

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/27/88

8:03 P.M.

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

Supervisor opened the Town Board Meeting and stated that at this time he would like to turn the meeting over to the Clarkstown Police Department. Detective David Wedlick stated that tonight we would be witnesses to the promotion of three officers of the Clarkstown Police Department from within the ranks; the swearing in of six newly appointed Police Officers; and the recognition of twelve officers of the Clarkstown Police Department who distinguished themselves in service to the Town of Clarkstown and in the 1988 New York State Police Olympics.

Detective Wedlick then introduced Chief of Police William Collins; Councilman John Maloney, Police Commissioner; and Councilman William Carey, Police Commissioner.

All rose for the presentation of the colors and Chief William Collins led the assemblage in the salute to the Flag.

Detective Wedlick announced the following promotions and Councilman and Police Commissioner John Maloney administered the oath to the following: Police Officer Robert Donaldson promoted to Sergeant; Police Officer Stanley Gorzka promoted to Sergeant; and Detective William Johnstone promoted to Sergeant; and newly appointed Probationary Police Officers: Mark Hamilla, Daniel Doherty, Patricia Flynn, Scott Silver, Michael Novotny and Paul Valerio, II.

Chief William Collins presented Chief's Commendations to Detective Alan Fehsal, Detective Lawrence Kilduff; Police Officer Craig Andersen and Probationary Police Officer Keith Garrabrant.

Detective Wedlick next recognized Police Officers for their accomplishments in the New York State Police Olympics which are held annually: Police Officers Craig Andersen, Anthony Baumann, Gary Doyle, Peter Monroe, Joseph Orlandi, Thomas Prendergast, Jeffrey Wanamaker, Police Sergeant Charles Delo and Detective Robert Hoeneveld. These officers won gold, silver and bronze medals.

Councilman and Police Commissioner William Carey then made some brief congratulatory remarks as did Police Chief William Collins.

Chief Collins then directed Detective Gary McDonald to dismiss the detail.

Supervisor Holbrook, on behalf of the Town Board congratulated Chief Collins, the members of the Police Commission and in particular the families of the officers sworn in tonight. The Town of Clarkstown is proud of its Police Department and the police officers who are now sworn to serve all 85,000 residents of our community. He said from what he has seen he feels we are in good hands. He congratulated the new enrollees and wished them well on behalf of the Town Board.

At this point there was a two minute recess.

Supervisor Holbrook declared the Public Portion of the meeting open.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the money received from Ramapo over the past two years for the landfill and said using Ramapo's escrow money was not acceptable. Mr. Cuff said there should be no tax increase.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Parker-Nanuet Zone Change and DEIS, originally opened on August 16, 1988 was continued, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Parker-Nanuet Zone Change and DEIS, originally opened on August 16, 1988, was closed, DECISION RESERVED, time: 10:28 P.M.

RESOLUTION NO. (915-1988)

SETTING PUBLIC HEARING RE
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
NARLAN DEVELOPMENT
CORPORATION

Co. Smith offered the following resolution:

WHEREAS, a written Petition dated September 7, 1988 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 25th day of October, 1988 at 8:00 P.M. DS time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

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. (916-1988)

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

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

LOUISE DEL JUIDICE,

Petitioner,

-against-

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RESOLUTION NO. (916-1988) Continued

JOHN M. DIANIS, Chairperson, ELIZABETH J. SQUILLACE,
PENNY LEONARD, PHYLLIS BULHACK, ARNOLD AMSTER, WILLIAM
NIEHAUS AND JOHN FELLA, 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. 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. (917-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO AMENDMENT TO
EXISTING AGREEMENT WITH
HENRY HOROWITZ, INC.
(ELECTRICAL SERVICES AT
LAKE NANUET PARK) - CHARGE
TO MONEY-IN-LIEU-OF-LAND-
ACCOUNT

Co. Smith offered the following resolution:

WHEREAS, Henry Horowitz, Inc., Land Planning
Consultants, have been previously retained by the Town Board upon
recommendation of the Parks Board and Recreation Commission for a
project known as "Electrical Services at Lake Nanuet Park," and

WHEREAS, the Superintendent of Recreation and Parks has
recommended that the scope of services requested of Henry Horowitz,
Inc., be extended to include the function of construction manager in
accordance with a letter dated August 31, 1988, and

WHEREAS, by letter of August 31, 1988, Henry Horowitz,
Inc., estimated that the additional services necessary will be in a
sum of \$5,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to
enter into an amendment to the existing agreement with Henry
Horowitz, Inc., in accordance with the recommendation of the
Superintendent of Recreation and Parks to provide for additional
compensation in the amount of \$5,000.00, pursuant to the proposal
referred to above, and be it

FURTHER RESOLVED, that the total expenditure for
engineering fees for the electrical services at Lake Nanuet Park
referred to herein shall not exceed \$10,000.00, and be it

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

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RESOLUTION NO. (917-1988) Continued

Seconded by Supv. Holbrook

Before roll call Councilman Kunis questioned this and the following resolution as to going out to bid. He was told by Mr. Bollman that professional services do not go out to bid.

On roll call the vote was as follows:

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

RESOLUTION NO. (918-1988)

AUTHORIZING INSTALLATION OF ELECTRICAL SERVICE AT LAKE NANUET PARK - ALLOCATED AGAINST MONEY-IN-LIEU-OF-LAND ACCOUNT

Co. Smith offered the following resolution:

RESOLVED, based upon the recommendations of Edward J. Ghiazza, Superintendent of Recreation and Parks and Henry Horowitz, Inc., Land Planning Consultants, an amount not to exceed \$10,000.00 is hereby authorized for the installation of electrical service at Lake Nanuet Park, and be it

FURTHER RESOLVED, that all expenditures be allocated against the Money in Lieu of Land Account.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (919-1988)

AUTHORIZING EXPENDITURE OF NOT MORE THAN \$20,000.00 TO COMPLETE RENOVATIONS TO THE PARKING LOT AT LAKE NANUET PARK - ALLOCATED AGAINST MONEY-IN-LIEU-OF-LAND ACCOUNT

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received a grant from the New York State Office of Parks, Recreation and Historic Preservation for renovation of the parking lot at Lake Nanuet Park in the amount of \$25,000, and

WHEREAS, the estimated cost to renovate the parking lot at Lake Nanuet is \$45,000.00,

NOW, THEREFORE, be it

RESOLVED, that \$20,000.00 is hereby authorized to complete said renovations at Lake Nanuet Park, and be it

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RESOLUTION NO. (919-1988) Continued

FURTHER RESOLVED, that expenses not to exceed \$20,000.00 be allocated against the Money-in-Lieu-of-Land Account.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (920-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING" SIGNS WITH DIRECTIONAL ARROWS ON EAST AND WEST SIDES OF LINDBERGH LANE, NEW CITY

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:

"No Parking" signs with directional arrows to be erected on the east and west sides of Lindbergh Lane from Red Hill Road to a point 75 feet north of Red Hill Road, measured from the stop line on Lindbergh Lane at Red Hill Road, New City

and be it

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

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

There was discussion among Councilman Kunis, Supervisor Holbrook and Mr. Les Bollman regarding the following resolution. Supervisor said we have more than enough money to cover the signals but according to Mr. Jacobson we can't transfer the money from the bond. That is why we needed to have additional money.

RESOLUTION NO. (921-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #92-1988 - TRAFFIC SIGNAL AT SMITH ROAD AND TUNNEL BY-PASS ROAD

Co. Maloney offered the following resolution:

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RESOLUTION NO. (921-1988) Continued

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

BID #92-1988
TRAFFIC SIGNAL, SMITH ROAD & TUNNEL BY-PASS ROAD

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, October 21, 1988 at which time bids will be opened and read, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (922-1988)

CORRECTING RESOLUTION NO.
(867-1988) AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#83-1988 - STREET COMMUNITY
CENTER ROOF REHABILITATION

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board resolution #867-1988 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 2:00 P.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. Kunis

On roll call the vote was as follows:

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

Appearance:

Mr. David Camchi, Chairman
Rockland County Red Cross

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Mr. Camchi spoke regarding appropriation of Community Development Funds for the purchase of a Red Cross Vehicle which had been requested. These funds are now in escrow in the County and in addition there will be about \$8,000.00 from the United Way Funding. This goes back to 1985. He said that the Town of Clarkstown is the lead agency for bidding since the Community Development Office does not put out bids.

RESOLUTION NO. (923-1988) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #94-1988 - RED CROSS CANTEEN VEHICLE

Co. Maloney offered the following resolution:

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

BID #94-1988
RED CROSS CANTEEN VEHICLE

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 27, 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. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (924-1988) INCREASING APPROPRIATION ACCOUNT A 4210-328 (BOOKS & PUBLICATIONS) AND INCREASING ESTIMATED REVENUE ACCOUNT 01-003825 (COUNTY GRANT - DRUG INFORMATION) (COUNSELING)

Co. Carey offered the following resolution:

RESOLVED, to increase Appropriation Account A 4210-328 (Books & Publications) and increase Estimated Revenue Account 01-003825 (County Grant - Drug Information) by \$2,500.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (925-1988) VARIOUS TRANSFERS - RECREATION AND PARKS

RESOLUTION NO. (925-1988) Continued

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7610-204 (Programs for the Aging - Office Machines) by \$300.00 and to increase Appropriation Account No. A 7020-204 (Parks & Recreation Administration by \$300.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7180-427 (Swimming Facilities - Publicity) by \$400.00 and to increase Appropriation Account No. A 7180-329 (Swimming Facilities - Recreation Supplies) by \$400.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7140-203 (Parks & Playgrounds - Motor Vehicles) by \$7,000.00 and to increase Appropriation Account No. A 7141-408 (Community Recreation Centers - Building Repairs & Improvements) by \$7,000.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7620-409 (Adult Activities - Fees for Services) by \$100.00 and to increase Appropriation Account No. A 7620-329 (Adult Activities - Recreation Supplies) by \$100.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (926-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 1355-463
(ASSESSOR - DATA PROCESSING
CHARGES) AND INCREASING A
3020-460 (CENTRAL
COMMUNICATIONS - TELEPHONE)
(COMPTROLLER'S OFFICE)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1355-463 (Assessor - Data Processing Charges) and increase A 3020-460 (Central Communications - Telephone) by \$20,000.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (927-1988)

DECREASING APPROPRIATION
ACCOUNT NO. H 7140-25U-910
(DRAINAGE PROJECTS -
UNDESIGNATED FUNDS) AND
INCREASING APPROPRIATION
ACCOUNT NO. A

RESOLUTION NO. (927-1988) Continued 7140-25P88-05-409 (ROLLING
WAY, NEW CITY - FEES FOR
SERVICES) (COMPTROLLER'S
OFFICE)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. H
7140-25U-910 (Drainage Projects - Undesignated Funds) and increase
Appropriation Account No. H 7140-25P88-05-409 (Rolling Way, New City
- Fees for Services) by \$2,136.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (928-1988) DECREASING APPROPRIATION
ACCOUNT A 1220-110
(SALARIES) AND INCREASE
APPROPRIATION ACCOUNT A
1220-319 (MISCELLANEOUS
SUPPLIES) (SUPERVISOR)

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. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (929-1988) INCREASING APPROPRIATION
ACCOUNT A 7310-114 (YOUTH
PROGRAMS - PART-TIME) AND
INCREASING ESTIMATED
REVENUE ACCOUNT 01-002001
(PARK & RECREATION CHARGES)

Co. Carey offered the following resolution:

RESOLVED, to increase Appropriation Account A 7310-114
(Youth Programs - Part-Time) by \$16,000.00 and to increase Estimated
Revenue Account 01-002001 (Park & Recreation Charges) by \$16,000.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (930-1988)

TRANSFER OF VARIOUS
ACCOUNTS (RECREATION AND
PARKS)

Co. Carey offered the following resolution:

RESOVED, to decrease Appropriation Account A 7310-404 (Youth Programs - Trade, Mileage, Meals) by \$2,000.00 and to increase Appropriation Account A 7310-409 (Youth Programs - Fees for Services) by \$2,000.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account A 7310-307 (Youth Programs - Uniforms) by \$5,000.00 and to increase Appropriation Account A 7310-409 (Youth Programs - Fees for Services) by \$5,000.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (931-1988)

DIRECTING INSTALLATION OF
FIRE LANE DESIGNATIONS AT
VILLAGE GREEN CONDOMINIUMS
(34-C-1-112) (MARC
NIEPERHOFFER)

Co. Smith offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102, Section 14, of the Code of the Town of Clarkstown, at Village Green Condominiums by the installation of fire lane designations, and

WHEREAS, Mark Neiperhoffer, 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 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. (932-1988)

AUTHORIZING ATTENDANCE AT
CONFERENCE "WORKING WITH
AMERICA'S YOUTH" (THREE
STAFF MEMBERS OF RECREATION
AND PARKS) - APPROPRIATION
ACCOUNT NO. A 7141-414

Co. Maloney offered the following resolution:

RESOLVED, that three staff members designated by the Superintendent of Recreation and Parks are hereby authorized to attend the "Working with America's Youth Conference" sponsored by the Rockland County Youth Bureau and Student Advocacy, Inc., to be held in Nyack, New York, on October 5, 1988, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account A 7141-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (933-198)

AUTHORIZING ATTENDANCE AT
PUBLIC WORKS/PARK
MAINTENANCE TRAINING SCHOOL
(RICHARD TIGUE AND
FREDERICK HASTINGS) -
CHARGE TO APPROPRIATION
ACCOUNT A 7140-414

Co. Smith offered the following resolution:

RESOLVED, that Richard Tigue, Assistant Maintenance Supervisor (Grounds) and Frederick Hastings, Groundskeeper, are hereby authorized to attend the 1988 Public Works/Parks Maintenance Training School in Saratoga Springs, New York, from October 24 through October 27, 1988, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (934-1988)

AMENDING RESOLUTION NO.
818-1988 RE: AUTHORIZING
ATTENDANCE AT SOLID WASTE
MANAGEMENT SEMINAR
(DIRECTOR OF DEPARTMENT OF
ENVIRONMENTAL CONTROL AND
LANDFILL SUPERVISOR) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

RESOLUTION NO. (934-1988) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution #818-1988 is hereby amended to read as follows:

"RESOLVED, that the Director, Department of Environmental Control and the Landfill Supervisor are hereby authorized to attend a seminar on Solid Waste Management to be held on October 3 and 4, 1988 at the Otesaga Hotel, Cooperstown, New York and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account A 1010-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (935-1988)

AUTHORIZING PAYMENT TO SECRETARY TO BOARD OF APPEALS (MARGARETANN RIES) FOR PREPARATION OF TRANSCRIPT (KUBRAN, ET AL V. KRAUSHAAR, ET AL)

Co. Smith offered the following resolution:

RESOLVED, that the sum of \$312.50 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript in connection with the proceeding entitled:

JOHN P. KUBRAN, et al. v. KRAUSHAAR, et al.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (936-1988)

ACCEPTING MINUTES OF SPECIAL TOWN BOARD MEETING OF SEPTEMBER 6, 1988

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the Special Town Board Meeting of September 6, 1988 is hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (936-1988) Continued

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

RESOLUTION NO. (937-1988)

GRANTING EXTENSION OF TIME
FOR COMMENTS AND RECOMMENDA-
TIONS RE CLINTON SQUARE
PLAZA, INC. TO COUNTY
COMMISSIONER OF PLANNING
AND THE TOWN OF CLARKSTOWN
PLANNING BOARD

Co. Carey offered the following resolution:

WHEREAS, the New York State Department of Transportation, the New York State Thruway Authority and the Federal Highway Administration have reviewed the proposed zone change request of Clinton Square Plaza, Inc., and have concerns regarding the proposed design of the new interchange and related changes to connections with Route 59 and Route 303, and

WHEREAS, the County Commissioner of Planning is waiting for the State to submit a list of the issues involved and has requested an extension of time in order to review same, and

WHEREAS, the Town of Clarkstown Planning Board has also requested an extension of time to review this matter;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby extends the time for comments and recommendations of the Rockland County Commissioner of Planning, pursuant to Sections 239-1 and 239-m of the General Municipal Law, and the Town of Clarkstown Planning Board with respect to Clinton Square Plaza, Inc. petition for a change of zone to enable said agencies sufficient time to review the concerns of the State agencies until October 27, 1988.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (938-1988)

SETTING PUBLIC HEARING RE
PRELIMINARY BUDGET FOR
OCTOBER 7, 1988

Co. Carey offered the following resolution:

RESOLVED, that the Tentative Budget which will be filed in the Town Clerk's office and presented to the Town Board by September 30, 1988, shall be considered the Preliminary Budget for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 100 copies for public distribution pursuant to Town Law Section 106, and be it

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RESOLUTION NO. (938-1988) Continued

FURTHER RESOLVED, that the Public Hearing to be held on the Preliminary Budget shall be Monday, October 17, 1988 at 8:00 P.M. in the Town Hall Auditorium.

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. (939-1988)

SETTING PUBLIC HEARING AND REFERRING PETITION FOR CHANGE OF ZONE FROM LO DISTRICT TO PO DISTRICT TO CLARKSTOWN PLANNING COMMISSIONER AND CLARKSTOWN PLANNING BOARD (CLEMENSEN - MAP 60, BLOCK A, LOT 7)

Co. Maloney offered the following resolution:

WHEREAS, C. R. CLEMENSEN, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LO District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 60, Block A, Lot 7;

NOW, THEREFORE, be it

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

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

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (939-1988) Continued

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

RESOLUTION NO. (940-1988)

SETTING PUBLIC HEARING AND REFERRING ZONE CHANGE ON TOWN'S OWN MOTION - ROUTE 59 CORRIDOR (PO TO R-15 - MAP 163, BLOCK A, LOTS 11 (PART OF), 11.01, 11.02 AND 4; RS/R-15 TO R-15 - MAP 14, BLOCK D, LOTS 20, 21, 22, 23, 23.01, 24, 25, 27 AND 28; RS TO R-15 MAP 15, BLOCK A, LOTS 12, 12.01, 12.03, 13, 14, 15, 17, 18 AND 19)

Co. Maloney offered the following resolution:

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

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

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

WHEREAS, the Town Board previously considered the proposed zone change on June 23, 1987, at which time the change was not adopted;

NOW, THEREFORE, be it

RESOLVED, the Town Board proposes that a change of zone from a PO District to an R-15 District, on property designated on the Clarkstown Tax Map as: Map 163, Block A, Lots 11 (part of), 11.01, 11.02 and 4; from RS/R-15 Districts to all R-15 District, on property designated on the Clarkstown Tax Map as: Map 14, Block D, Lots 20, 21, 22, 23, 23.01, 24, 25, 27 & 28; from an RS District to an R-15 District, on property designated on the Clarkstown Tax Map as: Map 15, Block A, Lots 12, 12.01, 12.03, 13, 14, 15, 17, 18 and 19, is hereby scheduled for a public hearing, and be it

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

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

Continued on Next Page

RESOLUTION NO. (940-1988) Continued

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

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

Seconded by Co. Carey

(Councilman Kunis said he felt this should be discussed at a workshop meeting. He stated that he had just received this in his packet this evening and he wanted to review it as he did not even know the properties being voted on here.)

On roll call the vote was as follows:

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

RESOLUTION NO. (941-1988)

SETTING PUBLIC HEARING RE
PROPOSED AMENDMENT TO TOWN
CODE RE: CERTIFICATES OF
OCCUPANCY - CONDOMINIUMS

Co. Kunis offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 29th day of November, 1988, at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Town Code of the Town of Clarkstown:

Amend §29-13. Issuance of Certificate of Occupancy, by adding Item D to read as follows:

"§29-13 (D) If the building or structure is to be used for condominium, fee simple with homeowner association, cooperative, or rental developments no temporary certificate of occupancy shall be issued for more than twenty-five (25) percent of the units until all recreation facilities and community facilities are completed."

Amend §29-14. Temporary Certificate of Occupancy, by adding the following paragraph:

"§29-14 - If the building or structure is to be used for condominium, fee simple with homeowner association, cooperative, or rental developments no temporary certificate of occupancy shall be issued for more than twenty-five (25) percent of the units until all recreation facilities and community facilities are completed."

RESOLUTION NO. (941-1988) Continued

and be it

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

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. (942-1988)

SETTING PUBLIC HEARING RE
AMENDMENT TO TOWN CODE RE:
PRELIMINARY SITE PLAN
APPROVAL DETAILS -
CONDOMINIUMS

Co. Kunis offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 29th day of November, 1988, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Town Code of the Town of Clarkstown:

Amend §89-8. Preliminary site plan approval details, by adding Item No. 38 to read as follows:

"89-8 (38) If the property is to be used for residential condominium, fee simple with homeowner association, cooperative, and rental developments use the site plan shall contain a note indicating that any clubhouse, pool, playground, and any other recreation or community facility shall be completed prior to the issuance of any certificate of occupancy representing more than twenty-five (25) percent of the units."

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (942-1988) Continued

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

RESOLUTION NO. (943-1988)

AUTHORIZING TOWN ATTORNEY
TO FILE CANCELLATION OF LIS
PENDENS RE: MAP 14, BLOCK
D, LOT 15 (NEWTON DURLAND)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice pursuant to Town Code, Chapter 31, dated March 21, 1988, for premises designated on the Clarkstown Tax Map as MAP 14, BLOCK D, LOT 15 has been corrected;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on April 21, 1988, upon the payment of \$251.40 to reimburse the Town for the cost of the proceeding, including Index Number, filing of Lis Pendens, mailings, records search, photographs, attorney's time and all other expenses.

Seconded by Co. 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. (944-1988)

AWARDING BID FOR BID
#85-1988 - TRAILER MOUNTED
LEAF LOADER (TARRANT
MANUFACTURING COMPANY)

Co. Maloney offered the following resolution:

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

BID #85-1988
TRAILER MOUNTED LEAF LOADER

is hereby awarded to

TARRANT MANUFACTURING COMPANY
PO BOX 358
SARATOGA SPRING, NEW YORK 12866

as the lowest proposal meeting published bid specifications of \$15,872.00 for one Tarco Big-T-Vac Model TTL-1 87W.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (944-1988) Continued

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

RESOLUTION NO. (945-1988)

AWARDING BID FOR BID
#86-1988 - LEAF RECEIVER
BOXES (TARRANT
MANUFACTURING COMPANY)

Co. Maloney offered the following resolution:

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

BID #86-1988
LEAF RECEIVER BOXES

is hereby awarded to:

TARRANT MANUFACTURING COMPANY
PO Box 358
Saratoga Springs, NY 12866

as per the low bid proposal \$1,967.00 each for a Tarco 10-1/2 cubic
yard leaf receiver.

Seconded by Co. Smith

On roll call the vote was as follows:

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

With regard to the following resolution Mr. Les
Bollman, Director of Environmental Control stated that there was an
alternate proposal for approximately \$7,000.00 more but he had
ascertained that certain parts could be purchased directly from the
State, thereby saving considerable money for the Town. He asked if
that needed a resolution as long as it was part of the bonding?
Supervisor Holbrook said no, just do it.

RESOLUTION NO. (946-1988)

AWARDING BID FOR BID
#84-1988 - TRAFFIC SIGNAL
INSTALLATION - WEST
CLARKSTOWN ROAD AND TUNNEL
BY-PASS ROAD, SPRING VALLEY
(WARDE ELECTRIC CONTRACTING
INC.)

Co. Maloney offered the following resolution:

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

BID #84-1988
TRAFFIC SIGNAL INSTALLATION - WEST CLARKSTOWN
ROAD AND TUNNEL-BY PASS ROAD, SPRING VALLEY

is hereby awarded to:

Continued on Next Page

RESOLUTION NO. (946-1988) Continued

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

as per their proposed project cost of \$60,277.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (947-1988)

APPOINTING AND AUTHORIZING
HEARING OFFICER (PATRICK J.
FINNEGAN, ESQ.) WITH REGARD
TO SECTION 75 OF CIVIL
SERVICE LAW - DISCIPLINARY
PROCEEDINGS (ANTHONY
PAGLIUCA) - CHARGE TO
ACCOUNT NO. A 1420-209

Co. Carey offered the following resolution:

WHEREAS. by charges and specifications dated September 21, 1988, the Supervisor of the Town of Clarkstown, Charles E. Holbrook, has instituted disciplinary proceedings pursuant to Section 75 of the Civil Service Law against ANTHONY PAGLIUCA

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby confirms the commencement of said proceedings, and be it

FURTHER RESOLVED, that Patrick J. Finnegan, Esq., 16 Virginia Avenue, West Nyack, New York, is hereby appointed as hearing officer to hear, report and recommend action to be taken by the Town Board, and be it

FURTHER RESOLVED, that the sum of \$100.00 per hour shall be charged for all necessary services performed by said hearing officer, and be it

FURTHER RESOLVED, that appropriations pursuant to this resolution shall be charged to Account No. A-1420-209.

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. (948-1988)

APPOINTING POSITION OF
PART-TIME BUS DRIVER - MINI
TRANS (FRITZ ERNEST)

RESOLUTION NO. (948-1988) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Fritz Ernest, 155 Union Road, Apartment 2A, Spring Valley, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current 1988 hourly rate of \$8.27, effective and retroactive to September 26, 1988.

Seconded by Co. Carey

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. (949-1988)

APPOINTING TO POSITION OF
REAL PROPERTY DATA
COLLECTOR - ASSESSOR'S
OFFICE (JOSEPH LIONETTI)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Lionetti, 17 Gilmor Drive, Stony Point, New York is hereby appointed to the position of Real Property Data Collector - Assessor's Office - for a period not to exceed 30 days - pending completion of a satisfactory pre-employment physical examination - at the current 1988 annual salary of \$15,178.00, effective and retroactive to September 19, 1988.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (950-1988)

REFERRING MEMO RECEIVED
FROM ROBERT GENESLAW RE:
PARKING REQUIREMENTS
TO CLARKSTOWN PLANNING BOARD

Co. Carey offered the following resolution:

RESOLVED, the memo received from Robert Geneslaw regarding Parking Requirements be referred to the Planning 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

Supervisor Holbrook said at the next meeting he expected to have a resolution that would set a date for a Public Hearing on a proposed Code of Ethics. He also expected to have a resolution that would set a date for Accessory Apartments. He stated that they tried to have them on for this evening but it was not possible.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was adjourned, time: 10:52 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
(Continuation of Zone Change and DEIS Hearings - PARKER NANUET)

Town Hall

9/27/88

8:40 P.M.

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

RE: PARKER-NANUET ZONE CHANGE AND DEIS

(During the course of this public hearing reference was made to the vote of the Clarkstown Planning Board - 6 to 1. At a later date it was reported that the vote of the Planning Board was a 5 to 2 vote.)

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

Town Attorney Murray Jacobson read the letter from the Clarkstown Planning Board disapproving the proposal. (Letter on file in the Town Clerk's Office.)

Town Clerk noted that a letter had been received from Nancy Thomas. (Letter is on file in Town Clerk's Office.)

Supervisor Holbrook asked if there was anyone present wishing to speak on the proposal.

Appearance: Mr. Val Dagaev
representing the Russian Orthodox Convent

Mr. Dagaev stated that the Russian Convent had no objection to the proposal and would prefer it to be LIO.

Appearance: Anthony Zackarakis, Esq.
representing Mr. and Mrs. Bihari
of Bihari Kennels

Mr. Zackarakis said he wanted a buffer to be provided from adjoining users. He said his clients had no objections to the change. He also stated that he believed the application was not complete. He wanted the kennels to be provided with security.

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

Mr. Fleisher said he supported the Planning Board's recommendation because he believes we cannot afford to increase the population because of lack of space and water. We have sewer problems, garbage problems, etc. and he urged the Town Board not to grant this proposal.

Appearance: Mr. Tig Krekel, President
Ramapo Helicopters

Mr. Krekel said this proposed plan removes the heliport and the heliport is FAA approved. He enumerated the services performed by the helicopters and said they have never had a noise complaint. He stated that he had no objection to the zone change proposed. However, he urged the Board to maintain the heliport if the zone change is granted.

Appearance: Ms. Harriet Resnick, President
Board of Managers - Kingsgate

Ms. Resnick stated that they were 100% in opposition to the zone change. Condominiums are a glut on the market. She said when Treetops is completed there will be 2,400 to 3,000 cars. An additional 414 condominiums would add 800+ cars. The roads cannot handle that. She said that Airport Executive Park is a good neighbor.

Continued on Next Page

Appearance: Mr. Norman Byrd
143 Treetops Circle

Mr. Byrd said they had listened when the Board said the property should be zoned LIO. Now the owners want housing. Housing does not pay for itself. Taxes would be high. The Board should not even consider an application like this until the 960 units now being built on Kingsgate are completed. He said the traffic, because of the Spring Valley Market Place, is horrendous. He said if any member of the Board votes in any way to harm the citizens of Clarkstown, tomorrow morning they would start a campaign to remove that Board Member. He stated enough is enough.

Appearance: Ms. Mimi Holtzman,
Board of Directors of Treetops Realtor

Ms. Holtzman stated she was a New York City schoolteacher and also a realtor in Rockland County. She presented a petition of over 300 signatures which she had garnered from the residents of Treetops, Vista, Timberline, Knolls East who are sick and tired of the traffic congestion.

Appearance: Mr. William Nest, Member
Clarkstown Planning Board

Mr. Nest explained the Planning Board's position. He said that this land had been LIO from 1966 through three updates of the Master Plan. He reiterated that when the by-pass road opens he felt it will take a lot of traffic away from the streets. He felt this should be left LIO and PED until we see how it develops. It will be more beneficial to Clarkstown than to create more MF zoning.

Appearance: Mr. Peter Hardis
Spring Valley, New York

Mr. Hardis said he was in opposition. He said the Planning Board listened to more than six hours of testimony regarding this proposal from the applicant and came in with a six - one vote against it. He said there is control by the Town over PED zoning and a developer can't just go in and do what he wants.

Appearance: Mr. Alan Shapiro
1 Vailshire Circle

Mr. Shapiro said he was in opposition to the proposal. He asked what effect this project would have on public transportation? He said the noise currently from trucks rumbling down Smith Road is louder than any noise coming from the Heliport. Mr. Shapiro said why not a Class A office complex? He asked why not a bus terminal? Mr. Shapiro mentioned there are no sidewalks on Smith Road. He mentioned the traffic congestion caused by the Spring Valley Market Place and asked why Spring Valley has the Market Place and Clarkstown has the traffic?

Supervisor said the Market Place is in the Town of Clarkstown and does pay taxes to the Town. It is in the Spring Valley section of Clarkstown.

Appearance: Ms. Kathleen Dusio
33 Treetops Circle

Ms. Dusio said she wanted to go on record as being opposed to any additional congestion in the area. She urged the Board to consider the safety of any residents already there. She said she has absolutely no complaints regarding the Heliport.

Appearance: Ms. Nancy Thomas
Alice Drive
Nanued, New York

Continued on Next Page

Before Ms. Thomas spoke Supervisor Holbrook stated that he had a copy of her letter and that it is on file in the Town Clerk's Office.

Ms. Thomas said she is a real estate broker in the area and is a resident affected by this development. She said she is also concerned about traffic in the area. She said Smith Road, Middletown Road and Pascack Road are currently being over-utilized. She submitted pictures for the record of the traffic at rush hours at Exit 10 of the Palisades. She also submitted an overview of the traffic directly affecting the zone change. She felt the Board's obligation was to resident taxpayers and not to developers. She had questions regarding the keeping of a buffer zone.

Appearance: Mr. Bruce Cohen
Treetops Circle

Mr. Cohen was in favor of the zone change because he felt the plan was beneficial to the area. The people have not seen the final results.

Appearance: Mr. Marty Pesin
Treetops

Mr. Pesin said he was opposed. He asked why do we need more condominiums? He has only been here one year or so and the area is now not as pretty as it was then. He had a question regarding the light on Smith Road and felt it should have a protective left turn. Supervisor Holbrook said the Town will look at the light signalization when the tunnel by-pass road is open. Mr. Pesin said he had no problem with noise from the airport.

Appearance: Mr. Jack Cuff
representing Steve Goldman and the
Organized Taxpayers Association

Mr. Cuff said he was in favor of this proposal. He said Steve Goldman, who is a licensed engineer, said this was good for the area.

Mr. Cuff complained about the removal of the trees on Strawtown Road south of Rockford Drive.

Appearance: Mr. Martin Bernstein

Mr. Bernstein was opposed to the proposed project. He said we need the land for industrial ratables. He said there was an over abundance of condominiums and there is no need for them. The community should be planned, not used up and given away.

Appearance: Ms. Marsha Squires
Treetops

Ms. Squire was opposed to the proposed project. She said the Planning Board has voted six to one in opposition to this zone change. She said she had moved from a very lovely area in Westchester to what she thought was a very lovely area here. She said 240 units are now becoming 1200 units. She said what was very pretty is now horrible and what she would call a condo ghetto. She said this area was perfect for a corporate park and why couldn't we have a road going through such a corporate park. Ms. Squires said she never hears any noise from the airport.

Appearance: Mr. William J. Stein
Consulting Engineer
New City, New York

Mr. Stein said he has read and digested the Environmental Impact Statement and he has attended both the Planning Board hearing and the prior Town Board hearing. He said he believed

Continued on Next Page

his was the only licensed engineering testimony on behalf of the Town of Clarkstown to produce the railroad crossing which was the essential component of the by-pass. He said without the railroad crossing there would not have been a by-pass. He said it would have reverted to its prior conception of a road between Smith Road and West Clarkstown Road as a substitute, or a bail out, for Baylor Road.

Mr. Stein said he was also involved in many traffic studies for this area. He spoke about the Pascack Relief Drain which was essential for the drainage of the tunnel by-pass as currently construed from West Clarkstown Road to Route 59 and which provides vital service to Kingsgate and to the area in question. It also serves the Spring Valley Market Place. He said he made extensive studies for the sewerage capacity in the Rockland County Sewer District No. 1 (the Ramapo Interceptor) to assure the County Sewer District that there was adequate capacity to serve the 1200 units of Kingsgate.

The drainage of this parcel is divided between the Naraushaun and the Pascack Creek via the Pascack Interceptor on the west and what needs to be developed by the County on the former eastern portion of the Cole property is a major retention basin just north of the Thruway. He said as recently as last week he had contacted the Rockland County Drainage Agency and was informed that there are no immediate plans to develop this retention basin. The drainage of the eastern portion of this site is dependent upon that development. Mr. Stein said he was also informed by the Director of the Rockland County Sewer District, Mr. Charles Stewart, that he had no recollection of any contact from this developer.

Mr. Stein said with respect to Mr. Dagaev's plea for a release from County property of Smith Road, that can be accomplished with an industrial development of this site. The proposed major four lane highway leading from the by-pass about 300 feet north of the railroad tracks to the intersection of Smith Road and Kingsgate Parkway entrance is an excellent and vital idea and is absolutely necessary for any development at this site.

Mr. Stein said he believes the Heliport is vitally important to this County and should not be dismissed. He said the major thrust of the applicant, as he sat here and listened, is for a plea of balanced design. However, he said he thinks the balancing must extend beyond the 100 acres of this proposed development and encompass the other 100 acres north of Smith Road so that the 50% residential lies north of Smith Road and that 100% of this development is devoted to LO usage. He said only in this way can we survive the traffic congestion at that site.

Appearance: Mr. Michael Carmine
105 Treetops Circle

Mr. Carmine stated that he was opposed to the proposed project for all of the reasons above noted. He urged the Board to accept the Planning Board's recommendation to leave the zoning as is. He suggested the Town Board choose the best of the alternatives offered tonight for development of the property. He felt that we did not have to accept this type of development for the gratuity of the installation of a road. He said if he heard correctly the Town Board has some discretion over the nature of the commercial development that would be developed on the property, as well as the potential for encouraging any developers who are going to build commercial establishments on that property to also contribute to the development of that four lane road, if it would support the traffic flow in that area.

Supervisor asked the applicant to make a summation. He said he believed after that the Town Board would reserve decision.

Continued on Next Page

Appearance: Donald S. Tracy, Esq.
Attorney for Applicant

Mr. Tracy said there were many misconceptions here tonight. He said he would emphasize the fact that Smith Road is a County road. Roads that will surround this project will be County roads. The recommendation of the Rockland County Planning Board was unanimous in favor of this project. He said the report of the Superintendent of Highways of Rockland County said in essence that from the point of view of drainage, from the point of view of traffic, from the point of view of every effect on the County road this proposal is superior to the project as presently zoned.

Mr. Tracy said he had to chide the Planning Board of the Town of Clarkstown. The one person with professional planning expertise refused to vote against the project. Others seemed to vote against the project because they had planned the PED zone ten years ago. We think this is a great area and he called their attention to the fact that it might have been then but there is something between you and the Thruway now and what it is is the Spring Valley Market Place. He said people should drive down the road in Paramus and look at the shopping centers along the main road and then go behind them and see what's there. It's not Class A office space. It's warehouses, factory outlets and the like.

Mr. Tracy said as for the statement that we are using up all of our valuable LIO land, he would think that the people who are in the process of guiding the future planning of this Town would know better. He said someone said we have 500 acres of valuable industrial land left. He said he knows that the Town Board knows and he said he knows, that the LIO zone and the M zone uses are totally identical and that whether you call it an M or whether you call it an LIO there is over 2,200 acres left to be developed.

Mr. Tracy said the law of supply and demand might lead to some affordable housing in this Town. He said competition is not bad; it's good. He said he didn't think this Board would be influenced by anyone's threat. Mr. Tracy said his clients were not threatening the Town Board because he didn't think they could be threatened. That type of activity is not in the interest of good zoning or good planning and is totally selfish.

Mr. Tracy said people have said let them show they need condominiums. He said what they did was study the area and determined what would happen if they built 1,100,000 square feet of LIO/PED in the area and they came to the conclusion, nothing would move. No one would come there. The traffic would be horrendous. The area has changed due to the Market Place and there is no way this is going to develop. He said they went to the experts and they say the mix we have proposed will produce between 600 and 800 trips per hour at peak hour, less than the area as zoned. The County agreed with that. The traffic consultants that did their report agreed with that. He said our Planning Board did not. Our Planning Board said while our report might show the tax situation that would be created by the approval of your project might be initially better it would eventually be utilized and used up and become a detriment because of services.

Mr. Tracy said we were asked to do a study on the number of school children in certain condominiums. He said they were surprised to be asked to do such a study because they thought that would be a planning tool people would have. We did the study and we got the reports. Unfortunately, we did not have the Clarkstown report at the time we appeared before the Planning Board because it was a little hard to get the information. He said presently under Treetops and Vista there are four school children being bused. He said two go to private school and two go to parochial school. He said they found out today that six are being bused to Clarkstown.

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Mr. Tracy said they were asked to do a study of Mountainview Condominiums which has 765 units and has been constructed for 10 to 12 years, maybe a little longer. He said for the Nyack School District out of 765 condominiums there are 95 school children from grades 1 through high school. That works out to less than 1 child every 10 units. How anyone could base the fact that this is going to cause increased services on that would seem to be to mitigate against the fact and maybe rightfully so, that the Planning Board feels "we planned this thing 10 years ago, we implemented this PED zone and we are going to see it develop if it takes another 10 years."

Mr. Tracy said he would say that the question should not be "prove that we need these condominiums." The question should be "prove that we need a balanced plan, an excellent plan that will not overload our roads or tax our other services." That is what we have attempted to present to you. The County said that will do it. Our Planning Board said no, it won't do it because we want PED; we need PED. Doesn't our Planning Board know that M and LIO uses are the same and that all that land is available for development? Don't they know the impact of Homestead? Sure, we can elect out of Homestead. But at the present time our proposal is a whopping tax surplus over that which could be built.

Mr. Tracy said to illustrate the quest for Class A office space - do you think this hall would be empty if he were standing here tonight showing you a magnificent rendering of 1,000,000 square feet of office space. The people would be hanging out in the street saying "everybody comes to the office at a peak hour in the morning and leaves at peak hours - how are we going to get in and out of our roads? We can't accommodate them." They would be right. We can't accommodate them.

Mr. Tracy said we have one Class A office space in Rockland County. One, and in his opinion, one only, and it is not Airport Executive Park. That is not Class A office space under the definition as professionals know it. That Class A office space has been for sale for a long time. It is empty.

Mr. Tracy said yesterday he had a call from Connecticut from NAPA. They are an auto parts distributorship. They said they heard that I was representing the airport people. I said yes I am. He said they want to put 80,000 square feet on that airport but must be on a road because they understand the PED zone permits 10% retail and they are going to be retail in the front. I said we have not formulated our plans for the 50 acres that is in PED. The only other inquiries we have had to date are from similar users - outlets and the like - people who want to mix as allowed in the PED zone, retail with storage - furniture outlet, rug outlet - the kind of stuff you see behind the shopping centers in New Jersey.

Mr. Tracy said they want to bring in this 80,000 square feet (to be expanded to 100,000 square feet.) He said they have a beautiful ridge overlooking a drainage basin, which does not have to be constructed to take the drainage. That portion of the property flows into that drainage basin and gets carried off. Would you put a flat 100,000 square foot building in there? What would it do to it? What about the parking around it? The people who were told, "Come and speak against this property - it is going to depreciate your property values" were told that for a reason. Maybe what we proposed to build and how we propose to build it might cause some developers to have a little concern.

With regard to paying taxes, developers pay taxes too. Ninety percent of the net worth of the average resident of the Town of Clarkstown is due to the fact that years ago some developer took

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the chance, speculated, became entrepreneurial and built a house which that person bought for \$22,000.00 that is now worth \$195,000.00. Developers are not bad. They made the worth of this County. Developers don't come in to build something that they can't sell. Not if they are smart developers. All of this hysteria about traffic and taxes is simply the exact same thing you would hear if we were coming in with a tremendous warehouse or a Class A office building. The previous owners of the property were smart enough to know that if the market was here for Class A office buildings they would not have sold off the property.

Mr. Tracy said there is no dearth of "LIO" - let's call it M-2 land left in the Town of Clarkstown. There's plenty of it - loads of it - approximately 2,200 acres of it. With regard to the taxes, and particularly in view of Homestead, the project that we propose is a beautiful balance and we have 550,000 square feet of space in there. It isn't like we eliminated the PED. We took a look at the LIO and the area that bordered this beautiful drainage basin. We said that is not the place to put LIO. Other people agreed with us. The Planning Board must have agreed with us because they put 1200 units right up from it.

Mr. Tracy said he respectfully submits that he understands and appreciates everyone's comments here tonight. He said he did not understand the report of the Planning Board. He said condominiums will not produce a drain on our schools. That is shown by every study and is shown by what we have done and is shown in our report, factually and actually, which information was not heretofore available to the Board. He said he appreciated the support of the Organized Taxpayers Association which said it is good balance and a good tax ratable.

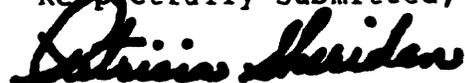
Supervisor Holbrook said with regard to a couple of the comments made at the public hearing just closed, relating to the proposed Tunnel By-Pass Road, before we can judge anything we need to take a look and see how that impacts on the traffic before the Town Board makes any decision.

Supervisor also said the Tunnel By-Pass Road was not designed in anticipation of the Spring Valley Market Place. It will help that traffic but it was designed simply as an alternate access to Baylor Road coming on to West Clarkstown Road and what the Town Board has attempted to do is to extend that road through to Hopf Drive and Route 59. It has been put together over the last couple of years with a lot of effort. Whether there was a Market Place or not that road would have been put in. It is an important cog in the traffic flow. But with regard to the train tunnel we are not intending to change that traffic pattern until again the road is opened and we see how the traffic pattern breaks down. The road opening is imminent and it would be foolish at this time to jump to any precipitous decision. He said he would vote to Reserve Decision and he thought that a decision on this particular zone change will not take place certainly at least until that road is open.

Mr. Geneslaw said when the Board originally opened this hearing it was a joint hearing both for the zone change and the draft DEIS and if that is correct, then he would assume they are closing both hearings. If that is correct for purposes of the PEIS the record must be opened for ten (10) days to allow for additional comment. Anyone who has any written comment to make may do so within the next ten (10) calendar days.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:28 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk