

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

11/1/88

8:57 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis, Maloney and Smith
Murray N. Jacobson, Town Attorney
Neila Alemi, Acting Secretary

The Town Board signed a waiver to hold a Special Town Board Meeting. Supervisor Holbrook opened the Special Town Board Meeting at 8:57 P.M.

The Town Board agreed that Neila Alemi would act as Acting Secretary and would take the minutes for the Special Town Board Meeting.

RESOLUTION NO. (1056-1988)

RESOLUTION WAIVING NOTICE
OF SPECIAL TOWN BOARD
MEETING

Co. Carey offered the following resolution:

"RESOLVED, that the Town Board Members hereby, as individuals and collectively, waive notice of a special meeting and hereby determine to hold a special meeting on November 1, 1988 at 8:00 P.M. in Room 311 of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the consent to hold such special meeting in a form annexed hereto shall be duly signed by all the Town Board Members.

The Consent to a special meeting of the Town Board of the Town of Clarkstown shall be filed in the Town Clerk's Office."

Seconded by Councilman 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. (1057-1988)

RESOLUTION AUTHORIZING THE
TOWN BOARD TO RETAIN THE
SERVICES OF CUDDY & FEDER
WITH RESPECT TO THE
PROPOSED ZONE CHANGE OF
CLINTON SQUARE PLAZA, INC.
PROPERTY

Co. Maloney offered the following resolution:

"WHEREAS, William Chase, Commissioner of Planning of the County of Rockland, has approved the Clinton Square Plaza, Inc. request for a change of zone from an LIO District to an MRS District subject to a list of conditions, and

WHEREAS, other persons have proposed terms and conditions in the event that the said rezoning petition is granted by the Town Board of the Town of Clarkstown, and

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RESOLUTION NO. (1057-1988) Continued

WHEREAS, it appears that technical expertise is necessary to properly draft covenants, terms, conditions and safeguards in the event that said rezoning petition is granted;

NOW, THEREFORE, be it

RESOLVED, that the firm of Cuddy & Feder, located at 90 Maple Avenue, White Plains, New York, is hereby retained by the Town of Clarkstown as special counsel for the purpose of drafting the covenants, term, conditions and safeguards concerning the proposed rezoning of the Clinton Square Plaza, Inc. property, and be it

FURTHER RESOLVED, that fees for such services shall be charged to Account No. A 1420-409."

Seconded by Councilman Kunis

On roll call the vote was as follows:

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

Councilman Kunis wanted to make it clear that the fees for services mentioned would be paid by the Town.

Leslie Bollman, Director of Environmental Control, said he never saw the recommendations of Bill Chase, Rockland County Commissioner of Planning, with respect to the proposed zone change. He would like to be involved with certain decisions being made and will give whatever information that is pertinent to the matter.

RESOLUTION NO. (1058-1988)

AUTHORIZING TOWN ATTORNEY TO INTERVENE IN THE MATTER BEFORE THE N.Y.S. PUBLIC SERVICE COMMISSION REGARDING THE CONSTRUCTION OF A FUEL GAS TRANSMISSION LINE AND AUTHORIZING PLANNING CONSULTANT TO PROVIDE EXPERT TESTIMONY CONCERNING SAME

Co. Smith offered the following resolution:

"WHEREAS, there is a matter presently before the New York State Public Service Commission concerning the construction of a fuel gas transmission line by Columbia Gas Transmission Corporation, and

WHEREAS, as part of this project Orange & Rockland Utilities proposes to construct a gas metering and regulating facility to be located on Buena Vista Road in the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown is opposed to the location of said gas metering and regulating facility on Buena Vista Road in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized and directed to intervene in the

RESOLUTION NO. (1058-1988) Continued

matter before the New York State Public Service Commission and to take all steps necessary to oppose such gas metering and regulating facility, and be it

FURTHER RESOLVED, that Robert Geneslaw, Planning Consultant to the Town of Clarkstown, is hereby authorized and directed to provide expert testimony concerning the aforesaid matter at a cost not to exceed \$5,000.00, and said fee shall be charged to Account No. B 8020-409."

Seconded by Councilman 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. (1059-1988)(FAILED)

RESOLUTION GRANTING
EXTENSION OF TIME TO N.Y.S.
DEPT. OF TRANSPORTATION AND
FEDERAL HIGHWAY
ADMINISTRATION TO SUBMIT
RECOMMENDATIONS WITH
RESPECT TO REVIEW OF
PROPOSED ZONE CHANGE OF
CLINTON SQUARE PLAZA, INC.

Co. Carey offered the following resolution.

"WHEREAS, the New York State Department of Transportation has requested an extension of time to review and make comments on the FGEIS concerning Clinton Square Plaza, Inc. petition for a change of zone in order that they may coordinate comments made by the Federal Highway Administration;

NOW, THEREFORE, be it

RESOLVED, that the New York State Department of Transportation and the Federal Highway Administration are hereby granted an extension of time to review and make comments on the FGEIS until December 4, 1988."

Seconded by Supervisor Holbrook.

On roll call the vote was as follows:

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

Councilman Maloney said he received a memo this afternoon from the Supervisor advising him of a request made by Jennifer Clark of the New York State Department of Transportation for an extension of time to review and make comments on the FGEIS. Councilman Maloney said the State has had the FGEIS for a week and the recommendations are due by November 4, 1988. If the State is given an extension beyond November 4, 1988, we won't receive their answer until December 10th and then all the holidays will come and the matter won't be decided on until January of next year.

RESOLUTION NO. (1059-1988) Continued

For the record Councilman Kunis said if anything urgent comes up I would certainly entertain it. I have no problem with that. I don't know how important this is. We just found out about this today. There comes a time when decisions have to be made by the Town. You can't keep doing this and stalling. Councilman Maloney said they still can get this information in by November 4th. Supervisor Holbrook recommended giving the extension of time.

On motion of Councilman Maloney and seconded by Councilman Kunis and unanimously adopted, the Special Town Board Meeting was declared closed at 9:15 P.M.

Respectfully submitted,

Neila Alemi
Neila Alemi
Acting Secretary