

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall 6/28/88 8:00 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor presented the following proclamation:

"RECREATION AND PARKS MONTH  
JULY - 1988

- WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and
- WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and
- WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and
- WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and
- WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarktown residents;

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 28th day of June, 1988, do hereby proclaim the month of JULY, nineteen hundred and eighty-eight "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for JULY.

IN WITNESS WHEREOF I HEREUNTO SET MY  
HAND AND CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED THIS 28TH  
DAY OF JUNE, 1988

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

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

( S E A L )

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

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

s/s Ann Marie Smith  
ANN MARIE SMITH, Councilwoman

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Supervisor Holbrook declared the Public Portion of the meeting open and asked if there was anyone present wishing to speak on any subject except that which may be part of a scheduled public hearing.

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Appearance: Mr. Martin Bernstein

Mr. Bernstein raised the question of the Code of Ethics. Supervisor referred to a new State law recently promulgated and stated that he has had subsequent discussions with Mr. Posner, our Deputy Town Attorney. He said that on July 5th Mr. Posner would be addressing the Town Board on that subject.

Mr. Posner gave a brief explanation of how the new law would work and what we would incorporate from our old law.

Mr. Bernstein also discussed the MF-4 regulations and the floor area ratio. Supervisor said that Mr. Geneslaw, our Planning Consultant, is working on that right now. When that information is available the Town Board can make its determination.

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RESOLUTION NO. (662-1988)

ESTABLISHING THE TOWN OF  
CLARKSTOWN REFUSE AND  
GARBAGE DISTRICT

Co. Carey offered the following resolution:

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

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

WHEREAS, the Town Board held a prior public hearing on this matter on the 20th day of October, 1987 at 8:05 P.M., and

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

WHEREAS, by resolution dated April 26, 1988, a public hearing was scheduled on May 10, 1988, and

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

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

NOW, THEREFORE, be it

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

1. The notice of hearing on May 10, 1988 was published as required by law and is otherwise sufficient.

Continued on Next Page

RESOLUTION NO. (662-1988) Continued

2. That all of the property and property owners within the proposed Refuse and Garbage District are benefitted thereby.

3. That all of the property and property owners benefitted are included within the proposed Refuse and Garbage District as hereinafter described.

4. It is in the public interest to establish the proposed Refuse and Garbage District,

and be it

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

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

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

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

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

FURTHER RESOLVED that the \$375,000 proposed to be spent to purchase trucks be deleted from the maximum amount to be spent for the district because such trucks shall not be purchased, and be it

FURTHER RESOLVED, that the costs of such district shall be apportioned upon a benefit basis and the maximum amount to be expended shall be not more than \$1,825,000.00, and be it

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

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

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

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RESOLUTION NO. (662-1988) 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

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RESOLUTION NO. (663-1988)

AUTHORIZING PAYMENT TO  
SECRETARY TO THE BOARD OF  
APPEALS (MARGARETANN RIES)  
FOR PREPARATION OF  
TRANSCRIPTS RE: JOHN AND  
MARY POWER V. THE BOARD OF  
APPEALS AND SHELL OIL  
COMPANY V. BOARD OF APPEALS

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$372.75 be paid to  
MARGARETANN RIES, Secretary to the Board of Appeals, for the  
preparation of the transcript required in connection with the  
proceeding entitled JOHN AND MARY POWER v. THE BOARD OF APPEALS, and  
the sum of \$184.50 for the preparation of the transcript in  
connection with the proceeding entitled SHELL OIL COMPANY v. BOARD  
OF APPEALS for a total of \$557.25.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (664-1988)

ACCEPTING ROADS AND  
IMPROVEMENTS IN TOWN OF  
CLARKSTOWN - COUNTRY RIDGE  
(COUNTRY RIDGE ROAD AND  
SPRING ROAD)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director  
of the Department of Environmental Control and the Superintendent of  
Highways of the Town of Clarkstown, deeds from Suburban Contracting  
Associates dated February 28, 1986 and March 30, 1988, conveying  
roads and other improvements to the Town of Clarkstown in a  
subdivision as shown on Final Plat of Subdivision of Property for  
COUNTRY RIDGE filed in the Rockland County Clerk's Office on April  
7, 1986, in Book No. 105 at Page 27 as Map No. 5870, as follows:

<u>COUNTRY RIDGE ROAD</u>	<u>500 L.F.</u>
<u>SPRING ROAD</u>	<u>445 L.F.</u>

are hereby accepted by the Town of Clarkstown and ordered recorded  
in the Rockland County Clerk's Office upon receipt of a continuation  
report of clear title to date of recording, and be it

Continued on Next Page

RESOLUTION NO. (664-1988) Continued

FURTHER RESOLVED, that the agreement guaranteeing the roads and improvements for a period of one (1) year with security posted by the developer in the amount of \$3,600.00 is hereby accepted.

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. (665-1988)

RE: CAPITAL PROJECT FOR  
SIDEWALKS ON COLLYER AVENUE  
- PINEBROOK LANDSCAPING &  
PAVING CORP. - INCREASING  
ESTIMATED REVENUE ACCOUNT  
NO. 01-002999 (EXPENDED  
BALANCE AND APPROPRIATION  
ACCOUNT NO. A 9550-910  
(TRANSFER TO CAPITAL FUND  
#2 FUND) AND TRANSFERRING  
FUNDS TO CAPITAL NO. 2  
ACCOUNT NO. H  
7140-25P88-03-409 (COLLYER  
AVENUE IMPROVEMENTS

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has contracted with Pinebrook Landscaping & Paving Corp. for a Capital project to install sidewalks on Collyer Avenue, New City,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-002999 (Expended Balance) and Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) by \$100,000, and be it

FURTHER RESOLVED, to transfer said funds to Capital No. 2 Account No. H 7140-25P88-030409 (Collyer Avenue Improvements.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (666-1988)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
01-002376-1 (TOWN OF RAMAPO  
REFUSE) AND APPROPRIATION  
ACCOUNT NO. A 8160-311 (SLF  
-GASOLINE)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (666-1988) Continued

RESOLVED, to increase Estimated Revenue Account No. 01-002376-1 (Town of Ramapo Refuse) and Appropriation Account No. A 8160-311 (SLF-Gasoline) by \$2,697.55.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (667-1988)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-002376-1 (TOWN OF RAMAPO-REFUSE) AND APPROPRIATION ACCOUNT NO. A 8160-447 (SLF-EQUIPMENT REPAIRS)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002376-1 (Town of Ramapo-Refuse) and Appropriation Account No. A 8160-447 (SLF-Equipment Repairs) by \$1,215.90.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (668-1988)

CLOSING SIDEWALK ACCOUNT IN TRUST & AGENCY AND TRANSFERRING BALANCE TO CAPITAL #2 ACCOUNT NO. H 7140-25P88-03-409 (COLLYER AVENUE)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is installing sidewalks on Collyer Avenue, New City, and

WHEREAS, there is a Sidewalk Account in the Trust & Agency Account (T39),

NOW, THEREFORE, be it

RESOLVED, to close the Sidewalk Account in Trust & Agency and transfer the balance of the account to Capital #2 Account No. H 7140-25P88-03-409 (Collyer Avenue.)

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (668-1988) Continued

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

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RESOLUTION NO. (669-1988)

DECREASING APPROPRIATION  
ACCOUNT A 4210-114  
(PART-TIME SALARIES) AND  
INCREASING APPROPRIATION  
ACCOUNT A 4210-328 (BOOKS &  
PUBLICATIONS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 4210-114  
(Part-time Salaries) and increase Appropriation Account A 4210-328  
(Books & Publications) by \$200.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (670-1988)

GRANTING PERMISSION TO  
CLARKSTOWN PARKS BOARD AND  
RECREATION COMMISSION FOR  
FIREWORKS DISPLAY ON JULY  
1, 1988

Co. Maloney offered the following resolution:

RESOLVED, that permission is hereby granted for a  
fireworks display to be held by the Clarkstown Parks Board and  
Recreation Commission at the Nanuet High School at approximately  
8:30 P.M., on Friday, July 1, 1988, pursuant to Section 405 of the  
Penal Law.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (671-1988)

ACCEPTING PROPOSAL OF  
ORANGE & ROCKLAND  
UTILITIES, INC. FOR STREET  
LIGHTING ON SNAKE HILL ROAD  
AND CRUSHER ROAD, WEST  
NYACK/VALLEY COTTAGE

Co. Kunis offered the following resolution:

Continued on Next Page

RESOLUTION NO. (671-1988)

WHEREAS, the Litter Control Bureau of the Town of Clarkstown has requested the installation of street lighting on Snake Hill Road and Crusher Road, West Nyack/Valley Cottage as a deterrent to the illegal roadside dumping of debris,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Orange and Rockland Utilities proposal dated June 15, 1988 as submitted by Patricia A. Betz, Utility Services Coordinator, Consolidated Lighting District for thirty-five (35) sodium vapor street lights as enumerated in the attached.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (672-1988)

ASSESSING COSTS FOR CHAPTER  
79 PROCEEDING - MAP 17,  
BLOCK A, LOT 3 (RENART)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated January 26, 1988, for premises designated on the Clarkstown Tax Map as MAP 17, BLOCK A, LOT 3 has been corrected;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on February 8, 1988, upon the payment of the sum of \$264.40 to reimburse the Town for the cost of the proceeding, including Index Number, filing of Lis Pendens, mailings, records search, photographs, attorney's time and all other expenses.

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

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RESOLUTION NO. (673-1988)

AUTHORIZING REDUCTION IN  
PERFORMANCE GUARANTY -  
LARKSPUR DEVELOPMENT CORP.  
(LARKSPUR ESTATES)

Co. Maloney offered the following resolution:

WHEREAS, LARKSPUR DEVELOPMENT CORP. assigned to the Town of Clarkstown a passbook containing the sum of \$41,000 in lieu of a performance bond to secure the public improvements as shown on the Final Plat of LARKSPUR ESTATES, and

RESOLUTION NO. (673-1988) Continued

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the said performance guaranty be reduced to \$10,000 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the security referred to herein may be reduced to the sum of \$10,000 providing the developer shall enter into a performance agreement in a form satisfactory to the Town Attorney to secure completion of all items remaining.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (674-1988)

AUTHORIZING ATTENDANCE AT  
COURSES FOR PLUMBING  
INSPECTOR JOHN WALSH

Co. Maloney offered the following resolution:

RESOLVED, that John Walsh, Plumbing Inspector is authorized to attend courses 41, 42, 43 and 44 in the evening hours at 248A North Main Street, New City, New York from June 27 through August 12, 1988, and be it

FURTHER RESOLVED, that there is no cost to the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (675-1988)

AWARDING BID FOR BID  
#60-1988 - FLASHING  
OVERHEAD SIGNAL AT WEST  
NYACK ROAD AND DEMEREST  
AVENUE, WEST NYACK (WARDE  
ELECTRIC CONTRACTING, INC.)

Co. Maloney offered the following resolution:

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

BID #60-1988  
FLASHING OVERHEAD SIGNAL  
WEST NYACK ROAD AND DEMAREST AVENUE, WEST NYACK

Continued on Next Page

RESOLUTION NO. (676-1988) Continued

is hereby awarded to

WARDE ELECTRIC CONTRACTING, INC.  
100 Wells Avenue  
Congers, New York 10920

as per their low bid proposal of \$13,120.00, and be it

FURTHER RESOLVED, that bid award is subject to the receipt of the following by the Director of Purchasing

1. Performance Bond for 100% of project cost and
2. Certificate of Liability Insurance and Worker's Compensation coverage as stipulated on bid specifications.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (676-1988)

AWARDING BID FOR BID  
#66-1988 - UNIFORM MAIN-  
TENANCE SERVICE FOR THE  
CLARKSTOWN POLICE  
DEPARTMENT (PERSONAL TOUCH  
CLEANERS, INC.)

Co. Maloney offered the following resolution:

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

BID #66-1988  
UNIFORM MAINTENANCE SERVICE FOR  
CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to

PERSONAL TOUCH CLEANERS, INC.  
301A North Main Street  
Spring Valley, New York 10977

as per their low bid proposal (copy attached.)

(Copy of proposal on file in Town Clerk's Office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (677-1988)

AWARDING BID FOR BID  
#67-1988 - PRINTING OF  
1988/89 RECREATION AND  
PARKS FALL/WINTER BROCHURE  
(TOBAY PRINTING CO., INC.)

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 #67-1988  
PRINTING OF THE 1988/89 RECREATION AND PARKS  
FALL/WINTER BROCHURE

is hereby awarded to

TOBAY PRINTING CO. INC.  
1361 Marconi Blvd.  
Copiague, N.Y. 11726

as per their low bid proposal of \$6175.00 for 12 page, 2 color brochure, 30,000 copies, plus \$2431.00 for additional four pages, if necessary.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (678-1988)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING MONDAY - FRIDAY  
8:00 A.M. TO 4:00 P.M."  
SIGNS BOTH SIDES OF HAMDEN  
HEIGHTS COURT FROM  
STRAWTOWN ROAD, NEW CITY

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:

Signs to read, "No Parking Monday - Friday 8:00 A.M. to 4:00 P.M. These signs to be erected on both sides of Hamden Heights Court from Strawtown Road, New City,

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.

(Councilman Kunis raised a question as to the implementation of this resolution with regard to the traffic on Strawtown Road. Supervisor said we will check this out before implementation. Superintendent of Highways said he had no problem with that.)

Seconded by Co. Smith

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RESOLUTION NO. (678-1988) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (679-1988)

DECLARING IBM SYSTEM 36  
SURPLUS AND AUTHORIZING  
DIRECTOR OF PURCHASING TO  
SELL SAME THROUGH  
COMPETITIVE BID PROCESS

Co. Maloney offered the following resolution:

WHEREAS, the Town's computer consultant has recommended  
that the IBM System 36 be declared surplus,

NOW, THEREFORE, be it

RESOLVED, that such equipment be declared surplus and  
that the Director of Purchasing is authorized to sell such equipment  
through a competitive bid process.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (680-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #80-1988 -  
REINFORCED CONCRETE CULVERT  
PIPE CONCRETE CATCH BASIN  
BLOCK & BRICK

Co. Carey offered the following resolution:

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

BID #80-1988  
REINFORCED CONCRETE CULVERT PIPE  
CONCRETE CATCH BASIN BLOCK & BRICK

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,  
August 10, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (680-1988) Continued

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

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RESOLUTION NO. (681-1988)

AUTHORIZING DIRECTOR OF  
PURCHASTING TO ADVERTISE  
FOR BIDS FOR BID #79-1988 -  
UNIFORMS FOR CLARKSTOWN  
POLICE DEPARTMENT

Co. Carey offered the following resolution:

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

BID #79-1988  
UNIFORMS 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,  
September 6, 1988 at which time bids will be opened and read, and be  
it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (682-1988)

AUTHORIZING DIRECTOR OF  
PURCHASTING TO ADVERTISE FOR  
BIDS FOR BID #78-1988 - TWO  
(2) FLASHING BEACON SIGN  
ASSEMBLIES AT BREWERY ROAD,  
NEW CITY, NY

Co. Carey offered the following resolution:

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

BID #78-1988  
TWO (2) FLASHING BEACON SIGN ASSEMBLIES  
BREWERY ROAD, NEW CITY, NY

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, August  
8, 1988 at which time bids will be opened and read, and be it

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

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RESOLUTION NO. (682-1988) 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

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RESOLUTION NO. (683-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #81-1988 -  
STREET SIGNING MATERIALS

Co. Carey offered the following resolution:

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

BID #81-1988  
STREET SIGNING MATERIALS

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,  
August 11, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

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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. (684-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #82-1988 -  
SALE OF SURPLUS I.B.M.  
SYSTEM 36

Co. Carey offered the following resolution:

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

BID #82-1988  
SALE OF SURPLUS I.B.M. SYSTEM 36

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, August  
26, 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.

Continued on Next Page

RESOLUTION NO. (684-1988) 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

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RESOLUTION NO. (685-1988)

AUTHORIZING SUPERVISOR TO  
EXECUTE AMENDED AGREEMENT  
WITH COUNTY OF ROCKLAND  
REGARDING SUBSTANCE ABUSE  
SERVICES PROGRAM

Co. Kunis offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an Amended Agreement with the County of Rockland for the Substance Abuse Services Program for an additional one year period to expire March 31, 1989, for a total consideration of \$104,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (686-1988)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
AMBULANCE CORPS FOR BASIC  
AMBULANCE SERVICE AND  
ADVANCED LIFE SUPPORT  
SERVICE FOR YEAR 1988

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently receiving emergency ambulance and advanced life support service by contract from the four Ambulance Corps which serve the incorporated and unincorporated portions of the Town of Clarkstown, and

WHEREAS, the Town Board wishes to continue to contract for such ambulance service;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney with the following Ambulance Corps in order to provide for emergency ambulance service and advanced life support service to the Town of Clarkstown for the calendar year 1988, upon payment of sums set forth below in quarterly installments at the beginning of each quarter during the calendar year 1988:

Continued on Next Page

RESOLUTION NO. (686-1988) Continued

	<u>BASIC AMBULANCE SERVICE</u>	<u>ALS</u>	<u>TOTAL</u>
Congers-Valley Cottage Volunteer Ambulance Corps, Inc.	\$ 62,850.00	\$180,617.00	\$243,467.00
New City Volunteer Ambulance Corps/Rescue Squad, Inc.	\$ 24,335.00	\$180,617.00	\$204,952.00
Nanuet Community Ambulance Corps, Inc.	\$125,043.00	\$180,617.00	\$305,660.00
Nyack Community Ambulance Corps	<u>\$ 33,776.00</u>	<u>\$ 73,149.00</u>	<u>\$106,925.00</u>
Totals	<u>\$246,004.00</u>	<u>\$615,000.00</u>	<u>\$861,004.00</u>

Seconded by Co. Kunis

(Councilman Kunis asked a question regarding payment procedures. Supervisor asked Comptroller Paul Scholfield to comment on that. Mr. Scholfield stated that he had obtained the provider number from Blue Cross which is the first step. He stated that he has been in contact with Nyack Hospital re setting up procedures for this. He stated that it would take awhile because we are dealing with various agencies regarding the implementation. Supervisor said we have taken the first step and we are going to move forward on that to get reimbursed on the insurance aspect. Councilman Kunis said so by passing this it doesn't affect the second step at all. Comptroller said no.)

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. 16 on the agenda (Settlement of Tax Certiorari-Rem Associates v. the Assessor, Board of Assessors and Board of Assessment Review and the Town of Clarkstown) Councilman Kunis inquired as to the location of the property. Supervisor stated that they would return to this item later on in the meeting.

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RESOLUTION NO. (687-1988)

AUTHORIZING SUPERINTENDENT  
 OF HIGHWAYS TO LIFT VEHICLE  
 WEIGHT RESTRICTION ON OLD  
 MILL ROAD FROM JUNE 20,  
 1988 TO JULY 15, 1988

Co. Maloney offered the following resolution:

WHEREAS, the Highway Department of the Town of Clarkstown is in the process of paving the roads in the Town of Clarktown, and

WHEREAS, it is necessary for the asphalt trucks to travel on Old Mill Road and Germonds Road in order to deliver the asphalt to the Town jobs;

Continued on Next Page

RESOLUTION NO. (687-1988)

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 102-6(9) of the Town Code (Vehicles and Traffic), the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to lift the weight restriction for vehicles traveling on Old Mill Road and Germonds Road, for the purpose of delivering said asphalt, for the period June 20, 1988 to July 15, 1988, and be it

FURTHER RESOLVED, that this resolution is retroactive to June 20, 1988.

Seconded by Co. Kunis

(Councilman Kunis asked if it was true that County Asphalt trucks drive on these roads with Clarkstown Highway Department decals on them? Superintendent of Highways stated that he had given them the decals to let people know that we were delivering asphalt to the area. Supervisor said the resolution is to correct that situation. Superintendent of Highways said they will not have to do that once this resolution is passed. He said he wanted everyone to know that they were delivering asphalt to us as we had hired them to deliver the asphalt. Councilwoman Smith said then the decals will be removed and the Superintendent of Highways said yes.)

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. (688-1988)

AUTHORIZING RETURN OF  
ESCROW DEPOSIT WITH REGARD  
TO DEDICATED SUBDIVISION  
(DAVID RILEY SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a passbook containing the sum of \$12,000 furnished to the Town in connection with dedication of certain improvements on September 22, 1987, in a subdivision known as DAVID RILEY SUBDIVISION is terminated and the passbook be released to the guarantor.

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. (689-1988)

AUTHORIZING EXTENSION OF  
TIME TO ROCKLAND COUNTY  
COMMISSIONER OF PLANNING TO  
RESPOND TO REFERRAL BY TOWN

RESOLUTION NO. (689-1988) Continued

BOARD ON ZONE CHANGE  
PETITION OF PARKER-NANUET  
ASSOCIATES

Co. Maloney offered the following resolution:

WHEREAS, by resolution dated July 28, 1987, the Town Board referred a petition of Parker-Nanuet Associates for a proposed zone change to the Rockland County Planning Board (Rockland County Commissioner of Planning), pursuant to Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, affecting property as follows:

1. Redistrict property from an LIO district to an MF-2 district on property designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1 and 2.01;

2. Redistrict property from a PED District to an MF-2 District on property designated on the Clarkstown Tax Map as Map 164, Block A, part of Lots 12.02 and 12.03;

3. Redistrict property from an LIO District to a PED District on property designated as on the Clarkstown Tax Map as Map 164, Block A, part of 13.2, and

WHEREAS, by letter dated June 17, 1988, the Rockland County Commissioner of Planning requested an extension of time to August 16, 1988, to submit recommendations to the Town Board with respect to his review of the Draft Environmental Impact Statement (DEIS) and zone change concerning Parker-Nanuet Associates petition for a zone change;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants the Rockland County Commissioner of Planning an extension of time to August 16, 1988, to submit recommendations and comments to the Town Board with respect to his review of the DEIS and zone change concerning Parker-Nanuet Associates petition for a zone change, pursuant to Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (690-1988)

ESTABLISHING OPEN  
DEVELOPMENT AREA ON  
PROPERTY - MAP 141, BLOCK  
A, LOT 6.08+ (PROPOSED  
BRIDGEWATER II HOMEOWNERS  
ASSOCIATION) (NARDONE  
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

WHEREAS, application has been made to the Planning Board of the Town of Clarkstown for development of the premises known and designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.08+ to permit the construction of fee owned townhouses with common areas under the control of a Homeowners Association;

Continued on Next Page

RESOLUTION NO. (690-1988) Continued

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a (4) of the Town Law and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes "an open development area" for the property situate in Congers, New York in the vicinity of the east side of Route 9W and south side of Dr. Davies Road, Congers, New York, which is intended to be developed with townhouses having access only by right-of-way, which property is more specifically designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.08+ consisting of approximately 4.2 acres, and which property may be developed as a result of application of NARDONE DEVELOPMENT CORP. for BRIDGEWATER-II, 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(s):

1. The "open development area" shall consist of the right-of-way and common areas as shown on a proposed subdivision map entitled Subdivision of Property for BRIDGEWATER-II dated May 17, 1988, last revised May 27, 1988, and Site Development Plan for project of BRIDGEWATER-II, dated January 4, 1988, last revised May 27, 1988, drawn by Atzl & Scatassa Associates, P.C., New City, New York, as Project No. 1721, for which building permits or certificates of occupancy may be issued for no more than fifty-two (52) townhouse units subject to obtaining final subdivision and site plan approval of the Clarkstown Planning Board for which access to said dwellings is given by the private right-of-way or easement from Dr. Davies Road, Congers, as shown on said proposed subdivision map and site plan.

2. The applicant shall obtain the review and approval of the proposed access, any required drainage improvements and the necessary sewer system from the Department of Environmental Control prior to final subdivision and site plan approval.

3. Applicant, prior to final subdivision and site plan approval, shall contribute monies for money-in-lieu-of-land as agreed.

4. Prior to final approval, applicant shall provide evidence that the subject premises is in a water district or applicant has petitioned the Town Board for the creation or extension of a water district.

5. Prior to final approval, applicant shall secure separate tax lot numbers for all dwelling units and open areas.

6. Prior to final approval, applicant shall secure in writing a statement from the Congers Ambulance Corps and the Fire District servicing the area that the proposed right-of-way will provide sufficient emergency access.

7. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenants which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following declaration and covenants:

A. That the property owner acknowledges that access to the nearest public road has been obtained by private easement or right-of-way, and that the property owners shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road;

Continued on Next Page

RESOLUTION NO. (690-1988) Continued

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 fee ownership of the common areas and right-of-way be in a Homeowners Association duly formed with responsibility for property maintenance and landscaping.

D. That the Declaration shall contain provisions for regular maintenance, repair, snow plowing and other necessary services on the right-of-way and other common element areas by the Homeowners Association.

E. That the Certificate of Occupancy issued for any fee units within the subdivision and site plan boundaries shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

F. That in the event the property owner(s) at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owner(s) or Board of Directors of the Homeowners Association shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent thereto to accomplish the widening of the easement or right-of-way to the then existing standards for public roads, and said owner(s) shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the Homeowners Association or fee units in accordance with the provisions of Town Law.

8. That any subdivision or site plan approved by the Planning Board shall contain a note referring to the resolution establishing the "open development area" by date and number, which subdivision map or site plan shall also state that the issuance of building permits and certificates of occupancy are subject to compliance with the Declaration of Covenants herein required, and be it

FURTHER RESOLVED, that should it be deemed necessary that the provisions of Town Law, Section 281, be applied to obtain subdivision approval, such authority is hereby granted to the Town of Clarkstown Planning Board.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (691-1988)

AUTHORIZING ATTENDANCE AT  
1988 ANNUAL NEW YORK STATE  
ASSOCIATION OF TOWN  
SUPERINTENDENTS OF HIGHWAYS  
(D'ANTONI, BURGIO,  
ROTHERMEL) - CHARGE TO A  
1010-414

Co. Kunis offered the following resolution:

Continued on Next Page

RESOLUTION NO. (691-1988) Continued

RESOLVED, that Anthony D'Antoni, Superintendent of Highways; Charles Burgio, Highway Maintenance Supervisor III; and Harriet A. Rothermel, Service Dispatcher are hereby authorized to attend the 1988 Annual New York State Association of Town Superintendents of Highways, September 27 through September 30, 1988, at Monticello, New York, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

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With regard to the following resolution Councilwoman Smith said she would like to table it because the way it is currently, if MF-4 went in this parcel would be able to be in it. If it goes into R-15 you can still have single families on Route 59 and she did not know if that was appropriate. She requested that it wait until all the information is in. Supervisor said we do not want to have the MF-4 applicable to the Redeeming Love Christian Center. Councilman Maloney said no, we don't. Supervisor said he had no problem setting the public hearing date. Councilwoman Smith said she did not think R-15 was appropriate for Route 59. Councilman Maloney said but that is what was recommended.

RESOLUTION NO. (692-1988)

SETTING PUBLIC HEARING AND REFERRING ZONE CHANGE (ON TOWN'S OWN MOTION) TO THE ROCKLAND COUNTY PLANNING BOARD (MAP 163, BLOCK B, LOT 1 -CHRISTIAN LOVE REDEEMING CHURCH)

Co. Carey offered the following resolution:

WHEREAS, the Town Board by Resolution No. 1071 dated December 10, 1985 authorized that a traffic and land use study be made of the Route 59 Corridor, and

WHEREAS, certain recommendations have been made as a result of the study which involved the possibility of rezoning portions of the property for development or redevelopment in the Route 59 Corridor, and

WHEREAS, the Town Board proposes on its own motion to schedule a public hearing to consider the rezoning of certain property to a residential zone,

NOW, THEREFORE, be it

RESOLVED, the Town Board proposes that a change of zone from an RS District to an R-15 District, on property designated on the Clarkstown Tax Map as: Map 163, Block B, Lot 1, is hereby scheduled for a public hearing, and be it

FURTHER RESOLVED, that such public hearing, pursuant to Sections 264 and 265 of the Town Law be held in the Auditorium of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New

Continued on Next Page

## RESOLUTION NO. (692-1988) Continued

City, New York on the 16th day of August, 1988 at 8:00 P.M., relative to the proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this shall be referred to the Rockland County Planning Board and Rockland County Planning Department for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, and 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, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Town Board determines that the zone change under consideration is an unlisted action under SEQR, 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.....	No
Supervisor Holbrook.....	Yes

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Supervisor Holbrook asked if anyone has any question with regard to the personnel resolutions and Councilman Kunis asked about the reclassification of Automechanic I and MEO II being reclassified to Automotive Mechanic I - Landfill. Les Bollman, Director of Environmental Control stated that this was being done because the person involved never operated any vehicles and now the position would be in line with exactly what the person does which is mechanical work.

Councilman Kunis inquired about the appointments to the Parks Board and Recreation Commission and asked if they were new positions or encumbered positions. Superintendent of Parks, Mr. Ghiazza, said these are not new positions. Councilman Kunis asked about the laborer in the Highway Department and Superintendent D'Antoni said that was an existing position.

RESOLUTION NO. (693-1988)

ACCEPTING RESIGNATION OF  
SECRETARY (PART-TIME) PARKS  
BOARD AND RECREATION  
COMMISSION (MARY MURRAY)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Mary Murray, 3 Adele Road, West Nyack, New York - Secretary (part-time) Parks Board and Recreation Commission - is hereby accepted - effective August 1, 1988.

Continued on Next Page

RESOLUTION NO. (693-1988) 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

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RESOLUTION NO. (694-1988)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF SENIOR  
GROUNDWORKER (WILLIAM  
HASTINGS)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William Hastings, 10 Lakeview Court, Congers, New York as Senior Groundworker, at the current 1988 annual salary of \$17,261.00, effective and retroactive to June 13, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (695-1988)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF GROUNDWORKER  
(MICHAEL DOVE)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Michael Dove, 2 Jodi Lane, New City, New York, as Groundworker, at the current 1988 annual salary of \$16,534.00, effective and retroactive to June 13, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (696-1988)

RECOGNIZING APPOINTMENT BY  
SUPERINTENDENT OF HIGHWAYS  
OF LABORER - TOWN HIGHWAY  
DEPARTMENT (PETER DI SISTO)

RESOLUTION NO. (696-1988) Continued

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Peter Di Sisto, 12 N. Central Highway, Garnerville, New York, as a Laborer - Town Highway Department - at the current 1988 annual salary of \$16,534.00, effective and retroactive to June 20, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (697-1988)

GRANTING SICK LEAVE OF  
ABSENCE TO MOTOR EQUIPMENT  
OPERATOR II - TOWN HIGHWAY  
DEPARTMENT (ANDREW GIBSON)

Co. Carey offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Andrew Gibson, 95 No. Rte. 9W, Congers, New York, Motor Equipment Operator II - Town Highway Department - is hereby granted a Sick Leave of Absence - at one half pay - effective and retroactive to June 27, 1988 through August 7, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (698-1988)

RECLASSIFYING POSITION OF  
AUTOMOTIVE MECHANIC I AND  
MEO II - SANITARY LANDFILL  
TO AUTOMOTIVE MECHANIC I

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 15, 1988 that the position of Automotive Mechanic I and M.E.O. II can be reclassified to the position of Automotive Mechanic I,

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic I and M.E.O. II - Sanitary Landfill - is hereby reclassified to the position of Automotive Mechanic I - effective June 29, 1988.

Seconded by Co. Maloney

RESOLUTION NO. (698-1988) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

Supervisor Holbrook stated that with regard to Item No. 16 the area in question was New City Gardens. Councilman Kunis asked that this be tabled as we did not have it on Workshop. Supervisor said he had no problem with that and it was tabled to the July 5th Workshop.

\*\*\*\*\*

RESOLUTION NO. (699-1988)

SETTING CLOSE OF PUBLIC  
COMMENT PERIOD ON DGEIS  
CONCERNING CLINTON SQUARE  
PLAZA, INC.

Co. Maloney offered the following resolution:

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

WHEREAS, a public hearing on the DGEIS and proposed zone change was held on May 25, 1988 as scheduled and noticed, and

WHEREAS, said public hearing was continued on May 31, 1988 and June 21, 1988 until all persons wishing to make public statements were heard, after which said public hearing was closed, and

WHEREAS, in accordance with the provisions of the implementing regulations of the State Environmental Quality Review Act, 6 NYCRR Section 617.8(d)(3) the public comment period for filing written comments on a DGEIS must extend for a period of at least 30 days from the acceptance of the DGEIS or 10 calendar days following a public hearing, whichever is greater,

NOW, THEREFORE, be it

RESOLVED, as follows:

That the public comment period on the DGEIS shall close on July 8, 1988, and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to all involved and interested agencies and the Applicant, Clinton Square Plaza, Inc.

(Councilman Maloney said what this does is set a date for ending the public comment period because every comment made by the public that has been brought up at the last three meetings has to be answered by the applicant in their FEIS. He said if we went on too long they would not have the opportunity to answer every question to the satisfaction of the people that asked those questions or concerns or objections. He said that is why he is

Continued on Next Page

## RESOLUTION NO. (699-1988) Continued

recommending that we set a date for July 8, 1988 rather than drag it on and not allow them to answer all the questions and concerns that they have to answer in the FEIS.

Councilman Carey asked if there would be a public hearing on July 8th? How are they going to respond? Councilman Maloney said with the resolution we pass tonight and the information will be in the newspapers, etc. that this is the final time that they have to answer. In other words, we are accepting public comment now but there has to be a time when you have to cut off the public information. We already have extended the Department of Transportation until September 1 and also Mr. Chase, the Commissioner of Planning for Rockland County until September 1. Anybody else who has not yet been heard or wants to add additional information, he was suggesting that there be a cut off date of July 8th which will allow the applicant to answer every question, every concern that was raised in the three public hearings that we had and any letters that have come in to the applicant or to us. Councilman Carey said then you are saying written comment, not oral. Oral is finished. Councilman Maloney said we closed the public hearing last week but people still have an opportunity to send in written material. He said he was saying that as of July 8th there will be no more written material accepted because we have to allow the applicant time to answer every question that comes in and every concern that the people have. They have to have that in the FEIS. That is part of the job of the applicant and the responsibility that the applicant has to do for that FEIS so he was picking out a date of July 8th.)

Seconded by Kunis

On roll call the vote was as follows:

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

Councilman Carey said he was voting no on the resolution because he felt that the public as well as the Department of Transportation of the State of New York and the County Planner or Commissioner of Planning, if they are allowed this extension of time, he did not see any reason why the public shouldn't be allowed the same as well.

Councilman Kunis said he was voting yes because he did not think this was closing out the public. We had approximately 12 hours of public hearings, probably over 400 pages of transcript to review, letters coming to various council people and as we stated several weeks ago, when we passed a resolution to extend the time for the County Planner and the State Department of Transportation, and the Thruway Authority, he felt as a board member he would accept or listen to any oral or written comments that are made to him directly right up until the day of the final vote on the Palisades Center project. However, he said he also felt it was important for the Board to review a FEIS to see what Palisades Center and Clinton Square's answers are. See what their answers are to the comments made at the hearing and that will be most informative.

Councilman Maloney said he was voting yes for the reasons that he gave. Also there is going to be something close to 900 pages of testimony from the three public hearings and he thought it was only fair that they have available to them before they make their decision the FEIS that is all inclusive, an FEIS that answers every question that has been raised. He said he did not want to see the written comments coming up until the end of September and then

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Page 27

RESOLUTION NO. (699-1988) Continued

having a slipshod type of an FEIS presented. He said he would rather have them have the opportunity to answer every question to the Board's satisfaction and the satisfaction of the people who asked for it. He said therefore he was voting yes for July 8th.

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Councilwoman Smith asked Mr. Les Bollman, Director of the Department of Environmental Control to prepare an accurate listing of the frontage of each resident involved in the Lenox Avenue Road Improvement, especially those who have double frontage and we are not honoring that at this point. They want to know exactly what their costs were. Mr. Bollman said right know they are taken off the tax rolls. Councilwoman Smith asked if he would select a page for those that say double frontage. They would like to see that. Mr. Bollman asked if he should go through the calculations again but they are only approximate. Councilwoman Smith said they would like to have that as a guide. Mr. Bollman said that is all that is - a guide. Councilwoman Smith said fine they could put that right on it.

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On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 79 Violation Hearing - Scheffa Development, was opened, time: 8:42 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted (with the exception of Councilman Kunis who had left the dais and was not present for this vote), the Public Hearing was recessed, RESOLUTION ADOPTED, time: 8:48 P.M.

RESOLUTION NO. (700-1988)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES  
DESIGNATED AS MAP 6, BLOCK  
B, LOT 4 (SCHEFA)

Co. Smith offered the following resolution:

WHEREAS, by Resolution No. 513 dated May 10, 1988, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 6, BLOCK B, LOT 4, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on June 28, 1988, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated May 10, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after August 16, 1988, and be it

Continued on Next Page

## RESOLUTION NO. (700-1988) Continued

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

FURTHER RESOLVED, that the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted (Councilman Kunis had to leave meeting and so was not present for this hearing) the Public Hearing re: Chapter 79 Violation Hearing - Map 41, Block A, Lot 16.67 - Wolfman, was opened, time: 8:48 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted (with exception of Councilman Kunis), the Public hearing re: Chapter 79 Violation Hearing - Map 41, Block A, Lot 16.67 - Wolfman, was closed, RESOLUTION ADOPTED, time: 9:14 P.M.

Supervisor Holbrook stated after the Public hearing was closed, that this has been going on for many months. Mrs. Saccende has been aware of it over many months trying to work with Mr. Wolfman. Numerous neighbors have come into his office and spoken to him about it. He said he went out and took a look at it late in April and we gave him until May 6th. By scheduling the hearing on the 28th of June we attempted to provide additional time. Based upon that, as Supervisor, he would recommend that clean-up be commenced if the situation is not corrected within ten days (July 8th).

Councilman Carey said he would like to know if the fence in question is according to Town specifications. He asked Mrs. Saccende if that was within her domain or would someone else in the Building Department know? Mrs. Saccende said it is a six foot high fence but it is approximately a foot and half off the ground as it is not starting at ground level. She said she could see a slight elevation so that the wood itself is not in contact with the ground but this was too much. Councilman Carey asked if this was a normal way to put up a fence? He was told no. Supervisor said six foot is the normal height for a fence from the ground to the top. He said that can be checked out.

Supervisor said he wanted Mr. Bollman to check and see if there is actual recontouring of the land. Mrs. Saccende said the black plastic the neighbors have referred to is actually an expensive type of plastic that was recommended by the Environmental Department to hold back any silt or dirt that would come down during the rainy season. It fronts the property. It is on the Phillips Hill side, the southern side of the property line, to hold back any dirt.

Continued on Next Page

RESOLUTION NO. (701-1988)

Councilwoman Smith said what happens July 8th? She has not been out there and she would like to see it. Mrs. Saccende said she would take anyone out there who wanted to see it. Councilwoman Smith said prior to voting on anyone's property we should all have been out to see it.

RESOLUTION NO. (701-1988)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE  
DEBRIS ON PREMISES - MAP  
41, BLOCK A, LOT 17.67  
(WOLFMAN)

Supv. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 520 dated May 10, 1988, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 41, BLOCK A, LOT 16.67, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on June 28, 1988, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated May 10, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after July 8, 1988, and be it

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

FURTHER RESOLVED, that the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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A resident asked what would happen if this is not done by July 8th? Supervisor said the Town Board will then direct the Superintendent of Highways to take corrective action to remove the debris. She asked how long that would be from that date? Supervisor said in a day or two it would be done. She said what do

Continued on Next Page

we then do if Dr. Wolfman starts again? Supervisor said we would have to repeat this procedure. He said, however, we are not going to allow a situation to go four years until it reaches this point. The point that was salient in the hearing is that this is something that has not materialized over two or three weeks. Otherwise, we would not be sitting here. It is two or three or four years. He said an inspection will be made on July 8th. If there is no change the Highway Superintendent will be directed to clean it up in a day or two.

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Appearance:

Mr. Tom Mrozinski  
County Lumberjack Tree and  
Land Clearing Company  
Nanuet, New York

He said that yesterday he had an incident about which he had informed Supervisor Holbrook. It seems to be an ongoing thing with landfills not only with his company but many companies in the Clarkstown/Orangetown area. He said a few of his colleagues and himself have been on the phone trying to get permanent permits to enter the landfill. He said he has trucks and equipment with his company name on them. He has a Nanuet address. He said the Supervisor has a business card of his which has the street address on it. It is a large office building in which he has an office. He also has a yard in which he rents space within the County boundaries. He also has another yard down in New Jersey where he keeps much of his larger equipment. His question is can this problem be resolved regarding permanent and temporary permits? He said being a non-resident of the Clarkstown/Orangetown area he said he understood he is not able to acquire a permanent entry permit into the landfill itself.

Supervisor said you have to sign a source of load sheet. Mr. Mrozinski said he does have proof with him where he had to go back to his customer yesterday and acquire a letter of permission from them via the scale master. Supervisor said that was a major point that you had to waste time doing that and then apparently it wasn't accepted. Mr. Mrozinski said he lost two and half hours of his time yesterday and his men's time. He said he could have sent another one of his men to the landfill with the vehicle with the load of \$15.00 worth of debris on it. He said he has addressed this problem to Mike Araneo in the past. Supervisor said he spoke to people at the landfill and that if you sign the source of load sheet which is attesting to the fact that the load is coming from a town which it is permitted to come from that should be sufficient. The problem was they asked for a letter and you had to go back and that wasted the time. He said he thought it could be worked out and he would speak to Mr. Bollman about it.

Mr. Mrozinski asked if the Town Board could figure out an end to the problem with the permits? Councilwoman Smith asked what type of debris was being brought to the landfill? Mr. Mrozinski said it is basically clean material. They have actually turned my vehicles away from entering the landfill when waste product - wood - is being carried.

Supervisor said Mr. Mrozinski resides in Stony Point and his vehicles are registered in Stony Point but the business is in Clarkstown. Councilwoman Smith said you never went to the Sanitation Commission for a permit? Mr. Mrozinski said he has been entering the landfill on temporary permits all the time. Supervisor said he signs a source of load sheet and if you do that you are attesting to the location of where it is coming from.

Mr. Mrozinski said as a Clarkstown area contractor isn't there anything he and his fellow contractors can do to end this problem? Supervisor said he had Mr. Mrozinski's card and he is going to give it to Mr. Bollman and he will have Mr. Bollman contact him (Mr. Mrozinski) and he thought they could resolve the issue.

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Mr. Mrozinski said we are area contractors. Councilwoman Smith said shouldn't something formal be done through the Sanitation Commission so that their background and occupations can be checked? Supervisor said he wanted to check to see what the reason was that he could not get the permit. Then if he has to go to the Sanitation Commission let him fill it out and go through there.

Mr. Mrozinski said the reason for his not being able to get the permit is because his vehicle is not registered to the business address. He said he leases two of his vehicles to the business. They do have the business name on the vehicles themselves as required by law. He said that is his prerogative according to his accountant and his lawyer. Just because the vehicles that are registered in his personal name are not registered to the 421 East Route 59 address doesn't mean that he is not legal to dump in the landfill.

Councilman Carey said let's straighten this out with Les Bollman. Mr. Mrozinski said he apologized for being angry yesterday but this is not the first time this has happened and he wanted to resolve it the proper way and to avoid any confrontation again in the landfill. He said he was on the scale for one load, six times.

Supervisor said it would be taken care of with Mr. Bollman. Mr. Mrozinski thanked Supervisor Holbrook and the members of the Board.

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There being no one further wishing to be heard and no further business to come before the Town Board, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board meeting was declared closed, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

111

Town Hall

6/28/88

8:42 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: CHAPTER 79 VIOLATION HEARING -  
MAP 6, BLOCK B, LOT 4 (SCHEFA)

Supervisor said this property is commonly referred to as Hyenga Lake and is in the unincorporated portion of the Town of Clarkstown which is behind Trader Horn and on the other side of Pipetown Hill Road.

Supervisor swore in Irene Saccende, Code Inspector for the Town of Clarkstown.

Mrs. Saccende stated that an inspection yesterday showed that the area where all the abandoned cars were, has been cleaned out completely. She said there is still debris and litter around the pool area. She said on both sides of the embankment below the dam there are some cars that are unregistered around the bungalow area and there is some debris and litter around there. She said she spoke with the manager of the bungalow complex and he has been working on taking it out. He would like to continue working on it. She would say, being that they are removing everything, to set a time schedule and let them finish it themselves.

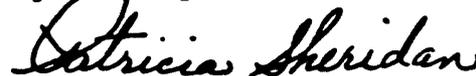
Appearance: Monroe Mayer, Esq.

Mr. Mayer said he was representing the owner. He wanted to assure the Board that they have every intention of disposing of the problem. He said these are leased premises in an old bungalow colony and there are tenants. Part of the problem is that the tenants leave their old automobiles on the property. They have a certain right of quiet enjoyment but when we go to the tenants and tell them these cars must be removed we are met with a great deal of resistance. He said if they have the authority of the Town Board behind them they can go forward and commence summary proceedings if that is what is available to help them. He said they will be willing to cooperate with any agency or authority. He said their long range plans include having architects come in before the Board at some time in the future and complete the review. He said this is low rent housing and we are going to reach the problem of what do we do with these people. We don't want to be guilty of creating a homeless situation in the Town of Clarkstown by taking these low rental houses and eliminating them and putting in high rent condos or apartments that these people are not able to afford. This is a problem that will have to be resolved in the future. The immediate problem is the clean up and we will continue to work with the Building Department on a regular basis. We ask the Board to extend some time to us.

Supervisor said it would be fair enough to ask for a report on August 16th. It is a large property and if effort is being made that is fine. This date was agreed to.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted (Councilman Kunis having left the meeting), the Public Hearing was recessed pending compliance by August 16, 1988, RESOLUTION ADOPTED, time: 8:48 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (700-1988 ADOPTED))

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/28/88

8:48 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Maloney and Smith  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: CHAPTER 79 VIOLATION HEARING -  
MAP 41, BLOCK A, LOT 16.67 (WOLFMAN)

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

Supervisor stated this was a Chapter 79 proceeding involving property located at 53 Woodglen Drive, New City, New York. He stated they had been out there in May to take a look at this property. This situation has been going on for a long time.

Irene Saccende, Code Inspector for the Town of Clarkstown presented pictures and said they were the May pictures and some follow-up pictures taken yesterday.

Mrs. Saccende, still under oath, stated that the landscaping project is being undertaken solely by the owner of the property. Everything is being done by hand and it has been going on over a long period of time. She said while there is some improvement in some areas of the property, other areas of the property remain in a stripped condition and this is an eyesore to the surrounding neighborhood. She gave details as to the unsightliness of the property located at Woodglen and Phillips Hill Roads in New City.

Councilman Maloney said he passes it every day and it looks terrible.

Supervisor asked if the owner of the property or his representative were present at this time?

Appearance: Dr. Marvin Wolfman  
53 Woodglen Drive  
New City, New York

Dr. Wolfman said he is interested in doing all of the work on the property himself. He said he regrets that he did not meet the deadline which he had agreed to. He said he was under medical care for the treatment of cancer at the time and was unable to do the work. He said most of the landscaping is done. The debris referred to is part of an ongoing project which will be resolved very shortly. He has contracted with a firm to undertake major renovation of the entire back of the house.

Supervisor asked about the debris and litter scattered about portions of the yard. He said he could understand landscaping but the debris and the litter is not understandable. Dr. Wolfman said he has had trespassers on his property and he has attempted to hide a \$15,000.00 redwood greenhouse stored against the house with what the Supervisor calls debris. He said there is debris of what he has been removing of the second story that will be reconditioned. This will be used as scaffolding when the job is begun in two weeks. He said he will discuss with the contractor he has hired what will be removed when they come to see the site.

Supervisor asked if any Board members had any questions of Mr. Wolfman?

Councilwoman asked if the contractor was going to take care of the greenhouse to be added on? Dr. Wolfman said yes.

Continued on Next Page

Councilman Maloney asked how long this would take? Dr. Wolfman said the contractor said it would be approximately three months.

Councilwoman Smith asked how much more can be cleaned up in the next couple of weeks? What is the debris that is around? Mrs. Saccende said so far as she knew no work had been done on the north side of the property other than the fencing. Dr. Wolfman said he has added trees which have to be put in place. He expects delivery of sections of fencing tomorrow.

Mrs. Saccende asked Dr. Wolfman about the pool area and he said it will immediately be cleaned up and trees will be planted. He said he will finish the grading of the pool. He said the work is going on right now.

Appearance: Ms. Ann Dwyer  
51 Woodglen Drive  
New City, New York

Ms. Dwyer said she was Dr. Wolfman's next door neighbor. She said the project was started about four years ago. He took down the old pool that was on the property and all the debris remained there and is still there. She said truckloads of dirt have been brought in and the level of his land is so much higher than hers now that she has asked the Environmental Department to check on it because the question of drainage is of great concern to her. She said nothing has been removed from his property. All the debris seen in the first set of pictures is still there on the property buried under piles of dirt. She said there has been an increase in all sorts of insects and vermin. There are a tremendous amount of cats coming into her yard and she felt it was all due to the clutter and debris that is on the Wolfman property.

Ms. Dwyer said if you look at the fence that has been put up which borders her property it is about eighteen inches off the ground. As a result there are rocks and dirt, cardboard and plastic from the old pool trying to hold back the dirt. They cannot mow the lawn on that side of their property. She said she felt the man has done nothing. The plastic fence installed across the front of his property was knocked down a week or so ago and he did not bother to pick it up or try to do anything with it. His property is a complete eyesore to the neighborhood. It is an outrage and the neighborhood is outraged at what he has done to the property. She said she wanted the Board to institute the proceedings as she felt he had ample time to correct this situation.

Appearance: Ms. Ellen Leopold  
56 Woodglen Drive  
New City, New York

Ms. Leopold stated that she lives across the street from Dr. Wolfman. She thanked the Board members for their concern in coming out to the property. She said the community is extremely upset. She referred to "landscaping" and asked what the top of a pickup truck on the side of the house has to do with landscaping. She said he has made a mockery of this Town Board because since April, when the Town Board was at the property, he has done nothing but make it worse. She felt that he has lied repeatedly. She said the neighbors do not want to put up with this one minute longer. She asked that he not be given an extension as he has no intention of cleaning anything up. She implored the Board to please have the place cleaned up.

Appearance: Mr. Mrozinski  
County Lumberjack and Land  
Clearing Service  
Nanuet, New York

Mr. Mrozinski stated that he was from a tree service operating out of Nanuet. He asked if this gentleman had sought

professional help to assist him with his problem in the removal of debris, etc. Dr. Wolfman said he has equipment and Mr. Wrozenski said perhaps the equipment is not good enough. Mr. Wrozenski said he was trying to help Dr. Wolfman and he would come by and give Dr. Wolfman some free advice. Mr. Wrozenski said his services were there if Dr. Wolfman wanted his help.

Appearance: Mr. Martin Bernstein  
20 Woodglen Drive  
New City, New York

Mr. Bernstein said he lives down the street from the property in question. He said he did not understand what Dr. Wolfman is doing. He thought that in some ways we are getting to a point where we are trying to interfere with a person trying to landscape his property in the way that he wants to do it. He said that Dr. Wolfman probably has a lot more shubbery than he (Mr. Bernstein) would have. He has a nice row of rose bushes in the front which he thought the Town made him cover up but now they are growing again and it looks good. Mr. Bernstein said there is debris there but when builders are building and there is a lot of debris he never heard of the possibility of the Town Board coming in because that is interfering with other people. Mr. Bernstein said he would say that if in six months the debris is not taken away there would be some basis for something but we are getting to the point where we are starting to interfere with people's rights on their own property. Mr. Bernstein said some of the things Dr. Wolfman is doing may not be to everyone's taste but some of it is really nice and he is spending a lot of money.

Mr. Bernstein said he had been told that a bush had been placed on the corner which is interfering with sight. Mr. Bernstein said he pointed out that the bush had been there for twenty years, before Dr. Wolfman ever lived there. He said the Supervisor came to the property and since then he noticed the bush had been removed. He stated he wished it had been removed many years before because it was difficult to see when you were making a turn with that bush there.

Mr. Bernstein said it would be wise for the Board individually to go up and look and see if there isn't a basis for this property to eventually look proper. People have a right to live their own life and do as they please as long as in the final analysis things will be worked out. He felt this was going a little too far in interfering with people's rights.

Appearance: Ms. Betty Maslin  
39 Woodglen Drive  
New City, New York

Ms. Maslin said this has been going on for four years. This is not something that started recently. No one did anything. In the past six months Dr. Wolfman has abused the block. She said neighbors have gone over to him and asked him if they could help. They have offered to physically assist him in getting this work done. He has never been harrassed and they have come as neighborly people. It is a very warm, congenial block. We do not go over to him and upset him.

Appearance: Mr. Leon Levinsky  
49 Woodglen Drive  
New City, New York

Mr. Levinsky said he would suggest that when Mr. Bernstein looks at the property he puts on glasses he can see through because most of the shrubs are dying. They are not nice. He said he used to help Dr. Wolfman in planting. The first few years it was not too bad but it has gotten worse. He said he put a fence in but too high and now everything is starting to run. If

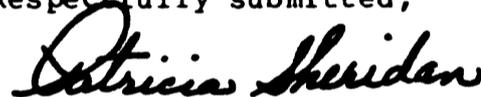
PH - Chapter 79 Violation Proceeding (Wolfman)  
Page 4

there is a bad rain a lot more would come down. It is not fair. There are too many cats in the area. Dr. Wolfman has had enough time to fix up this property. He said he calls Dr. Wolfman's place New City Mountain. He puts in a mound of dirt about ten feet high and then plants a tree there. He said most of the houses in the community are nice and he can do what he wants but there is a limit. He has had four years to clean it up and he should not be given any more time.

Dr. Wolfman spoke in rebuttal. He remarked that he had Japanese influence in his gardening. He said he appreciated Mr. Bernstein's perception as opposed to Mrs. Leopold's perception from a reference of hatred. For her to say, on the occasion of Mr. Holbrook's visit, that she could see the back of my house from her window is in accord with her husband saying that you better behave because I have a telescope. These people have been out to humiliate me. Mrs. Leopold calls me crazy. A child in the area came to me and said that Mrs. Leopold thinks I am crazy. Is such intolerance what we teach our children? This is an anti-Woodglen theory. Mr. Stein teaches them people have feelings, live and let live. The Leopolds are teaching something else to their children.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 9:14 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (701-1988 ADOPTED))