

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

57

Town Hall

9/22/87

8:00 P.M.

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

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

Supervisor stated that Councilman Lettre would be absent due to the death of a friend and his attendance at the wake.

Supervisor announced that he had a pleasant task this evening, that of honoring Town Hall employee, Helen Olsen. He said he had the privilege for most of his life of knowing Helen, a resident of Congers. He said he remembered a sign the Olsens had on their garage "Don't Cry, We'll Fix It." He said he has tried to adapt that as his slogan here in Town Hall.

Supervisor said that Helen has been a member of the Planning Department for many years. At this time, she has decided to retire. We all wish her well. She has done a lot of community service in the Congers Civic Association. She has a wonderful family, many of whom are present here this evening. The Town is very appreciative of her services. Supervisor read the following proclamation:

"HELEN M. OLSEN DAY
September 29, 1987

WHEREAS, Helen M. Olsen has been a lifelong resident of Congers, and

WHEREAS, Helen has made numerous contributions to her community through participation in PTA, religious organizations and, more recently, the Congers Civic Association, and

WHEREAS, in 1969, she joined the Town family as an employee of the Town Engineer's Office, and

WHEREAS, Helen M. Olsen, subsequently joined the Department of Planning as a full time staff member in April 1972 where, among her other duties, she has worked diligently for Senior Citizens and their need for housing in Clarkstown, making an earnest effort to help the senior citizens secure housing in the Town or other municipalities, and

WHEREAS, Helen, having decided it is now time to enjoy the fruits of her labor, will retire on October 9, 1987

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby declare September 29, 1987 as "HELEN M. OLSEN DAY" in honor of the significant contribution she has made to Town Hall and the community of Congers.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 22ND
OF SEPTEMBER, 1987

CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

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Supervisor then opened the public portion of the meeting:

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Exit 10 of the Palisades Parkway going south. He said at the traffic light at Middletown Road is the Parkway Professional Building. He said the front of that building looks like the entrance to a cheap flea market due to the political signs plastered all over the front lawn. Mr. Cuff mentioned the law that had been enacted regarding the placement of signs on Town highways and questioned the distance from the edge of the road. Supervisor said he would have that location checked out.

Mr. Cuff said everywhere he looks he sees political signs right out on the edge of the road, placed haphazardly and he felt it certainly did not do anything for the Town and he felt it did not do anything for the candidates. He said he thought it created a negative attitude rather than a positive one. He hoped that would be looked into.

Mr. Cuff spoke regarding Item 29 on tonight's agenda - Creation of Highway Maintenance Supervisor I position. He stated the last time he examined that department a few years back we had a ratio of about one supervisor for every four or five employees. He questioned why we need so many supervisors. He said where he works there are fifteen or eighteen employees per supervisor. He wanted that looked at very carefully before we start giving out any more supervisory positions.

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

Mr. Lodico spoke regarding the proposed recycling program and the proposed purchase of a vehicle for the handling of recyclable materials. He said the creation of series of sanitation districts in the Town of Clarkstown is going to be the start of the elimination of independent contracting and free enterprise in this Town. He said government does not belong in this area. He said if you are successful in creating a series of sanitation districts within the next decade you will have eliminated twelve to fifteen local family operated refuse collecting businesses and end up with four or five who will be able to outbid any of the local people because they can lowball it which has been the case around this country for the last thirty years in eliminating many independent operators in this particular area.

Mr. Lodico said if the recycling program is to be effective it has to be mandatory. Item No. 16 seems to be an approach which is truly the cart before the recyclables. He said if you are going to go into the recycling business your first obligation is to bid for someone to take care of this and accept this recyclable material because as has been the case in many communities around the country which did this under the guise of saving landfill, they wound up with another sanitary landfill on their sanitary landfill with a collection of tin cans and/or bottles with no market for the goods. He said we may be creating dynasties in this particular area of landfill because it is such a very important issue to this community. You are going to be creating new agencies with many more employees where they are not needed. He said if you are going to get involved in recycling, before you start expending possibly anywhere from \$75,000.00 to \$150,000.00 for a piece of equipment, you should first bid for someone who is willing to accept the plastics, the steel, the tin cans, the aluminum, etc.,

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before you end up buying a piece of equipment and finding out that you are going to end up with a landfill with a landfill, ad infinitum.

Mr. Lodico said we will be paying through the nose for this program without a place to store or get rid of it. He urged the Town Board to scrap the idea of buying anything first until we find that we have market for it and possibly bid out to see what company is willing to accept the material you are intending to collect.

Supervisor said with regard to the carters it is certainly not the intent of the Town to put any of the carters out of business. He said the most effective way is to allow private enterprise to do as much of this as possible and to keep government employees out of it. In terms of the volunteer aspect of this the Town does believe that it should be mandatory and it can be. The Town Board, however, feels that the people of the Town of Clarkstown are intelligent enough to cooperate with what is good for the environment. Hopefully the people will respond to what we hope will be a simple program to care for their environment.

Supervisor stated that he has already had a meeting with the school superintendents and will have more to bring home the message that recycling is good for the environment, good for Clarkstown and good for the County of Rockland. We can always go to the mandatory if we must but he wanted to wait for the voluntary response.

Mr. Lodico said nothing is new when it comes to setting up districts. It starts off with the hiring of a professional to study the Town of Clarkstown and how we are going to break into districts and then hope that someone will bid on the fifteen or twenty districts that might be set up in this Town. That, in itself, opens the door for out of town, out of county and out of state competition. He said he is not against that but the history of this industry is such that this has been the stepping stone of the elimination of the industry. He has been following that particular industry for the last fifteen years from Texas to California at various seminars and many of the independent operators with whom he has discussed this have told him that a bigger syndicate has eaten them up.

Supervisor said it is not our intention to have this occur. He said that Mr. Lodico's points were well taken as a warning.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Condemnation of Property - St. Thomas Lutheran Church - Map 105, Block A, Lot 2.01, was opened, time: 8:19 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Condemnation of Property - St. Thomas Lutheran Church - Map 105, Block A, Lot 2.01, was recessed until the next Town Board Meeting, October 13, 1987 at 8:02 P.M., time: 8:22 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Condemnation of Property - Ted Rob Realty Corp. - Map 105, Block A, Lot 26.02, was opened, time: 8:22 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Condemnation

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of Property - Ted Rob Realty corp. - Map 105, Block A, Lot 26.02,
was closed, RESOLUTION ADOPTED, time: 8:30 P.M.

RESOLUTION NO. (919-1987)

ADOPTING DETERMINATION AND
FINDINGS PURSUANT TO
EMINENT DOMAIN PROCEDURE
LAW, (TED ROB REALTY CORP.)

Co. Maloney offered the following resolution:

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

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman
Maloney and unanimously adopted, the Public Hearing re: Zone Change
- RS to MF-3 (Narlan Development Corp.), was opened, time: 8:31 P.M.

On motion of Councilman Maloney, seconded by
Councilwoman Smith and unanimously adopted, the Public Hearing re:
Zone Change - RS to MF-3 (Narlan Development Corp.), was closed,
DECISION RESERVED, time: 9:01 P.M.

On motion of Councilman Carey, seconded by Councilman
Maloney and unanimously adopted, the Public Hearing re: Zone Change
- R-22 to M - Trap Rock, was opened, time: 9:02 P.M.

On motion of Councilman Maloney, seconded by
Councilwoman Smith and unanimously adopted, the Public Hearing re:
Zone Change - R-22 to M - Trap Rock, was closed, DECISION RESERVED,
time: 9:32 P.M.

On motion of Councilman Maloney, seconded by Councilman
Carey and unanimously adopted, the Public Hearing re: Chapter 31
Violation Hearing - Map 106, Block A, Lot 17 (Riverso), was opened,
time: 9:33 P.M.

On motion of Councilman Carey, seconded by Councilman
Maloney and unanimously adopted, the Public Hearing re: Chapter 31
Violation Hearing - Map 106, Block A, Lot 17 (Riverso), was closed,
RESOLUTION ADOPTED, time: 9:40 P.M.

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RESOLUTION NO. (920-1987)

AUTHORIZING BUILDING
INSPECTOR TO TAKE
CORRECTIVE ACTION RE: MAP
106, BLOCK A, LOT 17
(RIVERSO)

Co. Carey offered the following resolution:

WHEREAS, by Resolution No. 669 dated June 23, 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 affecting property known and designated on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 17, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 8, 1987, after notice and opportunity to be heard at said hearing was provided to the owner of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Town Code, Chapter 31-5 dated June 23, 1987, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown 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 required by the Building Inspector, if same is not removed by the present property owner on or before October 1, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action 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. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Chapter 79 Violation - Map 98, Block A, Lot 9.68 (Bernaschina) was opened, time: 9:41 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 79 Violation - Map 98, Block A, Lot 9.68 (Bernaschina) was closed, RESOLUTION ADOPTED, time: 9:47 P.M.

RESOLUTION NO. (921-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE

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RESOLUTION NO. (921-1987) Continued

VIOLATION ON PREMISES
DESIGNATED AS MAP 98, BLOCK
A, LOT 9.68 (BERNASCHINA)

Co. Carey offered the following resolution:

WHEREAS, by resolutions adopted August 11, 1987, and September 8, 1987, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 98, BLOCK A, LOT 9.68, to remove or correct certain conditions which are a nuisance and hazard to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on September 22, 1987, after notice and opportunity to be heard at said hearing was provided to the owner of record of the above premises as provided by law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the condition complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated September 8, 1987, has not been corrected, and be it,

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to obtain the services of a landscaper to remove the grass and noxious weeds approximately two feet high on said premises ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after October 1, 1987, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (922-1987)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
FOUR (4) HYDRANTS JEFFERSON
LANE, WASHINGTON CIRCLE AND
CONCORD DRIVE, NEW CITY)

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:

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RESOLUTION NO. (922-1987) Continued

Four (4) hydrants as follows:

W/S Proposed Road, 25' north from centerline of
Jefferson Lane

N/S Washington Circle, 35' south from the
centerline of Concord Drive

N/S Jefferson Lane, 25' north from the centerline
of Jefferson Lane

N/S Washington Circle, 420' south-westerly from
the centerline of Jefferson Lane

Investigation No. 9746, 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:

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

RESOLUTION NO. (923-1987)

REFERRING PETITION FOR ZONE
CHANGE (RG-2 to R-15) TO
TOWN AND COUNTY PLANNING
BOARDS AND SETTING PUBLIC
HEARING RE (MAP 33-2, BLOCK
B, LOT 22.04 - VICINITY OF
JEANNE MARIE APARTMENTS,
JAMES DRIVE, NANUET)

Co. Carey offered the following resolution:

WHEREAS, the Building Inspector of the Town of
Clarkstown has recommended that the Zoning Ordinance of the Town be
amended by redistricting property from an RG-2 District to an R-15
District, which property is designated on the Clarkstown Tax Map as
Map 33-2, Block B, Lot 22.04, and located in the vicinity of Jeanne
Marie Apartments, James Drive, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the
Town of Clarkstown the proposal for a change of zone from an RG-2
District to an R-15 District on property designated on the
Clarkstown Tax Map as Map 33-2, Block B, Lot 22.04, is hereby
scheduled for a public hearing, and be it

FURTHER RESOLVED, that a public hearing pursuant to
Sections 264 and 265 of the Town Law be held at the Auditorium of
the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New
City, Rockland County, New York, in the Town of Clarkstown, on the
27th day of October, 1987 at 8:05 P.M., relative to the proposed
amendment, and be it

FURTHER RESOLVED, that the application for a zone
change shall be referred to the Clarkstown Planning Board for report
pursuant to Section 106-32 of the Zoning Ordinance of the Town of
Clarkstown and to the Rockland County Planning Board, and other

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RESOLUTION NO. (923-1987) Continued

municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (924-1987)

GRANTING PERMISSION FOR USE
OF CLARKSTOWN SHOWMOBILE
(COLUMBUS DAY PARADE
COMMITTEE)

Co. Carey offered the following resolution:

WHEREAS, the Columbus Day Parade Committee has requested use of the Town of Clarkstown showmobile on Sunday, October 11, 1987, for the Annual Columbus Day Parade in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Columbus Day Parade Committee to use the Town of Clarkstown showmobile on Sunday, October 11, 1987, for the above purpose and subject to the provision of the necessary insurance policies.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilwoman Smith stated that she had received a letter from a girl named Allison Smith (who was no relation), seven years old. She is Little Miss Clarkstown - 1987 and she would like to march with the public officials in that parade. Supervisor and Town Board members were most receptive to the suggestion and said they would be delighted to have her march with them.

RESOLUTION NO. (925-1987)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1490-199

RESOLUTION NO. (925-1987) Continued

(PUBLIC WORKS ADMINISTRATION-VACATION SALARY BUYBACKS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1490-199 (Public Works Administration -Vacation Salary Buybacks) by \$600.

Seconded by Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (926-1987)

DECREASING APPROPRIATION ACCOUNT NO. A 5630-311 (MINI-TRANS-GASOLINE) AND INCREASING APPROPRIATION ACCOUNT NO. A 5630-406 (REPAIRS TO VEHICLES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-311 (Mini-Tran-Gasoline) and increase Appropriation Account No. A 5630-406 (Repairs to Vehicles) by \$5,000.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (927-1987)

DECREASING APPROPRIATION ACCOUNT NO. A 1330-201 (FURNITURE & FURNISHINGS) AND INCREASING APPROPRIATION ACCOUNT NO. A 1330-313 (OFFICE SUPPLIES & PRINTING)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1330-201 (Furniture & Furnishings) and increase Appropriation Account A 1330-313 (Office Supplies & Printing) by \$508.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (928-1987)

INCREASING REVENUE ACCOUNT
NO. 01-002705 (GIFTS AND
DONATIONS) AND INCREASING
APPROPRIATION ACCOUNT NO. A
7550-409 (FEES FOR SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account 01-002705 (Gifts and Donations) and increase Appropriation Account A 7550-409 (Fees for Services) by \$3,000.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (929-1987)

DECREASING APPROPRIATION
ACCOUNT NO. S 5182-424
(INSTALLATION OF LIGHT
POLES) AND INCREASING
APPROPRIATION ACCOUNT NO. S
5182-114 (SALARIES PART-
TIME)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account S 5182-424 (Installation of Light Poles) and increase Appropriation Account S 5182-114 (Salaries Part-Time) by \$119.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (930-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1640-416
(LAUNDRY SUPPLY SERVICES)
AND INCREASING APPROPRIA-
TION ACCOUNT NO. A 1640-307
(UNIFORMS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1640-416 (Laundry Supply Services) and increase Appropriation Account A 1640-307 (Uniforms) by \$205.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (931-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1621-311
(WAREHOUSE GASOLINE) AND
INCREASING APPROPRIATION
ACCOUNT NO. A 7620-409
(ADULT ACTIVITIES - FEES
FOR SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1621-311 (Warehouse Gasoline) by \$1,580.00 and to increase Appropriation Account No. A 7620-409 (Adult Activities - Fees for Services) by \$1,580.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (932-1987)

DECREASING APPROPRIATION
ACCOUNT NO. A 1420-409 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1420-114 AND
APPROPRIATION ACCOUNT NO. A
1420-199

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1420-409 and increase Appropriation Account No. A 1420-114 by \$1,000.00 and Appropriation Account No. A 1420-199 by \$170.46.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (933-1987)

AUTHORIZING ATTENDANCE AT
SEMINAR ON ASSESSMENT
ADMINISTRATION (LONGO,
HEINISCH AND FLICK)

Co. Carey offered the following resolution:

RESOLVED, that Nicholas A. Longo, Assessor of the Town of Clarkstown, Frances M. Heinisch, Real Property Appraiser, and Joel Flick, Deputy Town Attorney are hereby authorized to attend the Seminar on Assessment Administration on October 21, 1987 in Albany, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against 1010-414.

Seconded by Co. Maloney

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RESOLUTION NO. (933-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (934-1987)

REFERRING PETITION FOR ZONE
CHANGE (LO TO CS) TO TOWN
AND COUNTY PLANNING BOARDS

RE (HEGARTY HOMES)

Co. Maloney offered the following resolution:

WHEREAS, HEGARTY HOMES, INC., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by petitioner, from an LO District to a CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 120, Block A, Lot(s) 28 and 31.01;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (935-1987)

SCHEDULING STUDENT
GOVERNMENT DAY - 10/28/87

Co. Maloney offered the following resolution:

RESOLVED, that Student Government Day is hereby scheduled for Wednesday, October 28, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (936-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #71-1987
(REPLACEMENT OF OVERHEAD
SPACE HEATERS AT CLARKSTOWN
HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #71-1987
REPLACEMENT OF OVERHEAD SPACE HEATERS
AT CLARKSTOWN HIGHWAY DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, October
9, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (937-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #72-1987
(COMPRESSED GASES)

Co. Maloney offered the following resolution:

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

BID #72-1987
COMPRESSED GASES

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (938-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #75-1987
(ELECTRONIC AIR PURIFIERS)

Co. Maloney offered the following resolution:

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

BID #75-1987
ELECTRONIC AIR PURIFIERS

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (939-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #73-1987 (CAR-
PETING FOR JUSTICE COURT)

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

BID #73-1987
CARPETING FOR JUSTICE COURT

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 October 26,
1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (940-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #74-1987 (WORK
CLOTHING)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (940-1987) Continued

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

BID #74-1987
WORK CLOTHING

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 November 2, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (941-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #76-1987
(CONSTRUCTION OF THE
PASCACK ROAD TUNNEL BYPASS)

Co. Maloney offered the following resolution:

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

BID #76-1987
CONSTRUCTION OF THE PASCACK ROAD
TUNNEL BYPASS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (942-1987)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES ALONG
ROCKLAND AVENUE, CONGERS
(BARNES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney, deed

Continued on Next Page

RESOLUTION NO. (942-1987) Continued

dated August 21, 1987, from Deborah Marie Spruill Barnes to the Town of Clarkstown required by the Planning Board of the Town of Clarkstown for road widening purposes along Rockland Avenue, Congers, New York, 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 Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (943-1987)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES ALONG
MOUNTAINVIEW AVENUE, VALLEY
COTTAGE (HERNANDEZ)

Co. Maloney offered the following resolution:

RESOLVED, that deed dated September 2, 1987, from JOSEPH A. HERNANDEZ and JOHANNA H. HERNANDEZ for road widening purposes along Mountainview Avenue, Valley Cottage, New York required in connection with ZBA Appeal No. 2053 and by the Planning Board of the Town of Clarkstown, is hereby accepted upon the recommendation of the Department of Environmental Control and the Town Attorney, and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (944-1987)

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

Co. Carey offered the following resolution:

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

PAMELA ANN SCAVERA,

Petitioner,

-against-

TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (944-1987) Continued

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (945-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL TWO (2) "NO PARKING" SIGNS (PRESBYTERIAN CHURCH, HIGHWAY AVENUE, CONGERS)

Co. Maloney offered the following resolution:

RESOLVED, Superintendent of Highways John O'Sullivan is hereby directed to install two (2) "NO PARKING" signs in front of the Presbyterian Church on Highway Avenue, Congers - placed on either side of sidewalks.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (946-1987)

AUTHORIZING PAYMENT TO HOWARD L. LAMPERT, P.E. FOR TRAFFIC STUDIES AT VARIOUS LOCATIONS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board entered into an agreement with Howard L. Lampert, P.E., Traffic Engineering Consultant, to provide a traffic study for each of the following:

- Timothy Court, West Nyack
- Fieldstone Court at Strawtown Road
- Cranford Drive, New City
- New Hempstead Road, Congers Road & Main Street, New City
- Old Kings Highway, Congers
- Middletown Road, Nanuet
- Depew Avenue, Central Nyack
- Ludvigh Road, Nanuet
- Little Tor Road at New Valley Road/Miliches Lane, New City
- Main Street at Bradlees Driveway, New City
- Pathmark Shopping Center Driveway, Nanuet
- Traffic signs in Congers (Eckhart)
- College Avenue and First Street, Nanuet
- Discussions with Patricia Betz, Highway Supt. & Crew
- Stop signs on various streets in Congers
- West Bruda Place, New City

Continued on Next Page

ABE667

RESOLUTION NO. (946-1987) Continued

Headwall on Old Phillips Hill Road, New City
Mountainview Avenue, West Nyack
Old Haverstraw Road, Congers
Lake Road and Old Lake Road, Congers
Leona Avenue, New City

RESOLVED, that payment be authorized in the sum of \$3,360.00 to Howard L. Lampert, P.E. for the above.

Seconded by Co. Smith

On roll call the vote was as follows:

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

Supervisor mentioned that in the UA Theatre Parking Lot, they have again permitted parking in the entire lot. The only time we cannot use it is in the summer time when they have matinees.

RESOLUTION NO. (947-1987)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO UPGRADE
EXISTING RAIL SOUTH OF 264
OLD HAVERSTRAW ROAD, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated September 14, 1987 has recommended traffic safety improvements for Old Haverstraw Road, Congers,

NOW, THEREFORE, be it

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

Upgrade existing guide rail just south of 264 Old Haverstraw Road, Congers to current NYS guide rail standards

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (948-1987)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO INSTALL TRAFFIC
SAFETY IMPROVEMENT SIGNS AT
VARIOUS LOCATIONS

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated September 14, 1987 has recommended traffic safety improvements for Leona Avenue/Milich's Lane, New City,

RESOLUTION NO. (948-1987) Continued

NOW, THEREFORE, be it

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

SIGNS

| <u>Location</u> | <u>Legend</u> | <u>NYS Sign #</u> |
|--------------------------------|------------------------|-------------------|
| WB W/O Route 304 | Weight Limit 4 Tons | R5-1C |
| WB 300 Ft. E/O Gandy Lane | Reverse Turn 15 MPH | W1-5C W9-1X |
| EB E/O Carolina Avenue | Reverse Turn 15 MPH | W1-5C W9-1X |
| WB W/O Carolina Avenue | Reverse Turn 15 MPH | W1-5C W9-1X |
| EB 500 Ft. E/O Carolina Avenue | Reverse Turn 15 MPH | W1-5C W9-1X |
| EB E/O Route 304 | Weight Limit 4 Tons | R5-1C |

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (949-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL TRAFFIC SAFETY IMPROVEMENT SIGNS AT LENOX AVENUE WITH INTERSECTION OF TREMONT AVENUE, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant, in a report dated September 9, 1987 has recommended traffic safety improvements for Lenox Avenue, Congers,

NOW, THEREFORE, be it

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

SIGNS

| <u>Location</u> | <u>Legend</u> | <u>NYS Sign #</u> |
|---|---------------|-------------------|
| SB Lenox Avenue at intersection Tremont Avenue, Congers | STOP | R1-1 |

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

ABE667

RESOLUTION NO. (949-1987) Continued

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

RESOLUTION NO. (950-1987)

SUPPORTING RECOMMENDATION
OF HOWARD L. LAMPERT FOR
IMPROVEMENTS FOR GREENBUSH
HUB SHOPPING CENTER (BRIDON
REALTY CORP.) - ROUTE 59
AND OLD NYACK TURNPIKE

Co. Maloney offered the following resolution:

WHEREAS, Bridon Realty, owner of the Hub Shopping Center has submitted plans to the Town of Clarkstown to indicate a proposed deceleration and left storage lane for the Greenbush Hub Shopping Center, as shown on plan entitled Hub Shopping Center, Bridon Realty Corp., Proposed Plan Location and Elevation, New York State Highway Route 59 and Old Nyack Turnpike, dated April 3, 1987, and

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant for the Town of Clarkstown, has reviewed said plans, and has made several recommendations in addition to what is proposed on the plan, as in letter to Supervisor Holbrook dated July 17, 1987, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the recommendations which are as follows:

1. Upon installation of the deceleration lane, the traffic signal shall be reconstructed, and shall include pedestrian buttons and a signal face for northbound pedestrians,
2. Curb and sidewalk shall be installed along the south side of Route 59,
3. If possible, a bus turnout to be constructed at the bus stop opposite the Hub Shopping Center.

All the above improvements to be installed by Bridon Realty, Corp., owner of the Greenbush Hub Shopping Center.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown supports the above recommendations of Howard Lampert, P.E., and recommends that copy of this Resolution be forwarded to New York State Department of Transportation for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (951-1987)

RESCHEDULING PUBLIC HEARING
FROM SEPTEMBER 29, 1987 TO
OCTOBER 20, 1987 WITH
RESPECT TO PROPOSED
SANITATION DISTRICT

Co. Maloney offered the following resolution:

WHEREAS, a proposed anticipated budget with respect to the proposed Sanitation District has not been finalized and the report required pursuant to Article 12A of the Town Law for the purposes of the public hearing scheduled to be heard on the 29th day of September, 1987, has been delayed;

NOW, THEREFORE, be it

RESOLVED, that the public hearing scheduled to be held on September 29, 1987 shall be changed to October 20, 1987 at 8:05 P.M., in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby requested to provide the general map, plan and report describing the proposal on or before September 30, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (952-1987)

AUTHORIZING TOWN ATTORNEY
TO OBTAIN APPRAISAL
SERVICES RE TUNNEL BYPASS
PROJECT, SPRING VALLEY -
CHARGE TO ACCOUNT NO. A
1420-409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a qualified appraiser, including expert testimony, to provide such services for the Town of Clarkstown with respect to the properties designated on the Clarkstown Tax Map as Map 164, Block A, Lots 27, 28, 32 and 34.1, which are located in the vicinity of the tunnel-by pass project, Spring Valley, New York, and which shall be swapped by the respective owners to facilitate completion of said construction project, and be it

FURTHER RESOLVED, that the fees for such appraisal services shall not exceed \$4,500.00 and shall be charged to Account No. A-1420-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (953-1987)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO PREPARE BID SPECIFICATIONS FOR PURCHASE OF SPECIALIZED VEHICLES FOR PICKUP OF RECYCLABLE MATERIALS

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown is planning for the establishment of a Refuse and Garbage District which will implement a program of source separation of solid waste to remove recyclable materials from the waste stream, and

WHEREAS, the Town Board wishes to solicit bids towards the possible purchase of specialized vehicles to be used for pickup of recyclable materials;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control and the Director of Purchasing is hereby authorized and directed to prepare bid specifications to solicit bids for the purchase of five or six specialized vehicles designed for the operation by one person to be used for the pickup of recyclable materials in the event a recycling program is implemented by the Town Board.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (954-1987)

SETTING PUBLIC HEARING ON PRELIMINARY BUDGET FOR 1988

Co. Maloney offered the following resolution:

RESOLVED, that the tentative budget on file in the Town Clerk's Office and presented to the Town Board this day, shall be considered the preliminary budget for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 100 copies of same for public distribution pursuant to Town Law Section 106, and be it

FURTHER RESOLVED, that the public hearing to be held on the preliminary budget shall be Thursday, October 15, 1987 at 8:00 P.M., in the Town Hall Auditorium, 10 Maple Avenue, New City, New York.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (955-1987)

AMENDING BONDING RESOLUTION
NO. 1252-86 RE:
CONSTRUCTION OF ROAD
IMPROVEMENTS (NORTH
FAIRVIEW AVENUE)

Co. Maloney offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED SEPTEMBER 22, 1987,
AMENDING THE RESOLUTION ADOPTED
DECEMBER 18, 1986

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the improvement of a portion of North Fairview Avenue, at the estimated maximum cost of \$100,000 pursuant to the resolution adopted by said Town Board on December 18, 1986 and hereinafter referred to, and it now has been determined that subdivision 10 of Section 200 of the Town Law requires that said resolution be subject to permissive referendum and it is therefor necessary to submit said resolution to a permissive referendum;

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK AS FOLLOWS:

Section A. Resolution No. 1252-1986 of said Town duly adopted by the Town Board on December 18, 1986, entitled:

"Resolution authorizing construction of road improvements,"

is hereby amended to read as follows:

RESOLUTION AUTHORIZING THE CONSTRUCTION
OF ROAD IMPROVEMENT

Recitals

WHEREAS, by resolution adopted February 11, 1986 on Motion of the Town Board of the Town of Clarkstown, the Director of Environmental Control was authorized to prepare plans and specifications and to make an estimate of expenses to establish a road improvement district for premises fronting on North Fairview Avenue, Nanuet, New York, for a frontage distance of approximately 1,043 ft., as indicated on the attached Schedule "A," and

WHEREAS, by report dated September 4, 1986, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project and detailed drawings depicting same, and

WHEREAS, by resolution adopted on September 23, 1986, the Town Board ordered that a public hearing be held on the 25th day of November, 1986, at 8:05 P.M., to consider the creation of such road improvement district, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning same, and

Continued on Next Page

ABE667

RESOLUTION NO. (955-1987) Continued

WHEREAS, the maximum amount proposed to be expended for the improvement as described in the estimate and plan of the Director of Environmental Control is \$100,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines from the evidence offered at the public hearing and all documents made part of the record that it is in the public interest to make the said improvement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby authorize and approve the improvement of a portion of North Fairview Avenue, for a frontage distance of approximately 1,043 feet, as indicated on the attached Schedule "A," and be it

FURTHER RESOLVED, that the maximum amount to be expended for the said improvement is One Hundred Thousand (\$100,000.00) Dollars, and be it

FURTHER RESOLVED, that the Director of Environmental Control shall survey, or cause to be surveyed, the above described portion of North Fairview Avenue, Nanuet, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed, after completion of the survey work described herein, to prepare definite plans and specifications, and with the assistance of the Town Attorney, to prepare a proposed contract for bidding pursuant to General Municipal Law, or in the alternative prepare the project plans for completion by the Department of Highway personnel, and thereafter to oversee the work required for such improvement, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized and directed to apportion the cost of the project for assessment against the benefited parcels using a per front foot formula so that all parcels having frontage on both North Fairview Avenue and any other Town road shall contribute forty (40%) percent of the total cost of said project divided by the number of total feet which fronts on North Fairview Avenue and the balance of the project cost (sixty (60%) percent) shall be apportioned by a front footage formula among those properties which have frontage only on North Fairview Avenue, and be it

FURTHER RESOLVED, that this resolution, as amended, is subject to permissive referendum.

Section B. The Town Clerk of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 22, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the resolution adopted by said Town Board on December 18, 1986 which resolution, as amended, is entitled:

Continued on Next Page

RESOLUTION NO. (955-1987) Continued

"Resolution authorizing construction of road improvements,"

an abstract of which resolution, as amended, concisely stating the purpose and effect thereof, is as follows:

FIRST: RECITING that by resolution adopted February 11, 1986 on Motion of the Town Board of the Town of Clarkstown, the Director of Environmental Control was authorized to prepare plans and specifications and to make an estimate of expenses to establish a road improvement district for premises fronting on North Fairview Avenue, Nanuet, New York, for a frontage distance of approximately 1,043.00 ft.; and that by report dated September 4, 1986, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project and detailed drawings depicting same;

SECOND: RECITING that by resolution adopted on September 23, 1986, the Town Board ordered that a public hearing be held on the 25th day of November, 1986, at 8:05 P.M., to consider the creation of such road improvement district; that copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning same; and that the maximum amount proposed to be expended for the improvement as described in the estimate and plan of the Director of Environmental Control is \$100,000.00;

THIRD: DETERMINING that from the evidence offered at the public hearing and all documents made part of the record it is in the public interest to make the said improvement;

FOURTH: AUTHORIZING and APPROVING the improvement of a portion of North Fairview Avenue, for a frontage distance of approximately 1,043 feet;

FIFTH: STATING that the maximum amount to be expended for the said improvement is One Hundred Thousand (\$100,000.00) Dollars;

SIXTH: DIRECTING the Director of Environmental Control to survey, or cause to be surveyed, the above described portion of North Fairview Avenue, Nanuet, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clerk of the Town of Clarkstown; and AUTHORIZING and DIRECTING the Director of Environmental Control to prepare definite plans and specifications, and with the assistance of the Town Attorney, to prepare a proposed contract for bidding pursuant to General Municipal Law, or in the alternative prepare the project plans for completion by the Department of Highway personnel, and thereafter to oversee the work required for such improvement;

SEVENTH: AUTHORIZING and DIRECTING the Director of Environmental Control to apportion the cost of the project for assessment against the benefited parcels using a per front foot formula so that all parcels having frontage on both North Fairview Avenue and any other Town road shall contribute forty (40%) percent of the total cost of said project divided by the number of total feet which fronts on North Fairview Avenue; and STATING that the balance of said project cost (sixty (60%) percent) shall be apportioned by a front footage formula among those properties which have frontage only on North Fairview Avenue;

EIGHTH: DETERMINING that the resolution as amended is subject to permissive referendum.

Continued on Next Page

ABE667

RESOLUTION NO. (955-1987) Continued

Seconded by Co. Carey

The vote on roll call, resulted as follows:

AYES: Supervisor Holbrook, Councilman Carey,
Councilman Maloney, Councilwoman Smith

NOES:

The resolution was declared adopted.

RESOLUTION NO. (956-1987)

AUTHORIZING SUPERVISOR TO
EXECUTE AGREEMENT RE WATER
SERVICE CHARGES - JOHN
BOUZOUÇOS (MOUNT VERNON
MANOR HOMEOWNERS
ASSOCIATION)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with John Bouzoucos in the form of a Declaration and Covenant which shall run with the land, as approved by the Town Attorney, whereby John Bouzoucos, or his successor(s) in interest, including a Homeowners Association, shall pay the water service charges of Spring Valley Water Company, Inc., rendered yearly to the Town of Clarkstown on a per hydrant basis installed on premises described in Schedule "A" attached, in connection with the dwelling units to be located on such property presently owned by John Bouzoucos, in the Hamlet of New City, also designated on the Clarkstown Tax Map as Map 59, Block A, Lot 10+, and the Comptroller is hereby authorized and directed pursuant to such agreement to provide periodic statements to Mt. Vernon Manor Development Corp., or the future owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that should the property be subdivided or redesignated into different tax parcels, the amounts to be billed shall be prorated against the several tax parcels in accordance with the then applicable assessment values.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (957-1987)

CANCELLING LIS PENDENS -
MAP 137, BLOCK A, LOT 11
(KARTEN)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice Pursuant to Town Code, Chapter 31, dated March 24, 1987, for premises designated on the Clarkstown Tax Map as MAP 137, BLOCK A, LOT 11 has been corrected;

Continued on Next Page

RESOLUTION NO. (957-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on May 27, 1987, upon the payment of the sum of \$2,325.61 to reimburse the Town for the cost of the proceedings, including the Index Number, filing of Lis Pendens, Architect's Report, mailings, records search, photographs, stenographic services, attorney's time and all other expenses.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (958-1987)

ACCEPTING EASEMENTS FROM
JODI-LYNN WASH-O-MATIC,
INC., DAVID RILEY
CONSTRUCTION LTD., AND
WAYNE KLINGMAN AND DELL
PARK HOMES, INC.

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, and the Town Attorney of the Town of Clarkstown, the following documents conveying sanitary sewer easements and drainage easement as shown on Final Plat of "David Riley" filed in the Rockland County Clerk's Office on July 16, 1984, in Book 102 at Page 15 as Map No. 5633, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording:

Deed dated August 31, 1985, from Jodi-Lynn Wash-O-Matic, Inc to the Town of Clarkstown;

Grant of Easement dated June 1, 1984, from David Riley Construction, Ltd. to the Town of Clarkstown;

Deed dated June 22, 1987, from Wayne J. Klingman and Thera H. Klingman and Dell Park Homes, Inc. to the Town of Clarkstown;

and be it

FURTHER RESOLVED, that the agreement guaranteeing the improvements for a period of one (1) year, with security posted by the developer in the amount of \$2,620.00 is hereby accepted, and be it

FURTHER RESOLVED, that the written guarantee with security posted by the developer in the sum of \$12,000 for the completion of certain items is hereby accepted.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (959-1987)

AWARDING BID FOR BID
#70-1987 - REPLACEMENT
PARTS FOR HYDRAULIC CLAW
(TRIOUS INC.)

Co. Maloney offered the following resolution:

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

BID #70-1987
REPLACEMENT PARTS FOR HYDRAULIC CLAW

is hereby awarded to:

TRIOUS INC.
369 DUFFY AVENUE
HICKSVILLE, NY 11801

as per their proposal of \$4,273.22 each for left and/or right side
blade units including cylinders and hinges.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (960-1987)

AWARDING BID FOR BID
#67-1987 - OFFICE FURNITURE
(SPECTRA ASSOCS., PRIDE
OFFICE FURNITURE AND IRWIN
KAHN ASSOC.)

Co. Maloney offered the following resolution:

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

BID #67-1987
OFFICE FURNITURE

is hereby awarded to

SPECTRA ASSOCS.
BOX 333
22 CENTER LANE
DELMAR, NY 12054

PRIDE OFFICE FURNITURE
49 SOUTH MAIN STREET
SPRING VALLEY, N.Y. 10977

IRWIN KAHN ASSOC.
10 ESQUIRE ROAD
NEW CITY, N.Y. 10956

as per attached schedule of prices.

(Schedule of Prices on file in Town Clerk's Office)

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (960-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (961-1987)

AWARDING BID FOR BID
#66-1987 - ATHLETIC FIELD
CONDITIONER (WILFRED MAC
DONALD)

Co. Maloney offered the following resolution:

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

BID #66-1987
ATHLETIC FIELD CONDITIONER

is hereby awarded to:

WILFRED MAC DONALD, INC.
340 MAIN AVENUE
CLIFTON, N.J. 07014

for one (1) Smithco Super Rake Model 16 Athletic Field Conditioner
as per their low bid proposal of \$7,750.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (962-1987)

AUTHORIZING HIGHWAY
DEPARTMENT TO REPAIR
POTHoles ON MEDWAY AVENUE,
CONGERS AND EAST EVERGREEN
AVENUE, NEW CITY

Co. Maloney offered the following resolution:

RESOLVED, the Highway Department is hereby authorized to
repair potholes on Medway Avenue, Congers and East Evergreen Avenue
in New City.

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (964-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (965-1987)

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

Co. Maloney offered the following resolution:

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

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

Tall Timbers, New City
 Install: (2) - 5800 lumens sodium vapor street
 lights on (2) laminated wood poles
 Increase to the Town: \$230.16 plus e.f.c.
 (\$115.08 per unit x 2 units = \$230.16).

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (966-1987)

AUTHORIZING ATTENDANCE AT
WORKSHOP ENTITLED TORT
LIABILITY AND RISK
MANAGEMENT (O'SULLIVAN,
BURGIO, DRESCHER AND
ROTHERMEL) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that John O'Sullivan, Superintendent of Highways, Charles T. Burgio, Deputy Superintendent, George C. Drescher, Deputy Superintendent and Harriet Rothermel, Service Dispatcher, are hereby authorized to attend a workshop entitled Tort Liability and Risk Management, sponsored by Cornell Local Roads Program, to be held October 22, or November 4, 1987, and be it

FURTHER RESOLVED, that all proper charges be charged to Account A 1010-414.

Seconded by Co. Maloney

Continued on Next Page

ABE667

RESOLUTION NO. (966-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (967-1987)

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 cover the cost of quantities actually used since this was a unit price bid and also for extras requiring 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 cost not to exceed \$25,000.00, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (968-1987)

AUTHORIZING CORRECTIVE
DRAINAGE WORK VICINITY FOX
LANE, WEST NYACK (LOT
71-D-1.15)

Co. Maloney offered the following resolution:

WHEREAS, an adverse drainage condition exists within a drainage easement on Lot 71-D-1.15, Fox Lane, West Nyack, New York, and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate said condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control be authorized to have performed corrective drainage work in the vicinity of Fox Lane, West Nyack, New York, and be it

Continued on Next Page

RESOLUTION NO. (968-1987) Continued

FURTHER RESOLVED, that the Superintendent of Highways will perform all necessary clearing and final restoration to the easement on Lot 71-D-1.15, and be it

FURTHER RESOLVED, that the sum of said improvement will not exceed \$2,500.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (969-1987)

ACCEPTING RESIGNATION OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (LEO LEWIS)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Leo Lewis, 15 Post Road, Sloatsburg, New York, part-time Bus Driver, Mini Trans Department - is hereby accepted - effective and retroactive to September 11, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO (970-1987)

TRANSFERRING POSITION OF
PART-TIME BUS DRIVER TO
FULL-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (THOMAS J.
MITCHELL)

Co. Maloney offered the following resolution:

RESOLVED, that Thomas J. Mitchell, 16 Ridge Street, Pearl River, New York is hereby transferred from the position of part-time Bus Driver to the position of full-time Bus Driver - Mini Trans - at the current 1987 annual salary of \$17,424.00, effective and retroactive to September 21, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (971-1987)

APPOINTING TO POSITION OF
COURT ATTENDANT - TOWN
JUSTICE DEPARTMENT (CECIL
RUIZ)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #87103 Court Attendant which
contains the name of Cecil Ruiz,

NOW, THEREFORE, be it

RESOLVED, that Cecil Ruiz, 19 Windmill Lane, New City,
New York, is hereby appointed to the position of Court Attendant -
Town Justice Department - at the current annual salary of
\$12,671.00, effective and retroactive to September 21, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (972-1987)

APPOINTING TO POSITION OF
TYPIST - TOWN JUSTICE
DEPARTMENT (SHELIA D.
FERGUS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Typist #cr-1 87-60, which
contains the name of Shelia D. Fergus,

NOW, THEREFORE, be it

RESOLVED, that Shelia D. Fergus, 27 Westview Avenue,
Congers, New York, is hereby appointed to the position Typist - Town
Justice Department - at the current 1987 annual salary of
\$13,218.00, effective September 28, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (973-1987)

TRANSFERRING POSITION OF
TYPIST - BUILDING
DEPARTMENT AND REASSIGNING
TO POSITION OF TYPIST -
TOWN JUSTICE DEPARTMENT
(DOLORES PIPER)

Co. Maloney offered the following resolution:

RESOLVED, that Dolores Piper, 24 Floral Court, Nanuet,
New York, is hereby transferred from the position of Typist -

RESOLUTION NO. (973-1987) Continued

Building Department - and reassigned to the position of Typist -
Town Justice Department - effective and retroactive to September 21,
1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (974-1987)

APPOINTING TO POSITION
(TEMPORARY) TYPIST -
BUILDING DEPARTMENT
(GERTRUDE BASLOW)

Co. Maloney offered the following resolution:

RESOLVED, that Gertrude Baslow, 6 Woodland Road, New
City, New York is hereby appointed to the position of (temporary)
Typist - Building Department - at the current 1987 annual salary of
\$13,218.00, effective and retroactive to September 17, 1987 - for a
period not to exceed 30 days.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (975-1987)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (ELIZABETH
KRASINSKI)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Elizabeth Krasinski,
39 Brookside Avenue, Valley Cottage, New York, Crossing Guard -
Police Department - is hereby accepted - effective and retroactive
to August 28, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (976-1987)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (TRUDY TSCHANTRE)

Co. Maloney offered the following resolution:

Continued on Next Page

ABE667

RESOLUTION NO. (976-1987) Continued

RESOLVED, that the resignation of Trudy Tschantre, 20 Gregory Street, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 25, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (977-1987)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (MARGIE MOLONEY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Margie Moloney, 40 Kenwood Lane, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 28, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (978-1987)

APPOINTING CROSSING GUARD -
POLICE DEPARTMENT (BARBARA
GALVIN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Barbara Galvin, 38 Deerfield Drive, New City, New York, as Crossing Guard - Police Department - at the rate of \$7.35 - per crossing - effective and retroactive to September 9, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (979-1987)

APPOINTING CROSSING GUARD -
POLICE DEPARTMENT (MADELINE
DAWN HULL)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (979-1987) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Madeline Dawn Hull, 542 D Branchville Road, Valley Cottage, New York, as Crossing Guard - Police Department - at the rate of \$7.35 per crossing - effective and retroactive to September 9, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (980-1987)

APPOINTING CROSSING GUARD -
POLICE DEPARTMENT (CAROL
MURPHY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Carol Murphy, 15 Hereford Lane, New City, New York, as Crossing Guard - Police Department - at the rate of \$7.35 per crossing - effective and retroactive to September 9, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (981-1987)

APPOINTING CROSSING GUARD -
POLICE DEPARTMENT (DIANE
MARIE GELBMAN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Diane Marie Gelbman, 160 North Main Street, New City, New York, as Crossing Guard - Police Department - at the rate of \$7.35 per crossing - effective and retroactive to September 9, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTIONA NO. (982-1987)

CREATING POSITION OF
CROSSING GUARD - POLICE
DEPARTMENT

Continued on Next Page

ABE667

RESOLUTION NO. (982-1987) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 3, 1987 that the position of Crossing Guard, can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Crossing Guard - Police Department - is hereby created - effective and retroactive to September 8, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (983-1987)

APPOINTING TO POSITION OF
TYPIST (PART-TIME) -
HIGHWAY DEPARTMENT
(MADELINE WEIGOLD)

Co. Maloney offered the following resolution:

RESOLVED, that Madeline Weigold, 7 Aspen Lane, New City, New York, is hereby appointed to the position of Typist (part-time) - Highway Department - at the 1987 hourly rate of \$6.00, effective and retroactive to September 14, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (984-1987)

APPOINTING TO POSITION OF
CONTINGENT-PERMANENT CLERK
- ASSESSOR'S OFFICE (ELSIE
COYNE)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk #87128 which contains the name of Elsie Coyne,

NOW, THEREFORE, be it

RESOLVED, that Elsie Coyne, 17 Woodridge Drive, Garnerville, New York is hereby appointed to the position of contingent-permanent Clerk - Assessor's Office - at the current 1987 annual salary of \$13,218.00, effective September 28, 1987.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (984-1987) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (985-1987)

GRANTING SICK LEAVE AT
ONE-HALF PAY TO STOREKEEPER
- PARKS BOARD AND
RECREATION COMMISSION
(FRANK VOCE)

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with ARTICLE XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Frank Voce, 33 Parkside Drive, Congers, New York - Storekeeper - Parks Board and Recreation Commission - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to September 18, 1987 for a period not to exceed one (1) Month/

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (986-1987)

AUTHORIZING DISPOSAL OF
TIRES AT SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Director of the Department of Environmental Control has recommended that the tires accumulated at the Sanitary Landfill be disposed of at the Connecticut Tire Recycling Plant in Bloomfield, Connecticut; and

WHEREAS, it was also recommended that these tires be transported in roll-off containers utilizing the Highway Department truck;

NOW, THEREFORE, be it

RESOLVED, that the Highway Department is directed to assist in disposal of these tires by providing the truck and driver to transport the roll-offs to the Connecticut Tire Recycling Plant when requested by the Department of Environmental Control.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABE667

RESOLUTION NO. (987-1987)

AUTHORIZING EXTENSION OF
TIME BY WHICH THE ROCKLAND
COUNTY PLANNING BOARD MUST
RESPOND TO REFERRAL ON ZONE
CHANGE (PARKER-NANUET
ASSOC.)

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 868-1987, adopted on 8th day of September, 1987, is hereby amended to extend the Rockland County Planning Board's time to respond to the referral made to it on July 28, 1987, to be coextensive with the extension of time granted to the Clarkstown Planning Board.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

There was some discussion among Town Board Members regarding Scandorra and Supervisor said that should be settled by next spring.

Councilwoman Smith asked a question regarding the watershed in Valley Cottage and asked if it was just signatures that was holding it up. Mr. Bollman said they had just today received a refusal to sign from Riley. Supervisor asked Mr. Bollman if he would approach them again.

Supervisor asked Town Attorney the status re Clinton Square in terms of selection of a person to review and Town Attorney said the resolution adopted by the Town Board reserved to itself the right to select consultants to do the review work of the DEIS. That is consistent with authority in SEQRA regulations. Now the Board has got to select someone. Town Attorney then said that the Director of Environmental Control would send out the EAF form to all the interested agencies. That will start a thirty (30) day clock running. After that there will probably be no objection to the Town Board being lead agency. At that point it will be up to the Town Board to schedule some form of scoping session or to provide some scoping information. Town Attorney said the person you chose would be the appropriate person to do that.

Supervisor asked how much time they had to choose a consultant and Town Attorney said a week, ten days, two weeks? Councilman Maloney said he has a memo which says September 26th and questioned that deadline. Mr. Bollman said by next workshop everyone should have somewhat of a feeling as to what they think are the important issues. He said to pick a consultant you have to have some idea as to what he is an expert in.

Town Attorney said the September 26th date is mentioned in Mr. Tracy's letter and he is assuming that certain things have been done that have not yet been done. The Town is a little behind in its responsibility for sending out the EAF. He said the timeframe that he is talking about starts to run when the EAF is done. Mr. Bollman said he received that today and it is being reviewed. Mr. Bollman said you might want to hire several consultants rather than just one to answer all your questions. Town Attorney said that would be permissible.

Town Attorney said they had also discussed at workshop about asking the proponent of this zone change to deposit with the

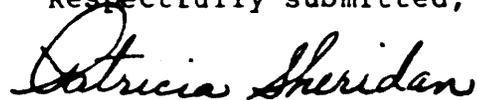
Continued on Next Page

Town a sum of money out of which the consultant or consultants would be paid for their review work as it progresses. There was no objection to that either. Supervisor asked Town Attorney to prepare a resolution for that for presentation at the next meeting. Town Attorney requested that the Board members let him know some names they are considering.

Mr. Bollman said that if you are requesting studies which have been done before that you must be careful not to pick a consultant who has already worked for Clinton Square. Supervisor requested that Mr. Bollman and Bob Geneslaw get together and come up with a few names.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 10:10 P.M

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABE667

TOWN OF CLARKSTOWN
PUBLIC HEARING

99

Town Hall

9/22/87

8:19 P.M.

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

RE: CONDEMNATION OF PROPERTY (0.225 ACRES) -
(MAP 105, BLOCK A, LOT 2.01) - ST. THOMAS LUTHERAN
CHURCH)

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling public hearing and Town Attorney testified as to proper posting and publication stating that the notice thereof was published in the Rockland Journal News on September 8th, 9th, 10th and 11th, 1987 in accordance with the Eminent Domain Procedure Law.

Town Attorney went on to state that the proposed condemnee is the St. Thomas Luthern Church property and Mr. Patrick J. Finnegan of 15 Virginia Avenue, West Nyack, New York has indicated that he is representing them. Town Attorney stated that he has also been informed that the property owner has agreed to convey the easement to the Town and Mr. Suttie, who is our consulting engineer, has the details for the Town Board with respect to this. This easement is necessary for the installation of a sewer line.

Mr. Suttie said he and Mr. Les Bollman, Director of Environmental Control for the Town of Clarkstown, met with the members of the Church and the minister the other evening and went over the alternate route to lay the pipeline and arrived at a decision with them, that through the parking lot of their church area would be the most acceptable way for both them and the Town. They have to propose this to the congregation as a whole and they are arranging to do that at their next meeting which is later on after our meeting tonight.

Supervisor said then we should recess this public hearing. On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared recessed until October 13, 1987 at 8:22 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

Public Hearing Recessed until 10/13/87 at 8:02 P.M.

ABE667

TOWN OF CLARKSTOWN
PUBLIC HEARING

101

Town Hall

9/22/87

8:22 P.M.

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

RE: CONDEMNATION OF PROPERTY - TED ROB REALTY CORP. -
MAP 105, BLOCK A, LOT 26.02

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Town Attorney testified as to proper posting. He stated he had not yet received the affidavit of publication from the Journal News but had reason to believe it was published in the Journal News on September 7th, 8th, 9th, 10th and 11th as required by the Eminent Domain Procedure Law.

Town Attorney stated that this particular proceeding refers to property reputedly owned by the Ted Rob Realty Company. They have been notified by certified mail, return receipt requested, of the notice of public hearing. We have not had any contact with the reputed property owner. He said it was necessary for purposes of this public hearing to establish a record as to why this property is needed for the construction of the sewer line project underway. He called upon Mr. Suttie to provide the information.

Appearance: Mr. George Suttie
Consulting Engineer to the Town

Mr. Suttie said he is consultant to the town on the Route 303 Sewer Project. Town Attorney said that Mr. Suttie's firm had recommended that certain property reputedly owned by the Ted Robb Realty Corporation on Map 105, Block A, Lot 26.02 be condemned for purposes of an easement for the installation of the sewer line and temporary taking during the construction.

Mr. Suttie said there are lots on the road to the east of Route 303 that are not hooked up to the sewer line now. They are in a low area. A stream passes from that road, which is Greenbush Road, to the west and out to Route 303. They want to extend a line from Route 303 back along that stream to Greenbush Road to provide service to those houses. This is the only way that gravity service could be provided to these homes.

Town Attorney asked how long this project had been under way? Mr. Suttie said about six or eight months and the plans are complete and ready to go to bid. Town Attorney asked if there were any alternative routes that could be taken and if so, are any of them preferable to the one recommended by Mr. Suttie? Mr. Suttie said any alternative route would mean a much longer length and run of pipe to be able to get to these houses to serve them. We would be going through higher ground at a deeper cut which would be much more expensive.

Town Attorney asked what type of effect this project would have on the environment? Mr. Suttie stated that all of the homes and commercial establishments in the area are now working on individual septic tanks. The area is a wet area with high ground water. The septic tanks there do not work. The development in the area that has been planned has not been able to proceed because of the limits of the ground being able to take this into it. By placing these sewer lines you remove this waste from entering the earth and make it more habitable and healthy for the people in the area.

Town Attorney asked if this project was connected to the operation of the Sanitary Landfill and the Leachate Collection

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System. Mr. Suttie said the sewer lines that they will be putting in will be emptying into a pump station located across Route 303 at the Landfill which will be used to take some of the leachate waste from the landfill and also pump that to Rockland County Sewer District No. 1. Town Attorney asked if that was required as part of the terms of a consent order with the State Department of Environmental Conservation or at least the treatment of the leachate is required and this is the method selected? Mr. Suttie said the handling and treatment of the leachate is a requirement of the State and we would not be able to continue to operate without this.

Supervisor asked if there was any Board member wishing to ask a question? No one did.

Supervisor asked if there was any member of the public who would like to ask a question or make a comment? No one appeared.

Town Attorney asked Mr. Suttie if he had had any contact with the property owner in requesting voluntary cooperation or assistance on this project? Mr. Suttie said only during the period when the design was proceeding. He stated that they had met with him then and indicated where the line would be passing his property in the front of his land indicating that we would be considering taking an easement to go through his lot. At that time he was receptive to the idea but that was before any approach was made by the Town.

Town Attorney asked if this easement would interfere with any installation other than pavement or macadam? Mr. Suttie said that was all that would be going through.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 8:30 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (919-1987 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

103

Town Hall

9/22/87

8:30 P.M.

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

RE: ZONE CHANGE - RS to MF-3 (NARLAN DEVELOPMENT CORP.)

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

Town Attorney stated that he did not have the affidavit of publication from the Journal News but had reason to believe that it was published in the Journal News as required by law on September 10, 1987. He said the Town Attorney's file contains three pieces of correspondence with respect to this proposed zone change. He read as follows:

(Letterhead of the Rockland County Department of Planning)

August 21, 1987

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

Re: Narlan Development Corp. - Zone Change
from RS to MF-3, Congers, New York

Referral concerning the subject property requesting a zone change from RS to MF-3 was reviewed and the Rockland County Department of Planning recommends disapproval for reasons indicated below:.."

Town Attorney stated there was nothing indicated below but that there is an attachment which reads "This department disapproved a similar zone change request (Rockapple Realty/Gillespie) for the adjacent parcel to the east of the subject property. See findings enclosed. Our previous findings for the adjacent parcel are still valid for the subject request. Hence, we disapprove the MF-3 request as excessive and potentially adverse to the State Parks but would find the MF-1 density acceptable."

Town Attorney noted that the attachment is the face sheet on the prior referral dealing with the earlier zone change referred to as Rockapple Realty.

Town Attorney then read:

(Letterhead of Town of Clarkstown Planning Board)

"August 31, 1987

The Clarkstown Town Board has determined that it is lead agency for the proposed zone change identified above. As directed by the Town Board we are coordinating the review of this application under the provisions of the State Environmental Quality Review Act (SEQR).

We have reviewed the Environmental Assessment Form (EAF) Part I and prepared Part II, copies of which are attached, and we are distributing same to the agencies copied below, with a request that any response be provided within 20 calendar days of receipt of this letter.

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Within 20 calendar days of receipt of all information the lead agency, the Town Board, shall determine the significance of the action. The public hearing on the zone change cannot be made until, at least, the significance of the action is determined.

Note that the proposed action is a zone change, which itself causes no environmental impacts. The EAF part II was prepared on the basis of presumed impacts resulting from development pursuant to the rezoning.

/s/ Robert Geneslaw"

Town Attorney said the EAF indicates in its conclusion that there would be environmental impacts in three areas: one, dealing with the movement of people in and about the area; two, the possible conflict with officially adopted plans or goals; and three, causing a change of density in land uses. It is the conclusion of the preparer of this document that those factors could be mitigated by setting conditions, therefore setting the stage for a conditional negative declaration.

Town Attorney then read:

(Letterhead of Town of Clarkstown Planning Board)

"September 21, 1987

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

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST RS
TO MF-3, NARLAN DEVELOPMENT CORP., 141A6.07,
13, 14, 15 & 16.01 CONGERS.

Gentlemen:

The members reviewed the above referral at the Planning Board meeting of September 16, 1987."

Town Attorney stated that the Town Planning Board had referred to the Rockapple Realty zone change and went on to read:

"The Planning Board did not recommend in favor of the request for change of zone to MF-3 for the Rockapple parcel, and cannot support the request for change to MF-3 for this parcel. In light of the Town Board's action on Rockapple, the Planning Board does recommend a change to MF-1.

The Town's environmentally sensitive area maps indicate this area as a flood hazard area, and disturbance should be kept to a minimum. As pointed out by the applicant 50% of the land on parcel 6.08 is under water and only two acres of the four acres can be utilized for development purposes.

As indicated in the report from the Rockland County Sewer District the sewer lines were designed and sized according to existing zoning. Increases in zoning density would result in hydraulically overloading the system, using up the capacity allocated to other areas.

Once again the Planning Board must express concern of the possibility of a domino effect where granting of this request would encourage similar requests on properties to the north, south, and east.

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Very truly yours,

/s/ Rudolph J. Yacyshyn

Rudolph J. Yacyshyn,
Chairman

Supervisor called upon the applicant or representative to make a presentation.

Appearance: Jerome Johnson, Esq.
representing Narlan Development Corp.

Mr. Johnson said Narlan is contract purchaser of the property in question. This petition is presented in conjunction with consents of the owners of the property which consents are attached to our petition. He said the parcel consists of 4.079 acres and adjoins the Rockapple Realty Company parcel immediately to the east on which this Board previously granted a zone change but with a restrictive covenant to limit the number of units. This in effect made it approximately a 1.5 zone instead of the MF-3 which was requested there and is requested here.

Mr. Johnson said they are perfectly willing to execute a restrictive covenant to limit the number of units to 32 which would be developed in conjunction with the 22 units to the east because Narlan Development Company is also a contract purchaser of the Rockapple parcel.

Mr. Johnson said with respect to the SEQRA proceeding they did not receive the Part II form which was previously mentioned but since it did give a conditional recommendation for negative declaration we won't respond any further to it. He said he was sure whatever had to be done to mitigate it would be done. Mr. Johnson then referred to photographs presented to show what the property presently looks like which he described as being in a deplorable state.

Mr. Johnson said they have contracts to buy all of the property with the exception of one small piece which is on Dr. Davies Road. They are seeking to develop as a complete unit. He also presented a picture of what Narlan Development has just built (Bridgegate) at the intersection of Route 303 and Congers Road. He said they are most proud of that development and stated it should prove to be a tremendous boon to the community. Mr. Johnson then presented his witness:

Town Attorney then swore in the following witness:

Appearance: Mr. David Adams
Land Planner

Mr. Adams stated that he represented Affiliated Planning Services of Pomona. He said he has been a professional planner for 19 years. He said he is also a real estate appraiser and has been in Rockland County since 1972.

Mr. Adams said they had been asked to evaluate the present proposal and to look at its land use potential with regard to the policies which the Town has and with regard to its compatibility in the neighborhood. He said they had looked over the existing site. We have a 4 acre parcel that is proposed to be combined with a 3.1 acre parcel for a total 7.1 acre site. The applicant is proposing to develop 52 dwelling units on that site in a townhouse fee ownership type of development. Mr. Adams explained what could be built on the existing site. He mentioned the upgrading of the Route 9W area in Congers.

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At this point Councilman Carey asked Mr. Adams to repeat how many units they intended to build and Mr. Adams said 52. Mr. Johnson said the zone change on the adjoining piece to the east permitted no more than 22. However, with the plan that has been developed by Mr. Nardone we would only put 20 on that parcel and 32 on this making a total for the two parcels of 52. He said they would be willing to covenant that there would be 32 in this portion but the combined total would be 52.

Mr. Adams said Route 9W has uses that go back to when Route 9W was a major north/south corridor providing access to the so-called country. Recently there have been changes along Route 9W. Northgate Commons received a zone change recently from commercial zone to MF-1. The Bridgewater project was in a commercial zone and that received a zone change sometime ago to MF use. Rockapple was changed from RS to MF-3. A trend in the area has been created which is providing additional housing opportunities to people in the area and for the development of some quality fee ownership multi-family housing.

Mr. Adams presented a sketch of the proposed project. He said they are proposing to develop townhouse type units in 4 to 8 unit buildings of a victorian type mansion architecture which should be very pleasant. The overall density with the 52 units on the 7.1 acre site would be approximately 7.3 dwelling units per acre which is a little below the density of the MF-1 district. However, since a substantial portion of the project is within the 100 year flood plan area, 50% of that land can only be allocated toward developing the density of the project. In order to make the project feasible Mr. Adams stated that they need 52 units. He said if they were to develop this strictly under MF-1 they could only develop 37 units. If it were to be developed strictly under MF-3 they could develop 63 units. The applicant is looking for 52 units and creating an overall density which is still within the MF-1 density. As was stated the applicant will covenant that no more than 52 units would be created on the entire site.

Mr. Adams said, in his opinion as a professional planner, the proposed use is appropriate for that area with a frontage on Route 9W and frontage on Dr. Davies Road and provides adequate access and safe access. It is a good transition use between the R-40 land to the east and the parklands and the adjacent commercial uses. It is similar to other multi-family uses approved in the area such as the Northgate and Bridgewater projects and it will also help to upgrade the general area and have a positive effect on adjacent property values.

Mr. Adams said based on Bridgewater the tax revenues this project would generate would be approximately \$4,000.00 per unit. We are looking at in excess of \$200,000.00 in revenue.

Mr. Johnson asked Mr. Adams if he would say that this site has adequate community facilities to provide for the needs of future residents and that the health, safety, welfare and morals of the Town would not be adversely affected? Mr. Adams said he would agree with that. Mr. Johnson asked Mr. Adams if he would say that the MF-3 designation would permit a use much more in keeping with both the surrounding zoning and contiguous environment? Mr. Adams said that is correct.

Supervisor asked the Town Board members if they had any specific questions at this time?

Councilman Carey asked how many bedrooms would be available in these units? Mr. Adams said two bedroom units. Councilman Carey asked if they had figured out what sort of a yield there would be for the school district in terms of children? Mr. Adams said they have not analyzed that but they would probably use the same numbers which the Rockland County Planning Board puts forth.

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Town Attorney asked if there was any element in the proposed covenant that would limit the number of bedrooms or are you strictly talking units? Mr. Johnson said they are talking units but they would be receptive to limiting the number of bedrooms.

Supervisor asked if there was anyone from the public who would like to ask a question or make a comment?

Appearance: Mr. Steven J. Miller
52 Dr. Davies Road
Congers, New York

Mr. Miller stated that he also did business as Tree People from the same address. He said he had lived there for over eight years. He said he understood the importance of the clean-up and the improvement of the general area which has been sorely lacking for some time. He implored the Town Board to listen carefully to his background and his proposal for possible options regarding himself and his family.

He said his economic survival depends a great deal on what the Town Board decides and the timing of such decision. He gave his background. He said he enjoyed tree work and had been an apprentice to his father for many years and which is how he earned his way through school and is how he supports his family. Mr. Miller presented his proposal to the Board and read it to them. (This proposal is on file in the Town Clerk's Office.) He urged the Town Board to help him and his family and to protect them.

Councilman Carey asked Mr. Miller if there had been any dialogue between himself and Mr. Nardone? Mr. Miller said there has been dialogue but no contract. Councilman Carey asked Mr. Miller if he was asking the Town Board to be the intermediary in that respect? Mr. Miller said he was throwing the matter open and if such a thing could happen he would be very much in favor of it.

Mr. Johnson said Mr. Miller is an excellent woodman. Unfortunately the conversations had with Mr. Nardone did not work anything out as to the purchase of Mr. Miller's property. Mr. Johnson said there is no reason why Mr. Miller cannot continue to operate his business from where he is. Mr. Johnson presented a sketch showing Mr. Miller's property in relation to the proposed development and stated there is no intended development immediately adjoining his property.

The Town Board then referred to the sketch which Mr. Johnson presented. Mr. Johnson said if there was any continuing dialogue he would be happy to be part of it but from what he understands the original dialogue terminated because of an inability to reach an agreement.

Supervisor said it is the intention of the Town Board to reserve decision on this.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 9:01 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

109

Town Hall

9/22/87

9:02 P.M.

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

RE: Zone Change - R-22 to M District - Trap Rock Corp.

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

Supervisor said this particular zone change is proposed on a motion of the Town Board for consideration. He stated that he believed at the conclusion of the hearing, because of the SEQRA requirements, the Town Board will be unable to take any action. Therefore, the action of the Board this evening will be to reserve decision until SEQRA requirements are fulfilled.

Town Attorney said there has been over a fairly long period of time a dispute between the Town and the property owner as to the extent of the zoning permitting mining in the area. In the 1970's there was a proposal made by the predecessor in title to the present owner for the rezoning of certain property from an R-22 district to an M district. That zone change was not approved. Approximately a year or so ago it was determined that certain quarrying activities had occurred and it appeared to be over the line into what the Town believed to be an R-22 zone. This was confirmed by survey. Subsequent to that the Town Board has taken an action in requesting the property owner to cease and desist all quarrying in the area that is disputed as well as to restore the area as practicably as possible.

Subsequent to the request by the Town, the Town has entered into a dialogue with the property owner. There have been numerous meetings. Residents of the area have participated in some of these meetings and the discussions have led to a general understanding, but no agreement, that should the Town move on its own motion to rezone a portion of this property to M, the property owner would be willing, within certain reasonable limitations, to bind other property owned by it, to conservation or other restrictive covenant or easement and also to establish a protected area along the edge of the property as it travels along Casper Hill Road. Supervisor said and also down to Crusher Hill Road.

Town Attorney said the nature of tonight's public hearing is to explore the possibilities that are present. Town Attorney said, as noted, the SEQRA process is not yet completed. Supervisor said the action of the Town Board will be to reserve decision after we take the testimony of the public.

Town Attorney read the following correspondence:

(Letterhead of Town of Clarkstown Planning Board)

*September 21, 1987

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

TOWN BOARD REFERRAL: ZONE CHANGE
REQUEST, R-22 TO M FOR TRAP ROCK
107A17 & 18 VALLEY COTTAGE

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Gentlemen:

The Board reviewed the above referral at the Planning Board meeting of September 16, 1987.

Motion of Nest, second of Schweitzer, carried 6:0 with Ayes of Centra, Maraia, Paris and Yacyshun, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOAD: Upon examination of the zone change request from R-22 to M for a portion of Trap Rock parcels 107A17 & 18 in relation to the existing land uses, particularly the residential neighborhood, the environmental concerns due to noise and dust pollution, the Planning Board recommends that the petition be granted conditioned upon the following:

1. Preservation of a 100 ft. natural buffer along the entire frontage of Casper Hill Road and Crusher Road, such buffer to be placed in a conservation easement to be provided in a form satisfactory to the Town Attorney,
2. Blasting to be in accordance with the Town's Local Law for Quarrying and Blasting,
3. Provision of a detailed re-use or rehabilitation program binding upon the land,
4. Dense evergreen screening to be provided in accordance with recommendations submitted by Ira Wickes, Arborist, such to act as baffles to entrap dust and muffle noise.

Very truly yours,

/s/ Rudolph J. Yacyshyn,
Chairman*

(Letterhead of County of Rockland Planning Department)

*Aug. 26, 1987

Item: Town of Clarkstown (R-22 to M) (C01522)
Zone Change from R-22 to M for 8.67 acres to resolve a zoning dispute.

The Rockland County Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the Rockland County Charter, I hereby:

*approve XX

Inasmuch as the requested zone change will be part of a larger holding which is currently used for quarrying in an M zone, this matter is for local determination.

/s/ William M. Chase,

William M. Chase,
Commissioner of Planning*

(Letterhead of Martin J. Cornell, Esq.)

*September 15, 1987

John Costa, Town Attorney
Town of Clarkstown
10 Maple Avenue
New City, New York

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Re: New York Trap Rock

Dear John:

I am enclosing a copy of a letter I received from Marilyn R. Schauder together with copies of the enclosures. I have heard nothing from Trap Rock and it would be my suggestion that the public hearing which was scheduled for Tuesday, September 22nd be adjourned until Trap Rock cooperates in working out the necessary documents.

Please let me know what steps you intend to take in this matter."

Town Attorney said he had communicated with Mr. Cornell and indicated that he thought that perhaps the public hearing might have to be recessed or adjourned if no informal agreement were reached on some of the issues raised by the Town and by the residents in the area. Some of the concerns dealt with were the nature of the plantings that were suggested and the duration of the maintenance period that would be required.

Supervisor said subsequent to that letter they had some discussions with people from Trap Rock and although no formal agreements have been made he thought there is certainly an understanding that was conveyed in the letter and in the concerns. Supervisor said he thought it was important for the public hearing to go forward so that these things can be placed on the record. Since the SEQRA will not be completed we cannot make a formal determination and this will give us additional time to iron out that type of language.

Town Attorney said a representative of the property owner is present here tonight as well as the attorney representing them. He asked for some information from the property owner with respect to the matters that are under consideration.

Appearance: Joshua Heintz, Esq.
Syracuse, New York

Mr. Heintz stated that he practices largely on behalf of mining companies and am frequently before boards such as this one. He gave a history of Trap Rock and the evolution of the misunderstanding. He stated that Trap Rock has existed since the early 1900's. He said in 1939 Trap Rock's holdings were approximately what they are today. They were mining and intended to do so throughout the property. Upon the adoption of the 1939 Ordinance the Town created an Industrial District permitting mining in that area. The Town enacted a comprehensive amendment in 1955 at which point the lands of Trap Rock with the exception of a narrow perimeter boundary of approximately 100 feet running along Casper Hill Road were designated M-2 with the remaining area being designated M-1, which also permitted mining. In 1967, as the Town grew and the zoning was desired to be changed, the Town designated a portion of this property owned by Trap Rock as R-22. At that time the line was drawn approximately from the intersection of 303 on a diagonal behind the homes arriving at the intersection of Crusher Road and Casper Hill Road. Within that area is the 8.67 acres which is the subject of tonight's zone change.

Mr. Heintz said Mr. Costa is correct in terms of his historical portrayal of the remainder of the facts. He said he would add that with respect to the activities that have gone on since the initial communications from the Town to Trap Rock that there have been a series of meetings which have evolved from the company's position with respect to the fact that we have the right to mine to the border of Casper Hill Road to the position we presently find ourselves in, which has been the result of a lot of thought, cooperation, coordination, exchanges between not only the

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Town Board Members and Mr. Costa but representatives of the Casper Hill Association.

With respect to Mr. Costa's direct question as to where do we find ourselves at this time with respect to those requests he said he thought the company had responded in the following fashion. The area along Casper Hill Road running, if you will, from 303 for lack of a better intersecting point but at the point where the present M district boundary is proposed northerly and to the point of the M district boundary proposed going westerly to Crusher Road - that area which is 100 feet deep from the center line and includes all of the area including the area presently designated M in which we could presently mine - that area will be a non-mining area and will be, assuming the granting of the zone change by the Town Board, restricted to non-mining activities. It will be open space. Naturally, with respect to that area, on Casper Hill Road there are three homes that are owned by the company and maintenance will obviously have to be done on those homes. There is also a home owned on Crusher Road which will also have to have maintenance. It is not intended to exclude normal maintenance nor things requiring safety considerations from taking place in that area. It is their intention that if the zone change is approved they will enter into a formalized agreement between the Town Attorney and themselves reflecting a non-mining activity and leaving it as open space.

Mr. Heintz said in addition to those particular considerations running all the way from 303 up Casper Hill and to Crusher, they have had a number of discussions in terms of the buffering or additional buffering that might be desired by the residents and others with respect to properties we own in that area which he just described. He said the most recent discussions which have taken place and which he believed are agreeable to the company upon the conclusion of this matter will be to plant from the high point on Casper Hill Road proceeding northerly along the outside of their fence which presently exists between that and the westerly edge of the road to the intersection of the M district zone line as proposed and thereafter proceeding westerly along that line to the intersection on Crusher Road.

Mr. Heintz said it is his understanding from reading the report of Mr. Wicks as well as having seen a copy of correspondence from Mrs. Schauder that the various factors involved here revolve around the type of soil that is existant there which is apparently thin and quite acidic and it is recommended that evergreens be planted. He said he was not certain of the overall gross number. The pattern that has most recently been discussed is on fifteen foot centers. It does contemplate the following program:

If the zone change is approved they will undertake removing bad vegetation from that area leaving as much area undisturbed so that the natural buffering which exists there will remain thereafter. He said he was told the best time to attempt the period of establishment of trees is in the spring. In the spring of 1988 they will entertain the planting of trees along that area described and thereafter, annually, for a period of five years they will entertain the replacement of such trees as are damaged, fail to grow, etc. He said that came within the outline described. There has been a number of conversations back and forth among all the people. There has been correspondence from the Casper Hill Association. Those are the things we have contemplated doing. He said he believed they are within the spirit of their discussions within the last several months.

Mr. Heintz on behalf of Trap Rock and its associate industries in the area wanted to thank the Town Board for hearing them and he wanted to go on record as supporting the Town's efforts to reach a cooperative resolution of this matter.

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Supervisor said in the area behind the homes on Casper Hill Road at the present time, if this zone change were to be approved, that area would be a conservation restriction is that correct? Town Attorney said that is what we have to clarify because it is important that we are all talking about the same thing. The Planning Board has recommended to the Town Board a forever green conservation easement and just to clarify our record here he did believe that the company's position has not gone that far. Mr. Costa asked if we could get more specific with respect to what the company's position is for that triangular piece of property that is behind the houses that front on Casper Hill near the intersection of Crusher Road.

Mr. Heintz said he was not sure what type of a response Mr. Costa was seeking. Town Attorney said the duration of the restriction in this area where we have acknowledged you have a right to quarry and your proposed restriction would be that you would agree not to mine it and that you would leave what is there there but that you would not want that restriction to last longer than quarrying operations. Once the quarrying operations cease you would be free to do whatever you could do legally with the property. Mr. Heintz said so that the property could be put to some productive use? Town Attorney said that is correct.

Supervisor asked what the length of the quarry was at this point and Mr. Heintz said he could not respond as it depends upon demand but he would assume thirty or more years. Town Attorney said then your intention would be to bind this property by restrictive agreement with maybe not an easement but a covenant of some sort and you would agree not to disturb that property except for maintenance of the house that is located there for the period of time during which quarrying operations continue on the balance of the property? Mr. Heintz said that is the intention.

Town Attorney stated that there is also another concern which the company had which the Town officials felt we could alleviate and that is with respect to the set back requirements being calculated for the purposes of this particular zone change clarification from the center line of Casper Hill Road. Town Attorney stated that we have not discussed that tonight but it should be discussed.

Mr. Heintz said with respect to that calculation, so that there be no misunderstanding, the difficulty initially with respect to the area in question along Casper Hill Road related to the fact that we have a DEC setback that we have to observe and he wanted no one to be under a misunderstanding that the setback will be calculated as it normally is from the center line of that road. Whether or not the physical restrictions of the actual site will bring us to that 100 foot line is not known but with respect to our calculations in future years they will be expecting to utilize that 100 foot area as their concurrent setback area. Town Attorney said then the purpose of that proposal is to permit or allow the company to take the position that if the zone change is approved for this area the dispute is resolved and the company would have the right to mine as far as DEC would permit it to go provided it did not go over the line we have established? Mr. Heintz said that is correct.

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

Supervisor asked if there was anyone from the public who wished to ask a question or make a comment?

Appearance: Martin Cornell, Esq.

Mr. Cornell said he represented many of the property owners in the area. He mentioned that in 1973 the predecessor of the current owners did come before this Town Board and ask for a

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zone change which is very similar if not the same as the application they are making at the present time. Mr. Cornell said he made a presentation at that time before the Town Board. At that time they opposed vigorously the application and the Town Board denied the application. He said the Town Board should be aware of the fact that the applicant has made an incursion into that very same property that they asked to change the zone of before back in 1973. He said that may indicate that there are some factors of which the Board should be aware in that the applicant made the application for the zone change and then apparently went ahead and utilized that property in violation of the zoning ordinance.

Mr. Cornell said the owners of the property in the area have worked very diligently and are very thankful of the assistance of the Town Board and the Town Attorney in trying to resolve this problem. In substance the owners in the area are not opposed to the zone change provided that all of the conditions that they have asked for in various correspondence and maps and other material are set forth in a document which we would have the opportunity to review to be sure that the descriptions are correct and that the terminology is correct in the document.

In response to a question from the Supervisor Town Attorney stated that he was not sure how much had been done thus far on the SEQRA but there probably will be a thirty day waiting period after which the lead agency declaration would be adopted. Mr. Bollman, Director of Environmental Control stated that it will probably take twenty days for the lead agency declaration to be adopted. Nothing has been sent out of his office to date.

Supervisor said the point is that there is time to deal with the language which is a concern. He said since we have the SEQRA deadline to deal with, if we get the language worked out we can resolve the issue.

Mr. Cornell said after discussion with some of the neighbors that the areas of dispute have essentially been resolved subject to refinement and review of the language. He said the one factor he was unsure of was that a request has been made that a delineation of the 100 foot buffer is 100 feet from the centerline of the road. He said we may have to look at the maps as he does not know what the width of Casper Hill Road is. We may be talking about a buffer area that is somewhat less than 100 feet and they would like to see what that looks like. Town Attorney presented Mr. Cornell with a drawing that he felt would depict that for him.

Appearance: Mr. Vincent Boniface
Storms Road
Valley Cottage, New York

Mr. Boniface stated that he has lived at his present address for fourteen years. He was aware when he moved in that there was a quarry there but did not know the effect it would have. He mentioned that early on in his residency there he noticed that when there was blasting there would be mild rumbling. However, in the last year or two he has felt that some of the blasting seemed to be right under his house, that was how intense they are.

Supervisor said we have a blasting law on the books which we adopted a few years ago. In checking the Justice Court calendar last week he observed that Lone Star was involved in exceeding on a specific blast on a given day.

Mr. Boniface said he was unsure of the property lines. If they are allowed to quarry closer to Storms Road and Casper Hill how will this affect the vibrations which his house receives now? He said he can actually feel his house rumbling. Supervisor said the rumblings are felt in parts of West Nyack and Central Nyack and it depends on the atmospheric conditions, to a large degree. What

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has brought this about is Lone Star's position that they have a right to quarry and that they predated zoning in the Town of Clarkstown. The Town took the position that they could quarry only in an M district. Supervisor said they have tried to work out a compromise if possible. He said they do inform the company when they receive a complaint.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:32 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

ABE667

TOWN OF CLARKSTOWN
PUBLIC HEARING

117

Town Hall

9/22/87

9:33 P.M.

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

RE: VIOLATION HEARING - CHAPTER 31 PROCEEDING - RIVERSO -
MAP 106, BLOCK A, LOT 17

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

Town Attorney stated that this Chapter 31 proceeding was originally scheduled by resolution dated June 23rd to be heard on September 8th. On September 8th the Town Board rescheduled this to September 22, 1987. The reason for the rescheduling was the receipt of a communication from the reputed property owner, Mr. Raphael Rivero and his attorney, Arnold Bernstein, to the effect that they requested an adjournment because they intended to secure the building as required by the Town Board's order and the Fire Inspector's prior orders. They asked for some additional time within which to comply.

Town Attorney asked Mr. Mark Papenmeyer, the Fire Inspector, to bring the Board up to date as to the present condition of the property. Town Attorney then swore in Mr. Papenmeyer.

Appearance: Mr. Mark Papenmeyer
Clarkstown Fire Inspector

Mr. Papenmeyer stated that on June 2nd this year an inspection was made at the premises located at 411 Route 59, West Nyack known and designated as Map 106, Block A, Lot 17. At the time of this inspection I found an unoccupied structure. The exterior of the building shows that attempts have been made to secure the building as ordered under Order 87-9 and previous orders. At this time the front door was found unsecured and opened. The interior of the building shows that there have been vandals or trespassers in the building and in fact, it appears that someone might be using the building as a shelter. The interior stairs have been damaged by a previous fire. The interior walls are also in poor repair with large holes in them. The ceilings are also damaged. This building is not in good repair and because of past violations and continued failed efforts by the owner to maintain this structure, the lack of repairs and maintenance to the building and evidence of trespassing, this building is a serious fire hazard and it is the recommendation of this officer to remove the building.

Town Attorney asked Mr. Papenmeyer where this building was located and he said in West Nyack in the vicinity of the cloverleaf at Route 59 and Route 303. Mr. Papenmeyer said they have had previous violations on the building. There have been attempts by the owner to keep the building secure but they have failed. It is a problem for the Building Department to keep enforcing this. Mr. Papenmeyer stated that he has spoken to Mr. Rivero and met with him at the site on September 11th and Mr. Rivero has removed all the combustibles from the building and has also resecured the building at this time. However, Mr. Papenmeyer reiterated that either the building be removed so that future violations do not have to be issued or that Mr. Rivero apply for a building permit and bring the building up to code which he has not done.

Supervisor asked Town Attorney what had to be done if they took the recommendation of Mr. Papenmeyer? Town Attorney said it is the type of project that may exceed the bid threshold and in order to do that the Town would have to go out to bid. Supervisor

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said he felt they should do that. Town Attorney said perhaps we can get some preliminary estimates as to what it would cost and then if it seems to be over the threshold then we will have to go out to public bid on it. Town Attorney went on to state that the building does present a danger to the public from fire, etc. If the building presented a grave and immediate danger so that it was really crucial to act quickly perhaps the Board could take more summary action.

Mr. Papenmeyer said at this point the building has been resecured. Mr. Papenmeyer said he met with Mr. Rivero on September 11th and it was his suggestion to Mr. Rivero at that time that if he wished to maintain the building a building permit be applied for and the building brought up to code requirements. Town Attorney asked Mr. Papenmeyer if he knew what the property owner's intentions are with respect to this property? He asked if the property was subject to redevelopment at this time? Mr. Papenmeyer said he was not sure what the owner's intentions were.

Town Attorney said on September 8th both Mr. Rivero and an attorney representing him, Mr. Arnold Bernstein were in the Town Attorney's office after they had conferred with Mr. Papenmeyer and at that time they asked for an adjournment which the Town Board granted. We have had no contact with either one since.

Supervisor asked if there was anyone wishing to make a comment on this matter. No one appeared.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:40 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (920-1987) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

119

Town Hall

9/22/87

9:41 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING - MARGARET
BERNASCHINA - MAP 98, BLOCK A, LOT 9.68

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

Town Attorney stated that this was a Chapter 79 Proceeding with respect to property designated on the Tax Map as Map 98, Block A, Lot 9.68 reputedly owned by Margaret Bernaschina. The Town Board initiated this proceeding on August 11, 1987 and scheduled a public hearing for September 8th. We were unable to make that date because of difficulty in serving the papers and it was rescheduled to tonight. The Notice and Order were served by certified mail, return receipt, upon the property owner by mailing on September 9, 1987 to Margaret Bernaschina, 10 Parliament Drive, New City, New York. We have had no direct contact with the property owner.

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

Appearance: Mrs. Saccende,
Code Inspector

Mrs. Saccende recommended that the Town undertake the cleanup of this property as it has been a sight all summer long.

Councilwoman Smith asked if someone was living in the house. Mrs. Saccende stated that so far as she knew someone was living in the house. She said the day she was there a radio was playing and the windows were ajar. No one answered the door.

Councilwoman Smith asked if Mrs. Bernaschina was aged and Mrs. Saccende said she had no idea. She said a call had come into the office about a week or ten days after she had been there stating that the lawn would be cut. It has never been taken care of.

Supervisor stated that it has been raining and perhaps we could give her until October 1st. Mrs. Saccende stated that she has never had any contact with Mrs. Bernaschina but that she had received a phone call from Dr. Korngold about a week ago with a message to call him back in reference to the lady. However, when she called the Doctor back it was a Wednesday and he was off and he never got back to her.

Town Attorney said the violation notice on this property was sent by the Building Inspector and Mrs. Saccende on July 29, 1987. Supervisor said he would give them one more chance to act by October 1st and then the Town would arrange to cut the lawn.

Town Attorney asked Mrs. Saccende if she could elaborate somewhat as to the nature of the condition which is characterized as noxious weeds, grass, etc. Mrs. Saccende said the grass has exceeded three and half feet in height and consequently it is just laying down and cannot support its own weight. It is turning to hay. There is goldenrod and other weeds present. Town Attorney said is this vegetation which causes discomfort to allergy prone individuals? Mrs. Saccende answered in the affirmative. Mrs. Saccende said all the other lawns in the area are finely taken care of.

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Supervisor said we are going to hire a landscaper and Town Attorney said it would certainly be under the bid threshold. Supervisor asked that a landscaper be contacted and schedule his visit for as close to October 1st as he can get there. We will get the bill and they will have to pay it. Mrs. Saccende asked if the bill would be submitted to the Town? Town Attorney said yes and then it will be placed on their tax bill.

Councilwoman Smith asked if the entire lawn looked bad and Mrs. Saccende said it did.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:47 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (921-1987) ADOPTED