

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

233

Town Hall

4/26/88

8:15 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis, Maloney, Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor introduced Audrey Paley, Chairperson of the Litter Control Bureau for the purpose of presenting award certificates to those who have helped to keep Clarkstown clean. Mrs. Paley spoke about the Litter Control Bureau and asked Councilwoman Ann Marie Smith to help in presenting the awards.

Awards were presented to the Congers, Civic Association, New City Chamber of Commerce, Nyack Lion's Club, (Patti Nash) Rockland County Fair & Exhibition, Rockland Journal News/Richard Sullinger - Code Inspector for the Town of Clarkstown, and John Grant - Rockland County Executive and Pennysaver Publications.

Supervisor Holbrook then thanked everyone who had participated and also the Highway Superintendent who has initiated programs to clean up Clarkstown.

Supervisor opened the Public Portion of the meeting.

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

Mr. Lodico stated that he supports the Chapter 79 proceedings for the cleanup of Clarkstown. He wondered if it was appropriate for a citizen to file a complaint against the Town of Clarkstown. In particular he mentioned the Town's own landfill. He stated that in the last ten years it has quadrupled in the volume of input. He showed pictures of what had been the dump and later became the sanitary landfill. He said the landfill has the same number of employees as we had fifteen years ago. He said the Town has the obligation to look at its own Chapter 79 section and see what it can do to clean up our own dump which started out as a landfill but now as a result of years of litter, you can see that landfill category does not apply anymore. He said we were the first to start a landfill. We were the first to start a Youth Court. He thought it was appropriate to use some of our youthful offenders to pick up the litter. He said we should start in our own backyard and clean up our own landfill and then no one would have to file a 79 proceeding against the Town of Clarkstown.

Appearance: Mr. Walter Fleisher, Vice Pres.
West Branch Conservation Assn.
New City, New York

Mr. Fleisher stated that he was speaking with regard to Item #13 (DGEIS - Clinton Square Plaza). He was also representing the Rockland County Conservation Association. He felt that thirty days was inadequate for a hearing on this important matter. There are 14 volumes to be reviewed. He said it was vital not only for the survival of Clarkstown but for the County. A blow to this area, which he called the solar plexus, could be disastrous. He requested that when the date is set for the hearing that it be at least sixty days so that material could be gone over very carefully.

Appearance: Mrs. Lucille Bifano, Vice Pres.
Southern Clarkstown Civil Assn.

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Mrs. Bifano requested that the Town Board not set that date for May 26th. We should be aware that the next day starts the Memorial Day Weekend and a lot of people will be out of town. If this is a public hearing for the public to make comments it is ridiculous that the public may not be there. She said time is needed to digest the information and make sure that all the test results are in and that all the comments and recommendations which come from the various county and state agencies are made available to the public. She said many people have been trying to see the DGEIS and have been unable to see it. If it had not been for Rosemary Seery who is the co-president of the association it would not have even been in the West Nyack Library. In the interest of fairness there should not be a rush in this and you should extend that May 26th date even for a week. It won't hurt anything to extend it beyond the Memorial Day Weekend.

Appearance: Mr. Charles Schwepp
West Nyack, New York

Mr. Schwepp said he was very concerned about expediting actions where he doesn't think speed is going to be beneficial to anyone concerned. He said the DGEIS that he has seen is a big document but there are missing elements. A supplement should be provided. He said the DGEIS has not been accepted as a complete document at this point. To plan a meeting on the basis of a document that is not completed and has not been accepted as completed is something that the Board should hesitate to do, particularly in view of the fact that in other parts of the country there are problems going on with reference to the parent company authorizing this. One should want to know why the big haste and speed to try to plan a hearing before the document which is huge has been accepted as a complete document. In terms of its completeness there are many things that a number of people are finding out. He said the Pyramid Promotions (full page ads) have included the fact that Pyramid would eliminate for all time the flooding on Route 59. That has been repeated a number of times. In order for that flooding to be eliminated for all time, actions are going to have to be taken and it would seem to me that the DGEIS should properly provide evidence that this is being accomplished with the knowledge, understanding and support of the water company and of the Department of Environmental Conservation because there are wetlands which could be affected in terms of its integrity. He said that there are tests relating to the water quality and the soil quality, the results of which should be complete and made part of the DGEIS.

Mr. Schwepp asked why it is DGEIS when it was proposed originally that we have a DEIS? The difference is a technicality but does it not provide for a different kind of phasing than was originally intended. This is an issue with which some of the professionals should be involved. He said experts to which he has spoken feel that it be either a DEIS or the DGEIS have a supplement including a complete map with plans of the watershed flow; where the water goes; what the 100 year water plain is now on Route 59 and the site to be worked on; the size pipe of the detention basins; the kinds of fill that would be used to line them; the amount of acreage in terms of fill that would be required; and how the water would be pumped out during periods after it has been full.

Mr. Schwepp said there are a lot of things of this kind which the professionals are going to find and until this is a complete document he said he honestly does not think that it is in the interest of anybody to permit a public hearing to take place on the basis of something that is not a complete thing nor is there sufficient material for people to really work on and think on.

Appearance: Ms. Irene Fisher
West Nyack, New York

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Ms. Fisher said she agrees that the public hearing (Agenda Item No. 13) should not be held on May 26th and that we should have an extension. She said she called the Council Chambers yesterday and she thanked Councilman Kunis for returning her call. She said she had told him about an article which had been printed in the New York Times magazine section of April 10th. She gave a copy to each of the council members. She stated that she owns property in Vermont as well as in Clarkstown and that they are planning to sell their property in Clarkstown. She read as follows:

"On a different front, the Mayor and the city of Burlington are battling an out-of-state company that wants to develop a huge shopping mall right outside the city limits. The Pyramid Companies of Syracuse tried 10 years earlier and failed to get permits for the project on the same spot. Now they are back with new and improved plans.

'Their function in life is to drain the life out of downtowns,' Sanders said after a long day spent squiring would-be Presidential candidate Jesse Jackson around the city. 'Dracula drinks blood, they drink downtowns. If you allow the normal course of events to take place, the malls will come in with all of their money and determine what the state looks like. (Ms. Fisher said she was very glad that Mayor Sanders of Burlington is that strict.) There's not going to be a distinction between urban and rural life. I reject that.'

Ms. Fisher said she also rejects that. She noted that she was very happy that Burlington was going to do something about it and she hoped that Clarkstown will too.

Appearance: Mr. John Cuff
Pheasant Drive
West Nyack, New York

Mr. Cuff said he would like to speak on a citizen who had been very active in our community and who we lost last week - Mr. Fred Haeger. He said he and Mr. Haeger did not share the same political philosophies, he being the opposite extreme from himself. He said he always admired his eloquent speaking, his tenacity and his willingness to sit down and not only talk but listen. He said Jo Ann Srebnik of the local radio station summed it up quite nicely. He read the following written by her:

Frederick A. Haeger
September 4, 1921 - April 17, 1988

Occasionally during a lifetime
we encounter a man:
who speaks to us
saying what should be said,
but cannot by others
who speaks to us of morality
eloquently
who speaks to us of idealism - and makes us feel
ashamed that perhaps we have lost ours
who speaks to us of bigotry -
striking blows to those who harbor it
who speaks to us of love of our fellow man
crying out to those who no longer care
who speaks to us of injustice
of inequality
of fairness
of decency
and asks of us only to listen
to wonder

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and hopefully to act
to change
Such a man was Fred Haeger

Mr. Cuff asked that when we end this Town Board Meeting that maybe it could be adjourned in his honor.

Supervisor Holbrook said he was sure that the family of Mr. Haeger appreciates those comments and they are on the record.

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

Mr. Tracy said he is one of the attorneys for Pyramid Corporation. He said he wanted to call the attention of the public or to those of the public who do not know it that Pyramid filed this application for a zone change in July of last year. He said he would also call to the attention to the environmentalists who fostered the SEQRA law, who promoted and prompted it, that the time for review of the DEIS has long since expired. He said he heard that a member of the Environment Management Council, who will no doubt review this DEIS in connection with a joint meeting of the Planning Board, voicing negative opinions about it. He said the gentleman should speak in his official capacity and that he should take the time to read this document or he would know that some of the items he discussed as indicating lack of completeness are discussed in the document rather completely.

Mr. Tracy said they do admit that the document is some 14 inches high, more evidence of its completeness. With regard to certain allegations that have been made against the company, those are allegations elsewhere. They do not go to the merits of the project. With regard to the argument again made by people who should know better that a DGEIS is not a DEIS, he called their attention to the SEQRA regulations as published by the State of New York which state that an action such as a zone change - the DEIS - that should be submitted should be a generic DEIS. What we have submitted is a DEIS - a generic DEIS. We have followed the letter of the law and the proper environmental terminology. Those who would seek to criticize this accuracy and make something of it obviously simply show their God protected and government protected rights to protest against the project. He said that they honor and have have no argument with this. We expect it and we are sure we are going to hear it. However, to raise semantic roadblocks, to raise spurious allegations that have nothing to do with the project will not enhance the hearings in any way.

Mr. Tracy went on to say that there should be no fear by the people who are for or against the mall in attending and having a public hearing. It is at that public hearing that their comments, their objections or their favoritism for the project will be made known to their legislative body and to infer that this legislative body might act as legislative bodies are alleged to have acted in other municipalities far removed from the Town of Clarkstown is a slur upon each and every one of you and adds nothing to what we hope will turn out to be a full and fair public hearing.

Appearance: Ms. Rosemary Greany
307 Germonds Road
West Nyack, New York 10994

Ms. Greany spoke with regard to Item #13 on the agenda. She thanked Councilman Kunis for returning her call. She said when she objected to the meeting being held on May 26th, partly because of the fact that it is Memorial Day Weekend and many people will be leaving town and also because she thought it would be too

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soon, he suggested that we might move it back to May 10th even though nothing could be read by that time or digested. She asked the Board to please put it off for at least sixty days.

Appearance: Ms. Nancy Drescher

Ms. Drescher stated that she has been a resident of Rockland County for forty-one years. She said her father happened to have been on the Planning Board. She said it took five to eight years to come up with plans for West Nyack and the adjoining areas. She said she does not understand Agenda Item #13 and why we must rush it along. If the Planning Board thought in their infinite wisdom to take five to eight years to plan our town and they planned it to be an LIO section, why first of all we even entertained the thought of changing the zoning and then to turn around and try to rush it through, she could not understand. She said she has learned to take time to look at things and use a little wisdom. She said we should be given the time to speak our objections which have been heard often but we would like to speak again. We have heard Pyramid's resolutions also and it's time that we take time before we destroy our town. She said she had planned to spend the rest of her life here and die here but if it continues on the way it is going she said she would have to leave too. She said that is really sad because we are the roots of this town and this county. She spoke about the present traffic problems and the flooding. She appreciated the efforts of the Town Board but she requested that they hold off on this for a couple of months.

Appearance: Ms. Gloria Maida
Valley Cottage, New York

Ms. Maida stated that she cannot walk three blocks to go to the stores in Town in Valley Cottage. She said the traffic is unbelievable now and she asked the Board to imagine what it will be like if the mall comes in. She said the mall will bring in money but that will not make up for lost lives due to increased traffic. She said there will be a new high school in Nyack. She also mentioned talk that three more roads will be opened up at the Champion Building to go on to Route 59. She said it is a disaster.

Ms. Maida discussed that no one wants to work in these malls anymore. They are begging for help. We are burdened with the traffic now and with this mall it will be even more of a burden. Children cannot cross Kings Highway now.

Ms. Maida felt we should wait and see if they solve their problems in other areas where promises were made and after nine years they are still waiting for Pyramid to make good on these promises. Everything looks good on paper but we will find that it is a disaster. She said this is bad and urged the Board to reject this.

Appearance: Ms. Rosemarie Seery
15 Flitt Street
West Nyack, New York

Ms. Seery spoke regarding Agenda Item #27 (Zone Change request for Hegarty Homes.) She stated that she had been at the public hearing for this - a one acre parcel of land that is zoned for storage units right now. All the people who left that meeting believed that zone change would not go through and they would get storage units. Tonight it looks as if this change will go through. They will have a shopping center. She asked how the Board would justify this to those people who had left that night believing they would have storage units and now suddenly find a shopping center in their back yards?

Ms. Seery also spoke about Agenda Item #13 and said she felt that the zone change hearing would be imprudent due to the lack

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of input from the County Planning Board and the Town Planning Board. You can't change the zoning on a piece of property unless you have the input from the County planners because you have a County stream there and you have County roads as well. You should also have input from the Town Planning Board. It is totally irrational and irresponsible.

Ms. Seery stated that she had spoken with the DEC in reference to the DGEIS and the way they described it to her is that it is a general document as compared to the DEIS. They said that they did not know why a DGEIS was being done on this particular property. Now that is the DEC which has put the SEQA laws in and onto paper. In reference to what Mr. Tracy had to say this project most certainly is impacted by everything else that happens at every other project because on the partnership papers for Rockland County there are the names of the owner Robert Congell (who is the head of the whole operation) as well as various other partners who are listed on the Rockland papers. He has various other partners listed with him on each of his other malls. Some of these Rockland partners on these partnership papers are the same as those who contributed to the Poughkeepsie campaign.

She said as far as the DGEIS being complete she has to disagree once again with Mr. Tracy because her organization went through these documents and pulled them apart and found fourteen pages of questions.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Designation of Historic Site - Smith-Gilchrest House, was opened, time: 8:59 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Designation of Historic Site - Smith-Gilchrest House, was opened, time: 9:02 P.M.

RESOLUTION NO. (421-1988)

DESIGNATING AN HISTORICAL SITE (SMITH-GILCHREST HOUSE, CONGERS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 22nd day of March, 1988, provided for a public hearing on the 26th day of April, 1988, at 8:00 P.M., to consider the designation of the house located at 18 Gilchrest Road, Congers, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 110, Block A, Lot 2.5, as an historical site pursuant to Section 12-3(C) of the Code of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned house located at 18 Gilchrest Road, Congers, New York, be and the same hereby is designated as an historical site, and be it

FURTHER RESOLVED, that said historical site be so indicated on the Official Map of the Town of Clarkstown.

Seconded by Co. Carey

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RESOLUTION NO. (421-1988) Continued

On roll call the vote was as follows:

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

Supervisor Holbrook said there was a public hearing scheduled for 8:10 (Chapter 31 - Pickle's Restaurant) and he asked Town Attorney Murray N. Jacobson to report on that. Mr. Jacobson stated that there was a proposed settlement on it where the work is going to be done in stages. The debris will be removed and the place will be repaired.

RESOLUTION NO. (422-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
PERFORMANCE AGREEMENT
(DURLAND - CHAPTER 31 - MAP
14, BLOCK D, LOT 15 -
PICKLE'S RESTAURANT)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a consent Performance Agreement to resolve the Chapter 31 proceeding involving premises owned by NEWTON E. DURLAND and designated on the Tax Map of the Town of Clarkstown as MAP 14, BLOCK D, LOT 15.

Seconded by Co. Smith

On roll call the vote was as follows:

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

With regard to the granting of a waiver of Section 75-13 of the Town Code (Hawking and Peddling) to Kenneth F. Newman Supervisor Holbrook read a letter from Mr. Newman requesting the waiver and a memo from Town Clerk Patricia Sheridan requesting that the Town Board grant such a waiver.

Town Attorney stated that Mr. Newman had been duly notified of this hearing. Supervisor asked if Mr. Newman was present. He did not appear. Supervisor asked if there was anyone present wishing to be heard.

| | |
|-------------|--------------------|
| Appearance: | Mr. John Donellen |
| | 193 Strawtown Road |
| | New City, New York |

Mr. Donellen said he just wanted to say that he is a college student and knows the cost of college tuition. He said Mr. Newman probably has to work all he can to go to school. He said when he was a kid it was always big excitement to have the ice cream truck go by.

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RESOLUTION NO. (423-1988)

GRANTING A WAIVER OF
SECTION 75-13 OF THE TOWN
CODE (HAWKING AND PEDDLING)
TO KENNETH F. NEWMAN

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by Resolution No. 420-1988 duly adopted on the 19th day of April, 1988, provided for a hearing on the 26th day of April, 1988 at 8:00 P.M., to consider a request of Kenneth F. Newman for a waiver of the provisions of Section 75-13 of the Town Code (Hawking and Peddling), and

WHEREAS, the applicant was duly notified in person and the hearing was duly held at the time and place specified in said Resolution;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants a waiver of the provisions of Section 75-13 of the Town Code (Hawking and Peddling) to Kenneth F. Newman.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (424-1988)

ACCEPTING DEED AND
DECLARATIONS FOR ROAD
WIDENING STRIP FROM SAY
REALTY CORP. (DR. DAVIES
ROAD, SECTION OF ROUTE 9W)
AND EASEMENT FOR ACCESS AND
UTILITY PURPOSES AFFECTING
LOTS 1, 3 AND 4 ON FINAL
PLAT

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and in accordance with a Final Plat of Say Realty Corp., prepared by Henry Horowitz, Inc. dated February 13, 1987, last revised March 28, 1988, the following are hereby accepted and ordered recorded in the Rockland County Clerk's Office:

1. Deed dated March 24, 1988, from Say Realty Corp. to the Town gratuitously conveying a road widening strip along Dr. Davies Road;
2. Declaration of Covenants dated March 24, 1988, made by Say Realty Corp. gratuitously conveying a road widening strip along Route 9W, a State road;
3. Declaration dated March 24, 1988, made by Say Realty Corp. granting an easement for access and utility purposes affecting Lots 1, 3 and 4 on said final plat.

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RESOLUTION NO. (424-1988) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (425-1988)

AUTHORIZING LEASE OF
EQUIPMENT FOR SANITARY
LANDFILL (CATERPILLAR D9N
TRACTOR) - CHARGE TO
ACCOUNT 8160-443

Co. Maloney offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, has been authorized to lease a Caterpillar D9N Tractor for five (5) years at a cost not to exceed \$381,000, subject to the Town Attorney's review of proposal, and be it

FURTHER RESOLVED, that all proper charges be charged against Account 8160-443.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (426-1988)

AUTHORIZING AMENDMENT TO
ECONOMIC ASSISTANCE 1988
PROGRAM FOR PURPOSE OF
ADDITIONAL AGREEMENTS
(CLARKSTOWN GRIDIRON CLUB,
HEAD START - NYACK
COMMUNITY CHILD DEVELOPMENT
CENTER, INC., CLARKSTOWN
GARDEN CLUB AND ROCKLAND
COUNTY ASSOCIATION FOR
RETARDED CHILDREN) - CHARGE
TO ACCOUNT A 8840-424

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into additional agreements in a form approved by the Town Attorney, for the organizations listed below which provide services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and which organizations shall receive the economic assistance amounts as set forth for the calendar year 1988.

| <u>Organization</u> | <u>Amount</u> |
|--------------------------|---------------|
| Clarkstown Gridiron Club | \$ 3,600.00 |

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RESOLUTION NO. (426-1988) Continued

| <u>Organization</u> | <u>Amount</u> |
|----------------------------------------------------------------|---------------|
| Head Start - Nyack Community Child Development Center, Inc. | \$1,500.00 |
| Clarkstown Garden Club | \$ 500.00 |
| Rockland County Association for Retarded Children | \$1,500.00 |

and be it

FURTHER RESOLVED, that such funds are to be disbursed from line A 8840-424.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (427-1988)

GRANTING PERMISSION TO
DISPENSE ALCOHOLIC
BEVERAGES (ANNUAL SENIOR
CITIZEN SHOW CAST PARTY AT
CONGERS COMMUNITY CENTER)

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at the Annual Senior Citizen Show Cast Party on May 7, 1988 at the Congers Community Center, Gilchrest Road, Congers, New York.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (428-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
02-002555 (BUILDING
INSPECTOR FEES) (BUILDING
DEPARTMENT) APPROPRIATION
ACCOUNT NO. B 3620-203
(BUILDING - MOTOR VEHICLES)

Co. Carey offered the following resolution:

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RESOLUTION NO. (428-1988) Continued

RESOLVED, to increase Estimated Revenue Account No. 02-002555 (Building Inspector Fees) and Appropriation Account No. B 3620-203 (Building - Motor Vehicles) by \$4,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (429-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 1990-505
(CONTINGENCY) AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1450-401
(RENTAL OF LEASED PREMISES)
(ELECTIONS)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505 (Contingency) and increase Appropriation Account A 1450-401 (Rental of Leased Premises) by \$14,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (430-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-003005 (MORTGAGE TAX)
AND APPROPRIATION ACCOUNT
NO. A 9550-910 (TRANSFER TO
CAPITAL #2 FUND) AND
TRANSFERRING TO CAPITAL
FUND #2 ACCOUNT H
8730-25P87-02-409 (ELINOR
PLACE) AND TO H
9710-25P86-05-409 (MILL
STREAM, STRAWTOWN ROAD)
(COMPTROLLER'S OFFICE)

Co. Carey offered the following resolution:

WHEREAS, additional monies are required in the Drainage Projects for Elinor Place (H 8730-25P87-02-409) and Mill Stream, Strawtown Road (H 9710-25P86-05-409),

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-003005 (Mortgage Tax) and Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) by \$2,086, and be it

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RESOLUTION NO. (430-1988) Continued

FURTHER RESOLVED, to transfer \$156.00 to Capital Fund #2 Account No. H 8730-25P87-02-409 (Elinor Place) and \$1,930.00 to H 9710-25P86-05-409 (Mill Stream, Strawtown Road.)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (431-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-003612 (RO. CO. D.W.I.
REIMBURSEMENTS) AND
APPROPRIATION ACCOUNT NO. A
3120-111 (POLICE-OVERTIME)

Co. Carey offered the following:

WHEREAS, the County of Rockland - D.W.I. has forwarded the Town of Clarkstown a check in the amount of \$12,774.35 to be used by the Police Department for D.W.I. overtime, special patrols and other related D.W.I. activities,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-003612 (Ro. Co. D.W.I. Reimbursements) and Appropriation Account No. A 3120-111 (Police-Overtime) by \$12,774.35.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (432-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
11-002680 (INSURANCE
RESERVE - INSURANCE
RECOVERIES) AND
APPROPRIATION ACCOUNT NO.
CS 9550-910 (TRANSFER TO
OTHER FUNDS) AND TO TOWN
OUTSIDE VILLAGE FUND AND
INCREASE ESTIMATED REVENUE
ACCOUNT NO. 02-002680 (TOWN
OUTSIDE VILLAGE - INSURANCE
RECOVERIES) AND
APPROPRIATION ACCOUNT NO. B
3620-230 (COMMUNICATIONS
EQUIPMENT) (COMPTROLLER'S
OFFICE)

Co. Carey offered the following resolution:

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RESOLUTION NO. (432-1988) Continued

RESOLVED, to increase Estimated Revenue Account No. 11-002680 (Insurance Reserve - Insurance Recoveries) and Appropriation Account No. CS 9550-910 (Transfer to Other Funds) by \$2,067.00 and transfer same to Town Outside Village Fund,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 02-002680 (Town Outside Village - Insurance Recoveries) and Appropriation Account No. B 3620-230 (Communications Equipment) by \$2,067.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (433-1988)

SETTING PUBLIC HEARING RE:
ABANDONMENT OF PORTION OF
TERRACE AVENUE, CONGERS,
NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, a request has been made by Barry Goldberg and Linda Goldberg to abandon that portion of a right-of-way known as Terrace Avenue, located between the northerly side of Quaspeak Road and the southerly side of Jolliffe Street, as shown on the Clarkstown Tax Map as Map 139, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion of Terrace Avenue as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of June, 1988 at 8:05 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, and be it

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance

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ABF478

RESOLUTION NO. (433-1988) Continued

of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (434-1988) AUTHORIZING ATTENDANCE AT
1988 HIGHWAY SCHOOL
(D'ANTONI, BURGIO, AND
ROTHERMEL) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Anthony D'Antoni, Superintendent of Highways, Charles T. Burgio, Highway Maintenance Supervisor III, and Harriet A. Rothermel, Service Dispatcher, are hereby authorized to attend the 1988 Highway School, at Ithaca College, June 5 through June 8, 1988, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (435-1988) AWARDING BID FOR BID
#47-1988 - REPAIRS TO
CATERPILLAR 973 (H.O. PENN
MACHINERY CO., INC.)
(ENVIRONMENTAL)

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control and the Director of Purchasing that

BID #47-1988
REPAIRS TO CATERPILLAR 973

is hereby awarded to:

H.O. PENN MACHINERY CO., INC.
P.O. BOX 3238, NOXON ROAD
POUGHKEEPSIE, NEW YORK 12603

as per their proposal cost of \$26,191.00.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (435-1988) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (436-1988)

AWARDING BID FOR BID
#27-1988 - FIREWORKS
DISPLAY (ZABELLI
INTERNATIONALE FIREWORKS)
(RECREATION)

Co. Carey offered the following resolution:

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

BID #27-1988
FIREWORKS DISPLAY

is hereby awarded to

ZABELLI INTERNATIONALE FIREWORKS
MANUFACTURING CO., INC.
P.O. BOX 1463
NEW CASTLE, PENNSYLVANIA 16103

as per their low bid proposal of \$5,250.00, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of a Certificate of Insurance with limits and coverages as
stated in bid specifications.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (437-1988)

AWARDING BID FOR BID
#46-1988 - FORD PICK-UP
TRUCKS FOR HIGHWAY
DEPARTMENT (GORDON FORD
INC.)

Co. Carey offered the following resolution:

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

BID #46 -1988
FORD PICK-UP TRUCKS FOR THE
HIGHWAY DEPARTMENT

is hereby awarded to

Continued on Next Page

ABF478

RESOLUTION NO. (437-1988) Continued

GORDON FORD INC.
ROUTE 9W
WEST HAVERSTRAW NY 10993

as per their low bid proposal of \$9,888.00 each.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (438-1988)

AWARDING BID FOR BID
#48-1988 - CHEMICALS
(ALLIED UNIVERSAL CORP.,
JONES CHEMICALS INC.,
UTIKEN PRODUCTS, JERSEY
CHEMICAL CO., WECHSLER
CONTRACTING CO. INC., DUSO
CHEMICAL CO., ZEP
MANUFACTURING AND HALBRO
CONTROL INC. (RECREATION)

Co. Carey offered the following resolution:

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

BID #48-1988
CHEMICALS

is hereby awarded to the following suppliers as per the attached
item/price schedule

ALLIED UNIVERSAL CORP
100 HACKENSACK AVE
SOUTH KEARNY NJ 07032

JONES CHEMICALS INC
PO BOX 780
RIVER ROAD
WARWICK NY 10990

UTIKEN PRODUCTS
190 TONY DRIVE
CARLSTADT NJ 07072

JERSEY CHEMICAL CO
PO BOX 542
PATERSON, NJ 07524

WECHSLER CONTRACTING CO INC
PO BOX 333
MONTICELLO NY 12701

DUSO CHEMICAL CO
PO BOX 665
POUGHKEEPSIE NY 12602

ZEP MANUFACTURING
PO BOX 299
10 FADEM RD
SPRINGFIELD NJ 07081

HALBRO CONTROL INC.
2090 ROUTE 110
FARMINGDALE NY 11735

(Schedule on File in Town Clerk's office)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (439-1988)

AWARDING BID FOR BID
#51-1988 - ARTS & CRAFTS
SUPPLIES (CERAMIC SUPPLY OF
NEW YORK AND NEW JERSEY AND
A+ DISCOUNT DISTRIBUTORS
(RECREATION)

Co. Carey offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid for furnishing Arts & Crafts supplies is hereby awarded to the following low bidders who have met the specifications:

1. CERMIC SUPPLY OF NEW YORK AND NEW JERSEY, 10 Dell Glen Avenue, Lodi, N.J. 07644

For items #37, 38 as per specifications at a net price of \$322.53.

2. A+DISCOUNT DISTRIBUTORS, 300 Airport Park, Spring Valley, N.Y. 10977

For items # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, as per specifications at a net price of \$1,339.43.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (440-1988)

AWARDING BID FOR BID
#22A-1988 - FORD L8000 DUMP
TRUCKS EQUIPPED WITH FRINK
SALT SPREADERS & PLOWS
(NARROWSBURG MOTOR SALES,
INC.)

Co. Carey offered the following resolution:

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

BID #22A-1988
FORD L8000 DUMP TRUCKS EQUIPPED
WITH FRINK SALT SPREADERS & PLOWS

is hereby awarded to:

NARROWSBURG MOTOR SALES, INC.
BRIDGE STREET
NARROWSBURG, N.Y. 12764

as per their lowest bid proposal meeting specifications of \$57,494.00 each complete vehicle.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

ABF478

RESOLUTION NO. (441-1988)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING 7:00 A.M. TO 4:00
P.M. MONDAY - FRIDAY"
HILBURG COURT, BARDONIA

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:

Signs to read, "No Parking 7:00 A.M. to 4:00 P.M.
Monday - Friday." These signs to be erected on
the cul-de-sac of Hilburg Court, Bardonia, New York,

and be it

FURTHER RESOLVED, that the Town Clerk be directed to
forward copies of this resolution to the Superintendent of Highways,
Anthony D'Antoni, for implementation.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (442-1988)

ASSESSING COSTS FOR CHAPTER
79 PROCEEDING MAP 105,
BLOCK A, LOT 33.3 (SCHWARZ)

Co. Maloney offered the following resolution:

WHEREAS, a proceeding pursuant to Chapter 79 of the
Town Code was duly instituted against premises designated on the
Clarkstown Tax Map as MAP 105, BLOCK A, LOT 33.3, and

WHEREAS, by Order of the Town Board the Superintendent
of Highways was authorized and directed to take certain corrective
measures regarding said premises, and

WHEREAS, the total cost for the proceeding is \$235.00
pursuant to the attached statement;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are
hereby authorized and directed to levy said sum against the
aforementioned property.

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (443-1988)

AUTHORIZING SUPERINTENDENT OF RECREATION AND PARKS TO EXECUTE ANY NECESSARY CHANGE ORDERS RE: GENERAL CONSTRUCTION, PLUMBING AND ELECTRICAL CONTRACTS - PARKING LOT AT GERMONDS PARK - CHARGE TO CAPITAL FUND ACCOUNT NO. H 7140-03-409

Co. Smith offered the following resolution:

WHEREAS, Town Board Resolution No. 484 dated April 28, 1987 in the amount of \$1,548,871.00, and

WHEREAS, Town Board Resolution No. 523 dated May 5, 1987 in the amount of \$542,975.00, and

WHEREAS, Town Board Resolution No. 874 dated September 8, 1987 in the amount of \$120,000., and

WHEREAS, the present condition of the parking lot at Germonds Park requires additional repair, at a cost not to exceed \$25,000.00,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of Henry Horowitz, P.E., that Edward J. Ghiazza, Supt. of Recreation and Parks is hereby authorized to execute any necessary change orders regarding the General Construction, Plumbing, and Electrical Contracts on behalf of the Town of Clarkstown, not to exceed \$2,236,846.00 to be allocated against Capital Fund Account H 7140-03-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (444-1988) FAILED

SETTING PUBLIC HEARING WITH RESPECT TO ZONE CHANGE PETITION OF CLINTON SQUARE PLAZA, INC. (LIO TO MRS) - MAP 89, BLOCK A, LOTS 4, 12.02 AND 13; MAP 106, BLOCK A, LOTS 25, 45, 45.0101, 46, 47.01, 48 AND 49

Co. Smith offered the following resolution:

WHEREAS, Clinton Square Plaza, Inc., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LIO District to an MRS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 89, Block A, Lots 4, 12.02, and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49;

NOW, THEREFORE, be it

Continued on Next Page

ABF478

RESOLUTION NO. (444-1988) Continued

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 26th day of May, 1988 at 8:00 P.M., relative to the proposed amendment, 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.....No
Councilman Kunis.....No
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....No

Councilman Carey wanted it noted that he was voting no on this because he felt it was nothing more than a hustle for the 26th of May. He said a couple of extra weeks certainly would be in order.

Councilman Kunis stated that he had received several phone calls regarding this May 26th date being close to Memorial Day Weekend. He said he has no problem with rescheduling that to Wednesday, May 25th, if the rest of the Board would agree to that as it does not affect the Memorial Day Weekend. People will be here and they will be able to come to the hearing. The purpose of the hearing is to hear what people have to say pro and con. We are not making a decision the night of the hearing.

Supervisor stated that Councilman Kunis had made a suggestion. He asked the Board members if they wanted to entertain that? Town Clerk stated that a resolution had been moved and seconded. Supervisor stated that they would come back to Councilman Kunis' suggestion.

Councilman Maloney said this was not picked because it was a Memorial weekend. It well may be but we are basing it on the fact that everything is going to be ready after the hearing on May 10th that the Planning Board will hold. You get yourself caught in the situation that if we held it in June or July people would say that it is vacation time or graduation time so no matter what date you pick it is going to cause some inconvenience to some people. Hopefully, many people will go to the May 10th hearing which is a critical hearing that the Planning Board and the consultant will hold. He said he was voting for the May 26th meeting but again we may find ourselves faced with changing that date.

Supervisor Holbrook said with regard to this resolution he felt that it was premature. He said he thought the DGEIS should at least at minimum be accepted as complete and he thought it was inevitable that this petition for a zone change will at some point in the future be set for a public hearing. He said as Town Board Members they all recognize it and the public recognizes it. He said but at a very minimum the DGEIS should be recognized as complete before we set a date for public hearing. That would be the proper time to consider a date for a public hearing. He said the Board might very well find, depending upon what the consultant says on May 10th, the date of May 25th or 26th or June 7th might not be appropriate. At this time he stated that he must vote no on this resolution.

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RESOLUTION NO. (444-1988) Continued

Town Clerk asked Councilman Kunis if he had cast his vote. Councilman Kunis stated that he had spoken with the engineering firm of Manuel Emanuel who has been hired by the Town of Clarkstown and he indicated to me that the DGEIS would be complete on May 10th which would present no problem for a May 25th or 26th hearing. He said he has no problem with either date. Town Clerk asked Councilman Kunis again for his vote. Councilman Kunis stated if the vote is no, do we have another motion for a hearing date on the 25th? Supervisor asked Councilman Kunis if he was voting no on this resolution for the 26th? Councilman Kunis asked if there was a problem with proposing another resolution? Supervisor said any Board member can make a resolution as long as it is seconded. Councilman Kunis stated that he was voting no on this particular resolution.

Supervisor stated that the resolution as proposed fails having received three no votes and two yes votes.

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RESOLUTION NO. (445-1988)

SETTING PUBLIC HEARING WITH
RESPECT TO ZONE CHANGE
PETITION OF CLINTON SQUARE
PLAZA, INC. (LIO TO MRS) -
MAP 89, BLOCK A, LOTS 4,
12.02 AND 13; MAP 106,
BLOCK A, LOTS 25, 45,
45.0101, 46, 47.01, 48 AND
49

Co. Kunis offered the following resolution:

WHEREAS, Clinton Square Plaza, Inc., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LIO District to an MRS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 89, Block A, Lots 4, 12.02 and 13; Map 106, Block A, Lots 25, 45, 45.0101, 46, 47.01, 48 and 49;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of thue 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 25th day of May, 1988 at 8:00 P.M., relative to the proposed amendment, 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.....No
Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....No

Councilman Carey said he was voting no because he felt this resolution was just adding insult to injury.

Continued on Next Page

RESOLUTION NO. (445-1988) Continued

Councilman Maloney said the people that he called indicated that was a bad time because Thursday started the weekend and he said since the first proposal didn't carry (the 26th) perhaps Wednesday night might be a better night.

Supervisor Holbrook said he was voting no for the same reasons he had indicated before.

RESOLUTION NO. (446-1988)

AUTHORIZING ATTENDANCE AT
8TH ANNUAL ROCKLAND COUNTY
YOUTH FORUM AND AWARDS
DINNER (VARIOUS TOWN
OFFICIALS) - CHARGE TO
APPROPRIATIONS ACCOUNT NO.
A 1010-414.

Co. Maloney offered the following resolution:

WHEREAS, the following are authorized to attend the Eighth Annual Rockland County Youth Forum and Awards Dinner on Thursday, May 5, 1988 at the Quality Inn - Tappan Zee, Nyack, New York:

- Supervisor and Town Council
- Town Clerk
- Chief of Police and designees
- Superintendent of Recreation & Parks and designees
- Members of the Clarkstown Recreation Commission
- Clarkstown Counseling Center Director and designees
- Youth Commission Chairman
- Director of Finance
- Town Attorney

RESOLVED, that all expenses are not to exceed \$16.00 per attendee and be charged to Appropriations Account No. A 1010-414.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (447-1988)

REJECTING ALL BID PROPOSALS
RECEIVED FOR BID #43-1988
(REPAIRS TO CATERPILLAR
D-8K AT SANITARY LANDFILL)

Co. Maloney offered the following resolution:

RESOLVED, that all bid proposals received for

BID #43-1988
REPAIRS TO A CATERPILLAR D-8K AT
SANITARY LANDFILL

are hereby rejected.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (447-1988) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (448-1988)

AUTHORIZING ATTENDANCE AT
LAND USE CONFERENCE
(SUPERVISOR AND TOWN
COUNCILMEN) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the Town Supervisor and Councilmen are hereby authorized to attend a conference entitled "Planning and Zoning for Community Land Use Management" to be held June 8 through June 10 in Boulder, Colorado at a fee of \$195.00 per person; and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (449-1988)

DESIGNATING SMOKING AREA
FOR TOWN HALL EMPLOYEES

Co. Carey offered the following resolution:

WHEREAS, the County of Rockland has promulgated a local law concerning smoking, and

WHEREAS, the Town of Clarkstown, in compliance with such law, wishes to designate an area for smoking,

NOW, THEREFORE, be it

RESOLVED, that the lunchroom without a kitchen on the third floor of the Town Hall is hereby designated as the smoking area for employees of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (450-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #55-1988 -
BITUMINOUS MATERIALS FOR
SURFACE TREATMENT OF ROADS

Co. Maloney offered the following resolution:

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

BID #55-1988
BITUMINOUS MATERIALS FOR
SURFACE TREATMENT OF ROADS

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, May 16,
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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (451-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #56-1988 -
TIRES AND TUBES

Co. Maloney offered the following resolution:

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

BID #56-1988
TIRES AND TUBES

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, May 20,
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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (452-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #57-1988 -
CAST IRON CURB INLETS,
CATCH BASIN, FRAMES AND
GRATES

Co. Maloney offered the following resolution:

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

BID #57-1988
CAST IRON CURB INLETS, CATCH BASIN,
FRAMES AND GRATES

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, May
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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (453-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #54-1988 -
WASHED SAND AND GRAVEL

Co. Maloney offered the following resolution:

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

BID #54-1988
WASHED SAND AND GRAVEL

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, May 13,
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. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (454-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #58-1988 -
HIGH VELOCITY SEWER FLUSHER
TRUCK

Co. Maloney offered the following resolution:

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

BID #58-1988
HIGH VELOCITY SEWER FLUSHER TRUCK

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 Tuesday, May
31, 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. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (455-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #59 - CURBSIDE
RESIDENTIAL COLLECTION OF
RECYCLABLE MATERIALS

Co. Maloney offered the following resolution:

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

BID #59-1988
CURBSIDE RESIDENTIAL COLLECTION OF
RECYCLABLE MATERIALS

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.M. on Friday, June 3,
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. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (456-1988

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT LARKSPUR
ESTATES, WEST NYACK

Co. Maloney offered the following resolution:

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

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

Larkspur Estates - West Nyack

Install: 1 5800 lumen sodium vapor street light
on 1 laminated wood pole

Increase to the Town: \$115.08 plus E.F.C.

Annual Charges: \$115.08

(\$115.08 per unit x 1 unit = \$115.08)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (457-1988)

AMENDING RESOLUTION NO.
347-1988 AWARDED BID #33
TO RESIDENTIAL CARTING
ASSOCIATES, INC., FOR CURB
SIDE RESIDENTIAL COLLECTION
OF BULK REFUSE - CHARGE TO
ACCOUNT NO. H-8160-01-409

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 347-1988 adopted by the Town Board on April 12, 1988 is hereby amended to provide as follows:

That the funds for such curb side residential collection of bulk refuse shall be charged upon Account No. H-8160-01-409, which account has thereon the tipping fees paid by the Town of Ramapo and a portion of said tipping fees shall be used to defray the cost of curb side residential collection of bulk refuse.

Seconded by Co. Carey

On roll call the vote was as follows:

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

ABF478

RESOLUTION NO. (458-1988)

SETTING PUBLIC HEARING TO
ESTABLISH REFUSE AND
GARBAGE DISTRICT

Co. Maloney offered the following resolution:

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

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

WHEREAS, the general map, plan, report and addendum to report has been filed in the Office of the Town Clerk, and

WHEREAS, the Town Board held a prior public hearing on this matter on the 29th day of September, 1987 at 8:05 P.M., and

WHEREAS, the Office of the State Comptroller requires the holding of an additional public hearing in order to consider the establishment of a Refuse and Garbage District to provide services for solid waste management and recycling of refuse by source separation encompassing the incorporated and unincorporated areas of the Town of Clarkstown as shown on the Official Map, and where the maximum amount to be expended shall be not more than \$2,200,000.00 and the expense of the establishment of the district shall be assessed by the Town Board in proportion as nearly as may be to the benefit of each lot or parcel within the district shall derive therefrom, and

WHEREAS, the Town Board wishes to schedule such public hearing thereon and to invite the participation at said public hearing by the Villages of Upper Nyack, Nyack and Spring Valley with respect to the portion of said villages lying within the geographical limits of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that a public hearing in accordance with Article 12-A of the Town Law shall be held on the 10th day of May, 1988 at 8:05 P.M., at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, and be it

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

FURTHER RESOLVED, that the general map, plan, report and addendum to report describing the proposal in detail shall be available for review on or after April 27, 1988, in the Office of the Town Clerk of the Town of Clarkstown, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (459-1988)

ADOPING SCHEDULE OF PAY
RATES FOR STUDENT OFFICE
WORKERS AND LABORER
STUDENTS AT THE HIGHWAY
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby adopts the following schedule of pay rates for student office workers for 1988, effective and retroactive to April 4, 1988.

The hourly pay rates for Town Hall full-time student office workers for 1988 will be:

STARTING RATE (RATE BASED ON GRADE COMPLETED IN MAY OR JUNE 1988)

| | |
|--------------------|--------|
| High School Junior | \$3.75 |
| High School Senior | \$4.00 |
| College Freshman | \$4.50 |
| College Sophomore | \$5.00 |
| College Junior | \$5.50 |
| College Senior | \$6.00 |

Seasonally Employed Students (winter holiday school recess
spring recess or during summer
months):

LABORER STUDENTS - HIGHWAY DEPARTMENT (18 YEARS OR OLDER)

| | |
|--------|----------------------------------------------------------|
| \$5.00 | STARTING SALARY FOR ALL NEW EMPLOYEES |
| \$5.50 | 2nd YEAR RETURNING EMPLOYEE - COLLEGE SOPHMORE |
| \$6.00 | 3rd YEAR RETURNING EMPLOYEE - COLLEGE JUNIOR |
| \$6.50 | 4th YEAR RETURNING EMPLOYEE (FINAL STEP)- COLLEGE SENIOR |

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (460-1988)

ACCEPTING DEED FOR ROAD
WIDENING ALONG WILLIAM
STREET AND DEMAREST AVENUE
(DON LIEBERT ADDITION)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as DON LIEBERT ADDITION, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along William Street and Demarest Avenue, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated March 17, 1988, from DONALD F. LIEBERT and GLORIA E. LIEBERT, gratuitously conveying a strip of land along William Street and Demarest Avenue, Nanuet, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Continued on Next Page

ABF478

RESOLUTION NO. (460-1988) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (461-1988)

ACCEPTING DEED FOR ROAD
WIDENING ALONG OLD NYACK
TURNPIKE, NANUET, NEW YORK
(GRASSO AUTO EXPRESS)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as GRASSO AUTO EXPRESS, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Nyack Turnpike, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated April 18, 1988, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (462-1988)

REFERRING AMENDMENT TO
ZONING ORDINANCE TO
CLARKSTOWN AND ROCKLAND
COUNTY PLANNING BOARDS
(SECTION 106 - ACCESSORY
UNITS)

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendation and report:

Continued on Next Page

RESOLUTION NO. (462-1988) Continued

**Amend Section 106 of the Zoning Ordinance
by adding the following:**

"Accessory Units:

1. Accessory apartments shall only be allowed in single-family homes which are owner occupied, with the owner occupying the principal dwelling unit.

2. The owner of the premises must have owned and occupied a home in Clarkstown for at least twenty (20) years.

3. The accessory apartment must be located within the principal building, and would not be permitted in any accessory building. No more than one accessory apartment would be permitted in the principal building.

4. No accessory apartment would be permitted in a two-family house or on any premises already containing more than one dwelling unit. No accessory apartment would be permitted on property containing a home occupation or professional office.

5. No significant architectural change in the exterior of the principal building shall be permitted to accommodate the accessory apartment. The principal building must continue to appear to be a single-family dwelling.

6. The accessory apartment must be at least 300 square feet in area, but not larger than 600 square feet in area or 25% of the original floor area of the principal building, whichever is less.

7. Both the principal dwelling unit and the accessory apartment must conform to all requirements of the applicable building, health, fire and sanitary codes.

8. Off street parking must be provided for both units without paving more than 25% of the front yard. At least two parking spaces must be provided for the accessory apartment, in addition to those needed for those residing in the principal dwelling unit.

9. The permit and certificate of occupancy for the accessory apartment will expire when the house is either sold or when the owner who was originally issued the permit no longer occupies the principal dwelling unit, whichever occurs first.

10. A covenant must be filed in the Rockland County Clerk's Office to the effect that if the owner who was originally issued the permit sells the property or no longer personally occupies the principal dwelling unit, the accessory apartment will be removed and the principal building will revert back to one dwelling unit."

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (463-1988)

AUTHORIZING ATTENDANCE AT
SEMINAR ON SUCCESSFUL

Continued on Next Page

ABF478

RESOLUTION NO. (463-1988) Continued

MARKETING APPROACHES FOR
RECYCLABLE MATERIALS
(LESLIE BOLLMAN) - CHARGE
TO APPROPRIATION ACCOUNT
NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, Town of Clarkstown, is hereby authorized to attend a Seminar on Successful Marketing Approaches for Recyclable Materials to be held on May 18, 1988, at the Institute for Professional Development, Widener University, Wilmington, Delaware, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (464-1988)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
AN LO DISTRICT TO A CS
DISTRICT (HEGARTY HOMES,
INC.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 22nd day of December, 1987, provided for a public hearing on the 26th day of January, 1988, at 8:15 P.M., to consider the application of HEGARTY HOMES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an LO District to a CS District, which property is designated on the Clarkstown Tax Map as Map 120, Block A, Lots 28 and 31.01, 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, the Town Board reserved decision at the public hearing of January 26, 1988, and

WHEREAS, the Town Board rereferred the petition for a zone change on February 23, 1988 to the Clarkstown Planning Board for its report;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated December 29, 1987, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown

Continued on Next Page

RESOLUTION NO. (464-1988) Continued

be and it hereby is amended by redistricting from an LO District to a CS District, the following described property in the Hamlet of Central Nyack, New York, in said Town, and

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

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the receipt and acceptance by the Town Board of a covenant, running with the land, in a form approved by the Town Attorney submitted by the record owner, shall provide that the recommendations of the Planning Board, made upon review of the proposed zone change, shall be implemented by the property owners or his successor in interest as follows:

1. The premises to be rezoned shall be improved only with a two-story building containing retail uses on the first level and office uses on the second level;

2. No parking shall be permitted in the hill area to the northwest of said building;

3. Access shall be determined by the Planning Board upon review and approval of site plan.

4. Based on Exhibit "C" filed in the Clarkstown Planning Office, the building shall be located twenty-five (25) feet off the westerly property line with the entry road to the east of the building.

5. The property owner shall gratuitously convey a forty (40') foot widening strip from the center line of Route 59, to the State of New York, and that a declaration shall be filed in accordance with the requirements of the Town Attorney's Office, 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 the Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Carey..... | Yes |
| Councilman Kunis..... | No |
| Councilman Maloney..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

Councilman Kunis stated that based on the recommendation of Mr. William Chase of the Rockland County Planning Board indicating that this is spot zoning his vote would be no.

RESOLUTION NO. (465-1988)

GRANTING A CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF THE CODE

Continued on Next Page

ABF478

RESOLUTION NO. (465-1988)

OF THE TOWN OF CLARKSTOWN
(A.F.K. TRUCKING &
EXCAVATING, INC. - NO.
88-19)

Co. Maloney offered the following resolution:

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

A.F.K. TRUCKING & EXCAVATING, INC.
55 Third Street
New City, New York 10956

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 88-19 issued to A.F.K. Trucking & Excavating, Inc.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (466-1988)

ACCEPTING RESIGNATION OF
MOTOR EQUIPMENT OPERATOR I
- TOWN HIGHWAY DEPARTMENT
(JOHN R. OCH)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of John R. Och, 16
Indian Drive, West Nyack, New York - Motor Equipment Operator I -
Town Highway Department - is hereby accepted - effective and
retroactive to April 18, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (467-1988)

GRANTING ONE YEAR LEAVE OF
ABSENCE TO AUTOMOTIVE
MECHANIC I AND BODY
REPAIRER - HIGHWAY
DEPARTMENT (RICHARD PLESACK)

Co. Smith offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (467-1988) Continued

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 I and Body Repairer - Highway Department - is hereby granted a one year leave of absence, without pay - effective May 2, 1988 to May 1, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (468-1988)

RECOGNIZING PERMANENT APPOINTMENT BY SUPERINTENDENT OF HIGHWAYS OF MOTOR EQUIPMENT OPERATOR I - TOWN HIGHWAY DEPARTMENT (ANDREW BUTLER)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Superintendent of Highways of Andrew Butler, 57 Shetland Drive, New City, New York, as a Motor Equipment Operator I - Town Highway Department - at the current 1988 annual salary of \$19,196.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (469-1988)

RECOGNIZING PERMANENT APPOINTMENT BY SUPERINTENDENT OF HIGHWAYS OF MOTOR EQUIPMENT OPERATOR I - TOWN HIGHWAY DEPARTMENT (KENNETH KELLY)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Superintendent of Highways of Kenneth Kelly, 33 Terrace Avenue, Nanuet, New York, as a Motor Equipment Operator I - Town Highway Department - at the current 1988 annual salary of \$19,196.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

Continued on Next Page

ABF478

On roll call the vote was as follows:

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

RESOLUTION NO. (470-1988)

RECOGNIZING PERMANENT
APPOINTMENT BY SUPERIN-
TENDENT OF HIGHWAYS OF
MOTOR EQUIPMENT OPERATOR I
- TOWN HIGHWAY DEPARTMENT
(RICHARD CURRAO)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
(permanent) appointment by the Superintendent of Highways of Richard
Currao, 82 Hall Avenue, New City, New York, as a Motor Equipment
Operator I - Town Highway Department - at the current 1988 annual
salary of \$17,261.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (471-1988)

RECOGNIZING PERMANENT
APPOINTMENT BY SUPERIN-
TENDENT OF HIGHWAYS OF
MOTOR EQUIPMENT OPERATOR I
- TOWN HIGHWAY DEPARTMENT
(MICHAEL MURPHY)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
(permanent) appointment by the Superintendent of Highways of Michael
Murphy, 13 Homestead Lane, New City, New York, as a Motor Equipment
Operator I - Town Highway Department - at the current 1988 annual
salary of \$19,196.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (472-1988)

RECOGNIZING TEMPORARY
APPOINTMENT BY SUPERIN-
TENDENT OF HIGHWAYS OF
MOTOR EQUIPMENT OPERATOR I
- TOWN HIGHWAY DEPARTMENT
(CRAIG ALEMI)

RESOLUTION NO. (472-1988) Continued

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the (temporary) appointment by the Superintendent of Highways of Craig Alemi, 76 Church Street, Nanuet, New York, as a Motor Equipment Operator I - Town Highway Department - at the current 1988 annual salary of \$17,261.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (473-1988)

RECLASSIFYING POSITION OF
LEGAL STENOGRAPHER TO
POSITION OF PARALEGAL
SPECIALIST I (MUNICIPAL
LAW) - TOWN ATTORNEY'S
OFFICE

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 3, 1988 that the Legal Stenographer position (encumbered by Cornelia Alemi) can be reclassified to the position of Paralegal Specialist I (Municipal Law),

NOW, THEREFORE, be it

RESOLVED, that the position of Legal Stenographer (encumbered by Cornelia Alemi) - Town Attorney's Office - is hereby reclassified to the position of Paralegal Specialist I (Municipal Law) - effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (474-1988)

APPOINTING TO POSITION OF
PROVISIONAL PARALEGAL
SPECIALIST I (MUNICIPAL
LAW) - TOWN ATTORNEY'S
OFFICE (CORNELIA ALEMI)

Co. Smith offered the following resolution:

RESOLVED, that Cornelia Alemi, 76 Church Street, Nanuet, New York, is hereby appointed to the position of (provisional) Paralegal Specialist I (Municipal Law) - Town Attorney's Office - at the current 1988 annual salary of \$26,608.00, effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

Continued on Next Page

ABF478

RESOLUTION NO. (474-1988) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (475-1988)

APPOINTING TEMPORARY
POSITION OF AUTOMOTIVE
MECHANIC I & MOTOR
EQUIPMENT OPERATOR II -
SANITARY LANDFILL (JEFFERY
HLADIK)

Co. Smith offered the following resolution:

RESOLVED, that Jeffery Hladik, 602 Sickles Avenue,
Nyack, New York, is hereby appointed to the position of (temporary)
Automotive Mechanic I & Motor Equipment Operator II - Sanitary
Landfill - for a period not to exceed 30 days, pending completion of
a satisfactory physical examination - at the current 1988 annual
salary of \$18,818.00, effective and retroactive to April 21, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (476-1988)

RECOGNIZING THE APPOINTMENT
BY THE PARKS BOARD AND
RECREATION COMMISSION OF
GROUNDWORKER TO SENIOR
GROUNDWORKER (JAMES
BACCAGLINI)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
appointment by the Parks Board and Recreation Commission of James
Baccaglioni, Groundworker, 11 Cypress Street, New City, New York, to
Senior Groundworker, at the current 1988 annual salary of
\$19,196.00, effective and retroactive to April 18, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (477-1988)

RECLASSIFYING POSITION OF
TYPIST TO SENIOR TYPIST -
POLICE DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 3, 1987 that the Typist position (encumbered by Marion Gionta) can be reclassified to the position of Senior Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Typist (encumbered by Marion Gionta) - Police Department - is hereby reclassified to the position of Senior Typist - effective and retroactive to April 18, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (478-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF SENIOR
TYPIST - POLICE DEPARTMENT
(MARION GIONTA)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Typist #88124 (RC-NCP) which contains the name of Marion Gionta,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Marion Gionta, 75 Margaret Keahon Drive, Pearl River, New York, as a Senior Typist - Police Department - at the current 1988 annual salary of \$17,605.00, effective and retroactive to April 18, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (479-1988)

GRANTING LEAVE OF ABSENCE
TO ASSISTANT BUILDING
INSPECTOR - BUILDING
DEPARTMENT (PETER FLORENCE)

Co. Smith offered the following resolution:

Continued on Next Page

ABF478

RESOLUTION NO. (479-1988) Continued

WHEREAS, Peter Florence, 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 Peter Florence, P.O. Box 546, New City, New York, Assistant Building Inspector - Building Department - is hereby granted a leave of absence, without pay, for the period April 29, 1988 thru June 28, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (480-1988)

TERMINATING ASSISTANT
AUTOMOTIVE MECHANIC - MINI
TRANS DEPARTMENT (RALPH
MOCHI)

Co. Smith offered the following resolution:

RESOLVED, that Ralph Mochi, 145 Old Haverstraw Road, Congers, New York - Assistant Automotive Mechanic - Mini Trans Department - is hereby terminated pursuant to Section 71 of the Civil Service Law, effective April 26, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (481-1988)

APPOINTING TO POSITION OF
PART-TIME COUNSELING AIDE -
COUNSELING CENTER (PATRICK
HUGHES)

Co. Smith offered the following resolution:

RESOLVED, that Patrick Hughes, 2 Parkway Drive, New City, New York, is hereby appointed to the position of part-time Counseling Aide - Counseling Center - at the current 1988 hourly rate of \$5.50 - effective April 27, 1988.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (481-1988) Continued

On roll call the vote was as follows:

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

It was decided that the resolution establishing a Grade 25 for the position of Paralegal Specialist I should be voted on separately.

Mr. Ghiazza stated that this resolution would create havoc. Councilman Carey said anytime anything comes up in the way of personnel (and as a matter of fact we talked about that prior to this Town Board Meeting) - what we need is a Personnel Director in this Town to move this thing along because it is just a case of one-upmanship and it is never going to stop. Here is a particular case where he thought it was warranted. It is a legal position and it should be a 25.

Mr. Bollman said although he agreed with everything Councilman Carey said, both he and Mr. Ghiazza have been Chairmen of the Reallocation Committee. He said they spent a lot of time going through hundreds of jobs and to his knowledge, this is the second time that a job has been reallocated and it has never come back to the committee nor have we been asked what we think. You gave us the job to do for everybody. We tried to set up a system that we thought everybody would fit in. He said he thought what Mr. Ghiazza was saying is that, whether we agree or not (and there were six of us), I don't know if we can justify it. You send us back in there now and everybody might use this. Maybe we could, maybe it's easy. Mr. Bollman said he mentioned the first one to the supervisor. This is the second time for that position to be considered. It is very difficult when you sit there and everybody comes for something. Councilman Carey said he knew that and what he would like to see is that it be taken out of their hands and the hands of the Town Board and put it in the hands of a Personnel Director so we have some direction here as to where we are headed.

Councilman Kunis said he disagreed. He felt it was management's prerogative (and the Town Board is management) to have people, for example Mr. Ghiazza and Mr. Bollman, to serve on a committee. They should have input with the Town Board. He said the last of his discussions on this resolution, there was another figure discussed. He said when he came here to sit on this board tonight he expected to vote on that figure and he had no problem. He said he had nothing against the person in the position but we are talking about a matter of principle and a matter of policy. He said he believed that you cannot run government or a business by just voting on something or bringing it up tonight and just voting by the snap of a finger. He said we must have a lot of input and a lot of background on this. He said he did not think it should be voted on tonight and if it is voted on tonight he could not vote for it. If it is voted on at a future date after he has studied the history, the background, and have discussed it, he might not have a problem with it but he felt it was premature to vote on this tonight.

Mr. John Lodico came forward and said since the Supervisor had opened this up for a little discussion he thought unfortunately we have contractual obligations in relation to the CSEA. You can end up with forty different kinds of grievances. He said he was not questioning the individual. He said he heard tonight that the Town had hired a mechanic at the Landfill at the grade it was at fifteen years ago. Now if a mechanic working on

Continued on Next Page

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bulldozers or working on trucks is in the \$18,000.00 or \$20,000.00 category then he felt, at least in his point of view, that he should have someone evaluate them and the responsibility of those jobs and move their numbers up. He said he agreed that a legislative prerogative is necessary but you have to go back into negotiations and come up with a contract. He said with all due respect to the legal department he said a mechanic at the Landfill or in the Highway Department is equally important and \$18,000.00 is a disgrace. You should evaluate everyone. He said he agreed with Councilman Carey that we need a Personnel Director.

RESOLUTION NO. (482-1988) ESTABLISHING POSITION OF
PARALEGAL SPECIALIST I
(MUNICIPAL LAW) AT A GRADE
25

Co. Smith offered the following resolution:

RESOLVED, that the grade for the position of Paralegal Specialist I (Municipal Law) - is hereby established at a Grade 25 - effective and retroactive to April 25, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (483-1988) SETTING PUBLIC HEARING RE:
PROPOSED AMENDMENT TO
SECTION 106 (HOME
OCCUPATION)

Co. Smith offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 24th day of May, 1988, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-3. Definitions to eliminate existing definition of Home Occupation and replace it with the following:

"Home Occupation - A home occupation is any occupation, business or professional activity which results in a product or service, and is conducted in whole or in part in a dwelling or on a residentially zoned property, is clearly subordinate in space utilization and intensity to the residential use of the dwelling unit and has received a permit from the Building Inspector or the Board of Appeals.

Home Occupations do not include:

Continued on Next Page

RESOLUTION NO. (483-1988) Continued

- (1) Outside storage of equipment or material
- (2) The use or storage on site of a wheeled vehicle in excess of 4,000 lbs. gross weight and no more than one wheeled vehicle other than passenger cars.
- (3) Activities after the hour of 11 p.m. and before 7 a.m. on weekdays, 11 p.m. - 9 a.m. on Saturday, Sunday and legal holidays.
- (4) The keeping of goods for sale.

A home occupation does not include animal hospital, mortician, limousine service, automotive-repair service, barbershop, beauty parlor, restaurant."

**Amend Section 106-10(A), General Use Regulations,
R-80 District, Table 1, Column 4 by adding Item 15 as follows:**

"15. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

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RESOLUTION NO. (483-1988) Continued

(l) There shall be no more than one home occupation per residential building.

(m) Instructional services shall be limited to no more than two students at a time.

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

(o) Provision for dust collection or similar by-products shall be provided."

Amend Section 106-10(A), General Use Regulations, R-40 District, Table 2, Column 4 by adding Item 15 as follows:

"15. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

(l) There shall be no more than one home occupation per residential building.

Continued on Next Page

RESOLUTION NO. (483-1988) Continued

(m) Instructional services shall be limited to no more than two students at a time.

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

(o) Provision for dust collection or similar by-products shall be provided."

**Amend Section 106-10(A), General Use Regulations,
R-22 District, Table 3, Column 4 by adding Item 15 as follows:**

"15. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

(l) There shall be no more than one home occupation per residential building.

(m) Instructional services shall be limited to no more than two students at a time.

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RESOLUTION NO. (483-1988) Continued

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

(o) Provision for dust collection or similar by-products shall be provided."

**Amend Section 106-10(A), General Use Regulations,
R-15 District, Table 4, Column 4 by adding Item 15 as follows:**

"15. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

(l) There shall be no more than one home occupation per residential building.

(m) Instructional services shall be limited to no more than two students at a time.

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

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RESOLUTION NO. (483-1988) Continued

(o) Provision for dust collection or similar by-products shall be provided."

**Amend Section 106-10(A), General Use Regulations,
R-10 District, Table 5, Column 4 by adding Item 11 as follows:**

"11. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

(l) There shall be no more than one home occupation per residential building.

(m) Instructional services shall be limited to no more than two students at a time.

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

(o) Provision for dust collection or similar by-products shall be provided."

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RESOLUTION NO. (483-1988) Continued

Amend Section 106-10(A), General Use Regulations, R-160 District, Table 18, Column 4 by adding Item 13 as follows:

"13. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.

(a) The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.

(b) The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.

(c) Visiting clientele may not exceed more than one vehicle per one-half hour.

(d) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(e) Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard.

(f) The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

(g) Landscaping or other appropriate screening as requested by the Building Inspector or the Director of Environmental Control of the Town of Clarkstown shall be provided to screen parking from adjoining properties.

(h) The home shall be the actual place of residence of the person conducting the home occupation.

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

(j) The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.

(k) No manufacturing or assembly shall be permitted using other than manually operated equipment.

(l) There shall be no more than one home occupation per residential building.

(m) Instructional services shall be limited to no more than two students at a time.

(n) The applicant shall demonstrate that there will be no noise, odor, smoke, glare, or vibration beyond the property line.

(o) Provision for dust collection or similar by-products shall be provided."

Amend Section 106-10(A), General Use Regulations, R-80 District, Table 1, Column 3 by adding Item 11 as follows:

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RESOLUTION NO. (483-1988) Continued

Special Permit for Home Occupation

"11. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

**Amend Section 106-10(A), General Use Regulations,
R-40 District, Table 2, Column 3 by adding Item 11 as follows:**

Special Permit for Home Occupation

"11. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

**Amend Section 106-10(A), General Use Regulations,
R-22 District, Table 3, Column 3 by adding Item 11 as follows:**

Special Permit for Home Occupation

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RESOLUTION NO. (483-1988) Continued

"11. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

**Amend Section 106-10(A), General Use Regulations,
R-15 District, Table 4, Column 3 by adding Item 11 as follows:**

Special Permit for Home Occupation

"11. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

**Amend Section 106-10(A), General Use Regulations,
R-10 District, Table 5, Column 3 by adding Item 8 as follows:**

Special Permit for Home Occupation

"8. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to

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RESOLUTION NO. (483-1988) Continued

location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

Amend Section 106-10(A), General Use Regulations, R-160 District, Table 18, Column 3 by adding Item 7 as follows:

Special Permit for Home Occupation

"7. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.

(b) More than one employee may be permitted.

(c) Affidavit shall be provided in accordance with section A. above.

(d) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that maybe applicable."

and be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board

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RESOLUTION NO. (483-1988) Continued

determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (484-1988)

AUTHORIZING GENERAL CODE PUBLISHERS TO UPDATE CODE OF TOWN OF CLARKSTOWN FOR YEARS 1988-89 AND 1989-90 - CHARGE TO ACCOUNT NO. A 1410-328

Co. Smith offered the following resolution:

BE IT RESOLVED, that General Code Publishers are hereby authorized to update the Code of the Town of Clarkstown at a charge of \$13,000.00 for each of the following fiscal years: 1988-89 and 1989-90, and be it

FURTHER RESOLVED, that such amounts be a charge against Account No. A 1410-328.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Maloney stated that we have been requested to end the meeting in memory of Fred Haeger who is remembered for his concern about the welfare of this Town and this County and also we would like to adjourn the meeting in memory of Lucille Whalen who passed away ten days ago and who served this Town as a member of the Planning Department for seventeen years.

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 closed, time: 9:55 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

285

Town Hall

4/26/88

8:59 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis, Maloney, Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: DESIGNATION OF HISTORIC SITE - SMITH-GILCHREST HOUSE, CONGERS

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 testified as to proper posting and publication.

Supervisor asked if there was anyone wishing to be heard.

Appearance: Miss Eleanor Fitch, Chairman
Historical Review Board

Miss Fitch stated that she was happy to ask the Board to consider the recommendation that has been given to them on the Smith-Gilchrest House, one of the old houses which with the Town Board's action will come under Town protection. She said she hoped it would become part of our heritage. She said she wished it good sailing from here on in.

Appearance: Mr. Robert Knight
18 Gilchrest Road
Congers, New York

Mr. Knight stated that he was the owner of the house under consideration. He wholeheartedly endorsed this. He said when he bought the house nine years ago it was pretty much of a wreck and had been abandoned. It was about to be torn down by a developer. He figured very naively that in a year or two it would all be restored and be a showplace. He said, however, he is still restoring it. He has extended his deadline and said it will probably be about twenty or thirty years before he has it where he wants it to be. He said this is just one more step in the process.

In answer to Supervisor Holbrook's question Mr. Knight stated that the house has an 1811 cornerstone but that appears to have been a remodeling and the nearest he has been able to pin it down so far is somewhere between 1725 and 1750. He said there have been a number of additions - a large 1820 addition and a more modern 1920 addition.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:02 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

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