15 (so that instead of four homes there would be eight homes clustered together) is simply that economically by virtue of the prevailing conditions the cost of all site work would make it economically not feasible to develop it as R-40. In addition to that consideration he said if you study the map, he thought they would recognize that it represents a far better approach to development of this property if we adopt what is suggested in the map prepared by Atzl & Scatassa and have the cluster zoning for eight homes. Here a map was presented and studied by the Town Board members.

Mr. Benson said if they adopt the plan before the Board now at least 65% of the property would remain for conservation purposes. He said they should also recognize that if you cluster with eight homes we probably resolve the drainage problem far more effectively than if we were to develop it under R-40 with four homes each on an acre of land. It becomes economically feasible if developed with eight homes and the developer can handle the soil condition in the manner that would satisfy the engineering requirements of the Town which would not be economically possible if you had only four homes developed on the four and a third acre parcel.

Mr. Benson said as far as the surrounding community is concerned it would have no adverse effect because most of the homes in the surrounding area are presently R-15 or R-10 so there should certainly be no problem there.

Supervisor Holbrook said he had noted that the Rockland County Planning Office and the Clarkstown Planning Board recommended unanimously to deny this. Mr. Benson said with regard to the County Planning Commissioner (Mr. William Chase), he has repeatedly differed with the County Planning Board on a number of developments. He said he had no objection to clustering four homes on this particular lot. He said that Mr. Chase could be indifferent to the economics of this but certainly the owner of the property cannot. He felt that Mr. Chase had not given any consideration to the economics of developing this parcel. If you say that you must remain with R-40 to all intents and purposes you are almost condemning the property in that you are making it economically unfeasible to develop.

Mr. Benson said with regard to the Clarkstown Planning Board, when they made their appearance before that Board Mr. Paris moved almost immediately to turn it down. He said that was hardly a consideration of what is being offered by Afco. He said they have the right to develop the parcel with four homes on a acre of land each. They have to recognize by virtue of the soil conditions that it is not economically feasible to develop it that way. They are simply asking to have it downzoned to permit them to cluster eight homes and thereby effectively resolve the soil problems in a way that they could not under R-40.

Supervisor said before the Town can consider changing a zone it must be done for a public purpose or benefit and if they were to consider doing this it would seem to be more for a private benefit than for a public one. Mr. Benson said he did not think so because he felt that he did not have to spell out the necessity for housing in our community. The demand for housing is well known. He said we now find that we are developing marginal properties and we must bear in mind that as a community contiguous to and depending upon New York City economically that housing within a suburb is vitally important to the public. He objected to what he perceived as an adverse reference to his client in using the phrase private interest. Anyone who comes before this Board does not come dispensing charity but with the intent of developing property and making some kind of profit.

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Supervisor said when Mr. Benson's client purchased the property the profit margin was probably taken into consideration then. He said an economic reason for putting four more units on this parcel is not enough justification for the Town Board to proceed in the affirmative. Mr. Benson said if it is not economically feasible to develop it as R-40 then the Board has an obligation to consider what zoning would be economically feasible for the development of this property.

Town Attorney asked Mr. Benson if he intended to offer into evidence at this hearing any information in support of his (Mr. Benson's) statement? Mr. Benson said his client was here and perfectly capable of testifying as an expert and he was prepared to bring him forward and question him.

Town Attorney asked Mr. Benson if he would be able to establish his client's credentials in the area of land evaluation and development or are you going to impose upon the Board the views of the property owner? Mr. Benson said he resented that statement and Town Attorney explained that he was not trying to be disrespectful to either Mr. Benson or his client but just that if he was prepared to offer evidence that it is not economically feasible to develop the property under the current zoning, he should be prepared to qualify the person as an expert. He said he knew that Mr. Lafasciano has been a property owner and a developer in the Town but he did not know that he had any credentials as a property appraiser or land planner. Mr. Benson said he did not think he needed particular qualifications as an appraiser. He said Mr. Lafasciano, as a developer, certainly has familiarity and he would go one step further and say that not only is Mr. Lafasciano familiar with values within the Town of Clarkstown as a developer and know whether he could or could not make a profit, but he also has qualifications that may exceed those of the members of the Planning Board.

Town Attorney then swore Mr. Lafasciano in.

Appearance: Mr. Charles Lafasciano
395 Pleasant Hill Drive
New City, New York 10956

Mr. Lafasciano was questioned by Mr. Benson. Mr. Lafasciano testified that he was brought up in West Nyack and is engaged in the business of site development and improvement being a builder in the Town of Clarkstown and has been so for seventeen years. Mr. Lafasciano stated that he has lived beside the property in question for thirty-six years. He stated that he had a soil study made by McLaren Engineers and had developed properties which had a similar soil problem to the property in question. Mr. Lafasciano testified that he was currently under development on a parcel similar to this one - Twin Pond Park in Valley Cottage which is a 21 lot subdivision. He said the soil conditions in Twin Pond Park far exceed the amount of peat and filthy materials which were encountered during the course of that site development than the subject parcel. He said McLaren's report on the Doescher Avenue property indicates that approximately three feet below grade is red stiff clay material exactly the materials that as a developer we would look for to enable stable foundation conditions. In the report Mr. McLaren indicates that conventional foundations could be utilized on this parcel. The soil examination for the Twin Pond Park subdivision revealed an excessive amount of peat to seven feet and those houses are currently under development. They have been approved by the Planning Board having had an approved subdivision map filed. There are seven houses currently built on this location.

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Mr. Lafasciano stated that the approximate cost of site work on the parcel in question if the R-40 zoning remained or if it were changed to R-15 would not be altered or changed. Under the R-40 standard layout they would propose to overdevelop the property which they are against doing. It would bring a roadway further down into the property over the hundred year flood plain and would take it over the brook which runs through the parcel. We would therefore go for an average density as had been suggested earlier on another parcel under the 280-a and we would apply for the four lots. The only difficulty with this being that the development of four lots with the continued cost of the improvement for the site would make it impractical to develop. In response to an earlier statement that the developer had opportunity to purchase the property and was aware of this, Mr. Lafasciano said that the only comment he could make is having lived close to this property and knowing of its condition for the amount of years that he did, unfortunately he never had the opportunity to have a soil examination performed until he became contract vendee and purchaser of the property. He did not have the luxury of closing the contract prior to the results of the soil examination test. However, even if that had been the case he still would have purchased the property based on three foot below grade finding red, stiff clay as is indicated in his soil examination. The parcel on which he intends to develop the four or eight homes is located where the red, stiff clay has been found representing approximately 40% of the property. The other 60% they would then intend to dedicate over to a conservation easement not to be disturbed with no removal of any trees and any improvements that the Town Planning Board or Town Board might deem appropriate.

Mr. Lafasciano said the site work that would be required is approximately 35,000 yards of cubic fill which has been stated in the soils examination report by Mr. McLaren and the cost for this in place by itself would completely make the property undesirable for development with four lots or with four cluster homes. The eight would be required for a secondary reason that the supporting development does not warrant a price that would be commensurate to the cost of the site improvement, land cost and the brick and mortar hard construction value. Four lots could not be developed on this property. Even if the fill were to be brought onto the property at a very nominal charge the Planning Board requirements for drainage, sanitary, water services would still prohibit the development of this parcel.

In the interim it will remain as a dumping ground. If you would prefer as a benefit to the community having been living with this property for quite a number of years and owning other parcels similar and close to this property the property would benefit by the fact that it would no longer be utilized as a dumping ground were there to be people living on this parcel. He stated that he has availability to the fill materials. He is in the development business and he intends to utilize these fill materials from other project that he has going on. Other developers might not be as fortunate as we are in a parallel business that does cause us to come across many quantities of fill over the course of time. Fill was brought in for exploration purposes to get into the property and with 3,000 yards of fill that was brought in to construct a road bed the fill in and of itself has been completely obliterated into the development of this property. It is gone and is not there any longer. He said they would need much more in order to continue on.

Town Attorney asked Mr. Lafasciano if he had any certificate, license or higher degrees with respect to land planning valuation or development? Mr. Lafasciano said no. Town Attorney asked if Mr. Lafasciano's testimony had ever been accepted in any court or other proceeding as an expert with respect to land planning, valuation or development? Mr. Lafasciano said no. Town Attorney said that Mr. Lafasciano indicated that the property had been used as a dumping ground and that if it is not developed it will continue to be used as a dumping ground. He asked Mr. Lafasciano if he was familiar with the requirements of Chapter 79 of

the Town Code which requires that property owners maintain their property free and clear of any nuisance, hazard or litter? Mr. Lafasciano said yes and has been doing so since he became the contract purchaser. Town Attorney said Mr. Lafasciano had indicated that he brought in 3,000 yards of fill on the site and he asked if he had obtained any permit for the filling of that property? Mr. Lafasciano said he had sought the approval from the Department of Environmental Control from Mr. Luke Kalarickal. Prior to bringing any fill materials in they received a written documentation from Mr. Kalarickal giving them the authority to move for soils exploration and to bring the fill materials in providing that we regrade the material and present it back into a natural state which they did.

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

Supervisor asked if any member of the public wished to comment either in favor of or in opposition to this proposal?

No one appeared.

Councilwoman Smith asked if Mr. Geneslaw was requiring that a DEIS be submitted and he said only the Town Board can require that. The Town Board can require that it be submitted to them as they would be making the decision on the zone change. You could ask the Planning Board to review it first if you chose to but he did not think any additional information would be provided in a DEIS that has not already been provided. However, he informed the Supervisor that it could be submitted to the Planning Board and the Planning Board could then make its recommendation to the Town Board.

Councilman Lettre asked what could be looked for in a DEIS that wasn't in the SEQRA? Mr. Geneslaw said he did not know which is why he did not recommend specifically that the Town require one. Councilman Lettre asked Mr. Geneslaw if he would recommend a DEIS or did he feel the SEQRA was sufficient? Mr. Geneslaw said he would suggest that the Town Board members review the reports from the seven or eight agencies in light of what has been said tonight and also review the minutes of the Planning Board, trying to determine if there are outstanding questions.

Supervisor said there really is no point in having him do a whole DEIS if the Town Board is prepared to make a decision based upon the reports already submitted. Town Attorney said in clarification that the Town Board's decision with respect to zone changes is legislative in nature. They are under no obligation to consider a request for a zone change and obviously under no obligation to grant it. He said what Mr. Geneslaw is saying, based on the information already compiled, is that it is his recommendation that the Town Board may want to consider a resolution saying that they will not consider this zone change because of the adverse environmental impact.

Supervisor said we can either make a decision right now or we can reserve decision for a subsequent meeting. Councilman Lettre said he would like to reserve decision and have an opportunity to look at the SEQRA report and all other appropriate documentation.

Supervisor said we will put this on for the first meeting in September for decision.

Councilman Carey asked if we were going to ask for all the reports on this?

Mr. Lafasciano said he had no objection to incurring the costs and expenses if it is going to be beneficial to all parties concerned. He said he would like to incorporate into the

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SEQRA requirement that you have the soils examination test that was done. He further stated that none of the agencies, planning or consultants had taken into consideration in any of their recommendations the fact that the material that is on the premises is red, stiff clay - buildable material. No one has made mention of that.

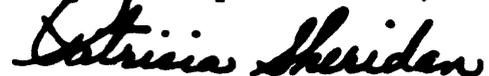
Supervisor said if Town Board does not decide to deny the zone change it then would probably pass the resolution going with the DEIS. Mr. Lafasciano said he would like to be able to incorporate the soils examination test so he could prove his point to the Board. Supervisor said what he is saying is that if the Town Board decides at its September meeting not to turn down the zone change it could pass a resolution with a DEIS to the Planning Board.

Mr. Geneslaw said you would have several options - one to require a DEIS, another would be to make a decision based on the information already provided. Mr. Geneslaw said he would like to correct Mr. Lafasciano in one respect. He said we do have copies of the soil report. The Department of Environmental Control has copies of the soil report. One of the recommendations which Mr. Kalarickal made was that the soils report be sent to the local utility companies for their comments. He did not know if that had been done. He said there may have been a response but the Planning Board does not have it. It was reviewed by Mr. Kalarickal and the Planning Consultants did review it also. However, we are relying primarily on Mr. Kalarickal's review as he is a professional engineer.

Mr. Lafasciano said that was understood but the only difficulty was in the fact that the soils examination test completely overlooked the fact that the building area designated for the cluster housing was to have been in the best location of that property and that the environmental impact was taken into consideration by us as we were willing to give away 60% of the property under conservation easement and not to cause that to be developed. Orange and Rockland has been in receipt of the soils examination test and we have taken it upon ourselves to make them aware that we are aware of the other problems at hand in the settling of the underground facilities and the site improvements. Providing that we are able to develop in the red clay areas the development to them will prove acceptable. He said he had a meeting this afternoon with Jim Weiner about that situation regarding the Twin Pond Park subdivision. Obviously we are not going to put sanitary or electrical conduits or drainage lines in an area that we know might be susceptible to crack. He said we have the field experience to realize that and you would not allow us to do that in any case. It has been taken into account and they do have the map. He said he will get a letter documenting that.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 10:06 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk