

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/10/88

8:03 P.M.

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

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

Supervisor read the following proclamation:

"OLDER AMERICANS MONTH
May, 1988

- WHEREAS, the Town of Clarkstown is privileged to number among its residents over seven thousand older Americans, a group which has proven to be vital to the growth and prosperity of our community, and
- WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and
- WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and
- WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and
- WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 10th day of May, 1988, do hereby proclaim the month of May as 'OLDER AMERICANS' MONTH' in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 10TH
DAY OF MAY, 1988.

(S E A L)

s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor

/s/ William J. Carey
William J. Carey, Councilman

/s/ Steven C. Kunis
Steven C. Kunis, Councilman

/s/ John R. Maloney
John R. Maloney, Councilman

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

This proclamation was accepted on behalf of the Senior Citizens by Edward Ghiazza, Superintendent of Recreation and Parks. Supervisor said these proclamations were given to the various senior citizen clubs in Clarkstown at their show on Saturday evening. He said it was much more meaningful to have presented these at the show.

Mr. Ghiazza said the show would be broadcast on TKR on Thursday, May 12th at 9:00 on Channel 30.

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Supervisor declared the Public Portion of the meeting open.

Appearance: Mr. John Lodico
2 Birch Lane
New City, New York 10956

Mr. Lodico spoke regarding a public notice in the Journal News with respect to an engineering firm and the information regarding the methane collection of gas in our Clarkstown Sanitary Landfill. He said he wanted the proposals opened in the presence of the Town Board or the Town Attorney. He said the firm involved (Wehran Engineering) is a good firm and they have a good record with regard to methane gas collection but they also have a subsidiary which is in the methane collection gas business. He did not want a conflict of interest in the future. He said he thought it was appropriate that the Town Board receive these proposals at the Town offices rather than at the offices of the engineer in Middletown, New York. He said he did not know if the Supervisor or the Town Attorney had made arrangements to have someone representing the Town present when those proposals come in so that when they are received they are recorded.

Mr. Bollman, Director of Department of Environmental Control said that the firm chosen used to be in the business but they no longer are. He said on June 3rd there will be open proposals, not bids. They will vary from one engineer's idea of how to do this to another. He said they will be meeting on June 3rd to go over all of the proposals here in the Andrew Jackson Room. There is no set of specifications. We are asking professionals in the business to submit to us the best way to collect the methane. He said he has asked Wehran Engineering to help us evaluate this because they were once in the business and they are an engineering firm which is one of the main reasons they were chosen.

Mr. Lodico said they are a good firm but we have had collections in the county which have failed. He urged the Board to be extremely careful. Mr. Bollman said this firm is our consultant and the Town Board will make the ultimate decision based on the facts.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said several months ago the Commander of the Viet Nam Veterans of American Post #333, which is located here in New City, sent out a written request for local governments in towns and hamlets to consider dedicating the names of new streets in honor of residents killed in action in Viet Nam. Several communities have responded, all in the affirmative. He felt it was appropriate for young residents who made the supreme sacrifice for us to be so honored. On Memorial Day in Piermont they are dedicating a new street to one of the boys killed in action in Viet Nam. He hoped the Town Board would consider this.

Supervisor Holbrook said he had received a letter from the Viet Nam Veterans and had forwarded that letter to the Planning Department. He said he spoke for the Town Board in stating that they had no objections and he did not think the Planning Board would object either. He said there is a picture in the lobby of the campfires that were lit a year or so ago. He said at that time Mr. Donnellan from the Rockland County Viet Nam Veterans presented an MIA flag to the Town which is presently being flown outside the Town Hall.

Mr. Cuff said he appreciated that but plaques and flags wear out and street names don't. Supervisor said the roads would come. Mr. Cuff said Clarkstown School Board Trustee Joel Levy made a point to the administration of the Clarkstown Schools that

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something be done to set up a permanent study of the Viet Nam War - something similar to that which was done with regard to the holocaust a few years ago. Our history books tend to write it off as one little paragraph and it deserves a lot more.

Appearance: Ms. Rosemary Seery
Co-President of the Southern
Clarkstown Civic Association
15 Flitt Street
West Nyack, New York 10994

Ms. Seery stated that she had one document she wanted to submit for the record. It is an agreement between the unions and Palisades Center. It was signed by representatives of all of the different unions on November 20, 1987. Ms. Seery read the document which is on file in the Town Clerk's Office. She noted that it was signed by Robert J. Congel, Thomas J. Valenti, William A. Spoko and numerous other union leaders.

Ms. Seery said this was submitted and stated that her group feels there is potential conflict of interest which is being looked into. She said they feel it is in the best interest of our Town Board and the citizens of Clarkstown that the Town Board carefully consider the voting on the Palisades Center. Ms. Seery stated that the proposed DGEIS, whether that will be voted on tonight or not, is another area which they feel is questionable since the Town Board has asked on three different occasions for a DEIS and not a DGEIS. She said her group would like to ask that, before the Town Board takes a vote, they would consider deferring the vote until all issues are resolved.

RESOLUTION NO. (485A-1988)

BOND RESOLUTION AUTHORIZING
RECONSTRUCTION IN PART OF
THE STREET SCHOOL BUILDING
(ZUKOR PARK) AND
AUTHORIZING ISSUANCE OF
SERIAL BONDS OF THE TOWN TO
FINANCE SAID RECONSTRUCTION

Co. Carey offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 10, 1988, AUTHORIZING THE RECONSTRUCTION, IN PART, OF THE STREET SCHOOL BUILDING, LOCATED AT ZUKOR PARK WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$10,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$190,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to reconstruct, in part, the Street School building, located at Zukor Park within said Town, to provide for reconstruction of the roof and heating systems, including the original furnishings, equipment, machinery and apparatus required for the purpose for which said building as so reconstructed is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and said amount is hereby appropriated therefor, including the appropriation of \$10,000 current funds to provide the down payment

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RESOLUTION NO. (485A-1988) Continued

required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$190,000 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$190,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared.

(a) The existing Street School building is of at least Class "B" construction as defined by Section 11.00 a. 11 (b) of the Law, and the period of probable usefulness of said specific object or purpose for which said \$190,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$10,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "Capital Fund #H 7141-409." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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RESOLUTION NO. (485A-1988) Continued

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilmen Carey, Kunis, Maloney and Councilwoman Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (485B-1988)

DIRECTING TOWN CLERK TO PUBLISH ADOPTION OF BOND RESOLUTION RE: RECONSTRUCTION OF STREET SCHOOL

Co. Carey offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a Rockland newspaper published in the County of Westchester, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on May 10, 1988, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

Bond Resolution of the Town of Clarkstown, New York, adopted May 10, 1988, authorizing the reconstruction, in part, of the Street School building, located at Zukor Park within said Town, stating the estimated maximum cost thereof is \$200,000, appropriating said amount therefor, including the appropriation of \$10,000 current funds to provide the required down payment, and authorizing the issuance of \$190,000 serial bonds of said Town to finance the balance of said appropriation,"

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RESOLUTION NO. (485B-1988) Continued

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

FIRST: AUTHORIZING said Town to reconstruct, in part, the Street School building, located at Zukor Park within said Town, to provide for reconstruction of the roof and heating systems, including the original furnishings, equipment, machinery and apparatus required for the purpose for which said building as so reconstructed is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000; APPROPRIATING said amount therefor, including the appropriation of \$10,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$190,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$190,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD; DETERMINING and STATING the existing Street School building is of at least Class "B" construction and the period of probably usefulness of the specific object or purpose for which said \$190,000 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$10,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$190,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 10, 1988

Patricia Sheridan,
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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RESOLUTION NO. (485B-1988) Continued

The adoption of the foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilmen Carey, Kunis, Maloney and Councilwoman Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (486-1988)

AMENDING AGREEMENT WITH HENRY HOROWITZ, INC. FOR DEVELOPMENT OF TOWN-OWNED PARKLAND ADJACENT TO STREET SCHOOL COMMUNITY CENTER - EXPENSES TO BE ALLOCATED AGAINST MONEY-IN-LIEU-OF-LAND ACCOUNT

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Co. Carey offered the following resolution:

WHEREAS, Town Board Resolution No. 1094 dated December 31, 1985, authorized the Supervisor of the Town of Clarkstown to enter into an Agreement with Henry Horowitz, Inc., Land Planning Consultants, 55 Virginia Avenue, West Nyack, New York, for development of town-owned parkland adjacent to the Street School Community Center, and

WHEREAS, said Agreement was signed January 31, 1986,

NOW, THEREFORE, be it

RESOLVED, that said Agreement be amended to include planning, engineering and surveying for the proposed rehabilitation of the roof and heating system of the existing structure, Street School Community Center, and be it

FURTHER RESOLVED, that all necessary expenses to be allocated against the Money-in-Lieu-of-Land Account.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (487-1988)

AUTHORIZING RECONDITIONING OF VOTING MACHINES AT STAGGERED TIMES FROM 1988 TO AND INCLUDING 1992

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown owns and maintains 95 automatic voting machines, of these 84 are in service for use in primary, special, school and general election, and

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RESOLUTION NO. (487-1988) Continued

WHEREAS, 37 of those automatic voting machines in service are in immediate need of reconditioning, vintage dates from 1961 to 1969, and

WHEREAS, the remainder of the automatic voting machines should be reconditioned in the following years on a scheduled basis, and

WHEREAS, the Sequoia Pacific Systems Corporation is the only company engaged in this service;

NOW, THEREFORE, be it

RESOLVED, that the automatic voting machines vintage 1961 to 1969 be reconditioned this year 1988, and be it

FURTHER RESOLVED, that vintage years 1970 to 1972 be reconditioned in 1989 and vintage years 1973 and 1974 be reconditioned in 1990 and vintage years 1978 and 1979 be reconditioned in 1992, and be it

FURTHER RESOLVED, that the Sequoia Pacific Systems Corporation be awarded the contract for the reconditioning of the first 37 automatic voting machines to be done in 1988 at a cost of \$1330.00 per machine with \$125.00 additional for handicap voter panels for ten machines, contract price not to exceed \$50,460.00.

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. (488-1988)

ACCEPTING MINUTES OF
REGULAR TOWN BOARD MEETINGS
OF APRIL 12 AND APRIL 26,
1988 AND SPECIAL TOWN BOARD
MEETING OF APRIL 19, 1988

Co. Kunis offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meeting of April 12, 1988, April 26, 1988 and the Special Town Board Meeting of April 19, 1988 are hereby accepted as submitted by the Town Clerk.

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. (489-1988)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
FIVE (5) HYDRANTS (ZUKOR

RESOLUTION NO. (489-1988) Continued

ROAD S/O MORNINGSIDE ROAD;
ZUKOR ROAD, N/O BROOK LANE;
MOUNTAIN ROAD S/O ZUKOR
ROAD; WOOD LANE N/O
MOUNTAIN ROAD; AND WOOD
LANE N/O SKY DRIVE, NEW CITY

Co. Kunis offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control, the Spring Valley Water Company
is hereby authorized to install:

Five (5) hydrants as follows:

- W/S Zukor Rd. 30' S/O Morningside Rd.
- W/S Zukor Rd. 145 ' N/O Brook La.
- N/S Mountain Rd. S/O Zukor Rd.
- W/S Wood La. 420' N/O Mountain Rd.
- W/S Wood La. 50' N/O Sky Dr.

Investigation No.: 10335, and be it

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

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. (490-1988)

AUTHORIZING PAYMENT TO
SECRETARY OF BOARD OF
APPEALS - MARGARETANN REIS
FOR PREPARATION OF
TRANSCRIPT RE: RAIA
INDUSTRIES, INC. V.
KRAUSHAAR

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$928.25 be paid to
MARGARETANN REIS, Secretary to the Board of Appeals, for the
preparation of the transcript required in the following proceeding:

RAIA INDUSTRIES, INC. v. KRAUSHAAR

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. (491-1988)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(STERNGASS V. ZBA)

Co. Maloney offered the following resolution:

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

In the Matter of
ROSE STERNGASS and RUBIN STERNGASS,

Petitioners,

For a Judgment pursuant to Article 78
of the Civil Practice Law and Rules

-against-

THE ZONING BOARD OF APPEALS OF THE
TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

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

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. (492-1988)

AUTHORIZING ATTENDANCE AT
SEMINAR - FIELD MAINTENANCE
(CONNINGTON AND KNARICH)

Co. Maloney offered the following resolution:

RESOLVED, that Charles F. Connington, Asst. Supt. of
Recreation and Parks and Bruce D. Knarich, Maintenance Supervisor
(Grounds) are hereby authorized to attend the Athletic Field
Maintenance, Design and Operations Seminar on May 24, 1988 at the
Nassau Community College, Garden City, L.I., New York, and be it

FURTHER RESOLVED, that all necessary expenses be
allocated against Appropriation Account A 7140-414.

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. (493-1988)

AWARDING BID FOR BID
#30-1988 - SALE OF SURPLUS
VEHICLES (H.O.PENN
MACHINERY CO., INC.;
BROOKFIELD AUTO WRECKERS
INC.; LIBERTY MOTORS INC.;
AND MAAPA INTERN TRADING CO.

Co. Maloney offered the following resolution:

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

BID #30-1988
SALE OF SURPLUS VEHICLES

is hereby awarded to the following bidders as per the attached
schedule of vehicles and proposed prices:

H.O. PENN MACHINERY CO INC PO BOX 3238, NOXON ROAD POUGHKEEPSIE NY 12603	BROOKFIELD AUTO WRECKERS INC. END OF LAMONT ST ELMSFORD NY 10523
LIBERTY MOTORS INC. 1705 KENNEDY BOULEVARD JERSEY CITY NJ 07305	MAAPA INTERN TRADING CO 503 WALES AVE BRONX NY 10455

(Schedule of Prices on File in Purchasing Department)

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. (494-1988)

AWARDING BID FOR BID #53-
1988 - KNITTING, CROCHETING
AND QUILTING SUPPLIES
(QUILTER'S PEACE, INC.)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Director
of Purchasing and in concurrence with the Superintendent of Recrea-
tion and Parks, that the bid for furnishing Knitting, Crocheting and
Quilting Supplies is hereby awarded to the following low bidder who
has met the specifications:

Quilter's Peace, Inc., Albany Post Road, Garrison, N.Y. 10520,
Telephone - (914) 424-4066

for items #4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
20, 22, 23, 28, 30, 31, and be it

FURTHER RESOLVED, that no bid awarded to items #1, 2,
3, 21, 24, 25, 26, 27, 29.

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. (495-1988)

AWARDING BID FOR BID
#39-1988 - SOFT DRINKS
(PEPSI-COLA NEWBURGH
BOTTLING CO., INC.)

Co. Maloney offered the following resolution:

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

BID #39-1988
SOFT DRINKS

is hereby awarded to:

PEPSI-COLA NEWBURGH BOTTLING CO., INC.
237 DUPONT AVE
NEWBURGH NY 12550

as per their proposal cost of \$38.00 per five gallon container of
syrops (all flavors).

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. (496-1988)

AWARDING BID FOR BID
#49-1988 - BUS TRANSPORTA-
TION (LAIDLAW TRANSIT &
PETER BREGA INC)

Co. Maloney offered the following resolution:

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

BID #49-1988
BUS TRANSPORTATION

is hereby partially awarded as follows:

Part A: Summer Youth Transportation

1 - Camp Routes - LAIDLAW TRANSIT (NY), INC
16 HOFFMAN ST
SPRING VALLEY NY 10977

2 - Day Trips - PETER BREGA INC
KINGS HIGHWAY
PO BOX 152
VALLEY COTTAGE NY 10989

Part B: Senior Citizen Transportation

1 - Club Routes - PETER BREGA
2 - One Day Trips, Local - PETER BREGA
3 - One Day Trips, Long Distance - Award Pending

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. (497-1988)

AWARDING BID FOR BID
#50-1988 - HONOR GUARD
BLOUSES FOR POLICE
DEPARTMENT (BEST UNIFORM
CO.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Chief of Police, and the Director of Purchasing that

BID #50-1988
HONOR GUARD BLOUSES FOR THE
POLICE DEPARTMENT

is hereby awarded to:

BEST UNIFORM CO
2417 THIRD AVE
BRONX NY 10451

as per their proposed cost of \$179.00 each.

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. (498-1988)

AWARDING BID FOR BID
#38-1988 - FOOD PRODUCTS
FOR TOWN REFRESHMENT STANDS
(SCHAFER FOOD SERVICE CO.,
CHARLES FREIHOFER BAKING
CO., INC., LINDEN COOKIES,
KRAFT ROSENBLUM, COOKIES-
UNITED COMMISSARY, INC. AND
F. WILSON SMITH, INC.)

Co. Maloney offered the following resolution:

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

BID #38-1988
FOOD PRODUCTS FOR TOWN REFRESHMENT STANDS

is hereby awarded to the following bidders as per the attached
schedules of items and prices

SCHAFER FOOD SERVICE CO.
P.O. BOX 60
NEW ROCHELLE, N.Y. 10802

CHARLES FREIHOFER BAKING CO., INC.
869 SECOND AVENUE
TROY, N.Y. 12182-1997

LINDEN COOKIES
25 BRENNER DRIVE
CONGERS, N.Y. 10920

KRAFT ROSENBLUM
18 CLEARBROOK RD.
DANBURY, CT., 06811

COOKIES-UNITED COMMISSARY, INC.
1150 SHAMES DRIVE
WESTBURY, N.Y. 11590

F. WILSON SMITH, INC.
22 HUDSON DRIVE
STONY POINT, N.Y. 10980

Seconded by Co. Carey

Continued on Next Page

ABF478

RESOLUTION NO. (498-1988) 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. (499-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #60-1988 -
FLASHING SIGNAL (OVERHEAD -
AT WEST NYACK ROAD &
DEMAREST AVE., WEST NYACK

Co. Maloney offered the following resolution:

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

BID #60-1988
FLASHING SIGNAL (OVERHEAD)
WEST NYACK RD. & DEMAREST AVE., WEST NYACK

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, June
2, 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. 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. (500-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #63-1988 -
OFFICE FURNITURE

Co. Maloney offered the following resolution:

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

BID #63-1988
OFFICE FURNITURE

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 Wednesday, June
1, 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. Smith

Continued on Next Page

RESOLUTION NO. (500-1988) 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. (501-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #62-1988 -
REPAIR OF FMC SEWER JET
WATER TANK

Co. Maloney offered the following resolution:

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

BID #62-1988
REPAIR OF FMC SEWER JET WATER TANK

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, June
1, 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. 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. (502-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #61-1988 -
BURROUGHS HIGH SPEED
COMPUTER PRINTER FOR TOWN
ASSESSOR'S OFFICE

Co. Maloney offered the following resolution:

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

BID #61-1988
BURROUGHS HIGH SPEED COMPUTER PRINTER
FOR TOWN ASSESSOR'S OFFICE

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 23,
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.

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ABF478

RESOLUTION NO. (502-1988) Continued

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. (503-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #64-1988 -
REPAIRS TO CATERPILLAR 930
BUCKET LOADER AT CLARKSTOWN
HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #64-1988
REPAIR TO CATERPILLAR 930 BUCKET LOADER
AT CLARKSTOWN HIGHWAY DEPARTMENT

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 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. 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. (504-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #65-1988 -
PAPER & PLASTIC SUPPLIES

Co. Maloney offered the following resolution:

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

BID #65-1988
PAPER & PLASTIC SUPPLIES

bids to be returnable to the Office of the Clarkstown Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on
Monday, June 6th, 1988 at which time bids will be opened and read,
and be it

Continued on Next Page

RESOLUTION NO. (504-1988) Continued

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (505-1988)

AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH TORSOE BROTHERS CONSTRUCTION CORP. RE: FIRE HYDRANT DEMAREST MILL OFFICE PARK (MAP 32, BLOCK B, LOT 107)

ABF478

Co. Maloney offered the following resolution:

WHEREAS, a hydrant investigation has been made by the Spring Valley Water Company for premises located in an approved site known as DEMAREST MILL OFFICE PARK affecting property known and designated on the Clarkstown Tax Map as Map 32, Block B, Lot 107, and

WHEREAS, it has been recommended that a fire hydrant be installed within the said approved site for the protection of future occupants, and

WHEREAS, said property is private commercial property and the hydrant shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Torsoe Brothers Construction Corp., as owner, in the form of a Declaration and Covenant which shall be recorded and run with the land, as approved by the Town Attorney, whereby Torsoe Brothers Construction Corp. or its successors in interest shall pay the water service charges of Spring Valley Water Company, Inc., rendered yearly to the Town of Clarkstown on a per hydrant basis in connection with the warehouse office building to be located on such property located in the Hamlet of Nanuet, designated as Map 32, Block B, Lot 107, and the Comptroller is hereby authorized and directed pursuant to such covenant to provide periodic statements to Torsoe Brothers Construction Corp., or the future owner(s) of the premises for payment of the water service charges imposed, plus 10% as a handling fee.

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. (506-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
ARTHUR CONKLIN FOR ADVISORY
AND CONSULTING SERVICES)

Co. Carey offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract for the period from May 14, 1988 to November 13, 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. (507-1988)

AUTHORIZING ATTENDANCE AT
SEMINAR FOR TAX COLLECTING
OFFICERS (MARIE GERONIMO) -
CHARGE TO ACCOUNT NO.
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Marie Geronimo, Receiver of Taxes, is hereby authorized to attend a Seminar for Tax Collecting Officers co-sponsored by the Association of Towns of the State of New York and New York State Association of Tax Receivers and Collectors on June 12th to June 14, 1988 at the Marriott, Albany, New York at a cost of \$84.00 daily for lodging plus travel, food and other necessary expenses, said amount to be charged to Account No. 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. (508-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 8511-383
(COMMUNITY BEAUTIFICATION-
CONCRETE, LUMBER, ETC.) AND
INCREASE APPROPRIATION
ACCOUNT NO. A 8511-409
(FEES FOR SERVICES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 8511-383 (Community Beautification-Concrete, Lumber, etc.) and increase Appropriation Account No. A 8511-409 (Fees for Services) by \$915.00.

RESOLUTION NO. (508-1988) Continued

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. (509-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
00-002130 (REFUSE) AND
APPROPRIATION ACCOUNT NO. A
8160-421 (SANITARY
LANDFILL-LANDFILL FIRE)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 00-002130 (Refuse) and Appropriation Account No. A 8160-421 (Sanitary Landfill - Landfill Fire) by \$25,000.

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. (510-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 1621-408
(CENTRAL WAREHOUSE BUILDING
REPAIRS AND IMPROVEMENTS)
AND INCREASING APPROPRIA-
TION ACCOUNT NO. A 1621-209
(CENTRAL WAREHOUSE - OTHER
EQUIPMENT) (PARKS AND
RECREATION)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1621-408 (Central Warehouse Building Repairs and Improvements) by \$1,000.00 and to increase Appropriation Account No. A 1621-209 (Central Warehouse - Other Equipment) by \$1,000.00.

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

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RESOLUTION NO. (511-1988)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1640-421
(TOWN GARAGE-CAR WASHES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1640-421 (Town Garage - Car Washes) by \$1,000.00.

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. (512-1988)

AUTHORIZING ATTENDANCE AT
PLANNING AND ZONING
WORKSHOPS (TOWN BOARD,
ZONING BOARD AND PLANNING
BOARD MEMBERS)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board, Zoning Board and Planning Board Members are hereby authorized to attend the Planning and Zoning Workshops presented by the New York State Department of State, May 16, 1988 from 7:30 to 10:30 P.M., May 31 from 7:30 to 10:30 P.M. and June 13, 1988 from 7:30 to 10:30 P.M. at Old Middletown Road, New City, 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. (513-1988)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 79
PROCEEDING FOR REMOVAL OF
VIOLATION ON PREMISES - MAP
6, BLOCK B, LOT 4 (SCHEFA
DEVELOPMENT CORPORATION)

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (513-1988) Continued

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 6, BLOCK B, LOT 4, located at Route 59, Spring Valley, New York, reputedly owned by B.G. SCHEFA DEVELOPMENT CORPORATION, has been the subject of a violation notice issued against the property owner(s) for lack of proper maintenance of the property in that there is a swimming pool area filled in with litter and debris; the west and southwest portion of the property is littered with abandoned appliances, tires, garbage, and miscellaneous debris. In addition, the easterly portion of the property contains abandoned and cannibalized vehicles, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violation and elimination of the nuisance and hazard allegedly existing on said premises, pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 6, BLOCK B, LOT 4, reputedly owned by B.G. SCHEFA DEVELOPMENT CORPORATION, and be it

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

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of June, 1988, at 8:05 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owners by personal service, if possible, and by certified mail, return receipt on or before June 1, 1988.

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. (514-1988)

AUTHORIZING SUPERVISOR TO
SIGN DECLARATION OF
COVENANTS WITH RESPECT TO
ZONE CHANGE GRANTED TO NEW
YORK TRAP ROCK CORPORATION

Co. Maloney offered the following resolution:

Continued on Next Page

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RESOLUTION NO. (514-1988) Continued

WHEREAS, the Town Board determined, based on careful study of the facts in the record of the public hearing held on September 22, 1987 and continued on November 10, 1987, that it is in the best interest of the community at large to redistrict from an R-22 District to an M District, the property described in the attached Schedule A, situated in the Hamlets of Valley Cottage and West Nyack, New York, in said Town subject, however, to the further requirements on the part of the certified record owner imposed herein with respect to said property and with respect to certain adjacent property in the same ownership, and

WHEREAS, the zone change decision provided that said change shall not become effective until the certified record owner provided a Restrictive Covenant or easement in recordable form relating to such restrictions as approved by the Town Attorney, together with all appropriate recording fees, and

WHEREAS, said Declaration of Restrictive Covenants has been received and reviewed in the Town Attorney's Office and found to be satisfactory and in recordable form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to sign the Declaration of Restrictive Covenants with respect to the zone change of the New York Trap Rock Corporation property designated on the Clarkstown Tax Map as Map 107, Block A, Lots 18 and 19, from an R-22 District to an M District, and said Declaration of Covenants shall be filed in the Rockland County Clerk's Office.

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

Seconded by Supv. Holbrook

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. (515-1988)

RECOMMENDING DISTRIBUTION
OF CLARKSTOWN'S SHARE OF
COMMUNITY DEVELOPMENT FUNDS

Co. Smith offered the following resolution:

WHEREAS, under Title I of the Housing Community Development Act of 1974, as amended, the Secretary of Housing and Urban Development is authorized to make grants to states and local governments to help finance Community Development Programs, and

WHEREAS, the County of Rockland has signed agreements with various Towns and Villages within Rockland County, including the Town of Clarkstown, to cooperate in undertaking or assisting Community Development Programs, and

WHEREAS, the Town of Clarkstown is a participant in the 1988/89 Program, and

WHEREAS, the Clarkstown Citizens Advisory Committee, with respect to Community Development Funds, has made certain recommendations for the use of funds available in 1988/1989;

Continued on Next Page

RESOLUTION NO. (515-1988) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the recommendations of the Citizens Advisory Board and recommends the following distribution of Clarkstown's share of Community Development Funds:

<u>RECIPIENT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
Central Nyack Community Center	Addition to multipurpose room	\$25,000
Association for Retarded Children	Driveway improvement	\$ 5,000
Rockland Center for the Arts	Removal of architectural barriers.	\$ 5,000
Second Avenue, Spring Valley	Repaving of street	\$ 5,000

and be it,

FURTHER RESOLVED, that the amounts set forth above are subject to revisions in accordance with the cooperative agreement referred to above, and that only the amounts actually appropriated shall be provided.

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. (516-1988)

GRANTING PERMISSION FOR USE OF CLARKSTOWN SHOWMOBILE (ORANGEBURG VOLUNTEER FIRE ASSOCIATION)

Co. Carey offered the following resolution:

WHEREAS, the Orangeburg Volunteer Fire Association has requested use of the Town of Clarkstown showmobile on Saturday, May 21, 1988 from 10:00 A.M. to 5:00 P.M. for the 75th Anniversary Parade,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Orangeburg Volunteer Fire Association to use the Town of Clarkstown showmobile on Saturday, May 21, 1988 for the above purposes, subject to the provision of the necessary insurance policies, and at a fee of \$535.00.

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

ABF478

RESOLUTION NO. (517-1988)

REFERRING PETITION FOR USE
OF TOWN LAW 280-a(4) TO
CLARKSTOWN PLANNING BOARD -
MAP 141, BLOCK A, LOT 6.07
(MARY STIERLEN)

Co. Maloney offered the following resolution:

WHEREAS, MARY STIERLEN, owner of property designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.07, located in Valley Cottage, New York, has sought approval pursuant to Town Law 280-a(4) for the creation of an Open Development Area to permit the division of the land into two lots, with access to said lots over rights-of-way or easement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the petition of Mary Stierlen, for use of Town Law 280-a(4), to the Clarkstown Planning Board for its report and recommendations, and be it

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

Seconded by Co. 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. (518-1988)

ASSESSING COSTS FOR CHAPTER
79 PROCEEDINGS - MAP 141,
BLOCK A, LOT 16.01 (NARLAN
DEVELOPMENT); MAP 141,
BLOCK A, LOT 6.07 (MARY
STIERLEN); AND MAP 141,
BLOCK A, LOT 14 (NARLAN
DEVELOPMENT)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice served regarding the following designated premises has been corrected:

MAP 141, BLOCK A, LOT 16.01

MAP 141, BLOCK A, LOT 6.07

MAP 141, BLOCK A, LOT 14

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings provided the present property owner shall reimburse the Town for the sum of \$709.20 to pay for the cost of the proceedings to the date of the public hearing pursuant to the attached statement.

(Statement on File in Town Clerk's Office)

Seconded by Co. Kunis

RESOLUTION NO. (518-1988) 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. (519-1988)

REFERRING PROPOSED
AMENDMENT TO THE ZONING
ORDINANCE RE: BUFFER
AND/OR BUFFER AREA TO THE
CLARKSTOWN AND ROCKLAND
COUNTY PLANNING BOARDS

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 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 14th day of June, 1988 at 8:10 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" of the Zoning Ordinance of the Town of Clarkstown from:

"BUFFER and/or BUFFER AREA - Area(s) on a lot usually within required yard areas, used to screen development or uses on adjoining properties, composed of either undisturbed or landscaped areas subject to the requirements of the Planning and/or Shade Tree Commission, and located according to the provisions of the Zoning Ordinance and the requirements of the Planning Board. The following types of uses shall not be allowed in a "buffer area":

1. Buildings or aboveground structures.
2. Vehicle overhangs, driveways and loading areas.
3. Parking areas or reserve parking areas/
4. Signs or lighting fixtures
5. Solid waste receptacles.
6. Other structures or uses prohibited by the Planning Board."

to read as follows:

"BUFFER or BUFFER AREA - A buffer or buffer area shown on any approved subdivision map or site plan shall be deemed to be any area whether within or without a required yard area which is used or intended to screen the development or use from development on adjacent properties and which consists of either undisturbed natural areas or landscaped areas subject to the requirements of the Zoning Ordinance, regulations of the Planning Board, or Shade Tree Commission, as approved by the Planning Board. Buffer or buffer areas shall not have any of the following uses or installations contained wholly or partially therein:

Continued on Next Page

ABF478

RESOLUTION NO. (519-1988) Continued

1. Buildings except underground installations.
2. Vehicle overhangs, roads, driveways, or loading areas, except driveways and walkways necessary for ingress/egress to an approved site plan.
3. Parking areas or reserve parking areas.
4. Signs.
5. Solid waste receptacles.
6. Lighting fixtures except lighting approved with respect to any approved access or driveway.
7. Any other structure or use prohibited by the Zoning Ordinance or restricted by an approved site plan or subdivision map.

Driveways necessary to enter/exit a site shall be allowed within a buffer area."

Amend Section 106-10B, Table of General Bulk Regulations, Table 16, Note 15 from:

"Note 15. A total of at least fifteen percent (15%) of the provided lot width shall be distributed as buffer areas placed along each side lot line but, where provided, shall not be less than fifteen (15) feet. No buffer is required where the loading docks of buildings on adjoining lots directly abut, but the cumulative buffer must be provided along the other side lot line instead."

to read as follows:

"Note 15. A total of fifteen percent of the provided lot width which shall be measured at the point where any proposed building is located at a right angle and closest to the street shall be provided as a buffer area which shall be distributed along each lot line but which shall not be less than fifteen feet in width wherever required. No buffer is required where the loading docks of buildings on adjoining lots directly abut, but the cumulative buffer must be provided along the other side lot line instead."

Amend Section 106-10B, Table of General Bulk Regulations, Table 16, Note 17 from:

"Note 17. At least fifteen percent (15%) of the provided lot depth shall be provided as a buffer area placed along the rear lot line but shall not be less than fifteen."

to read as follows:

"Note 17. A total of fifteen percent of the provided lot width which shall be measured at the point where any proposed building is located at a right angle closest to the street shall be provided as a buffer area which shall be distributed along the rear lot line and which shall not be less than fifteen feet in width."

Amend Section 106-10B, Table of General Bulk Regulations, Table 16, Note 18 from:

"Note 18. A total of at least ten percent (10%) of the provided lot depth shall be provided as buffer areas placed along each side lot line but, where provided, shall not be less than ten (10) feet, except where driveways connect abutting parking lots."

to read as follows:

"Note 18. A total of fifteen percent of the provided lot width which shall be measured at the point where any proposed building is located parallel and closest to the street shall be provided as a buffer area which shall be distributed along each lot line but which shall not be less than ten feet in width."

Continued on Next Page

RESOLUTION NO. (519-1988) Continued

Amend Section 106-10B, Table of General Bulk Regulations, Table 16, Note 23 from:

"Note 23. A total of at least ten percent (10%) of the provided lot width shall be distributed as buffer areas placed along each side lot line, but each buffer area shall not be less than five (5) feet, except where driveways connect abutting parking lots."

to read as follows:

"Note 23. A total of ten percent of the provided lot width which shall be measured at the point where any proposed building is located parallel and closest to the street shall be provided as a buffer area which shall be distributed along each lot line but which shall not be less than ten feet in width."

Amend Section 106-20(G). Exceptions from:

"G. Buffer areas. When buildings were constructed prior to the effective date of this subsection or sites have been granted preliminary approval or applications pending before the Board of Appeals as of March 10, 1987, prior to that date, and the subsequent provision of required buffer areas is not practical in the determination of the Planning Board, the Planning Board may, at its discretion, modify the buffer area requirements to an extent not to exceed fifty percent (50%) and/or may allow required buffer areas to be placed on other locations on a site."

to read as follows:

"G. Buffer areas. The Planning Board may, at its discretion, modify required buffer areas as regulated in Table 16, General Bulk Regulations, to an extent not to exceed fifty (50%) percent, when any of the following conditions are present and when the Planning Board determines that the full provision of buffer areas is unnecessary:

1. When a parcel has received preliminary subdivision or site plan approval prior to March 10, 1987, or when buildings were constructed prior to this date, and
2. In the case of any application pending before the Zoning Board of Appeals as of March 10, 1987.

In exercising this modification, the Planning Board may require the required buffer areas to be placed elsewhere on the site."

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, that the proposed amendment is hereby referred to the Rockland County Planning Board for report pursuant to Sections 239-1 and 239-m of the General Municipal Law, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and 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

Continued on Next Page

ABF478

RESOLUTION NO. (519-1988) 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. (520-1988)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE VIOLATION
PROCEEDINGS - MAP 41, BLOCK
A, LOT 16.67 (WOLFMAN)

Co. Carey offered the following resolution:

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

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 41, BLOCK A, LOT 16.67, located at 53 Woodglen Drive, New City, New York, reputedly owned by MARVIN WOLFMAN and EVELYN WOLFMAN, has been the subject of a violation notice issued against the property owners for lack of proper maintenance of the property in that there is a burlap fence along the northerly lot line; filled plastic bags, an old crib, auto pickup cap, plastic containers, rolls of wire fencing, miscellaneous containers and wood scattered on the grounds in addition to large rocks and piles of ungraded dirt, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violation and elimination of the nuisance and hazard allegedly existing on said premises, pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 41, BLOCK A, LOT 16.67, reputedly owned by MARVIN WOLFMAN and EVELYN WOLFMAN, and be it

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

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of June, 1988, at 8:10 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement

Continued on Next Page

RESOLUTION NO. (520-1988) Continued

Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owners by personal service, if possible, and by certified mail, return receipt on or before June 1, 1988.

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. (521-1988)

RESTORING NO PARKING ON
JEFF LANE, NEW CITY
(LOCATION OF NORTH HIGH
SCHOOL)

Co. Carey offered the following resolution:

RESOLVED, to restore No Parking from 8:00 A.M. to 2:00 P.M. on Jeff Lane in New City based upon request of residents on the street.

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. (522-1988)

RESCINDING RESOLUTION NO.
481-1988 RE: APPOINTMENT
OF PART-TIME COUNSELING
AIDE (PATRICK HUGHES)

Co. Smith offered the following resolution:

RESOLVED, that Resolution No 491-1988, adopted at the April 26, 1988 Town Board meeting, (appointing Patrick Hughes, part-time Counseling Aide) is hereby rescinded.

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. (523-1988)

CREATING TWO (2) POSITIONS
OF LABORER - SANITARY
LANDFILL

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 25, 1988 that two (2) positions of Laborer can be created,

NOW, THEREFORE, be it

RESOLVED, that two (2) positions of Laborer - Sanitary Landfill - are hereby created, effective May 11, 1988.

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. (524-1988)

ACCEPTING RESIGNATION OF
LABORER - SANITARY LANDFILL
(NICHOLAS LAFARO)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Nicholas Lafaro, 56 Hudson Avenue, Haverstraw, New York - Laborer - Sanitary Landfill - is hereby accepted - effective and retroactive to April 26, 1988.

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. (525-1988)

CREATING POSITION OF
(TEMPORARY) TYPIST - FOR
PERIOD OF TWO (2) MONTHS -
PLANNING DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 22, 1988 that the position of (temporary) Typist - Planning Department - can be created for a period of two (2) months,

NOW, THEREFORE, be it

RESOLVED, that the position of (temporary) Typist - Planning Department - is hereby created - effective and retroactive to May 4, 1988 for a period not to exceed two (2) months.

Seconded by Co. Carey

Continued on Next Page

RESOLUTION NO. (525-1988) 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. (526-1988)

REAPPOINTING TO POSITION OF
MEMBER - SANITATION
COMMISSION (MARTIN
MICHAELSON)

Co. Smith offered the following resolution:

RESOLVED, that Martin Michaelson, 10 Colgate Drive, Bardonia, New York, is hereby reappointed to the position of Member - Sanitation Commission - at the current 1988 annual salary of \$1,000.00, term effective May 22, 1988 and to expire on May 21, 1993.

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. (527-1988)

RECOGNIZING APPOINTMENT BY
CLARKSTOWN PARKS BOARD AND
RECREATION COMMISSION OF
SENIOR ACCOUNT CLERK -
CLARKSTOWN PARKS BOARD AND
RECREATION COMMISSION
(MADELINE NIGRO)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88152 Senior Account Clerk (RC-NCP) which contains the name of Madeline Nigro,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Clarkstown Parks Board and Recreation Commission of Madeline Nigro, 13 Acorn Terrace, New City, New York, as a Senior Account Clerk - Clarkstown Parks Board and Recreation Commission - at the current 1988 annual salary of \$23,557.00, effective and retroactive to May 3, 1988.

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. (528-1988)

AUTHORIZING ATTENDANCE AT
SEMINAR ON RECYCLING FOR
MEMBER OF SANITATION
COMMISSION (EUGENE BURNS)

Co. Maloney offered the following resolution:

RESOLVED, that EUGENE BURNS, a member of the Sanitation Commission, is hereby authorized to attend a seminar on recycling to be held at Wilmington, Delaware on the 18th day of May, 1988, at a fee of \$210.00, and be it

FURTHER RESOLVED, that the expenses for the above, plus travel and other necessary expenses be charged to 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. (529-1988)

GRANTING CERTIFICATE OF
REGISTRATION (NO. 88-12) TO
STRAWTOWN BUILDERS, INC. -
DBA HY-DYNAMICS, INC.

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:

STRAWTOWN BUILDERS, INC.
DBA HY-DYNAMICS
311 Strawtown Road
New City, New York 10956

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 88-21 issued to Strawtown Builders, Inc.
DBA Hy-Dynamics (Garlick)

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. (530-1988)

AUTHORIZING ATTENDANCE AT
SEMINAR ON RECYCLING
(LESLIE F. BOLLMAN) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director of
Department of Environmental Control, Town of Clarkstown, is hereby
authorized to attend a seminar on Recycling at the 18th Annual
BioCycle National Conference to be held on May 19, 1988, at the
Sheraton University City Hotel, Philadelphia, Pennsylvania, and be it

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

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. (531-1988)

AUTHORIZING CHANGE OF NAME
OF SECTION OF STREET IN
SUBDIVISION KNOWN AS TORNE
BROOK ESTATES, SECTION III
(FENWAY COURT TO AUGUSTA
COURT)

Co. Maloney offered the following resolution:

WHEREAS, a request has been made that a part of a
street, known as "Fenway Court," as shown on map 5026, book 94, page
7, filed in the Rockland County Clerk's Office dated March 2, 1979,
showing an area known as Lot No. 3, Torne Brook Estates, be changed
to "Augusta Court," and

WHEREAS, that section of "Fenway Court" as identified
on revised map as attached hereto, has upon information and belief,
been known as and is identified by a street sign as "Augusta Court,"
and is identified on the Post Office records by such name

NOW THEREFORE, be it

RESOLVED, that the name of that section of "Fenway
Court" as identified be officially changed to "Augusta Court."

FURTHER RESOLVED, that the Highway Superintendent take
notice of this resolution and that the Town Clerk purusant to Town
Law 64(9) shall within ten (10) days from the date hereof cause a
copy of this resolution to be forwarded to the Planning Board of the
Town of Clarkstown, the Clarkstown School District, New City Post
Office, New City Fire Department, New City Ambulance Corps. and the
Clarkstown Police Department and that a certified copy of this
resolution be filed with the Rockland County Clerk and the Rockland
County Engineer, and be it

FURTHER RESOLVED, that this resolution shall take
effect immediately.

(Map on file in Town Clerk's Office)

Seconded by Co. Carey

Continued on Next Page

ABF478

RESOLUTION NO. (531-1988) 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. (532-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT WITH
ROBERT GENESLAW CO., FOR
CONSULTATION SERVICES -
CHARGE TO ACCOUNT NO. B
8020-409

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a contract for a term of three months with Robert Geneslaw Co., to provide planning consultant services to the Town of Clarkstown, for the period from May 16, 1988 to August 15, 1988, pursuant to the same terms and conditions contained in the contract with RPPW, Inc., which was executed on June 4, 1986, and be it

FURTHER RESOLVED, that the appropriation for the period of three months shall be \$22,287.00, and be it

FURTHER RESOLVED, that the amount referred to above shall be charged to Account No. B-8020-409.

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

Supervisor Holbrook stated that he had a letter from Mr. Martin Bernstein attesting to Mr. Geneslaw's qualifications which letter is on file in the Town Clerk's Office.

RESOLUTION NO. (533-1988)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE FIRE CHIEF'S
SEMINAR (MARK PAPENMEYER)

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board authorize Mark Papenmeyer, Fire Inspector to attend the New York State Fire Chief's Seminar on June 13 through June 15, 1988 to be held at the Concord Hotel, Kiamesha Lake, New York, at no cost to the town.

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. (534-1988)

ACCEPTING DRAFT GENERIC
ENVIRONMENTAL IMPACT
STATEMENT AND SETTING
PUBLIC HEARING CONCERNING
CLINTON SQUARE PLAZA, INC.

Co. Maloney offered the following resolution:

WHEREAS, the Draft Generic Environmental Statement (DGEIS) was submitted to the Town of Clarkstown concerning Clinton Square Plaza, Inc., request for a zone change from LIO to MRS in order to permit the development of a 875,000 sq. ft. regional shopping and community center on 108 acres of land located between the New York State Thruway and New York Route 59, west of New York Route 303, and east of the Conrail tracks in West Nyack, New York, and

WHEREAS, the Planning Consultant and the Planning Board of the Town of Clarkstown have examined the DGEIS;

NOW, THEREFORE, be it

RESOLVED, as follows:

That the said DGEIS is complete and is hereby accepted by the Town Board of the Town of Clarkstown, for the purpose of consideration pursuant to Article 8, State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law, and be it

FURTHER RESOLVED, that a public hearing relative to said DGEIS will be held by the Town Board on May 25, 1988 at 8:10 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney 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. Smith

On roll call the vote was as follows:

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

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (MF-4 Regulations) was opened, time: 8:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (MF-4 Regulations) was by resolution CONTINUED AND ADJOURNED to June 14, 1988, time: 10:20 P.M.

RESOLUTION NO. (535-1988)

ADJOURNING PUBLIC HEARING
WITH RESPECT TO PROPOSED
AMENDMENT TO THE ZONING
ORDINANCE (MF-4 REGULATIONS)

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

Continued on Next Page

ABF478

RESOLUTION NO. (535-1988) Continued

public hearing on the 10th day of May, 1988 at 8:00 P.M., to consider the adoption of a proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown with respect to MF-4 Regulations, and

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

WHEREAS, the Town Board of the Town of Clarkstown had authorized and appointed Robert Geneslaw, Planning Consultant, as agent for the Town Board with respect to SEQRA review, and

WHEREAS, pursuant to a report of Robert Geneslaw dated May 5, 1988, additional time will be necessary to conduct a Generic Environmental Impact Study;

NOW, THEREFORE, be it

RESOLVED, that the public hearing with respect to the proposed Amendment to the Zoning Ordinance concerning MF-4 Regulations is hereby continued and adjourned until June 14, 1988.

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

On motion of Councilwoman Smith, seconded by Councilman Kunis, and unanimously adopted, the Public Hearing re: Establishment of Refuse and Garbage District, was opened, time: 10:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Establishment of Refuse and Garbage District, was closed, RESOLUTION ADOPTED, time: 10:21 P.M.

RESOLUTION NO. (536-1988)

ESTABLISHING TOWN OF
CLARKSTOWN 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 20th day of October, 1987 at 8:05 P.M., and

Continued on Next Page

RESOLUTION NO. (536-1988) Continued

WHEREAS, the Office of the State Comptroller required 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, by resolution dated April 26, 1988, a public hearing was scheduled on May 10, 1988, and

WHEREAS, copies of the notice of public hearing on May 10, 1988 were duly published and posted according to law, and said Town Board did, at the time and place specified in said order and notice, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place concerning same, and

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

NOW, THEREFORE, be it

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

1. The notice of hearing on May 10, 1988 was published as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed Refuse and Garbage District are benefitted thereby.
3. That all of the property and property owners benefitted are included within the proposed Refuse and Garbage District as hereinafter described.
4. It is in the public interest to establish the proposed Refuse and Garbage District,

and be it

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

FURTHER RESOLVED, that the proceedings held on October 20, 1987 are hereby incorporated by reference, and be it

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

Continued on Next Page

ABF478

RESOLUTION NO. (535-1988) Continued

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

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

FURTHER RESOLVED, that the costs of such district shall be apportioned upon a benefit basis and the maximum amount to be expended shall be not more than \$2,200,000.00, and be it

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

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 31 Proceeding (Rooz) was opened, time: 10:22 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 31 Proceeding (Rooz) was closed, time: 10:40 P.M.

RESOLUTION NO. (537-1988)

RE: CHAPTER 31 PROCEEDING
- MAP 7, BLOCK A, LOT 31 -
(ROOZ) DETERMINING THAT
CORRECTIVE ACTION ORDERED
BE ACCOMPLISHED BY JULY 10,
1988

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 343 dated April 12, 1988, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 7, BLOCK A, LOT 31, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

Continued on Next Page

RESOLUTION NO. (537-1988) Continued

WHEREAS, a public hearing was duly held on the 10th day of May, 1988, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice Pursuant to Chapter 31 of the Code of the Town of Clarkstown dated April 12, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to perform the corrective action ordered in said Order and Notice, if such condition continues uncorrected on or after the 10th day of July, 1988, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action and removal of debris, the costs of this proceeding and all other necessary action be assessed as a lien against the property, and be it

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

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Sight Distance) was opened, time: 10:41 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Sight Distance) was closed, DECISION RESERVED, time: 11:20 P.M.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, 11:21 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

327

Town Hall

5/10/88

8:50 P.M.

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

RE: AMENDMENT TO THE ZONING ORDINANCE - MF-4 REGULATIONS

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Town Attorney stated testified as to proper posting and publication. Town Attorney stated that he had the recommendation of Mr. William Chase, Commissioner of Planning for Rockland County. Supervisor read the letter from Mr. Chase stating that he approved of the change.

Supervisor said we also have present here from our own Planning Department Mr. Robert Geneslaw and a member of the Planning Board, Mr. William Nest.

Appearance: Mr. William Nest, Member
Clarkstown Planning Board

Mr. Nest stated that he wanted to explain their reasons for proposing this MF-1 zone. He said the Planning Board is not in favor of spreading larger density, multi-family zoning throughout Clarkstown. However, he said they feel there is a certain need for this zone in specific places. He said there is a bad traffic area along Route 59 in Nanuet and that goes from the Palisades Parkway to the Spring Valley Area. He said the main intersection is Route 59 and Middletown Road and Grandview Avenue and Route 59. He said conditions are so bad that the Planning Board, late in 1985, to declare a moratorium on building in this area for a period of six months to enable a study and have recommendations made to improve the traffic. The moratorium was granted and a special study was made by outside consultants. This report was studied by the Planning Board, the County Planning Commissioner and by the Route 59 group which includes villages and hamlets along Route 59. This was reviewed at planning sessions across the river and also by the New York State Department of Transportation. Everyone considered this and the recommendations an excellent document. In fact they said use this as an example of what Clarkstown is doing and perhaps we can straighten out Route 59 a little bit.

Mr. Nest said long range studies were recommended and they said major construction would be necessary on Route 59. That is going to be a long ways away. On short range they said let's improve some of the intersections and change some of the zoning from CS and RS to residential so that traffic conditions can be reduced. We are saying that on RS and CS zones they generate anywhere from 500% to 700% more traffic than residences. They suggested that we have a higher zone in this area than our MF-3 that would be an incentive for people to build some residences there rather than shopping centers. We proposed that but we wanted it very limited in that first of all we want to see what it looks like. He said there are problems now with the MF zones in existence. They are working with the Fire Departments and with the builders in changing our parking, etc. He said they feel that someday we will need, perhaps, an MF-4 zone and they would like to see one or a few go and look at it and then from there we can see what changes we have to make. He said they have thrown enough restrictions on this so that it is centered strictly in the Route 59 corridor. That is where we want to reduce the traffic.

Mr. Nest said there are not that many changes between our existing zones. He said we are not looking for high rise. We raised it to 40' because we want underground parking. The area of

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use on the zone instead of being 20% would go up to 25%. He said we have it in the center of the hamlet so that people can walk to shopping and getting to work, etc. Basically, that's why we are recommending the MF-4 zone. He said they feel that it will reduce the traffic congestion in the hamlet of Nanuet and we feel it will really benefit the Town. He said they have heard that the Planning Board is going crazy with zoning and we are not. This is not really a tremendous amount. The MF-3 zone goes up to 18 units. We are talking here from 19 to 24 units and we tried to reduce that amount by saying we didn't want efficiency apartments. We said we want one bedroom apartments a maximum of 50% in the development so that actually this MF-4 zone would only generate a maximum of 22 units per acre which is 3-1/2 to 4 of what we have.

Councilman Kunis referred to a Route 59 Corridor Study prepared by Mr. Geneslaw in August 1986. With regard to MF-4 it says the nearby Airport Executive Park Development in the Spring Valley Section of Clarkstown is also not within the study area but an additional 196,000 square feet of office, industrial and warehouse space is planned for construction on that site in accordance with the previously approved planned economic master plan which was based on the airport remaining. Both the Spring Valley and Airport Executive Park Developments have been included in the analysis. He asked Mr. Nest and Mr. Geneslaw if they were including in this the Spring Valley Industrial Park based on its current zoning.

Mr. Geneslaw said based on the zoning employed in 1986 and on the Master Plan that was approved as part of the planned economic development. Councilman Kunis asked Mr. Nest if that was how he based his decision? Mr. Nest said yes. Councilman Kunis asked Mr. Nest if he was aware that there was a proposed zone change before the Planning Board now for the airport executive park? Mr. Nest said he understood that it is coming but it has not been submitted to the Planning Board as yet. Councilman Kunis said but you are aware of it? Mr. Nest said yes. Councilman Kunis asked if they took that into consideration when they recommended this MF-4 zoning to the Town Board? Mr. Nest said not really because they have been working on this since 1986. He said he understands that the zone change is coming but he hasn't seen it nor has any other member of the Planning Board. He reiterated, in response to a question from Councilman Kunis that they have not taken that into consideration in this recommendation.

Councilman Kunis asked how many parking spaces were being proposed in the underground parking which he thought was a super idea? Mr. Nest said it would be two per unit plus 20% extra for guest parking. Councilman Kunis asked if Mr. Nest was aware that we have the Village Green located on Route 304 in the Hamlet of Bardonia and that he attended a condominium owner's meeting here one month ago and there were about 100 irate condominium owners who do not have enough parking in their complex - not enough spots - a lot of problems? There are 2-1/2 spots incorporated into that plan and it is inadequate. You can't sell condominiums and units based on the fact that people are not going to have automobiles. You can appeal to a certain group of people but when these are resold you may have a parking problem in the hamlet of Nanuet. He said he did not see the parking problem addressed in the Planning Board's report at all.

Mr. Nest said they do recognize a problem. Councilman Kunis said you do not recognize it when you are recommending two spots per unit. Mr. Nest said Village Green is an RG-2 project. It has been changed now. The MF zone corrects some of the problems that we have there. He said in the RG zone you have a garage space as one and you take credit for parking on the apron, we'll say. In the MF zone you are not allowed to park on the apron and so you have to have a two car garage or a space provided elsewhere for the apron. Mr. Nest said that what he is saying is that they recognize the serious problems on the RG-2 zone in the Village Green and are

very upset with that. Some of that is being corrected with our new zoning. That is an old zone that has been replaced. Councilman Kunis said it makes no difference what letters you use - there are a certain number of spots allotted per unit. Mr. Nest said that zone down there (Village Green) was proposed over five years ago. That development does not have the extra spaces that we are suggesting now. He said we revised our parking requirements because of problems like that. Councilman Kunis said then how many parking spaces per unit are you proposing? Mr. Nest said he was sure they had 2 plus 20% of how many units are built and there would be 20% extra above the 2 units. Mr. Nest said that would be 2 automobiles per unit. Councilman Kunis said then that is 2-1/5.

Mr. Robert Geneslaw said that is correct and he would like to point out that there will be a somewhat different design solution in the MF-4 district than you have in Village Green. He said instead of having individual driveways and possibly garages for each unit the parking would be all together under the building and there would be more of an opportunity for people to use other spaces. In the Village Green type of situation, a guest of one person is not likely to use the apron of the house next door.

Councilman Kunis said if John Doe has a unit at Village Green and he has two automobiles he has to park one in the garage and one outside the garage. He is left another half space in the complex. Mr. Nest said it wasn't built that way - the zoning is changed since then. Councilman Kunis stated that he was told that Village Green has an average of 2-1/2 spaces per unit. Mr. Geneslaw said he did not believe that was the case. Councilman Kunis said the unit owners indicated that to him at one of their meetings. Now, if you own a unit in a proposed MF-4 district you still have the same unit and you still have the same two automobiles. You are proposing 2-1/5 spaces. Mr. Geneslaw said but they will not necessarily be individually assigned. Councilman Kunis said he understood that but you still have two automobiles that have to be parked somewhere whether individually assigned or not. You have "X" amount of spaces and "Y" amount of automobiles and they have to fit. What difference does it make if they are assigned or they are not assigned? If you have 2-1/2 spaces per unit and you have 2-1/2 automobiles per unit, what difference does it make if they are assigned or not? They have to be parked someplace.

Mr. Geneslaw said it makes a difference in the sense that if some people are away on a particular day or a particular evening and others have guests, the guests may not feel it is appropriate to use a driveway apron of a home they are not visiting. Councilman Kunis asked how many spots are available in the New City Condominiums per unit. Mr. Geneslaw said it is much lower than the 2-1/2 we are talking about. At the time that was built the Town requirement was somewhere around 1-1/2. Mr. Nest said the zoning at Village Green is RG-2. He said they have one parking space and one garage and they are parking on the apron. You are given credit for parking on the apron. When that zone was changed to MF you were no longer allowed to park on the apron or take credit for a parking space. Let's say there are 200 units somewhere - you have 200 aprons. Now, in Village Green, you are parking there. Now they are going to be empty, so you can put two other cars there. We are providing other parking spaces.

Councilman Kunis asked where are you providing the other parking spaces? Mr. Nest said somewhere on the site they have to provide parking for the amount of units that's there without considering the apron. In the RG-2 down there they are using the apron for parking. We are very disturbed with that and that's why the zoning has been changed. It is only recently that we went to the 20% extra realizing that there is not enough parking. That does not go back five years. It goes back about a year and a half. Mr. Geneslaw said that is in the MF zoning and was not in the RG zoning originally.

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Mr. Geneslaw said he would also point out that if you think back to the kinds of multi-family developments that were built in the town ten to twenty years ago, they were almost exclusively rental and they were rarely a townhouse kind of situation. The parking tended to be shared and as developers began to move toward the townhouse kind of arrangement the need for parking changed along with other needs. The Town has been trying to respond to that with amendments to the zoning code. We think generally it has been successful but we take a look at a Village Green type of situation - if in the MF-4 the Town Board feels that two plus 20% is inadequate it can be increased.

Councilman Kunis stated that in the Raymond, Paris, Pine & Weiner Report of August, 1984 on page 4 B it is recommended that rezoning for non-residential uses to a new multi-family zone have a density of 18 to 22 units per acre. The Planning Board's recommendation was 24 units per acre. Mr. Geneslaw said 19 to 24 with an average of about 22. Mr. Geneslaw said the difference being is that we looked at the size of the sites that we thought were possibilities for the MF-4 and we looked at the traffic generation that would result. We made recommendations to the Planning Board. The Planning Board spent a very extensive period of time reviewing in detail what we had recommended and I think that Mr. Nest and Mr. Centra, in particular, should get credit for analyzing the proposal individually on behalf of the board. As a result of that the Planning Board made a number of changes in what we had recommended - slight increase in the density - some other changes that they felt would be suitable and still permit the MF-4 development to work but at a slightly higher density.

Councilman Kunis asked Mr. Nest why he would recommend a higher density than the Planning Consultant had recommended. Mr. Nest said they thought that by eliminating efficiency apartments and by restricting the one bedroom units to 50% that we could come up with a project that would be beneficial to all. It is very difficult if you try to figure this out as to how you go from 1,2,3,4. He said they sat down and with arithmetic they came up with a figure that we could multiply by 40% or so and up it went that way. There is no direct ratio between MF-1, MF-2 and MF-3. Otherwise we could have simply said let's go to the next step. We took a percentage and just increased it. We thought in our mind in discussing this with the Planning Board that it would fit and there was nothing wrong with it.

Councilman Kunis asked Mr. Geneslaw if in his report he had recommended one site for MF-4 - Sussex West and Mall at 59 sites? Mr. Geneslaw said we have recommended both of those. The Mall at 59 was before the Planning Board for site plan review at that time and the Board felt that project had gone far enough through site plan review so that they did not want to recommend a change of zone. Councilman Kunis said then you recommended one site - the Sussex West? Mr. Geneslaw said no, we had recommended two sites but the Board felt that one site was too far along in terms of the site plan review for retail development.

Councilman Kunis asked Mr. Nest how many sites the Planning Board was recommending? Mr. Nest said in that report the Planning Board recommended two other zone changes - we recommended, where the theatre in the round was located, that the Town Board change that zone. As of this moment, they have not changed that zone. Councilman Kunis asked change to what? Mr. Nest said R-15. Councilman Kunis said that was Mr. Geneslaw's recommendation in the report. Mr. Nest said yes it was. Councilman Kunis said he is only interested in MF-4 because that is what we are discussing. Supervisor said that area would be applicable and could become an MF-4. Mr. Nest concurred. Councilman Kunis said then you are saying that the church on Route 59, based on the fact that it is zoned RS, could become an MF-4. Mr. Nest said that is correct unless you change it.

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Mr. Geneslaw said, in order to clarify, that they had recommended two sites in particular but we also suggested some general requirements in order for a property to qualify for rezoning to MF-4. Number 1 - they had to be within the Route 59 study area - the Planning Board agreed. We suggested that they have access and frontage on a state and county road. The Planning Board modified that slightly to say that it should have frontage and primary access from a state or county road. We suggested that it be within 1500 feet of shopping area - the Planning Board agreed. The property had to be RS or CS at the time the MF-4 regulations were adopted. All of these items were in the proposed amendment. Mr. Geneslaw stated that they had also recommended that the church property, to which Mr. Nest referred, have a zone change to R-15 prior to the adoption of the MF-4 so that it could not become eligible to have a zone change. Councilman Kunis said would that be somewhat discriminatory? Mr. Geneslaw said their concern in preparing the recommendations for the Route 59 study was the generation of traffic and our feeling was that a site of that size changed to MF-4 would generate quite a lot of traffic. Councilman Kunis asked how many acres the church property was and Mr. Geneslaw said he would guess approximately 15 but he was not sure. Supervisor interjected that the church had spoken in favor of changing the zone to R-15 at the public hearing.

Mr. Nest said they have also suggested other zone changes to R-10 which is around Kemmer Lane and Hutton Avenue. Councilman Kunis asked if the church could potentially become an MF zone? Mr. Nest said yes. Councilman Kunis said could the Sussex property be a potential MF zone? He was answered affirmatively. Councilman Kunis asked what other potential MF zones are there? Mr. Nest said we suggested that a lot had to be 80,000 square feet minimum. We are not precluding some shopping if they could get together and seek a zone change if they could gather two acres of land up. That is why we said two acres so we wouldn't have too much but there is a possibility that in that area of the Route 59 study if they had the footage there could be more.

Councilman Kunis said to Mr. Geneslaw that on page 7 of the corridor study you indicate that the Town should provide tax abatements under the New York State Property Tax Law Section 485-b. He asked Mr. Geneslaw to tell us a little bit about that. Mr. Geneslaw said the Town is presently providing tax abatement for virtually all commercial and industrial construction. One of the things suggested was that the Town look into the possibility of eliminating the abatement along Route 59 where there was already a very heavy demand for commercial property. He said they felt that commercial development would take place whether there was tax abatement or not and the commercial development, particularly the retail, was producing most of the traffic problem in that immediate area. We were advised by the Town Attorney after he did some research that there was nothing in the statute that would permit the Town to selectively provide the tax abatement on a geographic basis so that was not part of the final recommendations put before the Board.

Councilman Kunis said he thought a lot of these areas were potential MF zones so why wouldn't the Planning Board or Mr. Geneslaw recommend any kind of an incentive for a builder where someone in the Town would be able to benefit - a potential purchaser of one of these units, affordable housing. We constantly talk about affordable housing and here we are changing the zone and perhaps it's the correct change. Supervisor said we are not changing a zone we are creating a zone. Councilman Kunis said we are changing an RS or a CS and we are creating another zone is that correct. Councilman Carey said not at this hearing we're not. Mr. Geneslaw said you would be creating a zone but not applying it to a particular property. Councilman Kunis said what I am saying is why wouldn't you recommend any kind of incentives to create a zone for builders to purchase property and build and be successful but also

to give something back to Clarkstown and to the residents of Clarkstown in the form of affordable housing?

Mr. Nest said the Planning Board is considering that and is very receptive to something like that. The question is how do you generate those mechanics? When we can find that out and when the Town Board can find that out then we will do something and recommend something. We have been going to a series of seminars to try and find out but we have not found out the mechanics to do that yet. Mr. Geneslaw said the mechanics are very difficult. There are a few communities which have taken steps to do it. It is difficult and there is no question about it. There is another element that came into play here and that was economics. The Route 59 Study came out of a development proposal for a particular parcel and the traffic study that was required by the Planning Board to be prepared by the developer demonstrated that the intersection of Route 59 and Middletown Road would be overloaded. It was that traffic study that led the Planning Board to recommend the Route 59 Study to the Town Board.

Mr. Geneslaw went on to say that in looking at the potential for affordable housing, which we happen to feel is very important and which we would like to encourage, we were faced with a situation there where there was a recent sale or contract on the property that placed an economic value on it. In looking at the kind of density that might work in a multi-family development and then adding units as a bonus for affordable housing which is generally the case we were concerned that the density was going to be too high for the development to work as a suburban kind of residential development. For that reason we did not recommend it in that particular situation. Ideally, if there had not been a recent sale, the values were somewhat lower, then putting in a 10% to 20% bonus for affordable units would have made sense. We think it may be possible to do it elsewhere but we were concerned that in that area if we were to do that the height would be greater or the coverage would be greater than the Town would be likely to accept. If it is something the Town Board wants us to look into we can examine that further and try to give you an idea what kind of density level would result from providing an affordable housing bonus. Mr. Geneslaw said as a bonus it is a developer's option as to whether or not he wants to use it. In some cases they do and in other cases they don't. Some communities have experimented a little bit with requiring it as a condition of the zone change and the experience with that has not been sufficient enough to really know whether it will work.

Supervisor Holbrook asked if any other Town Board members had any questions. No one did.

Supervisor then opened the discussion to the public and asked if there was anyone wishing to comment or to ask a question? He stated that the Town Board would not make a decision tonight on this matter. We will recess this and have it continued at a subsequent Town Board Meeting which we will decide at the end of the hearing but also largely due to the fact that the requirements of SEQRA have not been completed. Mr. Geneslaw said they are suggesting that while it is a zone change and those specific sites are being considered, the requirements to qualify a site are so specific that there are probably on the order of a half a dozen to ten sites within the study area that would qualify. Our feeling is that to do the environmental review properly we've got to identify each one, we've got to have some indication of how many units would be possible. In general terms, what changes in traffic might occur and what it might do to the service and retail area of Route 59. We are suggesting that the Board hold off until we take a look at that. Supervisor Holbrook said he just wanted to make that clear before we proceeded with the public comment.

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Appearance: Ms. Angela Tomeselli

Ms. Tomeselli said that you mentioned the Sussex property, where is that? Supervisor said as you come out of the mall onto Middletown Road it is the property that is straight in front of you right there. It is adjacent to the Nanuet Hebrew Center.

Appearance: Mr. Walter Fleisher, Vice President
West Branch Conservation Association
443 Buena Vista Road
New City, New York 10956

Mr. Fleisher said they are always concerned with environmental issues and they are also concerned with what's available within Clarkstown and the county to handle the population. Our organization has been involved in planning for water, electricity and many other services and in all of those studies this type of density was never considered. He said we are faced, if we don't watch out, with the water company wanting to build Ambrey Pond and getting a permit if we do expand the population too much which will raise our rates by 30%. There will be an environmental horror in Stony Point as well. We might have to have another generating plant. Right now they are working very hard to keep from doing that but if we keep on adding and adding we are going to outrun our resources in every way. We already have on our roads, which we are talking about here.

Mr. Fleisher said in just doing some simple arithmetic, MF-4 will add 50% to the population per acre than you get under MF-3. This is a quick thing just to give you an idea. If you did it it's 60,000 people per square mile which is something 3 or 4 times the density of New York City. That is what we are talking about. He said that like a cancer this would spread. This is going to be very nice for the developers; they are going to make a fortune and he said he would guarantee that just like all the others this would not be low cost housing. They are going to be very expensive just like our famous Omni Court which was to be low cost. They went for \$150,000.00. He said if that is low cost housing then he did not know what expensive housing is. If we get this then what happens down the other end of Route 59? Do we get the same thing we are going to be talking about there - Pyramid? Maybe we should put housing in place of that so we don't get too much traffic at that end. That is going to absolutely cut off the circulation in Clarkstown and Rockland County. He said once you start this there is going to be a lot of pressure put on you because it's going to mean a fortune for the people who get to build it. He stated that we should not consider a density of that sort. It is outrageous and it will be a disaster for the Town.

Appearance: Mr. Thomas Fagan
37 Pennsylvania Avenue
Valley Cottage, New York

Mr. Fagan stated that he was a builder and was not in favor of the MF-4 zone. He said if you look at Village Green, that is congested and that is not the same density as you are proposing here. He also made a suggestion to this Board that the properties which you are thinking of making MF-4 be made PO and that office/condominium units be built on these sites which is a very marketable thing today. He said he has partners who are involved in office/condominiums and they have a list a mile long of people who want to buy them. That is the thing of the future because everyone wants to buy their office, they don't want to rent anymore. He asked Mr. Geneslaw if any consideration was given to that suggestion?

Mr. Geneslaw said we did not specifically consider it for the study area but he made the observation that one of the primary problems in the study area is traffic and without belaboring

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the point now, office traffic would tend to peak at different times than the shopping traffic. The shopping traffic and to some extent the early morning commuter traffic with people heading into the city, so that office development would tend not to overlap that for the most part. He said they have not looked in to the density or the economics at this point.

Councilman Kunis said how about the fact that an office is closed Saturday and Sunday and there is no traffic in the area? Mr. Geneslaw said that is the thing. It would generate virtually no traffic on weekends - which is the peak shopping hours. Mr. Geneslaw said the only time there would be an overlap would be in the weekday afternoons when it is busy in Nanuet mostly from 4 P.M. to 7 P.M.

Mr. Fagan said when he goes to the Nanuet Mall now he either goes on weekends or 90% of the time he goes there at night after dinner. He said if we had office/condominiums on these sites or offices alone, not necessarily condominiums, someone like an architect, engineer, attorney, dentist - they are going to be in their office at 9 A.M. in the morning during the week which is not peak traffic hours for the mall and they will be out of there by 5 P.M. or 6 P.M. when everyone is eating dinner. He said the other problem we are going to have with MF-4, especially in the site that was proposed across from the Mall, is right now you have many residents in Nanuet on Smith Street and Grace Street coming to you complaining about the traffic and that they can't get out of their driveways because of the traffic at the Service Merchandise Mall. If you put MF-4 across from this Mall you will have hundreds of residents coming to tell you that they can't get out of their driveway onto Middletown Road. Mr. Fagan said serious consideration should be given to making some of these sites from RS and CS to PO rather than to MF-4.

Appearance: Mr. Jack Cuff, Vice President
Organized Taxpayers Association
West Nyack, New York

Mr. Cuff said MF-4 is not in the best interest of the taxpayers and homeowners of Clarkstown. Most people moved here for the open environment and what is left of our so-called "rural" area. The native born just stand around in a state of shock trying to figure out what is going on. We look at the nightmare on Route 304 in Bardonia and that reminds me more of parts of Queens or Bronx than Rockland County and specifically Clarkstown. The average person who moved here, moved here because they wanted a little green. There is very little of it left. He said Normandy Village in Nanuet is probably one of the best designed complexes anywhere as far as size and space, etc. He said he also questions how much more we need as far as multiple family housing goes. We get the pitch that it will help our young but he did not think so. He said we get the pitch that it will help our seniors but he did not think so. Allowing the creation of MF-4 will only serve the interested developers, many of whom sit the audience tonight frothing at the bit just waiting for all this to happen because they will come looking for MF-4 and if they can't get it from you they will probably get it from the courts. Mention was made of the long range planning and development of Route 59. Let's have some long range development of the hot spots along Route 59. How they can say they are going to reduce traffic by higher density he did not understand. He said if you want to take something under consideration tonight you should consider abolishment of MF-3 and abolishment of MF-2 and let's hang on to what little we have left.

Appearance: Lorna Bernard, Esq.
2 New Hempstead Road
New City, New York 10956

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Ms. Bernard stated that she was a property owner in Clarkstown. She commended whoever drafted this law as it is excellently written. Her only criticism is that the pages are not numbered. She said she is in favor of an MF-4 zone. However, she was not in favor in the zone as it is proposed. She said with respect to the purposes as outlined on page 3 - therein you talk about relatively intensive housing development and the intent to provide additional housing opportunities located in the dense portions of the Town's hamlets. She thought that was an excellent idea. She said you then limit the entire concept by saying it must be in the Route 59 corridor. You also limit this excellent purpose, which may create affordable housing, except that you so limit the access to this type of zoning on pages 8, 9 and 11 that it will only create the most expensive type of housing in Clarkstown. Specifically, she went on, on Page 8 you limit it to the Route 59 Corridor, probably the most expensive property in the County of Rockland and of course the most expensive in the Town of Clarkstown.

Ms. Bernard stated that on Page 11 you state that everything has to be on a state or county road. She did not understand why. She thought those roads were the ones that are so overburdened now we don't know what to do with the traffic. Why not put these in other areas where the area is dense, close to anotherwise dense area but one where there is not an overburdening of traffic? Those areas are usually cheaper and when you have land that is cheaper you are more likely to be able to build affordable housing.

Ms. Bernard said the next item, C on page 9, you say that all of these shall be located not more than 1500 feet of a shopping area as measured from the closest points of lot lines and measured along a paved sidewalk. Isn't it lovely to have paved sidewalks? Isn't it lovely to be 1,500 feet of a shopping area? Many of us in Rockland County don't live so close to a shopping area - indeed that is why we have automobiles. Most people in Rockland County who cannot afford the housing that now is being created have to have cars to get to their work and they understand that if they are going to buy affordable housing they are going to have to have some inconveniences. She cited examples of people having left the county and now making contributions of other areas when they could have served this community. She said first hand she knows of the need of affordable housing and the fact that it is not being produced in the County of Rockland and not in the Town of Clarkstown.

Ms. Bernard said with respect to the higher zoning being RS or CS, she can not understand the reason for so limiting a proposed multi-family zone. If we want affordable housing and we have to look at the economics and if the Planning Board is unable to come up with a way to create affordable housing then perhaps in this country we ought to sit down with some people who have the expertise in real estate and who might wish to be involved in the free enterprise system that we wish to spread throughout the earth and which we have in the United States because God forbid somebody make a profit. Unfortunately, nobody does anything unless they make a profit. If we attempt to take out the profit motive from what we do in the United States then we will destroy the free enterprise system we so commend to the rest of the world.

Ms. Bernard stated with respect to no efficiency units, there are people who work in our hospitals; there are people who work in our nursing homes; there are people who work for the municipalities - police officers and others who make the type of salaries that these people make who have to live in efficiency apartments because they can afford no other. These are not nasty people nor are they people we want to eliminate from the Town of Clarkstown. These are our children putting their first foot out of the nest.

Ms. Bernard said with regard to not more than 50% of all dwellings being one bedroom apartments in a district, she felt

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there should be one bedroom units and could not see why this should be limited. Whoever would build in an MF zone would be cognizant of what will sell or what will rent and they would be aware of this because they know what the needs are of the community because anyone who would be building here would be intent on making a profit and they will not build units which cannot be rented or cannot be sold. It is unrealistic for the Town to make unrealistic requirements. She said she has been in the condominiums along Route 304 where they are not permitted to have more than two bedrooms but they have two bedrooms and a library and a den and a sewing room, etc. with walls that go halfway up to the ceiling and everyone knows that as soon as those are bought those walls are going to be up to the ceiling and those rooms are going to be turned into bedrooms. Let's stop kidding ourselves. Let's stop making unrealistic regulations that invite circumvention. Let's start building affordable housing and make it possible that affordable housing be built.

Appearance: Mr. Steve Goldman
Organized Taxpayers Association
West Nyack, New York

Mr. Goldman said we have just heard the first plea for extending MF-4 throughout Clarkstown. There will be many more if we create an MF-4. For awhile a certain percentage of them will occur because the way the MF-4 description is presently written it is pretty exclusionary and some clever lawyer can spread it throughout the Town. He said we don't need slums in Clarkstown and he believes MF-4 is slum zoning. He said most of us who live here now complain about our taxes but we realistically see it as kind of a fee to remain here. He said we are not paying those taxes to live in a town where slums will become prolific. The argument for the slum zoning is primarily based on traffic considerations in the Route 59 corridor and the thinking was let's not build stores because that will add to traffic so let's build slum housing. About a month ago we had a hearing concerning Service Merchandise Shopping Center and the streets that were opened and then closed and now they are open again. Some consultant did a traffic study and found out that the peak traffic time in that area, which is within walking distance from the territory under consideration, is 5 P.M. to 7 P.M. He asked what time the people who move into these slums, and drive home, would be coming home? Are they coming home at midnight or at 2 P.M. in the afternoon? They are coming home between 5 P.M. and 7 P.M. which we have already established as the peak traffic hours, so it doesn't make sense. This is not a solution to the traffic problem. Office buildings would be a solution - an almost optimal solution. He said he is in that area between 6 and 6:30 almost every day and he shuddered to think of trying to get into the Hebrew Center on Middletown Road when all of these people who live in these newly built slums are trying to get into their parking lot next door.

Mr. Goldman said the people who move in presumably will have children and they presumably will be going to school. How does this high density affect the Nanuet School District? Has there been a study on that. He would suspect that there hasn't been. He said the big threat that has been held over our heads is if we don't build housing there we will get stores there. What kind of stores could we expect to have there? They certainly wouldn't be competing with the Nanuet Mall especially in light of the Pyramid discussion going on above our head (Mr. Goldman was referring to a meeting on the proposed Pyramid Shopping Center taking place at the same time as this meeting.) At most the store might be an A & P type thing or a drug store which would have randomly spaced distribution of shoppers and an A & P in the area might not be such a bad thing. The threat of stores is really a paper tiger. He urged the Board not to create a new slum district for Clarkstown.

Appearance: Mr. Kelly Bernard

Mr. Bernard said he is a taxpayer in the Town of Clarkstown. He said he is a landlord in the poorer area of Spring

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Valley where he has not built any houses but where he has saved houses from being demolished. He has renovated them and rented them to people who can't afford to live in large places in New City or in Nanuet or elsewhere. He said he has not created any problems. If anything he has abated some problems.

Mr. Bernard referred to the last speaker to whom multiple housing seems to be slum housing and probably he has in the past lived in New York City in an apartment building where maybe the landlord or the tenants didn't care and it turned into a slum. Density, per se, does not create slums. Slums are created by people who don't care where they live or how they live. Usually these people do not buy their own houses because people who buy their houses or buy apartments, usually known as condominiums, care about their investment and do not let their investment or even their neighbor's investment turn the development into a slum. Density in the villages, in the cities of this country, in Europe where he comes from does not necessarily create slums. Mr. Bernard said he likes the proposal before the Board. He did not like the restrictions. He cited examples of people he knew who moved out of this county to other areas. He said he was sure everyone knows other families where the young people just cannot afford to buy here. He said he has studied this proposal and with all of its restrictions he understands there is only one area that is not developed presently which would fit into this category which could turn into an MF-4 area. It is by the mall near Normandy Village, a most desirable area. Whether these are turned into rental apartments or whether they are turned into condominiums they will be very expensive because they are very desirable. They are desirable because they are within walking distance of movie houses, stores, both gourmet and fast food restaurants, many stores, banks, Hebrew Centers, Churches and even within walking distance to the railroad station. He said he would not be at all surprised if a lot of people buying there will come from New York City. Instead of us catering to the young people and the old people of Rockland County we are going to have people from New York City taking the train in, then walking to their new condominium in the MF-4 area, spending the night there and the next morning going back to New York City without ever contributing anything to Clarkstown or Rockland County. Certainly they are not going to be the type of people who are going to be our policemen, our fire volunteers or ambulance volunteers.

Mr. Bernard said he likes the concept of MF-4. Density can make housing more affordable but why have it only in the most dense area? Why not spread it out? Surely there must be a happy medium between just one area and all over Clarkstown. He suggested that MF zone be created and that it be applied only to those areas which the Planning Board and the Town Board approves of. This may be selected areas in other parts of our Town, not necessarily on state or county roads but maybe on Town roads, not necessarily within 500 yards of a shopping area but in tucked away areas where we can find 800 square feet or two acres of land. These need not necessarily create slums and if they are condominiums they will not create slums. He proposed that you do not adopt this MF-4 proposal but you create a zone without the geographic restrictions so that on application to, and approval of, the Planning Board and the Town Board selected areas which these two boards find fitting can be turned into MF areas so that we can have housing where our young people and maybe our senior citizens or anybody else can afford to live and stay in Rockland County instead of going elsewhere.

Appearance: Ms. Ellen Ferretti
7 South Middletown Road
Nanuet, New York

Ms. Ferretti said she lives near the property in question for MF-4 and she would prefer it to a shopping center

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having lived there all her life. She asked why the MF-4 could not be expanded other than around the Route 59 corridor? She said it is expensive housing but we need housing maybe not as expensive as that but maybe people can afford it. She said she could not see another shopping center facing the Nanuet Mall. Ms. Ferretti said South Middletown Road can't take it and she didn't think Route 59 could take it. As far as the traffic from the apartments perhaps it won't be that bad because these people may be commuters by train or by bus and then they would be walking. They probably wouldn't use their cars except late in the evening or on weekends. That should be taken into consideration but it is far better than having a shopping mall there. Cars would be going in and out and she said she did not know how much more they can take in Nanuet. It is being destroyed. We need apartments for people to live in all over Clarkstown and all over Rockland County. Whether MF-4 is the answer she did not know but she thought maybe it should be expanded and not be just for the Route 59 corridor.

Supervisor said the study was the result of the increased traffic on Route 59 and the desire to do something with the land uses that were still in existence on the Route 59 Corridor. The State of New York, in terms of long range improvement would take years but the Town of Clarkstown, in terms of control over land use, has the ability to regulate that relatively quickly. We have control over zoning so that was one way to control traffic and that was the genesis of the study that started out with a moratorium. He said one of the things the Town Board was concerned about was not creating an overly dense zone that could be applied in a pervasive way throughout the Town but that would be relatively restricted - not just to Route 59 - but maybe to some other spots in the Town but not that many because we are also concerned about creating excessive density. You run a delicate balance but initially it was the 59 Corridor Study that got this started and that is why the primary focus is on this tonight. This particular zone would be a zone created that would be applicable in other places if they met certain criteria and it was the intention of the Planning Board to restrict it so that there wouldn't be that many of them because of the concern about density.

Ms. Ferretti said with regard to one or two bedroom units there might be a problem there. If you have a two bedroom unit or even a one and there's another room used as a den, what is stopping anybody from making that another bedroom? Supervisor said that is one of the questions raised regarding floor area ratio. That is something that would have to be looked at. He said Ms. Ferretti's comments are well taken and that is the reason that this is the area that was looked at first. Supervisor stated that someone had asked about floor area ratio and we have asked our consultants to take a look at that aspect relating directly to the comment you just mentioned - what is to prevent someone from turning a den into a bedroom, etc.? Ms. Ferretti said there would be even more people there than anticipated. Supervisor said bedrooms are sometimes not the best way to control it - floor area ratio might be.

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

Mr. Lodico said in this particular situation he would be consistent as he has been over the years in that if we talk about running government as a business and having a return on our investment and knowing what the cost is of educating a student in the Clarkstown School and Nanuet School Districts, housing, per se, has never paid its way. To change a commercial type zone to a residential zone is not in the best interest of the long suffering taxpayers in our Town. He said he was not averse to the zone. There are areas in our Town, probably in the residential makeup, that we should have some MF housing. It is important that we do provide for the future. Quite often the speakers keep saying we

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are looking for affordable housing. He said he was not for the Town of Clarkstown going into the housing business. Anyone who is in business knows that you will not ever find affordable housing in Clarkstown unless the federal government or some other agency subsidizes, comes in, takes over land and develops it. No builder is going to develop a house and sell it for less than its market value in an area. We happen to be a very exclusive community in the Town of Clarkstown and from the standpoint of affordable housing, what is affordable? To whom? One Hundred and Seventy-Five Thousand is affordable to some. Two Hundred and Fifty Thousand is affordable to others. We do need some area where multiple housing can be constructed but the Board would be in a disillusioned spirit if they ever thought that some builder is going to come in here and build you affordable housing. You won't see it in our time. We need multiple housing but it should be in a residential area and caveat emptor on the buyer. The public market place will make that area affordable, whether it is \$150,000 or \$190,000 or \$250,000. This particular situation, taking it out of a commercial zone, should be rejected by the Board.

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

Mrs. Seery said she lives in West Nyack but her children are in the Nanuet school district. The Nanuet School District has declining enrollment. Children are very much needed in that school district. She said she is not in favor of over development. We keep talking about the fact that there are three properties in Nanuet. She said she notes that MF-4 is going to be allowed only in an area where there is shopping. If a developer has a piece of property zoned commercial (and she is not in favor of putting any more commercial in this particular area) he has a right to develop it that way. He is going to come to the Board and say one of two things - I am either going to develop it commercial or you are going to give me something comparable to commercial. She said she did not know all the statistics on this but would say that if it was her property she would want to develop it in the way that would be most beneficial to herself. She said she is speaking as a property owner. As a resident, if this particular zoning would alleviate a certain amount of traffic only because it would be a walk-to situation to shopping, for that reason it may be advantageous.

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 recessed until June 14, 1988, time: 10:20 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/10/88

10:21 P.M.

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

RE: ESTABLISHMENT OF REFUSE AND GARBAGE DISTRICT

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

Town Attorney Murray Jacobson explained that there was a requirement for a second public hearing by the State Controller. There was a prior public hearing on this matter on October 20, 1987 at which the Town Board made a resolution that they establish a Town of Clarkstown Refuse and Garbage District to cover the entire Town of Clarkstown including both unincorporated and incorporated villages. The said Controller wanted the second public hearing to emphasize two points: that the cost of the district would be apportioned among the property owners in the district on a benefit basis and that the total cost would not exceed \$2,200,000.00.

Town Attorney said the prior proceedings of the hearing of October 20, 1987 are hereby incorporated by reference. He said we have present Joel Sachs, who is the Special Counsel to the Town for the purpose of creating this district.

Supervisor asked if there was anyone present wishing to comment on this public hearing. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 10:21 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. 536-1988 ADOPTED

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

343

Town Hall

5/10/88

10:22 P.M.

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

RE: CHAPTER 31 PROCEEDING - MAP 7, BLOCK A, LOT 31 (ROOZ)

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

Supervisor Holbrook swore in Mr. Mark Papenmeyer, Fire Inspector of the Town of Clarkstown.

Town Attorney Murray Jacobson requested that Mr. Papenmeyer describe the conditions on the premises in question. Mr. Papenmeyer stated that the property is located at 41 Second Avenue, Spring Valley, New York. On February 19, 1988 Assistant Fire Inspector Bowler was summoned to the property, based on a complaint from the Health Department regarding some construction work done in the basement. Order No. 88-6 was issued to stop work as there was no permit issued to do any construction. On February 26, 1988 fire occurred at the residence. On February 29, 1988 Order No. 88-7 was issued to secure the building immediately. He said they also issued Violation No. 88-73 as they found out that the building had been changed from a three unit to a four unit dwelling without any building permits or certificates of occupancy. He said Violation No. 88-74 was issued for failure to obtain a building permit for that conversion.

He said on March 15, 1988 a reinspection was made and the inspection found that there was an unoccupied structure, heavily damaged by fire. The doors were opened and unsecured. Broken windows were not secured and attempts to secure the building were minimum and not adequate. Portions of the roof were hanging down and appeared to be in a dangerous condition. The lot is littered with debris as well as debris from the fire. Parts of the roof which had been burned off had not been covered exposing the interior of the building to further deterioration by weather. The owner of the building had been notified, prior to the fire, by Violation 88-6 to stop all work which was being done apparently to construct another dwelling unit without a building permit. During the fire investigation it was discovered that the owner had converted the dwelling to a four dwelling unit without a permit and legal occupancy was for three units. Due to the condition of the building at this time, as well as the failure of the owner to remedy this condition, and the owner's failure to comply with other Town Codes it is recommended that the Town Board make the necessary repairs to the building in order to make it safe and eliminate four and five units.

Mr. Papenmeyer presented photographs to the Board. Supervisor asked for a recommendation to knock the entire structure down. Supervisor said there are a couple of houses on that street that he has been to a number of times. He said two weeks before this incident he had spoken to Mr. Papenmeyer about going up there. This is the subject of the violations and we are lucky no one was killed in that place.

Mr. Papenmeyer presented pictures which he stated depicted the conditions on the littered property as of March 15, 1988.

Mr. Papenmeyer presented a second set of pictures at this time which showed the illegal conversion to a fourth unit and the construction underway for which we a violation at the start.

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Supervisor said we are trying to reclaim this area back into the Town. There has been progress and this is certainly not an asset to the neighborhood. Supervisor asked Mr. Papenmeyer for his recommendations.

Mr. Papenmeyer said we are asking that some rehabilitation be done to the building. It is not structurally unsound at this point but it will be very shortly. Supervisor said but it is esthetically unsound. There was discussion regarding the pictures.

Supervisor asked Town Board Members if they had any questions to ask Mr. Papenmeyer? Supervisor asked if the property owner was present?

Town Attorney said he wanted the record to reflect that proper service was made by registered mail and we have a receipt back showing that it was received.

Appearance: Joshua Sternhill
College Road
Suffern, New York

Mr. Sternhill stated that he represented the owner. He said the fourth apartment is not an apartment. When the building was purchased, the prior owner took off one room from another apartment and put a small stove and a sink into it. This was done prior to our purchasing this building. He said his attorney sent a letter to the Town Hall to Supv. Holbrook explaining the situation. He said they also got a summons for failure to obtain a building permit. One part of the basement is used for storage. The sheetrock was torn. All we did was put some more sheetrock on top of the old sheetrock. There was no new room created. There was nothing new constructed there at all. At the time of the fire, which was started by some of the tenants, there were fire alarms inside the building and they were all in service. There was nothing the landlord could have done to prevent the fire. It was started by the children of one of the tenants. All the fire alarms did go off and everything the landlord had to do was done. He said he was there himself with two officials from the Health Department and they secured the building on March 18th and 19th. He said he received a summons from Mr. Papenmeyer after that. He spoke to Mr. Papenmeyer and Mr. Papenmeyer said it was not secured to his specifications. He said he asked Mr. Papenmeyer what he wanted done and it has been done.

Mr. Sternhill said he also had certification from a licensed plumber that he disconnected that apartment according to Mr. Papenmeyer's instructions. He said he believed that Mr. Papenmeyer was there today and he saw that this building had been secured as per his instructions. As soon as there is an insurance settlement on this property we intend to rebuild this building according to code.

Supervisor Holbrook asked what about all the junk cars in front of the building? They have been running a business. He said he drives up and down that street all the time. Mr. Sternhill stated that he had been away for the last five weeks. He said since he left three cars arrived there. He said he has pulled twenty cars out of there in the last year. Supervisor Holbrook asked what about improving the tenants? That might be a part of the solution.

Mr. Sternhill said the property is on Second Avenue. Supervisor Holbrook said but Second Avenue is coming back. We have new houses being built across the street and the minute people move in there they are going to put heat on this Town Board to correct the situation. There is only about two or three houses that we are talking about - this one and two others. He said there is always junk piled there and he thinks maybe the tenants should be screened a little better.

Mr. Sternhill said he is going to rebuild this building. It will be brand new and he believed he would be able to get better tenants. The tenants who have been there until now were tenants he inherited when he bought the building. They are not tenants he put in there. He hoped they would get a better class of tenant in there and that would solve the problem.

Supervisor Holbrook asked if Mr. Papenmeyer had inspected the place today. Mr. Papenmeyer said he received a phone call that the building was secured. He made an inspection and found that all the windows and doors have been secured to prevent entry. However, he stated that the roof remains open and further deterioration will take place if rehabilitation work is not begun. Mr. Sternhill said he had someone there and tried to put plastic on the roof. It lasted about two days and the wind took it right off. Supervisor asked what about wood? Mr. Sternhill said half the building has no roof. You can't just put wood on there. Supervisor said what if we just knock it down? Mr. Sternhill said the building is a concrete solid building. Supervisor said a bulldozer will take care of that. Mr. Sternhill said he did not feel that the building should be town down. He is presently negotiating with the insurance company and hoping that within a month he will be able to rebuild that building. He is willing to try to put some other plastic over it. He reiterated that within four weeks construction should start on the property.

Supervisor said in the meantime the roof will not be secure, is that correct? Mr. Sternhill said no one can climb in the roof. Supervisor said but that does not comply with Chapter 31, is that correct? He asked Mr. Papenmeyer what action he recommended? Mr. Papenmeyer said in lieu of the insurance settlement he felt in one month's time we should get some kind of work done and that immediately the roof be covered. He would suggest that the Town Board adopt a resolution to the effect that the roof be covered immediately and a building permit be applied for within thirty (30) days. Mr. Sternhill said thirty days would not be enough time as we have not settled yet and it takes about four weeks to get a check after settlement. He would say sixty (60) days would be more appropriate. Supervisor said we will work on thirty days and then come back and see what's going on. Mr. Sternhill said it is not going to happen in thirty days.

Supervisor asked about getting the junk cars removed and Mr. Sternhill said he was going to see Teplitz tomorrow. By the end of this week or the beginning of next week all the cars will be removed.

Supervisor asked if anyone else wished to make a comment?

Appearance: Ms. Shirley Goldman
Monsey, New York

Ms. Goldman stated that she was just an interested observer and felt the Town Board should give the man a change as he is making every effort.

Supervisor Holbrook said fortunately on the day the fire occurred the people who were in that building were lucky to get out alive and we have had about four or five different fires in that area of the Village. The Town is concerned about the lives of people who are in these places. There were 21 people in that building and we are fortunate no one was killed. Fire Inspector Papenmeyer stated that there were fire violations on that building prior to the fire. The fire occurred in February. It is now May. We are talking three months time and nothing has been done with the building. It is not like this happened yesterday. We have given sufficient notice to comply and the failure of his compliance is why we are having this hearing tonight.

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Mr. Sternhill said he has had the Health Department on his property on many occasions. Whenever they complained about anything it was fixed immediately. At the time of the fire there were no violations. He was there with the Health Department a few days after the fire and they inspected the property and told him everything was okay. Mr. Sternhill said he did not know at that time that Mr. Papenmeyer was not associated with the Health Department. If it was okay with the Health Department he did not know that it was not okay with the Fire Department. That is the reason he did not do anything else with the property.

Supervisor asked what was the pleasure of the Board? It was agreed among the Town Board members that the roof should be covered. Mr. Sternhill said it is not that easy. The building is maybe 120 feet long. About 60 feet of it has no roof. You can't just build a complete new roof there. You're not talking about a small area that you can put plywood over. Imagine half of this room (the auditorium) with nothing over it. It is difficult to build. You would have to put beams across. You are talking a few thousand dollars and major construction to just cover that thing.

Councilman Carey said it was very difficult to understand how people could live in a building like this in the first place and Mr. Sternhill said, of course, no one is living there now. Supervisor said it has been partially destroyed by fire. Councilman Kunis asked if Mr. Sternhill was saying that if the Board allows him sixty days he will have his permit and he will begin construction? Mr. Sternhill said there is no question about it. Councilman Kunis said within the next week you will clean up the automobiles? Mr. Sternhill said yes. Councilman Kunis said if you come with a problem in sixty days such as the insurance company does not pay you in sixty days, what do you expect the Town Board's answer to be? What will your answer be? Mr. Sternhill said he did not think it would come to that but if at that time the insurance company has not paid him he would probably tear down the whole building. Councilman Kunis said then in sixty days it is either going to be torn down or rebuilt? Mr. Sternhill said he will be here in sixty days to report on the progress.

Councilman Kunis said he is looking for commitment not a report on progress. Mr. Sternhill said he can't give commitment. Councilman Kunis said that he was trying to give leeway. Mr. Sternhill said it is out of his hands. Councilwoman Smith asked when the claim had been filed? Mr. Sternhill said immediately after the fire. He had met with his adjuster last week and he said within ten days he would have a settlement. He said that means within forty days he should have a check but in any event he is confident that in sixty days he will have a building permit on that property.

Councilwoman Smith said they would like to be advised when Mr. Sternhill receives notice of the claim being settled. Mr. Sternhill said there is no problem with that. Supervisor said he should advise the Supervisor's office.

Supervisor said we will say July 10th. Mr. Sternhill said he will call before July 10th.

Appearance: Mr. Kelly Bernard
Spring Valley, New York

Mr. Bernard said he has some property on this same block on Second Avenue. He said he believed the Supervisor was joking when he mentioned bulldozers. Supervisor said the point is we don't want it to be there as a wreck, like Bethune Boulevard where you sit and look at a wreck that is burned out for ten years. Mr. Bernard said he did not want to see buildings destroyed. He would like to see them rehabilitated especially on that street. He said he has great interest in having that street cleaned up.

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Supervisor said Mr. Bernard's houses are beautiful. There is no problem with those. Mr. Bernard said slums are not created by buildings, they are created by people who live there and by a landlord who permits conditions. He said he would not have the people who lived in that building living in his buildings. It is up to the landlord to be on top on things and even if it means losing some money today by throwing people out and not collecting rents, or having a place empty rather than putting in anyone who comes along, you save your money in the long run by not having fires and not having troubles with the Building Department or the Fire Department.

Mr. Bernard said the dumping of old cars is a problem because it costs money to have them towed away. He said on that street there is a big pile of tires and he does not know where they came from. Now it costs money to have tires taken away so the dumping of them has become a problem. He wants to see Second Avenue cleaned up and he appreciates everything the Town Board has done and is doing to accomplish that. If demolition can be avoided he hopes it will be.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was closed, RESOLUTION ADOPTED, time: 10:40 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (537-1988) ADOPTED

ABF 478

TOWN OF CLARKSTOWN
PUBLIC HEARING

349

Town Hall

5/10/88

10:41 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE
SECTION 91-9 - SIGHT DISTANCES

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

Supervisor said he had received some calls from people concerned about this in relation to properties that were, in effect, non-conforming properties which are close to roadways. Supervisor stated that he had asked Mr. Howard Lampert (Traffic & Safety Engineering Consultant for the Town) to attend in order that he could explain how it would affect residents, if it does affect them, and explain the reason behind this proposal. He said he would anticipate the Town Board taking comments tonight and reserving decision.

Mr. Howard Lampert said he was asked to look into the existing town ordinance regarding sight distance by the Police Department. It had been brought to his attention by them that the existing sight ordinance is not technically enforceable. While it provides distances it does not give reference points for them and different people, particularly in the Police Department, have used their own distances. He said the present chief discussed this with him and he liked his interpretation very much but the point was made that while it is an interpretation it is not what the regulation says and he wanted to know what I thought of it and what, if anything, could be done about it? He said he was aware that it was very vague and unenforceable but fortunately people in the Town had been complying with whatever directives came from the Police Department regarding the cutting down of shrubs, etc. and it hasn't been a problem. The Police Department, now with different personnel felt they wanted something that they could enforce. Mr. Lampert said he knew of many sight distance ordinances in other communities that were enforceable and that were very effective. He said he had looked at several of them and had compiled the regulations in the proposed ordinance that is before the Board now.

Mr. Lampert said basically the ordinance has three parts. One part is for a local street intersection and is basically similar to the ordinance that is there now if you were to use the return of the radius - the end of the radius on the street and measure the distance from that. If the radius was 20 feet at the intersection you would get exactly the interpretation that has been given by the Police Department for the last several years. If you have a 30 foot radius you are adding 5 feet to it. If you have a 15 foot radius you are subtracting 5 feet from what was there before. Basically that is one section of it.

Mr. Lampert went on to state that a second section of this proposed ordinance raises a point that he had been asked to look at in the past but could not do anything about and that is the problem where you have a street that makes a right angle or close to a right angle turn and vehicles coming around can't see. It is not an intersection if it doesn't have a third leg to it by law. Even if the street changes name, if it is just two streets coming together in an L, it is not legally an intersection. To take care of that problem he added a section which would basically treat that type of situation as it would if it was an intersection. You would have to have a 40 foot sight distance triangle at it.

Mr. Lampert stated that the third section came up in discussion about whether 40 feet was really adequate on our major

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roads? If you are stopped at a stop sign and you are preparing to enter a state highway or a county road with vehicles going 30 miles an hour, or on state highways with speeds up to 55 miles an hour, past you, when all you can see is 40 feet, you have a big problem. To address that he added another section which provides a greater sight distance down the road but which only requires the distance measured to be 15 feet back from the road, basically where a stop sign is typically located. A vehicle stopped down the road can then see a greater distance. These regulations were taken from several other municipalities. He said he just compiled them and edited them.

The entire ordinance is very similar to what is in the Town of Ramapo adjacent to us and in Scarsdale in Westchester County. He said he used those because they have good ordinances which seem to be working well.

Supervisor said in terms of these diagrams and everything else, how do we determine whether an intersection is a problem? In some instances here - Old Mill Road comes to mind - where there is a 4 way stop, sight distance doesn't seem to be a problem. Is this something that we are all going to run out now and measure with right angles and chop all the trees down, etc.?

Mr. Lampert said first of all the ordinance does not have any reference to stone walls or any kind of walls or buildings. It doesn't even cover tree trunks and there is one location which he wanted to include but did not because he did not want to make a whole new ordinance. He said his assignment was to make something which would be reasonable and enforceable and satisfied some basic needs. He said if someone has a large tree on their property, should they be made to cut it down? No. We just want to keep it trimmed precisely between three and eight feet. Tree branches above eight feet are fine.

Councilwoman Smith asked what about Section b where you refer to wall? She said we do not mean a natural wall that has beauty in itself that you wouldn't want to take down. Councilman Maloney said under Section d you mentioned wall. Mr. Lampert said he thought "wall" should not have been in there. He said fence is appropriate because it could be taken down and modified. He said he agreed that was an oversight on his part in compiling this. Councilman Maloney said if we take the word "wall" or "part of the premises" out and just left in hedges, tree limbs and foliage and natural growth -- Mr. Lampert interrupted to ask where "premises" was mentioned?

Town Attorney said that it was mentioned throughout as "wall upon such part of the premises." Mr. Lampert said that it stated "upon such part of the premises." Councilman Maloney objected to the word "wall." Mr. Lampert reiterated that the word "wall" should not be there. Councilwoman Smith wanted it gone over thoroughly one more time before any action is taken on it.

Supervisor asked if there was anyone from the public wishing to speak.

Appearance: Mr. John Kozma

Mr. Kozma stated that he wanted to speak about sketch "A." He said there is no mention as to what the 15 feet is measured from. Is it at the edge of pavement or at the edge of the right of way? Mr. Lampert said the distance is measured from the middle of the road to 300 feet because the driver is sitting there and you want him to see 300 feet. Mr. Kozma asked if the 15 feet is measured from the projection of the edge of the pavement? Mr. Lampert said the 15 feet is from the edge of pavement not the property line. Supervisor wanted that clarified.

Mr. Kozma said the situation which is normal in most roads is a 10 foot wide strip for the sidewalk. There is a 60 foot right of way with a 40 foot pavement and 10 foot strip on the side.

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Then you talk about a 50 foot right of way thereby pavement being 30 feet with 10 foot easement on each side. He said he was sure they were all aware that three or four years ago the County widened that road (Germonds Road) and instead of widening the road at equal distance on both sides, they widened the road strictly on the north side, so much so that they removed an existing sidewalk at the time. He said right now the edge of pavement practically sits on his property. If you measure 15 feet from there back, as the sketch indicates, then you will find what is affected on the second page. He said he was sure they would all appreciate the difference.

He said on the second property from the corner his neighbor has shrubs and a fence that would be a violation of the zoning ordinance if this comes into effect. It would also affect his property to the point that he has some very tall and very healthy pine trees from which certain branches hang below the 8 foot limitation. Councilwoman Smith asked if it would work at those intersections where there are no sidewalks? Councilman Maloney said it depends on where you measure the 15 feet from. Mr. Kozma said he thought the measurement should be given from the centerline of the right of way. He said he realized that it would be impractical because someone enforcing it will not know, when he is standing on Germonds Road, just exactly where the centerline of the right of way is. It is not the centerline of the pavement. The two are different in this particular instance and there may be some other instances that he is not aware of.

Mr. Lampert said we should keep in mind what the problem is and how it compares with what has been enforced in the past under our ordinances. The problem is not centerline - it is related to the vehicles in the road - where is the vehicle in the road? That is what we are trying to avoid. We are trying to avoid two vehicles colliding. Therefore the edge of the pavement is clearly the object that we are going -- where the vehicle can travel. That is the key. Therefore that should be the reference. He said he feels very strongly about that. Under the existing ordinance, the way it has been interpreted by the police, the 40 foot triangle takes in much more. If you take a 40 foot triangle in each direction you will see how much less in this case is encompassed by this ordinance and that's all he feels is necessary.

Mr. Kozma said he disagreed with Mr. Lampert because if it was the 40 foot triangle he would not be affected by it at all. His neighbor would be affected no matter what. Mr. Kozma said he is a licensed engineer and he has designed roads and highways. He said he is perfectly aware of what sight distance is and he is not against it. It is a very desirable feature either in a road design or an intersection from the zoning standpoint. The language of the local law leaves something to be desired.

Supervisor Holbrook said the Town Board is not intent on adopting anything tonight. We are looking to clarify some of these points, get some input and go from there.

Appearance: Mr. Michael Buleyev
Whitewood Drive
New City, New York

Mr. Buleyev said he thinks the Board knows the problem. He is the neighbor of Mr. Kozma. He referred to a letter from Mr. Lampert which agrees with the problem at that corner of Whitewood and Germonds Road. He said as a matter of fact it is 30 inches to his hedges. The sidewalk was removed. He said he has presented plans and drawings too. Supervisor said those plans were sent on to the County but they, in their infinite wisdom, decided not to implement those. Supervisor said they put the sidewalk on the wrong side of the road. He said Mr. Buleyev's situation is unique.

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Appearance: Ms. Jan Connor
370 South Mountain Road
New City, New York

Ms. Connor said she lives at the corner of Zukor Road and her house is an historic site. She said they welcomed that designation and when that was done they felt it would protect that bit of history against some misguided things done in the name of progress. This proposed ordinance would take down all of the vegetation and possibly a bedroom wall in the house. The house was built in 1750, long before there was a Rockland County and long before there was a Town of Clarkstown and about 150 years before there were cars. The priority of the house certainly has a priority in time. She said she opposes this proposal on several grounds, one being quite selfish in that part of her house lies within the 15 feet we are talking about. She said she was sure she was not the only old house in the town that was built close to the road. She said not only would they not like to lose part of their house but also the shrubs that are there do protect them from cars driving into the bedroom. The bedroom is about 13 feet from the roadway. She said she understood that this was a measure to prevent accidents and that is exactly what she would like to do. She said she knows about accidents as she lives and sleeps on that corner so please do not take down the shrubs.

Appearance: Mr. Paul Miller
West Nyack, New York

He said he echoes some of the things that were just said about older houses. He said Mr. Lampert suggested that the effort was made to come up with an enforceable sight regulation. Is there a problem? Is something broken? He said he happens to live at one of the most dangerous corners at least in West Nyack because we have the high school above us coming down to Germonds Road. He said over the last 17 years he has been a witness to at least half a dozen accidents. He has had at least twice that number come through his fence and he can promise you that none of them came through because they couldn't see one way or another. That was not the problem and that is not the problem there now. It is an excellent point. If you were to straighten the roads, as was suggested some years ago - if you open up all that area so that you don't have to take some care when you come out to the corner, whether you're a teenager or an adult, you're going to cause more problems than exist today. He said he is not sure that is not true throughout the County. He said obviously if people have shrubs that are growing out obstructing view and an officer comes in and says you have an unsafe situation there, we trim those back. He said Mr. Lampert had stated that people cooperate with the Police Department.

Mr. Lampert said he was surprised at some of the comments made. He said houses and buildings are clearly not included. Basically, any structures are not included. He said it is sight distance for things that can be readily controlled by a property owner such as shrubs and overhanging tree limbs. The current ordinance is now basically a 40 foot triangle. And that is what is currently in force by the Police Department. Actually, if you take an intersection with a 30 foot radius, they are enforcing a 50 foot triangle. That is what is in force. In a couple of the cases here it just may be that it wasn't in force because it hasn't been done by a complaint and this is not going to change that procedure any. No one is going to go out and measure all these intersections. When a complaint comes into the Police Department they want an ordinance that is not subject to interpretation. That is what they asked him to do. The present ordinance is subject to interpretation, where you measure the distance from. He said he sought to get rid of that. Apparently, he made a mistake and in one of the drawings he did not indicate that it's the edge of pavement that is a factor. That is an error that we can correct but basically what it does is that it takes away from that 40 foot

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triangle at major streets and only requires you to measure down 15 feet rather than 40 but does extend it down 300 feet, again for the purpose of safety. He said probably the key physical cause of intersectional accidents is sight distance. He said he has made recommendations for improvements on various streets in the town, in some cases using the existing sight distance ordinance to make corners clear. Where there is no problem you generally don't have the accidents. There is an occasional accident at an intersection and all we can do is keep the sight distance back to the 40 feet under the existing ordinance. Again, how do you measure it? The ones with the restrictive sight distances (40 or 50 feet, however you want to measure it) are the ones where the accidents are occurring. There is a clear and known relationship between sight distance.

Supervisor said with regard to some of the comments that have been made here tonight why don't we take a look at this and make some amendments possibly and then maybe reconsider.

Mr. Lampert said he had no objections to that. He said he would like to meet with the people involved who have been here. He asked that the people come up to him after the meeting and give him their names and numbers and he will call them and set up a meeting to see how their property fits in with the proposed ordinance and with the existing ordinance. He said maybe we have to modify it to make accommodations.

Appearance: Ms. Zippy Fleisher
Buena Vista Road
New City, New York

Ms. Fleisher said she had a much broader objection. One is that if you pass an ordinance that gives people permission to demand and enforce, you could have bare corners everywhere. She said they have trees that overhang and they call it a canopy on Buena Vista Road. She said she doesn't know why Buena Vista Road is not listed. What is the listing system that was used?

Mr. Lampert said he used the major traffic roads, the streets with the greatest amount of traffic to be designated at Section a. Those which are undesignated go under the second section. So every street, every intersection is covered as it is in the present ordinance. There is one ordinance that covers all intersections.

Ms. Fleisher said they don't want it. They don't like it. It is too rough. She said she felt the old and the new ordinance was too rough. She said she appreciated what Mr. Lampert tried to do. He tried to make the old ordinance enforceable but they don't like it at all and they don't want it to be more enforceable. It is just a different point of view. We think it could be misused. She said she did not know what you think of James Corner when you drive along South Mountain Road. The telephone pole is an obstruction to the sight. Maybe we should get the power company to move some of those poles back. They certainly are the source of accidents. Supervisor said in many instances, if the Town requests it, they do that. Ms. Fleisher said that would be a lot better than chopping down trees.

Ms. Fleisher said the Rockland County Conservation Association asked her to make sure that she said that they were against this because they are afraid it would give people too much option to chop down some important trees. Perhaps there should be an appeal provision put in there so that if you were ordered to make a change and you didn't approve of it you could come to whoever and complain about it. Either an appeal or make it case by case.

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Supervisor said we will take a look at that suggestion.

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

Mrs. Greeny said she lives opposite Paul Miller and has had the same problem with her property with people driving through the fence repeatedly. There are no collisions. It is just kids driving too fast. One time a woman skidded on the ice, came through the fence and hit a tree fortunately, or she would have hit the house. She said she did not want to take her fence down to three feet. She would have to put in a whole new fence which would cost thousands of dollars. She said if she had to trim the hemlocks which she planted to give her a little bit of privacy from the high school (large groups of kids congregate right outside to wait for the bus) she would have no privacy. The value of her house would be gone and she might as well leave. She spoke to Martin Cornell and she said he seriously questioned the legality of it also.

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

Mr. Fleisher said on sketch c there are no dimensions at all. One thing that ought to be differentiated is the shoulder. In other words the Town or the County has the right to the road for the full right of way using the pavement and the shoulder. The shoulder belongs to the Town and they can do what they want and they should. In our area they come through and mow it and whatever needs to be done. He said as soon as they get on someone's property and they insist you do something then I don't think they have any right to do that. It is private property. If you want it to be part of the road system, then you have to take it and maintain it. You can't ask people to do that. That is what you are asking and you have no right to do that. If they want a big turn on these roads then the Town has got to take that. It would be horrible. It would change the character of the Town and ruin it. There must be thousands of those intersections all over the Town. Maybe you want to take a curve that belongs to the Town and have the Town maintain it but not that 40 foot enclave into somebody's house. They can't have fences, shrubs or anything to protect them? Mr. Fleisher said you just think of Main Street in New City. Every street coming in there has dirt berms, stone walls, etc. Are you going to have them bulldoze them? Think about it. This thing is nonsense the way it is and it needs a lot of work.

There being no one further wishing to be heard the Public Hearing was declared closed, DECISION RESERVED, time: 11:20 P.M.

Respectfully requested,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk