

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

221

Town Hall

11/10/87

8:00 P.M.

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

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

Councilman Lettre congratulated the winners of the recent elections, especially Ann Marie Smith and Steve Kunis. He said you come into politics with the realization that you come in one door one day and you go out the door on another day. Victory is always a lot sweeter, obviously, than defeat but in America we run on a system of democracy. The most important part of our democracy is the ability of people to vote and to choose those who will represent them. He said he has enjoyed his eight years of representing the people of the Town of Clarkstown. He stated that he enjoyed the campaign and thanked the thousands of people who supported him. In a humorous vein he said his children probably thank the thousands who didn't support him especially his eleven year old son who said that now his daddy would be able to come to the football games. Councilman Lettre congratulated Supervisor Holbrook on his victory and on a race well run. He said he looked forward to being able to live in this community. He wished everyone on the Town Board the best of luck in the years to come.

Supervisor Holbrook stated that he would like to recognize at this time the members of Cub Pack 49 who are present this evening. He introduced the boys of the Cub Pack who were attending as part of their civic project.

Supervisor Holbrook recognized Police Officers of Clarkstown who have participated in the 300 Mile Memorial Run. He said being a runner himself he understood what that means. This was for a wonderful cause and the Town of Clarkstown is very proud of the efforts they have put forth on behalf of their fellow officers. Supervisor asked Councilmen Carey and Maloney, who are members of our Police Commission, if they had anything to add to his comments?

Councilman Maloney stated that he had met the officers last night and he congratulated them for a job well done. This was done on their own time and they were away from their families. He said it showed what dedication really means - to be able to participate in a 300 mile run to Washington. The men described the great pride they felt when they ran into Washington and met their Honor Guard there. He again congratulated them on a terrific job.

Councilman Carey stated that he would like to add his congratulations on their terrific run. He said though he was not a runner he was a member of the Olympic Torch Relay in 1984 and he knew first hand what it is to be involved in something like that. He said he had watched one of the officers, Vinny White, training over at Rockland Lake and now it had all come to fruition. He said he was very happy that things turned out the way they did. He offered his congratulations to all the participating officers.

Supervisor Holbrook presented a token of the Town's esteem to the officers present: Vincent White and Robert Mann. Supervisor called up Lt. Collins who accepted for: Stanley Gorska, Peter Noonan and Thomas Prendergast. Supervisor Holbrook noted that Robert Mann and he had been in a race a few years back and Robert had finished miles ahead of him.

Supervisor Holbrook then declared the Public Portion of the meeting open.

ABE667

Appearance: Mr. Robert Slavin
representing Clean Air Company

Mr. Slavin stated that at workshop last week they discussed the pros and cons of the equipment specified and the low bidder. He wanted to know if that would be discussed this evening? Supervisor said it was not on the agenda this evening. Mr. Slavin asked when it would be coming up? Supervisor said we are waiting for some information and it will probably be discussed at the next Workshop and then set for the next Town Board Meeting which will be two weeks from this evening. Mr. Slavin asked if he would be notified of the workshop meeting and Supervisor said he would be more than welcome to come to the Workshop on November 19th. Mr. Slavin asked if he would be permitted to meet with the Town Engineer, Mr. Les Bollman. Supervisor said yes.

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

Mr. Lodico said we were rather surprised to learn that Rockland County was the first county to forgive taxes for a year. His second surprise was to find that the Clarkstown Town Board has taken the position to create a Civilian Review Board. He said Clarkstown is probably the first police department in the State or surrounding environs to request a Civilian Review Board. He said history has shown that when you create another board away from the elected board you have two good commissioners that represent the elected officials and you have an independent civilian on the Police Commission. They are empowered to do whatever is necessary to operate the police organization and they have the duties and responsibilities to do that. He said when you create a Civilian Review Board you then develop another homogenized board separate from those of the electorate. He still felt it was appropriate that the elected officials accept the responsibility and deal within their power and discretion as police commissioners. He was surprised to see that the PBA of Clarkstown had requested that you create a Civilian Review Board. He said he had lobbied for police legislation for over ten years in the 60's and 70's and never heard of this before. He referred to the people who might be on drugs and the possibility that they might be fired for that and for whatever crimes might be part of their lifestyle. It is a stressful job. In view of the fact that you may be creating this, you may want to develop an amnesty program and grant thirty days for those persons who are presently members of the police department in that they can come forth. If there are any who are on the edge or need rehabilitation or additional help then it be granted in this thirty day period. Any future policemen can be suspended or fired on the spot. He thought that was one of the things that Mr. Goodyear had mentioned in the proposal. It should not be a contractual situation but a legislative function. The Board should fire any new police officer who has violated the public trust.

Councilman Maloney said the possibility of setting up the Civilian Review Board will not abrogate in any way the responsibilities or the authority of the Board of Police Commissioners. The Civilian Review Board would not make policy nor make any final decisions. It will actually be to screen civilian complaints and if there is some merit in those complaints they will then pass those complaints on to the Board of Police Commissioners for final decision.

Supervisor said the PBA took some bold steps in terms of making recommendations. He said the Police Commission is seriously considering those. It is a good move and it shows that the Town Board, the Police Commission and the PBA are working together to try to solve the problems that we have experienced. That is the direction in which we all hope to go in the future.

RESOLUTION NO. (1107-1987)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF OCTOBER 27, 1987 AND SPECIAL TOWN BOARD MEETING (PROPOSED REFUSE AND GARBAGE DISTRICT OF OCTOBER 20, 1987

Co. Smith offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of October 27, 1987 and the Special Town Board Meeting re: Proposed Refuse and Garbage District of October 20, 1987 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1108-1987) - (FAILED)

GRANTING A SPECIAL PERMIT TO CONDUCT A LANDFILL OPERATION (J. OWENS BUILDING COMPANY) - MAP 71, BLOCK A, LOT 5

Co. Smith offered the following resolution:

WHEREAS, J. OWENS BUILDING COMPANY, has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the operation of a landfill pursuant to the provisions of Section 106-10A, Table 14, Column 13, Item B-3 of the Zoning Ordinance of the Town of Clarkstown for property located to the north of Route 59 and the east side of Sickletown Road, West Nyack, New York, more particularly described on the Clarkstown Tax Map as Map 71, Block A, Lot 5, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 9th day of June, 1987 at 8:10 P.M., to consider such application;

NOW, THEREFORE, BE IT

RESOLVED, that based upon the report of the Department of Environmental Control, dated July 9, 1987, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested special permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 106-14B of the Zoning Ordinance of the Town of Clarkstown:

1. The landfill operation shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Shall not cause undue traffic congestion or create a traffic hazard;
3. Shall not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;

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RESOLUTION NO. (1108-1987) Continued

4. Shall not adversely affect the character of/or property values in the area;

5. Petitioner shall comply with all terms and conditions of the permit issued by the Rockland County Drainage Agency dated October 16, 1987;

6. Shall not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;

7. Shall comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a landfill on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 106-16L of the Zoning Ordinance of the Town of Clarkstown annexed hereto;

2. All fill material shall be clean, non-flammable and non-toxic fill as determined and approved by the Town of Clarkstown Department of Environmental Control. Applicant shall keep a daily written log as to the contents and the source of the fill material, which log shall be open for inspection at all times to the Town of Clarkstown Department of Environmental Control;

3. Petitioner shall take all necessary steps to preserve and protect adjacent public water supply and the Hackensack River as determined by the Clarkstown Department of Environmental Control;

4. All necessary engineering design and construction improvements that affect drainage and adjoining properties will be first submitted to the Town of Clarkstown Department of Environmental Control for determination and approval;

5. In the event that the Town board requires retention of an outside consulting engineering firm at any time during the landfill operations, applicant agrees to pay the costs of such consultant;

6. In the event that the Town Board or any of its agencies is named as a party defendant in a lawsuit as a result of the landfill operations of the applicant pursuant to the Special Permit, applicant agrees to save harmless the Town from any costs of the unsuccessful defense and any damages which may result in a judgment against the Town of Clarkstown;

and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this special permit by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes, based on the information presented at the public hearing, that the proposed landfill operation shall not adversely affect the County Drainage Basin and streams in the area, and that the impact of this permit shall not be significant, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

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RESOLUTION NO. (1108-1987) Continued

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: November 10, 1987

By Charles E. Holbrook, Supervisor

Seconded by Co. Smith

On roll call the vote was as follows:

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

It was noted that the foregoing resolution failed as a four vote majority was needed since it had been turned down by the Rockland County Planning Office.

RESOLUTION NO. (1109-1987)

AUTHORIZING ATTENDANCE AT
PROGRAM (TOWN ATTORNEY) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Carey offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to attend a program to be held on November 17, 1987, at White Plains, New York, sponsored by the Westchester County Bar Association at a fee of \$16.00 per person, and be it

FURTHER RESOLVED, that all necessary expenses be charged to Account No. A 1010-414.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1110-1987)

REQUESTING SUPERINTENDENT
OF HIGHWAYS, COUNTY OF
ROCKLAND (JOSEPH HORNIK) TO
INSTALL SIGNS TO FACILITATE
IMPROVEMENTS AT NEW
HEMPSTEAD ROAD/MAIN
STREET/CONGERS ROAD, NEW
CITY

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has since September of 1986 worked toward improving traffic flow and alleviating vehicular gridlock conditions at the New Hempstead Road/Main Street/Congers Road, New City intersections, the primary access roads for the downtown New City business district, Clarkstown Town Hall, and the governmental offices of the County of Rockland comprising the county seat, and

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RESOLUTION NO. (1110-1987) Continued

WHEREAS, Supervisor Holbrook has met with representatives of the Rockland County Transit Coordinator's office with regard to buses stopping within these intersections for the pick-up and discharge of passengers, particularly during the peak hours of the normal business day, and it has been agreed that the Rockland County Transit Coordinator will cooperate with the Town of Clarkstown's efforts to improve traffic flow by changing existing bus stop patterns,

NOW, THEREFORE, be it

RESOLVED, that since all roads affected are county roads and within the purview of the Rockland County Highway Department, that Joseph Hornik, Superintendent of Highways, County of Rockland is hereby requested to install the following signs to facilitate these improvements, as recommended by Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant, in his report dated October 26, 1987:

- 1) No stopping on the east side of Main Street from New Hempstead Road to 20 feet north of the southerly Shop-Rite Shopping Center driveway.
- 2) No Stopping on the north side of New Hempstead Road from Main Street to 10 feet west of the easterly driveway of 18 New Hempstead Road.
- 3) No Stopping Except Buses on the east side of Main street from 20 feet north of the southerly Shop-Rite Shopping Center driveway to 60 feet north of the southerly Shop-Rite Shopping Center driveway.
- 4) No Stopping Except buses on the north side of New Hempstead Road from 10 feet west of the easterly driveway of 18 New Hempstead Road to 50 feet west of the easterly driveway of 18 New Hempstead Road.
- 5) No Standing on the north side of New Hempstead Road from 50 feet west of the easterly driveway of 18 New Hempstead Road to Eberling Drive.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1111-1987)

AWARDING BID FOR BID #3-1987 (PRINTING OF TOWN ENVELOPES AND STATIONERY) - LONG ISLAND ENVELOPE CO.; SOURCE ENVELOPE CO.; AND PREFERRED BUSINESS FORMS

Co. Maloney offered the following resolution:

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

BID #3-1987
PRINTING OF TOWN ENVELOPES & STATIONERY

is hereby awarded to

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RESOLUTION NO. (1111-1987) Continued

LONG ISLAND ENVELOPE CO.
240 Anderson Ave.
Moonachie, N.J. 07074

SOURCE ENVELOPE CO.
141 DuPont Street
Brooklyn, N.Y. 11222

PREFERRED BUSINESS FORMS
122 E. Main Street
Elmsford, N.Y. 10523

as per the attached price/item schedule.

(Schedule on File in Town Clerk's Office)

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1112-1987)

REFERRING PETITION FOR ZONE
CHANGE R-22 TO LIO (HOAG)
TO TOWN AND COUNTY PLANNING
BOARDS AND SETTING PUBLIC
HEARING RE SAME

Co. Carey offered the following resolution:

WHEREAS, Wallace Hoag and Janet Hoag, have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by petitioners, from an R-22 District to an LIO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 164, Block A, Lot 3;

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, 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 22nd day of December, 1987 at 8:05 P.M., relative to the proposed amendment, 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

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RESOLUTION NO. (1112-1987) Continued

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

RESOLUTION NO. (1113-1987)

AUTHORIZING THE PLANNING BOARD TO APPLY TOWN LAW SECTION 281 (D.L.W. CORP., NEW CITY)

Co. Maloney offered the following resolution:

WHEREAS, George Daher, President of D.L.W. Corp., and owner of premises shown on a proposed subdivision map known as "D.L.W. Corp." for property located in the vicinity of Old Middletown Road and Little Tor Road, New City, New York, has made application for use of Town Law Section 281 in connection with said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the layout provides for improved road design and lot layout, allowing the three driveways to be away from Old Middletown Road, and lot sizes to be more evenly distributed, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 authorization is granted for the development of the property shown on such proposed density map entitled, "D.L.W. Corp., subdivision Plat (T.L. 281)" dated February 19, 1987, and last revised on August 24, 1987, prepared by Jack D. Boswell and Associates, Engineers, Land Planners and Surveyors, New City, New York, (Project No. 8627);

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 for the proposed subdivision described above subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1114-1987)

AUTHORIZING ATTENDANCE AT
COURSE ON MANAGEMENT
PROCESS (NICHOLAS A. LONGO,
ASSESSOR) - CHARGE TO
ACCOUNT NO. 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Nicholas A. Longo, Assessor of the Town of Clarkstown is hereby authorized to attend a Course on Management Process at St. Thomas Aquinas College from January 4 through January 22, 1988 on Monday - Friday from 9:30 to 12:30. (Course # BUS A305) and be it

FURTHER RESOLVED, that all proper charges not to exceed \$217.50 be charged against Account No. 1010-414.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1115-1987)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
SUBJECT TO RESTRICTIVE
COVENANT BY PROPERTY OWNER
R-22 TO M - MAP 107, BLOCK
A, LOTS 17 AND 18 (N.Y.
TRAPROCK)

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on the 11th day of August, 1987, the Town Board, on its own motion, provided for a public hearing on the 22nd day of September, 1987 at 8:20 P.M., to consider amendment to the Zoning Ordinance of the Town of Clarkstown by redistricting a portion of property designated on the Clarkstown Tax Map as Map 107, Block A, Lots 17 and 18, more particularly described on attached Schedule "A" from an R-22 District to an M District, and

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

WHEREAS, all persons interested in the subject matter were given an opportunity to be heard;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby determines, based on the report dated October 14, 1987 by Leslie F. Bollman, Director of Environmental Control, acting as agent to the Town Board as lead agency, pursuant to the provisions of the New York State Environmental Quality Review Act (SEQRA) and Title 6 NYCRR 617, that the proposed action shall not result in any significant adverse environmental impact as set forth in the Short Environmental Assessment Form appended to said report which is hereby adopted by the Town Board and therefore, no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, the Town Board hereby determines, based on careful study of the facts in the record of the public

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RESOLUTION NO. (1115-1987) Continued

hearing, that it is in the best interest of the community at large to redistrict from an R-22 District to an M District, the property described in the attached Schedule "A," situated in the Hamlets of Valley Cottage and West Nyack, New York, in said Town subject, however, to the further requirements on the part of the certified record owner imposed herein with respect to said property and with respect to certain adjacent property in the same ownership, and be it

FURTHER RESOLVED, that the zone change provided for herein shall not be effective until the certified record owner shall provide a restrictive covenant or easement in recordable form as approved by the Town Attorney, together with all appropriate recording fees which shall provide:

That no quarrying or other development shall take place on the premises abutting the area to be rezoned as depicted as an "area under restriction" on a drawing entitled, "Plan, Town of Clarkstown 'M' Zone Line, Crusher Road to New York State Route 303 for New York Trap Rock Corp. in West Nyack, Rockland County, New York" dated August 10, 1987, last revised October 2, 1987, drawn by Henry Horowitz, P.E., a copy of which is on file in the Town Clerk's Office for a period which shall last until mining or quarrying activities conducted on all the other lands of New York Trap Rock Corp. to the West of the area to be placed under restriction have permanently ceased, and be it

FURTHER RESOLVED, that the record property owner shall be required by agreement to undertake an evergreen tree planting program within the portion of the lands described as "the area under restriction" by removal of dangerous trees from the high point of Casper Hill Road, northerly between the inside of the existing fence and westerly right-of-way of Casper Hill Road from Crusher Road along the existing M Zone property line to the property line of the M Zone to be created herein along said line parallel to Crusher Road to a point where said line intersects with New York State Route 303. The agreement shall provide that varieties of evergreen trees approximately three feet high will be planted approximately fifteen feet on center commencing in the Spring/Summer of 1988 and which trees shall be maintained and replaced as necessary for a period of five years from the date said planting is certified completed by the arborist retained as consultant by the property owner, and be it

FURTHER RESOLVED, that it is the intention of the Town Board in imposing the requirements herein described, to insure that an appropriate buffer shall be maintained between the quarrying operations authorized to occur by virtue of the zone change described herein and adjacent residential properties, which buffer shall be planted as also described herein for the purpose of providing a visual barrier, and a dust baffle to the extent described herein, and be it

FURTHER RESOLVED, that the Zone Change is further contingent upon an agreement in a form approved by the Town Attorney being entered into by the certified record owner and the Town which shall confirm that no quarrying shall be permitted closer than one hundred feet from the center line of Casper Hill Road to the area rezoned from R-22 to M as described in attached Schedule "A," but that quarrying may extend to the limits of the zone line.
(Schedule A on file in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1116-1987)

REFERRING PETITION FOR
CHANGE OF ZONE FROM R-10 TO
MF-3 TO CLARKSTOWN AND
COUNTY PLANNING BOARDS -
(GBM CONTRACTING
CORP./BUTTERMILK FALLS)

Co. Maloney offered the following resolution:

WHEREAS, GBM CONTRACTING CORP., 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 the petitioner, from an R-10 District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 120, Block F, Lot(s) 40, 42, 45, 46, 47 and 48;

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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1117-1987)

AUTHORIZING ISSUANCE OF
BUILDING PERMIT - MAP 70,
BLOCK A, LOT 20.02 (VITALE)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to VICTOR AND CYNTHIA VITALE for property situate at Valley View Road, West Nyack, New York, more particularly designated on the Clarkstown Tax Map as Map 70, Block A, Lot 20.02, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along Valley View Road;

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

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RESOLUTION NO. (1117-1987) Continued

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street, including Valley View Road, to 50 feet in width.

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

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

FURTHER RESOLVED, that prior to the issuance of a Building Permit, the applicant shall secure written permission from the Van Houten Fields Assoc., Inc., or other entity having control of the right-of-way in the Van Houten Fields Subdivision to excavate and restore Valley View Road, or any other right-of-way that will be disturbed by construction, and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall to the satisfaction of the Director of the Department of Environmental Control:

(a) Install a sanitary sewer system including the spur at no expense to the Town.

(b) Fill and regrade the front portion of the parcel to correct for a possible ponding condition which may develop at the time of construction. This may necessitate the removal of some trees.

(c) Provide an erosion control system along the easterly property line.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1118-1987)

AMENDING RESOLUTION NO.
662-1987 AUTHORIZING
SUPERVISOR TO ENTER INTO
CONTRACT WITH EMPLOYEE
HEALTH MAINTENANCE SYSTEMS

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 662-1987 dated June 23, 1987, the Supervisor was authorized to enter into a contract with Employee Health Maintenance Systems (EHMS) to provide a chiropractic based employee wellness program for the Town of Clarkstown employees on a voluntary basis with the provision that the total cost of the program would be subject to verification of its cost effectiveness pursuant to a formula to be agreed upon by the parties, and

WHEREAS, such formula is impractical to design;

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RESOLUTION NO. (1118-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 662-1987 dated June 23, 1987, is hereby amended to accept the proposal subject only to a right of cancellation after six months should it be deemed by the Town Board in its sole judgment that such program should not be continued, and in all other respects Resolution No. 662-1987 shall remain unchanged.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1119-1987)(FAILED)

AUTHORIZING TOWN ATTORNEY
TO APPEAL DECISION OF
SUPREME COURT (586 BREWERY
ROAD)

Co. Maloney offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of 586 Brewery Road against the Planning Board of the Town of Clarkstown, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1120-1987)

ACCEPTING DEED FOR ROAD
WIDENING - CHURCH ROAD, NEW
CITY, NEW YORK (HELEN L.
KATT)

Co. Lettre offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown to accept a deed dated October 15, 1987, from HELEN L. KATT for road widening purposes along Church Road, New City, New York, as required by the Board of Appeals in connection with Appeal No. 2079, said premises to be accepted also as shown on a Survey of Property for Helen L. Katt, dated November 7, 1986, prepared by Atzl & Scatassa Associates, P.C., is hereby accepted, and be it

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RESOLUTION NO. (1120-1987) Continued

FURTHER RESOLVED, that said deed is ordered recorded in the Rockland County Clerk's Office upon receipt of continuation report of clear title to date of recording.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1121-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PLOW
UNDEDICATED STREETS

Co. Maloney offered the following resolution:

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown, and unplowed or impassable roads may pose an increased danger to life and property as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather conditions during the twelve month period ending November 1, 1988, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary, to prevent imminent hazard to life and property, when directed by the Supervisor pursuant to the authority of Executive Law Section 24(4).

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1122-1987)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. A 9550-910
(TRANSFER TO CAPITAL FUND)
AND INCREASING APPROPRIA-
TION ACCOUNT NO. H 7141-409

RESOLUTION NO. (1122-1987) Continued (STREET SCHOOL PROPERTY - FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, it is necessary for a survey to be made on the Street School Property,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-002999 (Unexpended Balance) and Appropriation Account No. A 9550-910 (Transfer to Capital Fund) in the amount of \$3,200, and be it

FURTHER RESOLVED, to increase Appropriation Account No. H 7141-409 (Street School Property - Fees for Services) by \$3,200.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1123-1987) DECREASING CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASING APPROPRIATION ACCOUNTS A 8511-409 AND A 8511-412 (COMMUNITY BEAUTIFICATION)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$282 and increase the following Appropriation Account Numbers:

A 8511-409 (Community Beautification - Fees for Services).....\$100

A 8511-412 (Window Cleaning & Refuse... 182

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1124-1987) DECREASING APPROPRIATION ACCOUNT NO. A 8160-110 (SANITARY LANDFILL-SALARIES) AND INCREASING APPROPRIATION ACCOUNT NO. A 8160-219 (MISC. EQUIPMENT)

Co. Maloney offered the following resolution:

Continued on Next Page

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RESOLUTION NO. (1124-1987) Continued

RESOLVED, to decrease Appropriation Account No. A 8160-110 (Sanitary Landfill-Salaries) and increase Appropriation Account No. 8160-219 (Misc. Equipment) by \$1,500.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1125-1987)

TRANSFERS OF FUNDS IN
VARIOUS ACCOUNTS (HIGHWAY
DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to make the following transfers:

<u>DECREASE</u>	<u>INCREASE</u>
DB 5110-383 (Concrete, lumber)	DB 5130-306 (Maintenance)....\$ 456
DB 5110-383 " "	DB 5110-448 (Traffic Line)... 448
DB 5110-382 (Stone, Gravel)	DB 5110-408 (Bldg. Repairs)...3,165
DB 5110-387 (Sidewalks)	DB 5110-114 (P/T Salaries)....2,036

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1126-1987)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. A 3320-409
(INSTALLATION OF TRAFFIC
SIGNALS - FEES FOR SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002999 (Unexpended Balance) and Appropriation Account No. A 3320-409 (Installation of Traffic Signals - Fees for Services) by \$11,250.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1127-1987)

DECREASING APPROPRIATION
ACCOUNT A 3120-110
(SALARIES) AND INCREASING
APPROPRIATION ACCOUNT A
3120-307 (UNIFORMS) (POLICE
DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 3120-110
(Salaries) and increase Appropriation Account A 3120-307 (Uniforms)
by \$10,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1128-1987)

AUTHORIZING COMPTROLLER TO
AMEND 1987 BUDGET FOR
TRANSFER OF UNEXPENDED
BALANCES OF APPROPRIATIONS
AMONG VARIOUS ACCOUNTS AND
BY INCREASING AND
DECREASING REVENUE ACCOUNTS
FOR BALANCE PURPOSES

Co. Maloney offered the following resolution:

WHEREAS, pursuant to Section 112 of the Town Law, the
Comptroller of the Town of Clarkstown is hereby authorized to amend
the 1987 budget for transferring unexpended balances of
appropriations among various accounts and by increasing and
decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE, be it

RESOLVED, that the 1987 budget is hereby amended.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1129-1987)

SETTING DATE FOR PUBLIC
HEARING RE: GENERAL
MUNICIPAL LAW, SECTION 247
TO CONSIDER ACQUISITION OF
PREMISES FOR OPEN SPACE
PRESERVATION - VICINITY OF
PHILLIPS HILL ROAD AND
LITTLE TOR ROAD, NEW CITY
(MAP 22, BLOCK A, LOT 1.02)

Co. Carey offered the following resolution:

Continued on Next Page

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WHEREAS, a proposal has been made by Helen Burke, owner, the Trust for Public Land, as proposed grantor, and the West Branch Conservation Association, to convey to the Town of Clarkstown approximately 8.89 acres of land located in the vicinity of Phillips Hill Road and Little Tor Road, New City, designated on the Clarkstown Tax Map as Map 22, Block A, Lot 1.02, to the Town of Clarkstown subject to restrictive easement in favor of the West Branch Conservation Association, which shall require that the property may remain in its present state without further development, and

WHEREAS, Section 247 of the General Municipal Law authorizes the Town to acquire title or a lesser interest in real property for the purpose of enhancing the present or potential value of abutting or surrounding land or to maintain or enhance the conservation of natural or scenic resources, and

WHEREAS, the Town Board wishes to consider such proposal;
NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 247 of the General Municipal Law shall be held by the Town Board of the Town of Clarkstown on December 8, 1987 at 8:10 P.M., to determine if the acquisition of the fee title or of a lesser interest in the parcel would enhance the present or potential value of abutting or surrounding areas, or would maintain or enhance the conservation of natural or scenic resources and to determine further if the proposed acquisition would be in the best interest of the community and in furtherance of the Town's Master Plan for development, and be it

FURTHER RESOLVED, that the proposal for conveyance of land to the Town of Clarkstown shall be referred to the Planning Board of the Town of Clarkstown, for report pursuant to Section 106-32 of the Zoning Ordinance, and to the Rockland County Planning Board and 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 Leslie F. Bollman, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1130-1987)

SETTING PUBLIC INFORMATIONAL MEETING ON COMMUNITY RESIDENTIAL FACILITY (GROUP HOME) FOR EMOTIONALLY HANDICAPPED PERSONS

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has been notified by Loeb House Inc., of its intention pursuant to Section 41.34 of the Mental Hygiene Law to establish a community residential facility for 12 emotionally handicapped persons, ages 18 through 35, at 78 Demarest Avenue, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public informational meeting concerning this proposal on November 17, 1987 at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney shall publish notice of this meeting by display advertising in the Journal News on November 12 and 16, 1987, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to November 5, 1987.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (1131-1987)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
RS TO MF-3 (NARLAN
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of July, 1987, provided for a public hearing on the 22nd day of September, 1987, at 8:15 P.M., to consider the application of NARLAN DEVELOPMENT CORP., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an RS District to an MF-3 District, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated August 31, 1987, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment provided certain mitigating measures are taken upon development of the affected property and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RS District to an MF-3 District, the following described property in the Hamlet of Congers, New York, in said Town, and

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RESOLUTION NO. (1131-1987) Continued

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the impact of this change shall not create objectionable density in the affected area, and be it

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

(Description on file in Town Clerk's office)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1132-1987)

AUTHORIZING FORWARDING
COSTS OF LOOP DETECTORS ON
MAIN STREET AND NEW
HEMPSTEAD ROAD AND MAIN
STREET AND LAKE ROAD TO
COUNTY OF ROCKLAND FOR
PAYMENT

Co. Maloney offered the following resolution:

RESOLVED, that the costs for the Loop Detectors on Main Street and New Hempstead Road and on Main Street and Lake Road, which were replaced by the Town of Clarkstown, be forwarded to the County of Rockland for payment in the amount of \$11,250.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1133-1987)

AUTHORIZING ATTENDANCE AT
COURSE ON INTRODUCTION TO
APPRAISAL APPROACHES -
(FRANCES M. HEINISCH) -
CHARGE TO ACCOUNT NO.
1010-414

Co. Carey offered the following resolution:

RESOLVED, that Frances M. Heinisch, Real Property Appraiser is hereby authorized to attend a training course on Introduction to Appraisal Approaches from 2/22 - 2/26/88 in Ulster County, and be it

RESOLUTION NO. (1133-1987) Continued

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1134-1987)

ACCEPTING DEED FOR ROAD WIDENING ALONG EAST SIDE OF ROSE ROAD AND SOUTH SIDE OF WEST NYACK ROAD, WEST NYACK (ONDERDONK, FROHLING III, PRESTIPINO, AS EXECUTORS OF THE ESTATE OF PHILIP J. FROHLING, JR., AND HARRY E. ADLER)

ABE667

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown to accept a deed dated October 15, 1987, PAUL F. ONDERDONK, PHILIP J. FROHLING III, HELEN PRESTIPINO, as Executors of the Estate of PHILIP J. FROHLING, JR, deceased, and HARRY E. ADLER, for road widening purposes along the east side of Rose Road and the south side of West Nyack Road, West Nyack, New York, as required by the Planning Board of the Town of Clarkstown, said premises to be accepted as shown on a site plan for Frohling prepared by Henry Horowitz, Inc., dated June 28, 1985, last revised August 24, 1987, is hereby accepted, and be it

FURTHER RESOLVED, that said deed is ordered recorded in the Rockland County Clerk's Office upon receipt of continuation report of clear title to date of recording.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1135-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #6-1988 - CRUSHED STONE

Co. Carey offered the following resolution:

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

BID #6-1988
CRUSHED STONE

Continued on Next Page

RESOLUTION NO. (1135-1987) Continued

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, December 4, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1136-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #77-1987 - TWO (2) FLASHING BEACON SIGN ASSEMBLIES, WEST NYACK ROAD, WEST NYACK

Co. Carey offered the following resolution:

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

BID #77-1987
TWO (2) FLASHING BEACON SIGN ASSEMBLIES
WEST NYACK ROAD, WEST NYACK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, December 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. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1137-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #7-1988 - WORK SHOES

Co. Carey offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (1137-1987) Continued

BID #7-1988
WORK SHOES

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, January 7, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1138-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL ADDITIONAL SCHOOL WALKER SIGNS NORTH AND SOUTH SIDES OF JOHNSON'S LANE FROM SHETLAND DRIVE TO GREENDALE AVENUE, NEW CITY

Co. Carey offered the following resolution:

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

Additional SCHOOL WALKER signs (W-6-1 per Sec. 236 of the NYS DOT Manual of Uniform Control Devices) on the north and south sides of Johnson's Lane from intersection with Shetland Drive to Greendale Avenue, New City

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1139-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SCHOOL BUS AHEAD SIGNS ON RIDGE ROAD, NEW CITY NORTH AND SOUTH OF SANDUSKY ROAD

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RESOLUTION NO. (1139-1987) Continued

Co. Carey offered the following resolution:

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

"SCHOOL BUS AHEAD" signs on Ridge Road, New City north and south of Sandusky Road for a distance of 300 feet (See Section 236.3 of NYS DOT MUTCD - Signs W6-4C)

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1140-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON VALLEY ROAD AT LAKE ROAD, VALLEY COTTAGE

Co. Carey offered the following resolution:

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

A STOP sign on Valley Road at Lake Road, Valley Cottage, New York

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1141-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL NO PARKING SIGNS SOUTHSIDE OF DEMAREST AVENUE FROM MAPLE AVENUE EAST TO ROUTE 304, NEW CITY

RESOLUTION NO. (1141-1987) Continued

Co. Carey offered the following resolution:

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

"NO PARKING signs on the southside of Demarest Avenue from Maple Avenue, east to Route 304, New City

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1142-1987)

SETTING PUBLIC HEARING RE INCREASE IN BUILDING FEES

Co. Carey offered the following resolution:

RESOLVED, that a Public Hearing be set for December 8, 1987 regarding increase in building fees.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1143-1987)

ESTABLISHING THE TOWN OF CLARKSTOWN REFUSE AND GARBAGE DISTRICT

Co. Lettre offered the following resolution:

WHEREAS, on May 26, 1987 and August 11, 1987, the Town Board of the Town of Clarkstown, duly adopted resolutions requesting Leslie F. Bollman, Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of a map, plan and report for providing the facilities, improvements or services wherein a Refuse and Garbage District was proposed to be established, as hereinafter described and further ordered said Director to act as agent on behalf of the Town Board for the purpose of complying with the provisions of the New York State Environmental Quality Review Act for the entire geographic area of the Town of Clarkstown, and

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RESOLUTION NO. (1143-1987) Continued

WHEREAS, after said Director of the Department of Environmental Control duly filed said map, plan and report in the Office of the Town Clerk of the Town of Clarkstown, said Town Board on October 8, 1987, did duly order the publication of a notice reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing same was on file in the Town Clerk's Office for public inspection and further specifying that said Town Board would meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 20th day of October, 1987, at 8:00 P.M., for the purpose of conducting a public hearing on such proposal to establish the Refuse and Garbage District with the specified improvements and to hear all persons interested in the subject thereof concerning same,

WHEREAS, copies of the notice of public hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said order and notice, duly meet and consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place concerning same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the following determinations;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed Refuse and Garbage District are benefitted thereby.
3. That all of the property and property owners benefitted are included within the proposed Refuse and Garbage District as hereinafter described.
4. It is in the public interest to establish the proposed Refuse and Garbage District, and be it

FURTHER RESOLVED, that based on the report dated November 10, 1987, from the Director of the Department of Environmental Control, acting as agent on behalf of the Town Board, as lead agency, the Town Board hereby further determines that the provisions of the New York State Environmental Quality Review Act have been complied with, the opinion of non-significance contained therein is hereby adopted, and no further processing pursuant to the requirements of Part 617, NYCRR is required, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of the Town of Clarkstown Refuse and Garbage District encompassing the entire incorporated and unincorporated areas of the Town of Clarkstown including the Village of Upper Nyack and those portions of the Village of Spring Valley and Nyack located within the boundary of the Town as shown on the map entitled, "Proposed Town Refuse and Garbage District", and be it

Continued on Next Page

RESOLUTION NO. (1143-1987) Continued

FURTHER RESOLVED, that the following improvements in said district be constructed upon the required funds being made available or provided for: recycling equipment, recycling center, equipment for bulk and white goods pickup, equipment for leaf composting, and be it

FURTHER RESOLVED, that the proposed improvements, including construction costs, legal fees and other expenses shall be financed as follows: issuance of bonds and user fees, and be it

FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law, and be it

FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so create said Refuse and Garbage District in the manner and form prescribed by Section 209-f of the Town Law of New York, within ten days after the adoption of this resolution, and be it

FURTHER RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute said application on behalf of the Town of Clarkstown, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

At this point, with regard to Item No. 33 (Authorizing Town Attorney to advertise for sealed bids for sale of surplus municipal property) on tonight's Agenda, Les Bollman, Director of Department of Environmental Control, stated that a survey he had seen from Atzl and Scatassa included the whole parcel what we had purchased some years ago being a flag shaped lot and the only thing we had ever discussed about releasing what was declared surplus was the flag portion. Supervisor said that is it. Mr. Bollman said but the resolution reads the whole parcel. Town Attorney said the resolution refers to the survey which would be the entire parcel. Supervisor said it is the .9 tenths of an acre we are talking about here. Town Attorney said the survey includes a little dog leg on it and if that is not included that we will have to get a revised description from Mr. Atzl and advertise it.

Councilman Lettre said we had better pull this off until we are sure we have the accurate description. Town Attorney said we could revise the resolution. Councilwoman Smith said we should pull it. Supervisor said revise the resolution. Councilman Lettre asked if we knew what we were revising? Town Attorney said Mr. Bollman knows what we are revising. Councilman Lettre again stated that we should wait until the next meeting as it is not essential that it be done tonight. Supervisor said we can revise it and come back to it after the public hearing.

RESOLUTION NO. (1144-1987)

ACCEPTING RESIGNATION OF
MOTOR EQUIPMENT OPERATOR I

Continued on Next Page

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RESOLUTION NO. (1144-1987) Continued HIGHWAY DEPARTMENT (JEFFREY BERMAN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Jeffrey Berman, 115 West Nyack Road, West Nyack, New York - Motor Equipment Operator I - Highway Department - is hereby accepted - effective and retroactive to October 26, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1145-1987) GRANTING LEAVE OF ABSENCE TO AUTOMOTIVE MECHANIC BODY REPAIRER - HIGHWAY DEPARTMENT (RICHARD PLESAK)

Co. Maloney offered the following resolution:

WHEREAS, Richard Plesak has requested a leave of absence, without pay,

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

NOW, THEREFORE, be it

RESOLVED, that Richard Plesak, 189 Chester Avenue, Congers, New York - Automotive Mechanic Body Repairer - Highway Department - is hereby granted a leave of absence, without pay, effective January 1, 1988 to January 1, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1146-1987) APPOINTING TO POSITION OF SENIOR STENOGRAPHER - DEPARTMENT OF ENVIRONMENTAL CONTROL (RITA MAKLIN)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #87087 Senior Stenographer which contains the name of Rita Maklin,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (1146-1987) Continued

RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City, New York - is hereby appointed to the position of Senior Stenographer - Department of Environmental Control - at the current 1987 annual salary of \$15,014.00, effective November 10, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1147-1987)

APPOINTING TO POSITION OF
(PROVISIONAL) PROGRAMMER
ANALYST - DATA PROCESSING
(FRANK ROMEO)

Co. Maloney offered the following resolution:

RESOLVED, that Frank Romeo, 6 Brook Street, Suffern, New York, is hereby appointed to the position of (provisional) Programmer Analyst - Data Processing - at the current 1987 annual salary of \$27,673.00, effective November 30, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1148-1987)

APPOINTING TO POSITION OF
ASSISTANT MAINTENANCE
MECHANIC - SEWER DEPARTMENT
(VINCENT NARCISO)

Co. Maloney offered the following resolution:

RESOLVED, that Vincent Narciso, 965 Stark Lane, Valley Cottage, New York, is hereby appointed to the position of Assistant Maintenance Mechanic - Sewer Department - at the current 1987 annual salary of \$18,626.00, effective November 23, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1149-1987)

GRANTING LEAVE OF ABSENCE
TO YOUTH COUNSELOR I -
COUNSELING CENTER (JANET
DROGA)

Co. Maloney offered the following resolution:

WHEREAS, Janet Droga has requested a leave of absence
without pay,

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

NOW, THEREFORE, be it

RESOLVED, that Janet Droga, 3 Old Phillips Hill Road,
New City, New York - Youth Counselor I - Counseling Center - is
hereby granted a leave of absence, without pay, effective and
retroactive from October 29, 1987 through November 11, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1150-1987)

APPOINTING TO POSITION OF
MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE (TO
FILL UNEXPIRED TERM OF
RICHARD DEL VECCHIO) - JOHN
LODICO

Co. Maloney offered the following resolution:

RESOLVED, that John Lodico, 2 Birch Lane, New City, New
York, is hereby appointed to the position of Member - Industrial
Development Committee (to fill the unexpired term of Richard Del
Vecchio) to serve without compensation - term effective November 11,
1987 and to expire on February 24, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1151-1987)

REAPPOINTING TO POSITION OF
MEMBER - ZONING BOARD OF
APPEALS (WILLIAM R. NIEHAUS)

Co. Maloney offered the following resolution:

RESOLVED, that William R. Niehaus, 13 Red Rock Road, New
City, New York, is hereby reappointed to the position of Member -
Zoning Board of Appeals - at the current 1987 annual salary of

Continued on Next Page

RESOLUTION NO. (1151-1987) Continued

\$1,250.00 effective and retroactive to June 19, 1987 with a term to expire on June 18, 1992.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1152-1987)

TRANSFERRING FROM PART-TIME
TO FULL-TIME BUS DRIVER -
MINI TRANS DEPARTMENT
(ANDRE PAUL)

Co. Maloney offered the following resolution:

RESOLVED, that Andre Paul, 42 Elysian Avenue, South Nyack, New York is hereby transferred from part-time Bus Driver to full-time Bus Driver - Mini Trans Department - at the current 1987 annual salary of \$17,424.00, effective November 16, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1153-1987)

AMENDING THE TIPPING FEE
SCHEDULE AT THE CLARKSTOWN
SANITARY LANDFILL

Co. Lettre offered the following resolution:

WHEREAS, a proposal has been made by the Director of the Department of Environmental Control and the Landfill Supervisor, that the Town Board amend the fee schedule established pursuant to Chapter 63 of the Town Code with respect to disposal of solid waste in the Clarkstown Sanitary Landfill, in anticipation of the increased costs of operating same in an environmentally safe manner and also to provide revenue for the expenses associated with the final closure of said facility, and

WHEREAS, the Town Board has duly considered said proposal;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 63-8 of the Town Code, the fee schedule for the disposal of solid waste in the Clarkstown Sanitary Landfill, effective January 1, 1988, shall be as follows:

1. Garbage, as defined in Chapter 50 - \$12.00 per ton.

Continued on Next Page

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RESOLUTION NO. (1153-1987) Continued

2. All other types of refuse, waste or debris (except road building materials) - \$20.00 per ton, or part.

3. Mixed loads consisting of garbage and all other waste materials - \$20.00 per ton, or part.

4. Road building materials as defined in Chapter 50 of the Town Code - \$50.00 per trailer load; \$30.00 per tandem load; or \$20.00 per six-wheel dump load.

5. There shall be no charge for passenger cars or commercial vehicles up to and including 3/4 ton displaying a resident permit, provided that the operator, upon request of the Department of Environmental Control, completes a questionnaire drawn pursuant to Section 63-10(F) certifying that the refuse or debris originated from a location within the Town of Clarkstown and the hauler is not a refuse hauler for hire or contractor. Exempt vehicles shall be determined by registration and weight scale. All non-exempt pickup trucks shall pay a minimum fee of \$12.00 per load.

6. All commercial vehicles which shall not stop at the weight scale shall be charged for a full load at the demolition debris rate based on the full load capacity of the vehicle.

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

and be it

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

FURTHER RESOLVED, that the revised fee schedule established pursuant to this resolution shall be effective 8:00 A.M., January 1, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

With regard to the following resolution a gentleman from the audience said that as he understood it from the Town Attorney in prior meetings, there were two ways the Town Board could resolve this - either by sealed bids or, as done in the past, by offering it to abutting property owners. The property can only be used by the abutting property owners because the zoning in that area which is M requires three acres. He said he did not understand - are they supposed to submit a bid or what?

Supervisor said the Town Board members had discussed this and it was decided that this was what they wanted to do in terms of moving this along.

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RESOLUTION NO. (1154-1987)

AUTHORIZING TOWN ATTORNEY
TO ADVERTISE FOR SEALED
BIDS FOR SALE OF SURPLUS
MUNICIPAL PROPERTY - ROUTE
303, WEST NYACK, NEW YORK
(MAP 105, BLOCK A, LOT
33.01)

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of land located on Route 303, West Nyack, New York, in the vicinity of and adjacent to the Clarkstown Sanitary Landfill, which premises is designated on the Clarkstown Tax Map as Map 105, Block A, Lot 33.01, and

WHEREAS, by resolution dated September 8, 1987, said parcel has been declared surplus municipal property which the Town Board may dispose of in accordance with law, and

WHEREAS, the Town Attorney has advised said parcel may be disposed of by public or private sale for not less than its reasonable market value, and

WHEREAS, the Town Board desires to offer this parcel for sale by sealed bids subject to a right to reject any and all such bids;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to advertise for sealed bids for the sale of the parcel described herein which is more particularly described on a survey dated October 30, 1987, made by Atzl and Scatassa, P.C., copy of which is on file in the Town Clerk's office, subject to:

- a) Easement, covenants and restrictions of record;
- b) Zoning Ordinance of the Town of Clarkstown;
- c) Such state of facts as an accurate survey for personal inspection may reveal;
- d) Such title as may be conveyed by bargain and sale deed,

and be it

FURTHER RESOLVED, that sealed bids shall be returnable to the Office of the Town Attorney of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on or before 10:00 A.M., January 6, 1988, and be it

FURTHER RESOLVED, that the notice to be advertised pursuant to this resolution shall advise all bidders that bid security in the amount of ten percent of the bid price shall be submitted with each bid, and be it

FURTHER RESOLVED, that the minimum acceptable bid must be not less than the sum of \$175,000.00, and be it

FURTHER RESOLVED, that should any bid be accepted by further Town Board resolution, such sale shall be subject to Permissive Referendum.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (1154-1987) Continued

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

RESOLUTION NO. (1155-1987)

AUTHORIZING BUILDING
INSPECTOR TO ENTER INTO
PERFORMANCE AGREEMENT WITH
KNOLLS LIMITED PARTNERSHIP
RE DEVELOPMENT OF LOT D -
KINGSGATE

Co. Lettre offered the following resolution:

WHEREAS, Knolls East Limited Partnership, developer of Lot D in the project commonly known as Kingsgate, has requested issuance of Certificates of Occupancy for completed units prior to completion of all necessary required site work, and

WHEREAS, the Director of the Department of Environmental Control, has recommended that the developer establish a security fund and enter into a performance agreement to guaranty that all required site work shall be completed;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector is hereby authorized to enter into a performance agreement with Knolls East Limited Partnership, together with security in the form of an irrevocable letter of credit of not less than \$78,920.00, and in a form approved by the Town Attorney, which shall provide that the Town of Clarkstown may draw against said security in the event required site improvements are not completed to the satisfaction of the Director of the Department of Environmental Control, and as required by the site plan within twelve months from the date of said agreement.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change Request LIO to PED (MRC Site), Congers (Kirchner) was opened, time: 9:10 P.M.

On motion of Council Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Zone Change Request LIO to PED (MRC Site), Congers (Kirchner) was closed, RESOLUTION ADOPTED, TIME: 10:10 P.M.

RESOLUTION NO. (1156-1987)

DECLARING KIRCHNER
APPLICATION FOR ZONE CHANGE
TO BE TYPE I ACTION - TOWN
BOARD DECLARED LEAD AGENCY
- PUBLIC HEARING ADJOURNED
TO JANUARY 26, 1988

Co. Maloney offered the following resolution:

RESOLVED, that the application for Kirchner for change of zone from LIO to PED is hereby declared to be a Type I action pursuant to part 6.17 NYCRR and the Town Board hereby declares itself as lead agency and requests the applicant to prepare a Draft Environmental Impact Statement, and be it

FURTHER RESOLVED, that a public hearing convened November 10, 1987, and the comments made for the record, is hereby adjourned to January 26, 1988.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

Appearance: Mr. Martin Glasser
 6 Dunmore Road
 New City, New York

Mr. Glasser said he was also a tenant in a building at 61 South Main Street, New City, New York. He said he was here a month or two ago regarding severe problems they had been experiencing as a commercial tenant in that building. Since that time a number of violations have been issued against the building - fire code violations, town code violations, building ordinance violations, etc. The landlord of that building has been brought before the town court on a couple of occasions. He has been fined. There have been corrections made to the property. At the present time he said he was asking for help because they are in a situation as tenants in a building awaiting a tragedy. It will occur. It is a question of time unless we get some help. He said if the Town Board does not have the means to help them then he would ask them to consider an ordinance that would solve the problem for future tenants and future business people in the Town of Clarkstown.

Mr. Glasser said they are presently occupying approximately 6,000 square feet of space without any heat whatsoever. The access to the heat has been disconnected. He employs approximately thirty residents living in Clarkstown. These are not menial jobs but executive positions. He said his firm generates more than \$1,000,000.00 in business in the Town and the bottom line is that there are thirty people sitting in 400 temperatures. They cannot get the heat turned on. Mr. Glasser said he has spoken to the Board of Health and they say there is no provision for turning on heat in a commercial building. They referred him to OSHA. He called the people from OSHA and they said to the best of their knowledge there is no provision that comes under their jurisdiction. He said he has spoken to the Building Inspector's office and they said there are only broad based provisions in the building ordinance dealing with the maintenance of property.

Mr. Glasser said he has spoken to the Supervisor who has great sympathy with our cause and he would look into the matter. He said he is bringing the situation before the Town Board because what is happening right now is we have three tenants on the second floor of a building, all of whom are being forced to use electric heaters and blowing circuits every ten minutes. Mr. Glasser said he has also spoken to the Fire Inspector and basically the provision is until there is a tragedy they can't do anything.

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Supervisor asked Town Attorney if there was anything he could look into to try and remedy the situation here. Town Attorney said he would investigate it.

Mr. Glasser reiterated his complaints and said it seemed to him that if the Town Board was an elected body to protect the health, welfare and safety of the residents of this Town that something should be able to be done to correct his situation. There has to be something in the law to protect them. If there isn't then he called upon the Town Board to enact such legislation because we are going to have a fire, or an accident - not only in his facility but the other tenants in the building. In order to keep warm everyone is using electric heaters and circuit breaking every ten or so minutes. The walls are warm when you put your hands to them.

Town Attorney said if the building is in imminent danger of fire and there is a threat to persons perhaps the Fire Inspector may have to have that building closed down and people removed from there until the hazard is removed. Town Attorney said that must be considered.

Mr. Glasser said how can they get the heat turned on? Town Attorney said there is more than just a question of how to get the landlord to turn the heat on. If there is present imminent danger to someone in that building perhaps that building should not be utilized until the problem can be solved. Mr. Glasser said if you put the heat on we don't have any imminent danger.

Supervisor said let's have the Town Attorney investigate to see if there is something that we can do.

Mr. Glasser said the last time he was before the Town Board there were summonses issued. He said he had explained that they had suffered over \$100,000.00 in water damage because the roof was leaking and water was just pouring in. After two court appearances the landlord is finally putting a roof on. He chose to start that work this afternoon in the rain.

Supervisor again stated that he would have the Town Attorney investigate to see if they can get the heat turned on.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Town Board Meeting was declared closed, time: 10:25 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

257

Town Hall

11/10/87

9:10 P.M.

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

RE: KIRCHNER ZONE CHANGE REQUEST LIO TO PED (MRC SITE) CONGERS

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 Clerk also stated that she had received a letter from the Rockland County Department of Planning just prior to the meeting. At the Supervisor's request she read the following:

(Letterhead of Rockland County Department of Planning)

*November 10, 1987 Tax Block & Lot: 129-A-5.03, 6

Clarkstown Town Board
Att: P. Sheridan
10 Maple Ave., New City NY 10956

Re: General Municipal Law Review 239 (k) __ 239(l&m)XX 239(n) __

Map Date: 6/15/87 Date Reveiw Received: 10/15/87

Item: Karl F. Kirchner (C-1234)
Zone Change request from LIO to PED for 66.7 acres
Between Rte. 303 and Rte. 9W, 1500' S. of intersection
between the two.

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 __
**approve subject to conditions below XX request extension of time __
**disapprove for the reasons below _____ request addt. info. __

See attached statement."

*Karl F. Kirchner (C-1234)
November 10, 1987

1. Inasmuch as the PED zone permits certain commercial use by right, it is possible that buildings and parking built for office/manufacturing uses can later be used for commercial uses with greater parking needs. Hence the Town should have a mechanism which insures future changes in use have sufficient parking. Such a mechanism could be the issuance of a new certificate of use or occupancy for each change of use or occupancy.
2. The Town examine the zoning ordinance and clarify the intent and requirements of the PED zone so that it is primarily for non-commerical uses. Hence, steps should be taken to limit the percent of commerical activity allowed within it.
3. The Town restrict land disturbance until formal site plans are approved. When this Department reviews the site plan our concerns will focus on: the preservation of a natural buffer along Rte. 9W (to buffer the nearby State park); site drainage and access onto the State highways.

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

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Town Attorney stated that he had a letter addressed to the Town Board dated November 6, 1987 and he read the following:

(Letterhead of Raymond, Parish, Pine & Weiner)

November 6, 1987

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

RE: KIRCHNER ZONE CHANGE - SEQR PROCESSING

Gentlemen:

As staff for the lead agency we have reviewed the Kirchner zone change petition and supporting SEQR material. Based on this review, we recommend that the Town Board adopt a positive declaration and require a Draft Environmental Impact Statement. The reasons for the positive declaration are as follows:

1. The rezoning would allow changes in the land uses permitted in a parcel affecting 25 or more acres,
2. Development pursuant to the rezoning would result in the physical alteration of more than 10 acres, and development would
3. Create parking for more than 1,000 vehicles and
4. Create at least 100,000 square feet of floor area.

The applicant had submitted a transportation and drainage study for a previous development planned for this site, but the current application is for a new and different proposal.

We suggest that Tuesday's public hearing on the rezoning be rescheduled until the DEIS is completed, or adjourned but not closed.

Very truly yours,

/s/ Robert Geneslaw
Planning Consultant

cc: Town Attorney
Town Clerk "

Supervisor said we are going to go ahead with the public hearing and we will adjourn it pending the completion of the DEIS. The applicant will have the opportunity to present his case tonight and the public will have the opportunity to ask any and all questions or make statements.

Supervisor said the applicant will make his presentation. The Town Board will ask their questions. Then the public will have their chance to speak. However, he reiterated that it is the intention of the Town Board this evening not to make any decision on this application.

Appearance: Henry Horowitz, Engineer
representing the applicant

Mr. Horowitz said the subject property contains approximately 66 acres, 13 of which are already occupied by the MRC structure. The Board is aware that this property is bounded by Route 303 and Route 9W. The present zoning of the property is LIO which means that the applicant at the present time has the choice of developing the property in accordance with the present uses permitted in an LIO and have a number of buildings on one lot or he has the option of taking a cookie cutter approach and carving out a

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series of 100,000 square foot lots in the minimum area required in the LIO and develop each lot separately.

The applicant is requesting the use of the PED which is a little bit of a strange zone in that in order to get a zoning of PED the underlying zone must be either M, LIO or LO. The subject property is already LIO. He said one of the most important things to be concerned about is what are the essential differences? Why go into the PED? Why not stay with what we have?

The reason for the PED is contained in the zoning ordinance "The intent of the PED district is to permit greater flexibility in design and development of offices, warehousing and industrial parks than is generally possible under conventional zoning." The key word is flexibility - flexibility on the part of the applicant and flexibility on the part of the Board in order to handle 66 acres. One of the requirements of PED, another unusual zoning requirement, is again that is the only zone where in order to apply for a PED you must have a certain minimum area. In this case the minimum area is 50 acres. This particular parcel satisfies both categories.

Mr. Horowitz asked what can one do in the PED as compared to what is permitted in an LIO. The primary uses of the PED are pretty close to the primary uses in the LIO. The LIO allows industrial land use, restriction development, office parks, automotive new car dealerships, etc. There are several uses in the LIO not permitted in the PED. In LIO you can have carnivals and circuses - not permitted in the PED. You could have automotive and repair shops - not permitted in the PED. By Special Permit you can have an airport or heliport or an auto laundry. These are uses not permitted in the PED. However, the PED has certain uses which are also objectionable and not permitted in the LIO. These are referred to as the commercial districts.

Mr. Horowitz said when the County Planning Board recommendation was read they recommended approval but raised certain questions. One of the questions was relating to the commercial uses and that there should be some restriction. He said the County Planning Board did not have the time to read the Clarkstown Zoning Ordinance. He said there are very specific rules and regulations relative to commercial uses in a PED. For instance, while you have a .44 area ratio in the PED, the same as the LIO, commercial uses cannot exceed more than .1.

Now, in response to the comment made by the county, (and here he read from the zoning ordinance) at least 20% of the industrial floor space must be built prior to construction of any commercial space. Not more than one half the permitted commercial space may be built after 20% of the industrial space is built and prior to the completion of 50% of the industrial space. After completion of 50% of the industrial space the balance of the commercial space may be built. In other words, what the town recognized when they put certain commercial uses in the PED is that was a secondary use, primarily to service the industrial park which is the main thing we are after. The uses which they considered in there were limited retail outlets - limited to a warehouse or manufacturing. There are, however, three uses down at the bottom which are absolutely legitimate uses which most of the people here would find completely objectionable, one is motels, gas stations and bowling alleys. The applicant has agreed to covenant that under no circumstances is he considering any motels, any gas stations or any bowling alleys.

Mr. Horowitz said if the Board sees fit to grant the PED it would have to be with that particular covenant. It is still the industrial park that was discussed way back in 1983 or 1984 when MRC first started that is still the objective.

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He said the County said a new certificate of occupancy should be required every time you change the use. He said he would have to let the County know that is a Town of Clarkstown requirement that you must have a new certificate of occupancy. The concern about the parking being a problem if you went overboard with commercial is not necessary because you are not allowed to have more than 25% of the site in commercial. He said the County stated they would like to review the site plans as they come in. He said if the zone change were granted tomorrow nothing could be built on that site. It would still have to be processed before the Planning Board after public hearing, public notice sent to adjoining property owners and site plan on each and every item.

Mr. Horowitz said as to the Little League, with the filing of the petition a schematic master plan was submitted and what this indicates is a rough idea of the total floor area, a rough idea of the parking and the plan also included the location of a ball field. The location of the ball field is on the low side near Route 303. It was placed in that location for several reasons, primary among them is in a meeting with the applicants and he thought one or more board members might have been involved and the Congers Little League in the discussion where the ball field should be located. One of the reasons it is located where it is if you don't know precisely when this project will take place but it was the closest area to where existing parking area of MRC as exists today was so that if there was something going on there would be able to be a utilization of the parking area of MRC. As a matter of fact the next item which is going to relate to this, now that we have discussed the uses and discovered that the uses allowed in PED as compared to LIO are very little different except for a number of commercial uses that we have covenanted not to use.

Mr. Horowitz said what about the bulk regulations. How much closer can you get to lines by using PED? How much closer can we get our parking area to our neighbors if you go into PED? The PED has one big basic requirement and that is a 100 foot buffer around the entire property. The front yard in an LIO is 80 feet. The minimum possible front yard with a buffer is going to be 100 feet. The minimum side yard in LIO is 60 feet and the minimum two side yards is 150 feet which means that you could have a 60 and a 90 or you could have 75 and 75. Of course, in the LIO, if you are abutting a residential district you have to increase the yard by 50% so you know where the 90 foot yard is going to be and the 60 foot is going to be on the other unless you have a piece that is sandwiched between two residential districts and that doesn't happen. You are probably going to have a 60 and 90 or 75 and 75. The minimum single yard in the PED is 100 feet. The minimum of the two side yards is 200 feet, the same as with rear yard. The rear yard in the LIO which is what we have today is 50 feet. The rear yard in the PED is 100 feet. He said the maximum height of a building in the PED is 48 feet on any structure. Maximum height in LIO is 6 inches for every foot you are away from the property line. That means you can go up 70 or 80 feet and conform to the LIO. As far as bulk regulations are concerned and the use regulations, both are more severe. Why are we asking for it? Back to that same old word - flexibility.

Mr. Horowitz said we have another problem with the LIO. When you look into the uses you go do the list of LIO we have carnivals, circuses and so on, but there is a use in the PED which is not mentioned in the LIO - open space and recreation. He said he would submit that anyone in LIO who wants to have a little league is going to have to go to the Board of Appeals or get a zone change. There is no provision in the existing LIO to allow open space and recreation.

The ball field could go into the PED by right. As a matter of fact there is one violation which we will incur which he would have to ask the Board to do something about and that is in view of the fact that you need a 100 foot buffer throughout the

entire site our little league, if you look at the drawing in front of you, which is set in consultation with the little league people, its furthest point which is as close as about 35 or 40 feet but if the Board goes along with this particular change of zone he would request that it be coupled with an allowance that a little league field could encroach on the buffer. He said the way the field will be located will be in conjunction with the Planning Board and the Little League and the local neighbors. Some have indicated that they would prefer the little league up by the school which may not be a bad idea.

The school is in a residential zone. In PED no recreational facility that is a permitted use shall be located within 200 feet of any property line where residential use is first permitted by right. Now, if you wanted to put the little league by the school it has got to be at least 200 feet away from the school. We know there is a 100 foot buffer so now there is the existence of 100 feet between the buffer and the little league. He said while the applicant is going to give away about two acres once you conform to this, then that two acres is coming up to four, five or six acres. That is in the PED. Strangely enough the PED allows the ball field by right. We would ask for a waiver that the ball field could be located within the buffer but we would ask that all aspects of this particular plan be subject to the approval of the Planning Board and that's where these things should be ironed out.

Mr. Horowitz said the road which is supposed to go from Route 303 across the site to Route 9W. This was the subject of much discussion when we appeared before the Board. He said when MRC first appeared they were going in for a PED and then saw all the time it was going to take. They had to accelerate its program so they dropped the PED and continued with the present building they have in accordance with the LIO zone which presently exists today.

Mr. Horowitz said they did balk about a road which at that time showed on the master plan going across from Route 303 to Route 9W. Their reason for balking was that if this was going to be developed as an industrial park having a large public road through the middle of course divides the site in two and prevents this coordination they wanted between the various structures.

Mr. Horowitz referred to a traffic study made in August of 1984. It refers to 1,200 parking spaces. The plan before you today has something like 1,233. The argument he was trying to make here is don't make us get studied to death. This whole entire parking situation went in. After the August report, there was one in September of 1984 which is entitled "The Effect of Potential Development in the Area West of Route 303 Between Brenner Drive and the 9W/303 Intersection on the Traffic Demand for a New Road Connection Between Route 303 and 9W." The report says if certain things happen we don't need it. Whether it goes through again or not again is dependent on the Planning Board. He said he would not like to see a road go through because of the condition of 9W, the site distance and its width. On top of which the Planning Consultant recommends to the Board that we don't need a road to go through if certain things occur.

The first thing was the elimination of the crossing at Route 9W and Route 303. That was to be made an on-grade connection. That is going on right now. The second condition that was put on there was the improvement of Route 303 in front of Brenner Drive including two, 600 foot tapered lanes to have access in and out of not only the MRC property but Brenner Drive. That has been completed and done with the first building for about \$150,000.00.

He said there was another item that at some stage along the line as this site develops a traffic light be installed at that

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to PED intersection. MRC is ready to put that light in at the time the Planning Board says now we need it.

There was one other condition that had to do with an improvement that the consultant would like to have seen take place on Lake Road and Route 303. He said he thought a portion of it had been done and is under the jurisdiction of the County. The conditions that were set forth were covered in the report and recommended by the Planner. As to the road from Route 303 to Route 9W that is something that the Planning Board has to get into in detail. Their study is much greater and envisions the development of the entire site. Mr. Horowitz said one of the reasons they dropped the PED earlier and continued with the LIO was because we had to relate our drainage to that of Hitachi across the street. He thanked the Town Attorney for getting the Hitachi people back into the fold. When they originally did their retention pond they never did give an easement to the Town of Clarkstown. However, we did get that easement two years later and the entire project was able to move.

Mr. Horowitz said the drainage study that was made was not for the MRC building alone. It was for the development of the entire site. The traffic study was not for the MRC building alone but was again for the entire site. The site has been studied.

In summation, Mr. Horowitz said the use of the PED aside from the flexibility of development allows the applicant very little more than he could do under the LIO. He will be a lot more restricted in his ability to develop but more importantly it affords the applicant and the Town a way to come out with a coordinated development of the entire site. We don't know, at this point, what uses will go in. We don't know whether they will be MRC or not but we are trying to avoid what happened the last time we started with the PED when all of a sudden MRC had to move fast and drop the PED plan and come in with the individual building. He said they would like to plan that now with the Planning Board subject to the regulations you set forth. If the Board should consider the adoption of the PED they should recognize and allow a little league to encroach within the 100 foot buffer and in case its not put there by the school they would have to allow a recreation facility to be at least 200 feet away from the property line where a residential use is initially permitted by right. Whether a road should go through or not is entirely up to the Planning Board.

Supervisor asked if the Board members had any questions at this time. No one did.

Supervisor asked if any member of the public had any comments or would like to ask a question?

Appearance: Mr. Michael Maris
52 Lakeland Avenue
Congers, New York

Mr. Maris asked if a DEIS will be done? He asked why he was here having to comment on something he has not seen? He said if he cannot go to the Town Hall and review the DEIS how can he comment on it? He said he would like an answer on that before he goes any further.

Mr. Horowitz said the Board has not yet determined whether or not a DEIS is required or not. What is before this board is an application for a change of zone. That application is available at the office of the Town Clerk. The notice specifically indicates that if you want to see the application and what is being presented and the petition itself then you have to go to the Town Clerk's office during working hours. There is no DEIS as they are still determining whether it is required or not.

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Supervisor said at the present time the Planning Board is asking for one and that is up to the Town Board whether they wish to require it. Mr. Maris asked when will that be? Supervisor said this evening.

Mr. Maris asked if the DEIS which was done in 1984 addressed a PED or an LIO? He suggested that it addresses an LIO and that what has happened in Congers in the last three years makes that DEIS invalid. Mr. Maris said the DEIS is outdated. He said the traffic volumes on Route 303 are a long way from where they were in 1984. He said he is a traffic consultant and has been one for twenty years. He generally works with developments and he said he has not ever seen the consideration of 65 acres for rezoning without an Environmental Impact Statement addressing that specific use - not what was planned three years ago. He said this Board should seriously consider that.

Mr. Maris said he thought he was going to hear tonight that the Board wanted a DEIS and then the petitioner should come back. He asked Mr. Costa to clarify that the petitioner is willing to covenant that they will not build hotels, gas stations, bowling alleys, things permitted by the PED and not by the LIO. He said that legally his understanding is that once they have this zoning they have a right to develop whatever is permitted by that zoning whether they covenant it or not. He asked for that clarification.

Town Attorney said it has been recognized by the Courts of the State of New York that a covenant or agreement for this type of zoning could be valid. They could be held to a promise that says they will not use certain of the approved uses in that district as a condition of the zone change. Town Attorney said they could be held to it. Supervisor said in other words, if the zone change were granted by the Town Board and certain covenants were put into it, if some subsequent Town Board down the line five or ten years from now wished to alter that they could only alter that by holding another public hearing and not simply by a Town Board resolution. Town Attorney said that is correct.

Mr. Maris asked if that was true for subsequent land owners - that it goes along with the land. He was assured that was correct.

Mr. Maris said in the comparison of the LIO to the PED he felt there were some negatives with the PED. The comparison that the existing LIO could be divided into 100,000 acre parcels may be true by existing zoning but marketing is what controls it. He said he would like to see someone market 100,000 acre parcels in this area. Mr. Maris said he had seen statements that we want this rezoning because it provides us flexibility and then in the same sentence the word "restrictive" is used - this zoning is more restrictive. Those are contradictory. How can you have more flexibility and be more restrictive at the same time? He wanted someone to explain to him what the difference is? Why would someone want this zoning? He said he understood that the only other PED we have is by the old airport site.

Mr. Horowitz said the reference to restriction has to do with what can go on to the site and where it can be located in regard to your neighbors. When we said it is more restricted we were saying that because in the PED you must be 100 feet away from your neighbor. It is required to have 100 foot buffer around the entire site. He said he would have to say that is more restrictive than the LIO zone which allows you to be only 60 feet away on one side and 90 on the other. It is more restrictive.

Mr. Horowitz went on to say that the same thing is true in so far as some of the uses are concerned. Where the flexibility comes in is within the site itself - where the buildings will relate

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to each other; how close the buildings will relate to each other; what the internal road work is going to be? That is where the flexibility comes in with the PED. The only other PED is the airport site. Several of the portions of the airport have been developed as LIO. (He said it is 100,000 square feet by the way not 100,000 acres as has been previously stated.) That location as far as the uses are concerned, you are better off with the LIO in that they are more restricted than the PED. But the Planning Board has a much greater flexibility as to what it does internally. Mr. Horowitz said if they were to cut up this bunch of LIO lots each lot has to have 60 and 90 then this one has to be 60 feet and the next building might also be 60 feet away then there could be 120 feet in the building. Now, when you are working with the PED, the Planning Board may say if those buildings are only 30 feet high we would like you to be a distance away equal to twice the height of the building - only 60 feet away. You can do that because you don't have lot lines. You can have restriction and you can have flexibility at the same time.

Mr. Horowitz said in regard to the traffic study - it assumed that eventually there would be 1,200 employees. He said he had just spotted that this afternoon reading the report briefing for tonight. He said if you look at the sketch plot it provides something like 1,233 employees. At the time that report was prepared we had the same acreage, the same uses of warehousing, etc. and that report is as current today as it was current at that time. In fact conditions are a little better because there we had to speculate if the State did not make the on grade crossing at Route 303 and Route 9W. We didn't have the widening on Route 303 and Brenner Drive that we have today. At the time the report was written there was no commitment yet for a traffic light on Brenner Drive. That report is current. Reports are not written for today or tomorrow - they are written for the future.

Mr. Maris said are we talking about more square footage under the proposed PED than under the existing LIO? Mr. Horowitz said you are permitted the same. Your footage is controlled by floor area ratio. The floor area ratio of LIO is .4. The floor area ratio of the PED is .4. You are not allowed one square foot more in either zone. They are both the same.

Mr. Maris said then what we are talking about basically is just taking all the development and putting it together in the middle - that is my understanding. Mr. Maris said he did not want to get into a discussion as to the validity of the traffic study. He said as far as he is concerned there is no traffic study. He said he has testified as a traffic consultant from California to New York before numerous municipalities as an expert. There is no traffic study that is three years old that is valid today. He would like to see one and he would also like to see an Environmental Impact Study so that the next time he stands up here he can talk more intelligently.

Appearance: Mr. Richard Lombardo
10 Linda Court
Congers, New York

Mr. Lombardo asked if this property ever had a zoning change prior to this to build MRC. If so, when and why wasn't PED asked for then? Mr. Horowitz said in early 1984 the property was rezoned from LO to LIO. LO is also one of the underlying zones you must have in order to get PED. A PED petition was submitted but the PED at that time was dropped because MRC wanted to move in very rapidly with one building that they had to put up immediately. They decided to drop the PED petition and indicated that they would come back later and put up their existing building with the LIO zoning.

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Appearance: Ms. Tricia Holland
72 Lenox Aveue
Congers, New York

Ms. Holland said she was speaking for the entire Executive Board of the Lakewood PTA and read the following letter:

"The Lakewood PTA recognizes that as a Town Board you must consider the good of the whole town and the need for ratables, but we are asking you to seriously consider that this development is situated next to an elementary school.

PED allows less restrictive site plans than LIO as well as less stringent requirements for side and rear yard areas, access, use of space and boundaries.

We are concerned about the implications of a zone change. We are concerned about the impact of increased truck traffic on Routes 303 and 9W which directly affects children using these routes to walk to school.

We are concerned about the security of the school after hours and the accessibility to the building after the area is opened up.

According to the zoning code: Commercial uses permitted by right. Commercial uses in a planned industrial parklike setting shall be permitted either separately or in multi-use buildings including the following:

a. Limited retail outlet as an adjunct to distribution of warehousing use. b. Banks and drive-in banking facilities. c. Theater or cinema. d. automotive sales and services. e. Public or private tennis or health clubs, including indoor and outdoor facilities. f. Restaurants including dinner theaters. g. Motels. h. gas stations, these two don't seem to need special permits and i. bowling alleys.

Of major concern, is that the owner is not committed to develop any specific usage. After the zone change is secured they are under no obligation to adhere to conceptual plans. Restrictive covenants can be also modified.

After viewing the proposed plans, the extension of Brenner Drive to 9W at one point comes within 50' of the school property. This road is designated as a truck route on the plans and it is the major road with service roads branching off it. There is also a 1 story warehouse with a loading bay on the side of the building closest to the school. In a 9-5 operation this would cause much distraction and noise during the school day.

The proximity of Lakewood to this development was not taken into consideration during the conceptual stage. We wonder whether it will be considered during the master plan stage.

We are not against developing this property but we must ask who will benefit the most from this zone change. The owner or the Town. Clean viable ratables are needed but who will the owner lease these buildings to and for what purpose.

We support the Planning Boards request for complete Environmental Impact Study and again voice our concern over the flexibility of the PED zoning and the uses permitted under it.

Lakewood PTA is strongly urging you to oppose this zone change!"

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Ms. Holland said she wanted to say something not as PTA President but for herself. As far as the little league field, the owner of this property is reverting to community blackmail. If you want to play ball in their yard you have to give them what they want.

Appearance: Ms. Susan Hale
7 Amanda Lane
Congers, New York

She stated that she and others were at the Planning Board meeting last week when this was discussed. The Planning Board very clearly stated that they were not going to take a stand on the issue until the completion of the Environmental Impact Study. Yet, tonight you state that you have received a letter in which they recommend approval. She said this really confuses her.

Supervisor Holbrook said the Town Planning Board has recommended that a DEIS be done. The approval recommendation was from the County Planning Board.

Appearance: Mr. John Krause, School Superintendent
Clarkstown School District
Residence: 8 Havermill Road
New City, New York

Mr. Krause said he wanted to express on behalf of the school district our concern to be kept fully informed of developments that may be taking place when you consider this issue. He said you heard the PTA representative express something that as a school district, administration and Board of Education, are also very concerned about, such things as the safety of children, the impact that this decision is going to have on the traffic in this area, both in the area of the school and on the roads leading into the school itself. He went on to state that they are very concerned in light of the comment on flexibility of the use of that property - the kinds of establishments that may be built within a stone's throw of the Lakewood School itself. He said they are concerned with such factors as the potential drainage from the property onto school property depending on what kind of use is permitted for that area. He said they are concerned with an adequate buffer zone, trees or something that would insulate the school from any distraction either by noise or by vision from that area. He said they are concerned with provisions for security that may result if a road goes through and opens up the back area of the school. As of now there is no entrance to that school property from the back and this might be very difficult to control if indeed it were opened up from another vantage point. He said they are also concerned with the potential for noise or other kinds of environmental distractions that may be a negative effect on the learning situation.

Mr. Krause asked that the Board take all of the above into consideration prior to any decision being made on this issue.

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

Mr. Lodico said prior to 1972 there was not a PED zone in our ordinance nor a PUD. He said having served on the Industrial Commission at that time he was one of the movers to bring in what would have been PUD - Planned Unit Development - or PED, whatever initials you wish to give it. They have the same principles. If people were to scour the community within 100 miles of New York City's circumference, they would find that in PEDs or PUDs or any of the other zones that relate to the same type of construction for commercial uses, they will find that they will get a better ratable in those areas where there is PED, PUD or others. We developed this zone in concept in the '70s (he said that Councilman Maloney had moved it with them at that time).

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Mr. Lodico said as far as the road goes he believes that he was the only one who spoke the last time in regard to the road going through. He said he is a firm believer in not allowing anyplace in this town where we need traffic patterns to move to block off. He said Route 303 to Route 9W should be an open roadway. You are dealing with 1,200 or more possible cars and therefore you have the opportunity to split and spread the dimensions of these cars, some going east, some going west. From the standpoint of the ball field, if the Board were to permit this use, he would suggest that when they talk about covenants that the ball park be the first part of the construction so that the community will be able to utilize this as their recreational facility. Years of planning go into PED and the type of building that they are going to put up. In 95% of the cases our experience in searching this metropolitan area of three states better buildings, better ratables have come in at PED or PUD zones. As far as the covenants go that can be changed at any time if four members up here agree. We had covenants on Treetops. You have that action every two years. If they change the covenant in a subsequent year, any three or four members, depending on the petition, can circumvent that. We have experienced covenants being changed over a period of ten years.

Appearance: Ms. Jackie Brennen
2 Viking Lane
Congers, New York

She mentioned all the additional traffic and asked if they were going to find themselves in a situation on Route 303 in the future with what is now a two lane highway turning into a four lane highway to accommodate this additional traffic? This is next to residential areas on a bus route for children. Are we going to find that some of this traffic is going to be diverted over to Route 9W which is also going to be a problem right next to the elementary school? She said she also understood that in the 60's or 70's truck traffic was no longer permitted onto 9W. Can that be reversed? If it is you are still going to impact the elementary school. What are we going to do with all this additional traffic? Is this accounted for in the study? Was all of the residential property included?

Supervisor said that is one of the reasons that the Planning Board is requesting the DEIS so that would be included in it. Ms. Brennan asked if four lanes was a possibility? Supervisor said he did not think that you would find Route 303 a four lane highway or 9W at that location. He said he did not think the State had any plans to widen it to four lanes. The traffic will have to be addressed in the DEIS.

Appearance: Mr. Robert Looney
New City, New York

Mr. Looney said he is the principal of Lakewood Elementary School and he has a long memory in this Town. He said as John Lodico will attest, Lakewood School does not exist in Link School District, in Street School District or in New City School District. It exists in an area which is prime for development. He said he did not know the last time Mr. Horowitz crossed Route 303 at 7:30 in the morning or at 5:30 at night but he has done it every night and every morning for ten years and he asked Mr. Horowitz to explain how they could even consider adding any more traffic on Route 303 or Route 9W without a traffic impact study.

Mr. Looney said the Town Board approved the opening of Randy Lane and Hilltop Lane onto Route 303 in spite of the appeal of the residents that it would eliminate busing to Lakewood School. It would create a zone within one mile of Lakewood School. The Town Board, because they said we cannot hold builders liable for these actions, we are going to open that roadway. We are going to allow traffic to come out onto Route 303. We are going to relieve the

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center area of Congers. We are going to allow traffic to come out onto Route 303. Fine. The builders are safe but the children are at risk. The School Board says we are not under obligation. We cannot, even if we want to, provide any service or relief for those children crossing Route 303. The Town Board says and the Police Department says and the Traffic and Safety Commission says what can we do? This is the conditions and there is no provision for it. The State says we are not going to put up a traffic light at Randy and Hilltop on Route 303 because it is a major truck highway. The only one in Rockland County is Route 303 - New York State Designated Traffic Highway. He said he has those letters on file. New York State says if there is enough need we will put in a traffic light but you have to provide the need.

We have a policeman who says I'm not going to stand out in the middle of Route 303. I'm out there to direct traffic and get the kids across the road when there is someone coming but I'm not going to stand out there in the middle of these trucks that come down through the south. The major bus accident after the traffic accident at the railroad trucks - the major bus accident in Clarkstown and Rockland County - was at the intersection of Route 303 and Lake Road (a dump truck and a Clarkstown school bus.) We are talking about half a mile north of there - elementary kids crossing Route 303.

Mr. Looney said if the Town Board does not do something to examine the situation before you introduce any more traffic the State is providing a brand new intersection up there. We are going to make this all one level. Have you tried to cross Route 303 at 7:30 in the morning or at 5:00 at night or at 3:00 in the afternoon or at 12:00 in the afternoon when the kindergarten kids are supposed to cross? You don't do a traffic examination of conditions as they are now and you are going to add more traffic in there? He said he was speaking as a citizen of Clarkstown. This area was poorly developed, poorly planned and poorly approved. If you add to that you are going to be guilty of whatever comes after that. He reiterated that he was speaking as a citizen of Clarkstown, not as an employee of the Clarkstown School District. He said it was his opinion that this town was poorly planned. He said you have a chance now to add something to the planning. If you don't do it now, the past is prologue.

Appearance: Mr. Bob Scroggs(?)
20 Hemlock Drive
Congers, New York

He said he was reading that there should be a 50 foot buffer zone for PED and parking is allowed up to the property line at a later time. Mr. Horowitz said there is a 100 foot buffer. However, there is a provision in there very deep into the ordinance which allows you to park in the second 50 feet of that buffer. You have a 50 foot buffer and you can park in the next 50 feet. However, there is a requirement that the Planning Board may require minimum buffer around the site with no parking or driveways. No parking roads or driveways shall be provided within 50 feet of any residential district. No building within the 100 feet and there is no question about that. There can be parking in the first 50 feet away from the property line. The Planning Board has the right to say there can be no parking whatsoever in the 100 foot buffer.

Appearance: Mr. Walter Fleisher
443 Buena Vista Road
New City, New York

Mr. Fleisher said he was appearing for the Rockland County Environmental Management Council. He said this was referred to them only a few days before an answer was required and they could not do a quick study. He said looking at what new information they have, which is a conceptual design, there is a drainage problem.

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They would certainly request a DEIS be done. There are two numbered streams on that property and they would like to know what will happen to them. As it is shown now they disappear and they don't feel that is a good way of handling the runoff or even putting it under ground in pipes because the streams do serve a very important function in not only handling the water but, if it is not used as a sewer, in refurbishing it. They act with aeration, etc. to keep down the bacteria, etc. He said they were concerned but they did not realize that it was in so early a stage as it is and would suggest a very serious DEIS. This is a good time to do it better than it might have been done even under the LIO because there again we had no concept of how it was going to be handled.

Appearance: Mr. Frank Mottziatti

He had a question regarding the map and referred to it. He said there are five houses back here. He said if they put in a parking lot it would be about 50 feet away from the house and that would not be nice. In the area referred to the Supervisor pointed out that there is a building there now. Supervisor said you mean you would be concerned if it came closer and Mr. Mottziatti said yes. If a road goes through from Route 303 to Route 9W it will become a speedway for kids.

Mr. Horowitz said in so far as whether or not the PED is more restrictive please check with the Planning Consultant as between the two which is the more restrictive. Concern being expressed this evening is because of change more than anything else. You would get the same reaction if this was zoned PED and we were here to go into LIO. He requested the Board to call it as you see it. There is no problem with the LIO. He said he was concerned about it being said that the little league was being used as a bribe or a wedge. Mr. Kirchner did not ask for the little league to be put in. He was asked to put it in. If you don't want the little league there that is fine with Mr. Kirchner. With regard to the road going across the site from Route 303 to Route 9W we are not in favor of it but that is up to the Planning Board. The most important thing is that no one has bothered to go into the Planning Board file. What was raised by Mr. Fleisher relative to the two streams is on file with them - an entire drainage study, not only of this particular MRC - it took in Hitachi and the new developments going on. They are on file already with the Planning Board. The traffic study was gone over and reviewed by the New York State Department of Transportation. He said please look into the file and if you want any additional information, fine.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the public hearing was declared adjourned until January 26, 1988, RESOLUTION ADOPTED, time: 10:10 P.M..

Respectfully submitted,


Patricia Sheridan
Town Clerk

RESOLUTION NO (1156-1987 ADOPTED)

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