

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

11/29/88

8:03 P.M.

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

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

Supervisor Holbrook read the following proclamation:

"CLARKSTOWN SOUTH BOYS VARSITY SOCCER TEAM  
1988 CONFERENCE TITLE"

WHEREAS, the players of the Clarkstown South Boys Varsity Soccer Team, under the leadership and direction of Coach Michael Goetz, have distinguished themselves by capturing the Conference Title with an undefeated 10-0-0 record, and

WHEREAS, during the 1988 season the Clarkstown South Boys Varsity Soccer Team has compiled many victories and set many records, among them 16 consecutive wins; allowed 8 goals against while scoring 52 goals for; ranked 3rd in New York State (the highest rank ever achieved by a Class A boys soccer team in Rockland County); had four boys selected to First Team All Section and nine boys selected to All League; recorded 10 shutouts in 17 games and had three players selected to play in the Exceptional Senior Contest at West Point, and

WHEREAS, the Clarkstown South Boys Varsity Soccer Team has won our respect and admiration for their outstanding sportsmanship, the excellent example they have set for our younger players and their remarkable degree of success on the playing field;

NOW, THEREFORE, be it

RESOLVED, THAT I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all our residents hereby commend the fine young athletes of the Clarkstown South Boys Varsity Soccer Team and Coach Goetz for their outstanding accomplishments, congratulate them for a job well done and extend our best wishes to them for success in all their future endeavors.

IN WITNESS WHEREOF I HEREUNTO SET MY  
HAND AND CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED THIS 29TH  
DAY OF NOVEMBER, 1988.

/s/ Charles E. Holbrook

CHARLES E. HOLBROOK, Supervisor  
Town of Clarkstown

Supervisor presented the proclamation to Coach Goetz and Clarkstown South Principal Bierker on behalf of the Town Board. Certificates of Award were presented to each player by members of the Town Board.

Supervisor congratulated the students, their parents, administrators and especially Mr. Goetz, their coach. Mr. Goetz thanked the Town Board for the honor. He said the team worked very hard this year. He was pleased that the Town Board recognized the very wonderful youngsters we have in the Clarkstown School District. On behalf of the team and the parents of the youngsters, he thanked the Board personally for this day.

Continued on Next Page

Mr. Bierker, Principal of Clarkstown South, thanked the Town Board for their attention to this outstanding team. He said this was one of the nice days of being a principal. He thanked the team for their obvious athletic prowess but more importantly for the way they conduct themselves in the school. He said they were in fact gentlemen and athletes. He said Mr. Goetz was outstanding and thanked him for his efforts which were tireless. He said the youngsters would not be sitting here unless the parents gave all they had to give. He thanked them for what they did for the children.

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Supervisor declared the Public Portion open.

Appearance: Mr. Steve Goldman, President  
Organized Taxpayers' Association

Mr. Goldman questioned Item 13(l) on tonight's agenda which was the creation of a new position (Supervising Real Property Appraiser - Assessor's Department.) He asked what range the salary would be in? He was told it was in the neighborhood of \$39,000.00.

Mr. Goldman questioned Item 13(k) and asked what the Street Construction Inspector does? Supervisor said he is there to inspect the repaving of the streets and to see that they are done properly. Mr. Goldman asked if we had ever had that title before or if this is an additional person? Supervisor said we had two at one time but one was eliminated. This is a person presently in the Highway Department and one the Superintendent of Highways would like to see in that position. Mr. Goldman asked what range the salary would be in? He was told it would be a Grade 25 but that the salary would have to be checked on that.

Appearance: Mr. Jack Cuff  
Organized Taxpayers' Association  
West Nyack, New York

Mr. Cuff questioned Item 11 on the agenda - Authorizing Issuance of Revenue Anticipation Notes. He asked if this meant that we have a shortage of funds in the Town of Clarkstown? Supervisor Holbrook said we have a potential cash flow problem in the month of December. We are anticipating receiving funds. This had been previously discussed and decided to adopt this course of action to remedy that situation if in fact it occurs. Supervisor said the Comptroller had recommended borrowing \$1.7 million but we are anticipating revenue from mortgage tax, per capita aid as well as refuse fees for the month of December. We have to wait for those revenues to come in. He said one of the problems that created this is the allocation of \$2 million of surplus to offset taxes in the 1988 budget. Supervisor said this was a measure recommended by Comptroller, Paul Schofield and he agreed with him.

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RESOLUTION NO. (1114-1988)

ACCEPTING MINUTES OF  
SPECIAL TOWN BOARD MEETING  
OF NOVEMBER 3, 1988

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the Special Town Board Meeting of November 3, 1988 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1114-1988) Continued

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

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RESOLUTION NO. (1115-1988)

AUTHORIZING AMENDING OF  
1988 BUDGET FOR PURPOSE OF  
BALANCING ALL FUNDS

Co. Maloney offered the following resolution:

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1988 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE, be it

RESOLVED, that the 1988 budget is hereby amended.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1116-1988)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
11-002680 AND APPROPRIATION  
ACCOUNT NO. CS 1722-409-1984

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 111-002680 (Liability Insurance -Insurance Reserves) and Appropriation Account No. CS 1722-409-1984 (Excess Insurance-Fees for Services) by \$18,127.33.

Seconded by Co. Carey

Councilman Kunis asked who the Excess Insurance - Fees for Services (\$18,127.33) was for? Supervisor said he thought it was from a suit on the Zoning Board of Appeals. Town Attorney said it was from RAIA and the Supervisor said so we have to increase the appropriations. Supervisor said it was approximately \$17,000.00 from RAIA and there was something else in there also.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1117-1988)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
01-002130 AND INCREASING A  
8160-311, A 8160-447 AND A  
8160-217 (SANITARY LANDFILL)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No.  
01-002130 (Refuse) by \$1,927.25 and increase the following  
Appropriation Account Numbers:

A 8160-311 (SLF-Gasoline).....	\$ 1,159.07
A 8160-447 (Equipment Repairs).....	568.18
A 8160-217 (Maintenance Equipment)..	200.00

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1118-1988)

AUTHORIZING RETURN OF  
MAINTENANCE BOND WITH  
REGARD TO DEDICATED  
SUBDIVISION (LAKEWARD  
ESTATES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the  
Department of Environmental Control of the Town of Clarkstown,  
maintenance bond secured by a money market certificate in the sum of  
\$4,650.00 furnished to the Town in connection with dedication of the  
roads and improvements on December 31, 1986, in a subdivision known  
as LAKEWARD ESTATES is terminated and the sum of \$4,650.00 be  
released to the guarantor.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1119-1988)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING ANYTIME" SIGNS EAST  
SIDE OF CHESTNUT STREET  
FROM ROUTE 59 SOUTH TO WEST  
STREET, CENTRAL NYACK

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install:

Continued on Next Page

RESOLUTION NO. (1119-1988) Continued

Signs to read, "No Parking Anytime" with arrows (see sec. 221.5 - Pl-1 signs per NYS DOT Manual of Uniform Traffic Control Devices.) These signs should be erected on the east side of Chestnut Street from Route 59 south to West Street, Central Nyack,

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1120-1988)

AUTHORIZING ATTENDANCE AT PROSECUTING MUNICIPAL CODE VIOLATIONS PROGRAM (POSNER, TORIELLO) - TOWN ATTORNEY'S OFFICE - CHARGE TO ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a program entitled Prosecuting Municipal Code Violations, sponsored by the Westchester County Bar Association in cooperation with the Municipal Law Resource Center of Pace University, to be held on December 6, 1988, at Larchmont, New York, at a fee of \$16.00 per person:

MARK A. POSNER, 1st Deputy Town Attorney  
DENISE S. TORIELLO, 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. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1121-1988)

AWARDING BID FOR BID #93-1988 - FURNITURE/EQUIPMENT (PRIDE OFFICE FURNITURE, IRWIN KAHN ASSOC., ROCKLAND INDUSTRIAL EQUIP., LANG EQUIPMENT CO.)

RESOLUTION NO. (1121-1988) Continued

Co. Maloney offered the following resolution:

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

BID #93-1988  
FURNITURE/EQUIPMENT

is hereby awarded to

PRIDE OFFICE FURNITURE  
49 S. Main Street  
Spring Valley, N.Y. 10977

IRWIN KAHN ASSOC.  
10 Esquire Road  
New City, N.Y. 10956

ROCKLAND INDUSTRIAL EQUIP.  
18 Industrial Avenue  
Mahwah, N.J. 07430

LANG EQUIPMENT CO.  
55 Nicola Place  
Nutley, N.J. 07110

as per attached schedule of prices.

(Schedule on File in Town Clerk's Office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1122-1988)

AWARDING BID FOR BID  
#4-1989 - PHOTOCOPIER  
SUPPLIES (DEC COPIERS,  
BOUTON'S BUSINESS MACHINES,  
ATLANTIC BUSINESS PRODUCTS  
AND ALL DISCOUNT COPY  
SUPPLIES, INC.)

Co. Maloney offered the following resolution:

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

BID #4-1989  
PHOTOCOPIER SUPPLIES

is hereby awarded to

DEC COPIERS  
P.O. Box 356  
Stony Point, N.Y. 10980

BOUTON'S BUSINESS MACHINES  
95 Route 304  
Nanuet, N.Y. 10954

ATLANTIC BUSINESS PRODUCTS  
134 W. 26th Street  
New York, N.Y. 10001

ALL DISCOUNT COPY SUPPLIES,  
INC.  
300 Airport Executive Park  
Spring Valley, N.Y. 10977

as per attached schedule of prices.

(Schedule on file in Town Clerk's Office.)

Seconded by Co. Carey

RESOLUTION NO. (1122-1988) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1123-1988)

AWARDING BID FOR BID  
#3-1989 - PRINTING OF TOWN  
ENVELOPES & STATIONERY  
(LONG ISLAND ENVELOPE CO.,  
JORDAL PRESS, KAY OFFSET  
PRINTING AND RCT PRINTING)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Director of Purchasing that:

BID #3-1989  
PRINTING OF TOWN ENVELOPES & STATIONERY

is hereby awarded to

LONG ISLAND ENVELOPE CO.  
240 Anderson Ave.  
Moonachie, N.J. 07074

JORDAL PRESS  
P.O. Box 457  
Valley Cottage, N.Y. 19089

KAY OFFSET PRINTING  
70 Washington St.  
Brooklyn Hts., N.Y. 11201

RCT PRINTING  
11 New Main Street  
Haverstraw, N.Y. 10927

as per the attached schedule of prices.

(Schedule of Prices on File in Town Clerk's Office.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1124-1988)

AWARDING BID FOR BID  
#1-1989 - STATIONERY  
SUPPLIES (SUFFERN  
STATIONERY, SUMMIT OFFICE  
SUPPLY OF WESTCHESTER,  
INC., BOUTONS INC., GLOBE  
OFFICE SUPPLY, ALLWIN  
STATIONERY AND PORT PRINTED  
PRODUCTS)

Co. Maloney offered the following resolution:

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

BID #1-1989  
STATIONERY SUPPLIES

Continued on Next Page

RESOLUTION NO. (1124-1988) Continued

is hereby awarded to:

SUFFERN STATIONERY  
68 Lafayette Avenue  
Suffern, N.Y. 10901

SUMMIT OFFICE SUPPLY OF  
WESTCHESTER, INC.  
34 Midland Avenue  
Port Chester, N.Y. 10573

BOUTONS, INC.  
95 Route 304  
Nanuet, N.Y. 10954

GLOBE OFFICE SUPPLY  
5800 Third Avenue  
Brooklyn, N.Y. 11230

ALLWIN STATIONERY  
20 Dexter Plaza  
Pearl River, N.Y. 10965

PORT PRINTED PRODUCTS  
45 E. 30th Street  
New York, N.Y. 10016

as per price schedule on file in Purchasing Dept.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1125-1988)

AWARDING BID FOR BID  
#95-1988 - PRECAST CONCRETE  
DRAINAGE STRUCTURES (A & R  
CONCRETE PRODUCTS  
SPECIALTIES, INC.)

Co. Maloney offered the following resolution:

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

BID #95-1988  
PRECAST CONCRETE DRAINAGE STRUCTURES

is hereby awarded to

A & R CONCRETE PRODUCTS SPECIALTIES, INC.  
Ruscitti Road  
Newburgh, N.Y. 12550

as per their low bid proposal of \$74.00/per ft.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1126-1988)

ACCEPTING DEED FOR ROAD  
WIDENING PURPOSES FROM JNT  
PROPERTIES CORP. (TOTANI  
SITE)

RESOLUTION NO. (1126-1988) Continued

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as TOTANI, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along West Nyack Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated October 26, 1988, from JNT Properties Corp. gratuitously conveying a strip of land along West Nyack Road, West Nyack, New York is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1127-1988)

AUTHORIZING ADDITIONAL  
MONIES TO BE ALLOCATED FOR  
ELINOR PLACE DRAINAGE  
PROJECT (H 8730-25P87-02-  
409) - CHARGE TO DRAINAGE  
BOND CAPITAL ACCOUNT #2

Co. Carey offered the following resolution:

WHEREAS, an adverse drainage condition existed in the vicinity of Elinor Place over a drainage easement on Lot 57-D-21.3; and

WHEREAS, the Director of Environmental Control and Superintendent of Highways have recommended and performed corrective drainage work to ameliorate the adverse drainage condition for a sum of \$7,083.85; and

WHEREAS, additional grading and restoration work was required due to a greater than anticipated area of disturbance;

NOW, THEREFORE, be it

RESOLVED, that the Elinor Place drainage project cost (H 8730-25P87-02-409) be increased by \$3,219.92 for a total cost not to exceed \$10,303.77; and be it

FURTHER RESOLVED, that the cost for the above be charged to Drainage Bond Capital Account #2.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1128-1988)

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

Co. Carey offered the following resolution:

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

Application of FRANKLIN CONKLIN

Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR

-against-

THE BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1129-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #8-1989  
(POLICE VEHICLES)

Co. Carey offered the following resolution:

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

BID #8-1989  
POLICE VEHICLES

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1130-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #9-1989  
(ATHLETIC AND RECREATION  
SUPPLIES)

Co. Carey offered the following resolution:

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

BID #9-1989  
ATHLETIC AND RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday,  
December 20, 1988 at which time bids will be opened and read, and be  
it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1131-1988)

AUTHORIZING ISSUANCE OF  
\$1,700,000.00 REVENUE  
ANTICIPATION NOTES IN  
ANTICIPATION OF RECEIPT OF  
STATE AID, MORTGAGE TAX AND  
REFUSE INCOME FOR FISCAL  
YEAR ENDING DECEMBER 31,  
1988

Co. Carey offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,  
IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. Revenue Anticipation Notes (herein called  
"Notes") of the Town of Clarkstown, in the County of Rockland, New  
York (herein called "Town"), in the aggregate principal amount of  
\$1,700,000, and any notes in renewal thereof, are hereby authorized  
to be issued pursuant to the provisions of Sections 25.00 and 39.00  
of the Local Finance Law, constituting Chapter 33-a of the  
Consolidated Laws of the State of New York (herein called "Law").

Section 2. (a) Notes in the principal amount of  
\$300,000 shall be issued in anticipation of the receipt of moneys  
(herein called "State Aid") apportioned to the Town by the State of  
New York for the fiscal year ending December 31, 1988, and the  
proceeds of such Notes shall be used only for the purposes of paying  
the current expenses of the Town for said fiscal year payable from  
the state Aid in anticipation of which they are issued.

(b) The total amount of such State Aid estimated to be  
received in the 1988 fiscal year is estimated to be \$1,047,140.00.

Continued on Next Page

## RESOLUTION NO. (1131-1988) Continued

(c) The total amount of such State Aid which has been received or collected as of the date of adoption of this resolution is \$711,392.79.

(d) The amount of any outstanding revenue anticipation notes heretofore issued in anticipation of such State Aid during or an account of the fiscal year 1988 is \$-0-.

(e) The total amount of State Aid actually collected or received in the Town's 1987 fiscal year was \$1,056,064.54.

Section 3. (a) Notes in the principal amount of \$1,085,000 shall be issued in anticipation of the receipt of taxes (herein called "Mortgage Tax") payable to the Town by the County of Rockland for the fiscal year ending December 31, 1988, and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the Town for said fiscal year payable from the Mortgage Tax in anticipation of which they are issued.

(b) The total amount of such Mortgage Tax estimated to be received in the 1988 fiscal year is estimated to be \$2,086,086.00.

(c) The total amount of such Mortgage Tax which has been received or collected as of the date of adoption of this resolution is \$991,298.47.

(d) The amount of any outstanding revenue anticipation notes heretofore issued in anticipation of such Mortgage Tax during or an account of the fiscal year 1988 is \$-0-.

(e) The total amount of Mortgage Tax actually collected or received in the Town's 1987 fiscal year was \$2,952,854.51.

Section 4. (a) Notes in the principal amount of \$315,000 shall be issued in anticipation of the receipt of other income (herein called "Refuse Income") payable to the Town for the fiscal year ending December 31, 1988, and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the Town for said fiscal year payable from the Refuse Income in anticipation of which they are issued.

(b) The total amount of such Refuse Income estimated to be received in the 1988 fiscal year is estimated to be \$2,345,083.32.

(c) The total amount of such Refuse Income which has been received or collected as of the date of adoption of this resolution is \$1,744,830.86.

(d) The amount of any outstanding revenue anticipation notes heretofore issued in anticipation of such Refuse Income during or an account of the fiscal year 1988 is \$-0-.

(e) The total amount of Refuse Income actually collected or received in the Town's 1987 fiscal year was \$1,446,499.68.

Section 5. The following additional matters are hereby determined and declared:

(a) The Notes are not issued in renewal of other notes.

(b) The Notes shall mature within the period of one year from the date of their issuance.

Continued on Next Page

RESOLUTION NO. (1131-1988) Continued

(c) The annual budget of the Town for the 1988 fiscal year was adopted on October 15, 1987.

(d) The Notes are issued in anticipation of the collection of revenues other than real estate taxes or assessments.

Section 6. The Notes hereby authorized shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the Town, and the faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the Notes and unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the Town and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. Subject to the provisions of this resolution and the Law, and pursuant to Section 50.00 and Sections 56.00 and 61.00 of the Law, inclusive, the power to sell and issue the Notes authorized pursuant hereto, or any renewals thereof, and to determine the terms, form and contents, including the manner of execution, of such Notes, and to execute arbitrage certifications relative thereto, is hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 8. The Notes shall be executed in the name of the Town by the manual signature of the Supervisor or the Town Clerk, and shall have the corporate seal of the Town impressed or imprinted thereon which corporate seal may be attested by the manual signature of the Town Clerk.

Section 9. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilpersons Carey, Maloney, Smith and Kunis

NOES: None

The resolution was declared adopted.

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Councilman Kunis said he felt we had to tighten our belts here in the Town. He said he realized that we had additional expenses in 1988 but not to the tune of \$1.7 million. That represents approximately 4% of the total budget. When people run for election and promise the people in this community a tax decrease and during the year when it winds up that this decrease becomes a 4% or 5% increase we are not being fair with the taxpayers. He felt we could manage our money better. He said the Town Board has to be more responsible so that we don't have to go out and borrow money at the end of the fiscal year to pay the employees of our Town during the holiday season. He said his vote was yes with a little protest.

Continued on Next Page

RESOLUTION NO. (1131-1988) Continued

Councilwoman Smith said she too was upset about having to vote for something like this but she would because no one can do without their paychecks at this time or any other time of the year. She said it is absolutely essential that the inner controls start with the Town Board, most definitely start with the department heads and that we go firmly to decrease expenses in this coming year and she voted yes.

Supervisor Holbrook said this is in anticipation of revenue that is due in the month of December. He felt it was an appropriate course of action and he voted yes.

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RESOLUTION NO. (1132-1988)

REJECTING ALL PROPOSALS  
RECEIVED FOR BID #96-1988 -  
CURBS FOR LENOX AVENUE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of D.E.C. that all proposals received for

BID #96-1988  
CURBS FOR LENOX AVENUE

are hereby rejected.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1133-1988)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (SHARON R.  
ELLISON)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Sharon R. Ellison, 81 Front Street, Nyack, New York, as a Crossing Guard - Police Department -

Continued on Next Page

RESOLUTION NO. (1133-1988) Continued

at the rate of \$7.75 per crossing covered - effective and retroative to November 21, 1988.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1134-1988)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(SUBSTITUTE) CROSSING GUARD  
- POLICE DEPARTMENT (MARY  
T. COUGHLAN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Mary T. Coughlan, 44 Ralph Avenue, New City, New York, as a (Substitute) Crossing Guard - Police Department - at the rate of \$7.75 per crossing covered - effective and retroactive to Novembere 21, 1988.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1135-1988)

GRANTING SIX MONTH LEAVE OF  
ABSENCE, WITHOUT PAY -  
MOTOR EQUIPMENT OPERATOR II  
- HIGHWAY DEPARTMENT  
(CLIFFORD RICKLI, III)

Co. Maloney offered the following resolution:

WHEREAS, Clifford Rickli, III, has requested a six month 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 Clifford Rickli, III, 60 Basswood Court, Bardonia, New York, Motor Equipment Operator II - Highway Department - is hereby granted a six month leave of absence, without pay, effective and retroactive to November 21, 1988.

Seconded by Co. Kunis

RESOLUTION NO. (1135-1988) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1136-1988) GRANTING LEAVE OF ABSENCE,  
WITHOUT PAY, TO LABORER -  
HIGHWAY DEPARTMENT (JAMES  
VOCE)

Co. Maloney offered the following resolution:

WHEREAS, James Voce, 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 James Voce, 33 Parkside Drive, Congers,  
New York - Laborer - Highway Department - is hereby granted a leave  
of absence, without pay, effective and retroactive to November 15,  
1988 to December 15, 1988.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1137-1988) RECLASSIFYING POSITION OF  
SECRETARIAL ASSISTANT  
(LEGAL) TO POSITION OF  
PARALEGAL SPECIALIST I  
(MUNICIPAL LAW) - TOWN  
ATTORNEY'S OFFICE

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
certified on October 27, 1988 that the position of Secretarial  
Assistant (Legal) can be reclassified to the position of Paralegal  
Specialist I (Municipal Law) -

NOW, THEREFORE, be it

RESOLVED, that the position of Secretarial Assistant  
(Legal) - Town Attorney's Office - is hereby reclassified to the  
position of Paralegal Specialist I (Municipal Law) - effective  
December 5, 1988.

Seconded by Co. Kunis

RESOLUTION NO. (1137-1988) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1138-1988)

APPOINTING TO POSITION OF  
(PROVISIONAL) PARALEGAL  
SPECIALIST I (MUNICIPAL  
LAW) - TOWN ATTORNEY'S  
OFFICE (LORRAINE BERARDO)

Co. Maloney offered the following resolution:

RESOLVED, that Lorraine Berardo, 18 Bonnie Lane, New City, New York, is hereby appointed to the position of (provisional) Paralegal Specialist I (Municipal Law) - Town Attorney's Office - at the current 1988 annual salary of \$32,347.00, effective December 5, 1988.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1139-1988)

APPOINTING TO THE POSITION  
OF MEMBER - CLARKSTOWN DRUG  
ABUSE PREVENTION COUNCIL  
(MARILYN BERTA)

Co. Maloney offered the following resolution:

RESOLVED, that Marilyn Berta, 41 Snowdrop Drive, New City, New York, is hereby appointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1988 and to expire on November 29, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1140-1988)

APPOINTING TO POSITION OF  
MEMBER - CLARKSTOWN DRUG  
ABUSE PREVENTION COUNCIL  
(NELLIE DONNELLY)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1140-1988)

RESOLVED, that Nellie Donnelly, 11 Hawk Street, Pearl River, New York, is hereby appointed to the position of Member - Clarkstown Druge Abuse Prevention Council - to serve without compensation - term effective November 30, 1988 and to expire on November 29, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1141-1988)

APPOINTING TO POSITION OF  
MEMBER - CLARKSTOWN DRUG  
ABUSE PREVENTION COUNCIL  
(JOHN FELLAS)

Co. Maloney offered the following resolution:

RESOLVED, that John Fellas, 4 Ridge Road, Congers, New York, is hereby appointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1988 and to expire on November 29, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1142-1988)

APPOINTING TO POSITION OF  
MEMBER - CLARKSTOWN DRUG  
ABUSE PREVENTION COUNCIL  
(PETER STECKLER)

Co. Maloney offered the following resolution:

RESOLVED, that Peter Steckler, 32 Concord Drive, New City, New York, is hereby appointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1988 and to expire on November 29, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1143-1988)

CREATING POSITION OF  
CONSTRUCTION INSPECTOR -  
HIGHWAY DEPARTMENT

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 21, 1988 that the position of Street Construction Inspector - Highway Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Street Construction Inspector - Highway Department - is hereby created - effective November 30, 1988, and be it

FURTHER RESOLVED, that the Grade for the position of Street Construction Inspector is hereby established at a Grade 25.

Seconded by Co. Smith

Councilman Kunis said it would appear that this gentleman is going to be in charge of new road construction. Supervisor said road openings primarily. Councilman Kunis said we are in a fiscal crunch and we just voted to authorize \$1.7 million in revenue anticipation notes. We are not going to be building roads probably until the spring since all the blacktop plants are closing. If we do create this position, we create it in the spring of the year in March or April when these plants start producing blacktop and roads are being constructed again rather than now where there really would be no work. The position is a needless position to create for the months of December, January, February, March and part of April.

Supervisor said it involves road openings for O & R, Spring Valley Water Company, etc. which are things that go on throughout the year. That is the reason the Highway Superintendent recommended this. Councilman Kunis said he described this as for new roads and he said there was another position of Street Supervisor who supervised all road rehabilitation. He stated that the former Highway Superintendent did away with the position and he (Councilman Kunis) did not feel it was incumbent upon us to create positions especially with the State reducing aid and funding in 1989. He reiterated that we should be fiscally conservative and he could not see us creating a \$30,000 or \$40,000 position especially before the winter when there is going to be no work for this gentleman. He said he would like to table this resolution.

His motion received no second and so the vote was taken on the original motion.

On roll call the vote was as follows:

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

Councilman Maloney wanted it noted that he was voting yes because he understood that this position is a person that will supervise everytime there is a road opening. When O & R or the water company opens a road we want to make sure that we get paid the amount we are supposed to be paid for opening that road and that they repair the road and put it back in the condition that will be safe for the people of the Town of Clarkstown to travel on. He said the position is important and he was voting yes.

RESOLUTION NO. (1143-1988) Continued

Councilwoman Smith said the person who will fill this position comes off a qualified list so she was voting yes.

Supervisor Holbrook said he would just echo the comments of Councilman Maloney and Councilwoman Smith in regard to the need for this person. It is not an additional employee but a person who is presently on staff. He said he did understand Councilman Kunis' comments and they are well intended but this was necessary with regard to the maintenance of our roads. He voted yes.

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RESOLUTION NO. (1144-1988)

CREATING POSITION OF  
SUPERVISING REAL PROPERTY  
APPRAISER - ASSESSOR'S  
OFFICE

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 26, 1988 that the position of Supervising Real Property Appraiser - Assessor's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Supervising Real Property Appraiser - Assessor's Office - is hereby created - effective January 1, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1145-1988)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
TWO (2) HYDRANTS (1)  
SOUTHEAST CORNER OF DUSTMAN  
AND KIAFFA COURT AND (2)  
NORTHWEST KIAFFA COURT 250'  
INTERSECTION OF ROAD -  
INVESTIGATION NO. 10446

Co. Smith 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:

Two (2) hydrants as follows:

S/E corner of Dustman and Kiaffa Ct.  
N/W Kiaffa Ct. 250' Intersection of Road

Investigation No.: 10446, and be it

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

Seconded by Co. Maloney

RESOLUTION NO. (1145-1988) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1146-1988)

RESCINDING RESOLUTION NO.  
(1061-1988) WITH RESPECT TO  
HOLDING SPECIAL TOWN BOARD  
MEETING RE CLINTON SQUARE  
PLAZA, INC.

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 1061-1988 adopted by the  
Town Board on November 3, 1988, with respect to holding a Special  
Town Board Meeting regarding proposed zone change of Clinton Square  
Plaza, Inc., property, is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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With regard to the following resolution Supervisor  
Holbrook noted that on December 6, 1988 there will be a special  
meeting here in Town Hall regarding Columbia Gas and his suggestion  
would be to have the Clinton Square Hearing on December 8th. He  
said he raised that point because if there is going to be another  
meeting here that night with a couple of hundred people in  
attendance it may be a problem. He said that meeting is scheduled  
for the Auditorium and we have the large meeting room (311)  
upstairs. It is really a judgment call by the Town Board but he  
felt we could seat more people in the auditorium so the 8th would  
probably be a better date. Councilman Maloney asked could the  
Columbia Gas meeting be moved to upstairs if we keep to the December  
6th date? Supervisor said it would depend on how many people show  
up for their meeting.

RESOLUTION NO. (1147-1988)

SETTING SPECIAL TOWN BOARD  
MEETING RE ACTION UPON  
PETITION OF CLINTON SQUARE  
PLAZA, INC. (LIO DISTRICT  
TO MRS DISTRICT)

Co. Maloney offered the following resolution:

RESOLVED, that there shall be a Special Town Board  
Meeting On December 6, 1988, at 8:00 P.M., to be held in the  
Auditorium of the Clarkstown Town Hall, to act upon the petition of  
Clinton Square Plaza, Inc., seeking a zone change from an LIO  
District to an MRS District.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (1147-1988) Continued

On roll call the vote was as follows:

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

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On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance (106-19F - Floor Area Ratio), was opened, time: 8:40 P.M.

On motion of Councilman Carey, seconded by Councilman Maoney and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance (106-19F - Floor Area Ratio) was adjourned to December 27, 1988, time: 8:44 P.M.

RESOLUTION NO. (1148-1988)

GRANTING EXTENSION OF TIME  
TO CLARKSTOWN PLANNING  
BOARD TO SUBMIT  
RECOMMENDATIONS RE PROPOSED  
AMENDMENT TO ZONING  
ORDINANCE SECTION 106-19F

Co. Carey offered the following resolution:

WHEREAS, the Clarkstown Planning Board has requested an extension of time to review and make recommendations on the proposed amendment to the zoning ordinance with respect to Section 106-19(F), Floor Area Ratio for multiple family uses;

NOW, THEREFORE, be it

RESOLVED, that the time to review and make recommendations on the proposed amendment is hereby extended to December 15, 1988 and the Public Hearing regarding same is adjourned to December 27, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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On motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the Public Hearings re: Amending Town Code (Chapter 89 - Condo) scheduled for 8:05 P.M. and Amending Town Code (Chapter 29 - Condo) scheduled for 8:10 P.M. were opened, time: 8:45 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearings re: Amending Town Code (Chapter 89 - Condo) and Amending Town Code (Chapter 29 - Condo) were closed, DECISIONS RESERVED, time: 9:15 P.M.

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amending the Official Map (Industrial Road, Valley Cottage), was opened, time: 9:16 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amending the Official Map (Industrial Road, Valley Cottage) was closed, DECISION RESERVED, time: 9:55 P.M.

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On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Zone Change from RS/CS District to MF-4 District, was opened, time: 9:56 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Zone Change from RS/CS to MF-4 was closed, DECISION RESERVED, time: 11:45 P.M.

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the TownBoard Meeting was declared closed, time: 11:45 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/29/88

8:40 P.M.

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

RE: AMENDING ZONING ORDINANCE (106-19F) - FLOOR AREA RATIO

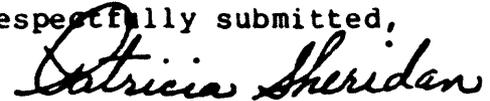
On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Supervisor Holbrook said the purpose of this on motion of the Town Board Members was to try to come up with some appropriate floor area ratios. The Clarkstown Planning Board has written to us asking that we hold off on this. He read a memo from Mr. Yacyshyn requesting an extension of time to review this. (This letter is on file in the Town Clerk's Office.)

Supervisor requested that we grant the Planning Board until December 15, 1988 to make their review and recommendations and that we adjourn the public hearing to December 27, 1988.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared adjourned to December 27, 1988, time: 8:44 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARINGS

Town Hall

11/29/88

8:45 P.M.

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

RE: AMENDING TOWN CODE (CHAPTER 89 - CONDO)  
AMENDING TOWN CODE (CHAPTER 29 - CONDO)

On motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the Public Hearings were declared open. Town Clerk read notices calling Public Hearings and testified as to proper posting and publication.

Supervisor said the genesis of these two particular hearings came out of a problem that exists in a condominium development in the Town of Clarkstown. Some of the common elements have not been constructed for many years. Councilman Kunis made the suggestion that the Town take some action in this regard and this is what we have before us tonight. Supervisor asked Mr. Geneslaw, Town Planning Consultant, to comment on this.

Mr. Geneslaw explained that the primary purpose of both proposed amendments is to assure that common recreation facilities in condominium, cooperative and home owner association developments are completed before a substantial number of the residents move in. There have been a couple of recent problems with a few developments where people have moved in, facilities have been promised and have not been provided. This is an attempt to try to ensure that those facilities are provided well before the majority of people move in.

Town Attorney stated that the Town Planning Board:

" respectfully recommends that, in lieu of the proposed amendments to the Code, this control should be incorporated into the Site Plan Regulations.

It is further recommended that, in lieu of the specific number of 25% when common facilities shall be installed, this should be within the purview and responsibility of the Planning Board, to be determined at the time of final site plan review."

Town Attorney said basically they are not saying they are opposed but are saying this should be handled through the Site Plan Regulations.

Town Attorney stated that the Rockland County Planning Board recommended approval. He said Mr. Geneslaw recommends that no SEQRA findings are necessary.

Supervisor asked if any member of the public wished to speak either for or against or to make a comment.

Appearance: Mr. John DiAlberti,

Mr. DiAlberti stated that he was the builder of Village Gate at Nyack Townhouses and is also the First Vice President of the Rockland County Builders Association and that is who he is here representing. He said they are in agreement that there is a need for protection for the homeowners. He said they were sorry that this situation has arisen but this is a way to control some of the existing problems. He said one suggestion they would make is where it is 25% they would like to raise that to 51% the reason being that the builders feel, if by chance, the job was going along and 25% or 30% of the people actually moved in and for some reason the job stopped - the builder went south, or went broke, or decided to leave - the 30% of the people now there would have to carry all of the

Continued on Next Page

common amenities. That would triple or maybe quadruple their common charges. The common charges are around \$150.00 per month in this county. If you quadruple that it is an unmanageable amount of money to come out someone's pocket every month.

Mr. DiAlberti went on to state that it would also open the door for the buyers to go out to non-FannyMae approved mortgage applications which, in essence, makes it quicker and cheaper for a home buyer to get a mortgage. By limiting it to 25% you're in essence hurting the homebuyer more than trying to curtail the builder. He reiterated that their recommendation was to raise it to 51%.

Appearance: Mr. John Booth

Mr. Booth stated he was the builder of Mount Vernon Manor in Clarkstown. He said he supported Mr. DiAlberti's suggestion. He said most financial institutions will not finance or give mortgages to homeowners who want to buy in a condominium or a coop or a homeowner's association if the recreational amenities are in before 51% of the units are sold. If the amenities are put in after or a bond is put up then the homeowner can go to almost any financial institution and they will lend if 51% of the units are sold. He said they will also have a bond or a letter of credit for one year and if necessary for a second year. This protects the Town and the individuals who would be buying into the units.

Appearance: Mr. Alan Katz

Mr. Katz stated that he lives in the Village Green Condominium Complex. He said the proposal is most fair to the home buyers, maybe not to the builders, but they are the ones making the money. He said the number of 51% before the recreational facilities are done is a magic number to the builder but it is not a magic number to the 51% of the homeowners who are living there (some of them up to two and one-half years.) He said the fact that people might be able to achieve a lower rate on their mortgage is academic as no one will want to move into a complex until all the facilities are done. He said the onus of common charges has always been on the 25% or 26% or 27% for the first two or three years to pay off whatever common elements exist. He said they have been paying roughly three quarters of the anticipated common charges for two years without any of the facilities being in. He said they pay an average of \$100.00 per month and the pool and club house facilities are not even near completion.

Mr. Katz said the FannyMae approval is not an issue here. The issue is how can we best ensure that the builder complete his end of the bargain when we go to the real estate office and see the pretty models with the pretty pools and the pretty tennis courts. He said drive down to his facility on a rainy day and see the pretty mud bogs and pretty piles of dirt. He said it is time to keep in mind the average person - the people who are putting out the money, the people who grew up in the Town as he did, and can only afford to live in a condominium and can't afford to live in a house but will only do so if we are going to get the value that we feel is there in the condominium complex. Without the facilities being built there is really no point to living in that kind of an environment. He urged the Board to vote for the approval keeping in mind not the abstract 49% two or three years down the road but the concrete 25% to 40% of the people living there now.

Appearance: Mr. Joseph Centra,  
Clarkstown Planning Board  
West Nyack

Mr. Centra said the feeling of the Planning Board is to leave it up to Site Plan Approval where we would have the complexity of the project before us. He said he was sure they would do what

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they think is right both for the Town and for the 25% to less than 51% of the people. He said if 51% is a holdback maybe it would ensure that the builder do something to make his particular sight pretty. He would then sell the other 75% very quickly.

Councilwoman Smith asked if he were suggesting a map note? Mr. Centra said a map note at the time of site plan approval. Depending on the complexity we may alter it. Councilwoman Smith said if we left the minimum percentage would you have the right to waive that? Mr. Centra said he would rather not see a minimum 25% but depending on circumstances maybe there should be. Councilwoman Smith said we have nothing none. Mr. Centra said he was aware of that and it is wrong.

Supervisor said there are people living in a complex and we have taken the carrot and stick approach to get the cinderblock foundation up on a clubhouse, in terms of CO's and permits.

Mr. Centra said he would accept the minimum but he was only speaking as one member of a board of seven.

Mr. Geneslaw said what the Planning Board was largely concerned about was whether having the specific requirement would force a specific physical design on the project in terms of the location of the recreation facilities so that they are accessible during the course of construction of let's say the first 25%. The feeling of the Board was the scheduling of the construction of the common facilities in timing terms should not force a physical solution. The physical site plan should be the primary determinant and there should be some flexibility in being sure the common facilities are provided.

Councilwoman Smith asked if the whole Planning Board wanted to look at this again and we could just reserve decision on this. Mr. Centra said again speaking as one member maybe we should because he was also thinking of sectioning. Once we go to sectioning he would like to apply that minimum.

Supervisor said if we say 51% but that if there would be any modification from that the Planning Board would have the right to modify that figure. Mr. Centra said 51% is high. Councilwoman Smith said that would be the maximum. This would have to be reworded so that the maximum would be 51% but the Planning Board has the right to set a lesser percentage.

Councilman Kunis asked what is it when you have one common area to service four different condominium associations? Mr. Centra said they are trying to prevent that. At site plan you could make specific adjustments depending on what is contemplated. A certain proportion of the proposed recreational facilities could be done at each stage. He said we would then have better control keeping in mind the Town's goal.

Mr. Geneslaw said the maximum of 51% giving the Planning Board the flexibility up to that point would be a good way to go.

Councilman Kunis asked could the letters of credit be geared to where a builder has to have it done in x amount of time and if not that money is turned over to the association and the association can go out and do their thing and build it? Mr. Geneslaw said perhaps that could be done but he would want to confer with the Town Attorney before suggesting that. He said in the end if the letter of credit is not adequate to do the recreation facilities that were intended, how would the gap is covered. He said his real preference would be that the letter of credit is put up by the developer and the developer be responsible for the facilities not that the association has to take over and construct and possibly cover the gap.

Appearance: Ms. Marion Maher

Ms. Maher said she is a condominium owner and the Chairman of the Condominium Information Board. She said for many years private one family homeowners fought long and hard to be protected by the laws of this town. She felt it was very important for condominium owners to be under the Town Board's protection. Many times condominiums are more expensive today than the homes purchased ten or fifteen years ago. They are as expensive today as many single family homes. They are a choice of living and you buy the whole way of life. Everything you expect should be there and if it is not we have no where to turn. She stated that the Town Board had the power to make sure that some of the promises that the builders make are kept. The Clarkstown Planning Board is an advisory board and has no power under the law. She said she wanted to see this in the law and have the builders be responsible to the law.

She said this problem of the amenities is not new but has existed for many years. Condominium owners did and do have problems. The condominium owner should be able to have the same type of protection written into the law as that required of commercial properties such as the Pyramid Corp. She urged the Town Board to consider protecting the condominium owners. She said if you are not going to require the 25% then she would expect that maybe you would put in a requirement for a performance bond and make sure the money is there.

Appearance: Mr. Axel Graff

Mr. Graff stated that he was with Timberline Associates, a partner in the construction of condominiums at Kingsgate. He said he is in support of the bill as introduced by Councilman Kunis. He supported the change of percentage to 51%. He said if the bill provides that the builder or developer issue a letter of credit or a bond the homeowner is very protected. He said none of the responsible builders in this county would want to leave a project unfinished. He said he believes that there are only one or two projects that have failed to perform. He said they do not want to be put into a position where 25% is so restrictive that the job can't be properly scheduled in terms of construction or it might even impair other financial considerations.

Mr. Graff said if the Board is not inclined to raise it to 51% possibly then it might be better that the Planning Board does have some site jurisdiction in regulating each specific incident rather than make a general rule that might be restrictive to all the builders in the county.

Councilman Kunis said he thought it was incumbent upon the Board to be responsible for whatever number the Board sets and the bonding. If it becomes a local ordinance it then becomes a part of the prospectus which is issued by the State Attorney General. When the buyer is purchasing a condominium he gets a copy of the prospectus and as purchaser of the condominium will know in black and white as per this prospectus how much has to be completed, when and how the common elements will be completed and how much it is going to be bonded for. If it goes to the Planning Board he did not think that could be accomplished and probably the purchaser of a condominium unit would be offered less protection. If it is our goal to offer protection to the purchaser of a condominium unit it should become law, controlled by the Town Board so it becomes part of a condominium or cooperative prospectus.

Appearance: Mr. Kenneth Torsoe  
Normandy Village

Mr. Torsoe stated that he feels there should be protection for the buyers. He said there should be an appeal

Continued on Next Page

PH - Amendment to Town Code - Chapters 29 and 89 (Condo)  
Page 5

process so nothing is concrete. There should be something done so that you are not locked in and you can't go anywhere. Provision should be made for the unexpected. You could double the amount of a letter of credit so that you know no one can get hurt. If it goes to the Planning Board there should be some sort of a minimum or maximum. He said the 51% has some merit but some flexibility should be worked in. He would even like to see somewhere between 25% and 51%.

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

Mr. Lodico said he thinks the number should be written in stone and should be a part of the local law. The number may be too small and maybe it should be in between the 25% and the 50% but it should be specific. It should apply to every builder that comes into the Town. If it is clear and in the law maybe even 30% might be appropriate. He said with regard to money being held in a letter of credit rather than being a carrot on a stick it should be a club to guarantee homeowners would be protected. Each person should have equal justice under the law.

Supervisor said the Town Board is intent upon doing something with this. He said perhaps we can reserve decision tonight and contemplate taking this at the next workshop session because this has been a problem which we want to address. Supervisor said we will take this up at the next workshop after December 6th.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the two Public Hearings were closed pending discussion at the Town Board Workshop after December 6th, DECISIONS RESERVED, time: 9:15 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

191

Town Hall

11/29/88

9:16 P.M.

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

RE: AMEND OFFICAL MAP (INDUSTRIAL ROAD, VALLEY COTTAGE)

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.

At the request of the Suervisor, Mr. Robert Geneslaw, Planning Consultant, stated that the purpose of the hearing is for the Board to consider placing back on the Official Map the portion of roadway that the Town took off the Official Map some time ago. The history goes back approximately 15 to 20 years when the site plan approval was originally granted for the shopping center that now has the A & P in Valley Cottage. The original plan for that called for an industrial road to be built to extend up to what was the Hoffman properties which at that time were undeveloped. When that site plan was approved a map note was included that the road would be built at such time as the properties to the north were developed. The Valley Cottage Post Office was built shortly thereafter. The ownership of the then approved, but unbuilt, balance of the site plan changed. The new owner built the shopping center. When the Clarkstown Executive Park project came in the Planning Board looked at it with reference to that industrial road and anticipated that the industrial road would eventually be built. More recently the Town Board took the portion of that road that runs through the shopping center property off the Official Map. The Planning Board is recommending that it go back on the Official Map.

Town Attorney stated that the Rockland County Planning Board approves. He said the Town Planning Board approves. The Planning Consultant, Mr. Geneslaw, tells us that this did not require further environmental review.

Supervisor said he believed that this change was on the Town's own motion.

Councilwoman Smith asked Mr. Geneslaw if we put this back on the map where is it going to go? Mr. Geneslaw said it would be placed on the map where it was before. It would leave Route 303 at what is now the northerly entrance to the shopping center just south of the Quick Oil Change business. He said it could eventually go through.

Councilwoman Smith said what do you do with the building that is sitting in the middle? Mr. Geneslaw said he did not believe there is a building sitting in the middle. Councilwoman Smith asked could the road go from Corporate Way all the way down to Food Emporium? Mr. Geneslaw said he believed it could. Councilwoman Smith asked if he was sure? Mr. Geneslaw said there was a question the last time it was at the Town Board about the Marangi property and he said he brought along the approved site plan for Marangi because it shows where the location would be in reference to their buildings and it includes a note that the right of way would be provided for it at such time as the allignment has been established.

At this point reference was made to the map. Mr. Geneslaw said there is a note in the upper left hand corner indicating that a right of way would be provided at such time as the allignment is known and there is a notation showing where Corporate Way met the property at that time and where Tramquill Avenue, which is an unimproved street, met the property. Councilwoman Smith asked

Continued on Next Page

if condemnation was required to make this road go all the way through and come down? Mr. Geneslaw said he did not think it would be because there is a map note on the approved drawing that indicates that provision would be made for it. At this point there was extensive discussion and reference using the map mentioned among the Town Board Members and Mr. Geneslaw.

Supervisor asked if there was any member of the public who would like to ask a question or make a comment with regard to this proposal.

Appearance: Mr. Donald Tirshwell  
11 Lisa Lane  
New City, New York 10956

Mr. Tirshwell said he believed the open meeting law requires that everyone hear what goes on. Mr. Geneslaw just had a conversation where he left the microphone and came up and spoke with the Town Board. Mr. Tirshwell said he was sitting in the audience and could not hear a word.

Supervisor asked Mr. Geneslaw to recapitulate the discussion just had with the Board. Mr. Geneslaw stated that he explained to the Board Members, using several maps that were in the Planning Department file, what the alignment of the road would be. We indicated that a portion of the road has already been built on the Clarkstown Executive Park property for roughly half to two-thirds of its length from Route 303. He said they also indicated that the triangular portion of the Marangi property through which the road would pass and we noted to the Board members the map note on the approved Marangi map that indicated that an easement would be made available for the alignment once the alignment was established. Mr. Geneslaw stated that he also illustrated to the Board the location of the road on a reproduction of the tax map and on an overall plan showing how it would affect the Grossman property, the shopping center property. It was simply an explanation to the Board members of the various pieces of the road as it related to those properties and to the undeveloped Hess and Scios properties which is adjacent to Marangi.

Appearance: Ms. Daralyn Irvin

Ms. Irvin asked if this road comes from Route 303 and goes between the A & P and this Clarkstown Lube will it come out on Green Avenue or onto Kings Highway. She was told no. Supervisor said it will come out opposite the animal hospital onto Route 303.

Appearance: Mr. Richard Grossman

Mr. Grossman stated that his family is the owner of the shopping center. He stated that this road terminates at their entrance onto Route 303. Presently that entrance is exclusively for the use of the shopping center tenants and their customers. He said they believe if this road is constructed that it will be a danger to the shopping center customers. The customers will be making left turns or right turns off Route 303 and into the new industrial road and then have to make a left turn into the shopping center. There will be traffic on the industrial road and he said they don't believe that the shopping center customers should have to mingle and cross left turns and right turns between them and the trucks.

Mr. Grossman said he did not see the drawings but if you look at them he was sure you would see the proposed road makes a sharp left curve as it goes through his property and approaches Route 303. That means that the truck drivers coming down the industrial road will be making a left to become perpendicular with Route 303 at the same time as the women who are going into the shopping center are making a left turn in front of the trucks to get into the shopping center or if they are exiting they have to make a

Continued on Next Page

PH - Amendment to Official Map - Industrial Road, Valley Cottage  
Page 3

right turn where he can't see them. We think it is a very dangerous condition. He said they are experienced shopping center developers and he does not know of another condition where you have an industrial road coming through the entrance of a commercial shopping center. He said it was unwise from his point of view and unwise from the Town's point of view. You presently have Route 303, which is a State highway and which is maintained by the State and carries this traffic. You have a wonderful intersection at Clarkstown Industrial Park where these trucks can come out onto Route 303 and they they travel on a high speed state maintained road. What you are doing here is shunting them onto a road that will be owned and maintained by the Town which isn't going to be nearly as good a road to carry it and it is a much more expensive proposition for the Town because the Town is going to have to maintain that road no matter who you get to build it.

Mr. Grossman said at the present time there is a very lovely stream right in the spot where that road comes in. He said they went to great effort to landscape it and we have rip rap banks on it. It is a lovely little thing and it goes behind several homes and continues towards the industrial park. If you build this road that stream goes into a pipe and that's the end of the entire wetlands.

Councilman Kunis said when you built your center about seven or eight years ago did you commit yourself to build that road? Mr. Grossman said when we bought that property the post office was built but the shopping center wasn't. The map note was already on the property and we bought it subject to that but the point is that the map note that is on there doesn't obligate us to build that section of road through our property until we build on the north end of our property. We don't intend to do that because we don't want this road through the shopping center. He said you may check that with Mr. Geneslaw. Councilman Kunis asked Mr. Geneslaw if that was correct.

Mr. Geneslaw said that he and Mr. Grossman have disagreed at times in the past and he said if you review the minutes of the original approval which predated Mr. Grossman's involvement and mine, he thought the original intention of the note when the shopping center was approved fifteen or twenty years ago was that the road would be put in either when the owner of the shopping center property developed the shopping center or when the development of the properties to the north required it as requested by the Town. He said neither one of us was involved with the Town at that point but that is his recollection of what the intent was. He said certainly we can go back and review the minutes.

Appearance: Ms. Kathy Bremner

Ms. Bremner said she lives officially on Green Avenue but it is really off Green Avenue bordering on the shopping center. She said her concern with the noise level which a sixty foot wide road will generate and also even with the shopping center there especially in the summer we get lots of kids hanging out. She said she has seen where that road is going to go and she can just picture it as a drag strip. She is very concerned about that.

Supervisor asked Mr. Geneslaw if the road were not to be completed what impact would that have on Green Avenue and some of the other properties located there. Mr. Geneslaw said the traffic is going to be there in any case because development approval's have been given for all but one or two properties. If the road is not built the traffic from the Clarkstown Executive Park will all come out on Route 303 at the present entrance. The shopping center traffic will come out where it now comes out. With the connection there are more choices for the traffic to go back and forth. Mr. Geneslaw said he did not think there was an effect on the homes on Green Avenue either way.

Continued on Next Page

Ms. Bremner said she disagreed. She thought a sixty foot wide road is going to offer a lot of choices for a lot of people. Right now it is fairly controlled. She said she could understand why they want the road there but she also thought we should consider the noise level, the buffering we are going to get, if any, there and she definitely saw that as a drag strip for the teenagers who are now hanging out at the shopping center.

Appearance: Mr. Arnie Garalick

Mr. Garalick stated that he was one of the developers of Clarkstown Executive Park. He said when they designed the subdivision for the industrial park they designed it with this road going through. He said their plan was for the road to go through. He said it is important for their traffic. They added the four sections filed. They built every piece of road that was on their maps. They need the road through for their traffic - for tractor trailers that are coming in and out. He said he thought just putting this road as a map as you have done in the past is not enough. He said the Town has to go beyond that and actually do a condemnation and take this road and build it because to put a map note and a mapped road or a right of way that's never going to be built is useless. He said the road should be built right through to Route 303.

Councilman Maloney said do you understand that this might be your responsibility to build this? He said did he understand Mr. Geneslaw correctly? Mr. Garalick said they designed the road on their property to go to the end of their property but what we are saying is to build a road to nowhere doesn't make sense. We think the Town should take over, take the property from our road to Route 303 and get that built. Not just put a line on a map.

Councilman Maloney said you mentioned condemnation. He said we asked that question but evidently there is no condemnation that has to be done from what we gather. Mr. Garalick said there are several properties between his property and Route 303. Mr. Geneslaw said if the Town wanted the road to be built immediately then condemnation would be necessary. The proposition that is before the Board is simply placing it on the Official Map. As the few intervening properties come in for development one of the requirements of approval can be that they build a portion on their own property.

Councilman Kunis said then in other words you are going to place it on a map and when they come in as part of their approval they will have to build a road so there will be no condemnation proceedings unless the Town request that it be immediately done. If the Town does not request that it be immediately done, where does this developer stand? Does he have to build a road to nowhere or is he entitled to build his road when the rest of the road is going to be built. Mr. Geneslaw asked are we referring to Mr. Garalick. He was told yes. Mr. Geneslaw said he needs most of it to service the lots he is developing.

Mr. Garalick said that Mr. Geneslaw just stated for the public record that most of the properties between his property and Route 303 have already been approved. Mr. Garalick stated that not one of those properties has any road built, ordered or anything else by the Planning Board, who so desperately wants this road. They have approved most of the sites with no condition of any road going through and not making anyone else build that road. If that road is to be in there the only way that road is going to be built is if the Town builds it. They have not put a condition on any of the people who have been approved to put in one inch of road.

Councilman Kunis asked what people have been approved whom Mr. Garalick is talking about? Mr. Garalick said Tramquill

Continued on Next Page

property, Marangi property. They have final site plan approval and they do not have to build one inch of road. Councilman Kunis asked Mr. Geneslaw if that is correct? Mr. Geneslaw said a note on the Marangi map states that they would make an easement available for the portion of the road that crosses the triangular corner of their property. There is no reference on the map as to who would bear the cost. He said Mr. Garalick is bearing the cost for the portion on his property.

Councilman Kunis asked on the original map, before it was demapped, was Mr. Garalick's corporation responsible for this entire road. Mr. Geneslaw said only the portion on their property. Councilman Kunis said only on their property, not the portion that is to come out on Route 303. Mr. Geneslaw said from Route 303 down to the Marangi property. Councilman Kunis asked if Mr. Garalick was responsible for the piece back of Cefola and coming out on Route 303 to Food Emporium? Mr. Geneslaw said no, Mr. Garalick's responsibility stopped north of the Cefola property. Councilman Kunis said this was taken off the Official Map by the Town Board. He asked if Mr. Garalick requested that? Supervisor said he could not recall how it occurred but he (the Supervisor) was on the Board at the time. Councilwoman Smith said no he did not request it. Councilman Kunis asked was that to satisfy the Marangi building in any way by any chance. Mr. Geneslaw said he did not recall the chain of events but it was around the same time.

Councilwoman Smith said she was confused now. She said when she asked Mr. Geneslaw if the road went in was it to go all the way out to Route 303 without condemnation you said it could. Mr. Geneslaw said he thought it could go all the way out to Route 303 without condemnation of property or buildings? Councilwoman Smith asked how does that happen if they are all in with approvals and they don't have to build a part of the road? Mr. Geneslaw said he did not agree with Mr. Grossman that they are only required to build if they chose to develop the balance of the property. He said they may not need a portion over Tramquill. The biggest missing link would be the portion along Hess and Scios. They have not come in for development approval. Mr. Garalick said that is a piece that is 140' wide and you would take 64' of it out to build a road leaving them with approximately a 74' long strip of property if the portion were to be built on Hess and Scios alone. Councilman Kunis asked Mr. Geneslaw if that was correct? Mr. Geneslaw said that is basically correct if it were built on Hess and Scios alone.

Councilman Kunis asked if Mr. Garalick is responsible to build on his piece of property why wouldn't Marangi be responsible to build on their piece of property and Grossman on his piece? Mr. Garalick said a florist has been approved there, which also abuts the property - greenhouses on Route 303 and no provision was made for any type of road in the back of their property. Mr. Geneslaw said he could not give any answer for that. It may have been a combination of the Planning Board and the Town Board in taking the road off the Official Map. He said he would have to check the sequence but what he believed happened is that the Town Board took it off the map while the Planning Board was making some site plan approvals. Since the Town Board had taken it off the map the Planning Board felt they were not going to get the road in the future.

Councilwoman Smith said she believed that the Planning Board would want that road to go all the way through. Mr. Geneslaw said that's true and that is why it is back here tonight. Councilwoman Smith said it is almost a farce to put it back on if we are not going to cost out what it would cost for condemning it and getting it all the way out or find out if these people are going to put a road in. She said if we are going to do it we have to do it all the way or there is no purpose in putting it back on the map. Mr. Geneslaw said are you suggesting that the Town would have to construct it? Councilwoman Smith said she is saying that first of

all we should approach these approvals - look at them and see if their road piece can be put on it and if not we are going to have to cost out what it would be to condemn a piece to put it on. Mr. Geneslaw said you don't need to do that in order to put it on the Official Map. What you could do is put it on the Official Map, if you think that is appropriate and as development requests come in to evaluate what the circumstances are. Councilwoman Smith said IF they come in.

Councilwoman Smith said right now we are trying to relieve this problem at the main entrance and Corporate Way. Just to put it on the map for the sake of putting it on the map is not the solution. Mr. Geneslaw said if you don't put it on the map the Planning Board has no direction from the Town Board. It would be more difficult for the Planning Board to require the right of way to be kept open as part of a site plan approval for one of those projects if the Town Board takes no action. If it is on the Official Map at least the Planning Board has a tool to work with. Councilwoman Smith said she felt we should take thorough action. She would like to reserve this right now, contemplate putting it on the map and then finding out how we get it all the way to Route 303 within a year or two not waiting for when they come in for development. Mr. Geneslaw said if you want to do that it will require the expenditure of Town funds. Councilwoman Smith said right, she wants to cost it out.

Councilman Carey asked how many feet are we talking about on this road roughly. Mr. Geneslaw said about 800 feet. Councilman Maloney said is that for condemnation? Mr. Geneslaw said he could not answer that because there is a difference of opinion between Mr. Grossman and himself, for example, as to whether or not he is committed to build it if he doesn't build more buildings.

Councilman Carey said if we can get some sort of figure as to how many feet we are talking about what would it cost the Town to build this road? Mr. Geneslaw said he certainly could not answer that now.

Councilman Kunis said what if the property was not demapped two years ago? Mr. Geneslaw said it might be that the Planning Board would have come to a different conclusion on Marangi for one thing. Councilman Kunis said would it have been a saving to the Clarkstown taxpayer? Mr. Geneslaw said it is hard to answer because we could have gotten the alignment and the land set aside at that point. To actually build the portion on Marangi several years in advance of being able to build a connection to the outside would have been problematic so maybe they would have been asked to either build that portion or put up a letter of credit or make some provision for future construction when the road got to their property line. Mr. Garalick and his organization were not ready at that point to construct down to the Marangi property line.

Supervisor said a number of Town Board members want to make sure that there is no impediment in the way of this proposed mapping and look at again. He said we can evaluate how many feet there are and what cost this would be if the Town were to undertake this some time in the future or if we can compel the other property owners.

Appearance: Mr. Joseph Centra  
Clarkstown Planning Board

Mr. Centra said as he recalls the Town Board first demapped it and then the Planning Board was limited to what it could do with the Marangi property. The Planning Board prefers a road going through. He referred to a previous comment "What is the purpose of mapping it if it is not going to be built." He said he thinks that's what we call planning. If we map it, we plan ahead for it and we do the job properly. Whether it is paid for tomorrow, or a

Continued on Next Page

PH - Amendment to Official Map - Industrial Road, Valley Cottage  
Page 7

year from now or five years from now is another point which you want to investigate but it has to be on the map for planning to continue.

Councilwoman Smith said it should be simultaneous. It can be in conjunction one with the other. If we are going to put it back on then let's make sure that it goes all the way out.

Councilman Kunis said is planning, mapping it - taking it off a map, giving a builder a right to put a building up and then coming back two years later and asking to remap. Is that planning? Supervisor said the Planning Board was not at fault there. Supervisor said you have to blame the Town Board for that one. Councilman Kunis said he understands that but when you say planning, is that planning Mr. Centra? Mr. Centra said that was planning by others, other than the Planning Board. Councilman Kunis asked Mr. Centra if was on the Planning Board? Mr. Centra said he was not in favor of taking it off the map.

Supervisor said in all fairness the Town Board was responsible for demapping it and therefore the Town Board should take the onus, if that was a mistake, to say it was a mistake to demap it.

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

Mr. Lodico said this road has been on again, off again for over twenty years. He said he believes in free enterprise and the idea of somebody giving an easement doesn't save the taxpayers a dime. If the entrepreneurs are going to utilize this road for their personal, financial benefit it should be built by all those involved and the Town should not be involved in paving or building any roads in this Town.

There was agreement among some Town Board members with Mr. Lodico's comments.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:55 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/29/88

9:56 P.M.

(PLEASE NOTE THERE IS A VERBATIM TRANSCRIPT OF THIS HEARING AVAILABLE IN THE TOWN CLERK'S OFFICE.)

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

RE: ZONE CHANGE - RS/CS TO MF-4 - SUSSEX WEST

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

Town Attorney stated that the County Planning Board approved and that the Town Planning Board approved with conditions. He said there was correspondence from the Clarkstown Board of Ethics which stated that this matter was not a conflict of interest. (Letter on file in Town Clerk's Office.) Mr. Jacobson also read a letter from Rabbi Henry Sosland, a member of the Board of Ethics noting that certain members of the Ethics Committee were uncomfortable with the procedure and the time frame in which they were to decide this matter. (Letter on file in Town Clerk's Office.)

Supervisor Holbrook said a copy of that letter was delivered to him personally by Rabbi Sosland this afternoon.

Councilman Kunis asked if there was any other communication. Supervisor said there was a memo from himself to Mr. Jacobson to look at a couple of points that were raised in a letter that the Organized Taxpayers sent. Mr. Jacobson said he sent a memo in response to the Supervisor's memo which stated that he understood that Mr. Geneslaw was providing a site specific environmental impact recommendation concerning this property and that further investigation is to be made by the Board of Ethics concerning the list of building corporations contained in the Goldman letter of November 22, 1988. Mr. Jacobson went on to state that he believed that no decision should be made immediately after the public hearing to be held on November 29, 1988 concerning the MF-4 designation. Once the investigation concludes, the Board could then make a decision concerning the zone change.

Councilman Kunis asked Mr. Jacobson are you recommending that we reserve decision? Mr. Jacobson said he recommended that we hold the public hearing and reserve decision. Councilman Kunis asked what kind of time constraints are the Ethics Committee talking about? Supervisor said when he wrote the letter he referred it to the Board of Ethics and asked them if they could get an answer back to the Town Board by the 29th of November. They met that time constraint but they didn't have to. They could have taken longer. If they couldn't have gotten together they would have taken longer.

Mr. Geneslaw said he transmitted a brief memo dated today to the Town Board with copies to the Town Attorney and the Town Clerk indicating that in preparing for the meeting we had reviewed the long and short environmental assessment forms that were prepared for the adoption of the MF-4 regulations themselves. He said while the narrative accompanying it describing the environmental impacts referred to the Sussex West site, the short and long forms did not specifically refer to it. He said today they prepared a short form specifically referring to the Sussex West site and indicating to the Town Board that we think the narrative that we had previously prepared which talked about this site and the others and the traffic, tax, school children and other impacts would still apply.

Continued on Next Page

Councilman Kunis asked when this was prepared? Mr. Geneslaw said it had been transmitted to the Town Board today.

Mr. Geneslaw stated that the public hearing notice covered that this was an outgrowth of the Route 59 Corridor Study which, in turn, was an outgrowth of site plan approval request for the same piece of property for which a traffic study prepared by the developer's traffic engineer found that the intersection of Middletown Road and Route 59 would not be able to handle the traffic coming from additional retail development. As a result of that the Planning Board asked the Town Board to take a look at Route 59 in Nanuet and the result of that study was a series of recommendations for zoning changes and a series of requests to New York State Department of Transportation for roadway improvements on Route 59.

Supervisor asked if any Town Board members had any questions?

Councilman Kunis said at 8:00 P.M. we were going to hold a hearing on floor area ratio. He asked Mr. Geneslaw whether he would advise the Town Board whether or not to vote on a zone change of this magnitude without first adopting a floor area ratio plan? Mr. Geneslaw said you are holding off on the floor area ratio. If you were to adopt the zone change tonight and the floor area ratio requirement were to be passed prior to a site plan being submitted or certainly being approved then the floor area ratio would still apply. If a site plan were to be submitted almost immediately before the floor area ratio requirement were passed it might not be subject to it. So it might become a race for approval. On the one hand the site plan by the Planning Board and on the other hand the floor area ratio amendment by the Town Board.

Mr. Geneslaw went on to state that the figure they suggested for the floor area ratio would probably not come into play unless the developer proposed very large units but since we haven't heard from the public he didn't know whether there will be comments offered that would adjust a revision to the number we had suggested.

Councilman Kunis asked Mr. Geneslaw if he had been approached by any developers in Clarkstown who have indicated to you that they would apply for MF-4 in other areas of the Town? Mr. Geneslaw said yes they have and they explained in each case that the MF-4 was designed to reduce traffic generation in the Route 59 Corridor. The form in which we anticipated it to be adopted and in which it was ultimately adopted required that it be within the area covered by the local law that included the moratorium. He said the answer he got from several potential developers was well once it is adopted we will get it moved elsewhere in Town.

Councilman Kunis asked Mr. Geneslaw if it were moved elsewhere in Town what would be more detrimental to the Town - to create additional MF-4 zoning in the Town spreading out through the Town or building this piece of property as zoned? Mr. Geneslaw said that was hard to answer without knowing where in Town the MF-4 might be. Based on the sites that the prospective developers inquired about he said he would be very unhappy to see MF-4 on some of the sites that were suggested as possibilities which were literally miles from Route 59.

Councilman Kunis said we just reviewed a demapping of a road in a prior hearing that was done by the Town Board two years ago. Apparently, the Town Board made a mistake. Supervisor said it was a mistake. Councilman Kunis asked if the Town was making another mistake by initiating a zone change of this magnitude without the applicant, per se, applying? If an applicant were to apply could there be certain conditions attached to a zone change? Can there be some kind of a municipal impact fee attached to a zone change where, if an applicant were applying, the Town could request this as part of a zone change as opposed to the Town giving up these rights by applying for it, itself?

Mr. Geneslaw said that is several questions in one. You have to keep in mind that the original intention of the MF-4 was to try to find an economically reasonable use of the property that would generate less traffic than the retail development that could take place under the present zoning because it was a proposed retail development that brought us to the traffic study and the search for alternatives.

Councilman Kunis said you can't use the word "economics" because we just rezoned two pieces of properties to R-15 and economics didn't play in the rezoning of this property so forgetting the word "economics" please continue. Mr. Geneslaw said when we carry out the study of an area, in this case the Route 59 Study, we look at the land use, the zoning, the traffic, the school children generation, the drainage and other factors and we feel we have to give some attention to the land values in the area. He said he was not saying that the land values determine what the recommendations will be but he said we could not ignore them.

Councilman Kunis said they should determine it. But when the Board can sit here and take a piece of property and reduce its value from regional shopping to single family housing you can't be contradictory and say on the next piece of property, well, we are going to make this MF-4. He said this is one of the reasons that this has come before the Board of Ethics and there are many questions regarding this piece of property. Mr. Geneslaw said he would not comment on the ethics, that is for the Ethics Board, but in terms of zoning other properties to R-15, the others that he can recall in the corridor were Dykes Park Road, where there are already homes that were rezoned from regional shopping, so that the change reflected how the properties are in fact being used.

Mr. Geneslaw said the other one was the church property which is a very large property and that was recommended because the MF-4 regulations were drafted so that MF-4 would only be eligible for a property that prior to that would generate more traffic and since the church property was zoned RS it would generate more traffic. Councilman Kunis interrupted to say "you said more traffic." Mr. Geneslaw said if the church were developed as regional shopping it would develop more traffic than it would as residential. If the church decides to move somewhere else and the zoning had remained RS, the church could come in with a site plan and the Town would have much less control over how the site was used. The church is not a taxpayer in any case. There's no difference in ratables. By changing it to R-15 it gives the Town a little more time in the event that a development proposal comes in should the church no longer wish to use the property for church purposes.

Councilman Kunis said according to Mr. Geneslaw's reports he had read where if this zone change were approved it would cost the Town some \$900,000.00 in annual tax revenue. Mr. Geneslaw said not for the church property. Councilman Kunis said no, for the MF-4 property we are discussing. Mr. Geneslaw said it sounds like an awfully high number for one property but he did not recall the exact figures. Councilman Kunis said in the report there was a \$900,000.00 figure where the Town would lose that amount by rezoning it from RS to MF-4. Mr. Geneslaw repeated that it sounds high but he would have to check. Mr. Geneslaw said we have heard recent arguments that with homestead, residential is a better ratable than commercial.

Councilman Kunis said MF-4 has been created and it appears now that this zone is one piece of property in the entire Town of Clarkstown. He asked Mr. Geneslaw, as a professional planner and from a legal standpoint, did he recommend that? Mr. Geneslaw said we looked at the entire corridor. There were several other properties that were potentially developable under MF-4 given the requirements that the Town Board adopted. The others have not

been suggested for rezoning to MF-4 primarily because there has been no development pressure for them. This is the one that started the entire Route 59 Study.

Councilman Kunis asked who put the developmental pressure on for this one? Mr. Geneslaw said whoever the owner was about three years ago when they came in for site plan approval for retail shopping. He said he believed it was Mr. Weisman but he was not certain. Mr. Jacobson said it was Goldstein, Weisman and Winoker. Councilman Kunis asked and that was about three years ago? Mr. Geneslaw said roughly three years ago. Councilman Kunis said in the interim the property was sold. He asked what happened in 1981? Wasn't it recommended in the Master Plan and recommended by the Town Planning Board that a zone be created for affordable housing and this piece of property would be a fine piece of property for affordable housing in Clarkstown for rentals? Mr. Geneslaw said there was some discussion of affordable housing then and this site was recommended for a higher density by the Planning Board as a part of the Master Plan. Councilman Kunis asked was it for rentals? Mr. Geneslaw said the Planning Board at that time was strongly in favor of rentals. He said there was also some discussion as to whether the property could be zoned exclusively for rental as opposed to say condominium.

Mr. Geneslaw went on to state that he had mixed opinions from various municipal attorneys as to whether or not a zoning provision requiring rental is enforceable but he did not know whether there had been any litigation on it.

Councilman Kunis read the following which he stated was said in 1981 and are quotes from two former councilmen. He said he was quoting from the Journal News: "I feel it would not be healthy for the community. The town just can't handle the density. The town and the Nanuet School District would be overcrowded and there would be traffic problems." Councilman Kunis said that was said by Councilman Ed Lettre. Councilman Kunis said, paraphrasing, Councilman Lettre also said although planners said they wanted to plan the new higher density zone limited to only a few portions of the Town, Lettre said he doubted such a restriction could work. "I think it would have a domino effect and although we might try to restrict it, if there is a legal challenge the courts might knock it down. I just don't want to take the change."

Councilman Kunis said he also wanted to quote what then Councilman Charles Holbrook said in 1981. Reading from an article in the Journal News: "While at least one Town Board member, Charles Holbrook, opposes the shopping center on the basis it would increase traffic congestion he wants to see the site limited to the town's current zoning restrictions 'Don't kid yourself. The builders are not going to put up rentals even if we grant them the higher density. They would be condominiums.'"

Councilman Maloney said this particular site is about 5.4 acres is that right? Mr. Geneslaw said yes. Councilman Maloney said and it could generate about 113 units. Mr. Geneslaw said depending upon the details of the site plan approval. Councilman Maloney asked would could be generated under MF-3 - what's the difference in the total number of units? Mr. Geneslaw said an estimate of about 30 to 40 fewer would probably be about right. The yard requirements are different, the height requirement is different, the coverage requirement is different so it is not simply a matter of looking at the density. It would take some analysis of the site to try to lay it out and see how many units could be provided but he would consider it to be a substantial reduction. There would be much greater setbacks from the property line. It would be at least a half a story lower. It would probably be more like a townhouse configuration and construction. The MF-4 is not likely to look like a townhouse. It is more likely to look like maybe a three story building of a more unified kind of design.

Councilman Kunis said he wanted to make some comments regarding the Board of Ethics. Three members of the clergy sit on the Board of Ethics. One member of the Board of Ethics, Mr. Nest, is also a member of another Board, the Planning Board. Councilman Kunis said he did not think it was within the town laws that a member should sit on two boards and he would like that clarified with Town Attorney Murray Jacobson. He said he did not feel it was the right decision and he certainly did not appoint them - a Republican committeeman, a member of the Republican Executive Committee, a member of the Planning Board sits on the Board of Ethics and then judges what the Planning Board is doing.

Councilman Kunis said tonight he would like to call for the immediate resignation of Mr. Nest from the Board of Ethics and he also wanted to call for the immediate resignation from the Board of Ethics of Mr. Pandolfi, who is also politically appointed to this position and is a Republican committeeman. He said he did not think that we need Democratic committeemen, Republican committeemen, Democratic Executive Committee members on the Board of Ethics. He said he thinks we need people on the Board of Ethics like members of the Clergy who can make a decision and be apolitical about a decision and he continued that that is who he feels we need on our Board of Ethics in the Town of Clarkstown. Furthermore, he said with us reviewing our Board of Ethics now and the Code of Ethics in the Town he thought this was the perfect time to make these changes. He said he was publicly calling for both of the gentlemen to resign from the Board of Ethics and if they don't resign he said he would make a motion that both of these members be taken off the Board of Ethics by the Town Board in the very near future.

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

Appearance: Mr. Armand Miele  
119 Main Street  
Nanuet, New York

Mr. Miele discussed drainage in the area, parking and mass transportation. He noted that there could be parking underneath the proposed buildings. He stated that affluent people will move to the area and will shop in the nearby shopping centers and will be able to walk to transportation thus eliminating much of the traffic congestion. He stated he was very much in favor of MF-4.

Appearance: Dr. Arthur Donohue

Dr. Donohue said he was a chiroprator currently practicing in Nanuet and was for MF-4 at the present time. He discussed the traffic patterns presently existing in Nanuet and what could be with either a shopping center or high density housing.

There was a lengthy exchange between Councilman Kunis and Dr. Donohue regarding the fact that neither one desired retail development in the area. Councilman Kunis said he wants to see housing there but he doesn't want to see a special zone created in this Town for one piece of property in the entire Town. He said he had no problem with housing or with MF-1 or MF-2 or maybe even MF-3. A builder could realize a pretty good profit with any of those zones. The MF-4 is a new zone created for this one piece of property in the entire Town of Clarkstown. He said he wanted to go on record as agreeing that he did not want retail there. He wants housing there.

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

Mr. Lodico said this is a judgment call that elected officials have to make as to whether or not it is in the best

Continued on Next Page

interests of the overall taxpayers of this Town. He said he would like to see it remain on a tax paying basis as any form of commercial even if it becomes condominium law offices or condominium anything. Make it professional condominium so we do not have to be concerned with a school tax arrangement. He said you should adopt your previous public hearing relating to density before you approve any future expansion of multiple family zones.

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff asked many questions as to why this should be MF-4 as opposed to MF-1, 2 or 3. He discussed Normandy Village and said you can go anywhere in the country and not find a finer development than Normandy Village. There are no problems in that area and we have a good thing. He asked why are we messing with that? We have a good example to go by. He asked again what formula arrived at the figure MF-4?

Supervisor Holbrook said the genesis of the MF-4 was the product of the study that emanated from the Planning Board three years ago. It was designed to address the RS zoning which is the highest and best use of that property for commercial retail purposes.

Mr. Geneslaw said we did not ask the attorneys for the prospective owners what they thought the property should have. There were two basic categories that made the planners come up with what they did. It is close to bus transportation and for some areas of it, rail transportation. There is shopping within walking distance. Those are both logical reasons to have a higher density residential than would be somewhere else. Mr. Geneslaw said as for the density they recommended, they did look at land value at the time as well as traffic and number of school children and the other elements that are normally examined. In talking to developers and brokers and looking at the real estate market at the time we did it, which was probably spring and summer of 1986, we established the density based on what we felt was a reasonable density in relation to what the present zoning of the property was at the time and the constraints on development. Whether that density would hold in terms of the real estate market right now, he did not know. We have not gone back to try to reevaluate it. It was based on information obtained from a variety of developers and real estate people.

Mr. Cuff said Mr. Geneslaw stated this evening that several developers have approached him already about MF-4. He felt that no resident or potential resident in the Town of Clarkstown wants multi-family because they know it will destroy the quality of life they came to Clarkstown for. He discussed the costs of educating children and mentioned that Nanuet is the most expensive school district in Rockland County.

Supervisor said aside from the size of Nanuet, the smallest school district, part of that is from the continuous tax certioraris from the Nanuet Mall and the fact that the state considers areas which have large shopping areas to be "wealthier" and additionally, the church property, which was the former Theatre-Go-Round, when that was purchased by the church group, all of that property was taken off the tax roll. In a small school district like Nanuet that was really a tough burden for the tax payers to bear.

Mr. Cuff discussed the Nanuet Mall and stated that they would like to see themselves paying lower taxes. He said we have that hanging over our heads for residents of Nanuet. Mr. Cuff said he wanted to approach this from a common sense point of view. How much did the developer pay for the property? He hasn't spent anything in legal fees because you have been doing all the

Continued on Next Page

PH - Zone Change - RS/CS to MF-4 - Sussex West  
Page 7

groundwork for him which he did not understand either. How much is tied up in the land? What would it cost him to develop the land? What is a reasonable amount of profit for him? He said let's go ahead with MF-1 or MF-2. Let's put in another Normandy Village.

Appearance: Mr. Joe Marino  
Nanuet, New York

Mr. Marino said Nanuet is overburdened and we are fast becoming like Route 17 in New Jersey. He said Councilman Kunis said the Nanuet School District is overburdened. He said the Nanuet School District is declining and enrollment is down. He said if that land is going to be developed he would rather see residents on that land as it is a beautiful piece of property and if properly developed, it will stay that way. Nanuet needs it. Councilman Kunis asked Mr. Marino if he wanted housing there instead of shopping and Mr. Marino said that was correct.

Appearance: Mr. Art Cozewith, President  
Nanuet Hebrew Center

Mr. Cozewith said he was here representing his congregation which is on the property adjoining the property under discussion this evening. He discussed the problems of the area which have occurred over the years. He said they are comfortable with the recommendations made by the Planning Board to the Town Board and they think the Town Board should just get on with this. He urged the Town Board to make a decision tonight.

Councilwoman Smith asked Mr. Cozewith if he was speaking for his congregation and is encouraging residential not specifically any one type of MF? Mr. Cozewith said they should act positively on MF-4. Councilwoman Smith asked if he would object if this were zoned MF-3? Mr. Cozewith said he would have no objection to any intelligent zoning.

Appearance: Mr. Joseph Centra

Mr. Centra said he was a member of the Planning Board and noted that this zoning could spread throughout Rockland County. They discussed where the figures came from for MF-4. There was also discussion as to whether or not Mr. Tracy had prepared any figures for MF-4. Councilwoman Smith asked Mr. Centra what the unit numbers were for MF-4? Mr. Centra gave a detailed description of the MF-4 requirements.

There was conversation regarding the numbers in MF-1, MF-2, MF-3 and MF-4 among some Town Board Members, Mr. Geneslaw and Mr. Centra. Mr. Centra said if you are looking to increase density in downtown areas then an M-4 with the provisos stipulated in MF-4 is adequate for a site adjacent to Route 59 and Middletown Road.

Councilman Kunis asked Mr. Centra if as a member of the Planning Board he had recommended this to the Town Board? Mr. Centra said yes. Councilman Kunis asked if the applicant and his attorney commented on this before the Planning Board? Mr. Centra said yes. Councilman Kunis asked Mr. Centra if he was aware of what the Planning Board said in 1981 regarding affordable housing or MF-4 or a higher density district.

Councilman Kunis said Mr. Paris was the Chairman of the Planning Board at that time and sent the Town Board a letter on January 20, 1981. Mr. Centra said he was not on the Planning Board at that time but he is aware of things because of the records handed to them at various times. Councilman Kunis said there were six points and number 1 was public interest. Councilman Kunis quoted "To elaborate further the public interest would be best served by

Continued on Next Page

providing much needed affordable housing. By permitting higher density the housing can be built so that it can serve the needs of the young adults, young marrieds and the middle aged or older folks who no longer wish to own their own home or cannot maintain and care for their home any longer."

At this point there was discussion between Councilman Kunis and Mr. Centra regarding "affordable housing." Councilman Maloney and Councilman Kunis discussed what was meant by "high density."

Mr. Centra said in various sites around Town this MF-4 may spread. Builders will come along and we have to look at each site specific. This particular site will support MF-4 as he defined MF-4.

There was a recess declared at this point.

Appearance: Dr. Louis Alpert  
Valley Cottage

Dr. Alpert spoke at great length regarding "affordable housing" in Clarkstown.

Appearance: Mr. Sam Ekizian  
20 Stonehedge Drive  
West Nyack, New York

Mr. Ekizian spoke in favor of the MF-4 zoning. Councilman Kunis and he had a lengthy discussion regarding "affordable housing". Councilman Kunis said he was opposed to this zone being created for anyone. Councilman Kunis and Mr. Ekizian discussed the reasons for it being MF-4 and Councilman Kunis stated that it could just as well be MF-3.

Appearance: Mr. Steven Goldman, President  
Organized Tax Payers Association

Mr. Goldman read the following letter:

"ORGANIZED TAXPAYERS ASSOCIATION  
P.O. Box 625  
Bardonia, New York 10954

Nov. 29, 1989

Supervisor, Town of Clarkstown  
10 Maple Ave.  
New City, N.Y. 10956

Dear Sir:

The Organized Taxpayers Association, in a letter to the Town Board on Nov. 11, requested that the Town Ethics Board review the impropriety of the Town Board creating and granting the highest density housing in Town to the corporation owned by the family of former Councilman Ed Lettre. We have since found that two things have occurred:

First, after assuring us at the Town Board Workshop Meeting of Nov. 22 that we would have the opportunity to testify and present our allegations at the Ethics hearing, Supervisor Holbrook requested the Ethics Committee to meet and make a decision as soon as possible with the incomplete information supplied by him. The Ethics Committee met last Friday and came to a decision without our having had the opportunity to supply input. We now understand that the Ethics Committee is willing to hear all available information and reconsider it's (sic) decision. We applaud this.

Continued on Next Page

PH - Zone Change - RS/CS to MF-4 - Sussex West  
Page 9

Secondly, we have found out that one of the members of the Ethics Committee who participated and voted last Friday was Bill Nest. The OTA has learned that is it (sic) against State law for any one person to sit on both the Planning Board and the Ethics Committee.

Regarding the Ethics Committee:

The OTA requests that Bill Nest be removed from the Ethics Committee immediately and that a replacement be appointed in his stead.

The OTA points out that by State law, the Ethics Committee must publish notice of any meeting three days in advance of that meeting. Further, Ethics meetings are open to the public with a few exceptions that do not pertain in this case.

The OTA welcomes a new Ethics hearing where all of the facts and allegations will be heard in an atmosphere of deliberative fairness and a searching for the truth.

The Organized Taxpayers Association believes that the newly created MF-4 zoning, which allows for the construction of 24 family per acre housing, was created solely for the benefit of former Councilman Ed Lettre as repayment for political debts at the expense of Nanuet. We believe that the publicly proclaimed benefit of traffic reduction is simply a ruse created to allow one particular developer to gain excessive profit at the expense of the people of Clarkstown while other, less well connected land owners, are made to suffer the sterilization of their land.

The Organized Taxpayers Association again calls for an investigation into the attempt to grant this zoning for ultra high density housing to the Corporation controlled by the Lettre Brothers. The Clarkstown Town Code, Chapter 9, on Ethical Standards, paragraph 9-5 (Future Employment) prohibits a former employee of the Town from transacting business directly or INDIRECTLY before a Town agency within two years of his leaving Town service. We believe that when the reconstituted, fully informed Ethics Board convenes, the following questions should be asked:

Lettre opposed multi-family housing on Middletown Rd. until his family's corporation bought the land. By appointing members to the Planning Board, wasn't he involved in the Rt. 59 corridor study which recommended that his land get high density housing?

Town Board Members Holbrook and Carey are trying to zone all other parcels of land in the Rt 59 study as residential - 1/3 acre so that they can never even apply for MF-4. Why is former Councilman Lettre's family's corporate land not only given special zoning preference, but the zone is being requested by the Town to save Mr. Lettre the embarrassment of formally requesting it?

After considerable research, we believe that there appears to be a conflict of interest under the State Ethics in Government Act (July, 1987). The basis of this is the fact that the application for the zone change has been made within two years of Edward Lettre having served on the Clarkstown Town Board. Is Edward Lettre involved in the Sussex West project? This must be determined by answering the following questions:

\* Was former Councilman Edward Lettre a shareholder in MCL Building?

Was former Councilman Edward Lettre a shareholder in Pine Hollow Homes, Inc.?

Continued on Next Page

Was former Councilman Edward Lettre a shareholder in Overseas Holding Ltd.?

Was former Councilman Edward Lettre a shareholder in Reclamation Associates Inc.?

Was former Councilman Edward Lettre a shareholder in Elbar Estates Corp., Inc.?

Was former Councilman Edward Lettre a shareholder in Minisink Meadows Corp.?

Councilman Holbrook, in 1981, voted against MF-4 on the basis that he was afraid that the zone, which at that time was going to be designed to insure low cost rental housing, might eventually be transformed into high profit condominiums? This year, now that the Lettre family's corporation owns the land, why does Supervisor Holbrook thinks (sic) that the condominiums with three times the density of Normandy village(sic) is a dandy use for the property?

How come Edward Lettre was against the creation of high density housing on Middletown Rd. on the basis of traffic congestion right up to the time that his family's corporation got the land?

The Journal News reported that Ed's brother, Mike threatened to build some stores on the property if he was not given the right to build housing for 24 families per acre. If all the other developable tracts of land in the Route 59 corridor can be changed to residential -1/3 acre over the objections of their current owners, how come former Councilman Lettre's family's corporation is allowed to cajole the Town Planning Board and Town Board into not only giving them whatever they wanted, but making the change without the Lettre's family corporation even having to formally request it?

MF-4 will force an additional 500 to 800 automobile trips as well as several additional school busses each day on Middletown Rd. and Rt. 59. The OTA believes that once the Lettre family's corporation gets its MF-4 zone, any good lawyer will be able to obtain MF-4 zoning for his client anywhere in Clarkstown. This includes the parcel of land across from the West Nyack Post Office. MF-4 could be the beginning of the urbanization of Clarkstown.

No one wants more stores on Middletown Rd. It is within the Town's authority to rezone the property in several ways without regard to the greed of the land owner as follows:

PO - Professional Office - which will allow the people in Nanuet easy access(sic) to medical help, legal help, and financial help while not adding to the traffic jam or school overcrowding.

R-15 - Residential -1/3 acre - If this zoning is good enough for the Redeeming Love Church and every other owner of RS land in the Rt. 59 corridor, why isn't it good enough for the Lettre family's corporate land?

MF-1 - This zoning is probably most compatible with the neighborhood in that it is the same as Normandy Village.

MF-2 - This zone will cause more traffic than MF-1, but might be a reasonable trade off if 50% of the units were offered for an affordable rent for the next 10 years.

MF-3 - This dense zone may well cause too much traffic and an increase in Nanuet School District taxes due to additional students. MF-3 should only be considered after much study

and significant concessions as to affordable housing. It may cause more problems than it is worth.

The non site specific State Environmental Quality Review of June 13, 1988 states that a site specific SEQR is to be written when individual parcels of land are subject to actual MF-4 development. At the Town Board workshop meeting of Nov. 22, this did not exist. We suggest that this hearing be postponed until there is time for the People of Clarkstown to study this new document. It seems that when the Lettre family property is up for a profitable zone change, things get done a little too fast and without proper diligence.

The same non-site specific SEQR states that the creation of MF-4 will cause a municipal shortfall of \$900,000. Can we afford this kind of loss simply to enrich the Lettre family's corporation?

How will the 120 plus families that would wind up living on the five acres in question get out of the narrow frontage on Middletown Rd. in case of a fire or other disaster? How will fire engines get in? Will there be a new street to Rt. 59 or to the already beleaguered First Street? Why is a builder's profit more important than concerns of safety and the quality of life of less well connected taxpayers in Nanuet?

The OTA takes this opportunity to inform the people of Nanuet, especially anyone owning property within 500 feet of the Middletown Rd. site, that is(sic) is possible for them to require the Town board to have a 4-1 majority rather than simply a 3-2 majority before proceeding with this outrageous MF-4 scheme. This will force PO or residential zoning for the parcel.

The OTA urges you, Mr. Supervisor, and the Town Board to postpone the(sic) any action on the granting of MF-4 to anyone until the people of Clarkstown have had the above ethical questions answered and a full study of a complete site specific environmental impact statement has taken place. Although this matter has been under study for years, we believe that it has not been under honest, non-special interest study for more than about fifteen minutes(sic). We expect better of our elected officials.

Thank you,

/s/ Steve Goldman  
Pres., OTA

cc: N.Y.S. Att'y General's Office, N.Y.S. Investigation Commission"

Mr. Goldman and Councilman Maloney had a long exchange regarding a lower zoning such as MF-1 or MF-2 which Mr. Goldman said he would be satisfied with.

Councilman Kunis and Mr. Goldman discussed the revenue that might be derived from an MF-4 designation.

Mr. Goldman said he was bothered by the ethics of the situation and also the sheer density. There was also discussion with Councilman Maloney regarding the ethics of the situation and Mr. Goldman said if this had come in under an MF-2 designation he would not have even come before the Board.

Councilman Maloney and Mr. Goldman discussed the Nanuet School District and just how many extra children would be involved if this property were designated MF-4. Mr. Goldman said he hoped he would get to see the site specific SEQRA very soon.

Appearance: Mr. Kenny Torsoe  
Normany Village

Mr. Torsoe spoke in favor of MF-4 and felt that the Town Board was doing the right thing.

Continued on Next Page

PH - Zone Change - RS/CS to MF-4 - Sussex West  
Page 12

Appearance: Mr. Tom Fagan  
Valley Cottage

Mr. Fagan said how we can think about making an MF-4 zone and putting it right in the heart of all the traffic in Nanuet is beyond him.

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

Ms. Seery said we are concerned about the MF-4 zoning. If this Town Board would formally adopt the Master Plan then we would have some guidelines so that if the MF-4 was implemented we might not have this problem across the Town.

Ms. Seery also asked if a PO zoning would be economically advantageous in this instance?

Appearance: Ms. Dorinda Mitiga  
Congers, New York

Ms. Mitiga discussed what she termed the vendetta of Mr. Goldman against Mr. Lettre. She wondered why the same criteria they were applying to this property did not apply to the zone change before the Board regarding the new Clinton Square Mall in West Nyack.

Ms. Mitiga said she was not for MF-4 zoning nor is she for anything that would destroy the quality of life in Clarkstown.

Councilman Kunis said he noted the developer was in the audience. He asked him if there was any comments he would like to make? Mr. Lettre said he would make his comments before the Ethics Committee.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 11:45 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk