

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

93

Town Hall

11/15/88

8:02 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 presented a Certificate of Recognition to Jane Murphy for her years of service to the Town of Clarkstown particularly on the Shade Tree Commission. He said she has made Clarkstown a better place in which to live. He discussed the formation of the Shade Tree Commission and said Mrs. Murphy has become synonymous with that Commission and has given this Town great service. He said Jane Murphy is certainly an example of a dedicated citizen. The shade trees lining many of our streets are largely the result of her endeavors.

Mrs. Murphy thanked the Town Board and stated that she had been on the Commission for 23 years. She read a paper she had done for a course she had taken about ten years ago which had to do with the Shade Tree Commission. This was a detailed account of her involvement with trees for most of her life.

Supervisor recognized other members of the Shade Tree Commission who were present in the audience.

Supervisor declared the Public Portion of the meeting open.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the Pyramid Center. Mr. Cuff also discussed the projected tax increase this year. He mentioned the cost of bulk pick-up by the Highway Department as opposed to the private carters doing the same and he suggested four bulk pick-ups per year.

Mr. Cuff then asked if it was correct that the Town is preparing to borrow money to keep us out of bankruptcy? Supervisor said we are not in a situation of bankruptcy but we have a potential cash flow shortage for December. Mr. Cuff asked for an amount. Supervisor said the Comptroller could fill in the details on that. Supervisor said that situation will be addressed. Mr. Cuff asked if we have already borrowed \$600,000.00 from the escrow account of the Landfill which wasn't supposed to be touched? Supervisor said "No." Mr. Cuff asked the Supervisor when he would know how much had to be borrowed? Supervisor said that issue will be addressed in December as needed and we are talking about a possible revenue anticipation note. Mr. Cuff said one way or the other it is going to be paid by the taxpayers.

Mr. Cuff said between a property tax increase this year and bulk pick-up fees the average homeowner is going to see a raise in town taxes of between 17% and 20% this year.

Appearance: Donald S. Tracy, Esq.
25 Georgetown Oval
New City, New York

Mr. Tracy spoke stating that the extension granted to the Department of Transportation for the Pyramid Report has been complied with and the DOT has replied stating that they are satisfied and they will deal with any matters that are left to be dealt with at the time of site plan approval if the zone change is granted.

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Mr. Tracy then discussed the Master Plan which he said is governed by Section 272 A of the Town Law and is nothing other than a statement of the Town's development goals. He spoke at length regarding this, noting that over the past ten years there have been in excess of 100 changes to the Master Plan. He said the only Master Plan ever adopted by the Town Board of the Town of Clarkstown was the Master Plan of 1966 and held both West Nyack and Nanuet as extremely suitable for regional shopping.

Mr. Tracy mentioned that they had sent a letter to the Town Attorney indicating that the Planning Board had failed to meet its deadline. Its recommendation had to be considered as a positive recommendation.

Mr. Tracy said they did not attempt to stop the Planning Board from making its recommendation nor prevent its full publication. There is no one here who can say they are not aware of what that recommendation was. It is an advisory recommendation and they have no intention of stifling it. He said he hoped the Town Board would accept and consider it. He said there is a \$2.3 billion dollar real estate investment trust known as Corporate Property Investors which operates 28 regional shopping malls and one office building. He noted some of the foreign investors and said they are not new at attempting to stifle competition. He cited examples of how they attempt to stop competition and maintain a monopoly. He stated that he had the data to back up what he was stating.

Appearance: Mr. Joseph Pantano
 Little Tor Road
 New City, New York

Mr. Pantano said he was representing the Committee for Responsible Government in Clarkstown. He discussed the budget and noted that a complete budget was not available to the public. Supervisor stated that it would be available on Friday. Supervisor explained the legal process with regard to the budget. Mr. Pantano asked for a meeting on Thursday evening so that people could have their final say on the budget. He suggested areas where there could be trimming. Mr. Pantano said the people will not put up with a 20% tax increase.

Supervisor said the Town Board held a public hearing on the budget. The Town Board has continued to work on the budget and the budget will be made available. We have until November 20th to adopt it.

Mr. Pantano spoke regarding the proposed new mall and said Corporate Property Investors had secret negotiations over a year ago with two of their tenants at the Mall, one of whom is Sears. Sears, realizing that the new mall would be a better facility and one that would offer more to the community, has told Corporate Property Investors that they would be moving from the Nanuet Mall. At that point Corporate Property Investors got very involved with civic matters. The one who has the most to lose is CPI. He said the majority of the people in this Town want the Town Board to propose the zone change which is needed in this Town.

Appearance: Mr. Adolf Salaun
 237 South Conger Avenue
 Congers, New York

Mr. Salaun stated that he did not want the new mall for many reasons. It will not bring us any benefits. It will bring traffic, pollution, crime, etc. There will not be a penny in tax. It will bring to the workers some overtime but the people of Rockland County will not benefit from this at all. He referred to a list of demands that the Supervisor had on the Pyramid Corp. and said he could prepare a more comprehensive list.

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

Mr. Lodico said he was the Chairman of the Commercial Industrial Development Committee whose recommendation has been to approve and support the construction of the new mall.

Mr. Lodico spoke about the Clarkstown Police Department discussing in particular the Records Clerk Typist - Law Enforcement position. He recommended the Board hire one Records Clerk Typist - Law Enforcement as provided in the CSEA at a grade 19 and one at a grade 18 which would effect a great savings. He also said the Board should consider freezing employment for at least six months. On January 1, 1988 we should hire two persons to start breaking in on this job to immediately affect the savings.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley mentioned the Champion Building and said if anyone has toured the building they know it is a very ostentatious building where the smallest office is 10' x 18'. Businesses today do not build office buildings of that type anymore as they are very wasteful. Given the construction needed to fix that building, the price is just too high.

Mr. Broadley mentioned the Clinton Square application and stated that he was surprised that the Town Attorney did not catch the thing that the Pyramid people did and was also surprised that no remedial action has been taken against him by the Town Board. He mentioned all the malls being built in surrounding areas. He noted that the stores going in would not quite be quality shopping as promised. He discussed the tax situation in Dutchess County.

He said if you vote not to refer this back to the Clarkstown Planning Board then you might just as well get rid of the Planning Board and open this Town to the developers because that is the message you are sending to the public.

He read a letter from a Mr. Maurice Hinsey, Chairman of the Environmental Conservation Committee of the Assembly of the State of New York relating to a complete examination of the Dexter/Nyack Landfills. He said that the Board now sees that there is already some interesting outside interests. He urged the Board to preserve the integrity of the government of Clarkstown and preserve the integrity of the Planning Board and refer the Clinton Square proposal back to them for proper action.

Appearance: Mr. Steven Goldman
West Nyack, New York

Mr. Goldman said he represented the Organized Taxpayers Association and spoke regarding the budget. He said the end result of the budget is not good at all. He said we cannot have tax increases that high.

Mr. Goldman also spoke regarding the Pyramid Mall. He felt there was no sense in waiting any longer. He said we have spent three years already and it was time to vote on this. He urged the Board to vote in favor of the proposed mall.

Mr. Goldman spoke regarding the MF-4 proposal and felt that would hurt the Town much more than the proposed mall. If it is granted to some, others may sue to get the same right. We may turn into another Yonkers.

Mr. Goldman then read a letter from the Organized Taxpayers Association regarding the granting of the MF-4 zoning.

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Appearance: Mr. Orrin Getz
5 Carlisle Court
New City, New York

Mr. Getz discussed burglar alarms and said it was an unreliable system. There is now something called "Pulse Net" offered by the New York Telephone Company. He asked the Town Board to investigate this system for possible use in Clarkstown. It would do away with all the false alarms going off and annoying residents.

Mr. Getz also urged the Town Board not to postpone the vote on Pyramid.

Appearance: Ms. Nancy Lucchese
169 Brewery Road
New City, New York

Ms. Lucchese stated that she had received harrasing phone calls because she was in favor of the Pyramid Mall and they would encourage rather than discourage her. She said she hoped in the interests of honesty, decency and democracy that the Town Board would stick to its December 1 vote for the Palisades Center rezoning and urged them to vote yes.

She spoke regarding the increase in taxes and the fact that unless tax ratables come into Clarkstown the young people will not be able to afford to live here.

Appearance: Mr. Joel Pravda
1 Meadow Lane
New City, New York

He said he was in favor of the proposed mall because he felt the residents should have more of a choice. He felt Rockland County deserved more than one mall. He urged the Board to vote for the mall.

Appearance: Ms. Rosemary Seery
15 Flitt Street
West Nyack, New York

Ms. Seery stated she was co-president of the Southern Clarkstown Civic Association. She asked all the people who are so interested in shopping if they buy bottled water? She asked if they were worried about the water that is underneath the property on which the proposed mall is to be built? She stated that when the water which they will be drinking and showering in is contaminated ten to twenty years from now will they be coming back and saying to the Board we should have given up better shopping and had better water?

She also noted that today in the paper it was reported that Pyramid will be the subject of a Grand Jury Investigation because of the political funding in the Poughkeepsie election.

She asked how many other oversights Clarkstown has incurred because of our Town Attorney? She stated that if the Town Board votes tonight not to refer this back to the Planning Board you will be accomplices in this miscarriage of justice. She asked Councilwoman Smith if she was feeling just a little bit of pressure looking out in the audience of union people as far as the ruling of no conflict of interest.

Appearance: Dorinda M. Mittiga
150 Congers Road
Congers, New York

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Ms. Mittiga (with tongue in cheek) welcomed all the "union boys" and stated she was so happy to see that they all turned out in support of the mall. She said she could not wait until they tried to build something in the areas in which they live because she doubted half of them even lived in Rockland County. She urged them to have a "nice evening fellows."

Appearance: Mr. Tony Toscano
Spring Valley, New York

Mr. Toscana said he has lived here for forty years. He said he did not care what Mr. Valenti said he will do. He cannot improve getting on or off the Thruway because there is only one lane getting on and off. There will be the biggest bottleneck you have ever seen. He said they can say they will improve the drainage but we know they are not going to do a thing. He said he did not want the mall but he hopes they build it just to tell everyone that it was no good from the beginning.

RESOLUTION NO. (1063-1988)(FAILED)	REREFERRING PROPOSED ZONE CHANGE OF CLINTON SQUARE PLAZA, INC., TO THE CLARKSTOWN PLANNING BOARD FOR REVIEW AND RECOMMENDATION
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Co. Carey offered the following resolution:

WHEREAS, CLINTON SQUARE PLAZA, INC., has petitioned the Town Board of the Town of Clarkstown to amend the Zoning Ordinance of the Town by redistricting property of the petitioner described in its petition from an LIO District to an MRS District, and

WHEREAS, the Town Board had granted an extension of time for response on the zone change to the Clarkstown Planning Board, which expired on October 27, 1988, and

WHEREAS, the Planning Board did not wish to make a recommendation without the receipt of all consultants' report, and

WHEREAS, the Rockland County Commissioner of Planning submitted his report on October 26, 1988 at 4:45 P.M., and the FGEIS was delivered on the same day, and the Clarkstown Planning Board did not have sufficient time to review the recommendations by October 27, 1988, and

WHEREAS, the Clarkstown Planning Board made a decision on November 2, 1988 with respect to this matter and is now requesting the Town Board to rerefer the zone change application back to them for recommendation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board believes it is in the best interests of the Town to rerefer this matter to the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the Town Board shall rerefer the application for a zone change to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Supv. Holbrook

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RESOLUTION NO. (1063-1988) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1064-1988)

ACCEPTING COMMENTS FROM THE CLARKSTOWN PLANNING BOARD WITH RESPECT TO THE PROPOSED REZONING OF PROPERTY OF CLINTON SQUARE PLAZA, INC.

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown will accept from the Planning Board of the Town of Clarkstown their comments concerning the proposed rezoning of property of Clinton Square Plaza, Inc., which comments shall be provided to the Town Board no later than November 2, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

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

Councilman Kunis noted that the Planning Board has met. It is an advisory board and he has not received the minority report or the majority report yet. He said he thought it would be received by the Town Board following this resolution. He said he respects and accepts the Planning Board's decision and as an elected member of the Board of the Town of Clarkstown he will then make his decision.

Councilman Maloney said we already know how the Planning Board voted as it was a 4-3 vote to deny the application. What this does is merely say we accept that particular advisory vote and we are waiting for the comments of the majority of the board and the minority of the board and any comments that each individual on the Planning Board would like to make and that is what this resolution means.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Zone Change from LO District to PO District - Clemensen - Map 60, Block A, Lot 7, was opened, time: 9:21 P.M.

On motion of Councilman Carey, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Zone Change from LO District to PO District - Clemensen - Map 60, Block A, Lot 7, was closed, ZONE CHANGE DENIED, time: 10:30 P.M.

RESOLUTION NO. 1065-1988)

DENYING APPLICATION FOR ZONE CHANGE FROM LO DISTRICT TO PO DISTRICT - CLEMENSEN - MAP 60, BLOCK A, LOT 7

RESOLUTION NO. (1065-1988) Continued

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby denies the application of C. R. Clemensen for a change of zone from an LO District to a PO District on property designated on the Clarkstown Tax Map as Map 60, Block A, Lot 7.

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

Councilman Maloney said he would like to paraphrase the immortal words of John F. Kennedy when he stood before the Berlin Wall "Ich bien ein Phillip Hiller" and he voted no. Councilman Kunis said you mean you vote "yes." Councilman Maloney said he meant he voted yes to deny. Councilman Kunis said "You're better off saying 'I deny', Councilman Maloney."

Councilman Kunis said he would also like the Town Board to look into having this property zoned residential. Supervisor said we could ask, by resolution, to have the Planning Board reexamine this for a residential designation. He said he would accept that as a resolution.

RESOLUTION NO. (1066-1988)

REQUESTING PLANNING BOARD TO REEXAMINE MAP 60, BLOCK A, LOT 7 WITH A VIEW TOWARD DESIGNATING SAME RESIDENTIAL

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby recommends to the Clarkstown Planning Board that they reexamine property Map 60, Block A, Lot 7 presently zoned LO with a view to designating same residential.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Zone Change - Route 59 Corridor - PO to R-15, RS/R-15 to R-15 and RS to R-15, was opened, time: 10:33 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change - Route 59 Corridor - PO to R-15, RS/R-15 to R-15 and RS to R-15, was closed, DECISION RESERVED, time: 11:15 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Violation on

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Property - Map 134, Block A, Lot 13 - Mellozzo, was opened, time:
11:15 P.M.

On motion of Supervisor Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation on Property - Map 134, Block A, Lot 13, was closed, RESOLUTION ADOPTED, time: 11:22 P.M.

RESOLUTION NO. (1067-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES MAP 134, BLOCK A, LOT 13 (MELLOZZO)

Supv. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 958 dated October 11, 1988, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 134, BLOCK A, LOT 13, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was held on November 15, 1988, after notice and opportunity to be heard at said hearing was provided to the owners of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated October 11, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after December 1, 1988, and be it

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Violation on Property - Map 134, Block A, Lot 13.01 - Graziano - was opened, time: 11:15 P.M.

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On motion of Supv. Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation on Property - Map 134, Block A, Lot 13.01 - Graziano - was closed, RESOLUTION ADOPTED, time: 11:15 P.M.

RESOLUTION NO. (1068-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES MAP 134, BLOCK A, LOT 13.01 (GRAZIANO)

Supv. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 959 dated October 11, 1988, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 134, BLOCK A, LOT 13.01, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was held on November 15, 1988, after notice and opportunity to be heard at said hearing was provided to the owners of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated October 11, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after December 1, 1988, and be it

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

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

Seconded by Co. 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. (1069-1988)

ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF OCTOBER 11, 1988 AND OCTOBER 25, 1988, SPECIAL TOWN BOARD MEETING OF NOVEMBER 1, 1988 AND BUDGET HEARING OF OCTOBER 17, 1988

RESOLUTION NO. (1069-1988) Continued

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of October 11, 1988 and October 25, 1988, the Special Town Board Meeting of November 1, 1988 and the Budget Hearing of October 17, 1988 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1070-1988)

AUTHORIZING ATTENDANCE AT ANNUAL CONFERENCE OF STATE MAGISTRATES' ASSOCIATION - CHARGE TO ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Justices Waitzman, Roness and Wray be authorized to attend the Annual Conference of the State Magistrates' Association held at the Neville, Ellenville, New York, October 3 - 5, 1988, 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. 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. (1071-1988)

AUTHORIZING ATTENDANCE AT ANNUAL CONFERENCE AND TRAINING PRESENTED BY MAGISTRATES' COURT CLERKS' ASSOCIATION (JOANN M. GEARY) - CHARGE TO ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Justice Court Clerk, Joann M. Geary be authorized to attend the Annual Conference and Training presented by the Magistrates' Court Clerks' Association held at the Fallsview, Ellenville, New York, October 2 - 5, 1988, 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. Carey

RESOLUTION NO. (1071-1988) 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. (1072-1988)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 8830-313
(CONSUMER AFFAIRS - OFFICE
SUPPLIES & PRINTING)
(CONSUMER AFFAIRS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 8830-313 (Consumer Affairs - Office Supplies & Printing) by \$140.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1073-1988)

DECREASING APPROPRIATION
ACCOUNT NO. A 8160-110
(SANITARY LANDFILL-
SUPPLIES) AND INCREASING
APPROPRIATION ACCOUNT NO. A
8160-447 (EQUIPMENT
REPAIRS) (ENVIRONMENTAL
CONTROL)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 8160-110 (Sanitary Landfill-Salaries) and increase Appropriation Account No. A 8160-447 (Equipment Repairs) by \$40,000.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1074-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NUMBERS
01-002999 AND 02-002999 AND
INCREASING VARIOUS

RESOLUTION NO. (1074-1988) Continued

APPROPRIATION ACCOUNT
NUMBERS (COMPTROLLERS
OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, to increase the following Estimated Revenue
Account Numbers (Unexpended Balances):

01-002999.....	\$308,000.00
02-002999.....	36,000.00

and increase the following Appropriation Account Numbers:

A 1430-409.....	\$ 21,000.00
A 1620-409.....	3,100.00
A 1950-503.....	3,000.00
A 3320-409.....	18,100.00
A 8511-409.....	1,200.00
A 8511-412.....	200.00
A 9000-806.....	260,000.00
A 9000-809.....	1,400.00
B 9000-806.....	36,000.00

Seconded by Co. Carey

Councilman Kunis inquired about A 1430-409 in the amount of \$21,000.00 going into Personnel Department's Fees for Services? Mr. Schofield, Comptroller, stated that we hired a insurance consultant to do work on health insurance and workmens compensation and it is for work done in April and May. Councilwoman Smith asked if we approved a resolution for that much? Mr. Schofield said that is what it amounted to. Councilman Kunis asked did this study cost the Town \$21,000.00? Councilwoman Smith said this amount exceeds what we discussed. Supervisor said the resulting savings in workmens compensation was considerable to the Town and we are trying to pursue a health policy which is to get us out from under some of the Empire Plans. Councilwoman Smith said she agrees with that but we have to stay within the cap that was put on these things.

Councilman Kunis questioned A 1620-409 - Fees for Services in the amount of \$3,100.00 in the Building Department. He asked Mr. Schofield to explain that. Mr. Schofield said that was for repair of a leaking gas tank in the back of the building.

Councilman Kunis asked about A 3320-409 - Traffic Signals in the amount of \$18,100.00. Mr. Schofield said that was a combination of payments to Howard Lampert and signals that were put up. Councilman Kunis asked was this fees for services? Mr. Schofield said part of it is and part of it is for Warde Electric for beacons. Councilman Kunis asked if these were for the beacons at the West Nyack Elementary School? He said one of those beacons was knocked down prior to the Town signing off for it. He wanted to make sure the Town is covered and we are not paying double for it.

Councilman Kunis wanted to know how much we paid for Fee for Services to Howard Lampert to put up a traffic signal? He wanted to know the dollar amount broken out and asked to be memoed on that. Mr. Schofield said he gets \$65.00 per hour. Councilman Kunis reiterated that he wanted a memo stating the man hours put in as he was curious to know what it cost for a traffic signal.

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. (1075-1988)

DECREASING AND INCREASING
VARIOUS APPROPRIATION
ACCOUNTS (COMPTROLLER'S
OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, to decrease the following Appropriation
Account Numbers:

A 1670-212.....	\$ 2,750.00
A 1680-313.....	700.00
A 1680-328.....	800.00
A 3020-313.....	220.00
A 8830-409.....	100.00
A 9710-409.....	5,000.00

and increase the following Appropriation Account Numbers:

A 1670-402.....	\$ 2,350.00
A 1670-411.....	400.00
A 1680-110.....	700.00
A 1680-414.....	200.00
A 1680-463.....	600.00
A 3020-230.....	220.00
A 8830-313.....	100.00
A 9710-610.....	5,000.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1076-1988)

REDUCING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NUMBERS A 1320-409,
A 1910-504, A 5650-461 AND
A 8830-313 (COMPTROLLER'S
OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, to reduce Contingency Account No. A 1990-505
by \$990.00 and increase the following Appropriation Account Numbers:

A 1320-409.....	\$600.00
A 1910-504.....	100.00
A 5650-461.....	250.00
A 8830-313.....	40.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1077-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002610 (FINES &
FORFEITED BAIL) AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1420-409
(TOWN ATTORNEY-FEES FOR
SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No.
01-002610 (Fines & Forefeited Bail) and increase Appropriation
Account No. A 1420-409 (Town Attorney-Fees for Services) by
\$3,100.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1078-1988)

DECREASING APPROPRIATION
ACCOUNTS A 1640-406, A
1640-409, S 5182-424 AND
INCREASING A 1640-311 AND S
5182-114 (COMPTROLLER'S
OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, to decrease the following Appropriation
Account Numbers:

A 1640-406 (Town Garage - Repairs
to Vehicles).....\$10,345.00
A 1640-409 (Town Garage - Fees for
Services)..... 1,235.00
S 5182-424 (Street Lighting - Installation
of Light Poles)..... 1,600.00

and be it

FURTHER RESOLVED, to increase the following
Appropriation Account Numbers:

A 1640-311 (Town Garage - Gasoline).....\$11,580.00
S 5182-114 (Street Lighting-Part-Time)..... 1,600.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1079-1988)

DECREASING APPROPRIATION
ACCOUNTS DB 5110-378 AND DB

RESOLUTION NO. (1079-1988)

5110-381 AND INCREASING
APPROPRIATION ACCOUNTS DB
5110-408, DB 5110-443, DB
5110-111 AND DB 5110-449
(HIGHWAY DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to decrease the following Appropriation
Account Numbers:

DB 5110-378 (Highway Pipes, catch
basins, etc).....\$12,652.00
DB 5110-381 (Bituminous)..... 13,289.00

and be it

FURTHER RESOLVED, to increase the following
Appropriation Account Numbers:

DB 5110-408 (Building Repairs).....\$ 652.00
DB 5110-443 (Private Equipment Rental).... 12,000.00
DB 5110-111 (Overtime)..... 6,692.00
DB 5110-449 (Traffic Signal Maintenance).. 6,597.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1080-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. A 9550-910
(TRANSFER TO CAPITAL FUND)
AND TRANSFER SAID FUNDS TO
CAPITAL #2 FUND ACCOUNT NO.
H 7141-01-409

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has bonded \$190,000.00
for the Reconstruction of Street School Property, and

WHEREAS, an additional \$10,000.00 is to be appropriated
from current funds,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
01-002999 (Unexpended Balance) and Appropriation Account No. A
9550-910 (Transfer to Capital Fund) by \$10,000.00, and be it

FURTHER RESOLVED, to transfer said funds to Capital #2
Fund Account No. H 7141-01-409 (Reconstruction of Street School
Property).

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1080-1988) Continued

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

RESOLUTION NO. (1081-1988)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE BAR ASSOCIA-
TION PROGRAM ON ADMINISTRA-
TIVE LAW PRACTICE
(JACOBSON, POSNER,
TORIELLO, DeCHRISTOFORO) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a program sponsored by the New York State Bar Association on Administrative Law Practice in New York, to be held in New York City on December 9, 1988, at a fee of \$100 per person:

MURRAY N. JACOBSON, Town Attorney
MARK A. POSNER, 1st Deputy Town Attorney
DENISE TORIELLO, Deputy Town Attorney
RONALD DeCHRISTOFORO, Deputy Town Attorney

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. 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. (1082-1988)

AUTHORIZING PAYMENT TO
SECRETARY TO BOARD OF
APPEALS (MARGARETANN RIES)
- MIELE V. ZBA

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$284.00 be paid to MARGARETANN REIS, Secretary to the Board of Appeals, for the preparation of the transcript in connection with the proceeding entitled:

ARMAND MIELE v. ZONING 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

RESOLUTION NO. (1083-1988)

CORRECTING TOWN BOARD
RESOLUTION NO. (956-
1988) RE: ADVERTISING FOR
BIDS FOR BID #95-1988
(PRECAST CONCRETE DRAINAGE
STRUCTURES)

Co. Maloney offered the following resolution:

RESOLVED, that Town Board resolution No. 956-1988 is hereby corrected to read:

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

BID #95-1988
PRECAST CONCRETE DRAINAGE STRUCTURES

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 Monday, November 28, 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. (1084-1988)

CORRECTING RESOLUTION NO.
(985-1988) AND AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#96-1988 (CURBS FOR LENOX
AVENUE)

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 985-1988 is hereby corrected to read:

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

BID #96-1988
CURBS FOR LENOX AVENUE

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 Friday, November 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. 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. (1085-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #6-1989 (BUS
TRANSPORTATION)

Co. Maloney offered the following resolution:

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

BID #6-1989
BUS TRANSPORTATION

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,
December 5, 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. (1086-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #98-1988 -
(SALE OF SURPLUS
CATERPILLAR D8K)

Co. Maloney offered the following resolution:

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

BID #98-1988
SALE OF SURPLUS CATERPILLAR D8K

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,
December 7, 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. (1087-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #7-1989 -
(WORK CLOTHING)

Co. Maloney offered the following resolution:

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

BID #7-1989
WORK CLOTHING

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,
December 8, 1988 at which time bids will be opened and read, and be
it

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

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. (1088-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #99-1988
(COUNTY STREAM MAINTENANCE)

Co. Maloney offered the following resolution:

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

BID #99-1988
COUNTY STREAM MAINTENANCE

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 Monday, December
5, 1988 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposals
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. (1089-1988)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
ONE (1) HYDRANT EAST SIDE

RESOLUTION NO. (1089-1988) Continued PROPOSED ROAD WEST OF CEDAR ROAD (MALONEY SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

One (1) hydrant as follows:

E/S Proposed Road 280' W/O Cedar Road

Investigation No.: 10431, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation Clerk.

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. (1090-1988) AUTHORIZING ATTENDANCE AT 1989 SCHOOL OF SPORTS MANAGEMENT (JO ANNE OLDENBURGER) - CHARGE TO A 7310-414 (1988) AND A 7310-414 (1989)

Co. Smith offered the following resolution:

RESOLVED, that Jo Anne Oldenburger, Recreation Supervisor, is hereby authorized to attend the 1989 School of Sports Management - Second Year from February 12, 1989 through February 16, 1989, in Wheeling, West Virginia, and be it

FURTHER RESOLVED, that all necessary expenses not to exceed \$575.00 be charged as follows:

1988: A 7310-414 - \$200.00
1989: A 7310-414 - \$375.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1091-1988) REJECTING ALL BIDS FOR BID #94-1988 AND AUTHORIZING DIRECTOR OF PURCHASING TO READVERTISE FOR BID #94A-1988 (RED CROSS EMERGENCY RESPONSE VEHICLE)

RESOLUTION NO. (1091-1988) Continued

RESOLVED, that bids received for:

BID #94-1988
RED CROSS EMERGENCY RESPONSE VEHICLE

are hereby rejected, and be it

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

BID #94A-1988
RED CROSS EMERGENCY RESPONSE 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 Wednesday, December 14, 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. 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. (1092-1988)

AUTHORIZING DIRECTOR OF
DEPARTMENT OF ENVIRONMENTAL
CONTROL TO OBTAIN SERVICES
OF SURVEYOR FOR PROPOSED
ROAD IMPROVEMENT PROJECT
(LOUIS ROAD, VALLEY COTTAGE)

Co. Maloney offered the following resolution:

WHEREAS, at the Town Board Workshop of October 18, 1988, residents along Louis Road requested the Town Board to consider a road improvement project for an unimproved and undedicated portion of Louis Road; and

WHEREAS, the Town board wishes to consider such a project pursuant to the requirements of Section 200 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to obtain the services of Jack D. Boswell and Associates to prepare a metes and bounds right-of-way survey for that portion of Louis Road which will be part of the propoed road improvement; and be it

FURTHER RESOLVED, that expenditures pursuant to this resolution shall not exceed the sum of \$2,500.00 without further authorization from the Town Board.

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1092-1988) Continued

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

Mr. Schofield, Town Comptroller asked where the money would come from for that? He was told from bonding. Supervisor said the first step in doing this is that you have to get a survey on what it entails. If it doesn't go forward, the Town in this particular instance, would have that expense but if it goes forward it becomes a charge as part of the entire bond of whatever improvement is approved by the Town.

RESOLUTION NO. (1093-1088)

REFERRING AMENDED PETITION
 FOR CHANGE OF ZONE TO
 CLARKSTOWN PLANNING BOARD
 AND ROCKLAND COUNTY
 COMMISSIONER OF PLANNING
 (A.O.R. DEVELOPERS, INC.)

Co. Smith offered the following resolution:

WHEREAS, a petition was submitted by A.O.R. Developers, Inc., concerning property in Valley Cottage, New York, shown on Tax Map 122, Block C, Lot 4.01, requesting a change of zone from an R-15 District to an MF-2 District which petition was dated May 6, 1988, and

WHEREAS, a public hearing was held on such petition on July 12, 1988 at 8:20 P.M., at which time the Town Board reserved decision in this matter, and

WHEREAS, by letter dated October 21, 1988 from John M. Hekker, attorney for said A.O.R. Developers, Inc., requested an amendment to the petition to request a change of zone from an R-15 District to an MF-1 District instead of an MF-2 District;

NOW, THEREFORE, be it

RESOLVED as follows:

1. That the Town Board accepts the amendment of the petition so that the change of zone requested is from an R-15 District to an MF-1 District.

2. That such amended 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.

3. That 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.

4. That the petitioner shall be required to pay the cost of any newspaper advertisements for a public hearing in this matter.

Seconded by Co. Carey

Continued on Next Page

RESOLUTION NO. (1093-1988) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1094-1988)

INTENT OF TOWN BOARD TO
JOIN ROCKLAND MUNICIPAL
PLANNING FEDERATION

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, the Planning Board and the Zoning Board of Appeals are duly charged with the responsibility of administering the planning and zoning laws of the State of New York, and

WHEREAS, the Rockland Municipal Planning Federation has been established for the purposes of creating a forum for the discussion of the common problems of planning, zoning and land use regulation that affect the communities in the County, facilitating an exchange of information, providing education and training on planning and zoning methods and techniques, and enhancing communication, cooperation and understanding among the various levels of government and other parties that are affected by the land use decisions of local government, and

WHEREAS, the Town Board finds that it is in the best interests of the Town of Clarkstown and its residents to participate in the activities of such a Federation, and that such participation will enhance the Town's ability to administer its responsibilities under the planning and zoning laws of New York State, and otherwise provide for the orderly and planned growth of the Town, and

WHEREAS, the Town Board does endorse the goals of the Federation and wishes to apply for membership in the Federation on behalf of the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town shall apply for admission to the Rockland Municipal Planning Federation, and shall authorize the expenditure of up to \$50.00 for the annual membership of the Town, which shall be charged to Account No. B 8020-423, and designates the following individuals as the authorized representatives of their respective agencies for the purposes of voting in the affairs of the Federation:

On behalf of the Town Board: /s/ Charles E. Holbrook _____

On behalf of the ZBA: /s/ John Dianis (by MAR) _____

On behalf of the Planning Board: /s/ Rudolph Yacyshin (by TMS) _____

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. (1095-1988)

AUTHORIZING EXTENSION OF
TIME FOR REVIEW BY ROCKLAND
COUNTY COMMISSIONER OF
PLANNING - RS/CS DISTRICT
TO MF-4 DISTRICT (SUSSEX
WEST)

Co. Smith offered the following resolution:

WHEREAS, by resolution dated October 25, 1988, the Town Board referred a petition for a proposed zone change from an RS/CS District to an MF-4 District affecting property designated on the Clarkstown Tax Map as Map 14, Block B, Lot 10.2 to the Rockland County Commissioner of Planning, and

WHEREAS, by memorandum of November 7, 1988, the Rockland County Commissioner of Planning, has requested that the time within which to make its recommendation be extended;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby extends the time within which the Rockland County Commissioner of Planning must respond to the referral made to it on October 25, 1987, until November 25, 1988, pursuant to the requirements of Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

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 was discussion regarding Agenda Item #17 (Tipping Fees at the Sanitary Landfill.) Councilman Kunis said this was the first time he had seen this and he would like to see the Town Board hold up on this and discuss it at the workshop. He said he felt there should be a budget meeting on Thursday night instead of Friday morning and it would be beneficial if we went over all of this Thursday night and then we could put the budget into place. He said he had a lot of questions on the tipping fees. He said Councilwoman Smith had some questions on the tipping fees last night at the meeting about how we are going to set it up and the structure. He said since this was the first time he has seen this resolution and it wasn't on the workshop he was not prepared to make a hasty vote. He urged the Town Board to wait before voting tonight.

Councilman Maloney said he would like to table this item and Supervisor said we will just hold it off.

Les Bollman, Director of Environmental Control said the fees he presented to the Comptroller for anticipated revenue are based on this. Councilman Kunis said he wanted to go over the anticipated revenue. He said he had questions last night regarding Orangetown's fee. There was a discrepancy of some \$17.00 per ton. Supervisor said that Mr. Bollman would provide us with that information. Councilman Kunis said he thought the budget meeting on Thursday evening should be when Mr. Bollman would come and present the information to the entire Town Board. He said he had no problem with it as long as he has the facts before he votes. Mr. Bollman said you could not vote on the budget before first approving this because then your budget is unreal. Councilman Kunis said he could approve this on Thursday evening and vote on the budget the same

evening. Councilman Kunis asked for an explanation of what he had read in the paper this evening. Mr. Bollman said he had questioned Mr. Schofield on that and he would check his records. Councilman Kunis said that was the first he had heard that Landfill Revenue was under budget. Mr. Bollman said that was the first time he had heard that also.

Supervisor said he thought the basis on which revenue in the budget for 1989 is presented is based on the tipping fees. Councilman Maloney said that was important. Councilwoman Smith said Councilman Kunis deserves to have discussion about this because earlier she thought Mr. Bollman was probably ready to accept the \$30.00 fee from Ramapo and it was Councilman Kunis' initiative that at least got it up to \$55.00. She said it was strongly suggested by both Mr. Bollman and the Supervisor that \$30.00 was a good fee. Supervisor said he thought he suggested \$55.00. Councilwoman Smith said not originally. Supervisor said Councilman Kunis suggested \$90.00. Councilman Kunis said originally it was \$30.00 suggested by Mr. Bollman and the Supervisor.

Councilwoman Smith said today we are simultaneously insulted in being taken advantage of by Ramapo because we had started out higher, brought it down to \$55.00 which nets down to \$49.00 and we are taking a third of their commercial garbage into our landfill. He is now charging \$100.00 and is paying us \$49.00. We become foolish when he starts making money on us. This entire question has to be looked at. She said you have predicated your revenues on \$55.00 but that \$55.00 came from Councilman Kunis.

Councilman Kunis said this \$50.00 may turn into \$70.00 by Thursday and you will have more revenue. Mr. Bollman said no, YOU will have more revenue. Councilman Kunis said THE TAXPAYERS of this town will have more revenue. When we have a budget increase of some 16% including everything it is incumbent upon me as a Councilman to look out for my taxpayers who elected me. He said he would do nothing hastily and Mr. Bollman was wrong in bringing this to the Town Board at a Town Board Meeting without first reviewing this with the Town Board members. He said he was not specifically talking to Mr. Bollman but to the Town Board. He said this has to be reviewed at a workshop and there must be communication among Town Board members and he has stated that since his election. He said you can't come here at 11:30 P.M. at night and hit him with a resolution that he has never seen or one that other Town Board members know nothing about either. It is not fair to the taxpayer. It is incorrect and it is not the way to conduct town business. Mr. Bollman said as a Civil Service employee, he works for the full-time administrator of the Town. Councilman Kunis said he was not blasting Mr. Bollman. Supervisor Holbrook said he asked Mr. Bollman to prepare the resolution. Councilman Kunis said that he has spoken with the Supervisor many times since January asking that he communicate with his board members. You can't expect a Town Board member to come to a meeting and vote at 11:30 at night about something pertaining to maybe \$2,000,000.00 when he hasn't had a chance to look at it. How do we protect our taxpayers like this? Is this any way to run a business?

Supervisor said that all he was saying was that based on the revenue for the 1989 budget these are the tipping fees that were proposed which backs up the revenue. If you don't pass them it just doesn't make any sense. Councilman Kunis said he has every intention of passing them but he wants to review them before he passes them and he won't cost the taxpayers of this community one penny. He said he was elected and he is going to bring the taxes down for the people because they deserve it. There are too many people moving out of Clarkstown because we are wasting their money. It is not going to happen. He is going to stop it.

Councilwoman Smith asked the Town Attorney to pull the agreement with Ramapo and read it and put them on notice that we are

RESOLUTION NO. (1097-1988) Continued

Councilwoman Smith asked since we are paying for this is it in the budget? Supervisor Holbrook said it will be in the budget for next year. It has to be added to that. Councilwoman Smith asked when is it being installed? Supervisor said this is the order to install but he did not know if it had been installed yet. Supervisor said we will have to add that to the lighting district for next year, is that correct? Mr. Schofield said that was correct. Supervisor said we will check that with the Utility Services Coordinator.

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. (1098-1988)

ACCEPTING DEED FROM LORETTA
K. GOLDMARK (GOLDMARK
SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as GOLDMARK SUBDIVISION, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Schoolhouse Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated October 25, 1988, from LORETTA K. GOLDMARK gratuitously conveying a strip of land along Old Schoolhouse Road, New City, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1099-1988)

GRANTING SICK LEAVE OF
ABSENCE TO DRAFTER -
DEPARTMENT OF ENVIRONMENTAL
CONTROL (ARLETTE PHILLIPS)

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., Arlette Phillips, 26B Bridge Street, Garnerville, New York, Drafter - Department of Environmental Control - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to September 16, 1988 through October 2, 1988.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (1099-1988) 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. (1100-1988)

GRANTING LEAVE OF ABSENCE
WITHOUT PAY TO DRAFTER -
DEPARTMENT OF ENVIRONMENTAL
CONTROL (ARLETTE PHILLIPS)

Co. Smith offered the following resolution:

WHEREAS, Arlette Phillips 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 Arlette Phillips, 26B Bridge Street,
Garnerville, New York - Drafter - Department of Environmental
Control - is hereby granted a leave of absence, without pay,
effective and retroactive to October 3, 1988 to November 1, 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. (1101-1988)

APPOINTING TO POSITION OF
STOREKEEPER (AUTOMOTIVE) -
TOWN GARAGE (JOSEPH A.
GALLINOTO)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Storekeeper (Automotive) #88149
which contains the name of Joseph A. Gallinoto,

NOW, THEREFORE, be it

RESOLVED, that Joseph A. Gallinoto, 8 South Park Lane,
Nanuet, New York, is hereby appointed to the position of Storekeeper
(Automotive) - Town Garage - at the current 1988 annual salary of
\$20,925.00, effective November 16, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1101-1988) Continued

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

RESOLUTION NO. (1102-1988)

RECLASSIFYING POSITION OF
ACCOUNT CLERK TO ACCOUNT
CLERK TYPIST - COMPTROLLER'S
OFFICE (FRANCES KORN)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 20, 1988 that the position of Account Clerk (encumbered by Frances Korn) - Comptroller's Office - can be reclassified to the position of Account Clerk Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Account Clerk (encumbered by Frances Korn) is hereby reclassified to the position of Account Clerk Typist - effective November 16, 1988, and be it

FURTHER RESOLVED, that Frances Korn, 5 Mary Ann Lane, New City, New York, is hereby returning to her former status of Account Clerk Typist - effective November 16, 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. (1103-1988)

GRANTING SECOND PROVISIONAL
APPOINTMENT TO SENIOR
ACCOUNT CLERK TYPIST -
HIGHWAY DEPARTMENT (LORIAN
MACAYLO)

Co. Smith offered the following resolution:

RESOLVED, that Lorian Macaylo, 7 Huffman Road, Valley Cottage, New York, is hereby granted a second provisional appointment to the position of Senior Account Clerk Typist - Highway Department - at the current 1988 annual salary of \$22,576.00, effective and retroactive to November 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. (1104-1988)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGNS "NO PARKING MONDAY - FRIDAY 8:00 A.M. to 4:00 P.M." SOUTHSIDE OF CAIRNSMUIR LANE FROM MARK LANE TO STRAWTOWN ROAD

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:

Signs to read "No Parking Monday - Friday 8:00 A.M. to 4:00 P.M." to be erected on the southside of Cairnsmuir Lane from Mark Lane to Strawtown Road

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. (1105-1988)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING V.I.P. PARTY PLANNERS AND CATERERS, INC. V. FIRE BOARD OF APPEALS, EDWARD HEWETT AS CHAIRMAN AND MARK PAPPENMEYER AS FIRE INSPECTOR AND GERALD COLUCCI AS BUILDING INSPECTOR OF TOWN OF CLARKSTOWN

Co. Smith 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 V.I.P. CATERERS, INC.,

Petitioner,

-against-

THE FIRE BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN, EDWARD HEWETT as Chairman and MARK PAPPENMEYER as the Fire Inspector of the Town of Clarkstown and GERALD COLUCCI as the Building Inspector of the Town of Clarkstown,

Respondents

RESOLUTION NO. (1105-1988) Continued

NOW, THEREFORE, be it

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

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. (1106-1988)

REREFERRING PROPOSAL FOR AMENDMENT OF SECTION 106-20D OF THE ZONING ORDINDANCE TO CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING (SLOPES, LANDS UNDER WATER, LANDS SUBJECT TO FLOODING, WETLANDS, ROCK OUTCROPS, DESIGNATED STREET LINE AND UTILITY RIGHTS OF WAY AND EASEMENTS

Co. Smith 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 rereferred 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.

Amend Section 106-20D to read as follows:

To protect environmental features, increase the useability of lots and create a consistent application of the ordinance, the following standards shall apply:

- (1) Slopes. For slopes (unexcavated) of over thirty percent (30%) for residential uses and twenty percent (20%) for all

other uses, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter.

Continued on Next Page

RESOLUTION NO. (1106-1988) Continued

(2) Lands under water. For lands under water, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, lands under water shall include, prior to development, streams and other running water and ponds and lakes.

(3) Lands subject to flooding. For lands subject to flooding, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, lands subject to flooding shall include floodways as shown on FIRM map or other areas so designated by the Town DEC.

(4) Wetlands. For wetlands, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. Wetlands shall include NYSDEC or Town designated wetlands and their 100 foot protected perimeter.

(5) Rock outcrops. For rock outcrops, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, rock outcrops shall include any exposed rock area greater than one hundred (100) square feet in surface area.

(6) Designated street line. For land within a designated street line, no credit shall be given as part of the minimum lot area requirement of this chapter.

(7) Utility rights of way and easements. For high tension lines, for gas transmission lines, for utilities not serving the lots, not more than 50% credit shall be given as part of the minimum lot area requirement of this chapter.

On any lot affected by the prior provisions, the unencumbered area of the lot to be counted to meet the minimum lot requirement of the zoning district shall be no less than the next least restrictive district.

No portion of any lot affected by the (2), (3), (4), (7) provisions may be used for the construction of a building."

Seconded by Co. Maloney

Mr. Geneslaw gave an explanation of these amendments to the Code at the request of the Supervisor. He said this would provide a little more protection to areas that are difficult to develop.

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. (1107-1988)

REFERRING PROPOSED
AMENDMENT TO TOWN CODE OF
THE TOWN OF CLARKSTOWN TO
CLARKSTOWN PLANNING BOARD
AND THE ROCKLAND COUNTY
PLANNING COMMISSIONER AND
SETTING DATE FOR PUBLIC
HEARING RE SAME (MAXIMUM
FLOOR AREA RATIO)

Co. Smith 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 desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 29th day of November, 1988 at 8:00 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and be it

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

FURTHER RESOLVED, that the proposed amendment is hereby referred to the Rockland County Planning Commissioner for a report pursuant to Sections 239-1 and 239-m of the General Municipal Law, and to the Clarkstown Planning Board pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown, 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.

Add to Section 106-19 (F) to add item (11)

Maximum floor area ratio. In MF-1, MF-2 and MF-3 Districts the maximum floor area ratio shall be .60. In MF-4 Districts the maximum floor area ratio shall be .75.

Seconded by Co. Maloney

Ms. Jane Murphy spoke regarding floor area ratio. She spoke regarding traffic. She stated that Route 59 should have been planned so that there would be half of what is there now with more adequate parking. She said the green belt areas have been made too small. She disagreed with having a residential zone on Main Street.

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 one further wishing to be heard and no further business to come before the Town Board the meeting was declared closed, time: 11:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/15/88

9:21 P.M.

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

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.

Mr. Jacobson stated that the Town Planning Board approved with certain conditions. The SEQRA was approved. The Rockland County Planning Board approved.

Supervisor then explained the procedure for the public hearing.

Appearance: Mr. Joseph B. Hirschfield
96 Susan Drive
New City, New York

Mr. Hirschfield said he had a copy of the SEQRA report which the Town Attorney indicated had been approved. He said that on the last page it is asked if there might be controversy relating to adverse environmental impact. He said the copy that he has shows no answer. He asked Mr. Jacobson whether or not an answer had been given on the original? If not, then how can it be approved? Mr. Jacobson said Mr. Hirschfield was correct and there is no answer to that on the SEQRA form. However, Mr. Geneslaw, Town Planning Consultant, gave a negative declaration on SEQRA saying there was no necessity for it.

Mr. Hirschfield questioned No. 9 regarding land use in the vicinity of the project. He said it is indicated on the application that it is commercial. He said that was not really true. It is a residential area and he did not know of any commercial uses there. He asked if any investigation had been made as to the accuracy of the statements set forth in the SEQRA report?

Mr. Geneslaw stated that he was not aware of any controversy until the matter came before the Planning Board at its meeting. Material prepared was done so prior to the meeting. Mr. Geneslaw said there are several office buildings on North Main Street, north of Phillips Hill Road. They are medical buildings. Supervisor Holbrook said he wanted the record to show the use of the word "commercial" and that there were professional offices that were north of the vicinity in question and medical buildings. He thought that was the point the people want to make.

Appearance: Ms. Andrea Weiss
New City, New York

Ms. Weiss said there a controversy back in June regarding this. Mr. Geneslaw said his recollection was that the controversy back in June had to do with the development of the synagogue just to the north. Supervisor said for the record there is controversy relative to the zone change.

Appearance: C. R. Clemensen, Principal and Counsel

Mr. Clemensen gave the background for this project. He said this is not a down zoning but in effect, is an up zoning. We are making a request to go from LO, which has a significantly greater allowed use than PO, which is what we are making the application for. He said the property in question is approximately 200 feet wide. It is less than the required 200,000 square feet which would otherwise be required in an LO zone. He said by virtue of the fact that it was never merged with any othe parcel and was

Continued on Next Page

always an independent parcel, as a free standing parcel it was rendered sterile when the zoning was changed to LO zoning from whatever it had been prior to that time. It had been zoned residential and it was in full compliance with the zoning as then articulated by the town code and town law. When the zoning was changed to LO the house and the improvements on the property were an 18' x 30' historic Dutch cottage whose placement on the site was less than even the side yard requirements would have been for residential zoning.

Mr. Clemensen said from a long study of the history of the considerations of the Zoning Board of Appeals of the Town of Clarkstown that if a property had been rendered sterile by zoning that the applications to the Zoning Board of Appeals for any other improvements on the property would be considered in a relatively positive light.

He said the first thing to be considered is what is the reasonableness of the request? Is the current status of the improvements on the property adequate to determine its use, particularly in view of its placement within the community? He said we must be aware of the fact that at that time the residence on the property was not designated an historic site but it subsequently was. What that means is that there is a further sterilization of the property because by law there can be no improvements placed on the exterior of that particular installation on the property. It means very simply that the improvements on the property now measure 18' x 30' and that would be limited forever. Mr. Clemensen said his position is that if indeed that is the limitation on the property that if the property were to be developed the only way it could be developed would be via a variance and if it was to be developed via a variance the two issues that would be considered by the Zoning Board of Appeals would be (1) the side yard requirements (the distance that would have to be from the side of the improvements to the property line) and (2) the bulk requirements. Both of those cannot be met by the present configuration of the property.

Mr. Clemensen went on to state that this means that if that property were to be improved that a building could be constructed on the property less than the current LO requirement of 90' from the line demarcating the people on Tarry Hill Drive from this property. That would mean that the side yard would be even less than what we are now proposing. We are proposing improvements on the property more than 128' from the line. In essence we are making it possible to desterilize the property by making improvements on that property instead of less than 90' more than 128'. That is point number one.

Point number two is if this property was to be developed in any way, whether it be residential or other purpose, you would have to exit onto Phillips Hill Road, contributing to the already dangerous condition that is there. We are very greatly concerned about that because we feel that the Phillips Hill Road conditions can only get worse and the only way there should be any development, if indeed there is development on this site, it should go through the North Main Street as opposed to the Phillips Hill Road facility.

Mr. Clemensen went on to ask what really should be done with the site? He asked if he was merely an interloper simply coming in to try and make some money by improving property that's in a PO or a LO zone? He said No. He stated that he started speaking with Miss Eleanor Fitch about this property more than thirty years ago. Mr. Clemensen mentioned that Miss Fitch celebrated her 80th birthday at the last Planning Board Hearing in full support of what we are trying to do. He said he spoke to her because he was concerned about the fact that he saw the constant resolution of land that had been farms into developments. He said he put his record to the Board and to the community. He said for the last thirty years there has been dialogue on this.

Mr. Clemensen said in order to preserve the historic nature of this site, and the house, that the only way this property could be developed would be in conjunction with the property that bordered on North Main Street. He said he could not afford it but he arranged to purchase the property adjacent to this so that if the property was to be developed it would be developed in conjunction with the property facing on North Main Street. Any improvements built on the property then would utilize effectively the bulk from this parcel and the building would be focused on North Main Street and access would be on North Main Street. We have been advised by the Planning Board that they want to have an additional buffer between us and the persons on Tarry Hill Drive. Although again it seriously impinges upon the total number of square feet that can be built, he feels it is a reasonable request and is consistent with his concerns for developing the property properly. He said he wants to see that house preserved with the architectural integrity that it deserves. He said the building we intend to build on the site, even though it may be possible to find an architect of adequate competence within in our community, we went to Philadelphia to retain a firm that specializes in pre-Revolutionary War architecture. He said there are plans and drawings being presented right now to replicate the attitude and intention of the original architecture of that house. That house would be used in conjunction with the construction of the new facility. Esthetically and in terms of what we are attempting to do to maintain a quality of life through appropriate esthetics, as well as appropriate land use, he thinks what we are doing is consistent with what the community wants.

Mr. Clemensen said with regard to the issue of the other uses in the area he said the property is surrounded on two sides already by PO zone. The extension of the line along the rear of the property facing on Tarry Hill Drive would then all be PO as opposed to LO.

Mr. Clemensen said the application is not to down zone. It is to up zone. The net result is that there would be a more limited use in terms of what the property could be used for than the present zoning. The building that would be built upon the property would be more than 40' and closer to 50' feet further away from the line from Tarry Hill than it would otherwise be as a practical matter. The entrance and exit onto Phillips Hill Road would be completely removed and access would be on North Main Street.

Supervisor asked if the Board members had any questions of Mr. Clemensen at this time? No one did.

Appearance: Mr. Joel Pravda
New City, New York

Mr. Pravda said he was not very well informed regarding this project and he asked for a description of the building - something more detailed as to what is going to go up there.

Mr. Clemensen said the current renderings that they have right now are articulated in brick. We would like to have the outside of the building sandstone. As it is right now elements that are presently there would be replicated in the building to be constructed. It would be a two story building with parking below grade.

Appearance: Mr. Joseph B. Hirshfield
96 Susan Drive
New City, New York

Mr. Hirshfield said he is President of the North Clarkstown Coordinating Council. He is also President of Little Tor Homeowners Association. He would say with respect to the North Clarkstown Coordinating Council that they represent the majority of the homeowners starting at New Hempstead Road north through the northern part of the town. He said the idea that this is an

upzoning is really fallacious. Theoretically it is but because of a proposed change in zone the applicant will need less area to build what he proposes to build. As a result, in effect, it is a down zone because he is going to be allowed to build this two story commercial building. It sounds like it is going to be a very pretty building. Unfortunately, that is not going to solve the traffic problems. He said as he understood it this building is going to be on Phillips Hill Road with an entrance from Main Street.

He said this seems to be another application of the domino theory. He said they have seen commercialization creep northward and this would be an extreme increase in commercialization. He said we have a situation here where the traffic which is already terrible on Phillips Hill Road, which is a narrow two lane road, would become absolutely impossible. North Main Street, which is also inadequate for the traffic, will be made much worse. He said he not only is thinking of the ordinary commercial and personal traffic but he said what would the problem be if our fire department has to answer a fire alarm on Phillips Hill Road or has to go north on Main Street toward the Dells or Dellwood or if we get involved in a situation with ambulances having to traverse those roads?

Mr. Hirshfield said the Woodglen School up Phillips Hill Road could also pose a problem. He would not want to see any accidents involving the children because of the increase in congestion along Phillips Hill Road.

Mr. Hirshfield said this area is basically residential and we want to keep it that way. The houses are dwelling houses and nothing can change that. He said a 265 petition has been submitted to you. He said he and many of his neighbors did not sign it because they are not in the immediate area. He said spiritually we consider ourselves as signatories on that 265 petition. He said that 265 petition represents the feelings not only of the people who actually signed it but the feelings of the entire residential area of north New City and therefore he urged the Board to deny this application.

Appearance: Ms. Andrea Weiss
2 Brookfield Circle
New City, New York

Ms. Weiss said she had submitted a letter to all Board members. She said when you make your decision tonight you have to weigh the losses. The losses first to Mr. Clemensen and the losses to the community. The loss to Mr. Clemensen, if he does not get the zone change, and the loss to the community if he does get the zone change. She said when Mr. Clemensen bought the property he knew that he had approximately 40,000 square feet with a zone requiring 200,000 square feet. He took a business risk when he bought the property. She said she was sure that his intentions somewhere along the line in those thirty years was not to keep it just as an historic property but to make some profit on it by building an office building. If he were to take the property now and sell it, and were able to get someone like the Post Office to buy it who paid over \$320,000.00 for an acre of land in north New City as recently as December of 1987, he probably would make a nice profit. If he were to develop it as a residential property and put two houses on it, if that was possible, he probably could make even more profit.

Ms. Weiss said we have numerous office space in the community already and if he were to get this we would have another building with numerous empty office space in it. She said there are numerous accidents on Phillips Hill Road especially at that corner. It is a dangerous corner. She said in the plans is a proposed turning lane. There is no proposed light. She said Mr. Clemensen has not proposed to pay for a light that is needed and the County, who also approved of this, did not come out and look at the property and have not proposed a light. She said eventually a light will be

there and we will have to pay for it with our taxes, either County or Town taxes. This is unfair.

Ms. Weiss said Phillips Hill Road is known for speeding. She said people go down that road going up to 50 miles an hour. She said we not only have Woodglen School but Jawonio (for the disabled). She said ARC is also there. She said there are somewhat frequent fires there and she has observed fire trucks coming there over the years. If you add another office building there it is going to be more congested and more difficult to get the fire trucks up to the residents and into the buildings at ARC.

Ms. Weiss said the Traffic Advisory Board, according to the Planning Board, has no hesitation with this move. She said the post office is a definite yes. The post office is coming in. The only way anyone can logically come to the post office, who is west of North Main Street, is down Phillips Hill Road. So we would have Mr. Clemensen's people coming to his office, if the building goes in. We have the post office trucks going up and down Phillips Hill Road and we have the customers of the post office, who have to beat the closing of the post office, going down Phillips Hill Road to add to the already long list of speeding tickets and also endangering our children walking along Phillips Hill Road.

Ms. Weiss said we also have the temple. She said on the Jewish sabbath there will be people walking down the road. She said there won't be traffic from the temple on Saturday. What happens from Sunday to Friday? They drive to the temple down Phillips Hill Road.

Ms. Weiss said there is a proposed sidewalk to go in there. The sidewalk does not go anywhere. She said the Supervisor himself has stated that he would not allow his own children to walk to Woodglen School even if there was a sidewalk. She said she pays to have her two children go on a private bus to go two blocks up to Woodglen School because her husband was hit while walking near Ungava Drive and Phillips Hill Road. She said the sidewalks that are in place are decaying and falling apart. She said you would support a proposal for universal bussing versus spending money for additional sidewalks; however, you are considering more traffic on this road again.

Ms. Weiss said she listened to Miss Fitch last week when she talked about the flowers and the trees she had planted and she did not think that Miss Fitch was aware that behind this little beautiful historic house would go a two story building with a basement that is a garage. She said George Washington did not plan a two story building behind this house as he had no intention of parking his horse in the garage. The way we want to keep this place is really the way Miss Fitch would want it kept.

Ms. Weiss said you have also said that you want to keep the business area within the downtown area. This is now spreading the business area farther down the road. She said you were hesitant about the post office. She did not agree with you about the post office but she understood why you voted the way you voted. You said the post office would be the exception. She said they cannot have any more exceptions.

Ms. Weiss said if you look at the Master Plan, which she understands has never been accepted, this property was intended to be residential. She said they have no objection to seeing Mr. Clemensen's property being upzoned to residential. Ms. Weiss said in her opinion if you were to vote against the zone change she feels that you are representing the people and you are voting for the community which you are supposed to represent. If you vote for the zone change you are voting for a single businessman who took a business risk. If he gambled and lost in Las Vegas you wouldn't bail him out. Why would you do it here?

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Appearance: Mr. Howard Katz
4 Tarry Hill Drive
New City, New York

Mr. Katz said his property is directly behind Mr. Clemensen's property. He referred to and quoted the Town's development plan dated August 17, 1966 and which is still in effect. He said he moved here to be a resident and to live in a nice area with trees around him and he is not going to have that if the property behind him is developed commercially. He discussed population increases, increased car ownership, use of new office and regional business centers compounding the problem of substantially heavier local and through motor vehicle traffic.

Mr. Katz said he spoke to the Chief of Police of the Town of Clarkstown and asked him to put together some statistics. Chief William Collins was kind enough, on short notice, to put some information together. The years 1984 through 1986 information is not as valid as it might seem because they did not have a computer at that time and were not keeping accurate records. The only accurate records are for 1987 and partially through September for 1988. In 1987 there were fifteen accidents in the vicinity, six of which involved injury. In 1988, so far this year through September there have been ten accidents, with three injuries. At the rate we are going we are liable to match 1987 performance there.

Mr. Katz said in 1987 there were eighty tickets given out in that vicinity. Through September there are fifty-eight and if you project out through the end of the year he would imagine it would equal the eighty.

Mr. Katz said if you add to the traffic by allowing a commercial property you are going to find yourself with more tickets there, more accidents there. There is no walkway. There is no traffic light but there certainly is a lot of residences there. There is Woodglen School. There is Jawonio. He mentioned that he also has to pay money to have his son transported two or three blocks because he cannot let him walk.

Mr. Katz said constant thought would be given to minimizing the financial impact on the taxpayers. He discussed the problem of commercial property being built behind his house with lights glaring into his backyard. He said property behind his house has been cleared and now he can see all the way down to Main Street and lights glare into his house. That is over an eighth of a mile away. This is a residential community. He said he differed with Mr. Clemensen when he said he was going to build a property there that is going to be in concert with the historical site of Miss Fitch's house. He mentioned that the Yale Rapkin farm is right across the street from the proposed project and that is much larger than Mr. Clemensen's piece and it is zoned residential. He said the Apfelbaum parcel (the horse farm) is zoned residential. He said Tarry Hill is zoned residential. He said to the north of the proposed property is zoned residential. He asked Mr. Clemensen how he could have checked off that the land in the vicinity is commercial and then turn around and say he would build a lovely little commercial building?

Mr. Katz then referred to the question about whether there was likely to be controversy relating to potential adverse environmental impacts. This was checked off. He asked when was the last time someone came before this Board asking for a zoning change when there wasn't controversy? Mr. Clemensen is asking this Board to change the zoning because he wants to build a lovely little office building around this historical site that is going to be in concert with that building when this information here makes it blatantly obvious that he is not in touch with the community or has something else in mind. This is going to affect my children, my life style, the reason why I moved to this property, the reason why I stayed in Clarkstown for 15 years. Something has to give. Something has to stop and it has to stop now.

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the property can't be developed in certain ways because of other zoning around the piece of property. He said Mr. Clemensen is using a negative argument because of decisions that were made prior to his purchase of the property to have the zoning changed. A negative argument is never a good reason to change something. He said there seems to be no Master Plan just on North Main Street or in that particular area. We just added a new wing to our library for the children. We are going to increase the amount of children and traffic coming to our library. We added a tremendous amount of parking space to the library. There will be more traffic on Main Street and more traffic on Phillips Hill Road. Phillips Hill Road is a dangerous situation which should be corrected even if nothing is built over there.

Appearance: Mr. John Sarna
105 Phillips Hill Road
New City, New York

Mr. Sarna said he wanted to speak not in support nor against this project. He said he felt there was a deficiency in the application. He said we have heard that the single most disturbing aspect of this situation is the traffic yet there is no traffic study. No traffic study has been prepared or submitted with the application. He said he has been Traffic Consultant for the Planning Department in this Town for about ten years. He said we have established a pretty good system for analyzing traffic problems on new applications and it involves the applicant's submitting a traffic study done by a qualified traffic engineer. When the synagogue made their application they were asked to and they did submit a traffic study which showed what the traffic conditions were and what they will be. At that time they were asked to include the impact of the office building on the corner and a couple of other developments which we anticipated. Their response was that since they had not been submitted to the Town it was not incumbent upon them to do so at that time but they would in any future applications. Mr. Sarna said now we find an application which has come in for a much higher traffic generator. Offices generate far more traffic during the weekday peak hours than do synagogues or residential developments; yet there is no traffic study. He said you owe it to yourselves and the residents to have one prepared so that we can see professionally what the real impacts are. Mr. Sarna requested that the Board not take any positive action on this application until a proper traffic study can be prepared and reviewed.

Appearance: Mr. Alan Apfelbaum
3 Alan Court
New City, New York

Mr. Apfelbaum said he is the property owner just south of this property on Main Street (the Buckley Farm property). He said they have no objection to this property being developed as proposed and we also feel that the Town should look into further development on Main Street similar to this because it is Main Street. The people who bought these houses in Tarry Hill bought them knowing that the street right below them was Main Street and they're complaining about driving on Tarry Hill as a resident. Why should somebody have a house on Main Street? Main Street is for commercial development. There is commercial and office development along Main Street even north of this property next to Kennedy Park. Mr. Apfelbaum said you have the medical building, you have the Georgetown Office Building that was just built with twenty offices. This is not spot zoning. It belongs there. The front of the New City Condominiums is office buildings. This belongs in the neighborhood. There is nothing wrong with it. The Town should look over Main Street and come up with a full Master Plan - how the offices and commercial property should be built on Main Street. Come up with a Master Plan instead of taking it piecemeal one by one and have the same people come out who fought when we came in with a

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next door to him, which is the subject of this inquiry, is not property owned by him. He is merely a contract vendee. It is his hope that in order to build his building he can get your approval and this contract is in some way conditioned upon your approval so that he can build his building. He will not have lost anything if you choose to deny this petition. The fact that he did or didn't buy the Fitch property is his own decision. Mr. Clemensen expressed a desire in the hearing we had before the Planning Board that he was going to dedicate the Fitch property to the Town of Clarkstown. So not only is he going to create a havoc in that area of the Town but he is going to add to the congestion, require additional expenditures for roadways, traffic lights, traffic signals and what have you, not to mention the road widening anticipated, but he is also going to add to the Town yet another burden, that of taking care of the Fitch property. Where is that money coming from? Is he going to donate enough money to take care of that property?

Mr. Fishlind said this is a self fulfilling type of arrangement that Mr. Clemensen has made. It is not as though he owned this property for the last thirty years as he was talking about and all of a sudden decided that the best use is a building. Frankly, we have enough buildings in this Town. We have a building on Route 304 and Congers Road that stands vacant. We have office space at 20 Squadron Boulevard that is vacant. We have office space in northern New City opposite Manufacturers Hanover Bank that is also vacant. You can pick up a newspaper at any time and you are bound to see a lot of office space available. Why is he adding to this area? Mr. Clemensen said he did not want to see sterile land. It is going to be sterile land because that office space, when and if it gets built, is going to stay there vacant. It will be vandalized. It will be a worse eye sore than the simple forest area we have today.

Mr. Fishlind said on several occasions people have had discussions with Yale Rapkin who has expressed the intention many times that, although his huge parcel is now zoned residential, all he needs is enough aggravation and he will turn around and try to make it commercial because the simple truth is that his best use for that property is clearly commercial. That is where he can make the most money. Everytime you allow a project like this to go through is yet another invitation to Yale Rapkin to make that application that he has been threatening for years to make. He suggested that the property be left alone.

Appearance: Francine De Allosa
32 The Promenade
New City, New York

She stated she was secretary of the Charter Oaks Civic Association. She said she represents the residents who signed the petition and also residents on Croyden Lane. She said she only heard of this on Sunday night or you would have had many more pages to the petition. She said there has been enough of down zoning in such a small area. We have gone to LO/PO. We bought as residential. We expected that and we expect the Board to judge wisely on this. She said there are other properties along Main Street. She stated that she did not know how many condominiums have been sold on the new development. There is other property behind Croyden Lane. What is to become of that? Are we to have a metropolis in New City? She urged the Board to consider the precedents here and to vote wisely. She said she had grandchildren attending Woodglen School and she did not want them to walk along this road now.

Appearance: Mr. Stuart Suchotliff
35 Cranford Drive
New City, New York

Mr. Suchotliff said Mr. Clemensen speaks of sterilization of the property and he understands that to mean that

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Appearance: Mr. David Krantz
9 Tarry Hill Drive
New City, New York

Mr. Krantz said he is just as concerned as Mr. Katz. He said he also feels that if you can change a zoning area then all the people around here who are zoned residential can say if Mr. Clemensen is building an office building, and that is more profitable than building houses, than I will come before you and change my land to LO or PO. He said he is sure that Mr. Clemensen's building will be artistically beautiful but that is not the concern. The concern is the domino effect. You can see it coming down Phillips Hill Road. You can see it coming on Main Street. All of these buildings are not completely rented. Why do they have to build more office buildings when they can't fill up the existing ones?

Appearance: Ms. Robin Katz
90 Crumb Creek Road
New City, New York

Ms. Katz said she is Chairman of the Safety Committee of the Woodglen Elementary P.T.A. She said they are very opposed to this zone change for fear of the children. She urged the Board to think about the children when they are making their decision.

Appearance: Mr. Peter Green
14 Rugby Road
New City, New York

Mr. Green spoke regarding all the zone changes in the area and about which he came to speak at Town Board meetings. He said when the existing Board voted in favor of the the condominiums going up across from Bradley's they said it would not have any effect on any of the properties north of the area. He said a year ago the post office came with sword in hand and said we must build you another post office in this town. They said they are going to build a post office on this piece of property or we are not going to build a post office at all. Most of us here tonight recall Mr. Holbrook saying we do need this post office and we would not in any way downgrade or change the zoning on any of the properties in the northern area and now the post office was approved. Most of the people who live in the northern area feel that the postal service did threaten you. Supervisor Holbrook even said it is not the most ideal place for a post office. However, there are no alternatives to this location and the Town Board did pursue most alternatives to that location. Mr. Green said he feels that the effect of that post office is going to be a catastrophe to the northern section of New City, to the traffic congestion on Phillips Hill Road, to the congestion on Main Street.

He said one or two days when he was home during the summertime and he tried to go from Phillips Hill Road into town it took 15 to 20 minutes to get past the courthouse on Main Street. He said he understands that it is even worse around 5 P.M. He discussed the problems inherent in siting an office building at that location. He mentioned problems at Little Tor and Phillips Hill Road. By approving this particular type of office building at this location more traffic is being added not just to Main Street, not just to Phillips Hill Road but now to Little Tor Road as a diversion. This is a project which is not proper, which doesn't fit in with the Master Plan and is something that you Board Members owe the residents of Clarkstown to walk away from.

Appearance: Mr. Louis Fishlind, President of
Tarryhill Home Owners Association
New City, New York

Mr. Fishlind said this is a business decision. Mr. Clemensen bought the Fitch property on speculation. The property

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post office on Main Street. Where were they before? They are clapping for Palisades Center because it is not in their backyards. They want to go shopping. As an abutting property owner, he stated that they have no objection.

Appearance: Ms. Dorothy Katz
4 Tarry Hill Drive
New City, New York

Ms. Katz said we are all residents of Clarkstown. She asked how they would feel if you turned around and found out that suddenly you were going to have a professional building behind your home. She said they did their homework before they moved in. They looked up what the area was zoned for. They found there was a landmark behind their home - the Fitch property. She said little did they know that you could build around a landmark. Put yourselves into our position. We have children going to school. We went around to have the petition signed. Everyone in the residential community surrounding the area is in full support of not changing the zoning laws. She urged the Board to take that into consideration.

Appearance: Mr. Al Rossi
Nanuet, New York

Mr. Rossi said he sympathized with his fellow Town residents here tonight. He said he was here for another matter on a similar issue. There is a procedural point that should be placed in the record that applies to this application and any application that comes before the Board. It was reported that there was a negative declaration issued on the SEQRA for this application by the Town Attorney and as we all know the SEQRA process has to be completed before any favorable action can be taken on any matter. He would submit that based upon the public testimony here tonight that the short form negative declaration was based upon incorrect information and should be considered null and void. Unless this Town Board is so inclined to dispose of this matter so that it becomes a moot point the Town Board should consider a further reevaluation under the laws of SEQRA and have the lead agencies issue a positive declaration and a full impact statement.

Mr. Clemensen spoke in rebuttal. He said specifically with regard to the negative declaration, with regard to the question that was not answered by Mr. Boswell with regard to the potential controversy the issue was noted, considered and the conclusion was rendered based on the notice and consideration. That is consistent with the laws of addressing the right and authority to issue a negative declaration.

Mr. Clemensen said in Exhibit C which accompanied the application with regard to where the parcel is identified in terms of "commercial or otherwise" Mr. Hirshfield and Mr. Katz both referred to the properties being developed along north Main Street as commercial. He said he would point out that the site is surrounded on two sides by professional office zoning and so the statement in the application is not incorrect. It is specifically related to the facts as presented by the official land use and zoning map of the Town of Clarkstown.

Mr. Clemensen pointed out the fact that there were a number of individuals who considered the investment efficacy of this. He said he appreciated their concern but he is here to make his own decision with regard to that.

Mr. Clemensen said with regard to the ultimate issue that is before us, regardless of whether the neighboring community wants the property to be developed commercially "or not," it presently is zoned LO. As LO it has uses available to it that substantially exceed what we are requesting. You have to go to the

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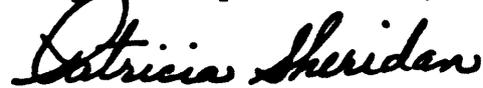
fundamental theme and the fundamental reason why the application is being made. He said we wish to make the development, if any development exists on that site at all, focused on Main Street not on Phillips Hill Road - access on Main Street - further away from the line than the law would otherwise afford under the present zoning. He said he fails to understand why it is that these people are so concerned over the development when under the present zoning the construction would be closer to their line and there would be entrance and exit out onto Phillips Hill Road. He said he wished to remove that.

Mr. Clemensen said with regard to traffic he can fully understand the concern of the community and he shares that concern. He said the other thing that should be made known to the public is that the conditions that the Planning Board made addressed the widening of Phillips Hill Road and the improving of Phillips Hill Road particularly at the corner which will be my responsibility and the responsibility of those involved with me. He said if we don't improve that, Phillips Hill Road will not be improved on that side. He said they can't impose the responsibility on the Town and the Town will not be making those improvements. In the absence of development on this parcel those improvements will not be made.

Mr. Clemensen said there are also offsite improvements that they agreed to.

On motion of Councilman Carey, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, time: 10:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (1065-1988) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

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Town Hall

11/15/88

10:33 P.M.

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

RE: ZONE CHANGE - ROUTE 59 CORRIDOR

On motion of Councilwoman Smith, seconded by Councilman Kunis 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 Attorney noted that the Rockland County Planning Board recommended approval. The Town Planning Board gave a tentative approval. The Planning Consultant recommended a negative declaration on the SEQRA.

Supervisor asked Mr. Robert Geneslaw, the Town Planner, to give an explanation of what is being proposed here.

Mr. Geneslaw stated that the changes before the Board are an outgrowth of the Route 59 study which was completed about two years ago and in summary recommends changing properties on Dykes Park Road which runs from Route 59 north almost to the Thruway just east of the trestle from RS to R-15. They are almost completely all residential properties now. The bulk of them are zoned RS. A few scattered properties are zoned residential. The recommendation is to make them zoned all residential to be consistent with what is there and to avoid the potential for commercial development. The other portion of the proposal is to rezone the east side of Hutton Avenue which is just west of the trestle from PO to R-15. There are three or four parcels there, one of them at Route 59 zoned partly RS and the balance PO. The Planning Board's recommendation is to leave the RS portion against Route 59 as RS but to change the PO for the balance of that property and the adjoining properties to the north between the road and the railroad line to residential.

Supervisor asked the Town Board Members if they had any questions. Councilwoman Smith asked to see the map of the property. There was some discussion on the properties.

Appearance: Mr. Lou Pisha
New Haven Avenue
Nanuet, New York

Mr. Pisha asked for an explanation of PO and RS. He asked what RS District to R-15 District meant. Supervisor told Mr. Pisha that PO meant Professional Office and RS meant Regional Shopping. Mr. Geneslaw said the RS District to R-15 District was the areas along Dykes Park Road. He said some of those properties are now single families but it is zoned for regional shopping.

Appearance: Donald S. Tracy, Esq.
Attorney for Property Owner
(Map A, Block 163, Lots 11 and 11.02)

Mr. Tracy said this property was the old Eagle Day Camp which is presently zoned RS in the front portion and PO in the back portion. He asked Mr. Geneslaw what is proposed for that parcel? Mr. Geneslaw said the RS portion will remain the way it is on the Planning Board's recommendation. The PO portion would change to R-15 which is third acre residential single family zoning. Mr. Tracy said then he would like to submit a protest against that rezoning portion signed by the owner of the property. This was submitted to the Town Clerk.

Mr. Tracy asked "Do you want to live in an R-15 house behind an RS zone and have to come home to it around the holiday time along Route 59?" He said he has heard it said that that zoning

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is a holding pattern which is not really the zoning which should be in effect for that area. We think it is discriminatory. We think it could be confisactory. We know that there are some residential enclaves on Route 59 at the present time and some beautiful areas back around Dykes Park Road. However, he said they respectfully submit that the configuration of this parcel of land and that which is adjacent to it, that which is across the street from it - just ask yourself, do I want to come home at night, drive up Route 59 through the RS and go back to an R-15 zone basically bordering on the New York State Thruway? He said he didn't think any of us would like it and he did not think it was an appropriate zone for the property. He said he did understand the evil that it is intended to cure. It is geared to perhaps alleviate some of the traffic congestion on Route 59. It isn't going to do it because it is going to force trips. We all know for practical purposes it won't develop R-15. Therefore, the property will be sterilized and from that point of view it will have served its purpose but that's simply not fair.

Appearance: Mr. Thomas Fagan
37 Pennsylvania Avenue
Valley Cottage, New York 10989

Mr. Fagan stated that he spoke about six months ago here and had suggested that the Town look into PO zoning in Nanuet which does not conflict with the shopping hours. He asked if any studies had been done or any parcels had been taken into consideration? Supervisor said this is a product of a study that the Planning Board did a number of years ago on Route 59, a corridor study, and these recommendations emanated from that study. He said he did not know of any recent investigations concerning PO.

Mr. Fagan asked were any of these parcels that you are now talking about considered as PO zoning? Mr. Geneslaw said the last time the Planning Board worked on an update of the map was about seven or eight years ago. They considered alternatives to residential. When they finished they came to the conclusion that residential would be the most fitting.

Mr. Fagan stated that the County Planning Board had just had a public hearing on the MF-4 zone across from the Nanuet Mall. He said dumping people into the center of Nanuet to live and to try and get in and out of their residences is not the answer to correcting the problem in Nanuet. He stated that he heard the people when Grace and Orchard Streets were going to close come out and scream that they can't get in and out of their driveways. What you are doing is putting more people in Nanuet who can not get in and out of their driveways and the next time we have a problem in Nanuet you are going to have two hundred people here instead of one hundred people. Residential zoning in the heart of the shopping district of Nanuet is not the answer to the traffic problem.

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

Mr Goldman said he believed the Route 59 Corridor Study which was completed two years ago is already obsolete. He said you find not too much desire up and down Route 59 to build new stores, witness that the old Pergament is still empty. The solution is certainly not to put more residences, more people who go to work at 8 a.m. or 9 a.m. and come home at 5 p.m. in that neighborhood. It is not the way to do it.

Mr. Goldman said the specification for MF-4 that was voted on a couple of weeks back contained some codicil that if you had RS you could ask for MF-4 but if you had R-15, R-22, etc. you could not ask for MF-4. He said that Mr. Tracy referred to sterilizing the land. He said it may very well be that R-15 will

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sterilize certain of these parcels along Route 59. R-22 even more so is likely to sterilize parcels. On the very same night that you created MF-4 you assigned to the Theatre-in-the-Round property R-15. It was perfectly obvious to many of us at that time that the reason that the change was made from RS to R-15 is so that those poor folks could never come back and say now give me 24 units per acre on my nineteen acres. It may well be that these other newer R-15s that you are going to create will serve the same purpose. He asked how come on this whole Route 59 corridor, all of a sudden everybody is going to get R-15 so they could never ask for MF-4 except for the Lettre brothers. Now, that was handled at a separate hearing. MF-4 was created separately. The Theatre-in-the-Round was given R-15 a separate time from this. Meantime, you are falling over backwards, or at least three of you are, to give a former Councilman something that all of these other people are not going to have the option to ask for. He said that tells me that maybe deep down, if it wasn't one of the good old boys, you wouldn't think that MF-4 was so good.

Supervisor said some of these proposals to change the zones - this is the second time that these have been around. It was attempted to be impleted by the Town Board back in 1986 or 1987. This was the second go round on the church property and he believed the second go round on some of these properties in question here as well. Mr. Geneslaw said that was correct. Supervisor said he wanted to make it clear that this was not all of a sudden.

Mr. Goldman said he knows it is not all of a sudden and that Mr. Lettre worked on the zone change for a very long time. Councilman Carey and Councilman Maloney objected at this point and said they did not think that Mr. Goldman's comments were germane to what we are talking about here.

Mr. Goldman said he was delighted to hear that they were thinking because this was the first evidence he ever had. Councilman Carey said is that right? Mr. Goldman said yes. Mr. Goldman said he could not see what could be more relevant than this. He said you are obviously showing favoritism. Now, the gentleman from the Nanuet-Theatre-Go-Round or the church said that you are devaluating his property and he said he would sue. Mr. Goldman said he hopes he does and he hopes he wins.

Supervisor asked Mr. Goldman how much taxes the gentleman from the church pays to the Town of Clarkstown? Mr. Goldman said to the supervisor that he had the opportunity of doing something worthwhile with that property. Supervisor said he did it. Mr. Goldman said yes, you sterilized his property. Mr. Goldman said that Mr. Tracy's client was about to have his property sterilized too and maybe it is because he didn't sit on the Town Board and maybe it is because he doesn't have buddies sitting on the Town Board. He said make everyone R-15 or make everyone MF-4 but don't show favoritism to your buddies.

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

Mr. Rossi said he wanted to congratulate the Board for bringing this to a true public hearing. He said he tried to do this eighteen months to two years ago. He said this position is obviously the result of the Route 59 Corridor Study that basically identified major traffic problems and put forth a course of action that is under your total control and that is zoning which would impede further deterioration of an already intolerable situation. He said the Board recommended certain zone changes to be made which would reduce the impact of the contributory effect of traffic in the Corridor area. Mr. Rossi that the Board is also well aware that presentations have been made before various agencies of the Town and also stated in the study would would be the generators if those

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properties were developed as presently zoned. As the result of a recent proposal submitted by one property owner we were talking about some four to five hundred cars that could be in addition to the traffic we already see - those cars exiting on Hutton Avenue. He said we are all in agreement that that is something we can not afford to take place.

Mr. Rossi said he views this as a most positive step within the bounds of the office of the Town Board to provide for the health, welfare and protection of all the residents of the Town. He said you should all be aware that the area we are talking about is a pocket residential area in which he is proud to say he lives. He said he has been returning home to that area for over 15 years and he loves it very much and wishes to see it remain as such. He said the zone change proposed here, in addition to solving a major issue of concern to the entire residency of this Town, also is in harmony with the surrounding character of the area. It blends in and maintains the stability of that residential area and is something that he hoped and prayed that this Board would take action upon tonight and show the courage to this area and to the many residents who are not present but who are affected on a daily basis by traffic. He said he hoped the Board would move tonight and dispell the fear in the possibility that we could have another disaster waiting with a proposal that could be forthcoming.

Appearance: Mr. Richard Steinberg, Owner of Property at
Hutton Avenue and Route 59
Nanuet, New York

Mr. Steinberg said that his property is adjacent to Route 59 and is surrounded on one side by the railroad, one one side by the Thruway and the other side by the Red Lobster Restaurant. He said at the back of his property is Leader Carpet - an R-15 zone facing railroads, facing Route 59, facing Leader Carpet, facing Red Lobster. He said he didn't think anyone sitting on this Board would be interested in purchasing a house at that particular spot. Mr. Steinberg said Mr. Al Rossi approached him about seven months ago. At that particular time he said Mr. Rossi wanted to buy Mrs. Keesler's property and go ahead and rezone it to an MF-3 zoning and he wanted me to go along with my piece of property. Mr. Steinberg stated that he told Mr. Rossi that he was not interested and that he was in front of the Planning Board and that he would want to see the property developed as adjacent to the existing properties.

Mr. Steinberg said after speaking with him, Mr. Rossi stopped his negotiations with Mrs. Keesler. Since then Mrs. Keesler sold that property to a party who is now using that property as offices. With that in mind and the property next to him now being used as offices, with his property in front of that and also along side that particular office property, he said he could not see, other than Al Rossi trying to change the piece of property to multi-family use so possibly he could have benefited from the property, that anybody at that particular point, leaving the property as presently zoned, would be harmful to anybody in that particular surrounding area. He said the property is surrounded by that type of use and at this time he did not see any need to change the property from its present use.

Appearance: Ms. Carolyn Porto
18 Fenner Lane
Nanuet, New York

Ms. Porto said she lives quite near the area which is the subject of this property. She said she understands the frustrations of the people who come here for business and also for residential. She spoke about the traffic on Route 59 and stated that there is no master plan whatsoever that anyone could use as a guideline. She said the business there generate such tremendous traffic and bottlenecks that they are always looking for solutions.

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She asked how could anyone even consider putting a home into that area? She said you will have sterile property because no one wants to live there. She said the people, including herself, who have lived there so long have difficulty just getting out every day. She said if you put businesses in there with factories and a lot of storage you are still going to have a lot of problems. She said there should be a moritorium on any kind of zone changing, any kind of new business, any kind of new residences that may be built there until you come up with a master plan that everyone could be satisfied with before you zone anything. She also urged the Board to try to straighten out the traffic situation before you give thought to any kind of change.

Supervisor Holbrook said that Ms. Porto mentioned a moritorium and stated that there was a moritorium adopted by the Town in 1986 and as a result of that came the Route 59 Corridor Study. As a result of the recommendations there, to try to reduce some of the traffic, one way was land use control. That is what these recommendations are.

Supervisor said we had a number of public hearings on the Route 59 Corridor Study relative to the State and included in the bond issue adopted by the voters last Tuesday, the improvements to Route 59 will be forth coming. He said he had spoken to a number of people in the State, Mr. Bloom and others, who are now working diligently drawing up plans for the improvement of Route 59 from what used to be Hopf Drive all the way through to the Palisades beyond Smith Road in Nanuet. There really was a process and thought given to this and that is why we had this hearing tonight.

Appearance: Hilton Sonicker, Esq.

Mr. Sonicker stated that his firm had purchased the Keesler property. He said he was raising a technical objection to this evening's proceedings because, although the Town was happy to take his taxes for the fiscal year, for some reason there was not a change of address and he did not receive notice of tonight's meeting. He was advised of tonight's proceeding by Mrs. Tillie Schwartz of the Planning Department.

Mr. Sonicker said before purchasing this property he came to the Planning Board and asked Mrs. Schwartz if she was sure that this was PO. She pulled out a map and he said he had a copy of what he was provided with. He said he had no plans of developing this property either residential, MF-4 or even to establish a larger office building, although that latter thought did pass his mind. He said what he wanted was a home in which he could run a law office. He said it is a very small residential pocket community. He said there is a strange situation here where Mr. Steinberg owns the front five acres, he (Mr. Sonicker) owns one and one half acres where the house sits, then Mr. Steinberg owns one half an acre and then he (Mr. Sonicker) owns the last half acre.

Mr. Sonicker said he hoped the Board would not make a decision on what he thinks is a cursory review. He felt more thought and study should be given to this and maybe the parties should get together. He said his office would not generate a lot of traffic if that is the chief concern of the residents. He said the residential people certainly have their rights but it is a balancing act. He said he is a developer and has developed in other counties and knows that it is hard to come out with a fair solution. It's not fair to say "tough on you" to either party. He said maybe there is a chance that the parties on the street can get together under the jurisdiction of this Board or on their own to see if they can arrive at a compromise that will make everyone happy.

Mr. Sonicker said no matter what happens on unimproved property, which is what Mr. Steinberg has, he thought that his piece (Mr. Sonicker's) with an existing house on it that was zoned PO

which was a fact relied upon when he purchased the property, to penalize him and to say you might even prohibit his use without any expansion at all would be unfair. He asked that if the Board was to make a decision changing this zoning he hoped the Board would grandfather his use of the home as PO without further expansion which is all he is asking for tonight. He hoped there might be a further opportunity for those who are directly affected by this proposed change to address the Board.

Supervisor asked if any Town Board members had any questions?

Councilman Kunis asked Mr. Geneslaw, as a professional planner, did he look into PO? Mr. Geneslaw said he looked into a variety of things. He said they were trying to come up with a zoning category that would substantially reduce the potential amount of additional traffic on Route 59. He went on to state that while PO would reduce traffic during parts of the day, which is somewhat different from RS, depending upon the kinds of offices it might have generated similar traffic. He said, for example, if there were medical offices, traffic would be generated all day and possibly on Saturday. If it was, for example, an insurance office or a primarily administrative or clerical operation, there would be traffic around 9 a.m. and traffic around 5 p.m. five days a week and not on the weekends.

Councilman Kunis said so there would be less traffic on Saturday and Sunday peak shopping hours? Mr. Geneslaw said yes, if it were administrative type office or attorney's office, yes. Councilman Kunis said or a doctor's office being closed on Sunday.

Councilman Kunis said Mr. Tracy indicated something about forced trips - R-15 would create forced trips. Mr. Geneslaw said he did not understand what Mr. Tracy meant. Councilman Kunis said he thought he gathered that where you have a home and people may have cars, they are forced to leave and are forced to enter every day. He asked Mr. Tracy if that was what he meant?

Mr. Tracy said there is a traffic engineer's distinction between random trips and forced trips. Councilman Kunis said then with the R-15 you are saying that there would be forced trips and more traffic, is that correct? Mr. Tracy said what he is saying is that if he lived there, he has to go there on Route 59. If I want to buy a shirt and I know that zone is packed I can go hopefully to Pyramid to buy it. He said he only applies that distinction to Route 59 and not to any of the roads off Route 59 just Route 59. Councilman Kunis said he would assume that it would be the Route 59 Corridor Study because that is what we are discussing.

Councilman Kunis said PO seems to be a reasonable zone for the Route 59 Corridor Study area. He said he respects Mr. Geneslaw's judgment as a professional planner. He said it was not looked into by the Planning Board. It was not recommended and that is why he wanted to know Mr. Geneslaw's professional opinion of the Corridor Study, of PO regarding the Corridor Study, forced trips and random trips, etc..

Mr. Geneslaw said he would discuss east of the trestle and then west of the trestle. He said Dykes Park Road is substantially single family now so changing it from RS to R-15 would primarily recognize what is there and what has been there for a long period of time and it would eliminate the potential for those properties being assembled and redeveloped for RS uses. He said if you look at the area there is a fairly substantial amount of acreage if all of the properties could be assembled. He went on to state admittedly it would be difficult but the potential is there.

Mr. Geneslaw said on the west side of the trestle, the area we are looking at is long and narrow and when we looked at PO

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in the Corridor our primary concern there was the turning movements that would occur at Route 59 and Hutton Avenue. He said they just felt that the intersection would not be adequate to handle the kind of traffic that would come out of there. He said that was a primary reason for not recommending PO there.

Councilman Kunis said in all fairness to the developer might we be better off with MF-4 in that area than R-15? Would you recommend that in that area? Mr. Geneslaw said they were concerned about the height and massing of buildings that would be there if MF-4 were approved in relation to the single family homes on the west side of the street. He said they felt buildings of that height and probable length would represent a high wall fairly close to the single family homes. Councilman Kunis said then you would not recommend the MF-4 there? Mr. Geneslaw said that is why they did not recommend MF-4 there because it is a very shallow property.

Councilman Maloney asked are some of the properties being considered to change to R-15 - are they people currently living in zones that are not R-15 that are - in other words is PO - for example we have had some of those changes where the property is R-15 people living there but it is really a PO zone and is really an RS and it should be changed. It is non-conforming.

Mr. Geneslaw said most of the homes on Dykes Park Road that are proposed for the change are now zoned RS. Councilman Maloney said they are in RS. Mr. Geneslaw said this would only be consistent with what is actually there. Councilman Maloney said he wanted to make that clear.

Councilman Maloney said for example if someone is living in an R-15 and sells that house that is really in a PO or an RS zone but they are actually living in a residence. Mr. Geneslaw said the people on Dykes Park Road are living in single family homes that could be converted to RS. Councilman Maloney said but they are zoned improperly and this would clean it up if we changed it to R-15? Mr. Geneslaw said that is correct. Mr. Geneslaw said for anyone to do that they would have to come back to the Town Board and ask for a change of zone or go to the Board of Appeals for a use variance.

Councilman Kunis asked how many homes are there? Mr. Geneslaw said approximately one dozen. Councilman Kunis said plus Mr. Steinberg's property? Mr. Geneslaw said he is on the other side of the trestle. Supervisor said he is on Hutton Avenue.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 11:15 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARINGS
(TWO VIOLATION HEARINGS TAKEN TOGETHER)

Town Hall

11/15/88

11:15 P.M.

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

RE: VIOLATION HEARING - MAP 134, BLOCK A, LOT 13 (MELLOZZO)
VIOLATION HEARING - MAP 134, BLOCK A, LOT 13.01 (GRAZIANO)

Supervisor Holbrook stated that these public hearings would be handled together. On motion of Councilwoman Smith, seconded by Councilman Kunis the public hearing was opened.

Supervisor said this was a Chapter 79 hearing and also involved the Fire Inspector. Mrs. Irene Saccende, Code Inspector for the Town of Clarkstown, stated that the Fire Inspector had gone out on this but was unable to get into the home. At this time Supervisor Holbrook swore Mrs. Saccende in.

Appearance: Mrs. Irene Saccende
Code Inspector for the Town of Clarkstown

Mrs. Saccende stated that this property is an abutting property to the subject of the next violation hearing. The properties belonged to two brothers. One of the brothers is deceased and that property is Lot 13.01 which is now in the name of the daughter and son-in-law of the original owner. Mrs. Saccende stated that the reason these are being taken together is because the surviving brother is using both lots for storage. She said there is much construction material, debris and litter. She said there was in excess of one hundred and fifty rabbit cages on the property. She said there are five or six dogs on the property.

Supervisor asked if there are also things which would constitute fire hazards? Mrs. Saccende stated that she would say so, yes.

Mrs. Saccende stated that she was submitting a report and that she had made a reinspection today and could see no improvement whatsoever to the properties.

Supervisor Holbrook asked what Mrs. Saccende's recommendation would be. Mrs. Saccende said the Town Board should set a time schedule for cleaning it up.

Supervisor asked if anyone was present representing the owner of these two properties? No one appeared.

Supervisor recommended that if this was not dealt with by December 1, 1988 that the Town Board take action.

On motion of Supervisor Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 11:22 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk