

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

51

Town Hall

12/8/87

8:00 P.M.

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

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

Town Clerk Patricia Sheridan presented the audit report
of the State Comptroller for the year 1986 to the Supervisor.

Supervisor introduced Mr. Steven Kunis, who is
Councilman Elect for the Town of Clarkstown and who will be taking
office on January 1st. He was invited to sit on the dais and
partake in the meeting. Mr. Kunis took a seat and thanked the
Supervisor.

Supervisor presented an award to the Valley Cottage
Indians which is an athletic organization located for twenty years
in the Town of Clarkstown which is also supported by the Town. They
present football programs, bowling programs, women's softball, etc.
Supervisor said they like to invite these groups into Town Hall and
recognize them for special achievements. He said the group present
this evening is a team from the Peewee Division of the Valley
Cottage Indians. Last year they were Junior Peewees and this year
they are Peewees. In both instances they were undefeated and
champions of their Peewee Division. They played in the Friendship
Bowl in Massachusetts last year and this year in Clarkstown and were
successful in both games. The youngsters were presented with
Certificates of Recognition by the Town Board members. Certificates
were also presented to the coaches.

Mr. DeSalvo, head coach, thanked the Supervisor and the
members of the Town Board and also thanked the youngsters involved
in the program.

Supervisor declared the Public Portion of the meeting
open.

Appearance: Ms. Lucille Bifano
West Nyack, New York

Mrs. Bifano appeared regarding Item No. 11 and
suggested that split sampling be done with the DEC and the samples
taken at the same time by Leggette, Brashears & Graham, Inc. Then
there should be no question about the results.

Appearance: Mr. John Lodico
2 Birch Drive
West Nyack, New York

Mr. Lodico spoke regarding the proposed meeting of the
three towns for the possible location of an incinerator. He said
there was still sixty acres available between the landfill and the
Orangetown border which was a straight, level plain and he felt it
would be a suitable and ideal location.

Mr. Lodico also suggested that green receptables be
used for the recycling. He said before the State will allocate
money for the project they would need assurance that there would be
a guaranteed market. He suggested that the Board put the project
into neutral for awhile.

Appearance: Mr. Edward Kallen
16 York Drive
New City, New York

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Mr. Kallen spoke regarding Item No. 19 (Brittany Homes.) He said the 280a approval which the Town Board has given to Brittany Homes and Martin Feldi, he believed, is improper. He said Mr. Feldi had originally presented to the Planning Board a proposed access for his subdivision to York Drive. Originally he proposed a twenty foot easement which was a walk-way easement and was clearly designated as such in the public record. The Supreme Court in an Article 78 proceeding which he brought upheld that. Mr. Feldi has now come back and said it is not the twenty foot easement that he wants to use; it's an ancient sixteen and half foot easement which, in effect, would create a short cut between Laurel Road to the north and York Drive to the south. Mr. Kallen said he hoped this Town Board would not approve such a roadway.

Mr. Kallen stated that the access which Mr. Feldi says he has is shown on no survey, no plat, and no deed. Mr. Kallen said when he says no deed, he means no deed to the immediate area, either to his property or the property of his neighbor, Mr. Kessler. Consequently, if the 280a was approved, allowing him access out to York Drive this Town Board would, in effect, be taking property without appropriate condemnation proceedings and he said he hoped that the Board would reconsider and not rubber stamp the builder's suggestion that he be allowed to have access to York Drive. It would amount to an improper and illegal taking.

Appearance: Mr. Roger Wheeler
South Greenbush Road
West Nyack, New York

Mr. Wheeler stated that he wanted to speak in opposition to the proposal by Cobco II to use the driveway of their property for both an entrance and an exit. He said they previously appeared at the Planning Board hearing on this and presented a letter signed by practically all of the residents of the neighborhood opposing this. Mr. Wheeler said he was very definitely opposed.

Appearance: Mrs. Rosemary Seery
Flitt Street
West Nyack, New York

Mrs. Seery spoke regarding Item No. 11 and Cobco I. She said she agreed that there should be split samplings and said Mr. Granik, who is the attorney for Cobco, does not care if the road is an in and out road. It is the Planning Board who wants it to be an ingress and egress road because you have to give to get the widening of the road. Mrs. Seery went on to state that she did not approve of the incinerator in West Nyack. She said in 1983 they wanted to put the proposed sludge plant there in the property adjacent to the landfill and it was later found to be undesirable.

RESOLUTION NO. (1215-1987)

SETTING PUBLIC HEARING -
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE
EUGENE MALONEY

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated November 23, 1987 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

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RESOLUTION NO. (1215-1987) Continued

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 31st day of December, 1987 at 12:05 P.M. E.S. time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Supervisor Holbrook

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION No. (1216-1987)

AUTHORIZING TOWN ATTORNEY
TO CANCEL LIS PENDENS
(ROOZ) AND RESCINDING
RESOLUTION NO. 1194

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 1194 was adopted at the Town Board meeting of November 24, 1987, authorizing the Assessor and the Receiver of Taxes to levy expenses incurred for the cost of a Chapter 79 proceeding against MAP 7, BLOCK A, LOT 31, and

WHEREAS, the expenses incurred totalling \$192.00 have been paid;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 1194 is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on February 2, 1987, as the Town has been reimbursed for the expenses incurred.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1217-1987)

ADVERTISING FOR BIDS FOR
BID #10-1988 - BITUMINOUS
CONCRETE

Co. Carey offered the following resolution:

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

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RESOLUTION NO. (1217-1987) Continued

BID #10-1988
BITUMINOUS CONCRETE

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 Monday, January 18, 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 Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1218-1987)

ADVERTISING FOR BIDS FOR
BID #9-1988 INSTALLATION OF
THREE PHASE ELECTRIC POWER
AT FOREST BROOK PUMP STATION

Co. Carey offered the following resolution:

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

BID #9-1988
INSTALLATION OF THREE PHASE
ELECTRIC POWER AT FOREST BROOK PUMP STATION

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, January 6, 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 Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1219-1987)

AUTHORIZING SUPERVISOR TO
ACCEPT DEED AND
CONSERVATION EASEMENT
(NAKAZAWA)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney, deed dated October 28, 1987, from Hiroshi Nakazawa required by the Planning Board of the Town of Clarkstown for road widening purposes

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RESOLUTION NO. (1219-1987) Continued

along Mountainview Avenue, Valley Cottage, New York, together with a Conservation Easement affecting Lot 2 of a Final Plat of MOUNTAINVIEW NORTH and SOUTH, prepared by Henry Horowitz, P.E., L.S., dated August 3, 1983, last revised November 30, 1983, and filed in the Rockland County Clerk's Office on July 13, 1984, as Map No. 5632 are hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign said Conservation Easement.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1220-1987)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL FIRE LANE DESIGNATIONS - BERGSTOL STRIP STORES (127-D-4)

Co. Maloney offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at BERGSTOL STRIP STORES (127-D-4) by the installation of fire lane designations, and

WHEREAS, Eric Bergstol, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

Co. Maloney moved the Resolution modifying and extending Resolution adopted by the Town Board on February 16, 1972, authorizing access to secondary road, pursuant to section 106-25(D) of the Zoning Ordinance of the Town of Clarkstown. There was no second.

ABE545

RESOLUTION NO. (1221-1987)

SETTING A PUBLIC HEARING TO
AMEND SECTION 63-5 OF THE
TOWN CODE RE SANITARY
LANDFILL - DAYS OF OPERATION

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO SECTION 63-5 (DAYS OF OPERATION) OF CHAPTER 63 OF THE TOWN CODE (LANDFILLS)"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 31st day of December, 1987 at 12:00 noon, or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1222-1987)

AUTHORIZING THE SANITATION
COMMISSION TO RETAIN THE
SERVICES OF A C.P.A., TO
ASSIST IN ANALYZING THE
FINANCIAL INFORMATION
DURING A RATE HEARING AND
CHARGING TO ACCOUNT NO.
H-8160-01-409

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has determined to establish a Refuse and Garbage District to commence operation in 1988, which district will have the responsibility for the collection and processing of recyclable solid waste, and also providing the means for pickup and disposal of bulky household and yard wastes, and

WHEREAS, the plan approved by the Town Board includes higher tipping fees at the Sanitary Landfill thereby requiring review for a possible new monthly rate for current garbage removal within the unincorporated portion of the Town, and establishment of new rates for the once a month bulk pickup and once a week curb side pickup of recyclable materials, and

Continued on Next Page

RESOLUTION NO. (1222-1987) Continued

WHEREAS, the Sanitation Commission has requested approval of the Town Board to engage the services of a Certified Public Accountant (C.P.A.), to assist it in analyzing the financial data required to formulate such rates;

NOW, THEREFORE, be it

RESOLVED, that the Sanitation Commission is hereby authorized to obtain the services of an independent certified public accountant in accordance with the request described herein, and be it

FURTHER RESOLVED, that any and all necessary charges shall be charged to Account No. H-8160-01-409, provided, however, upon approval of the Refuse and Garbage District by the State Comptroller, such expenditure shall become a proper district charge, and be it

FURTHER RESOLVED, that nothing herein shall waive the authority of the Town Board to approve any new rates established by the Sanitation Commission.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1223-1987)

AUTHORIZING THE TOWN
ATTORNEY TO INSTITUTE
PROCEEDING FOR REMOVAL OF
VIOLATION ON PREMISES - MAP
89, BLOCK A, LOT 10
(DiGIULIO)

Co. Carey offered the following resolution:

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

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 89, BLOCK A, LOT 10, located at 195 West Nyack Road, West Nyack, New York, reputedly owned by Christopher DiGiulio, has been the subject of a Violation Notice issued October 7, 1987, against the property owner(s) for lack of proper maintenance of the property in that there is an unlicensed vehicle being used for storage of wire and electrical parts, three (3) trailer sections, three (3) wood trailer sheds are apparently abandoned, discarded or otherwise improperly stored, fencing wire, wood steps, storage cabinets, file cabinets, wastepaper baskets, pipe, plywood, light fixtures and miscellaneous debris, which to the extent such accumulation of litter, debris and abandoned or stored materials threatens the health, safety and welfare of the community;

NOW, THEREFORE, be it

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ABE545

RESOLUTION NO. (1223-1987) Continued

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violation and elimination of the nuisance and hazard allegedly existing on said premises, pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 89, BLOCK A, LOT 10, reputedly owned by CHRISTOPHER DiGIULIO, and be it

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

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of January, 1988, at 8:10 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owners by personal service, if possible, and by certified mail, return receipt on or before January 5, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1224-1987)

AUTHORIZING AGREEMENT TO
PROVIDE REIMBURSEMENT TO
THE TOWN FOR COST OF AN
INDEPENDENT BASELINE
GROUND-WATER QUALITY STUDY
- CLINTON SQUARE PLAZA, INC.

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Clinton Square Plaza, Inc., in a form acceptable to the Town Attorney, pursuant to the provisions of NYCRR 617.17, whereby Clinton Square Plaza, Inc., shall agree to pay the cost of conducting a baseline ground-water quality study on property which is the subject of a zone change application, to be conducted by an independent consultant selected by the Town with the applicant's consent and which agreement shall provide for the initial deposit of \$10,000.00 towards the cost of the study and further deposits as necessary.

Seconded by Co. Carey

On roll call the vote was as follows:

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RESOLUTION NO. (1224-1987) Continued

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (1225-1987)

AUTHORIZING LEGGETTE,
BRASHEARS & GRAHAM, INC. TO
CONDUCT AN INDEPENDENT
BASELINE GROUND-WATER
QUALITY STUDY - CLINTON
SQUARE PLAZA, INC.

Co. Maloney offered the following resolution:

WHEREAS, Clinton Square Plaza, Inc., has applied for a zone change from an LIO District to an MRS District for property located in West Nyack, the purpose of which is to facilitate its further application for permission to construct a regional shopping center, and

WHEREAS, certain steps undertaken pursuant to the New York State Environmental Quality Review Act (SEQRA), have indicated a need for a baseline ground-water quality study of the site, and

WHEREAS, Clinton Square Plaza, Inc., has agreed that the Town may select an independent consultant for the purpose of conducting such study and the firm of Leggette, Brashears & Graham, Inc., has submitted a proposal for same;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Leggette, Brashears & Graham, Inc., in accordance with its proposal dated November 23, 1987, to conduct a baseline ground-water quality study for the premises which are the subject of the application of Clinton Square Plaza, Inc., referred to above, and be it

FURTHER RESOLVED, that the amounts to be paid pursuant to said agreement shall be charged against the deposited amounts to be established pursuant to separate agreement with Clinton Square Plaza, Inc.

Seconded by Supervisor Holbrook

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Supervisor Holbrook.....	Yes

Supervisor Holbrook said he would speak to Leggette and Brashears about the split sampling. He said what it amounts to is that DEC examines it and Leggette and Brashears examines it. Town Attorney said that might be more of an engineering technical question and would depend on the engineers involved. Councilman Maloney said we can vote on the resolution the way it is and let the engineers decide whether that is appropriate or not. Councilman Carey asked is this conditioned on being able to add that at a future time or are we stuck with this resolution? Supervisor said we can always amend the resolution.

ABE545

RESOLUTION NO. (1226-1987)

AUTHORIZING SUPT. OF
HIGHWAYS TO INSTALL "NO
PARKING HERE TO CORNER" AT
STRATHMORE DRIVE, SPRING
VALLEY

Co. Carey offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway
Engineering Consultant in a report dated November 29, 1987 has
recommended parking restrictions for Strathmore Drive, Spring Valley,

NOW, THEREFORE, be it

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

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
	Strathmore Drive (both east side and west side, 50 feet from intersection West Clarkstown Road, Spring Valley)	NO PARKING HERE TO CORNER	P1-9

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1227-1987)

AUTHORIZING ATTENDANCE AT
NATIONAL RECREATION & PARKS
ASSOC. MID-ATLANTIC
REGIONAL MEETING AND
PROGRAM FORUM (CHARLES F.
CONNINGTON) CHARGE TO A
7020-414 (1987) AND A
7141-414 (1988)

Co. Maloney offered the following resolution:

RESOLVED, that Charles F. Connington, Asst. Supt. of
Recreation and Parks, is hereby authorized to attend the National
Recreation and Park Association Mid-Atlantic Regional Meeting and
Program Forum from January 26, 1988 to January 29, 1988 in Ocean
City, Maryland, and

FURTHER RESOLVED, that all necessary expenses not to
exceed \$425.00 be charged as follows:

1987: A 7020-414 - \$180.00
1988: A 7141-414 - \$245.00

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION No. (1228-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
CONDEMNEE FOR PURCHASE OF
PROPERTY (COSCIA/BOSCO
57-J-1)

Co. Carey offered the following resolution:

WHEREAS, pursuant to the provisions of the Eminent Domain Procedure Law, Anthony Coscia, Owner Condemnee of property described on the Clarkstown Tax Map as Map 57, Block J, Lot 1, was offered the sum of \$335,000.00 representing the Town of Clarkstown as Condemnor highest appraised value, and

WHEREAS, Condemnee has accepted said sum subject to a reservation of his right to seek additional compensation for the taking;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the provisions of Section 304(C) of the Eminent Domain Procedure Law, the Town Attorney is hereby authorized to enter into a Stipulation or Agreement with the Condemnee to obtain a duly executed deed and all other documents necessary to transfer to the Town of Clarkstown a fee simple absolute interest in the property, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized and directed to provide payment to the Condemnee of the sum of \$335,000.00 plus interest as may be recommended by the Town Attorney, upon receipt of notification that all requested documents have been submitted by the Condemnee, and be it

FURTHER RESOLVED, that the sum payable pursuant to this resolution shall be charged to Capital Account No. H 5160-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1229-1987)

AUTHORIZING INSTALLATION OF
STREET LIGHT ON PIPETOWN
HILL ROAD AT INTERSECTION
OF OMNI PARC DRIVE, SPRING
VALLEY

Co. Maloney offered the following resolution:

WHEREAS, the Omni Parc Board of Managers has requested that a street light be installed to improve traffic safety on Pipetown Hill Road at the intersection of Omni Parc Drive, Spring Valley,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Pipetown Hill Road - Spring Valley
(Existing pole #58165/40246 - One (1) 5800 lumen sodium vapor street light)

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RESOLUTION NO. (1229-1987) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1230-1987)

APPOINTING PROVISIONAL
SENIOR ACCOUNT CLERK -
PARKS BOARD AND RECREATION
COMMISSION (MADELINE NIGRO)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board & Recreation Commission of Madeline Nigro, 13 Acorn Terrace, New City, New York as a Provisional - Senior Account Clerk - Parks Board and Recreation Commission - at the current 1987 annual salary of \$22,366., effective and retroactive to December 7, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1231-1987)

CREATING PART-TIME LEGAL
STENOGRAPHIC POSITION IN
TOWN ATTORNEY'S OFFICE

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 1, 1987 that the part-time position of Legal Stenographer can be created,

NOW, THEREFORE, be it

RESOLVED, that the part-time position of Legal Stenographer - Town Attorney's Office - is hereby created - at \$8.00 per hour - effective and retroactive to December 7, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1232-1987)

APPOINTING TO POSITION OF
PART-TIME LEGAL
STENOGRAPHER - TOWN
ATTORNEY'S OFFICE (ROSEMARY
SANFRATELLO)

Co. Carey offered the following resolution:

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RESOLUTION NO. (1232-1987) Continued

RESOLVED, that Rosemary Sanfratello, 16 Tanglewood Court, Congers, New York, is hereby appointed to the position of Part-time Legal Stenographer - Town Attorney's Office - at the current 1987 hourly rate of \$8.00, effective December 8, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1233-1987)

AUTHORIZING ASSESSING COSTS
FOR CHAPTER 79 PROCEEDING
MAP 137, BLOCK A, LOT 11
(KARTEN)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the order and Notice dated March 24, 1987, regarding premises designated on the Clarkstown Tax Map as MAP 137, BLOCK A, LOT 11, which was the subject of a Chapter 79 (Property Maintenance) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted September 22, 1987, the record property owners were required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owners have been notified of the amount due and have failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and the Receiver of Taxes are hereby authorized and directed to levy the sum of \$2,325.61 against MAP 137, BLOCK A, LOT 11.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1234-1987)

AWARDING BID #77-1987, TWO
(2) FLASHING BEACON SIGN
ASSEMBLIES, WEST NYACK
ROAD, WEST NYACK (WARDE
ELECTRIC CO.)

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Traffic Consultant, Utility Services Coordinator, and the Director of Purchasing that

BID #77-1987
TWO (2) FLASHING BEACON SIGN ASSEMBLIES

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RESOLUTION NO. (1234-1987) Continued

WEST NYACK ROAD, WEST NYACK (AREA OF
WEST NYACK ELEMENTARY SCHOOL)

is hereby awarded to

WARDE ELECTRIC CO.
100 WELLS AVE.
CONGERS, NY 10920

as per their low bid proposal of \$13,800. and be it

FURTHER RESOLVED, that said award is subject to the
receipt of

(A) Performance Bond (100% of proposal project cost)
and (B) Certificate of Liability and Workers Comp. Coverage as
outlined in bid specs.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1235-1987)

AWARDING BID #6-1988,
CRUSHED STONE TO TILCON
QUARRIES NEW YORK INC., NEW
YORK TRAP ROCK, RAIA
INDUSTRIES, INC., KEAHON
BROS.

Co. Maloney offered the following resolution:

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

BID #6-1988
CRUSHED STONE

is hereby awarded to:

TILCON QUARRIES NEW YORK INC.
66 LONG CLOVE ROAD
P.O. BOX 362
HAVERSTRAW, NY 10927

NEW YORK TRAP ROCK
LONE STAR INDUSTRIES
CRUSHER ROAD
WEST NYACK, NY 10994

RAIA INDUSTRIES, INC.
P. O. BOX 505
HACKENSACK, NJ 07602

KEAHON BROS.
BOX #1
165 S. MAIN ST.
PEARL RIVER, NY 10965

Continued on Next Page

RESOLUTION NO. (1235-1987) Continued

as per the following schedule

(A) FOB DESTINATION - CLARKSTOWN HIGHWAY DEPT. OR TOWN JOB SITE - IN VENDORS TRUCKS

<u>MATERIAL</u>	<u>TILCON</u>	<u>KEAHON</u>	<u>RAIA</u>
3/8" CRUSHED STONE	-	-	\$15.00
2-1/2" " "	-	-	11.80
1-1/2" " "	-	-	11.80
3/4" " "	-	-	12.35
5/8" " "	*13.10	-	-
1/4" " "	-	-	15.20
SCREENINGS	-	11.03	-
ITEM 4	-	-	11.95
SHOULDER STONE	-	-	11.95
SURGE STONE	*13.05	-	-

*TRAILER LOAD ONLY

(B) FOB PLANT - LOADED INTO TOWN TRUCKS

<u>MATERIAL</u>	<u>TILCON</u>	<u>NY TRAP ROCK</u>
PLANT:	HAVERSTRAW	WEST NYACK
3/8" CRUSHED STONE	\$11.70	\$11.90
2-1/2" " "	no award	no award
1-1/2" " "	9.20	9.40
3/4" " "	9.60	9.60
5/8" " "	9.60	-
1/4" " "	11.70	11.90
SCREENINGS	** 6.70	7.40
ITEM 4	** 8.45	8.90
SHOULDER STONE	** 7.95	7.90
SURGE STONE	** 8.55	8.70

**TOMPKINS COVE ONLY

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
 Councilman Maloney.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (1236-1987)

AWARDING BID #69A-1987,
UTILITY SHOP TRUCK WITH
CRANE TO SCHULTZ FORD, INC.

Co. Maloney offered the following resolution:

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

BID #69A-1987
UTILITY SHOP TRUCK WITH CRANE

is hereby awarded to

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ABE545

RESOLUTION NO. (1236-1987) Continued

SCHULTZ FORD, INC.
80 ROUTE 304
NANUET, NY 10954

for one 1988 FORD F350 CAB & CHASSIS with a Morrison Utility Body and VENTURO CRANO at their proposed bid price of \$17,405.00.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1237-1987)

CLARIFYING RESOLUTION NO.
1105-1987 WITH RESPECT TO
AUTHORIZATION FOR ACCESS BY
WAY OF A PRIVATE
RIGHT-OF-WAY TOWN LAW
280-a(4) FOR BRITTANY HOMES
SUBDIVISION

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 1105-1987 authorizes subdivision of property owned by Brittany Homes designated on the Clarkstown Tax Map as Map 56, Block A, Lot 44.01, by use of Town Law 280-a(4) (open Development Area) by way of a private 16 1/2 ft. right-of-way claimed to exist by the applicant from the premises to York Drive, and

WHEREAS, the Planning Board has requested clarification of Town Board's intent with respect to said resolution;

NOW, THEREFORE, be it

RESOLVED, that the Town Board is of the position that the claim of the 16 1/2 ft. right-of-way shall be presumptively sufficient for the purpose of providing access to and from the subdivision entitled "Brittany Homes, Town of Clarkstown, Rockland County, New York" dated May 8, 1986, last revised on October 28, 1986, drawn by Jack D. Boswell, P.E. & L.S., Project No. 8532, and be it

FURTHER RESOLVED, that the Town Board grants permission to the Planning Board to process said application in accordance with this resolution and Resolution No. 1105 dated October 27, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION No. (1238-1987)

REFERRING ZONE CHANGE
PETITION OF VALLEY HOTELS
INC. TO TOWN AND COUNTY
PLANNING BOARDS

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RESOLUTION NO. (1238-1987) Continued

Co. Carey offered the following resolution:

WHEREAS, VALLEY HOTELS INC., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-10 District to an RS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 163, Block A, Lot 21.00;

NOW, THEREFORE, be it

RESOLVED, that the application for a zone change shall be referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, and to the Rockland County Planning Board and other 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 the Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1239-1987)

AUTHORIZING RETURN OF
MAINTENANCE BOND WITH
REGARD TO DEDICATED
SUBDIVISION (TALL PINES)

Co. Carey offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a certified check in the sum of \$1,750.00 furnished to the Town in connection with dedication of the road and improvements on September 23, 1986, in a subdivision known as TALL PINES is terminated and the sum of \$1,750.00 may be released to the guarantor.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1240-1987)

AUTHORIZING THE SUPERVISOR
TO EXECUTE A RELEASE OF
TEMPORARY TURNAROUND
EASEMENT ON LOT 6, WOODLAND
MANOR SUBDIVISION - MAP 36,
BLOCK A, LOT 22

ABE545

RESOLUTION NO. (1240-1987) Continued

Co. Maloney offered the following resolution:

WHEREAS, the present owner of Lot 6, shown on subdivision map entitled "Map of Woodland Manor," filed in the Rockland County Clerk's Office on September 4, 1962, as Map No. 3024, has requested that a temporary easement shown thereon has been extinguished and is no longer required for municipal purposes because Glen Lane has been extended, and

WHEREAS, the Director of the Department of Environmental Control, and the Town Attorney, having investigated the facts recommend that said easement be extinguished of record;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a release in a recordable form approved by the Town Attorney, which shall recognize that the temporary turnaround easement referred to above has been removed and the interest of the Town has been extinguished due to extension of Glen Lane.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1241-1987)

HOLDING TOWN BOARD MEETING
FOR THE YEAR ENDING
DECEMBER 31, 1987 AT 12:00
HIGH NOON

Co. Maloney offered the following resolution:

BE IT RESOLVED, that the last official Town Board Meeting of the Town of Clarkstown for the year ending December 31, 1987 shall be held at 12:00 High Noon in the auditorium of the Town Hall, 10 Maple Avenue, New City, New York on Thursday, December 31, 1987.

Seconded by Co. Carey

On roll call, the vote was as follows:

Co. Carey.....Yes
Co. Maloney.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public hearing Re: Amendment to Town Code, Section 106-3 (Buffer Areas) was opened, time: 8:55 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to Town Code, Section 106-3 (Buffer Areas) was closed, DECISION RESERVED, time: 9:25 P.M.

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

Continued on Next Page

Acquisition of Real Property - Map 22, Block A, Lot 1.02 (Burke),
was opened, time: 9:25 P.M.

On motion of Councilman Maloney, seconded by Councilman
Carey and unanimously adopted, the Public Hearing re: Acquisition
of Real Property - Map 22, Block A, Lot 1.02 (Burke), was closed,
RESOLUTION ADOPTED, time: 10:02 P.M.

RESOLUTION NO. (1242-1987)

AUTHORIZING SUPERVISOR TO
ACCEPT AND RECORD
CONVEYANCE FOR PROPERTY
DESIGNATED ON THE
CLARKSTOWN TAX MAP AS MAP
22, BLOCK A, LOT 1.02
(BURKE PROPERTY)

Co. Carey offered the following resolution:

WHEREAS, a public hearing pursuant to Section 247 of the
General Municipal Law was held by the Town Board of the Town of
Clarkstown on December 8, 1987 at 8:10 P.M., at the Auditorium of
the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to
determine if the acquisition by the Town of Clarkstown of title or
of a lesser interest in real property designated on the Clarkstown
Tax Map as Map 22, Block A, Lot 1.02, and more particularly
described on Schedule "A" attached, containing 8.89 acres +, would
enhance the present or potential value of abutting or surrounding
land or would maintain or enhance the conservation of natural or
scenic resources, and to determine further if the proposed
acquisition of the fee (title) or a lesser interest in said premises
would be in the best interests of the community and in furtherance
of the Town of Clarkstown Master Plan for development, and

WHEREAS, all persons who appeared at said public hearing
were afforded the opportunity to speak;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, upon due consideration of
all of the facts and circumstances, hereby determines:

1. That the acquisition of fee title to the property
subject to an easement granted in perpetuity to a conservation
organization for the purpose of preserving the property in its
natural state would enhance the present and potential value of the
abutting and surrounding land;
2. That the acquisition of the fee title by the Town as
described above would remove the property from the tax rolls in its
entirety and the easement interest privately held would not be
subject to taxation;
3. That the acquisition of a lesser interest, to wit:
the developmental rights of the property would accomplish the
objective sought but at a lesser cost to the general public because
a taxable interest would remain in private ownership;
4. That either the acquisition of fee title or the
acquisition of the lesser interest, to wit: the developmental
rights would maintain and enhance the conservation of the natural
and scenic resources of the site;
5. That preserving some taxable interest in the property
would be in the best interest of the community and would also be in
furtherance of the Town master plan for development;
6. That the acquisition of the developmental rights of
the subject parcel, if gratuitously conveyed to the Town, would be
in the best interest of the community, and be it

Continued on Next Page

ABE545

RESOLUTION NO. (1242-1987) Continued

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to accept and record on behalf of the Town an instrument in a form approved by the Town Attorney conveying the developmental rights in perpetuity to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain title insurance, if available, for the Town to insure such conveyance, and to record same in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the fees for which shall be charged to A 1420-409.

Seconded by Co. Maloney

(Town Attorney said this does not necessarily mean that the property owner would be willing to make the conveyance, however.)

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

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law Amending Section 29-7 of Chapter 29 (Building Construction Administration), was opened, time: 10:05 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing Amending Section 29-7 of Chapter 29 (Building Construction Administration), was recessed until December 22, 1987, time: 10:12 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law Amending Section 47-11(E) of Chapter 47 (Fire Prevention), was opened, time: 10:12 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law Amending Section 47-11(E) of Chapter 47 (Fire Prevention), was recessed until December 22, 1987, time: 10:14 P.M.

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 Carey and unanimously adopted, the Town Board meeting was declared adjourned, time: 10:15 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

71

Town Hall

12/8/87

8:55 P.M.

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

RE: AMENDMENT TO TOWN CODE, SECTION 106-3 (BUFFER AREAS)

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

Town Clerk read from the County of Rockland Department of Planning letter dated December 8, 1987 stating that they approved subject to conditions, which she read as follows:

"That 'where any driveway infringes upon a buffer the proposed construction be reviewed as a site plan by the Clarkstown Planning Board.' This condition would insure that the County Planning Board would have the opportunity to review any infringement on buffers abutting county property, parks, and state parks and parkways. This provision would also allow you to ensure the protection of your own parks and facilities. If you feel this condition is not acceptable then we would request that the following condition be added to the amendment:

That driveways for any purpose be excluded from buffers abutting County property, State or County parks, and other municipalities. In addition, no change of grade should be permitted within 10' of any County or State park or parkway to protect the root systems of trees in the park or parkway."

Supervisor called upon Wes Bruckno representing Raymond, Parish, Pine and Weiner, town consultants to explain the amendment.

Mr. Bruckno stated that the intent was to clarify the existing language. He said they added a change that would have allowed driveways to go into a buffer and also allowed lighting fixtures to be located in a buffer. For some reason those were inadvertently omitted from the original. In addition, he said the Planning Board had added language which would make the lot width provision consistent with the definition in the ordinance of lot widths. He explained this addition.

Supervisor asked if this also gave the Planning Board the discretion in terms of the application of the percentage of lot that needs to be used for buffering? Mr. Bruckno said that was not changed. The Planning Board has the option of varying the required buffer by up to 50% in certain cases.

Mr. Bruckno said regarding the County's suggestion about the 10 foot requirement, it may or not be excessive at this point. He went on to say that in any event buffers would always be subject to site plan review and in some cases it might be necessary to have an 11 foot cut. He said he did not know of any but he would hate to preclude the Planning Board from doing that at this point.

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

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

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ABE545

Appearance: Donald S. Tracy, Esq.
Tracy & Bertolino
Little Tor Road
New City, New York 10956

Mr. Tracy said he was here tonight at the request of a director of the Rockland County Builders Association. He said he had tried to understand this amendment and could not. He spoke at length regarding the original buffer zone which he stated was not properly enacted because it was not enacted as proposed. He used a piece of property as an example applying the buffer restrictions to it showing what building space would be allowed. He stated that may or may not have been ameliorated by the provision that driveways for ingress and egress can be put in a buffer area. He explained what would have happened under the old ordinance and stated that a buffer area can become an eyesore.

He said it greatly diminishes the value of LS, PO, CS and LO properties by a minimum of 15%. By the time you are finished you are being squeezed into a kiosk. He said every substandard lot in the RS, CS and LO for which there are exceptions in the original zoning ordinance, must come before the ZBA. He noted the inordinate amount of time it takes to come before the Board and noted that it was unfair to be told that you could take your problem to the ZBA. He referred to the 1967 adoption of the Comprehensive Zoning Ordinance with Comprehensive Bulk Tables.

Mr. Tracy asked the Town Planner what percentage of our CS, LS, LO and RS space still exists to be developed? Mr. Bruckno said he did not know. Mr. Tracy expressed surprise that an ordinance affecting property has been passed and the Planning Department does not know how much land there is still to be developed. He said as a result of a builder/Building Department disagreement something was implemented which throws everything out of kilter. He said he has urged the repeal of this ordinance and he does feel that many property owners who now have these small lots in LS, RS and CS are going to come in on Grievance Day and demand that their property be revalued and he gave a detailed explanation of why. He said these people are going to be penalized. The tax base can be diluted and the ordinance which had worked since 1967 now becomes something that you need the wisdom of Solomon to interpret.

Mr. Tracy said it gives certain discretion without restraint to an administrative board. It gives them the authority to decide and does not impose proper limitations. He urged that if this ordinance is to stay in effect then what should have been put in it, as well as the relief by providing driveways in buffer areas, is an exception provision for people who have lots under five acres and should be excepted from this buffer requirement. Supervisor said one of the reasons for putting the buffer requirements into the Code was to end some of the incessant battles which took place with developers with the Shade Tree Commission over what constituted landscaping requirements, etc. Supervisor said the law is not perfect but maybe it just needs a further amendment in terms of exceptions and we could look at that.

Mr. Tracy said the simpler way to do that is to eliminate some of these agencies that have overlapping controls. Supervisor said they intend to look into that also but with regard to the present matter he asked Mr. Tracy to put into writing the exception to which he is referring. Mr. Tracy said the ordinance we are discussing here tonight somehow ameliorates the onerous ordinance which at the present time is being enforced. The first ordinance you passed is on the books. Supervisor said then are you suggesting we pass this one and amend it subsequently? Mr. Tracy said this particular clarification is not onerous as compared to the original ordinance. He felt the only way you could implement an ordinance like this was if you took the entire bulk table and worked on it because that is the way it was originally set up and then it

had this wedge put in the middle of it. He said he would be glad to prepare something and submit it to the Town Board in writing concerning what he thought should be an exception to it which might help some people so they would not have to wait seven months to develop their property and maybe get turned down.

Supervisor said the other delays to which Mr. Tracy refers would have to be taken care of and it is not just the Zoning Board of Appeals but as Councilman Carey said, it is a collective situation. Councilman Carey said he felt that in his previous remarks Mr. Tracy had put the onus on the Zoning Board of Appeals. Mr. Tracy said that was not so. Councilman Carey said as to coming back with a yes or no, maybe that might be three or four months but the time is not all the ZBA's. There are other agencies involved. Mr. Tracy said when he submits an application it is not unusual for him to get a call two months later to say come and pick up your application - it has been reviewed and you don't have all the variances in it you need. At that point, sixty days have gone by and then it has to be resubmitted and then it gets to the Board. Supervisor said that is too long. Mr. Tracy said most people are aware of the situation and Supervisor said his point was well taken.

Mr. Tracy said what is proposed tonight puts a little bit of a bandaid in one area, in that it does permit driveways in the buffer areas which prevents everything from being further shrunk in, but it still devalues the property. He said he thought the evil that was intended to be cured could be cured a lot easier probably with just a resolution of the Town Board. Supervisor asked Mr. Tracy if he was encouraging the Board to pass the amendment under discussion tonight? Mr. Tracy said he did not specifically object to this amendment but as long as the tree which this branch is going on is so poisoned he did not like it either.

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

Mr. Lodico said if Mr. Tracy is correct in assuming that if a man now has diminished his property use for practical commercial building then he would also have a justifiable application to reduce his value by 15%. He said the thing which really irked him, as a new member of the Industrial Development Commission, is that our Planning Department doesn't know how much commercial land we have left or what is in that bank. He suggested that the Town Board immediately instruct the Planning Board to have a map saying how many acres we have left.

Mr. Lodico said every time we have lost land to residential area from LIO to construct housing which is not in our best interest, then everyone of those persons who are on top salary in this department should know the amount of acreage lost from our industrial land. The Planning Department should have that information every day we have another zone change here from commercial to residential. Supervisor said if Mr. Lodico went in and asked Mrs. Schwartz she, as well as Mr. Geneslaw, would be able to tell him that.

Mr. Lodico said we should not include the 160 acres of end zone which should be removed and which is now in the landfill area and considered a part of the bank, but which is not useable, except for the 300 hundred feet along the front of Route 303.

Appearance: Mr. Arnie Garelick
6 Lisa Court
New City, New York 10956

Mr. Garelick said he agreed with Mr. Tracy. As a member of the Builders Association and as a developer of an LIO

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ABE545

parcel to which Mr. Lodico is referring, it hurts not only the small parcel of land but the large one. He said the Planning Board has an option of reducing this by 50% and that option is only in the case where a site plan for the lot has been approved. For a new site plan the Planning Board has no option. It is black and white. He said what you are doing is creating very large buffers which will not be maintainable. You are creating a situation where the size of the building stays the same but you are reducing the quality of the tenant. You are okaying a warehouse user or a distribution center where you can have tractor trailers coming in and out all day long but if you want to set up a little office space, that's no good. This town is looking for the high tec user, the user who has office space who can bring some white collar jobs and blue collar jobs to this community - not just the factory worker.

Supervisor asked if he supported the amendment? Mr. Garelick said he supports what is here but he feels that this should be repealed totally or at least have some tremendous modifications. He said floor area ratios have not been changed in any way. Buffer areas have been changed so that it makes the land unuseable and creates a situation where you are not looking at the quality of a buffer area. Where you have two office buildings side by side and you have two parking lots side by side to have a 90 foot lawn in between is not the solution. To have a decent buffer planted properly can be a much better solution.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:25 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

75

Town Hall

12/8/87

9:25 P.M.

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

RE: ACQUISITION OF PROPERTY (BURKE)

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

Town Attorney gave an explanation of the proposed acquisition stating that it had been advanced by the property owner, Helen Burke, by the organization called Trust for Public Land, and an organization here in Clarkstown known as West Branch Conservation Association. The property is located on Phillips Hill Road and Little Tor Road and consists of about 8 acres of property, some of which is under agricultural use. There is an apple orchard and a corn field planted on this property. The property owner owns property adjacent to the premises under consideration and has proposed to convey title to the Town through the Trust for Public Land which would also, prior to the conveyance, convey to the West Branch Conservation Association an easement which would restrict the Town in the use of the property. The concept being advanced here is that this property would thereby be guaranteed to remain in its natural state in perpetuity and that the power to alienate or transfer this property would be restricted from the Town through the action of state statutes as well as the existence of the conservation or restrictive easements which are being held by the West Branch Conservation Association.

Town Attorney said the Public Hearing is under the authority of the General Municipal Law which authorizes towns and other municipalities to acquire property under these circumstances. The acquisition can be of the fee or complete title to the property or it can be a lesser interest. It cannot be accomplished unless the Town Board makes certain determinations that it would be in the best interests of the community at large; that it would enhance the potential or future value of the abutting property; and preserve and protect the property because of its scenic or natural beauty qualities. He said there are a number of people here tonight who can amplify and explain the proposal further. He mentioned that Elizabeth Byers was here on behalf of the Trust for Public Land and Martus Granirer was here on behalf of the West Branch Conservation Association. He said Mr. Bruckno would also be able to comment on this because he and Mr. Geneslaw participated in conferences when this proposal was discussed.

Town Attorney said he thought the most significant aspect is that a decision would have to be made by the Town Board if it wants to take this property off the tax rolls entirely by acquiring the fee title to it or to propose that it acquire a lesser interest so that the ownership or title would then be in private hands and would remain on the tax rolls at a reduced value because the developmental rights would have been conveyed to the town or someone with a lesser interest. This is a proposed gratuitous conveyance by the property owner.

Supervisor said the Town Board can do either. Town Attorney said the authority exists in the General Municipal Law to do either. Supervisor asked can we take a fee absolute interest or can we take a lesser interest such as an easement? Town Attorney said yes but that is not to say that the property owner and the West Branch Conservation Association would be willing to convey anything other than the fee. He said we would have to hear from them and others concerning this proposal.

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ABE'S 65

Appearance: Ms. Elizabeth Byers,
representing the Trust for Public Land

Ms. Byers said this organization will be accepting the Burke property donation and conveying this land to the Town. The Trust for Public Land is a national non-profit land conservation organization. Over the past 15 years they have acquired over 380 thousand acres of open space land on behalf of public agencies at non-profit. Given the rapid development in Clarkstown the Trust for Public Land feels that preservation of this 9 acres of land in its natural state is important for scenic, farmland and watershed protection. The town is an appropriate entity to oversee the land as a natural preserve and ensure its open space use in perpetuity particularly since protection of the property supports the Town policy of open space preservation. In particular, Crum Creek, which runs through the property is designated on the town's recent Master Plan as an important greenway due to its significance as part of the Hackensack River watershed. This preservation project would contribute to the ongoing effort to protect the Crum Creek Stream Corridor as many stretches of this stream are already protected through public park ownership or conservation easement. If not protected for conservation purposes now, at some point in the future this property would inevitably be developed and could accommodate up to nine house sites, even though almost a fourth of the parcel is in a designated flood plain. Preservation of the stream corridor will protect the stream's water quality, will reduce soil erosion and the chance of flooding both on the property and downstream. Lake Lucille, downstream, has been an ongoing concern and flooding has also repeatedly occurred where Crum Creek crosses Phillips Hill Road just downstream from the property.

A portion of the property is currently used for farming. The Trust for Public Land is supportive of continued farming provided the Town is in favor of this and requires some farm management practices that would not impair the integrity of the land's natural features. As a natural preserve this property would be subject to a conservation easement and this is under the scenario where the Town would hold fee simple title. This easement would prohibit any future development and would be held by the West Branch Conservation Association, a local land conservation organization. West Branch would ensure that the natural features of the property are forever protected by monitoring the property on a regular basis. She said preservation of this property would protect scenic views of the Town's once rural character, preserve a significant watershed, and provide an area for nature education. She urged the Town to decide in favor of this acquisition, given the importance of setting aside open lands in such a fast growing community as Clarkstown.

Town Attorney asked Ms. Byers to explain what public access would be permitted on this property if it is conveyed to the Town? Ms. Byers said the public access would be specifically for supervised groups. The reason for that is the intent of preserving this property for a nature preserve and they feel that the best way to ensure this happening is for supervision of the public use of the property.

Town Attorney asked, as far as the easement interest which would be conveyed to West Branch, would that be a taxable interest for purposes of property taxes or use taxes? Ms. Byers said no, conservation easements would be exempt from such taxes. She was asked what would be considered a supervised group? She said it could be groups which West Branch might organize or school groups, etc. going on nature walks through the property and that type of activity. Town Attorney said the proposal does envision that the conveyance would be in the form of parklands to the Town, is that correct? Ms. Byers said the intent of the conveyance would be that there would be no further development on the property and that its future use would be compatible with park use.

Town Attorney said if it is specifically conveyed to the Town as parkland, it would be, despite anything that the Town may wish to do, not alienable or transferrable without the permission of the State Legislature in any event. Ms. Byers said that is correct but that is up to the Town to decide whether they want to put it in that specific classification or not. Town Attorney said then the Town could choose to take it as just general municipal land. Ms. Byers said they could but it would still be restricted by the conservation easement. Town Attorney asked if private restrictions would control? Ms. Byers said that is attached to it and would continue in perpetuity.

Town Attorney said in the event the West Branch Conservation Association ceases to exist, what would be the case? Ms. Byers said there is a clause in the conservation easement which says that if that was to occur then the conservation easement would then be transferred to another appropriate similar land conservation organization.

Town Attorney asked other than the environmental reasons for proposing this conveyance to the Town is there any other reason or benefit to be derived by the property owner or the Trust for Public Land or the West Branch Conversation Association? Ms. Byers said their primary interests are really the environmental reasons and the environmental significance.

Supervisor Holbrook said the scenario we have now is that the Town is the fee owner and West Branch has an easement. He asked what about the reverse scenario and would the State consider such a thing? Ms. Byer said there is a policy about property tax exemption for land that is held by West Branch which is really restricted to open space use. Supervisor said taxes would obviously be less. Ms. Byer said it would be less but West Branch would still be burdened with paying the property taxes and that is a concern.

Appearance: Mr. Martus Granirer, President
West Branch Conservation Association

Mr. Granirer said the Town now has a rare opportunity to actually act in accord with its own proclaimed policies. The Town adopted a Master Plan a few years ago which spoke of the importance of acquiring interest in open space in the now undeveloped areas of the Town. It identified as the appropriate areas those west of Route 304 in the northern end of the Town and particularly along certain water courses. This property was shown with a green stripe on the map and he said he suspected that if the Planning Board were asked to put a theoretical microscope to the green stripe on the map you would see this parcel show up. This property is a drainage way; its a water course; its a wet place; its a farm; and is the sort of thing which the Town benefits by preserving in its present state. It is beautiful and is visible to people passing by on two roads with a great deal of frontage. It is also a piece of the Hackensack River watershed which is protected further downstream in part by an easement which West Branch holds and part by land that the Town or the County owns.

Mr. Granirer said if the Town takes the property you lose all the taxes it would have yielded. However, if West Branch takes the property, which is the only other possibility, we would be encumbering the property with a very severe restriction that would permit no development whatsoever. Under the terms of state law that concern this kind of restriction - conservation easements - we are then entitled to consideration for the encumbrance that is taking away rights that we otherwise would have had in the land. In a similar parcel, an 8-1/2 acre parcel which West Branch owns on which there is a similar restriction, we now have a 90% tax abatement which means that the 8-1/2 acres to which we are referring is now assessed at \$15,000.00. The Town will not make money out of this

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parcel either way you take it. If you take the property we don't get stuck with a small but important drain on our resources every year. The Town will not make money either way. The taxes on \$15,000.00 worth of assessment are not very much from the Town's point of view. He said if the Town looks at it in a broader sense in terms of what should be a real policy, the question of whether you have to keep things on the tax rolls because that's for the public good is easily misunderstood.

Mr. Granirer said that this land, if it were not on open space restriction, would be developed and probably as residential land which never makes the Town money. The public library is coming up with a budget vote tomorrow. If you vote for it you pay \$7.00 more per year if you have a \$100,000.00 house. More people mean more services and it costs more money and that would be the case if you get more houses on this property or anywhere else. He said it was a joke to pretend that by holding this land on the tax rolls you will ever accomplish more money for the Town. You will accomplish more expenses for the Town. He said he was sure everyone understood that but it was just necessary to get that into the record.

Mr. Granirer spoke regarding the question of public access versus the question of open space. The purpose of the Burkes buying this land and giving it away was to preserve open space in accord with the Town's own plan. The Town's plans for open space are not identical with the Town's plans for parkland or recreation land. He said he hoped that the Town Board did not consider it necessary to take this land only if people can play in it or hike in it or visit it. He said the reason he was concerned about this was not because he was trying to be an elitist in the north end of Town but because there is a very real conservation issue at stake here.

The land, with a few people taken through under guidance, will surely not be hurt. This is a large piece of land in an area that sooner or later will be developed a lot more than it is now. Unless you take severe measures of supervision, once you start taking people through who are supervised there is no reason they shouldn't feel like coming back unsupervised. As open land disappears in the northern end of Town more and more people will simply head for the places that look like they ought to be parkland anyway.

West Branch is charged with keeping the Town in line as far as making sure the property isn't distressed in any way and the more people who feel this property ought to be used as a park, even though it is not a park, the harder it will be for West Branch to get the Town Board to keep that property intact. Mr. Granirer went on to state that if the Town wants parkland, the Town buys parkland and it has been doing it very well, recently acquiring some land in the northern end of Town for that purpose. He said the Town had many parks and West Branch has helped get those parks. He said this time he would like to see this land acquired strictly for open space and kept as open space. It is a recognized public purpose and it isn't necessary for you to open it for public activities in order to justify this acquisition. It will not cost the Town anything. It is being given to you - take it as simply as you can.

Town Attorney said he believed that part of the proposal requires that in the event the agricultural use of the property is discontinued that there be plantings on that property consistent with the types of plants which exist now. He asked who would bear the cost of that type of restoration? Ms. Byer said the proposal does not say that there is required plantings. It states that there is the option. Town Attorney said then the Town has the option? Ms. Byers said yes. Town Attorney said then the only restriction would be that the species chosen would have to be consistent with what was preexisting.

Town Attorney asked if there was anything in the proposal that obligates the Town to make any specific expenditures in the future as it holds this property? Ms. Byers said no. Town Attorney asked if there was any requirement as to care or removal of dead or dying trees, etc.? Ms. Byers said it wouldn't be a bad idea. Town Attorney said other than the Town possibly being in a position of being held liable for any damage to property or personal injury that might occur as a result of a condition that would exist or come about on the property, there would be no duty on the part of the Town to do anything. Ms. Byers said they would hope there would be no dumping or anything of that nature on the property. Town Attorney said if some dumping occurs on the property as a result of trespass then it would be the Town's responsibility to take affirmative action to remove that. Mr. Granirer said these are routine housekeeping costs and not overwhelming. No one is asking landscaping or playground supervision.

Supervisor asked if there were any more questions or comments from the public?

Appearance: Donald Tracy, Esq.

Mr. Tracy said he had a problem with this. As he understood it the Town would give either a tax break depending on the form of ownership they took, which will be either a significant tax break or the property would not be taxable at all. Town Attorney said that is correct. Mr. Tracy said he, who is paying taxes on his property, if he wanted to go visit this site could do so only under the auspices of the West Branch Conservation Association, is that correct? Supervisor said no, it would be some supervised group. Mr. Tracy said that Mr. Granirer had stated that people could enjoy it when they pass. He said that was a problem when you are driving past on Phillips Hill Road or Little Tor Road.

Mr. Tracy mentioned another parcel of nine acres that was treated in this manner and said he wondered if anybody living in the Town other than those residing adjacent to the property have enjoyed that? Town Attorney said that was the Brookhouse property which was 8-1/2 acres and is the only other one of this type with which he is familiar. Mr. Tracy asked wasn't there was a conservation easement given before that comprised significantly more acreage? Mr. Granirer said not a conservation easement. Supervisor said he thought Mr. Tracy was referring to the Davenport Preserve which is a park used by people. Mr. Tracy said he did not have any problem with that but as a taxpayer he felt that if the Town is going to give a tax abatement or forgive taxes then that should be for the benefit of the Town and the Town should have some way of ensuring that all of its residents can enjoy it and not just those who can be supervised by somebody who at the present time is a nebulous concept. Mr. Tracy said he personally finds that it is a wonderful place to trout fish but there is a problem here and as much as Martus says no, it is very elitist.

Supervisor said it is a unique site from the standpoint of ponds and everything else. It is a pretty site. Mr. Tracy said then let's buy it and let all the people enjoy it.

Appearance: Mr. John Lodico

Mr. Lodico said he is raising the question about tax base. He said he was looking at it from the standpoint of a one-way street. Who is going to benefit by this? Government's role is that the general welfare of the community shall benefit, not individual persons. He said he questioned the land as being farmed whether it has any commercial value. He questioned what the tax value is and he questioned how many hours the Town Attorney has spent on this proposition in discussion because he seems to be more informed than the people themselves about what is going on. Supervisor said he is just generally knowledgeable.

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Mr. Lodico said the point is are there any dwellings on this property? He said he knows it is beautiful. He said he personally thinks we have enough parks in the Town to be responsible for and have the insurance going up and so forth. If we are going to have to take it over and have no availability to it then we don't need to take it over. Leave it there. There is only going to be individual benefit - not the Town. We take it. We get nothing for it. The taxpayers get no use of it. If the person supervising breaks a leg walking over a rock we will have to pay for it. If we are going to take it over then let's take it over. He said he didn't like to take it over because we don't need any more parks. We have more parkland in Clarkstown than any other town per acre. Supervisor said that is not so bad because 100 years from now the parkland will stick out.

Town Attorney said that he had information in his file provided by Ms. Byers as to the taxes on this property for the last two tax bills. This land is assessed at \$85,600.00 presently and the 1987 state, county and town taxes were \$980.37. The 1987-88 school tax was \$2,350.68. Mr. Lodico asked if there were any dwellings on this property and Town Attorney said no it is vacant land. Mr. Lodico said people have raised the question of who is the beneficiary - the Town or self interest groups? He said he likes open space but he also likes the Town's bucks to be saved too. Town Attorney said the Town Board did ask him when this proposal was first made some six or eight weeks ago to research this area and to make a determination as to whether there was enabling legislation to permit the Board to consider this proposal. He said he did do that investigation and spoke to the proponents and that particular section of the General Municipal Law which is in the public notice.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff said in regard to the proposals made here tonight he had some questions about the restrictions that are going to be placed on this property. If the Town Board sees fit to go along with the proposal from West Branch or the other group here tonight, he would like to make a similar proposal for a parcel of land on Pheasant Drive in West Nyack where there are some 65 to 70 foot white pines. He said there there is a pair of twin oaks that stand about 80 feet tall; there are several wild dogwoods and saplings growing all over the property; and it is frequented by racoon and possom and skunks and all the wild animals that we have left here in Rockland County and some of the animals that aren't supposed to be wild. He said he would be more than willing to give tours of his parcel of land and under proper supervision he would have no problem with people coming down to enjoy his yard and walk through it with him me guiding them and supervising them and then just don't charge him any taxes. Mr. Cuff said if you are going to consider this parcel of land in New City then he would like the Board to consider his parcel of land in West Nyack.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said he was a little surprised at the assessment of the property in question and he thinks the Assessor should look into that. He could not imagine with the assessment of property in this Town that it is only assessed for \$85,000.00. Town Attorney said there is some wetlands on the property. Mr. Bernstein said there is a very beautiful pond there which makes the property even more valuable. He said we should not give up 100% of the rights of the public to decide who can go on that property. He said he doesn't mind West Branch spending their time supervising the property when he wants to look at it but he thought that if West

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Branch decides that he can't go on the property for one reason or another he did not think that was right. He said there should be some kind of an arrangement with the Town that if someone had an objection, or if West Branch had an objection and a person felt that they wanted to go on it, then the Town should be able to override who can go on that property and who couldn't. He said so long as the Town is taking it over, maintaining it and taking over the responsibility of any law suits of anyone getting hurt, then we should have a little more rights than just allowing a private organization to decide who can go on public property.

Appearance: Mr. Arnie Garelick
New City, New York

Mr. Garelick said he questioned the fact that West Branch will govern the property and say who goes on and off it and yet the Town gets all the liability and all the problems. Supervisor said only if a certain scenario takes place.

Mr. Garelick said we have discussed tax ratables. Maybe the solution is to change the zone to LIO. You will get tax ratables and sizeable buffers that you just put in.

Mr. Granirer said this is not an arrangement where the Town gets the land and West Branch decides who goes on it. This is an arrangement where the Town gets the land, where there is a public benefit in the Town's ownership and its non-development and West Branch enforces the understanding that the Town not develop the land or compromise it. That is, West Branch would hold an easement which is a tool that would ensure that the land is not fouled up in any way or abused in any way. The Town owns the land for certain public benefits which are well understood and are listed in the Master Plan. They have to do with preservation of open space. They are the same kinds of benefits as in other situations. They benefit the Town whether the land is used for public recreation directly or not.

He said this business of public recreation is a misconstrual. You are being given property that costs lots of money and costs the Town nothing to acquire. The cost of owning it is very little and it only gets expensive once you start bringing the public in there because then you have to bring supervision. You do have to pay for liabilities and risks that you wouldn't have otherwise. You might have to provide all kinds of facilities as well. Where would the public park? What if someone needs a toilet, etc.? The costs come when you bring the people in. The benefits come when you leave the land alone. He said the land could be developed. If it is developed it gets developed with houses. If you get houses, you get people. People cost this Town money. There is just no question of it. If the Town doesn't take the land under the present arrangement West Branch will and then get a substantial tax abatement. West Branch will pay some taxes but they will be very little. Make it simple. Take the land. The Town will last probably longer than West Branch and it will preserve your own plans. He said it was time for the Town to live up to its plans for non-development of the non-developed areas just as there is no question that the areas planned for development are getting developed mighty fast.

Ms. Byers said one major public benefit that people might be overlooking is that there really is scenic significance. There is a lot of road frontage on this property. It is surrounded by road on three sides. That is something that is very important and it really contributes to the character of the Town and that is a public benefit. People can see when they drive down the road that there really is some rural area left in the Town. You do not have to have public access to benefit from it.

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82 PH - Acquisition of Land - Map 22, Block A, Lot 1.02 (Burke) -
12/8/87
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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:02 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

83

Town Hall

12/8/87

10:05 P.M.

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

RE: AMENDMENT OF SECTION 29-7 OF CHAPTER 29
(BUILDING CONSTRUCTION ADMINISTRATION)

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law Amending Section 29-7 of Chapter 29 (Building Construction Administration) was opened. Town Clerk read notice calling Public Hearing and testified as to proper posting and maintenance.

Town Attorney stated that Chapter 29 is an administrative chapter in our code regarding the Building Department and contains in Section 29-7 a fee schedule which is proposed by this Local Law to be amended, generally increasing the fees and adding some different options to the Building Department with respect to the types of services it provides. The example of that would be if someone requests a record search and the issuance of a duplicate certificate of occupancy and also requests a personal inspection of the premises be made to determine if any zoning or other code violations exist. The Building Department would be authorized to impose a fee of \$75.00 for that service. Presently the fee charged is \$10.00 and normally an inspection is not made. If one were made the fee would still be \$10.00. The local law then goes on to authorize a fee of \$25.00 which is really a \$15.00 increase when a certificate of occupancy and violation search is accomplished. There has been a tremendous increase in the volume of these types of searches due to the current practice of requesting a violation and CO search upon the transfer of title to property. That has imposed a tremendous burden in the Building Department.

Supervisor said that creates the delays alluded to previously this evening. Town Attorney said there are some other changes here also. One of them, of course, deals with the permit application fee. That is being updated to \$75.00 for the first \$1,000.00 of construction costs plus \$3.00 for each additional \$1,000.00 for residential type construction. For commercial it is \$200.00 for the first \$1,000.00 plus \$5.00 for each additional \$1,000.00. Town Attorney said we do have correspondence in the file from the Building Inspector about this particular proposal. The Building Inspector was out sick when the drafting was done and he has just returned from sick leave.

Mr. Colucci, Building Inspector, has provided a memo today: "It is requested that the Board not adopt the proposed local law increasing permit and other fees for matters administered by the Building Department until such time as the Board may consider the attached fee schedule." Mr. Colucci has provided a fee schedule which differs somewhat from the one that is proposed in tonight's local law.

Supervisor suggested recessing the hearing to the next scheduled Town Board Meeting. Town Attorney said this is a proposed local law and if the Board recesses the hearing to the next date the Town Board will meet he would, based on direction given by the Board, redraft this local law, if necessary, so that it will be in final form five days prior to the next meeting and that will be sufficient to comply with the local law. We will not have to readvertise as the hearing will be recessed and the statute may be redrawn.

On motion of Councilman Maloney, seconded by Councilman

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84H - Local Law re: Building Construction Administration 12/8/87
Page 2

Carey and unanimously adopted, the Public Hearing was recessed until
December 22, 1987, time: 10:12 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

RECESSED UNTIL DECEMBER 22, 1987

TOWN OF CLARKSTOWN
PUBLIC HEARING

85

Town Hall

12/8/87

10:20 P.M.

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

RE: LOCAL LAW AMENDING SECTION 47-11(E)
OF CHAPTER 47 (FIRE PREVENTION)

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was recessed until December 22, 1987.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RECESSED UNTIL DECEMBER 22, 1987

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