

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/24/88

8:05 P.M

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

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

Supervisor stated that tonight we would be honoring an Eagle Scout, Craig A. Butler. He said it is a very high honor and he knew that Craig and his parents were very proud. Supervisor presented a certificate of award to Craig on behalf of the Town Board and congratulated him on his achievement.

Supervisor then presented a certificate of award to Pat Halo, President of the New City Chamber of Commerce, for her continued efforts in trying to make New City and Clarkstown a better place in which to live.

Ms. Halo accepted the award from the Supervisor and thanked him and the Town Board for their efforts in helping to make New City a healthier, cleaner and more prosperous place for the business community. She said she wanted to share the award with Jim Cropsey, who is currently Vice-President of the Chamber of Commerce. They want everyone to take pride in living and working in New City. She mentioned the many volunteers who took part in helping the Chamber clean up New City on May 14th, which clean up took considerably less time this year because of the continued efforts of the Supervisor and Council Members in enforcing our litter laws. She also stated that the business community itself in New City has been striving to keep their areas free of litter. She thanked the Litter Control Bureau also.

Supervisor introduced Audrey Paley, Chairperson of the Litter Control Bureau and said she is one of the people who have been instrumental in making the clean up of Clarkstown a major issue.

Supervisor opened the Public Portion of the meeting.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance - Home Occupation, was opened, time: 8:10 P.M.

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance - Home Occupation was closed, RESOLUTION ADOPTED - Councilman Kunis and Councilwoman Smith voting no to amend, time: 8:14 P.M.

RESOLUTION NO. (538-1988)

AMENDING ZONING ORDINANCE
RE: SECTION 106-3 (HOME
OCCUPATION)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 26th day of April, 1988, provided for a public hearing on the 24th day of May, 1988 at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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RESOLUTION NO. (538-1988) Continued

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

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

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

Home Occupations do not include:

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

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

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

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

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

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

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

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

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

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

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

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RESOLUTION NO. (538-1988) Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The home occupation shall not involve the on site use or storage of any commercial vehicles or

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RESOLUTION NO. (538-1988) Continued

construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RESOLUTION NO. (538-1988) Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RESOLUTION NO. (538-1988) Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RESOLUTION NO. (538-1988) Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RESOLUTION NO. (538-1988) Continued

Special Permit for Home Occupation

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

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

(b) More than one employee may be permitted.

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

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

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

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

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

Special Permit for Home Occupation

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

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

(b) More than one employee may be permitted.

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

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

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

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

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

Special Permit for Home Occupation

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

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RESOLUTION NO. (538-1988) Continued

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

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

(b) More than one employee may be permitted.

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

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

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

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

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

Special Permit for Home Occupation

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

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

(b) More than one employee may be permitted.

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

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

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

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

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

Special Permit for Home Occupation

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

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RESOLUTION NO. (538-1988) Continued

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

(b) More than one employee may be permitted.

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

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

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

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

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

Special Permit for Home Occupation

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

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

(b) More than one employee may be permitted.

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

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

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

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

and be it

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

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RESOLUTION NO. (538-1988) Continued

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance - (Hot Tub or Spa), was opened, time: 8:15 P.M.

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance (Hot Tub or Spa) was closed, RESOLUTION ADOPTED, time: 8:19 P.M.

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RESOLUTION NO. (539-1988)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
SECTION 106-3(B) AND
106-20(B) HOT TUB OR SPA

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of April, 1988, provided for a public hearing on the 24th day of May, 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, and

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

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend §106-3(B). Defined words - to add the following:

"HOT TUB OR SPA - A shallow pool containing heated water and/or a means to circulate water or air within the pool, which is not used for swimming."

Amend §106-20(B) to add Item 10 as follows:

"(10) Hot tubs, spas and similar facilities. Hot tubs, spas and similar facilities are permitted in required rear yards, provided no portion of the facility is closer than (ten) 10 feet to any side or rear lot line, and is screened from view. No portion of a hot tub located on a deck which is more than four (4) feet above ground level shall be closer than fifteen (15) feet to any side or rear lot line. No portion of the hot tub shall be located farther than twelve (12) feet from a principal structure. No outdoor hot tub shall be located within any RG or MP Zone unless it is part of a common recreation area,

and be it

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

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RESOLUTION NO. (539-1988) 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

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Road Improvement (Lenox Avenue), was opened, time: 8:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Road Improvement (Lenox Avenue), was closed, DECISION RESERVED, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Chapter 31 Violation Proceeding - Weiner, was opened, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 31 Violation Proceeding - Weiner, was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (540-1988)

ADJOURNING TIME TO RESPOND
TO JUNE 14, 1988 FOR
VIOLATION ON PROPERTY - MAP
88, BLOCK A, LOT 13 (WEINER)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into a consent Performance Agreement in a form satisfactory to the Town Attorney to resolve the Chapter 31 proceeding involving premises known and designated on the Clarkstown Tax Map as MAP 88, BLOCK A, LOT 13 owned by WILLIAM WEINER and KEITH WEINER, and be it

FURTHER RESOLVED, that this matter be adjourned to June 14, 1988 at 8:35 P.M.

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 Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to Official Map (Road Through Rockland Corp. Center and Prentice Hall, West Nyack), was opened, time: 8:55 P.M.

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

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to Official Map (Road through Rockland Corp. Center and Prentice Hall, West Nyack) was adjourned until June 14, 1988 at 8:35 P.M., RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (541-1988)

ADJOURNING PUBLIC HEARING
TO JUNE 14, 1988 -
AMENDMENT TO OFFICIAL MAP -
CONNECTOR ROAD FROM ROUTE
59 TO WEST NYACK ROAD, WEST
NYACK (ROCKLAND CORPORATE
CENTER)

Co. Kunis offered the following resolution:

RESOLVED, that the Public Hearing re: Amendment to Official Map for Connector Road from Route 59 to West Nyack Road, West Nyack, New York is hereby adjourned to June 14, 1988 at 8:00 P.M.

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. (542-1988)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
VARIOUS TRAFFIC SIGNS IN
CONGERS, NEW YORK

Co. Maloney offered the following resolution:

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

The following "Dead End" signs (W3-17C per NYS DOT MUTCD):
1. Northbound Jolliffee Ave. North of Hilltop Rd., Congers
2. Northbound Friend Ct. North of Lakeward Ave., Congers

The following weight limitation, etc. signs to be installed:

"Weight Limit 4 Tons" (R5-1C)
"Except Local Delivery" (R7-3W)

These signs to be installed at the following locations:

1. Westbound Hilltop Rd., West of Rte. 303, Congers
2. Westbound Lakeward Ave., West of Rte. 303, Congers
3. Northbound Sherman Ave., North of Lake Rd., Congers
4. Northbound Burnside Ave., North of Lake Rd., Congers

and be it

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

Seconded by Co. Smith

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. (543-1988)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REPLACE "NO
PARKING" SIGNS WITH "NO
PARKING ANYTIME" SIGNS
(SIERRA VISTA LANE, VALLEY
COTTAGE)

Co. Maloney offered the following resolution:

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

Replace the existing "No Parking" signs on Sierra Vista
Lane, Valley Cottage with "No Parking Anytime" with
appropriate arrowheads (NYS DOT MUTCD - Pl-1C signs)
They should also be erected according to the NYS DOT
Manual of Uniform Control Devices.

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

With regard to Item No. 2 on the Agenda (Authorizing
Supt. of Highways to examine drainage easement - Paladino - East
Street) Superintendent of Highways stated that he did not want to
waste taxpayers' money. He stated that he had examined the
driveway. He said he had taken Councilmen Carey and Kunis there to
see the driveway and he asked the other three council members to
come and look at it. He said he has two letters from experts in the
field. He said if we go through with this resolution it is a
complete waste of taxpayers' money.

Councilman Carey said he would move the motion.
Councilman Kunis said we committed ourselves to the individual when
he was here. Councilman Maloney said that was right, we did.
Councilman Kunis said why don't we do what we told him we would do?
Councilman Kunis asked Superintendent of Highways if it was four
pounds of sealer? Councilman Kunis said get a letter from Mr.
Paladino and put this in effect tonight as it does not pay to go
back and forth again. He said he did not disagree with Mr.
D'Antoni. Mr. D'Antoni said this is not a matter of going back and
forth. Supervisor said what we need to do is have the Town Attorney
draw up a paper that Mr. Paladino will sign and that will be the end
of it. If he won't do that, then we will pass a resolution.
Councilman Smith agreed. Mr. D'Antoni said he still thought the
resolution was necessary and he thought the Town Board should
understand that. . . Supervisor said that the Highway Department has
control over the easement - and Mr. D'Antoni said that is correct.
Councilman Maloney said there is no question about that. We know
that you have control over the easement. Supervisor said he would
acknowledge that publicly. Mr. D'Antoni said it is not a matter of
acknowledging publicly . He said let's not waste taxpayers' money
in certain instances where it is not necessary.

Continued on Next Page

RESOLUTION NO. (543-1988) Continued

Supervisor said let's see if Mr. Paladino is prepared to sign an agreement with the Town Attorney and if not we will pass a resolution and that will be the end of it.

RESOLUTION NO. (544-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. 01-2001
(RECREATION - PARKS & PLAY-
GROUNDS) AND APPROPRIATION
ACCOUNT NO. A 7140-111
(RECREATION-OVERTIME)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-2001 (Recreation - Parks & Playgrounds) and Appropriation Account No. A 7140-111 (Recreation -Overtime) by \$535.00.

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. (545-1988)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 01-002130
(REFUSE) AND APPROPRIATION
ACCOUNT NO. A 8160-111
(SANITARY LANDFILL-OVERTIME)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002130 (Refuse) and Appropriation Account No. A 8160-111 (Sanitary Landfill-Overtime) by \$3,057.92.

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. (546-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002954 (TRANSFER FROM
OTHER FUNDS) AND ESTIMATED
REVENUE ACCOUNT NO.
01-002665 AND INCREASING
APPROPRIATION ACCOUNT
NUMBERS A 5630-203
(MINI-TRANS - MOTOR
VEHICLES) AND A 5630-312
(AUTO MAINTENANCE SUPPLIES)

Continued on Next Page

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RESOLUTION NO. (546-1988) Continued

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002954 (Transfer from other funds) by \$1,252.50 and Estimated Revenue Account No. 01-002665 by \$3,760.50, and be it

FURTHER RESOLVED, to increase the following Appropriation Account Numbers:

- A 5630-203 (Mini-Trans-Motor Vehicles).....\$1,356.00
- A 5630-312 (Auto Maintenance Supplies).....\$3,657.00

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. (547-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-003005 (MORTGAGE TAX)
AND APPROPRIATION ACCOUNT
NO. A 8160-421
(SLF-LANDFILL FIRE)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-003005 (Mortgage Tax) and Appropriation Account No. A 8160-421 (SLF-Landfill Fire) by \$84,000.00.

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. (548-1988)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 8160-419
(SLF-MISC. SERVICES-REMOVAL
OF TIRES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 8160-419 (SLF-Misc. Services-Removal of Tires) by \$16,000.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (548-1988) Continued

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

RESOLUTION NO. (549-1988)

AWARDING BID FOR BID
#40-1988 - ICE CREAM FOR
TOWN REFRESHMENT STANDS
(MCDERMOTT BROS.)

Co. Maloney offered the following resolution:

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

BID #40-1988
ICE CREAM FOR TOWN REFRESHMENT STANDS

is hereby awarded to

MC DERMOTT BROS.
18 BOBBY LANE
WEST NYACK, NEW YORK 10994

as per the attached schedule of items and prices.

(Schedule of items and prices on file in Purchasing Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (550-1988)

AWARDING BID FOR BID
#57-1988 - CAST IRON CURB
INLETS, CATCH BASINS,
FRAMES AND GRATES (CAMPBELL
FOUNDRY COMPANY)

Co. Maloney offered the following resolution:

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

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

is hereby awarded to

CAMPBELL FOUNDRY COMPANY
800 BERGEN STREET
HARRISON, NJ 07029

as per the attached schedule of items and prices.

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RESOLUTION NO. (550-1988) Continued

(Schedule on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (551-1988)

AWARDING BID FOR BID 56-1988 - TIRES/TUBES/RIMS/WHEEL SERVICES (ROCKLAND TIRE & SERVICE OF MONSEY, INC.)

Co. Maloney offered the following resolution:

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

BID #56-1988
TIRES/TUBES/RIMS/WHEEL SERVICES

is hereby awarded to

ROCKLAND TIRE & SERVICE OF MONSEY, INC.
106 ROUTE 59
MONSEY, N.Y. 10952

as per the attached schedule of items and prices.

(Schedule on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (552-1988)

AWARDING BID FOR BID #54-1988 - WASHED SAND & GRAVEL (E. TETZ & SONS AND RAI A INDUSTRIES, INC.)

Co. Maloney offered the following resolution:

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

BID #54-1988
WASHED SAND & GRAVEL

is hereby awarded to

Continued on Next Page

RESOLUTION NO. (552-1988) Continued

E. TETZ & SONS
R.D. #2 - BOX 65
CRYSTAL RUN ROAD
MIDDLETOWN, NEW YORK 10940

RAIA INDUSTRIES INC.
45 ESSEX STREET
HACKENSACK, N.J. 07602

as per the following price schedule

(A) F.O.B. DELIVERED - TO TOWN DROP-OFF POINT - UNLOADED

<u>ITEM</u>	<u>PRICE</u>	<u>VENDOR</u>
TAILINGS	\$12.25 TON	E. TETZ & SONS
3/4" GRAVEL	12.35 TON	RAIA IND. INC.
3/8" GRAVEL	12.70 TON	RAIA IND. INC.
BANK RUN	8.00 TON	E. TETZ & SONS
MORTAR MASON SAND	12.50 TON	E. TETZ & SONS
SAND BLASTING SAND	N/B	NO AWARD
CONCRETE SAND	8.70 TON	E. TETZ & SONS

(B) F.O.B. VENDOR YARD - LOADED IN TOWN TRUCKS

<u>ITEM</u>	<u>PRICE</u>	<u>VENDOR</u>
TAILINGS	\$ 7.50 TON	E. TETZ & SONS
3/4" GRAVEL	7.50 TON	E. TETZ & SONS
3/8" GRAVEL	8.00 TON	E. TETZ & SONS
BANK RUN	3.50 TON	E. TETZ & SONS
MORTAR MASON SAND	8.00 TON	E. TETZ & SONS
SAND BLASTING SAND	N/B	NO AWARD
CONCRETE SAND	4.00 TON	E. TETZ & SONS

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. (553-1988)

AWARDING BID FOR BID
#61-1988 - BURROUGHS HIGH
SPEED COMPUTER PRINTER
(VIRTUAL TECHNOLOGY INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town's Computer Consultant that

BID #61-1988
BURROUGHS HIGH SPEED COMPUTER PRINTER

is hereby awarded to

VIRTUAL TECHNOLOGY INC.
2950 WATERVIEW DRIVE
AUBURN HEIGHTS, MI 48057

as per their proposed cost of \$4,700.00.

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ABF478

RESOLUTION NO. (553-1988) 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. (554-1988)

AMENDING RESOLUTION NO.
487-1988 RE: VOTING MACHINES

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 487-1988, adopted by the Town Board on May 10, 1988 regarding the award of a contract to recondition voting machines, is hereby amended as follows:

"FURTHER RESOLVED, that the Sequoia Pacific Systems Corporation be awarded the contract for the reconditioning of twenty seven (27) automatic voting machines to be completed in 1988 at a cost of \$1,150.00 per machine, and also the reconditioning of ten (10) automatic voting machines with the handicap voter panels at a cost of \$1,250.00 per machine. The contract price shall not exceed \$43,550.00."

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. (555-1988)

AMENDING RESOLUTION NO.
519-1988 RE: PROPOSED
AMENDMENT TO ZONING
ORDINANCE - SECTION 106-3
(BUFFER ZONE) AND SETTING
PUBLIC HEARING RE SAME

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 519-1988 adopted by the Town Board on May 10, 1988 is hereby amended as follows:

"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:

Continued on Next Page

RESOLUTION NO. (555-1988) Continued

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:

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.

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 principal building is located at a right angle and closest to the street, shall be provided as a buffer area which shall be

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RESOLUTION NO. (555-1988) Continued

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 depth, which shall be measured at the point where any proposed principal building is located at a right angle closest to the street, shall be provided as a buffer which shall be distributed along the rear lot line and which shall not be less than fifteen feet in depth."

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 which shall be distributed along each lot line but which shall not be less than ten feet in width."

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 principal 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."

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RESOLUTION NO. (555-1988) Continued

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. 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. (556-1988)

AUTHORIZING PAYMENT TO
SECRETARY TO BOARD OF
APPEALS (MARGARETANN REIS)
- RE: TRANSCRIPT OF
STERNGASS V. ZBA

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$364.25 be paid to MARGARETANN REIS, Secretary to the Board of Appeals, for the preparation of the transcript required in the following proceeding:

Rubin and Rose Sterngass v. Zoning Board of Appeals

Seconded by Co. Kunis

On roll call the vote was as follows:

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RESOLUTION NO. (556-1988) Continued

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

RESOLUTION NO. (557-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #66-1988 -
UNIFORM MAINTENANCE FOR
CLARKSTOWN POLICE DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #66-1988
UNIFORM MAINTENANCE FOR
CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, June
21, 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. (558-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #68-1988 -
ASPHALT PAVING EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #68-1988
ASPHALT PAVING EQUIPMENT

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, June
24, 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:

Continued on Next Page

RESOLUTION NO. (558-1988) Continued

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

RESOLUTION NO. (559-1988)

AUTHORIZING DIRECTOR OF
 PURCHASING TO ADVERTISE FOR
 BIDS FOR BID #67-1988 -
 PRINTING OF 1988/89
 FALL/WINTER RECREATION
 BROCHURES

Co. Maloney offered the following resolution:

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

BID #67-1988
 PRINTING OF 1988/89 FALL/WINTER
 RECREATION BROCHURES

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 22, 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. (560-1988)

AMENDING RESOLUTION NO.
 499-1988 RE: AUTHORIZING
 DIRECTOR OF PURCHASING TO
 ADVERTISE FOR BIDS FOR BID
 #60-1988 - FLASHING SIGNAL
 (OVERHEAD) WEST NYACK ROAD
 & DEMAREST AVE., WEST NYACK

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board Resolution #499-1988 is hereby amended to read as follows:

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

BID #60-1988
 FLASHING SIGNAL (OVERHEAD)
 WEST NYACK ROAD & DEMAREST AVENUE,
 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 16, 1988 at which time bids will be opened and read, and be it

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RESOLUTION NO. (550-1988) 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. (561-1988)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING AGAINST TOWN (POWER V. ZBA, TOWN OF CLARKSTOWN, BUILDING INSPECTOR)

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

JOHN AND MARYANN POWER,

Petitioners,

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

- against -

THE BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN, TOWN OF CLARKSTOWN, GERALD D. COLUCCI, AS BUILDING INSPECTOR OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

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. (562-1988)

REFERRING PETITION FOR CHANGE OF ZONE FROM R-22 TO PO TO CLARKSTOWN AND COUNTY PLANNING BOARDS (JAMES J. MILLER) AND SETTING PUBLIC HEARING RE SAME

RESOLUTION NO. (562-1988) Continued

Co. Maloney offered the following resolution:

WHEREAS, JAMES J. MILLER, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-22 District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 135, Block D, Lot 19.2 ;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of July, 1988, at 8:05 P.M., relative to the proposed amendment, and be it

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

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to 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.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (563-1988)

REFERRING PETITION FOR
CHANGE OF ZONE FROM R-15 TO
LS TO CLARKSTOWN AND
ROCKLAND COUNTY PLANNING
BOARDS (JOSEPH MITLOF)

Co. Smith offered the following resolution:

WHEREAS, JOSEPH MITLOF, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to an LS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 126, Block A, Lot 24;

NOW, THEREFORE, be it

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RESOLUTION NO. (563-1988) Continued

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of July, 1988, at 8:15 P.M., relative to the proposed amendment, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (564-1988)

REFERRING PETITION FOR
CHANGE OF ZONE FROM R-15 to
PO TO CLARKSTOWN AND COUNTY
PLANNING BOARDS (GEORGE
CULOSO)

Co. Maloney offered the following resolution:

WHEREAS, GEORGE CULOSO, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 14, Block A, Lot 8;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of July, 1988, at 8:10 P.M., relative to the proposed amendment, and be it

RESOLUTION NO. (564-1988) Continued

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

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

Seconded by Co. 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. (565-1988)

REFERRING PETITION FOR ZONE CHANGE R-15 TO MF-2 TO CLARKSTOWN AND COUNTY PLANNING BOARDS (A.O.R. DEVELOPERS, INC.)

Co. Maloney offered the following resolution:

WHEREAS, A.O.R. DEVELOPERS, INC., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from a an R-15 District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 122, Block C, Lot 4.01, and more particulary described on the attached Schedule "A";

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of July, 1988, at 8:20 P.M., relative to the proposed amendment, and be it

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

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to 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

Continued on Next Page

ABF478

On roll call the vote was as follows:

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

RESOLUTION NO. (566-1988)

MEMORIALIZING STATE SENATOR
AND ROCKLAND COUNTY
LEGISLATORS WITH REGARD TO
POLICE ACCREDITATION PROGRAM

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board supports the proposed
Police Accreditation Program by New York State and expresses our
support for Senate Bill No. 7913 and Assembly Bill No. 10351.

Seconded by Co. Smith

Supervisor said that backup material had come into his
office and that he had also spoken with Police Chief William Collins
who recommended that we adopt this.

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. (567-1988)

SETTING PUBLIC HEARING RE
SPECIAL PERMIT TO CONDUCT
LANDFILL OPERATION (RICHARD
BREGA)

Co. Maloney offered the following resolution:

WHEREAS, RICHARD BREGA, residing at 1 Ahearn Avenue,
Valley Cottage, as Administrator of the Estate of Peter Brega, which
Estate is the owner of property referred to herein, has petitioned
the Town Board of the Town of Clarkstown for a Special Permit to
conduct a landfill operation for property located on Kings Highway,
Valley Cottage, New York, designated on the Clarkstown Tax Map as
Map 109, Block A, Lot 1, and more particularly described on
Schedule "A" which is attached, pursuant to Chapter 106-10A, Table
14, Column 3, Item B-3 of the Zoning Ordinance of the Town of
Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning
Ordinance shall be held at the Auditorium of the Town Hall of the
Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 12th
day of July, 1988, at 8:25 P.M., to consider the application of
RICHARD BREGA, relative to said Special Permit, 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 Journal News, the official newspaper of the Town
of Clarkstown as aforesaid, and file proof thereof in the office of
the said Clerk.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (567-1988) 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. (568-1988)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING - MAP 127, BLOCK
L, LOT 27 (HI-ROCK)

Co. Smith offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by HI-ROCK CONSTRUCTION, INC., in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK L, LOT 27, 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 14th day of June, 1988, at 8:20 P.M., providing service of Order and Notice Pursuant to Town Code, Chapter 31 is made on or before the 27th day of May, 1988, and be it

FURTHER RESOLVED, that pending the public hearing the Superintendent of Highways is authorized to enter upon the premises for the purpose of filling in well holes on the property which constitute a danger and threat to the health, safety and welfare of the community.

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. (569-1988)

AMENDING RESOLUTION NO.
(227-1988) RE: TESTING OF
FUEL TANKS ON TOWN PROPERTY
- DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING MAINTENANCE
ACCOUNT NO. A 1620-409 WITH
CHARGE FOR TANK TESTING TO
BE APPROPRIATED FROM
ACCOUNT NO. A 1620-409

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 227 dated March 8, 1988, the Town Board appropriated \$2,600.00 to pay for the services of Ten Hoeve Bros., Inc., 359 McLean Blvd., Paterson, New Jersey to perform fuel tank testings on Town property, and

Continued on Next Page

ABF478

RESOLUTION NO. (569-1988) Continued

WHEREAS, the Town has been notified that an additional amount of \$400.00 is necessary to perform such work;

NOW, THEREFORE, be it

RESOLVED, that Contingency Account No. A-1990-505 shall be decreased by \$400.00, and be it

FURTHER RESOLVED, that Maintenance Account No. A 1620-409 shall be increased by the amount of \$400.00, and be it

FURTHER RESOLVED, that the charge for tank testing services up to \$3,000.00 be appropriated from Account No. A 1620-409.

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. (570-1988)

APPOINTING TO POSITION OF
(PROVISIONAL) PLUMBING
INSPECTOR - BUILDING
DEPARTMENT (JOHN WALSH)

Co. Maloney offered the following resolution:

RESOLVED, that John Walsh, 209 Radcliff Drive, Upper Nyack, New York, is hereby appointed to the position of (provisional) Plumbing Inspector - Building Department - at the current 1988 annual salary of \$24,459.00, effective and retroactive to May 23, 1988.

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. (571-1988)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF (TEMPORARY) LABORER -
TOWN HIGHWAY DEPARTMENT
(JOHN QUIGLEY) (POSITION
ENCUMBERED BY KENNETH KELLY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of John Quigley, 12 Windmill Lane, New City, New York as a (temporary) Laborer - Town Highway Department (position encumbered by Kenneth Kelly) at the current 1988 annual salary of \$16,534.00, effective and retroactive to May 16, 1988.

Seconded by Co. Smith

RESOLUTION NO. (571-1988) 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. (572-1988)

RECOGNIZING APPOINTMENT BY SUPERINTENDENT OF HIGHWAYS OF (TEMPORARY) LABORER - TOWN HIGHWAY DEPARTMENT (ROBERT TIEGEN) (POSITION ENCUMBERED BY RICHARD CURRAO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Robert Tiegen, 129 Laurel Road, New City, New York as a (temporary) Laborer - Town Highway Department (position encumbered by Richard Currao) at the current 1988 annual salary of \$16,534.00, effective and retroactive to May 16, 1988.

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. (573-1988)

ACCEPTING RESIGNATION OF DUMP ATTENDANT - SANITARY LANDFILL (MICHAEL HEAPHY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Michael Heaphy, 112 Laurel Road, New City, New York, Dump Attendant - Sanitary Landfill - is hereby accepted - effective and retroactive to May 20, 1988, at the close of the business day.

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. (574-1988)

APPOINTING TO POSITION OF PRINCIPAL ENGINEERING TECHNICIAN - DEPARTMENT OF ENVIRONMENTAL CONTROL (RICHARD WESTERVELT, JR.)

Continued on Next Page

ABF478

RESOLUTION NO. (574-1988) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Principal Engineering Technician #88015 which contains the name of Richard Westervelt, Jr.,

NOW, THEREFORE, be it

RESOLVED, that Richard Westervelt, Jr., 115A South Harrison Avenue, Congers, New York, is hereby appointed to the position of Principal Engineering Technician - Department of Environmental Control - at the current 1988 annual salary of \$29,797.00, effective May 25, 1988.

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. (575-1988)

GRANTING SIX (6) MONTH
LEAVE OF ABSENCE TO POLICE
RADIO DISPATCHER - POLICE
DEPARTMENT (RANDALL
GOLDBERG)

Co. Maloney offered the following resolution:

WHEREAS, Randall Goldberg has requested a leave of absence, without pay, and

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

NOW, THEREFORE, be it

RESOLVED, that Randall Goldberg, 55A Longmeadow Drive, New City, New York, Police Radio Dispatcher - Police Department - is hereby granted a six (6) month leave of absence, without pay - effective and retroactive from May 8, 1988 to November 8, 1988.

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. (576-1988)

RECOGNIZING APPOINTMENT BY
PLANNING BOARD OF
(TEMPORARY) TYPIST -
PLANNING DEPARTMENT (HELEN
OLSEN)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (576-1988) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Helen Olsen, 21 Haverstraw Road, Congers, New York, as a (temporary) Typist - Planning Department - at the current 1988 hourly rate of \$11.00, effective and retroactive to May 4, 1988 for a period not to exceed two (2) months.

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. (577-1988)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF
GROUNDSKEEPER (FRANK
KEMMER)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Frank Kemmer, Senior Groundswoker, 27 Glenwood Road, New City, New York, to Groundskeeper, at the current 1988 annual salary of \$26,084.00, effective and retroactive to May 16, 1988.

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. (578-1988)

ESTABLISHING SALARY FOR
POSITION OF ASSISTANT
DIRECTOR OF MUNICIPAL
COUNSELING SERVICES (GRADE
24, STEP A)

Co. Maloney offered the following resolution:

RESOLVED, that the salary for the position of Assistant Director of Municipal Counseling Services is hereby established at \$24,958.00 (Grade 24 Step A.)

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

ABF478

RESOLUTION NO. (579-1988)

AUTHORIZING TOWN LAW
280-a(4) - OPEN DEVELOPMENT
AREA FOR MARY STIERLEN
SUBDIVISION, CONGERS (MAP
141, BLOCK A, LOT 6.07)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, the Town Board hereby established "an Open Development Area" for the property situate on the east side of Route 9W, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.07, which property may be subdivided as a result of the application of Mary Stierlen, presently pending before the Clarkstown Planning Board, provided, however, prior to the issuance of any Building Permit the following conditions shall be met by the owner:

1. The "Open Development Area" shall consist of the area as shown on parcel designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.07.

2. A Declaration of Restrictive Covenants which shall run with the land, in a form acceptable to the Town Attorney, shall be recorded in the Rockland County Clerk's Office prior to the issuance of any Building Permit, which declaration shall contain the following declaration and covenants:

A. That the property owner, Mary Stierlen, acknowledges that access to the nearest public road has been obtained by private easement or right-of-way over parcel designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.05, and that the property owners(s) shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services provided to residents of the Town of Clarkstown whose properties front on a public road;

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein;

C. That the Declaration shall contain provisions for reciprocal easement and maintenance agreement to

provide for regular maintenance, repair, snow plowing and other necessary services on the right-of-way or easement by the owners of parcels Map 141, Block A, Lot 6.05 and Map 141, Block A, Lot 6.07 and sharing of the cost of same on an equitable basis.

D. That the Certificate of Occupancy issued for any premises shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

3. That the applicant, Mary Stierlen, shall return to the Planning Board for final subdivision review and approval, and that any subdivision map approved by the Planning Board shall contain a map note referring to the resolution establishing the "Open Development Area" by date and number, which map note shall also state that the issuance of Building Permits and Certificates of Occupancy are subject to the Declaration of Covenants herein required.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (579-1988) Continued

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

RESOLUTION NO. (580-1988)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF TOWN CODE
- VITIELLO CONSTRUCTION
CO., INC. (NO. 88-22)

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:

VITIELLO CONSTRUCTION CO., INC.
85 Union Road
Spring Valley, New York 10977

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 88-22 issued to Vitiello Construction Co., Inc.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (581-1988)

AUTHORIZING THE TOWING OF
JUNK CARS FROM TOWN
PROPERTY LOCATED AT 21
DEMAREST AVENUE, NEW CITY,
NEW YORK (MAP 57, BLOCK J,
LOT 1)

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the
towing of junk cars from Town property located at 21 Demarest
Avenue, New City, New York, and be it

FURTHER RESOLVED, that charges for such towing shall be
taken out of the \$1,100.00 rent security given by the former tenant,
Deborah Pacella, which is being held by 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

ABF 478

RESOLUTION NO. (582-1988)

OPPOSING PURCHASE OF ROUTE
45 SHOPPING CENTER, SPRING
VALLEY BY COUNTY OF ROCKLAND

Co. Maloney offered the following resolution:

RESOLVED, that the Town of Clarkstown is opposed to the purchase of the Route 45 Shopping Center in Spring Valley by the County of Rockland, and be it

FURTHER RESOLVED, that the Town of Clarkstown is in opposition for the following reasons:

1. New City is the County Seat of Rockland County and should contain the Executive, Judicial and Legislative branches of government.

2. The purchase of the Spring Valley Shopping Center property by the County would remove a valuable rateable from the County tax rolls forever.

3. The moving of the Family Court would result in the permanent fragmentation of the Judicial branch of government in Rockland forever.

4. The space problem of Rockland County can be solved on the land presently occupied by the County offices, and be it

FURTHER RESOLVED, that the Town of Clarkstown recommends that the County expand on the present Greenberg Property and undertake plans in conjunction with the Clarkstown Town Board, Planning Board and Traffic Advisory Board to realign New Hempstead Road so as to permit through traffic to Route 304, and be it

FURTHER RESOLVED, that copies of this resolution be submitted to the Rockland County Executive, John Grant, and to all Rockland County Legislators.

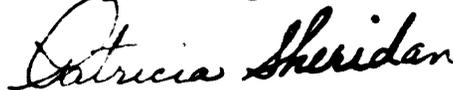
Seconded by Co. Kunis

On roll call the vote was as follows:

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

There being no further business to come before the Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

393

Town Hall

5/24/88

8:10 P.M.

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

Re: AMENDMENT TO ZONING ORDINANCE - SECTION 106.3 (HOME OCCUPATION)

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

Town Clerk noted that she had a letter from Arthur C. Fullerton of New City, dated May 22, 1988, which she proceeded to read and which letter is on file in Town Clerk's Office.

Supervisor then read the definition of "Home Occupation." Supervisor mentioned that he thought there was correspondence from the Rockland County Planning Department as he believed there was approval.

Supervisor asked if the Board Members had any questions or wished to make a comment?

Supervisor asked if there was anyone present wishing to speak regarding this proposal?

No one appeared.

There being no one wishing to speak, on motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted the public hearing was closed, RESOLUTION ADOPTED (with noes of Councilman Kunis and Councilwoman Smith), time: 8:10 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (538-1988) ADOPTED

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

395

Town Hall

5/24/88

8:14 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE - SEC. 106-3(B) AND
SEC. 106-20(B)

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

Town Attorney stated that there is correspondence from the County of Rockland and they approve.

Supervisor asked if any Board members had any questions or wished to make a comment?

Councilman Kunis asked what if a unit owner in a MF zone takes it upon himself to put a hot tub in a common recreation area without the permission of the Board of Directors? Supervisor said the Board of Directors would then have the right to direct that the hot tub be removed. Councilman Kunis said we had a similar situation at Village Green and asked how was that resolved? Supervisor said that a violation was issued and that went to the Board of Appeals. He could not recall at the moment if a decision has been rendered yet or not.

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

No one appeared.

There being no one further wishing to be heard, on motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 8:19 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO. (539-1988) ADOPTED

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

397

Town Hall

5/24/88

8:20 P.M.

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

RE: ROAD IMPROVEMENT PROJECT - PORTION OF LENOX AVENUE,
CONGERS

On motion of Councilman Maloney, seconded by Councilman Kunis 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 that the proposal for the road improvement district on Lenox Avenue has been before the Town Board a number of times. We set a public hearing for this evening to discuss the merits of going forward with the road improvement district. At a previous meeting it was also mentioned that some people wanted us to consider the extension of Lenox Avenue to Highway Avenue. We have two alternatives - one to basically dead end the street where it is, with a T turn around and the other to continue the street as a through street towards Highway Avenue.

Supervisor said that they had asked Mr. Bollman, Director of Environmental Control, to do some preliminary figures. He asked Mr. Bollman to discuss this. Mr. Bollman said we have done the cost estimate in both ways. For the street to go all the way through, the total cost of the project is estimated at approximately \$184,000.00 which means to the homeowner (and again the assumption is that if you have double frontage, it would be a 60/40 percent relationship - that is the people who fully benefit would pay 1-1/2 times more than those that have a double frontage. The unit per foot cost for the road going through is a little over \$96.00 per foot for those people who have it as a primary access and \$64.00 for those people who have double frontage or have it as a secondary access.

Mr. Bollman stated that for the T turnaround the total cost is \$147.00 because it is a shorter length of road and there are less people to share the cost. The cost for the primary benefiter is \$94.50 and the one who has it as a double frontage or has other access is \$63.00. They are both within about a dollar and a half of each other. That is because you have more properties to share the cost if the road goes all the way through.

Supervisor said what the Town Board has done in the past on road improvement districts, when we are talking 60/40, it is 60% of the total cost allocated against those who have their main access on that particular road. Forty percent of the total cost would be allocated against those who are in the unfortunate situation of having double frontage. Usually in situations like these, that has been the norm historically in road improvement districts which we have dealt with over the years.

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

Appearance: Mr. Butrico
130 Highway Avenue
Congers, New York

Mr. Butrico said that he lives right on the curve on Highway Avenue. He anticipated many more accidents if the road goes through because it will end up being a speedway. He was opposed.

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Appearance: Mrs. Trombino
86 Lenox Avenue
Congers, New York

Mrs. Trombino said the Town had promised them drainage. Are you going to put it in at no charge because we are putting an exhorbitant amount of money into this street? Supervisor asked Mr. Bollman if drainage had been taken into consideration? Mr. Bollman said yes. She said at no cost, of course, because that was the agreement fifteen years ago. Mr. Bollman said not to his knowledge. She said look it up. They brought in the drainage from the other side. Supervisor asked Mrs. Trombino to write a letter to that effect and Mr. Bollman said no, he wanted the agreement submitted because he is not aware of any agreement. Mrs. Trombino said she did not have any agreement.

Mr. Bollman said that they recommended as part of the planning process that certain drainage be installed. Mrs. Trombino said no, she put the sewerage in and paid for it. Mr. Bollman said the sewers are not part. Mrs. Trombino said that the Town said that since they had paid such an exhorbitant amount, more than any other builder, that we would get positive drainage. Mr. Bollman reiterated that he was not aware of any agreement. Supervisor asked Mrs. Trombino to please being in whatever she had.

Appearance: Mr. Edward Frisone
102 Lenox Avenue
Congers, New York

Mr. Frisone said he would like to see a cost breakdown on how this would affect his house. He said all his utilities are not street grade utilities and they are in the bed of the street. Councilwoman Smith said if the through street went through it would be \$11,556.00 for Mr. Frisone's parcel. He asked if that included upgrading all his utilities to street grade utilities? Supervisor asked Mr. Bollman what the situation was with regard to utilities when the street is constructed? Mr. Bollman said they have to be addressed but what type of utilities? Mr. Frisone said the sewer line, the water line and the gas line coming into his house are not street grade utilities now. They are not meant to bear traffic.

Mr. Frisone asked Mr. Bollman if a water line was going in on that street? Mr. Bollman said no. Mr. Frisone said then everyone on that block has a problem. Mr. Bollman said the water lines are installed in this town by Spring Valley Water Company not the Town of Clarkstown. Supervisor said do most of the people on Lenox Avenue there have wells? Mr. Frisone said they either have easements or they come in from Highway Avenue right in the middle of the street. Supervisor said then we could approach Spring Valley Water Company if we go ahead with this to install a water line on Lenox? Mr. Bollman said but they are going to charge for that. He said Spring Valley Water Company has what they call a 75 foot free rule - that is if people are not connected they will pay for 75 feet for every house that connects in a residential street. Other than that, costs are borne by the users.

Mr. Bollman said most of these people are connected so Spring Valley Water Company is not going to gain any revenue. He said he could talk to them but his experience has been that if people are connected and they gain no revenue by the installation, they charge for it but he would check it out.

Mr. Frisone said there is the same thing with his gas line and with his sewer line. Mr. Bollman said they will take care of the sewer line. He said the gas line does not need that much but they will work with the utility companies on all of this.

Mr. Frisone asked if there was any kind of a breakdown that they could look at and have time to review this for further comments before a vote is taken by the board?

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Supervisor said they would have breakdowns available for everyone.

Appearance: Mrs. Kathleen Tobin
90 Lenox Avenue
Congers, New York

Mrs. Tobin asked if this would be a 24 foot road? Mr. Bollman said that is correct. She asked if it was going to be put directly in the middle of the street? She said in other words some people on one side of the street have more property taken away from them already and the other side of the street does not have the same amount of property. People are using up to 16 feet of property that is not their's. Mr. Bollman said it is basically in the middle of the 40 foot. The people who gave the extra 5 feet -- Mrs. Tobin interrupted to ask if they were going to get their property back? Mr. Bollman said no we are supposed to have a 50 foot right of way. He said we are not asking any one for additional land. He referred to a map and showed that to Mrs. Tobin. He pointed out the 40 foot right of way and stated that the road is basically in the center. (There was discussion on the map at this point.)

Mrs. Tobin asked why, after all the problems they have had with drainage on Lenox Avenue and after calling various Town departments, because a lot of the builders did not properly install drainage, we have to pay for the drainage? She said she could see paying for the black top but not for the drainage which should have been taken care of by the builders and the Town. She asked why no one came and saw what was going on in their street? She said all their complaints must be in the books because she is not the only one who complained.

Mrs. Tobin said they were told they would pay less taxes on this street because their property was valued at less. She said all these years they have been paying the same taxes as everyone else. She said she filed a grievance but was told it was no good because they were paying less money than everyone else but she said they are not. Supervisor said they have confirmed that what Mrs. Tobin is saying is basically true.

Supervisor stated the unfortunate thing about private roads is historically, years ago, they were looked upon as a benefit. As progress moved in, it created a lot of difficult situations in the Town. Frankly, the Town Board does not like to approve things on private roads because of the problems. He said there have been many private roads in the Town and one by one they have been taken over. Supervisor said without drainage on this street, it would be a disaster. Mrs. Tobin said the main problem is the drainage and they did not create that. She stated that they had warned the Town previously when other homes were being built on their street but they never heard anything about the situation being corrected. Supervisor said houses since 1966 have the requirement that they must be part of a road improvement district.

Mrs. Tobin said they have serious holes in the road and gravel placed in these holes keeps sinking. Who is responsible - the utility companies or the Town? Supervisor said sometimes the Town helps out when they shouldn't. It is technically a private road but the Town does recognize that the problem does exist. It is a problem and Board members take no delight in it. Supervisor said they are going to look at this carefully and will make no decision tonight. We will make it within two weeks based upon the hearing tonight. Mrs. Tobin said but the residents have the final vote on it, is that correct? Supervisor said the Town Board could do it even if no one wanted it. Supervisor said a final decision will be made on this on June 14th. Mrs. Tobin asked if the people are going to vote with the Town Board or is it just going to be the Town Board?

Supervisor said if everyone got up and said don't touch my road -- Mrs. Tobin said we want it but who is going to pay for

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it? Mrs. Tobin asked if there is anything that can we done for us as far as drainage is concerned? Supervisor said the Town Board will look at all aspects of this and stated that we are not insensitive to what is being said. The final decision will be made on June 14th.

Appearance: Mr. Beaumont
Congers, New York

Mr. Beaumont asked if there was such a thing as a list of all the builders who built the houses on Lenox Avenue? If a builder puts more than so many houses on a road isn't he required to put the road in? Supervisor said not under 280a provisions of Town Law. Mr. Beaumont asked again is there was such a thing as a list of the builders? Supervisor said yes the records are in the Building Department. Councilman Maloney said yes sure that is available.

Supervisor said under 280a, with the approval of the Town Board or the Zoning Board, they can build on an undedicated street. Mr. Bollman said that is correct and that is the purpose of the 280a law. Supervisor said it is not an unusual provision but perhaps you have to picture maybe more rural towns. At one time we used to be more rural. Now we are suburban/urban. If you go upstate most of the roads are private and so you have Town Law 280a3 and 280a4 applying here. In this particular case, this portion of Lenox, for whatever reason historically, was never taken over by the Town and Town Board granted 280a'a or the Zoning Board granted them.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 8:40 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

401

Town Hall

5/24/88

8:40 P.M.

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

RE: CHAPTER 31 - VIOLATION HEARING - MAP 88, BLOCK A,
LOT 13 - WEINER

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted the Public Hearing was declared open. Town Attorney testified as to the proper notification on this matter.

Supervisor called upon Mark Papenmeyer, Fire Inspector of the Town of Clarkstown. Mr. Papenmeyer passed around pictures taken at the location and stated that on February 16, 1988 on a complaint filed with the Police Department, he went to the property located at 201 Western Highway, West Nyack. At that time he found that the main house on the premises was not secured and had been abandoned. He said they immediately issued Order No. 88-4 to Delcar Construction Corporation, the last owners of record. On February 19, 1988 they received a letter from Delcar saying they were no longer the owners and we reissued the order as a corrected order to the new owners. That order was to secure the main building and to remove all other buildings on the premises. On March 18th a reinspection was made. Mr. Papenmeyer stated that there was no change on the premises except that the main house was now secured. He said pictures were taken (which had been passed out to the Town Board.) He said a request had been made that the Town Board institute proceedings under Chapter 31. Mr. Papenmeyer stated that sometime during the week of May 9th Mr. Hurwitz, the attorney for the owners, came to his office and an appointment was set up to meet at the site. On May 19th they met at the site and the following conditions were discussed:

1. The main house was to remain secured and be checked periodically by the owners.
2. The smokehouse which is located on the premises was to be secured at all openings including the roof.
3. The large barn may remain if all the openings were adequately secured and checked periodically by the owners.
4. The swimming pool had been secured at this time with a fence and a lock to prevent injuries but it does still contain water. It is to be checked periodically by the owners.
5. The two remaining structures on the property, one of which had been taken down since the last inspection, are to be demolished and all debris removed.

As of tonight a reinspection shows that there have been some feeble attempts to meet the requirements set forth on May 19th but it still does not meet our requirements. He said he would ask at this time that the Town Board take whatever steps are necessary to have the debris removed. Both buildings have been demolished but the debris remains on the premises. The other buildings left on the premises should be secured adequately and maintained secured by the owners.

Supervisor asked if any Town Board Members had any questions of Mr. Papenmeyer.

No one did.

Supervisor asked if the owner or representative was present.

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Appearance: Martin Hurwitz, Esq.
450 South Main Street
New City, New York 10956

Mr. Hurwitz stated that he was the attorney for the owner. He presented a letter to the Supervisor with copies for each Council Member (letter on file in Town Clerk's Office). Mr. Hurwitz said these people bought this property and it is going to be improved with a commercial structure. It takes time to go through the Town requirements in order to do that kind of work. It is already in process and there is a site plan being drawn right now. When they took title last December, he said he did what every prudent attorney does and had a check made in the Building Inspector's office for violations. He received a notice from the Building Inspector that there were violations. He said he arranged to have \$5,000.00 escrow by the seller to cure those violations and the seller, being in the carting business, was able to remove debris. A lot of debris was removed. He said they did not know there was an additional violation placed on the site in February and did not find out about it until March. A notice was posted March 31st. On behalf of the owners he contacted the Fire Inspector. He met with him on the premises last week and was told the requirements.

Supervisor asked Mr. Hurwitz if he had any problems with the requirements set forth by Mr. Papenmeyer. Mr. Hurwitz said he had agreed to them. (At this time Mr. Hurwitz presented pictures.) He said since that time the barn has been secured. A temporary roof has been placed on the old stone smokehouse, which is going to come down. It does have some historic value and we feel that someone may want to pick it up and move it.

Supervisor said he had a conversation a couple of months ago with Mr. Weiner concerning the historic house on the site and the indication at the time was the desire to see the historic house remain if at all possible. The owners were amenable to that at that time. Mr. Hurwitz said they still are provided they do not get penalized for it. They want to cooperate.

Supervisor asked when they would be able to comply? Mr. Hurwitz said he feels they have complied except that because they knocked down the old barn last week there is a certain amount of debris there. Some of it is old barn siding which they want to save. They have thrown a tarp over it temporarily and they will probably put it in the barn which remains standing. Because of the rain last week they could not finish the removal but 90% of it is done. They will take what they want to save and put it in the old barn. They will clean up whatever other debris there is and he thought that would do the job.

Supervisor said if we were to say adjourn this for thirty days would everything be accomplished? Mr. Hurwitz said he thought that would be sufficient. He would be perfectly willing to comply.

Mr. Papenmeyer said he was not satisfied with the efforts so far. He said the barn is still not adequately secured. Supervisor said how soon can the barn be secured? Supervisor said we are trying to resolve this situation at this time. Mr. Hurwitz said his understanding of securing was that he had to board up the windows and open areas.

Appearance: Mr. William Weiner
Owner of the property

Mr. Weiner said the first report that brought the Fire Department there was that we had reported six times to the Police Department that people were breaking into this house and barn and taking away appliances, beams, etc. The easiest way to eliminate

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this is to remove everything from the property. He said unfortunately, for them I am going to fight this because this building dates back to pre-revolutionary times and he wants to save every beam and board he possibly can. Supervisor said is this the barn you are talking about? Mr. Weiner said yes - they do not mind tearing down the one that is falling down but every beam on that is hand done and put together with pegs, etc. You do not throw things like that out as if it were garbage. They want to save it to restore the original building. He said they were willing to comply within reason.

Supervisor asked if the building to be restored is the main structure or is it the barn? Mr. Papenmeyer said the order is quite clear. There is no indication that the main house is to be demolished. We asked that the main house be secured. The main house is now secured. The barn has not been secured adequately. He said the man testifies here that he believes the wood is valuable. If it is valuable it should be protected so it doesn't further deteriorate. Right now the wood lies in a pile of debris. It is very susceptible to fire and to further decay. If it is valuable it should be protected.

Councilwoman Smith asked if the smokehouse was okay and was told it was.

Supervisor asked what has to be done to secure the barn as it must be secured adequately. The debris from the other two out buildings which have been demolished must be removed. Mr. Weiner said his understanding is if they secure the barn a little better and take whatever we want to save and put it in the barn and remove all the remaining debris that would satisfy the requirements.

Mr. Weiner said the definition of "debris" and "adequately" he did not understand. It is Mr. Papenmeyer's definition of "adequate" and his own. He said when he bought the house he closed it very nicely, the windows were shut, some doors were nailed and that was no good because people came and broke in. Now, how does that apply to the barn? What don't you like about it?

Supervisor said we appreciate the fact that you are making an effort to save an historic house. That does not go unnoticed by the Town Board. What we would like to do is have you and Mr. Papenmeyer come to an agreement and get a date certain when the necessary security has to be done on the barn.

Mr. Hurwitz said he is suggesting to Mr. Weiner that he look around for more openings, lock them all up, get rid of that debris and save what he wants to save but inside. We will then call Mr. Papenmeyer to take another look. Mr. Weiner said there isn't room to store the big 18" x 18" hand wrought beams. They have been outside for the last fifty years. Another year isn't going to hurt.

Supervisor said we will adjourn this for two weeks. Mr. Hurwitz said he did not want to come back again so he would like a little more time. Supervisor said you may not have to come back again. Mr. Papenmeyer will determine what has to be done. Mr. Hurwitz said he will call Mr. Papenmeyer or the Supervisor.

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 declared closed, RESOLUTION ADJOURNING UNTIL JUNE 14TH ADOPTED, time: 8:55 P.M.

PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (540-1988) ADOPTED)

Patricia Sheridan

ABF478

TOWN OF CLARKSTOWN
PUBLIC HEARING

405

Town Hall

5/24/88

8:55 P.M.

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

RE: AMENDMENT TO OFFICIAL MAP - ROAD THROUGH ROCKLAND
CORPORATE CENTER & PRENTICE HALL AND ST. REGIS

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

Town Attorney stated that the County Planning Board has indicated that they approve as well as the Town Planning Board.

Town Clerk read a letter from Jerome Johnson into the record. This letter is on file in the Town Clerk's Office.

Supervisor said the subject of this public hearing is to place on the official map a proposed road bordering the Prentice Hall property on the Rockland Corporate Park property. The reason for this is so that in any future development of that site, when and if it ever occurs, the developers would know that this road would have to be constructed. It is the purpose of the Town to take the traffic on this road out to Crossfield and out to Route 59 when and if this property is developed in the future. He said he believed there have been a number of questions on this directed to the Planning Board and to his office. This road will obviously not be developed tomorrow but if Prentice Hall were to develop the rest of its property they know officially on the record that this road must be put in and they would have to use it as an access. That is the reason for the Town doing this - to plan for the future and to take a lot of the traffic away from the patterns of the last twenty-five years which have caused many problems.

Town Attorney stated that this road also runs through property of St. Regis. He referred to a portion on a map which is a part of this file. (Map on file in Town Clerk's office.) Supervisor said a constituent did come in and speak to him and they did ascertain that it was to run from St. Regis through and not run right behind the homes of people who are living on Indian Drive and Brookhill Drive.

Supervisor asked if there was anyone wishing to make a comment on this proposed road.

Appearance: Ms. Ceceila Volpati
597 West Nyack Road
West Nyack, New York 10994

Mrs. Volpati said her property directly adjoins the Corporate Park. She said what they are objecting to is the high speed traffic that has been coming through especially on Crossfields Road at the traffic light. Supervisor asked if she was talking about the light on Route 59 at that point. She replied in the affirmative. She said it is one of the few spots on Route 59 that is an open stretch and it has become a speed zone. Cars make U turns all the time. Somewhere down on Route 59 there should be a warning sign that people are approaching a traffic light. There will be a major accident there one of these days.

Appearance: Michael H. Fury, Esq.
Nanuet, New York

Mr. Fury stated that he lives in Nanuet and practises from Pearl River. He is representing the former owner of this

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property, Prentice Hall - present owner, Gulf Western. Mr. Fury requested the Public Hearing be adjourned based on the fact that three vital parties are affected - the Town, Gulf Western and Champion/St. Regis. As has been demonstrated from the development of the property up to this point both of the corporate owners - Prentice Hall and St. Regis have cooperated fully with the Township in the past in adopting a plan which will be ultimately for the benefit of everyone. Sometimes we hasten to make a plan which is short visioned and is detrimental. (Here Mr. Fury used a map to explain his position.) He said five years ago it was proposed that a road be mapped on the official map of the Town of Clarkstown - a north/south road - from Route 59A down to Route 59. At that time, representing Prentice Hall, he requested the Board to defer action on that proposed mapped road until we had some definite plans for development of the property. The Town Board at that time did defer mapping the road on the Official Map and at a later date Prentice Hall negotiated with Grossman and we saw developed the Corporate Park you now have. He noted that with the development of Corporate Park a road had been put in that does join Route 59A to Route 59. He said it is foolish to map an official road through property which is undeveloped until a plan for the property has been developed which must be approved by the Town. That is what was done last time and that is what he would like to see done this time.

Mr. Fury said he was retained by Gulf Western last Wednesday. He stated that from Wednesday until last night he had been trying to meet with the Town Planners. He said he could not meet with Mr. Geneslaw as he (Mr. Geneslaw) was very busy. He met this afternoon with Wes Bruckno to advance some concerns. He said he was asking the Board tonight to adjourn this hearing so that representatives of Gulf Western and Champion/St. Regis can meet with the Town Planners to consider this matter further and then come before you on June 14th with a concerted plan of action rather than to fragment it at this time.

Supervisor said there are people here who would like to speak on the record. We should give them that opportunity if they want to. Mr. Fury said that was fine but that he would like to state that in his opinion the legal notice of this public hearing is defective and that the hearing has to be adjourned. He referred to the notice and in particular to the purpose of the hearing which is to place on the Town map "a road for connection from Route 59 to West Nyack Road, West Nyack, New York through lands of Rockland Corporate Center (Map 71, Block B, Lots 13.1 and 13.3) and Prentice Hall (Map 51, Block A, Lots 21 and 23) as shown on the attached Schedule 'A'." The notice is defective in that Prentice Hall does not own one of those lots. St. Regis is in fact the owner of Lot 21. Prentice Hall does not own that lot and this notice says it does. Furthermore this notice does not address itself, does not include St. Regis, and he submitted that the notice is therefore defective. This public hearing is improperly called and there should be a new legal notice for a future public hearing. He said he would like a decision made on that at this time.

Town Attorney said it is true that St. Regis does not appear. However, all the correct lots are shown in the notice and the drawing which was attached and published in the newspaper showing the proper notice. He said he believed that St. Regis was actually sent notice. He said he thought the legal notice was sufficient but if the Board was disposed to adjourn this, he would have the notice republished just for safety sake.

Mr. Fury said he urged that course of action because we are not looking now to be dilatory. We want to cooperate with the Town and with the Town Planners. He said, however, because the legal notice is defective he would ask for an adjournment until the next meeting of the Town Board. He said during that period he would like to convene meetings between Mr. Geneslaw, if available, and the representatives of his client, and also Champion/St. Regis.

Supervisor said that notwithstanding he would like to hear from members of the public who are here. Supervisor asked Town Attorney if he thought the notice was defective, ipso facto. Town Attorney said no because the drawing which is attached shows St. Regis. The correct tax lot was shown in that drawing which was also published. Town Attorney reiterated that he thought it was sufficient but that if the Board is going to adjourn this, he would have it republished.

Mr. Fury said this notice is defective. It alleges the ownership of a lot to a party who doesn't own the lot and it does not even refer it to the actual owner of that lot. Now we could wind up in court over the issue. I am suggesting we avoid that by simply putting this over until June 14th. He said he was not trying to attack the Town or the Planners.

Councilman Carey said could we just continue this hearing on June 14th and not close this evening. Town Attorney said either way we will republish. Councilman Carey said we will republish in the interim. Supervisor said we could hold the hearing on the 14th. Town Attorney said the drawing shows their property. He said to Mr. Fury that reasonable men can disagree and we do. He stated that if we adjourn this he will republish.

Supervisor said we will adjourn the public hearing to June 14th and republish.

An unidentified person from the audience asked if this matter could be heard first that night as long as the people present this evening had to return. That was agreed to. They would be set for 8:00 P.M. Mr. Fury asked that Mr. Geneslaw make himself available.

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was adjourned until June 14, 1988 at 8:00 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (541-1988) ADOPTED

ABF478