

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/15/88

8:01 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 awarded a Certificate of Appreciation to the Wortendyke brothers for their help in having provided commuter parking for residents of Clarkstown and all of Rockland County, in the West Nyack area by the car wash. That service is being terminated now. We have the parking lot on Route 59 at the intersection of Route 303 and people will be able to use that parking lot instead.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item 28 on the agenda (Establishing the MF-4 District in the Town of Clarkstown) and stated that he was opposed to the creation of this zone.

Mr. Cuff also spoke regarding the creation of a new Code of Ethics and quoted from the current code: "No person who has served as an officer or employee of the Town of Clarkstown shall within a period of two years after the termination of such service or employment appear before any board or agency of the Town or receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case." He said he knew that we still have not gotten around to the Code of Ethics that was supposed to be in place on January 1st but he hoped that strong consideration would be given to the Code of Ethics but more importantly tonight he hoped there would be enough votes up here to tell the people of Clarkstown that you agree with us and you want quality of life in Clarkstown and no, you don't want 24 families per acre.

Appearance: Mr. George Demas
Torne Brook Road
Ramapo, New York

Mr. Demas spoke regarding the solid waste problem and the tipping fee in the Town of Clarkstown. He also brought up the question of the public's right to attend Town Board meetings. He said when he and others complained about the secret nature of a meeting he was pleased to hear it admitted that there had been a mistake made. There was a commitment made by Supervisor Holbrook and it was published in the newspaper that all future negotiations would be held in an open forum and the public would be invited, etc. He said despite that there have been other meetings, or he would assume there have been, because articles have appeared in the Journal News regarding these meetings to which the public was not invited.

Mr. Demas spoke at great length regarding Ramapo's use of the Clarkstown Landfill and the price to be paid by Ramapo for such use.

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

Mr. Lodico spoke at length about the baling system as opposed to accepting loose garbage and the situation with the Town of Ramapo.

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Mr. Lodico also spoke concerning the MF-4 situation and stated that when a person is entitled to do something with their property that should be within the framework of the law and should be a benefit accruing to the Town. He felt MF-4 was a very bad thing and would certainly not benefit the Town.

Mr. Lodico said regarding the church property many of us supported its commercial use at the time. We said to you people who were up here then, should you have any tax exempt property built there, down the tubes it goes. It will be nothing. If you are going to change the zone change it to church land.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano spoke regarding Agenda Item 28 (MF-4) and felt it was bad for the taxpayers of the Town of Clarkstown.

Mr. Pantano spoke at length about improvements to Route 59 in general.

Mr. Pantano spoke regarding Agenda Item 12. He asked the Supervisor to tell him a little bit about the case pending. Supervisor Holbrook said it relates to a denial for a variance and Judge Waitzman is taking an Article 78 Proceeding against the Town.

Appearance: Mr. Steven Goldman, President
Organized Taxpayers Association
Bardonia, New York

Mr. Goldman spoke regarding the garbage situation. He urged the Town Board not to be so quick to insist on baled garbage. He said let's not be married to a baler if it is unnecessary.

Mr. Goldman also spoke regarding the MF-4 zoning designation.. It is far too dense for Clarkstown and for most of Rockland County. If you give it to one you are going to have to give it to everybody. He said it was his contention that the Town Board had no business giving it to anyone. He urged the Town Board to vote against MF-4 for the good of the Town.

Appearance: Mr. Kelly Bernard
Spring Valley, New York

Mr. Bernard spoke on the MF-4 issue. Mr. Bernard said he would like to ask the members of the Board tonight not to vote for this law but take another look at it.

Appearance: Mr. Al Rossi
Hutton Avenue
Nanuet, New York

Mr. Rossi spoke regarding MF-4. He asked them to consider rejection of that zone basically for the reasons that were set forth by the previous speakers. He said good planning would dictate that if we feel the need for a new zone in our Town that zone would be applicable throughout the Town and should not be created for any select area within the Town. Mr. Rossi said if we are going to create a zone, that zone is applicable to all parcels certainly within the Route 59 Corridor Study or anywhere else. We must recognize that if we do create that zone tonight, and he certainly hoped we did not do so, you are creating a zone which is quite dense and will be applicable to any parcel of land of mediocre size throughout the Town. He hoped they would not consider that and he urged the Board to reject that proposition.

Mr. Rossi also spoke regarding the proposed improvements on Route 59.

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Appearance: Mr. Armand Miele
Nanuet, New York

Mr. Miele said he thought MF-4 was a great idea and maybe even MF-5 and MF-6. He said the only way mass transit will work is if you have concentrated areas. We will have less traffic when you have people concentrated in one area. You will have less traffic coming into MF-4 than you would have coming into R-15 or R-30. He also mentioned drainage control in conjunction with MF-4.

Appearance: Mr. Ed Duffy
Grandview Avenue
Nanuet, New York

Mr. Duffy spoke regarding the Route 59 corridor. He said look at the legality of this zoning change. Is it not discriminating against the people in Nanuet? Let's put it somewhere else. He said he was sick and tired of Nanuet being shafted by this Town Board.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Zone Change of the Route 59 Corridor RS to R-15 (vicinity of the Christian Love Redeeming Church), opened August 16, 1988, was continued. 9:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Zone Change of the Route 59 Corridor RS to R-15 (vicinity of the Christian Love Redeeming Church), opened August 16, 1988 and continued this evening, was closed, time: 10:20 P.M.

RESOLUTION NO. (833-1988)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN - RS
DISTRICT TO R-15 DISTRICT
(ROUTE 59 CORRIDOR -
VICINITY OF CHRISTIAN LOVE
REDEEMING CHURCH)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of June, 1988, on its own motion, provided for a public hearing on the 16th day of August, 1988, at 8:15 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 163, Block B, Lot 1, from an RS District to an R-15 District, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, Planning Consultant, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated July 1, 1988, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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RESOLUTION NO. (833-1988) Continued

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RS District to an R-15 District, the property designated on the Clarkstown Tax Map as Map 163, Block B, Lot 1, situated in the Hamlet of Nanuet, New York, in said Town, 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.

(INSERT MAP)

(Map on File in Town Clerk's Office)

Seconded by Councilman Carey

Councilman Maloney said he was voting yes. He was one politician who lives in Nanuet. He has lived there for twenty-eight years. He did fight against the twelve theaters that were going to go in on this property because he realized what it would do to the people and to the traffic in Nanuet. He said he fought to see that there was a covenant that road would never be opened. He said as long as he sits on the Board he will vote to see that road is never opened. He said he would be the first one to join the people in laying down across that road if it is. He said he is voting for the zone change because he does not believe the church is going to sell its property within five, ten or twenty years. His concern was that when it is sold he does not want to see that property developed into another regional shopping area. He did not want to see it developed into a place where you could put up apartment houses. He felt we have control if it stays R-15. He said it was academic because the church has been a good neighbor and it intends to stay there.

Councilwoman Smith said while it is true that R-15 generates less traffic and less density she did not think R-15 is a proper designation on a County Road in a commercial corridor.

Supervisor Holbrook said he would like to echo Councilman Maloney's comments with regard to the proposed zone change and the impact for the future. He said he expounded on that during the public hearing. He does feel that it gives the Town greater control and he would reiterate that they are not interested in ever seeing that gate open. We would support an intent, as stated in the public hearing tonight, that the Town would like to see that gate remained closed. Supervisor said for the density of that particular corridor it does give this Town Board and subsequent Town Boards more control, and consequently the public more input and protection, for what ultimately is developed on that piece of property.

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 Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of Consolidated Water Supply District to include Russel Sandberg was opened, time: 10:27 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of Consolidated Water Supply District to include Russel Sandberg was closed, ORDER SIGNED, time: 10:29 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Historical Designation of Mount Moor Cemetery was opened, time: 10:29 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Historical Designation of Mount Moor Cemetery was closed, RESOLUTION ADOPTED, time: 10:43 P.M.

RESOLUTION NO. (834-1988)

DESIGNATION OF MOUNT MOOR
CEMETERY, WEST NYACK AS AN
HISTORIC SITE

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 15th day of September, 1988, at 8:05 P.M., to consider the designation of Mount Moor Cemetery located at Cemetery Lane, West Nyack, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 13, as an historical site pursuant to Section 12-3(C) of the Code of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned cemetery located at Cemetery Lane, West Nyack, New York, be and the same hereby is designated as an historical site, and be it

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

Seconded by Co. Carey

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. (835-1988)

AUTHORIZING SUPERVISOR TO
EXECUTE AGREEMENT WITH
ROCKLAND COUNTY PATROLMEN'S
BENEVOLENT ASSOCIATION,
INC. FOR CLARKSTOWN POLICE
DEPARTMENT (1989 TO 1991)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (835-1988) Continued

WHEREAS, negotiations have been had between the negotiating committee duly appointed by the Town Board of the Town of Clarkstown and the designated representatives of the Rockland County Patrolmen's Benevolent Association, Inc., for the Clarkstown Police Department, and

WHEREAS, a contract for a three year term commencing January 1, 1989 through December 31, 1991 has been agreed to;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to execute such agreement with the duly authorized representatives of the Rockland County Patrolmen's Benevolent Association, Inc., for the Clarkstown Police Department for a three year term commencing January 1, 1989 through December 31, 1991, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to file a copy of the fully executed contract with the Public Employment Relations 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

Supervisor Holbrook said he felt he was speaking for all of the members of the Town Board in saying that they are very happy that these negotiations took place and the contract will be signed three and one half months to the day before the old contract expired. That is a good thing.

Appearance: Tim O'Neill, President
Rockland County PBA

Mr. O'Neill said he deals with many boards throughout the County and he wanted to commend this Board for seriously sitting down and negotiating a fair agreement where there was give and take on both sides. He thanked the Town Board for all of the patrolmen.

Supervisor Holbrook also expressed the thanks of the Town Board to the Town's negotiator, Ron Longo.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - D'Andrea and Martone, was opened, time: 10:43 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - D'Andrea and Martone was closed, ORDER SIGNED, time: 10:45 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - Joy Acres North was opened, time: 10:43 P.M.

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On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - Joy Acres North was closed, ORDER SIGNED, time: 10:45 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - Marianne Hill Subdivision was opened, time: 10:43 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District - Marianne Hill was closed, ORDER SIGNED, time: 10:45 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District - Rockland Hyundai was opened, time: 10:43 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District - Rockland Hyundai was closed, ORDER SIGNED, time: 10:45 P.M.

RESOLUTION NO. (836-1988)

ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF JULY 12, 1988 AND AUGUST 16, 1988

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of July 12, 1988 and August 16, 1988 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (837-1988)

CANCELLING BID #68-1988 - ASPHALT PAVING EQUIPMENT

Co. Smith offered the following resolution:

RESOLVED, that based upon the request of the Superintendent of Highways that

BID #68-1988
ASPHALT PAVING EQUIPMENT

is hereby cancelled and all proposals rejected.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (837-1988) Continued

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

RESOLUTION NO. (838-1988)

AUTHORIZING ATTENDANCE AT
SOLID WASTE CONFERENCE AT
SARATOGA SPRINGS, NEW YORK
(STEVEN C. KUNIS) - CHARGE
TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Councilman STEVEN C. KUNIS is hereby authorized to attend a Solid Waste Conference to be held at Saratoga Springs, New York, on September 23-25, 1988, sponsored by the New York State Association of Conservation Commissions at a fee of \$35.00; and be it

FURTHER RESOLVED, that the expense for the above, plus travel and other necessary expenses be charged to Account No. A 1010-414.

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. (839-1988)

AUTHORIZING SUPERINTENDENT
OF RECREATION AND PARKS TO
FILE RECREATION PROJECT
RENEWAL APPLICATION -
COMMUNITY CENTER PROGRAMS

Co. Smith offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Superintendent of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$39,063.00 for the period commencing January 1, 1989 through December 31, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (840-1988)

GRANTING PERMISSION TO
CLARKSTOWN AUXILIARY POLICE
TO DISPENSE ALCOHOLIC

RESOLUTION NO. (840-1988) Continued

BEVERAGES AT PICNIC AT LAKE
NANUET PARK, SATURDAY,
SEPTEMBER 17, 1988

Co. Smith offered the following resolution:

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Auxiliary Police to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at the following event:

Picnic at Lake Nanuet Park
Saturday, September 17, 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. (841-1988)

AUTHORIZING SUPERVISOR TO
SIGN LEASE WITH SPRING
VALLEY HOMES ASSOCIATES BY
ARCO MANAGEMENT (LAKEVIEW
SENIOR CITIZEN HOUSING
COMPLEX) - CHARGE TO
ACCOUNT NO. A 8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently using the Community Building in the Lakeview Senior Citizen Housing Complex for the use of the senior citizen clubs sponsored by the Clarkstown Parks Board and Recreation Commission;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to renew the lease with Spring Valley Homes Associates through their managing agents, Arco Management Corp., for the continued use of the Community Building, at an annual rental fee of \$2,600.00 for the period September 1, 1989 through August 31, 1990, which renewal shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$2,600.00 be taken from Account No. A-8840-424.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (842-1988)

GRANTING PERMISSION FOR USE
OF THE CLARKSTOWN
SHOWMOBILE TO THE COLUMBUS
DAY COMMITTEE (OCTOBER 9,
1988)

Co. Maloney offered the following resolution:

WHEREAS, the Columbus Day Committee has requested use
of the Town of Clarkstown showmobile for the Columbus Day Parade to
be held on Sunday, October 9, 1988, in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the
Columbus Day Committee to use the Town of Clarkstown showmobile on
Sunday, October 9, 1988, for the above purposes and subject to the
provision of the necessary insurance policies.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (843-1988)

REFERRING AMENDMENT TO
ZONING ORDINANCE TO
CLARKSTOWN PLANNING BOARD
AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING -
SECTION 106-3 B DEFINED
WORDS, SECTION 106-16
ADDITIONAL REQUIREMENTS FOR
CERTAIN SPICAL PERMIT USES,
TABLE 12, RS DISTRICT
COLUMN 3 B, TABLE 14, LIO
DISTRICT, COLUMN 3 B AND
TABLE 15, M DISTRICT,
COLUMN 3 B

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

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

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RESOLUTION NO. (843-1988) Continued

Amend Section 106-3 B. Defined words, to add the following:

"§106-3B. Mini-Warehouse - A structure or group of structures intended for dead storage of goods or wares where individual stalls, garages or lockers are rented to different tenants and each individual unit provides less than 500 square feet of storage area."

Amend Section 106-16. Additional requirements for certain special permit uses, to add the following:

"§106-16 R. Conditions for Mini-Warehouses:

1. Interior driveways serving storage areas shall be not less than 30 ft. wide if units are located on both sides of the driveway, and not less than 20 ft. wide if units are located only on one side. Concrete curbing shall be installed along all edges of paved areas that do not abut buildings;

2. Office or administrative areas are permitted in the mini-warehouse site. At least one off-street parking space shall be provided for each 150 gross square feet of office or administrative area;

3. At least one 12 ft. x 33 ft. off-driveway loading area shall be provided at each elevator or passageway to a second story of a storage area;

4. Site fencing and screening shall be provided as required by the Planning Board. Colors of structures and signs shall be neutral or earth tones, as required by the Planning Board;

5. Not more than one dwelling and two parking spaces may be provided for a full-time caretaker or live-in manager;

6. All structures shall be set back not less than 15 ft. from any lot line;

7. Site plan approval is required from the Planning Board;

8. No retail uses shall be permitted in a mini-warehouse.

Amend Table 12, RS district, Column 3, B Town Board as follows:

7. Mini-warehouses.

Amend Table 14, LIO district, Column 3, B Town Board as follows:

7. Mini-warehouses.

Amend Table 15, M district, Column 3, B Town Board, as follows:

10. Mini-warehouses."

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (844-1988)

REJECTING BID FOR BID
#82-1988 - SALE OF SURPLUS
IBM SYSTEM 36 COMPUTER
EQUIPMENT AND AUTHORIZING
DIRECTOR OF PURCHASING TO
READVERTISE FOR BIDS FOR
BID #82A-1988 - SALE OF
SURPLUS IBM SYSTEM 36
COMPUTER EQUIPMENT

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Comptroller and the Director of Purchasing that

BID #82-1988
SALE OF SURPLUS IBM SYSTEM 36
COMPUTER EQUIPMENT

is hereby rejected, and be it

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

BID #82A-1988
SALE OF SURPLUS IBM SYSTEM 36
COMPUTER EQUIPMENT

bids to be returned to the office of the Director of Purchasing, 10
Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, October
4, 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. (845-1988)

TRANSFER OF FUNDS -
INCREASING ESTIMATED
REVENUE ACCOUNT NO.
11-002680, INCREASING
APPROPRIATION ACCOUNT NO.
CS 9550-910, INCREASING
ESTIMATED REVENUE ACCOUNT
NO. 04-102770, INCREASING
APPROPRIATION ACCOUNT NO.
DA 5130-447 AND TRANSFER
SAID FUNDS FROM LIABILITY
INSURANCE FUND TO HIGHWAY
FUND (DA)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No.
11-002680 (Liability Insurance - Insurance Recoveries) and
Appropriation Account No. CS 9550-910 (Transfer to Other Funds) by
\$510.00, and be it

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RESOLUTION NO. (845-1988) Continued

FURTHER RESOLVED, to increase Estimated Revenue Account No. 04-102770 (Highway-Misc. Revenue) and Appropriation Account No. DA 5130-447 (Equipment Repairs) by \$510.00 and transfer said funds from Liability Insurance Fund to Highway Fund (DA).

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. (846-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002130 (REFUSE) AND
APPROPRIATION ACCOUNT NO. A
8160-217 (SLF - MAINTENANCE
EQUIPMENT)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002130 (Refuse) and Appropriation Account No. A 8160-217 (SLF-Maintenance Equipment) by \$101.50.

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. (847-1988)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 04-102770
(MISC. REVENUE) AND
INCREASING APPROPRIATION
ACCOUNT NUMBERS DB 5110-110
(HIGHWAY-SALARIES) AND DB
5110-312 (AUTO. MAINTENANCE)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 04-102770 (Misc. Revenue) by \$195.80 and increase the following Appropriation Account Numbers:

DB 5110-110 (Highway-Salaries)..... \$ 76.80
DB 5110-312 (Auto Maintenance).....\$119.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (848-1988)

CLOSE PARKLANDS &
IMPROVEMENTS ACCOUNT NO. H
7110-02-23-409, TRANSFER
FROM H 7110-02-23-409 TO H
7110-01-27-409, AND
TRANSFER FROM H
7110-01-27-409 TO
MONEY-IN-LIEU-OF-LAND

Co. Carey offered the following resolution:

RESOLVED, to close Parklands & Improvements Account No. H 7110-02-23-409 (French Farms) by \$31,860.00 and transfer \$12,000.00 from H 7110-02-23-409 to H 7110-01-27-409 (Multi-Purpose Rooms) and be it

FURTHER RESOLVED, to transfer \$19,860.00 from H 7110-02-23-409 to Money-in-Lieu-of-Land Account.

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. (849-1988)

DECREASING APPROPRIATION
ACCOUNT A 1110-201 AND
INCREASING APPROPRIATION
ACCOUNT A 1680-225

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1110-201 (Furniture & Furnishings) and increase Appropriation Account A 1680-225 (Computer Equipment) by \$4,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (850-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 1620-408 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1620-201

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1620-408 (Maintenance-Bldg. Improvements) and increase Appropriation Account No. A 1620-201 (Furniture & Furnishings) by \$520.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (850-1988) Continued

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

RESOLUTION NO. (851-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 1410-209 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1410-409

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1410-209 (Town Clerk-Other Equipment) and increase Appropriation Account No. A 1410-409 (Fees for Services) by \$200.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (852-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT 01-001081
AND INCREASING
APPROPRIATION ACCOUNT A
1430-409

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue Account 01-001081 (Money in Lieu of Taxes) and increase Appropriation Account A 1430-409 (Fees for Services) by \$9,525.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (853-1988)

DECREASING APPROPRIATION
ACCOUNT A 1990-505 AND
INCREASING A 6510-401, A
8511-409 AND A 8840-424

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505 (Contingency) by \$845.00 and increase the following Appropriation Accounts:

Continued on Next Page

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RESOLUTION NO. (853-1988) Continued

RESOLVED, to decrease Appropriation Account A 1990-505 (Contingency) by \$845.00 and increase the following Appropriation Accounts:

- A 6510-401 (Veterans Services - Rental of Leased Premises).....\$ 500.00
- A 8511-409 (Community Beautification - Fees for Services).....\$ 145.00
- A 8840-424 (Economic Assistance - Contractual Expenses).....\$ 200.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (854-1988)

INCREASING APPROPRIATION
ACCOUNT A 1420-409 AND
INCREASING ESTIMATED
REVENUE ACCOUNT 01-001750

Co. Carey offered the following resolution:

RESOLVED, to increase Appropriation Account A 1420-409 (Fees for Services) and increase Estimated Revenue Account 01-001750 (Mini Trans Fare Box) by \$20,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (855-1988)

DECREASING APPROPRIATION
ACCOUNT A 1640-406 (REPAIRS
TO VEHICLES) AND INCREASING
APPROPRIATION ACCOUNT A
1640-311 (GASOLINE)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1640-406 (Repairs to Vehicles) and increase Appropriation Account A 1640-311 (Gasoline) by \$960.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (856-1988)

DECREASING APPROPRIATION
ACCOUNT A 3120-110 AND
INCREASING APPROPRIATION
ACCOUNTS A 3120-231, A
3120-303, A 3120-307, A
3120-319, A 3120-326, A
3120-407, A 3120-419, A
3120-423, A 1680-225

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 3120-110 (Police-Salaries) by \$46,000 and increase the following Appropriation Account Numbers:

A 3120-231.....	\$ 1,000
A 3120-303.....	1,000
A 3120-307.....	10,000
A 3120-319.....	1,500
A 3120-326.....	12,000
A 3120-407.....	250
A 3120-419.....	100
A 3120-423.....	150
A 1680-225.....	20,000

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (857-1988)

DECREASING APPROPRIATION
ACCOUNT A 1220-110 AND
INCREASING APPROPRIATION
ACCOUNT A 1220-319

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1220-110 (Salaries) and increase Appropriation Account A 1220-319 (Miscellaneous Supplies) by \$900.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (858-1988)

AUTHORIZING ATTENDANCE AT
PLANNING AND ZONING
WORKSHOPS (MEMBERS OF TOWN
BOARD AND PLANNING BOARD) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (858-1988) Continued

RESOLVED, that the members of the Town Board and the Planning Board are hereby authorized to attend Planning and Zoning Workshops and a presentation on Economic Development, sponsored by the Rockland County Department of Planning, to be held in Spring Valley, New York, on October 1, 1988, October 12, 1988, November 19, 1988, December 3, 1988, and be it

FURTHER RESOLVED, that should a fee be charged to cover the cost of lunch and materials, said fee shall be charged to Account No. A-1010-414.

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. (859-1988)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
(WAITZMAN V. ZBA)

Co. Smith offered the following resolution:

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

Application of HARRY WAITZMAN & MARCIA E. WAITZMAN,
Petitioners,

For a Judgment Pursuant to Article 78 of the CPLR

-against-

JOHN M. DIANIS, PENNY LEONARD, WILLIAM NIEHAUS
JOHN FELLA, DAVID KRAUSHAAR, ARNOLD AMSTER,
ELIZABETH J. SQUILLACE, constituting the Zoning
Board of Appeals 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. 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. (860-1988)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON ASSESSMENT

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RESOLUTION NO. (860-1988) Continued

ADMINISTRATION (PHILIP
FOGEL) - CHARGE TO ACCOUNT
NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that PHILIP B. FOGEL, Deputy Town Attorney, is hereby authorized to attend a Seminar and Conference on Assessment Administration sponsored by the New York State Assessors' Association to be held at Monticello, New York, on October 2 to October 4, 1988, at a fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that the expense for the above, plus travel and other necessary expenses be charged to Account No. A 1010-414.

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. (861-1988)

AWARDING BID FOR BID
#78-1988 (TWO FLASHING
BEACON SIGN ASSEMBLIES ON
BREWERY ROAD, NEW CITY) -
WARDE ELECTRIC CONTRACTING,
INC.

Co. Smith offered the following resolution:

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

BID #78-1988
TWO FLASHING BEACON SIGN ASSEMBLIES
ON BREWERY ROAD, NEW CITY

is hereby awarded to:

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

as per their low bid proposal of \$12,300.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (862-1988)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGNS (SOUTHEAST SIDE OF

RESOLUTION NO. 862-1988) Continued

SOUTHWARD AVENUE AT HILLTOP AVENUE, NORTHWEST SIDE OF SOUTHWARD AVENUE AT LAKEWOOD AVENUE, SOUTHWEST SIDE OF LAKEWOOD AVENUE AT ROUTE 303 AND NORTHWEST SIDE OF JOLLIFFE AVENUE AT SOUTHWARD AVENUE

Co. Smith 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:

- STOP signs on the following roads in Congers, New York:
- On the southeast side of Southward Ave. at Hilltop Ave.
- On the northwest side of Southward Ave. at Lakewood Ave.
- On the southwest side of Lakewood Ave. at Rte. 303
- On the northwest side of Jolliffe Ave. at Southward Ave.

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (863-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL TWO "TOWN SPEED 30" SIGNS - ONE 200 FT. NORTH OF CRUSHER ROAD ON OLD MILL ROAD, VALLEY COTTAGE NORTHBOUND TRAFFIC AND ONE 200 FT. WEST OF KINGS HIGHWAY ON OLD MILL ROAD, VALLEY COTTAGE

Co. Smith 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:

- Two (2) "Town Speed 30 signs. The first to be erected 200 ft. north of Crusher Road on Old Mill Road, Valley Cottage for northbound traffic. The second, to be erected 200 ft. west of Kings Highway on Old Mill Road, Valley Cottage, New York

and be it

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

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (863-1988) 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. (864-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE OBSOLETE DIRECTION CURVE SIGN NORTHSIDE GREGORY STREET, NEW CITY AND REPLACE WITH W1-5 AND INSTALL SAME SIGN WITH APPROPRIATE DIRECTION ARROW SOUTHSIDE GREGORY STREET. INSTALL PANEL BENEATH BOTH SIGNS "15 M.P.H."

Co. Smith 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 directed to

Remove the obsolete direction curve signs on the northside of Gregory Street, New City. Replace with a W1-5 sign per New York State Dept. of Transportation's Manual of Uniform Traffic Control Devices (Sec. 231.3)

Install the same sign with appropriate direction arrow on the southside of Gregory Street. Install a panel beneath the two signs to read, "15 M.P.H."

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (865-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #90-1988 - SALE OF SURPLUS OFFICE EQUIPMENT

Co. Carey offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (865-1988) Continued

BID #90-1988
SALE OF SURPLUS OFFICE 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 Tuesday, October 18, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (866-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #89-1988 -
SALE OF SURPLUS VEHICLES

Co. Carey offered the following resolution:

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

BID #89-1988
SALE OF SURPLUS VEHICLES

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, October 17, 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

RESOLUTION NO. (867-1988)

CORRECTING TOWN BOARD
RESOLUTION NO. 789-1988
ADVERTISING FOR BIDS FOR
BID #83-1988 - STREET
COMMUNITY CENTER ROOF
REHABILITATION

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (867-1988) Continued

RESOLVED, that Town Board Resolution No. (789-1988) is hereby corrected to read:

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

BID #83-1988
STREET COMMUNITY CENTER ROOF REHABILITATION

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, October 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

RESOLUTION NO. (868-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #91-1988 - STONE WALL RECONSTRUCTION CASPER HILL ROAD, VALLEY COTTAGE, NEW YORK

Co. Carey offered the following resolution:

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

BID #91-1988
STONE WALL RECONSTRUCTION
CASPER HILL ROAD, VALLEY COTTAGE, NEW YORK

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, October 20, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (869-1988)

CORRECTING TOWN BOARD
RESOLUTION NO. 790-1988
AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #32-1988 -
HEATONS POND DAM
RECONSTRUCTION

Co. Carey offered the following resolution:

RESOLVED, that Town Board Resolaution #790-1988 is hereby corrected to read:

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

BID #32-1988
HEATONS POND DAM RECONSTRUCTION

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, September 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.

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. (870-1988)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE GOVERNMENT
FINANCE OFFICERS'
ASSOCIATION CONFERENCE
(SMITH, SCHOFIELD, LODICO,
FOGEL, SQUILLACE) - CHARGE
TO ACCOUNT A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that the following personnel are hereby authorized to attend the New York State Government Finance Officers' Association conference at the Hotel Thayer, West Point on October 7, 1988:

Ann Marie Smith, Councilwoman
Paul K. Schofield, Comptroller
Dolores F. Lodico, Deputy Comptroller
Doris S. Fogel, Administrative Assistant
Elizabeth J. Squillace, Director of Finance

and be it

FURTHER RESOLVED, that the cost of said conference, not to exceed \$80.00 per person be charged to A 1010-414 (Schools & Conferences).

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (870-1988) 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. (871-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO AMENDMENT TO
EXISTING AGREEMENT WITH
SCHOFIELD COLGAN ARCHITECTS
- CHARGE TO MONEY-IN-
LIEU-OF-LAND ACCOUNT

Co. Smith offered the following resolution:

WHEREAS, Schofield Colgan Architects, have been previously retained by the Town Board upon the recommendation of the Parks Board and Recreation Commission for a project known as Additions and Alterations to Community Centers at Central Nyack and Congers Lake Memorial Park, and

WHEREAS, Town Board Resolution No. 893 dated September 8, 1987, authorized an amendment extending the services in the amount of \$15,000.00 with the total expenditure for architectural fees not to exceed \$37,000.00, and

WHEREAS, an additional sum of \$8,000.00 is needed to complete the amended services,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the existing agreement with Schofield Colgan Architects, in accordance with the recommendation of the Superintendent of Recreation and Parks to provide for additional compensation in the amount of \$8,000.00, and

FURTHER RESOLVED, that the total expenditure for architectural fees for the community center projects referred to herein shall not exceed \$45,000.00, and be it

FURTHER RESOLVED, that the additional appropriation shall be charged to the Money-in-Lieu-of-Land-Account.

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. (872-1988)

ACCEPTING DEEDS FROM NARLAN
DEVELOPMENT CORP. FOR ROAD
WIDENING, DRAINAGE
EASEMENTS AND CONSERVATION
EASEMENT (BRIDGEWATER II)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (872-1988) Continued

WHEREAS, as a condition to the approval of the site plan known as BRIDGEWATER II, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Lake Road, a/k/a Dr. Davies Road, Congers, New York, together with a deed for drainage easements and a Conservation Easement;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deeds dated August 25, 1988, from NARLAN DEVELOPMENT CORP. gratuitously conveying a strip of land along Dr. Davies Road, drainage easements and a Conservation Easement are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (873-1988)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO PURCHASE NECESSARY PIPE AND CASTINGS FOR CORRECTIVE DRAINAGE WORK VICINITY OF LOT 98 B 4.20, 15 AND 15.01, NEW CITY, NEW YORK - CHARGE TO CAPITAL FUND #2

Co. Smith offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of Lots 98 B 4.20, 15 and 15.01, New City, New York; and

WHEREAS, by Town Board Resolution No. 1065-1987 the Director of Environmental Control has been authorized to prepare plans and specifications to ameliorate the adverse drainage condition; and

WHEREAS, the Director of Environmental Control has had plans and specifications prepared for corrective work affecting Lot 98 B 4.20; and

WHEREAS, this is only a portion of the total project but is being accomplished at this time because the Rockland County Highway Dept. is assisting the Town Highway Department by providing equipment and manpower to assist in this corrective action;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to purchase the necessary pipe and associated material to perform the corrective drainage work for a sum not to exceed \$30,000.00, and be it

FURTHER RESOLVED, that the Town Superintendent of Highways supply the necessary additional labor and equipment to perform the corrective work; and be it

Continued on Next Page

RESOLUTION NO. (873-1988) Continued

FURTHER RESOLVED, that the personnel from the Highway Department be at the site to accept delivery and necessary materials; and be it

FURTHER RESOLVED, that this amount be a proper charge to Capital Fund #2.

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. (874-1988)

AMENDING RESOLUTION NO.
1073-87 AUTHORIZING
DIRECTOR OF ENVIRONMENTAL
CONTROL TO PERFORM
CORRECTIVE WORK WITHIN THE
EXISTING TOWN EASEMENTS
VICINITY OF 137 A 41.11,
42.16 AND 42.20, VALLEY
COTTAGE, NEW YORK - CHARGE
TO CAPITAL FUND #2

Co. Smith offered the following resolution:

WHEREAS, an adverse drainage condition existed in the vicinity of Lots 137 A 41.11, 42.16 and 42.20, Valley Cottage, New York; and

WHEREAS, the Department of Environmental Control recommended a solution to ameliorate said condition; and

WHEREAS, the Town Board at its meeting of October 27, 1987, by Resolution Number 1073-1987 approved the allocation to correct said condition; and

WHEREAS, during construction a greater than anticipated area was disturbed that required regrading and landscaping;

NOW, THEREFORE, be it

RESOLVED, that the original sum allocated be increased by \$4,522.73; and be it

FURTHER RESOLVED, that the total cost of the project shall not exceed \$19,027.53.

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. (876-1988) Continued

WHEREAS, the new Part 219-E regulations released by the New York State Department of Environmental Conservation contain highly advanced technological requirements for the construction of the "perfect" resource recovery plant, and

WHEREAS, by the DEC's own admission, no such "perfect" plant currently exists in the State of New York, or the United States of America;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown in the State of New York, hereby requests the NYSDEC to construct the "perfect" prototype plant to demonstrate to New York's local governments how such a "perfect" plant should be built and exactly what the construction and operating costs would be, and be it

FURTHER RESOLVED, that the Town of Clarkstown challenges the NYSDEC to meet its own standards for building such a "perfect" plant, and be it

FURTHER RESOLVED, that copies of this resolution shall be sent to Governor Cuomo, the New York State Legislature, the Commissioner of the Department of Environmental Conservation, and members of the Town Board.

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. (877-1988)

AMENDING REOLUTION NO.
823-1988 AUTHORIZING
SUPERVISOR TO ENTER INTO
AGREEMENT WITH TOWN OF
RAMAPO FOR DUMPING OF BALED
SOLID WASTE AT CLARKSTOWN
SANITARY LANDFILL

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 823-1988, adopted by the Town Board on August 16, 1988, shall be amended to read as follows:

WHEREAS, the Town of Clarkstown is the owner of certain lands in the Town of Clarkstown being used as a sanitary landfill, and

WHEREAS, the Town of Ramapo is desirous of depositing all of its baled solid waste originating within its territorial boundaries at the Clarkstown Sanitary Landfill during the year of 1989, and

WHEREAS, in the spirit of municipal cooperation, the Town of Clarkstown is willing to enter into an agreement with the Town of Ramapo for the disposal of all of its baled solid waste in the Clarkstown Sanitary Landfill during the year 1989;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (877-1988) Continued

RESOLVED,

1. That the Supervisor of the Town of Clarkstown is authorized to enter into an agreement in writing with the Town of Ramapo in a form satisfactory to the Town Attorney, which agreement shall provide for the disposal of all of the baled solid waste originating within the territorial boundaries of the Town of Ramapo into the Clarkstown Sanitary Landfill;

2. The Town of Ramapo shall pay to the Town of Clarkstown the sum of \$49.00 per ton for each ton of baled solid waste that is deposited into the Clarkstown Sanitary Landfill;

3. Additionally, it shall be the obligation of the Town of Ramapo to supply adequate landfill cover material together with all necessary equipment and manpower as same may be directed by the landfill supervisor of the Clarkstown Sanitary Landfill and as will be delineated in the above referred to agreement;

4. That said agreement shall be for the calendar year of 1989 commencing with January 1, 1989 and terminating on December 31, 1989;

5. That this agreement may be cancelled by the Town of Clarkstown upon sixty days written notice to the Town of Ramapo.

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. (878-1988)

AUTHORIZING FIRE LANE
DESIGNATIONS AT PEARL RIVER
ELKS LODGE #2041

Co. Smith offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provision of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at

Pearl River Elks Lodge #2041
Elks Drive, Nanuet

by the installation of fire lane designations, and

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

NOW, THEREFORE, be it

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

Continued on Next Page

RESOLUTION NO. (878-1988) Continued

review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (879-1988)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (MF-4
DISTRICT)

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 22nd day of March, 1988, provided for a public hearing on the 10th day of May, 1988, and was continued and adjourned to June 14, 1988, at 8:15 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 Section 106-5 A. Establishment of districts from:

"A. The Town of Clarkstown is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite its title:

<u>Symbol</u>	<u>Title</u>
R-80	Low Density Residence (80,000 square feet)
R-40	Low Density Residence (40,000 square feet)
R-22	Medium Density Residence (22,500 square feet)
R-15	Medium Density Residence (15,000 square feet)
R-10	Medium High Density Residence (10,000 square feet)
RG-1	General Residence, Low Denisty
RG-2	General Residence, Medium Density
L0	Laboratory Office
PO	Professional Office
LS	Local Shopping
CS	Community Shopping
MRS	Major Regional Shopping
LIO	Light Industrial Office
M	Manufacturing
PED	Planned Economic Development
R-160	Consrvation Density Residence
MF-1	Multifamily
MF-2	Multifamily
MF-3	Multifamily"

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

to read as follows:

"A. The Town of Clarkstown is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite its title:

<u>Symbol</u>	<u>Title</u>
R-80	Low Density Residence (80,000 square feet)
R-40	Low Density Residence (40,000 square feet)
R-22	Medium Density Residence (22,500 square feet)
R-15	Medium Density Residence (15,000 square feet)
R-10	Medium High Density Residence (10,000 square feet)
RG-1	General Residence, Low Density
RG-2	General Residence, Medium Density
L0	Laboratory Office
PO	Professional Office
LS	Local Shopping
CS	Community Shopping
MRS	Major Regional Shopping
LIO	Light Industrial Office
M	Manufacturing
PED	Planned Economic Development
R-160	Conservation Density Residence
MF-1	Multifamily
MF-2	Multifamily
MF-3	Multifamily
MF-4	Multifamily"

Amend Section 106-6. Purpose of districts:
by adding R.

"R. MF-1, MF-2, MF-3, and MF-4: The multi-family MF-1, MF-2, MF-3 and MF-4 zones are established in order to provide additional housing opportunities in attached housing developments. These zones are designed for areas which can provide local services necessary to support relatively intensive housing development and where such developments will be compatible with the existing scale of development. As such, these zones are intended to be located in the dense portions of the Town's hamlets. In addition, the MF-4 district is intended to reduce potential traffic in the Route 59 corridor area, as well as provide expanded housing opportunities."

Amend Section 106-19 E (2). Spacing of buildings from:

"(2) Location of detached accessory buildings. No detached accessory building shall be closer to any principal building than a distance equal to the height of such accessory building, and in no event less than fifteen (15) feet."

to read as follows:

"(2) Location of detached accessory buildings. No detached accessory building shall be closer to any principal building than a distance equal to the height of such accessory building, and in no event less than fifteen (15) feet. Notwithstanding the above, accessory buildings in MF districts may abut principal buildings, but if detached, shall not be less than 15 feet."

Amend Section 106-19 F from:

"Additional regulations concerning MF-1, MF-2 and MF-3 Districts shall be as follows:"

to read as follows:

"Additional regulations concerning MF-1, MF-2, MF-3, and MF-4 Districts shall be as follows:"

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

Amend Section 109-19 F (1) from:

"Minimum overall lot area: forty thousand (40,000) square feet.

to read as follows:

"Minimum overall lot area: forty thousand (40,000) square feet for MF-1, MF-2 and MF-3, and eighty thousand (80,000) square feet for MF-4."

Amend Section 106-19 F (2) Density from:

<u>"District</u>	<u>Square Feet of Land Area/Unit</u>	<u>Units/Acre</u>	<u>Bedrooms in Unit</u>
MF-1	5,500	7.9	Efficiency
	7,250	6.0	1
	9,000	4.8	2
	10,750	4.0	3 or more
MF-2	3,350	13.0	Efficiency
	3,800	11.5	1
	4,300	10.0	2
	4,800	9.1	3 or more
MF-3	2,400	18.1	Efficiency
	2,800	15.6	1
	3,200	13.6	2
	3,600	12.1	3 or more"

to read as follows:

<u>"District</u>	<u>Square Feet of Land Area/Unit</u>	<u>Units/Acre</u>	<u>Bedrooms in Unit</u>
MF-1	5,500	7.9	Efficiency
	7,250	6.0	1
	9,000	4.8	2
	10,750	4.0	3 or more
MF-2	3,350	13.0	Efficiency
	3,800	11.5	1
	4,300	10.0	2
	4,800	9.1	3 or more
MF-3	2,400	18.1	Efficiency
	2,800	15.6	1
	3,200	13.6	2
	3,600	12.1	3 or more"
MF-4	1,815	24	1
	2,074	21	2
	2,293	19	3 or more"

Amend Section 106-19 F (3) from:

"3. Maximum coverage, all buildings, including accessory buildings, shall not cover more than twenty percent (20%) of the area of the lot."

to read as follows:

"3. Maximum coverage, all buildings, including accessory buildings, shall not cover more than twenty percent (20%) of the area of the lot for MF-1, 2 and 3. For MF-4, maximum coverage shall not exceed twenty-five percent (25%) of the area of the

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

lot. Recreational building shall not be included within this computation."

Amend Section 106-19 F (5) from:

"Required yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows. (Where any required yard abuts any existing or proposed street, the yard shall be measured from the width shown on the Official Map.)

(a) Front yards (shall be measured from the width of the Official Map).

(1) Not less than twenty-five (25) feet from any private street.

(2) Not less than fifty (50) feet from any public street.

(3) Not less than one hundred (100) feet from any state highway.

(b) Side yards.

(1) For all dwellings, not less than fifty (50) feet.

(2) All residences with an attached or separate garage opening into a side yard shall leave a minimum of thirty (30) feet of side yard for access thereto.

(c) Rear yards: not less than fifty (50) feet."

to read as follows:

"Required yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows. (Where any required yard abuts any existing or proposed street, the yard shall be measured from the width shown on the Official Map.)

(a) Front yards.

(1) Not less than twenty-five (25) feet from any private street.

(2) Not less than fifty (50) feet from any public street.

(3) Not less than one hundred (100) feet from any state highway.

(4) In the MF-4 District, not less than thirty (30) feet from any lot line shall be provided whenever no parking is located between a lot line and a building.

(b) Side yards.

(1) For all dwellings, not less than fifty (50) feet.

(2) All residences with an attached or separate garage opening into a side yard shall leave a minimum of thirty (30) feet of side yard for access thereto.

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

(3) In the MF-4 District, not less than thirty (30) feet from any lot line shall be provided whenever no parking is located between a lot line and a building.

(c) Rear yards: not less than fifty (50) feet.

(1) In the MF-4 District, not less than thirty (30) feet from any lot line shall be provided whenever no parking is located between a lot line and a building."

Amend Section 106-19F (6) from:

"(6) Height (maximum building height in inches per foot of distance from lot line): nine (9) inches: but no greater than three (3) stories or thirty-five (35) feet."

to read as follows:

"(6) Height (maximum building height in inches per foot of distance from lot line): nine (9) inches: but no greater than three (3) stories or thirty-five (35) feet for MF-1, 2 and 3. Notwithstanding the provisions of Section 106-19C, for MF-4 the maximum building height shall not exceed three (3) stories, excluding height of parking area located below residential floor areas, but shall not be over forty feet (40) above grade, including one half (1/2) of a gable or peaked roof area."

Amend Section 106-19 F (7) from:

"Distance between buildings. The distance between any two (2) principal building structures shall be not less than the height of the tallest of the two (2) buildings. The distance between any principal structure and any accessory building or between two (2) detached accessory buildings shall be not less than twenty (20) feet. However, any other provision notwithstanding, a minimum distance of sixty (60) feet shall be maintained between the center of any window in a habitable space other than a window in a bathroom or kitchen and any wall of the same or of another structure, the plane of which is parallel to or which intersects the plane of the wall in which said window is located at an angle of less than ninety degrees (90), such distance being measured in horizontal projection at the sill level of said window."

to read as follows:

"Distance between buildings. The distance between any two (2) principal building structures shall be not less than the height of the tallest of the two (2) buildings. The distance between any principal structure and any accessory building or between two (2) detached accessory buildings shall be not less than twenty (20) feet for MF-1, 2 and 3, but shall not be less than thirty (30) feet in any MF-4 District, and no parking shall be located within this area. However, any other provision notwithstanding, a minimum distance of sixty (60) feet shall be maintained between the center of any window in a habitable space other than a window in a bathroom or kitchen and any wall of the same or of another structure, the plane of which is parallel to or which intersects the plane of the wall in which said window is located at an angle of less than ninety degrees (90), such distance being measured in horizontal projection at the sill level of said window. Notwithstanding the above, this dimension shall not be less than fifty (50) feet in any MF-4 zone."

Amend Section 106-19 F (8) from:

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

"Accessory buildings, accessory structures and accessory uses. The area occupied by accessory buildings or structures shall be included in computing the maximum percentage of the lot area which may be utilized for buildings."

to read as follows:

"(8) Accessory buildings, accessory structures and accessory uses. The area occupied by accessory buildings or structures shall be included in computing the maximum percentage of the lot area which may be utilized for buildings. Notwithstanding the above, recreational buildings and structures in the MF-4 District shall not be so included."

Amend Section 106-19 F (9) from:

"Continuation of nonconforming buildings and nonconfirming uses is multifamily (MF-1, MF-2 and MF-3) districts. The following regulations shall apply to nonconforming buildings and uses in the multifamily (MF-1, MF-2, and MF-3) districts:

(a) Definitions. For purposes of this section, a "nonconforming building" in the multifamily (MF-1, MF-2 and MF-3) districts shall be a building which does not conform to the bulk requirements set forth herein. A "nonconforming use" shall be a use which does not conform to the permitted use requirements set forth herein. In addition, such nonconforming building or use shall have lawfully existed in an RG-1 or RG-2 District prior to the adoption of this section of the Zoning Ordinance of the Town of Clarkstown, New York, and the use or building shall be maintained following the adoption of this section.

(b) Conditions governing nonconforming buildings and uses in the multifamily (MF-1, MF-2 and MF-3) districts."

to read as follows:

"Continuation of nonconforming buildings and nonconfirming uses is multifamily (MF-1, MF-2, MF-3 and MF-4) districts. The following regulations shall apply to nonconforming buildings and uses in the multifamily (MF-1, MF-2, MF-3 and MF-4) districts:

(a) Definitions. For purposes of this section, a "nonconforming building" in the multifamily (MF-1, MF-2 and MF-3) districts shall be a building which does not conform to the bulk requirements set forth herein. A "nonconforming use" shall be a use which does not conform to the permitted use requirements set forth herein. In addition, such nonconforming building or use shall have lawfully existed in an RG-1 or RG-2 District prior to the adoption of this section of the Zoning Ordinance of the Town of Clarkstown, New York, and the use or building shall be maintained following the adoption of this section.

(b) Conditions governing nonconforming buildings and uses in the multifamily (MF-1, MF-2, MF-3 and MF-4) districts."

Amend Section 106-19 (F) to add Item (10)"Additional requirements for the MF-4 district:

(a) All MF-4 districts shall be located entirely within the area comprising the Route 59 Corridor Study as defined by Local Law No.7-1985.

(b) All MF-4 districts shall directly front upon, and receive primary driveway access, from a State or County Road.

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RESOLUTION NO. (879-1988) Continued

(c) All MF-4 districts shall be located not more than 1500 feet of a shopping area, as measured from the closest points of lot lines, and measured along a paved sidewalk.

(d) All MF-4 districts shall have been zoned RS or CS immediately prior to the initial date of adoption by the Town Board of the MF-4 district regulations.

(e) No efficiency units, or units without a separate room designated and intended primarily for use as a bedroom, shall be permitted in any MF-4 district.

(f) Not more than fifty percent (50%) of all dwellings shall be one bedroom units in any MF-4 district."

Amend General Use Regulations, Table 19, as follows:

Add "MF-4" as appropriate on the Cover Page and in Column 1.

Amend General Use Regulations Table 19, Column 8, Item 6 (c) from:

"6.(c) In an MF-1 District, 25% of the entire tract shall be reserved as usable open space for use by all residents of the development or, at the request of the applicant, prior to final site plan approval and subject to acceptance by the Town Board upon recommendation of the Parks Board and Recreation Commission, may be offered for dedication, in whole or in part, to the Town. Such usable open space, exclusive of any off-street parking areas and access driveways or any other paved areas, shall have no dimension of less than 30 feet except for access, and the location thereof shall be subject to approval of the Planning Board. The community building and recreation facilities may be located within the usable open space. In an MF-2 District, the above percentage shall be 15%. In an MF-3 District, the above percentage shall be 10%. Density shall be established prior to the identification of usable open space."

to read as follows:

"6.(c) In an MF-1 District, 25% of the entire tract shall be reserved as usable open space for use by all residents of the development or, at the request of the applicant, prior to final site plan approval and subject to acceptance by the Town Board upon recommendation of the Parks Board and Recreation Commission, may be offered for dedication, in whole or in part, to the Town. Such usable open space, exclusive of any off-street parking areas and access driveways or any other paved areas, shall have no dimension of less than 30 feet except for access, and the location thereof shall be subject to approval of the Planning Board. The community building and recreation facilities may be located within the usable open space. In an MF-2 District, the above percentage shall be 15%. In an MF-3 and MF-4 Districts, the above percentage shall be 10%. Density shall be established prior to the identification of usable open space."

Amend General Use Regulations Table 19, Column 8, Item 6 (f) from:

"6.(f) Open parking areas, (not including access driveways) shall not be closer than 20 feet to any building or lot line."

to read as follows:

"6.(f) In the MF-1, MF-2 and MF-3 districts, open parking areas, (not including access driveways) shall not be closer than 20 feet to any building or lot line. "In the MF-4 district, no

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

open at grade 90 degree parking shall be within 20 ft. of any lot line, and no open parallel parking areas shall be within 10 ft. of any lot line, and no at grade parking shall be within 10 ft. of any building."

**Amend General Use Regulations Table 19, Column 8,
Item 6 (g) from:**

"6.(g) No active exterior recreation facility, such as, but not limited to, a swimming pool (to edge of fence), tennis court or other recreation facility, shall be closer than 30 feet to any building or 50 feet to any lot line or be between a building line and a public street. Locker rooms and other supporting facilities may be within a building. All active recreation facilities shall be considered buildings for purposes of the distance requirement between buildings."

to read as follows:

"6.(g) No active exterior recreation facility, such as, but not limited to, a swimming pool (to edge of fence), tennis court or other recreation facility, shall be closer than 30 feet to any building or 50 feet to any lot line or be between a building line and a public street. Locker rooms and other supporting facilities may be within a building. All active recreation facilities shall be considered buildings for purposes of the distance requirement between buildings. Notwithstanding the above, in an MF-4 district, all accessory recreation facilities may be attached to principal buildings."

**Amend General Use Regulations Table 19, Column 8,
Item 6 (n) from:**

"6.(n) There shall be not more than 8 units in any building."

to read as follows:

"6.(n) There shall be not more than 8 units in any building. Notwithstanding this provision, there shall be no limit on number of units in any building within an MF-4 district, and typical building length should generally not exceed 160 feet."

**Amend General Use Regulations Table 19, Column 8,
Item 6 (r) from:**

"6.(r) The property shall have frontage on and access from a public street or streets."

to read as follows:

"6.(r) The property shall have frontage on and access from a public street or streets. Notwithstanding the above, frontage and primary driveway access to property in an MF-4 district shall be from a State or County road."

**Amend General Use Regulations Table 19, Column 8,
Item 7 (g) from:**

"7.(g) Proposed building configuration, which shall show, for town houses, staggered rooflines and front facade."

to read as follows:

"7.(g) Proposed building configuration, which shall show, for town houses, staggered rooflines and front facade. In the MF-4 district building facades shall be staggered not less than one (1) foot in depth for each 50 ft. of building length."

RESOLUTION NO. (879-1988) Continued

**Amend General Use Regulations Table 19, Column 8,
Item 7 by adding (t):**

"7.(t) For MF-4 districts the following shall apply:

(i) Planted and landscaped berms shall be required where the Planning Board determines such screening is necessary.

(ii) The Planning Board shall require the site plan, or parts thereof, to be drawn to a scale of 1"=10', when necessary, to allow detailed review of items of important detail, including utilities, sidewalks, lighting, parking, etc.

(iii) Color renderings, showing the proposed structures in relation to adjoining properties, may be required by the Planning Board."

**Amend General Use Regulations Table 19, Column 8,
Item 7 by adding (u):**

"7.(u) All outdoor utility equipment, including gas, electric meters, lighting, and directory signs shall be shown."

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 Co. Maloney

Councilman Kunis stated that he was voting no for the following basic reasons. He felt that it was shown tonight that the Route 59 Corridor Study is not up to date and complete. He said our neighboring communities in Haverstraw and Orangetown are decreasing density and here we are passing a law to increase density. Most importantly a half hour ago we passed a resolution taking property along Route 59 and changing that property from RS to R-15. By the Town adopting this MF-4 resolution we are certainly not only going to create density problems but he predicted that we will have to defend many law suits. MF-4 at this point will cost this Town hundreds of thousands of dollars in legal fees down the road.

Councilman Maloney said the purpose of the district is indicated in this resolution where it says the MF-4 district is intended to reduce potential traffic in the Route 59 Corridor area as well as provide expanded housing opportunities. He said he noted that the difference between the MF-3 and the MF-4 is 6 per acre. He said he was voting yes for this particular zone change and it is a zone change we are talking about, nothing else. He said he was voting yes.

Councilwoman Smith said she was voting no for the MF-4 because it is a zone that is not applicable throughout the entire Town. She would not legislate a new zone or amend any zone that is subject to decision zoning rather than legislative zoning.

Supervisor Holbrook said he would support the resolution because he felt that it is part of the Corridor Study that has been going on for the past two or three years and it was important that we follow through on this and establish this as some way to mitigate the traffic effects on Route 59.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (879-1988) Continued

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

RESOLUTION NO. (880-1988)

GRANTING CERTIFICATE OF
REGISTRATION (NO. 88-26) TO
PETER BITTS D/B/A PETER
BITTS EXCAVATING

Co. Smith 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:

PETER BITTS, d/b/a PETER BITTS EXCAVATING
P.O. BOX 621
BARDONIA, NEW YORK 10954

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

88-26 issued to PETER BITTS EXCAVATING

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. (881-1988)

AUTHORIZING ATTENDANCE AT
ARSON SEMINAR - ASSISTANT
FIRE INSPECTOR (WILLIAM
BOWLER)

Co. Smith offered the following resolution:

RESOLVED, that William Bowler, Assistant Fire Inspector,
is authorized to attend an Arson Seminar on October 6 and 7, 1988 at
the Rockland County Fire Training Center, Pomona, New York at no
cost to the Town.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (882-1988)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (DONNA
PROTASIEWICZ)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Donna Protasiewicz, 9
Raven Terrace, New City, New York - Crossing Guard - Police
Department - is hereby accepted - effective and retroactive to
August 11, 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. (883-1988)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (HELEN HOBBS)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Helen Hobbs, 21
Fernwood Drive, New City, New York - Crossing Guard - Police
Department - is hereby accepted - effective and retroactive to
August 10, 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. (884-1988)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (E. NANCY
KARUMBA)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of E. Nancy Karumba, 304
Front Street, Upper Nyack, New York - Crossing Guard - Police
Department - is hereby accepted - effective and retroactive to
August 18, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (885-1988)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (DOROTHY GREMLI)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Dorothy Greml, 13 Hollow Drive, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 17, 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. (886-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (ELLEN GEORGE)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Ellen George, 64 Second Street, New City, New York, as a Crossing Guard - Police Department - the rate of \$7.75 per crossing covered - effective and retroactive to September 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. (887-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (GABRIEL ASARO)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Gabriel Asaro, 31 Upper Depew Avenue, Central Nyack, New York, as a Crossing Guard - Police Department - at the rate of \$7.75 per crossing covered - effective and retroactive to September 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. (888-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (BARBARA CONLIN)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Barbara Conlin, 104 Green Road, West Nyack, New York, as a Crossing Guard - Police Department - at the rate of \$7.75 per crossing covered - effective and retroactive to September 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. (889-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (JOAN MURPHY)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joan Murphy, 51 Gregory Street, New City, New York as a Crossing Guard - Police Department - at the rate of \$7.75 per crossing covered - effective and retroactive to September 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. (890-1988)

RECOGNIZING (PERMANENT)
APPOINTMENT BY POLICE
COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(MICHAEL NOVOTNY)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #84200 Police Officer which contains the name of Michael Novotny,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Police Commission of Michael Novotny, 10 Acorn Terrace, New City, New York, as a Police Officer - Police Department - at the current 1988 annual salary of \$32,146.00, effective and retroactive to August 29, 1988.

Continued on Next Page

RESOLUTION NO. (890-1988) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (891-1988)

RECOGNIZING (PERMANENT)
APPOINTMENT BY POLICE
COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(MARK HAMILLA)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #84200 Police Officer which contains the name of Mark Hamilla,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Police Commission of Mark Hamilla, 42 Demarest Avenue, West Nyack, New York, as a Police Officer - Police Department - at the current 1988 annual salary of \$32,146.00, effective and retroactive to August 29, 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. (892-1988)

RECOGNIZING (PERMANENT)
APPOINTMENT BY POLICE
COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(PAUL VALERIO, III)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #84200 Police Officer which contains the name of Paul Valerio, III,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Police Commission of Paul Valerio, III, 34 Hughes Street, Congers, New York, as a Police Officer - Police Department - at the current 1988 annual salary of \$32,146.00, effective and retroactive to August 29, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (892-1988) Continued

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

RESOLUTION NO. (893-1988)

RECOGNIZING (PERMANENT)
 APPOINTMENT BY POLICE
 COMMISSION OF POLICE
 OFFICER - POLICE DEPARTMENT
 (SCOTT A. SILVER)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
 furnished Certification of Eligibles #84200 Police Officer which
 contains the name of Scott A. Silver,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
 (permanent) appointment by the Police Commission of Scott A. Silver,
 P.O. Box 2095, New City, New York, as a Police Officer - Police
 Department - at the current 1988 annual salary of \$32,146.00,
 effective and retroactive to August 29, 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. (894-1988)

RECOGNIZING (PERMANENT)
 APPOINTMENT BY POLICE
 COMMISSION OF POLICE
 OFFICER - POLICE DEPARTMENT
 (PATRICIA FLYNN)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
 furnished Certification of Eligibles #84200 Police Officer which
 contains the name of Patricia Flynn,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
 (permanent) appointment by the Police Commission of Patricia Flynn,
 9 Von Beaste Lane, Congers, New York, as a Police Officer - Police
 Department - at the current 1988 annual salary of \$32,146.00,
 effective and retroactive to August 29, 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. (895-1988)

RECOGNIZING (PERMANENT)
APPOINTMENT BY POLICE
COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(DANIEL DOHERTY)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #84200 Police Officer which contains the name of Daniel Doherty,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Police Commission of Daniel Doherty, 18 Virginia Street, New City, New York, as a Police Officer - Police Department - at the current 1988 annual salary of \$32,146.00, effective and retroactive to August 29, 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. (896-1988)

RECOGNIZING (PERMANENT)
APPOINTMENT BY POLICE
COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(ROBERT DONALDSON)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #85143A Police Sergeant which contains the name of Robert Donaldson,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (permanent) appointment by the Police Commission of Robert Donaldson, 47 North Grant Avenue, Congers, New York, as Police Sergeant - Police Department - at the current 1988 annual salary of \$50,347.00, effective September 19, 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. (897-1988)

RECOGNIZING (CONTINGENT-
PERMANENT) APPOINTMENT BY
POLICE COMMISSION OF POLICE
SERGEANT - POLICE
DEPARTMENT (STANLEY GORZKA)

RESOLUTION NO. (897-1988) Continued

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #85143A Police Sergeant which contains the name of Stanley Gorzka,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (contingent-permanent) appointment by the Police Commission of Stanley Gorzka, 17 Washington Place, Pearl River, New York, as a Police Sergeant - Police Department - at the current 1988 annual salary of \$51,247.00, effective September 19, 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. (898-1988)

RECOGNIZING (CONTINGENT PERMANENT) APPOINTMENT BY POLICE COMMISSION OF POLICE SERGEANT - POLICE COMMISSION (WILLIAM JOHNSTONE)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #85143A Police Sergeant which contains the name of William Johnstone,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the (contingent permanent) appointment by the Police Commission of William Johnstone, 51 Elmwood Drive, New City, New York, as a Police Sergeant - Police Department - at the current 1988 annual salary of \$52,147.00, effective September 19, 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. (899-1988)

RECOGNIZING (TEMPORARY) APPOINTMENT BY POLICE COMMISSION OF POLICE RADIO DISPATCHER - POLICE DEPARTMENT (RENEE A. NELSON)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (899-1988) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Renee A. Nelson, 769 Birchwood Court, Valley Cottage, New York, as a (temporary) Police Radio Dispatcher - Police Department - (to cover the leave of absence of Randall Goldberg) - at the current 1988 annual salary of \$20,047.00, effective and retroactive to September 12, 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. (900-1988)

ACCEPTING RESIGNATION OF
(TEMPORARY) LABORER -
SANITARY LANDFILL (MICHAEL
KELLY)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Michael Kelly, 19 Twin Elms Lane, New City, New York - (temporary) Laborer - Sanitary Landfill - is hereby accepted effective and retroactive to September 2, 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. (901-1988)

APPOINTING TO POSITION OF
DUMP ATTENDANT - SANITARY
LANDFILL (PATRICK MOTTER)

Co. Smith offered the following resolution:

RESOLVED, that Patrick Motter, 64 Route 9, Wappinger Falls, New York, is hereby appointed to the position of Dump Attendant - Sanitary Landfill - at the current 1988 annual salary of \$18,818., effective and retroactive to August 29, 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. (902-1988)

RECOGNIZING APPOINTMENT BY
THE SUPERINTENDENT OF
HIGHWAYS OF MAINTENANCE
HELPER - TOWN HIGHWAY
DEPARTMENT (DAVID WARREN)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of David Warren, 3 Kensington Circle, 3F, Garnerville, New York, as a Maintenance Helper - Town Highway Department - at the current 1988 annual salary of \$16,534.00, effective and retroactive to August 30, 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. (903-1988)

GRANTING A SICK LEAVE OF
ABSENCE TO LABORER - TOWN
HIGHWAY DEPARTMENT (JAMES
VOCE)

Co. Smith 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., James Voce, 33 Parkside Drive, Congers, New York - Laborer - Town Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to August 22, 1988 to September 30, 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. (904-1988)

GRANTING EXTENSION OF SICK
LEAVE OF ABSENCE TO MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT (DONALD
WERBECK)

Co. Smith 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., Donald Werbeck, 33 Whitman Street, Congers, New York - Motor Equipment Operator II - Highway Department - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective September 16, 1988 through September 23, 1988.

Seconded by Co. Maloney

RESOLUTION NO. (904-1988) 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. (905-1988)

APPOINTING POSITION OF
SECRETARY (PART-TIME) -
PARKS BOARD AND RECREATION
COMMISSION (RUKMANI
DeCOLYSE)

Co. Smith offered the following resolution:

RESOLVED, that Rukmani DeColyse, 45 Park Terrace,
Congers, New York, is hereby appointed to the position of Secretary
(part-time) - Parks Board and Recreation Commission - at the current
1988 annual salary of \$1,600.00, effective September 19, 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. (906-1988)

GRANTING LEAVE OF ABSENCE
WITHOUT PAY TO TYPIST -
BUILDING DEPARTMENT
(MARIANNE ANTOLINO)

Co. Smith offered the following resolution:

WHEREAS, Marianne Antolino has requested a leave of
absence, without pay,

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

NOW, THEREFORE, be it

RESOLVED, that Marianne Antolino, 33 Amarillo Drive,
Nanuet, New York - Typist - Building Department - is hereby granted
a leave of absence, without pay, effective October 5, 1988 through
October 14, 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. (907-1988)

RECLASSIFYING POSITION OF
SENIOR TYPIST TO PRINCIPAL
CLERK TYPIST - YOUTH COURT/
POLICE DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 5, 1988 that the position of Senior Typist (encumbered by Patricia Barad) can be reclassified to the position of Principal Clerk Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Typist (encumbered by Patricia Barad) - Youth Court/Police Department is hereby reclassified to the position of Principal Clerk Typist - effective and retroactive to September 12, 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. (908-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
(PROVISIONAL) PRINCIPAL
CLERK TYPIST - YOUTH COURT
- POLICE DEPARTMENT
(PATRICIA BARAD)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Patricia Barad, 25 Scher Drive, New City, New York, as a (provisional) Principal Clerk Typist - Youth Court - Police Department - at the current 1988 annual salary of \$21,876.00, effective and retroactive to September 12, 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. (909-1988)

CREATING POSITION OF
ASSISTANT AUTOMOTIVE
MECHANIC - TOWN GARAGE

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 8, 1988 that the position of Assistant Automotive Mechanic - Town Garage - can be created,

Continued on Next Page

RESOLUTION NO. (909-1988) Continued

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Automotive Mechanic - Town Garage - is hereby created - effective September 19, 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. (910-1988)

APPOINTING TO POSITION OF ASSISTANT AUTOMOTIVE MECHANIC - TOWN GARAGE (GARY MARINA)

Co. Smith offered the following resolution:

RESOLVED, that Gary Marina, 91 Mountain Avenue, Highland Falls, New York, is hereby appointed to the position of Assistant Automotive Mechanic - Town Garage - at the current 1988 annual salary of \$23,882.00, effective September 19, 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. (911-1988)

AUTHORIZING PAYMENT TO SECRETARY TO BOARD OF APPEALS (MARGARETANN RIES) FOR PREPARATION OF TRANSCRIPT - WAITZMAN V. ZBA

Co. Smith offered the following resolution:

RESOLVED, that the sum of \$718.50 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript in connection with the proceeding entitled:

HARRY WAITZMAN and MARCIA WAITZMAN v. BOARD OF APPEALS

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. (912-1988)

AUTHORIZING SETTLEMENT OF
CLAIM (WARNER V. TOWN OF
CLARKSTOWN)

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to settle a claim (No. 894) submitted on August 25, 1986, by Robert Warner, Jr. and Edith Warner, 320 Strawtown Road, New City, New York, against the Town of Clarkstown with respect to property damage caused by a blocked storm drain, for the sum of \$5,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (913-1988)

AUTHORIZING REDUCTION IN
AMOUNT OF PERFORMANCE
AGREEMENT TIMBERLINE
ASSOCIATES (KINGSGATE SECS.
E-1 AND E-2) AND KNOLLS
EAST, LTD. (KINGSGATE, SEC.
D)

Co. Smith offered the following resolution:

WHEREAS, Letters of Credit as follows were furnished to the Town of Clarkstown to secure the complete construction of the north/south by-pass road in connection with map entitled "Plan of Kingsgate":

TIMBERLINE ASSOCIATES (Kingsgate Secs. E-1 & E-2)
\$240,000

KNOLLS EAST, LTD. (Kingsgate Sec. D)
\$240,000, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the amount of such Letters of Credit and security be reduced by \$60,000 to \$180,000 for each section as considerable work has been completed;

NOW, THEREFORE, be it

RESOLVED, that the Letters of Credit may be reduced by \$60,000 each to \$180,000 each, subject to receipt by the Town Attorney of amended Letters of Credit in a form satisfactory to 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

At this point Councilman Maloney had some questions regarding the appointment of a Deputy Superintendent of Highways. He asked Mr. D'Antoni, Superintendent of Highways, if this deputy would be in charge of the department just when the Superintendent is away or would this person be a deputy at all times? Mr. D'Antoni said in his absence he would like someone there to keep the department running the way he would like to have it run. He said he would like to designate a gentleman, who, in his opinion, is one of the better workers he has at the Highway Department. He said this person is also one who can follow instructions, which he felt was very important.

Councilman Maloney asked what the chain of command was now at the Highway Department? Mr. D'Antoni said under him would be Highway Maintenance Supervisor III, then three IIs. He said he would like to designate one of the number IIs as his deputy in his absence. Councilman Maloney asked is there someone there now who is second in command? Mr. D'Antoni said yes, according to seniority and according to the Civil Service, yes. Councilman Maloney said can't the person who is second in command be the one who acts in your charge. Mr. D'Antoni said no, he has had several problems with that particular person and that is not his way of trying to run a business. Councilman Maloney said in other words you do not feel comfortable in having him as your second even though technically he is. Mr. D'Antoni said yes under the Civil Service he is the highest employee he has.

Councilwoman Smith asked if the job description called for that. Mr. D'Antoni said he would put it that he is his General Foreman. He said he would remain as the General Foreman, there is no question about that but when he is not there he wanted to make sure that he did not have to worry about things being done the way they are supposed to be done at the Highway Department.

Councilman Maloney said what has happened over the years. Mr. D'Antoni said he could not answer for what has happened over the years, just since he has been there. Councilman Maloney said what has happened when you have been away? Did the Department function or not? Mr. D'Antoni cited examples of problems and said he did not know why the work he had left instructions to be performed was not performed but if he had a deputy there who knew that was what had to be done it would have gotten done.

Councilman Carey said you feel that a lot more work would be done if you had a deputy of your choosing?

Councilwoman Smith said she would like to check with the Union before anything like this is done.

Councilman Maloney said he has questions about the chain of command and why it doesn't work now. He said he has nothing against it but would like to see the implications of such an action on other departments.

Mr. D'Antoni said he goes to the Highway Department at 6:30 every morning. He said there would be no need for him to go there if he knew there was someone there who would carry out the program that he wanted installed in the Highway Department. Councilman Maloney said then that is what should be done. Mr. D'Antoni said it takes a lot out of a guy to get up that early every morning and put the hours he is putting in for this Town. He said he did not think it was fair to him and he would like to have someone down there that he could designate in his place to run that place.

Councilman Maloney said what happens if you give a direct order to the second in command and he doesn't follow through on it? Mr. D'Antoni asked what can I do? He said he could go through a Civil Service procedure but it is not worth the effort.

Continued on Next Page

He wants someone there he can depend on when he wants something carried out and done.

Councilman Maloney said he wanted more time to study this and look at the ramifications and what implications this would have on other departments.

Supervisor Holbrook said he wanted to run this by Lee Pound, President of the Town's union. He said if there is no problem we can vote on this next meeting.

RESOLUTION NO. (914-1988)

INSTALLATION OF SCHOOL SIGNS "SPEED LIMIT - 15 MILES PER HOUR" ON CRESTWOOD STREET, NEW CITY AND GREGORY STREET, NEW CITY AND "NO PARKING 8AM-4PM, MON. - FRI." ON SOUTH GRANT AVENUE, CONGERS

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, a school sign "SPEED LIMIT - 15 MILES PER HOUR" be installed on Crestwood Street, New City and Gregory Street, New City, and be it

FURTHER RESOLVED, that a "NO PARKING 8AM-4PM, MON. - FRI." sign be installed on South Grant Avenue, Congers.,

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closeu, time: 11:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
CONTINUATION OF PUBLIC HEARING FROM 8/16/88

Town Hall

9/15/88

9:00 P.M.

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

RE: CHANGE OF ZONE ON ROUTE 59 CORRIDOR - RS to R-15
(VICINITY OF CHRISTIAN LOVE REDEEMING CHURCH)

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing was declared continued.

Supervisor requested Mr. Robert Geneslaw to explain the reason behind this particular change and the ramifications of the Route 59 Corridor Study.

Mr. Geneslaw said about three years ago a proposal was made to the Town to approve a shopping center on a parcel on Middletown Road opposite the Nanuet Mall. The parcel has been referred to previously tonight. When the Planning Board required that the developer prepare a traffic study to show what the traffic implications would be in that proposed traffic center it became obvious that the intersections of Middletown Road and Route 59 would be in worse shape than it is now, if you can imagine that. The study also indicated that the only way to improve the situation would be to provide additional turning lanes on Middletown Road approaching Route 59. That would require acquisition of several properties, including at least one residential property. Because of the Planning Board's concern about that level of traffic, they recommended to the Town Board that a moratorium on development be imposed along Route 59 to give the Town an opportunity to study the traffic situation on more than a parcel by parcel basis.

That recommendation was accepted by the Town Board and his firm was directed to prepare a traffic and land use study for Route 59 in the Nanuet area roughly from Grandview Avenue eastward to the Palisades Interstate Parkway. The study was prepared and the conclusions arrived at were that if the additional commercial development that could take place on undeveloped property in Nanuet were to take place the traffic situation would be much worse than it is at the present time. He said they looked around for alternatives to try to find something to do that would allow the property owners some reasonable rate of return and not aggravate the traffic situation any more than it already was. They tried to find ways to use the property that produce traffic at non-peak hours when there was some available capacity on the road system in Nanuet. That led us to recommending a new district which we call the MF-4 District.

Mr. Geneslaw said they suggested a number of very serious limitations on that district. The first one was that it could only apply to properties that would be zoned for something that would produce more traffic at the time the MF-4 was adopted. Specifically properties that were zoned for RS and CS they recommended could be changed to MF-4 in order to reduce the traffic level that would occur. We suggested that happen on the basis of properties that were zoned for RS and CS at the time the MF-4 was adopted.

Mr. Geneslaw said they then looked at the some of the properties in the corridor to see which ones would be capable of development under the MF-4 District. He said they realized that the church property was by far the largest, was zoned RS, and theoretically, if the Town Board were to adopt it the way the Planning Consultants recommended it, could be changed to RS development. The recommendation they made was change the church from RS to R-15 so that it would not be eligible for a change to MF-4 and then later to adopt the MF-4. The sole purpose of the

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recommendation to change the church from RS to R-15 was to try to insure that it couldn't be developed as MF-4.

Mr. Geneslaw said there were some other requirements in the MF-4 that were recommended that are not part of this public hearing but that we felt were relevant to the corridor. What the Town Board has before it tonight for MF is a little bit different than what we recommended. What is before them is what the Planning Board recommended after reviewing the Planning Consultants' proposal. Mr. Geneslaw said that pretty much summarizes how we got to where we are on the church property.

Councilman Kunis referred to the study of June 13, 1988 where Mr. Geneslaw recommended rezoning the 19 acre Christian Love Redeeming Center to MF-4. Mr. Geneslaw said the recommendation is to amend the church from RS to R-15 single family. Councilman Kunis read from the study as to five general areas qualifying for rezoning to MF-4 among which was the Christian Love Redeeming Center. Mr. Geneslaw said that was not a recommendation but a summary of the properties which would be eligible to be changed to MF-4 if the Town Board adopts MF-4 as the zoning map stands now. He said they were recommending that the church be changed specifically to make it not eligible.

Councilman Kunis asked Mr. Geneslaw why he would recommend the MF-4 District? Mr. Geneslaw said they had recommended an MF-4 which was a little bit less dense and had somewhat greater yard requirements than what is before the Town Board now. Councilman Kunis asked why they would recommend an MF-4 instead of an MF-3? Mr. Geneslaw said at the time they did the study which was during 1986 they tried to examine the real estate values in the area because they were concerned that the property owners who were there be afforded some opportunity for a reasonable return on their properties. Councilman Kunis said basically then it was for economic reasons. Mr. Geneslaw said the reason for the level of density they recommended was in part economic. Councilman Kunis said why would you decrease the economic or the value of the Christian Love Redeeming Church? Wouldn't an R-15 depreciate the value of that from an RS or an MF-4. Mr. Geneslaw said if it stays in the church use it won't matter; it is exempt in any case. Councilman Kunis said if it stays in the church use why wouldn't you rezone it church? Mr. Geneslaw said he would defer to the Town Attorney but he did not believe in New York State that you can zone for church or for non-church. Supervisor Holbrook said churches are permitted in residential zones by right. Town Attorney said there is no church zoning.

Mr. Geneslaw said the problem with that is it limits the use of the property too severely as he understands the case law. Mr. Geneslaw said it has happened in other situations where there were not non-profits but where the zoning was so narrow that owners had no alternative.

Councilman Kunis said if the church is sold one day or that property is sold one day the value of that property will be substantially less than MF-4. Mr. Geneslaw said with today's market that is correct. Mr. Geneslaw said he thinks it also means that if it were R-15 and it was sold and the purchaser wished to do something other than R-15 they would have to come to the Town Board for a zone change. If it remains RS they will come to the Planning Board for site plan review. They will deal with the impact but the Town would have less control over the ultimate use of the property.

Mr. Geneslaw said he would like to emphasize that they have absolutely no knowledge of what the church's plans may be. He said they are assuming that the church will remain. They have had no contact with the church during the course of the study or subsequently.

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Councilman Maloney said just to clarify again the reason for the recommendation that the church property be R-15 is so that the apartment type houses could not be built there? Mr. Geneslaw said that is correct and there are other places where somewhat similar recommendations were made within the corridor. Councilman Maloney said then if we change it to R-15 that could not happen? Mr. Geneslaw said as the MF-4 is before you that could not happen.

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

Appearance: Mr. Mike Ariott
17 North Lexow Avenue
Nanuet, New York

Mr. Ariott asked Mr. Geneslaw to clarify if the shopping center was okayed between Grandview Avenue and Middletown Road before the survey took place? He said he was referring to the Seaman's Shopping Center. Mr. Geneslaw said the Seaman's site plan, as he recalled, had been submitted to the Planning Board around the time the study was undertaken. Mr. Ariott asked for a date and Mr. Geneslaw said he could not do that from memory. Mr. Ariott said was it prior to 1986. Supervisor Holbrook said he believed that Seaman's was submitted just prior to the beginning of the study.

Mr. Ariott said that the Town Board is asking himself and his neighbors to give up an awful lot because we have a circumstance which has been created because a study shows us that it is there but it was never taken into consideration. Supervisor Holbrook asked Mr. Ariott to be more specific in terms of the circumstance to which he was referring. Mr. Ariott said you said a 1986 study shows that we have a traffic problem. Why were these buildings okayed to be built if you could see that a traffic problem was going to be created? Supervisor said the Seaman's Shopping Center there was one of the other properties that speeded this Route 59 Corridor Study into motion. There was debate on the Town Board as to whether they had vested rights to continue their site plan process at the time. That was of concern to the Town Board at that time and there are other properties zoned RS which could also lead to that type of traffic density. That is why the study was undertaken. The Seaman's was right there at the beginning and it was the feeling of legal counsel at the time that Seaman's could proceed informally at the Planning Board level. Subsequently it was given approval by the Planning Board. Other sites in the study were looked at because we could see if that development continued that the traffic would be far more exacerbated than it already is. It is not that the Town Board all of sudden discovered that Route 59 had a traffic problem. We are all well aware of the traffic problem that exists but what we were trying to do in the future was to control some of the land that was available for development in terms of its density from a traffic standpoint.

Mr. Ariott said he agreed with the Supervisor but he felt that should have been looked at two years ago as well. You are asking a few to give up an awful lot for a problem that was created two or three years ago.

Supervisor asked Mr. Ariott to please be specific as to what they are giving up. Mr. Ariott said you talked about off peak hours before. He asked the Supervisor to come to his street and see how many off peak children play in his off peak street. Supervisor said there is some confusion with regard to the street and the gate being open, etc. He said it is not the intention of the Town Board, whether the zone is changed on the church property or not, to ever open that street up to vehicular traffic from that particular property. He said they are well aware of the traffic situation which exists on Prospect Street and on the streets to the northside

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and the southside of Prospect Street as well. Supervisor said they know Nanuet has a severe traffic problem but they are not interested, whether the zone is changed or not, in opening up those streets. He said that is not the intention of this Town Board nor, he believed, the intention of any subsequent Town Boards in the future.

Appearance: Mr. William Perkins
Redeeming Love Christian Church

Mr. Perkins wanted it noted that the church was not a party to any of the changes made. Mr. Perkins said, in effect, what the Town Board is doing by depreciating the value of the church property is doing a partial condemnation and that is a taking without compensation. He did not think it would hold up in court in the future.

Appearance: Mr. Al Rossi
Hutton Avenue
Nanuet, New York

Mr. Rossi spoke regarding Route 59 and the Corridor Study. He stated that he appreciated Mr. Geneslaw's overview this evening but he felt more should be stated at this public hearing for the record to show that his comments are only a portion of the recommendation. Mr. Rossi said he applauded the efforts of the Planning Board and the Town Board for funding the study and getting the technical data from a most competent planner. The Seaman's Mall was in the moratorium at the time of the study but at some stage in the Planning Board review process did go in for an exemption to the study and in his view could have been subject to the recommendations in the study but, as we know, that did not happen.

Mr. Rossi said the study, in addition to recommending the change in zone for the church, also made several other important recommendations which would dramatically affect or impact upon the future traffic growth within the corridor area. He said he was referencing the recommendations of the study with regard to the parcels on Kemmer Lane and Hutton Avenue. The study recommended that go from PO to an R-15 or an R-10 zone. Supervisor said some of it was R-10. Mr. Rossi said he petitioned the Town on behalf of his property and several of his neighbors to get the Board to change the zone and went through a rather lengthy process to have that happen and eventually the property was changed from PO to R-10.

Mr. Rossi asked why have we selectively chosen only one parcel? Why are we so concerned about the traffic and the recommendations in that study? Why has this Town Board not, upon their own recommendation and despite his own efforts of over a year and half, put before, for a vote and a public hearing, the entire recommendations of the Route 59 Corridor Study to include all the properties and all the recommendations therein? He wanted the Board to be aware that the parcel that was excluded from his petition, and is presently PO on Hutton Avenue, has an application submitted to the Planning Board for a four story high rise office building to the tune of some four to five hundred cars coming on Hutton Avenue to Route 59. That is a fact. There was also an informal meeting at the Planning Board to consider that a more suitable zone should take place on that property such as a multi-family dense residential zone, maybe to the tune of MF-4. Why is this Board not aware of those facts that are a matter of record, and if you are aware of those facts and you are really concerned about traffic on Route 59 and you are really concerned about the Route 59 Corridor Study then why haven't you taken the initiative and had the foresight to put before you here tonight the recommendations of the Route 59 Corridor Study which would include those parcels changing from PO to a dense residential district which would have an direct impact on traffic?

Supervisor Holbrook said in 1987 the Town Board did put up some of those parcels at a public hearing and subsequently they

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were not approved. Some were, which fit in with the study. Others were not. He said it was the consensus of the Board in this regard that the study had gone on and we had gone on for a couple of years and this was a piece that we might be able to get some consensus to do what was actually stated in the study. It is not that the Town Board has been negligent in putting it up. It has been put up but some of the changes have been defeated for one reason or another.

Mr. Rossi stated that he knew the Supervisor's efforts during the course of these past years and he appreciated his leadership in the procedure. He said that was 1987 but here we are in 1988 with indications of a proposal before the various agencies of Town government with a potential of 400 to 500 cars on Route 59. Here we have a Board, by their own motion, again not as the result of a request by a property owner, to do something. Why has this Board not, by their own motion, now, here in September of 1988, made a request to change the zone and to incorporate all the recommendations of the Route 59 Corridor Study? If you are really serious about traffic and you really praise the report and its recommendations then act upon it.

Supervisor Holbrook said that very well might occur but he thought that in the past history of putting things up for public hearings you can never be certain that they will have a consensus of the Board. He said the feeling of a majority of the Board members was that, in this particular instance, we would attempt again at this point (he wanted to add that this was the second public hearing on the church property - the second full public hearing - we had one back in 1987 that failed) to try to implement some of the concepts of the Study. He said what Mr. Rossi is saying might, in effect, come to pass. We had the study in 1986. We tried to make some of the implementations in 1987. Here we are in 1988 and he thought it was important to see what the Board members wanted to do. He said if we are successful we can continue with implementing those things and he felt the Town Board will do so.

Councilman Maloney said in the next couple of months we could so. Supervisor Holbrook said rather than putting everything up all at once he thought they would attempt to do it this way and that is really the purpose of our being here tonight. Mr. Rossi said the study has been a published document for maybe two years now and if we were serious two years is enough time. We have taken this effort now and he felt members of the Town Board should follow through. He said he would like to see a motion and a second here tonight on expanding the recommendations of the study to include all of the parcels. He said, while he is not a lawyer, the statement of the previous speaker that if you go forth with a recommendation to change zones based upon an entire study and you include all parcels in that study he would think you stand on much more solid ground than if you selectively or surgically extract certain things where the reasons therefor can be questioned.

Supervisor Holbrook said he would agree and if they are not successful than it is really a moot point. It is academic. Mr. Rossi said he would like to see the Board include all the areas particularly those before the Planning Board now at some stage.

Appearance: Mr. John Morrow
13 North Park Avenue
Nanuet, New York

Mr. Morrow spoke about the concern of the area residents for the traffic flow that will be on the local streets that are not connected right now to Route 59. He said with the zoning as planned the question comes up how is the roadway going to be entering into this property? Is it going to be from Route 59 continuous on through or is it going to be from Peter Place, loop around and come out on Freund Drive or how is going to be? He felt no thought had been put into that.

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Supervisor said the intention of the Town Board is not to open those streets. If the church property were not changed that would be the same position of the Town Board. He felt that members of the Town Board are of that opinion. He said he believed subsequent Town Boards would also be of that opinion. He said we have been here long enough to know that is a sensitive issue. We know there is a gate there which was a potential problem but it is the Town Board's intention not to see that open. He said as Mr. Geneslaw stated the church could be there for one hundred and fifty years and it would be a moot issue. However, at some subsequent time, if that property were to be sold because of its proximity on Route 59, it would probably dictate that a potential developer would come into the Town and it would give the Town greater control over the ultimate use of that property. If there was another zone change contemplated it would result in a public hearing. At present, if it were to be sold as RS property it would be allowed to be developed as RS or if the MF-4 were to be adopted, considered for that. It is really an attempt by the Town Board to try to propose greater control over the use of this particular property as it would be over some of the properties mentioned by Mr. Rossi if the Town were to consider those.

Supervisor said it is not the intention of any Town Board member whether the zone is changed or not to open up the roads. We are all aware of the traffic problem and the last thing we want to do is add to it.

Mr. Morrow said they have learned to live with the traffic on their streets at the present time but that is all they want to live with.

Appearance: Mr. Marjorie Russo, President
Nanuet Civic Association

Mrs. Russo read a prepared statement to the Town Board:

While both residents and Town Board members should be united in a mutual goal of protection of health, safety and welfare of us living in Nanuet some times the way in which that goal is interpreted causes us to feel that this is not a common goal. So that you understand how we feel let me quickly profile our experiences especially relating to this property now occupied by the Church of the Redeeming Love.

In 1971 and 1972 a tent was erected on that site. The tent was illegal and the community made no bones about finding out and doing something about it especially when it was learned that it was the prelude to an amusement park. The result - a Town ordinance that prohibits amusement parks in Clarkstown.

In 1973 it was the Theatre-Go-Round and the onslaught that immediate neighbors on Freund Drive suffered when the theater goers invaded their streets and lawns. That is why there is a fence there now. But we know that the theater failed and we predicted that the theater would fail.

Then there was a proposal to put a multi-plex movie house on the same location and it never came to fruition because it was not supported by the community.

In 1974 we were suffering through the possibility of a six story Hilton Hotel on the other side of the road.

What it boils down to is putting the right thing in the wrong place. We the people said it but the politicians ignored it and we all suffered. That series of experiences, plus others, have led us in Nanuet to all feel that not everybody listens; that the actions that happen are for the benefit of special interests; whether it was the Dells, whether it was Elinor Homes. The Civic Association has always felt an adversary position was justified.

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Tonight I see a refreshing change and a bit of projecting forward to future consequences. What we do really want all to see is what is best for everyone, not a sacrifice of health and safety for those of us who have been here for so long to satisfy a few new. For those of us who envision a town-wide consequence we want the best legislation that will not be bargained away in the future. I believe your response to the 1986 Study of the Route 59 Corridor goals of reducing congestion by restricting density development is to be applauded. What I specifically request, and I leave for that moment the methodology to your legal expert is legislation that will safeguard and keep in place that gate at Freund Drive.

Be aware that we will continue to seek quality, meaningful legislation that will be initiated, we hope, by this Town Board but will be watched closely by the Civic Association. We have had over eleven years investment into the development of this property in Nanuet. We thank you.

Appearance: Mr. Jim McLaughlin
37 North Lexow Avenue
Nanuet, New York

Mr. McLaughlin stated he has been a resident for twenty-one years. His main concern is the streets behind the property in question and increased traffic as a danger to children, etc. He said the Supervisor has given the indication that the entire Board is pretty much against that. He said he does not mistrust anyone and he does not know the official ways and means but he would like it very much, if it is possible, for the Board to go on record, including perhaps the Planning people or the Town Attorney (whoever is involved with this) - and he thought the Supervisor had a good point when he brought up future Board members and what is going to be down the road ten years from now. He said he did not know if a vote tonight would be binding on any future board but for himself, to put this to rest, he and his neighbors would be satisfied that there will be no access streets ever opened up there.

Mr. McLaughlin said with regard to the changing of the zoning it is his particular feeling that if it is not broken don't fix it. He said he could only give his own personal opinion and he was very dubious of a move to do something like this when it does not appear necessary. We have problems with Route 59 and we have been living with them for years. He did not see this as a reasonable solution and he did not see, if the church is going to remain there, why there would be a great concern to change the zone.

Supervisor said if the church were to remain forever it would make no difference. In a residential zone the church is permitted by right and it would make it conform to the zoning which it doesn't at the present time. With regard to the question about the streets the Supervisor said he did not know if he could bind a subsequent Town Board but he thought that whether the zone is changed or not the Town Board could certainly put into the record of this public meeting that it would be their intent that the streets not be opened. Whatever meaning that would have some time in the future other residents twenty years down the road could dig out the minutes of the meeting and could say that this Town Board at this time, whether the zone is changed or not, reiterated the fact that it has been there for almost twenty years now. But that might not be binding on another Town Board. However, the Supervisor went on to say there is a record, at least, that residents at some future point in history at some subsequent Town Board meeting, whenever that might be, and it might never happen, could point to a record in which Town Board members twenty years before had made this point to

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residents of the area. That's the way it's always been. A Town Board since 1972 could have changed the road configuration. As elected representatives of people we try to be responsive for the most part to constituents. We know that is a problem and we are sensitive to traffic problems in Nanuet. The present Town Board members would not have a problem at least stating that the roads, in their opinion, would not be open whether or not the zone is changed. If the meeting serves no other purpose we can at least state that point.

Mr. McLaughlin said if he was voting on this issue he would vote "No" and leave it the way it is. He saw no merit or reason to change.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said this seems to be a Nanuet situation but he considers Clarkstown his home. He asked Mr. Geneslaw what he thought a reasonable return on an investment in property was? Mr. Geneslaw said he thought ultimately that would be decided by a court if there were a challenge. He said they did not try to come up with a specific figure.

Mr. Cuff said why did we just pull out of the air MF-4, twenty-four families per acre, and decide that this was a good number to get a reasonable return to a property investor, speculator or whatever? Where did we come up with these numbers? Mr. Geneslaw said when we did the study originally in 1986 we interviewed brokers and several developers. We looked at trends in the Town and we made a recommendation which was a little bit lower than the twenty-four. He said their recommendation was roughly 10% lower. Mr. Geneslaw said they were trying to find a level of density that seemed to be reasonable in terms of the property owner and also generate as little traffic as possible. Mr. Cuff said in other words the developers sat down and decided and gave you figures that they would be comfortable with as far as a return on their investment? Mr. Geneslaw said not the property owners - they spoke with brokers who are active in the area. They did not speak to anyone who has been mentioned tonight as having an interest in the property. Mr. Cuff said you mentioned developers and brokers.

Mr. Cuff said he has a strange feeling in the back of his mind that government neither can nor should guarantee anybody a profit on any undertaking that they decide to enter into. He said if he was to go into business for himself and not be successful he would not expect the Town of Clarkstown or the State of New York or the United States of America to bail him out. He did not honestly feel that the citizens of Clarkstown should be put in a position where they have to guarantee anybody, whether it be a land speculator, developer, builder or anyone else for that matter, a return on their investment.

Mr. Geneslaw said he agrees in principal with Mr. Cuff completely but in addition to that all of us who advise the Town have a responsibility to try to be aware of what legal and financial implications may be involved when a Town Board or a Planning Board takes an action. What we try to do is to find a zoning category that would allow a reasonable development to the property, meet Town objectives and not raise the specter that was announced by the representative of the church tonight. Finding that balance is often very difficult.

Councilman Kunis asked Mr. Geneslaw when you recommended this to the Town it was publicly stated that the church was in favor of this or they really didn't care about switching to R-15, is that correct? Mr. Geneslaw said he did not know. He said

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he had no direct contact with any representative of the church throughout the discussions. Councilman Kunis said this was the first he heard tonight that the church is against it. Mr. Geneslaw said he knew they were here at the prior hearing but he did not believe they spoke that evening.

Councilman Kunis said not only is it up to a Town Board but in America we have checks and balances and just a little bit east of this location is Grace and Orchard Streets. The Town decided last year to close Grace and Orchard Streets and place a gate there. The courts told the Town they have to open these gates. So this Town may not even have a say in it if there is a zone change. He said he wanted that made very clear and have the people here made aware of it. It is not only the Town that controls it. You can have the courts come in and tell the Town to open, close, etc. That's why I say if it's not broken, don't fix it.

Mr. Geneslaw said he's not really sure there is a parallel. During the course of the comments by members of the public about their very real concern that it might be open there was a conversation among several Town Board alumni who were sitting to my right. The recollection is the Town Board quite some time ago, probably during the time period mentioned by Mrs. Russo, entered into a covenant with the owner of what is now the church property that there would not be a connection except for emergency purposes. Mr. Geneslaw said he presumed that covenant is still in place and if it was a Town Board covenant the Town Board would be the only body that could remove it except the Court.

Mr. Geneslaw said the situation on Grace and Orchard Streets is a little bit different. He said his understanding of what the judge said in that situation was that the Town did not adequately review the traffic impact of the change and what the Court said was the Town should go back and review what is happening to the traffic that would be diverted and analyze that carefully. He said it is true that we have environmental requirements now that we did not have at the time the covenant was entered into. It is entirely possible that if a Town Board wanted to remove the gate and open it to traffic, the same kind of environmental review would have to be made to determine the impact on the neighborhood and it might be, that given the width of the streets and the size of the lots, the conclusion would be that it not be opened. So therefore he thought that the situation is not quite parallel.

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

Mr. Lodico said he was sorry that the gentleman from the church was not present because he wanted to direct his issue to him and also to the Town Board. He said if you look at the record the Theatre-Go-Round was proposed during his time on the Board. At that particular time the question about the gate was covenanted. He had moved the idea at the time that it be a covenant but a covenant is only as good as three guys here who want to change it any time they want or if a 265 petition then you need four. The Theatre-Go-Round was one of the finest acoustical buildings constructed in the United States. It is not because Theatre-Go-Round was not a good enterprise and a good cultural achievement but they had some trouble getting started as there were people who did not want them to succeed in Rockland County. The covenant at that time was that the gate would not be used for ingress or egress except in the case of emergency or fire. At the same time when there was not as much of a problem he said he made a proposal to get from the owner of that land a 100 foot right-of-way so that we could have had a reasonable by-pass to go through west and parallel of the railroad track to reach a point to get some traffic to the south. Nobody wants traffic on their street but in planning a town, village or

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government sometimes you have to take a house, sometimes you have to take a store, etc. The point was that those who were planning at that time saw fit not to make provision for a by-pass road then, when it would have been easier. The acquisition would have been easier - half of two back yards would have been condemned - unfortunately for those persons, but meanwhile Clarkstown would have had a by-pass road that would have gone down into Convent Road through what is now the parking lot for Lederles and Town parking.

Mr. Lodico said the government can create a MF-4 zone which one gentleman said would devalue his property. At the public hearing for the zone change for a commercial enterprise we had raised the question should anything come down the pike, not knowing there was going to be a religious institution there, it should be a tax exemption and that's a liability, unfortunately for the taxpayers. So if you can create an MF-4 zone there is no reason you can't create a sanctuary zone and then further on down the road they would have to come for a special hearing and then nobody is hurt.

Appearance: Mr. Steve Goldman
Organized Taxpayers Association

Mr. Goldman spoke about the complexity of the Route 59 Corridor. He said one of the problems to begin with is the study, which is three years old. At that time the Pyramid Mall was not an issue. Whether you are in favor or against the Pyramid Mall you have to admit that if it comes about there will be major changes in traffic. One of the advantages is that it will bleed traffic away from that intersection. That is new information which no one is taking into consideration. Mr. Goldman said maybe this three year old study needs to be updated before we take it piecemeal. Maybe as Councilman Kunis said, it is not yet broken enough to risk fixing it in a haphazard manner.

Mr. Goldman said with regard to the gates, Supervisor has said that all he can do is indicate the Board's intention at this instant that those gates will not be opened. That is as good as how long these same members remain on the Board. Councilman Maloney said those gates have been closed for fifteen or sixteen years and the Board has changed a number of times. Mr. Goldman said it could change a year from now. Councilman Carey said you can't bind a future board. Mr. Goldman said that is true and for that reason you should always keep in the back of your mind the assumption that those gates will be open and the people who are living there on the other side of the gate now may well still be living there. You may come to a meeting and say we said we wouldn't open the gate and the new Board is going to say "Who cares?"

Supervisor Holbrook said they can only do that after a public hearing and he believed that most Town Boards, whether they disagree on certain issues or not, respect to a large degree the constituents they represent. Public hearings are where the issues are debated and at least the public has an opportunity to come out and make their feelings known so that it is not something that is done surreptitiously and that is the important point. Mr. Goldman said it has happened by Channel (home center store on Route 59) and it may very well happen again. So just make the assumption that it may very well open again.

Mr. Goldman said the gentleman from the church was absolutely right. If he gets R-15 and the other property gets MF-4 his property is worth less money. Certainly that doesn't make a difference so long as he remains at the sight but when he moves he loses. He has every right to bring suit. If he decided to bring suit Mr. Goldman said he would come from anywhere in the United States that he happened to be living and be willing to testify that at the Planning Board hearing the conscious effort was how do we

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exclude the church from MF-4? Notice that this R-15 change doesn't even make any difference if MF-4 wasn't to exist. If you weren't going to make an MF-4 there would be no need to mess with it. Supervisor Holbrook said except for the fact that even if there was no MF-4 you would have a situation where the property would be zoned RS as of right and then if it were sold you would have the specter of a shopping center or a subsequent zone change to something else if the property owner wished to do that.

Mr. Goldman said he understood that there were variables down the road. What happens now is you bring a certainty which he can claim at any time has reduced the value of his property and if that happens Mr. Goldman said he hopes he sues your brains out because you will deserve it. There is no need to change it at this point. Down the road if they felt someone was going to build shopping - let's assume Pyramid Mall is in - what does that mean? That means it becomes a less desirable area to build new stores because even what you want to make MF-4 now has very limited application for stores so the attitude has to be you want to build a store go build it. Who are you going to rent to? Well then maybe I'd better not build a store then. These are things you can't possibly foresee and you can't answer them now. They are all brought about in this rush at this instant to grant MF-4. The obvious way out of both problems at least for now until we know how the Route 59 Corridor is going to change is to not make MF-4, not make this change to R-15 and stop messing around until you know what is happening.

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

Mr. Fleisher said what we are missing in all of this is that the traffic problem on the corridor is being given major consideration. We are not considering the people who have to live here or might live here in the future. He mentioned a study he had done many years ago called "The Cost of Population" which he did not think had changed much. People are what cost. The cost doesn't go up as a linear figure; it goes up as an expansion. When we start talking about adding people - a higher density - we are talking financial disaster in many ways. At the present time the water resources of Rockland County are right on the edge. The next jump will be to Avery Pond which will increase the cost of water by 30% to 40%. This is true of all services. When our new sewer system is completed it will already be overloaded. The next jump is going to cost twice as much as it did before if we can even do it. The cheapest land we have is open space. It costs you nothing and requires no police, no fire service, no water. We are reaching saturation. If we go beyond saturation we are in for a disaster. The MF-4 is asking for a disaster. Mr. Fleisher said don't do it or you will have that disaster.

Appearance: Mr. Kelly Bernard
Spring Valley, New York

Mr. Bernard said the zone change before you concerns itself with only one property to be changed from RS to R-15. Is that correct? He was told yes. Mr. Bernard said it seems that of all the RS properties in the corridor this is the only one that is being picked out. He said the gentleman from the church indicated that he considers this a taking without compensation. Mr. Bernard said he hopes he doesn't sue your brains out because we need your brains. He said if the board does get sued it surely will lose the case and it will cost not the board but the Town and the taxpayers an awful lot of money. He said he can't see how this zone change could stand a challenge in the courts. For that reason he hoped that the Board would not consider changing the zone of this one piece of property among all the others.

Continued on Next Page

Appearance: Mr. Ed Duffy
Grandview Avenue
Nanuet, New York

Mr. Duffy said he would rather forego the few dollars in taxes made from the Theatre-Go-Round and have the church there. He said they are the best neighbors they've ever had. He said with regard to the gate being closed what is an emergency? He said a few years back the gates were opened for a rock concert and all their streets were flooded. The gates will never be opened except in an emergency - whose emergency? An emergency for a few entrepreneurs who came in for one night to make money and then they sent them right through all of our streets. This Board and any other Board could call an emergency at any time and goodbye good neighbors. The gates will stay there. There will be no exit from the property to these streets. It comes to mind that you have on the Town plan a street named Thomas Court. It was estimated to go from Grandview Avenue down into where the church is today. How simple it would be in the future, with all of the developments and multiple family housing, if they are too much problem for Route 59 then they will just turn around and put it onto Grandview Avenue. Will we have any assurance that there will be no way to do that also? Supervisor said to funnel traffic from Route 59 into Grandview? He said the State, whatever their improvements, has no intention of trying to funnel traffic from Route 59 onto Grandview. It has enough traffic without that. Mr. Duffy said he is not talking about the State now but the Town in a few years saying there is too much traffic on Route 59 so we will just take it out onto Thomas Court through Grandview Avenue and down Prospect.

Supervisor Holbrook said other Town Boards in the future could move to do certain things which might be viewed by people in the neighborhood as being deleterious to the living they enjoy but that could only be attempted via public hearing where people would have to be notified. The best assurances for people in the future is to be informed, concerned and knowledgeable and representing to the Town Board that they don't want those streets open. The Town Board is listening to them and is trying to reiterate that point and saying that if it is a covenant that was put in place by a Town Board, then some subsequent Town Board could remove that but only after a public hearing. There are safeguards. The people who make these decisions are elected by the public and that is a safeguard too. People have a right to come and make their views known as you are doing. We can't guarantee what some subsequent Town Board can but we can say for the record and indicate what the situation is now so that at least there will be some history in the future that people could point to and say this was the intention in 1972, in 1977, in 1983 and in 1988. Sometimes that is as strong as having a covenant.

Mr. Duffy said he knows that the Supervisor tries to keep his promises but there were promises made to the people of Nanuet from a previous Town Board telling us that the people of Nanuet in ten years time will not be paying any taxes. Supervisor Holbrook said if I told you that I wouldn't be here right now.

Mr. Duffy said Councilman Kunis said if it's not broken, don't fix it. He said he heartily agrees with that. Instead of working on this proposal tonight why don't we put it into abeyance and retain the status quo until such time as the church eventually sells. Then have a public hearing. Don't do it now. Supervisor Holbrook said sometimes that is a problem. They did that in Bardonia and the shopping center ended up going in anyway.

Appearance: Ms. Mary Maher
35 Freund Drive
Nanuet, New York

Continued on Next Page

Ms. Murray said she lives next to the gates which were talked about tonight. She said it has been seventeen years since she stood in front of the Town Board, Mr. Vines was Supervisor then, fighting for the conditions that we are fighting for tonight. She said she guarantees, and she hopes she is wrong, ten years from now, whether she is in Nanuet or not, the same problem will exist unless some Supervisor, and she hoped it would be Mr. Holbrook, decides once and for all with the Board that you are going to do something about the problem now. She said they can't go on year in and year out - this is the fourth supervisor - fighting for the same little piece of island in Nanuet. The Board should start now and take all of Nanuet into consideration. She said Supervisor Holbrook said he was concerned about the traffic in Nanuet and she hoped the Board was also concerned. She said two months from now the Christmas season starts. She said from that day until about the 5th of January they are locked into their homes Saturday and Sunday. She said she has no access to Prospect Street or Middletown Road or Route 59. It is one big mess. She said if you are all concerned let's start with the Nanuet Mall which was built twenty years ago. We were promised extra police. You hired extra police to police the Mall and to police Nanuet supposedly. In the twenty years that she has lived there she has never seen a police officer on a street in Nanuet or anywhere in Nanuet during the Christmas rush hour to direct traffic anywhere. She also stated that she has never seen a politician there to see what goes on. Ms. Murray said when her tax bill comes at the first of the year it is no less than the people who do not have to put up with those conditions. She said she wonders if the people elected seriously give any thought to what it is like to live in Nanuet?

Supervisor said last year, with the situation on Grace and Orchard Streets, they attempted to put police officers on traffic detail on Smith Street and also on Middletown Road for awhile. The traffic burden in Nanuet is beyond the saturation point which is why the study was done in the first place. The last thing we would contemplate doing is opening up that gate. He said Mr. Lodico mentions the fact of a covenant. He said we could research that point. If that covenant is in place that would be sufficient if it goes back to the time the property owner owned and signed. Mr. Jacobson could research that point and we could get back to you on that.

Ms. Murray said that is just one concern. That is not the whole concern. She stated that she lives directly beside that gate. There are many more concerns for Nanuet. She stated that you are speaking about high density and building 24 units to one acre on Middletown Road in Nanuet. High density requires extra schools, extra police and, of course, we know we are going to get extra traffic. Where are you going to put it all? Supervisor said the reason behind the recommendations is you get a certain amount of traffic with one type of development, shopping, and you have a certain type of traffic with another type of development. We are not obliterating the traffic. We are trying to mitigate the intensity of traffic in the future. The State is in the process of planning a project for the Route 59 Corridor in the Nanuet area. That is in terms of road widening. It is not a pipedream. It might not be until the mid '90s before we see work on it but again the State works slowly. This is fairly quickly for the State. If we can do certain things now that might mitigate some of the traffic in the future it will help when those widenings are to take place on Route 59. The study we did on the Route 59 Corridor Study was the basis for the County study of the whole Route 59 study from Nyack to Suffern and that seems to be falling apart in other parts of the County but in the Town of Clarkstown this study and the recommendations of it, to a large degree with some modifications to it, are presently being worked on in the State. Planning is not an exact science but what planning attempts to do is to forecast in the future to address some of the pitfalls that might occur. Traffic is

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bad right now. We just do not want to make it worse. We want to try to prevent it from becoming worse in the future. Some of the improvements will have a salutary effect on traffic flow.

Ms. Murray said that is why we need legislation. Supervisor said we might have the covenant in place already. Ms. Murray said the covenant on the gate is in place but they need legislation now before you start all these things that you say you are going to do about the traffic. You have to decide what you are going to do in Nanuet. You can't say you are going to make M-4 over here and have R-15 over here. You must take everything into consideration at one time and decide once and for all what is good for Nanuet.

Supervisor said there are other properties present in the study and those can be put up for public hearing by the Town Board. If there is a consensus of the Town Board to do such we will have those public hearings as Mr. Rossi indicated. Mr. Rossi happens to be very familiar with it because he has attended many of the meetings. Supervisor said the likelihood is that you will see some progress on this and you will see additional hearings to reduce the density. Ms. Murray said she trusted that the Board would do something for the people of Nanuet once and for all.

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

Ms. Ferretti said they have been in Nanuet since 1914 and some of the people here tonight have created the traffic problem we have in Nanuet now. She asked if she had been misinformed? Was someone going to build homes on the property in back of the church? Supervisor said no. She asked how do you intend to get the people in and out of that landlocked property? Where is there going to be a road if somebody builds? Supervisor said R-15, if one gets down to it, is a holding zone so that the Town at some subsequent time will have an attempt, if the property is ever sold, to have a greater say as to what ultimately goes on the property. He said he did not expect in the future to have R-15 constructed on there. If the property were to be sold, being along Route 59 and somebody wanted to come in with an idea to build a shopping center or a PO or an office building they would have to come back to the Town Board for a public hearing which then would give the surrounding property owners the opportunity to come out and voice their opinions as to whether or not that was beneficial. It gives the Town a little bit more control from the standpoint of the future.

Ms. Ferretti asked again how are the people going to get in and out? You are going to have to open up the side roads unless you go in and out of the church road. Supervisor said right now nothing is planned. There is access to Route 59 and whatever would be constructed there would have to work out access to that specific street. If the church lasts for fifty or hundred years it becomes a moot issue but it is the intention of the Town that those roads not be opened up. We do not want through traffic from Route 59 to Prospect Street.

Ms. Ferretti said we have a park and ride lot up by the market which taxpayers' money paid for and is not being used. What is the big problem about traffic on Route 59? Just use that for park and monorail. Supervisor said in subsequent meetings with Red and Tan he believes they are looking into making that a transportation center for people commuting into the city. They are looking into the feasibility of establishing a direct bus service there. He said Mr. Schaeffer from Red and Tan has indicated that, as well as the park and ride lot in West Nyack. Hopefully, they will do that because it does have the capacity for a couple of hundred cars. It would have a beneficial effect on the people commuting to work and on Route 59 as well. Ms. Ferretti said has

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anyone ever thought of monorails for these shopping centers? If you get Pyramid in isn't it feasible? They are implementing them in New Jersey. Supervisor said he did not know if it was feasible for Clarkstown but people have mentioned monorail for a third lane or additional lane across the Tappan Zee Bridge. He did not know if it was feasible for Route 59. The State is contemplating a widening there.

Ms. Ferretti said what about her house? Supervisor said it has been made abundantly clear to the state that we want the house to stay. The plans will be worked around so that your house will stay. She asked with how much land left? Supervisor said the right-of-way will have to go but your house will stay. Ms. Ferretti asked where is the roadway going to be? Supervisor said the final plans have not been drawn yet. Ms. Ferretti asked would she be waving to the cars going by? Supervisor said everyone will have a look at those plans before they are implemented. Supervisor said you will see the plans long before they put a shovel in the ground. She said the reason she is asking is because she has seen too many men in front of the house sitting in the New York State cars, looking over her place and garage and making notes. She said she feels very uncomfortable. She said the Supervisor had told her that the Town would not take it but you are not the State. That was going back two years ago. Supervisor said the State will not undertake improvements to roads as they did in the past where they came up with plans before there was public input. We had public input before we sent it to the State so they know the Town's position and they are developing those plans accordingly. They don't want to have happen what has happened in the past. They come down with a plan, people take a look at it, find a million things wrong with it and they piecemeal it to death. In this instance we had a generation of a plan that was put to a public hearing on a number of occasions and approved by the Town Board members in concept and then sent on to the State so at least they had some reason to proceed knowing that there was some justification of support for this plan and they wouldn't come down five years later and have people say where did you get this plan from? The State has changed its approach and he said they knew that your house is important to the Town and that was stated for the record in those hearings.

Ms. Ferretti asked who is widening South Middletown Road in front of her house where it is supposed to be six lanes and twelve feet wide? They lack about twenty-three feet of ground. Supervisor said that would be the State improving that intersection but not at this particular time. She asked when? Supervisor said probably not until 1993 or 1994.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 10:20 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (833-1988 Adopted))

TOWN OF CLARKSTOWN
PUBLIC HEARING

321

Town Hall

9/15/88

10:27 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT
TO INCLUDE RUSSEL SANDBERG

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

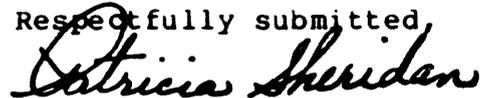
No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10: 29 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/88

10:29 P.M.

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

RE: HISTORICAL DESIGNATION OF MOUNT MOOR CEMETERY

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

Supervisor Holbrook stated that this was a recommendation made by our Historical Review Board which has been active for many years in recommending sites throughout Clarkstown for designation. Supervisor read a statement giving the background of this cemetery. (This statement is on file in the Town Clerk's Office.)

Supervisor asked if anyone from the Historical Review Board wished to make a statement.

Appearance: Mr. Robert Knight
Congers, New York

Mr. Knight said this is one of the most historic cemeteries in Rockland County and also the only cemetery in the county for black residents of the county. This cemetery contains the remains of over twenty Civil War veterans alone. It lies on a beautiful mountain in the middle of a swamp in West Nyack, right behind Hogan's Dinner. It is right now in the middle of the proposed new Pyramid Shopping Center. It is probably the only parcel in the area not owned by Pyramid but is owned by the Cemetery Association which is a non profit corporation. They have been speaking very actively with Pyramid and he said it is his understanding that Pyramid is very much in support of this and has agreed to match donations made to help restore the cemetery. This project does seem to have universal support throughout the community. The Chairman of the Board of the Committee is one of our County Legislators, Hezekiah Easter, who unfortunately is at home recovering from eye surgery. The Vice President of the Association is Elliott Cisco.

Appearance: Mr. Elliott Cisco
Upper Nyack, New York

Mr. Cisco said buried in this cemetery are veterans from the Civil War, Spanish-American War, World War I and World War II. Mr. Cisco stated that his grandfather, who was born in Haverstraw in 1820, is one of the Civil War veterans buried there. Mr. Cisco said his grandmother, his uncle, and his brother are all buried there.

Appearance: Miss Eleanor Fitch
Chairman of the Historical Review Board
New City, New York

Miss Fitch asked the Town Board, as representatives of the residents of Clarkstown, to have this cemetery cited as a piece of the heritage of the County and in respect to those who are buried there, have it become a historical site in Clarkstown. She urged them to follow through on this.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said he had occasion to visit the Mount Moor Cemetery last spring with regard to trying to do something about

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cleaning up the undergrowth, etc. He said Henry Cook, who was an outstanding athlete at Nyack High School in the late 1940's is also buried in Mount Moor Cemetery. He was killed in action in Korea in September of 1950. Mr. Cuff stated that Mr. Cook was the type of athlete and gentleman who, had he been born later and graduated from high school this year, probably every major college in the country would have been knocking on his door. Mr. Cuff said coming upon his grave at Mount Moor brought tears to his eyes because the headstone had been knocked over. He said he tried to lift it but could not handle it himself.

Mr. Cuff mentioned the Black History display here at Town Hall last February and said history was right there in the cemetery which is a beautiful, peaceful, wonderful site. Mr. Cuff said he hoped that if and when the Pyramid project goes through whatever is done in that area is done tastefully to show respect for all the people buried there and also for the black community who has pride in the family names in there. He said he hoped that if the Directors of Mount Moor have decided that they want this designation for the cemetery the Town Board will vote on it. He urged a perpetual maintenance program to keep it nice so it will remain historic and be a showplace to show people the contributions made by the black community here in Rockland County going back to early days. Mr. Cuff said if any committees are formed to work along those lines he would like to be a part of it.

Appearance: Mr. Walter Fleisher
New City, New York

Mr. Fleisher said he strongly supports the designation of the Mount Moor Cemetery as an historic site. In this day of bulldozers and destruction he thought it would be very fitting to maintain it and give it whatever protection an historic zone would give it. He urged the Board to approve this.

Appearance: Ms. Russo
Nanuet, New York

Ms. Russo said she was speaking on behalf of the middle generation bowing in respect to the older and having to perpetuate a younger one behind her. She said it is great, because we live in a throw away society, to see something preserved. One of the hardest jobs we have is handing tradition down to our children and showing them examples of tradition and this cemetery certainly is one of those. She urged all to respect and support this.

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

Mr. Lodico said Mr. Cuff said the things he wanted to say. He said that he and Mr. Cook were good friends who worked together in his sister's (Mr. Lodico's) restaurant. They went to high school together and were on the wrestling team together. He said they were also in Korea together. He said it was a great thing and an honor to have this as an historical site. He said he hoped those who oppose the Pyramid Project would not create any five thousand foot buffers around the historical zone so as to impede progress for Pyramid in this way. The historical site designation is very appropriate and timely.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:43 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

Resolution No. (834-1988) Adopted.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/88

10:43 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT TO INCLUDE D'ANDREA AND MARTONE

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 10:45 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/88

10:43 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT TO INCLUDE JOY ACRES NORTH

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:45 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/88

10:43 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT TO INCLUDE MARIANNE HILL SUBDIVISION

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:45 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/88

10:43 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT TO INCLUDE ROCKLAND HYUNDAI

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

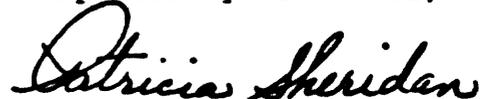
No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted the Public Hearing was declared closed, ORDER SIGNED, time: 10:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk