

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/24/89

8:07 P.M.

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

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

Supervisor opened the Public Portion of the meeting.
No one appeared.

RESOLUTION NO. (76-1989)

AUTHORIZING ATTENDANCE AT
ATHLETIC FIELD MAINTENANCE
SEMINAR (EDWARD J. GHIAZZA
AND FOUR DESIGNATED STAFF
MEMBERS) - (RECREATION)
CHARGE TO ACCOUNT NO.
7140-414

Co. Carey offered the following resolution:

RESOLVED, that Edward J. Ghiazza, Superintendent of
Recreation and Parks and four designated staff members are hereby
authorized to attend an Athletic Field Maintenance Seminar on March
7, 1989, in Woodcliff Lake, New Jersey, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (77-1989)

AUTHORIZING ATTENDANCE AT
CERTIFIED POOL OPERATOR
COURSE (MARTIN SILVERBERG
AND BRUCE KNARICH) -
(RECREATION) - CHARGE TO
ACCOUNT NO. 7180-414

Co. Maloney offered the following resolution:

RESOLVED, that Martin Silverberg, Aquatic Director and
Bruce Knarich, Maintenance Supervisor (Grounds), are hereby
authorized to attend the Certified Pool Operator course to be held
on March 11th and 12th of 1989, in Elmsford, New York, at a cost of
\$125.00 per person, and be it

FURTHER RESOLVED, that all necessary expenses be
charged against Appropriation Account A 7180-414.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (78-1989)

ACCEPTING RESIGNATION OF
SECRETARY (PART-TIME)
CONSUMER AFFAIRS COMMISSION
(DOROTHY COLLINS)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Dorothy Collins, 290 Brookway, Valley Cottage, New York, Secretary (part-time) Consumer Affairs Commission - is hereby accepted - effective and retroactive to December 30, 1988.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (79-1989)

APPOINTING TO POSITION OF
SECRETARY (PART-TIME) -
CONSUMER AFFAIRS COMMISSION
(GERTRUDE BASLOW)

Co. Smith offered the following resolution:

RESOLVED, that Gertrude Baslow, 6 Woodland Road, New City, New York, is hereby appointed to the position of Secretary (part-time) - Consumer Affairs Commission - at the current 1989 annual salary of \$500.00, effective and retroactive to January 16, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (80-1989)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF MOTOR EQUIPMENT OPERATOR
I - HIGHWAY DEPARTMENT
(WILLIAM TASARO)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of William Tasaro, 22 Parkside Drive, Congers, New York, as a Motor Equipment Operator I - Town Highway Department - at the current 1989 annual salary of \$22,076.00, effective and retroactive to January 9, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (81-1989)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF LABORER - TOWN HIGHWAY
DEPARTMENT (ANTHONY DiFALCO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Anthony DiFalco, 140 South Conger Avenue, Congers, New York, as a Laborer - Town Highway Department - at the current 1989 annual salary of \$17,444.00, effective and retroactive to January 9, 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

RESOLUTION NO. (82-1989)

ESTABLISHING 1989 PART-TIME
SALARIES IN RECREATION AND
PARKS

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks that the following 1989 part-time salaries be established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide	\$4.00/hr.	\$ 4.00/hr.
Recreation Assistant	\$4.50/hr.	\$10.00/hr.
Recreation Leader	\$7.00/hr.	\$12.00/hr.
Recreation Specialist	\$7.00/session	\$35.00/session
Refreshment Stand Attendant I	\$4.00/hr.	\$ 5.50/hr.
Refreshment Stand Attendant II	\$6.00/hr.	\$ 9.00/hr.
Lifeguard	\$6.50/hr.	\$ 9.00/hr.
Head Lifeguard	\$8.25/hr.	\$10.00/hr.
Water Safety Instructor	\$8.00/hr.	\$ 9.50/hr.
Head Water Safety Instructor	\$8.75/hr.	\$10.25/hr.
Laborer-Student	\$6.00/hr.	\$ 7.50/hr.
Groundworker (L)	\$8.00/hr.	\$ 9.50/hr.
Custodial Worker (Seasonal) (L)	\$5.00/hr.	\$ 8.00/hr.
Senior Recreation Leader (p/t)	\$8,160./year	\$12,270./year
Swim Area Supervisor (Seasonal)	\$8,610./season	\$12,270./season
Senior Recreation Leader (Seasonal)	\$4,090./season	\$6,430./season
Senior Recreation Activity Specialist (Seasonal)	\$2,925./season	\$ 5,260./season

Seconded by Co. Smith

Councilman Kunis asked Mr. Ghiazza regarding the salaries in 1989 what the percentage of increase was over 1988? Mr. Ghiazza said it was 5% or less.

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. (83-1989)

APPOINTING TO POSITION OF
YOUTH COUNSELOR I -
CLARKSTOWN COUNSELING
CENTER (JANET T. DROGA)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Youth Counselor I #88136, which contains the name of Janet T. Droga,

NOW, THEREFORE, be it

RESOLVED, that Janet T. Droga, 3 Old Phillips Hill Road, New City, New York, is hereby appointed to the position of Youth Counselor I - Clarkstown Counseling Center - at the current 1989 annual salary of \$25,195.00, effective January 25, 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

RESOLUTION NO. (84-1989)

CREATING POSITION OF POLICE
CAPTAIN - POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 22, 1988 that the position of Police Captain - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Police Captain - Police Department - is hereby created - effective and retroactive to January 23, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (85-1989)

CREATING POSITION OF
PAYROLL CLERK AND DATA
ENTRY TERMINAL OPERATOR -
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on July 26, 1988 that the position of Payroll Clerk and Data Entry Terminal Operator - Police Department - can be created,

Continued on Next Page

RESOLUTION NO. (85-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the position of Payroll Clerk and Data Entry Terminal Operator - Police Department - is hereby created - effective and retroactive to January 23, 1989, and be it

FURTHER RESOLVED, that the Grade for the position of Payroll Clerk and Data Entry Terminal Operator is established at a Grade 17.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (86-1989)

ACCEPTING (VERBAL)
RESIGNATION OF MEMBER -
CONDOMINIUM INFORMATION
BOARD (JOE WOLFIN)

Co. Maloney offered the following resolution:

RESOLVED, that the (verbal) resignation of Joe Wolfin, 5 Braemar Court, New City, New York, Member - Condominium Information Board - is hereby accepted - effective and retroactive to January 17, 1989.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (87-1989)

APPOINTING TO POSITION OF
MEMBER - CONDOMINIUM
INFORMATION BOARD (TO FILL
UNEXPIRED TERM OF JOE
WOLFIN) (LEWIS FEIT)

Co. Kunis offered the following resolution:

RESOLVED, that Lewis Feit, 55 Village Green, Bardonia, New York, is hereby appointed to the position of Member - Condominium Information Board (to fill the unexpired term of Joe Wolfin) - to serve without compensation - term to commence on January 25, 1989 and to expire on December 11, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (88-1989) Continued

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

RESOLUTION NO. (88-1989)

ACCEPTING RESIGNATION OF
MEMBER AND CHAIRMAN OF BLUE
RIBBON COMMISSION (MARTIN
BERNSTEIN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Martin Bernstein, 20 Woodglen Drive, New City, New York - Member and Chairman - Blue Ribbon Commission - is hereby accepted - effective and retroactive to January 11, 1989.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (89-1989)

APPOINTING TO POSITION OF
MEMBER - BLUE RIBBON
COMMISSION (VINOD KOTECHA)

Co. Carey offered the following resolution:

RESOLVED, that Vinod Kotecha, 29 Sedge Road, Valley Cottage, New York, is hereby appointed to the position of Member - Blue Ribbon Commission - effective January 24, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (90-1989)

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

Co. Maloney offered the following resolution:

WHEREAS, Letters of Credit were furnished to the Town of Clarkstown to secure the complete construction of the north/south By-Pass Road in connection with map entitled "Plan of Kingsgate", were previously reduced, as follows:

Continued on Next Page

RESOLUTION NO. (92-1989) Continued

- CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Kurian L. Kalarickal, P.E., Deputy Director, Department of Environmental Control, Town of Clarkstown, is hereby authorized to attend a seminar on "Detention/Retention in Urban Surface Water Management" to be held on Monday, March 6, 1989 at The United Engineering Center, 345 E. 47th Street, New York, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 1010-414.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (93-1989)

AMENDING RESOLUTION NO.
1095-1986 RE CORRECTIVE
DRAINAGE WORK VICINITY OF
SECOND AVENUE, SPRING
VALLEY, NEW YORK -
INCREASING ACCOUNT H
9710-25P86-10-409

Co. Maloney offered the following resolution:

WHEREAS, an adverse drainage condition existed in the vicinity of Second Avenue, Spring Valley, New York; and

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

WHEREAS, the Town Board at its meeting of November 13, 1986, by Resolution Number 1095-1986 approved the allocation to correct said condition; and

WHEREAS, during construction, interference with above and underground utilities necessitated the need for additional materials to be utilized to complete the drainage work;

NOW, THEREFORE, be it be

RESOLVED, that the original sum of \$11,000.00 for Account H 9710-25P86-10-409 be increased by \$167.88; and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (94-1989)

AWARDING BID FOR BID
#11-1989 - HIGHWAY SIGNING
AND ROAD MAINTENANCE
SUPPLIES (GARDEN STATE
HIGHWAY, BRIGHTON STEEL
CO., CAPITOL HIGHWAY
MATERIALS, CHEMUNG SUPPLY
CORP., HIGHWAY TRAFFIC
SUPPLY, 3M COMPANY, SAFETY
ROADS AND WILLOW BRANCH
IND., INC.

Co. Maloney offered the following resolution:

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

BID #11-1989
HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to:

GARDEN STATE HIGHWAY
2 Fowser Road
Millville, N.J. 08332

BRIGHTON STEEL CO.
RD 2 - Box 267
Hopewell Jct., N.Y. 12533

CAPITOL HIGHWAY MATERIALS
Route 6
Baldwin Pl., N.Y. 10505

CHEMUNG SUPPLY CORP.
P.O. Box 527
Elmira, N.Y. 14902

HIGHWAY TRAFFIC SUPPLY
28 W. Washington Ave.
Pearl River, N.Y. 10965

3M COMPANY
3M Center
St. Paul, Minn 55144
Attn: Traffic Control
Materials Div.
Bldg. 223-3N

SAFETY ROADS
P.O. Box 1021, Route 17A
Goshen, N.Y. 10924

WILLOW BRANCH IND., INC.
T/A Signs of Safety
432-40 So. River Street
Hackensack, N.J. 07601

as per attached schedule of prices.

(Price Schedule on File in Purchasing 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

RESOLUTION NO. (95-1989)

AWARDING BID FOR BID NO.
10-1989 - GROUNDSKEEPING/
LANDSCAPING SUPPLIES
(MATTERHORN NURSERY,
MANTEK, THE TERRE COMPANY,
FREDERICKS FEED & SUPPLY
AND FARMER JONES)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (95-1989) Continued

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

BID #10-1989
GROUNDSKEEPING/LANDSCAPING SUPPLIES

is hereby awarded to:

MATTERHORN NURSERY
227 Summit Park Drive
Spring Valley, N.Y. 10977

MANTEK
Mack II Building
Mack Center Drive
Paramus, N.J. 07652

THE TERRE COMPANY
PO Box 1014
206 Delawanna Ave.
Clifton, N.J. 07014

FREDERICKS FEED & SUPPLY
PO Box 177
100 Station Square
Congers, N.Y. 10920

FARMER JONES
787 Route 45
So. Spring Valley, N.Y. 10977

as per 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

RESOLUTION NO. (96-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
SHAMROCK DRUM CORPS, INC.
FOR ECONOMIC ASSISTANCE FOR
YEAR 1989

Co. Carey offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement, in a form approved by the Town Attorney, with the Shamrock Drum Corps Inc., which provides services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Bosrd shall allocate the sum of \$2,400.00 in economic assistance to the Shamrock Drum Corps Inc., to provide such services for the calendar year 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Kunis noted that in January of 1988 we had a master list of organizations to which the Town contributed and he requested that a complete list be made available at the next workshop. Supervisor Holbrook said he would do that.

RESOLUTION NO. (99-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #17-1989 -
FIRST AID SUPPLIES

Co. Maloney offered the following resolution:

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

BID #17-1989
FIRST AID 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 Wednesday,
February 15, 1989 at which time bids will be opened and read, and be
it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (100-1989)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF JANUARY
10, 1989

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of
January 10, 1989 are hereby accepted as submitted by the Town Clerk
with the proviso that Resolution No. 45-1989 be amended, as
requested by Councilwoman Ann M. Smith, to reflect that her yes vote
be for Map 14, Block D, Lots 20, 21, 22, 23, 23.01, 24, 25, 27 and
28 from RS/R-15 Districts to all R-15 District and Map 15, Block A,
Lots 12, 12.01, 12.03, 13, 14, 15, 17, 18 and 19 from an RS District
to an R-15 District; and that she wanted a no vote reflected for Map
163, Block A, Lots 11 (part of), 11.01, 11.02 and 4 from PO District
to an R-15 District.

Seconded by Co. Smith

On roll call the vote was as follows:

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

There was lengthy discussion among Board members
regarding the following resolution and it was decided that the
subject of paid parking for residents would be brought up at a
future workshop meeting. The following resolution was passed.

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RESOLUTION NO. (101-1989)

AUTHORIZING AND DIRECTING
TOWN CLERK TO ISSUE PERMITS
TO NON-RESIDENTS FOR A FEE
OF \$100.00 PER YEAR FOR USE
OF KEMMER LANE PARKING
FACILITY

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 1079 dated December 31, 1985, the Town Board of the Town of Clarkstown designated Kemmer Lane, Nanuet, New York, as a commuter parking lot, pursuant to Section 71-2 of the Town Code of the Town of Clarkstown, and

WHEREAS, by Resolution No. 647-1986 dated June 24, 1986, the Town Board of the Town of Clarkstown amended Resolution No. 1079 to provide that the permits issued shall be charged at the rate of \$100.00 per year or any part thereof per vehicle, and

WHEREAS, the Town Board has determined that there is sufficient parking spaces at the Kemmer Lane Commuter Parking Lot to allow non-residents to park at the lot;

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby authorized and directed to issue permits to non-residents for a fee of \$100.00 per year, or any part thereof per vehicle, to use the designated commuter parking facility for the calendar year 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

RESOLUTION NO. (102-1989)

SETTING PUBLIC HEARING TO
CONSIDER DESIGNATION OF AN
HISTORICAL SITE - MAP 153,
BLOCK A, PART OF LOT 32,
(ICE HOUSE NO. 3, ROCKLAND
LAKE, CONGERS, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, it has been proposed that Ice House No. 3 located at Rockland Lake, Congers, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 153, Block A, part of Lot 32, be designated as an Historical Site pursuant to Chapter 12-3(C) of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of February, 1989 at 8:05 P.M., to consider the designation of the aforesaid property as an Historical Site, and be it

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

Seconded by Co. Kunis

RESOLUTION NO. (102-1989) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (103-1989)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN - 89-7
ISSUED TO NON STOP SEWER &
DRAIN AND 89-10 ISSUED TO
INTERCO DEVELOPMENT CORP.

Co. Maloney offered the following resolution:

WHEREAS, the following have applied for Certificates of
Registration pursuant to Section 83-65 of the Code of the Town of
Clarkstown:

NON STOP SEWER & DRAIN
128 Martin Place
Pearl River, New York 10965

INTERCO DEVELOPMENT CORP.
AND/OR HORN CONSTRUCTION
CORP.
408 Pawnee Court
Suffern, New York 10901

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

89-7 issued to Non Stop Sewer & Drain
89-10 issued to Interco Development Corp.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (104-1989)

AUTHORIZING SECURING OF
FIRE DAMAGED STRUCTURE -
MAP 13, BLOCK A, LOT 12 -
(109 COLLEGE AVENUE, NANUET)

Co. Maloney offered the following resolution:

WHEREAS, pursuant to Section 31-10 of the Code of the
Town of Clarkstown it reasonably appears that there is present a
clear and imminent danger to life, safety and health of persons or
property, unless an unsafe building is immediately repaired and
secured or demolished, the Town Board may by resolution, authorize
the Building Inspector to immediately cause the repair or demolition
of such unsafe building, and

WHEREAS, pursuant to a letter that has been presented
by the Fire Inspector of the Town of Clarkstown under the

RESOLUTION NO. (104-1989) Continued

jurisdiction of the Building Inspector of the Town of Clarkstown, it has been determined by the Town Board that an emergency situation exists and that the building situate at 109 College Avenue, Nanuet, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 13, Block A, Lot 12, shall be repaired to the extent of securing the building in order to prevent danger to the health, safety and welfare of persons in the community;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector is hereby authorized to take whatever steps are necessary to secure and repair the unsafe structure located at 109 College Avenue, Nanuet, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 13, Block A, Lot 12, and be it

FURTHER RESOLVED, that pursuant to Section 31-9 of the Town Code all expenses incurred by the Town in connection with the actions to secure the unsafe building shall be assessed and levied against the land on which such building is located.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (105-1989)

AMENDING RESOLUTION NO.
26-1989 RE PETTY CASH FUND
FOR RECREATION

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 26-1989 established petty cash in the amount of \$2,135.00 for departments within the General Fund,

NOW, THEREFORE, be it

RESOLVED, to amend the above resolution to increase petty cash for Recreation from the established \$300.00 to \$350.00 to allow \$50.00 for Street School petty cash.

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

Councilman Kunis noted that TKR Cable used to come in and film all of the Town Board Meetings and for the last six or eight months they have not been here. He asked if there was any way to resume the filming as it is a good public service for the residents of Clarkstown. He said he did not know why they stopped but he inquired if there was some way of calling them and having them come back? Supervisor Holbrook said he would ask them.

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Local Law (Removal of Tax Exemption for Businesses) was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law (Removal of Tax Exemption for Businesses) was recessed until February 28, 1989, time: 9:15 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance for Mini-Warehouses, was opened, time: 9:16 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance for Mini-Warehouses was closed, RESOLUTION ADOPTED, time: 9:47 P.M.

RESOLUTION NO. (106-1989)

ADOPTING AMENDMENT TO
ZONING ORDINANCE RE:
MINI-WAREHOUSES

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 30th day of December, 1988, provided for a public hearing on the 24th day of January, 1989, at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

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

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

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

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

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

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

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

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RESOLUTION NO. (106-1989) Continued

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

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

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

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

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

9. The maximum overall height of the mini-warehouse shall not exceed two stories or twenty-four (24) feet;

10. The exclusive use shall be for mini-warehouse use and no other accessory uses shall be permitted;

11. The requirement of obtaining a special permit from the Town Board shall not apply to prior amendments made to the Zoning Ordinance which specified that the only permitted use on the property affected shall be a mini-warehouse use.

12. There shall be no parking requirements for a mini-warehouse use except as set forth in Paragraphs "3" and "5" aforesaid.

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

7. Mini-warehouses.

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

~~7. Mini-warehouses.~~

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

10. Mini-warehouses."

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

Seconded by Co. Carey

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance re: Floor Area Ratio, was opened, time: 9:48 P.M.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to Zoning Ordinance re: Floor Area Ratio, was recessed to February 28, 1989, time: 9:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Avaras was opened, time: 9:51 P.M.

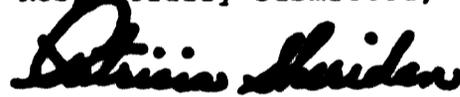
On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Avaras was closed, time: 9:53 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Kiafas was opened, time, 9:51 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Kiafas was closed, ORDER SIGNED, time: 9:53 P.M.

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 Town Board Meeting was declared closed, time: 9:54 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/24/89

8:35 P.M.

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

RE: LOCAL LAW (REMOVAL - TAX EXEMPTION FOR BUSINESSES)

On motion of Councilman Maloney, seconded by Councilwoman Smith 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 called upon the Town Attorney to explain the purpose for this proposed Local Law. Town Attorney said it was the decision of the Town Board to consider the removal of the present real estate tax exemption for new construction. This does not apply to the present exempt properties. They will continue to have their exemption and to properties which are under construction at the present time. However, if construction has not commenced, then this would be in effect. It reduces the exemption to zero which in effect removes it.

Supervisor asked if any Town Board Member had any questions? No one did.

Supervisor asked if anyone from the public had any questions or comments?

Appearance: Mr. John Dalberti, President
Rockland County Builders Association

Mr. Dalberti said he was here with a coalition of business groups interested in the promoting of future business in Clarkstown. He said they are not sure that they understand all of the ramifications or why they are changing this. He asked the Town Board to consider deferring their decision tonight so that they could sit down and find out all the details before they can either support or oppose this proposal.

Supervisor said he had received calls and some of the other Board members had received calls. He said he did not believe that the Town Board intended to take action on this tonight.

Councilman Maloney said the purpose of this public hearing is to obtain input. He said some members wanted to present some kind of statistics or background material which they did not have time to prepare in terms of indicating how they may feel about this particular proposal. He said he did not believe the intention was to render a decision tonight.

Appearance: Milton Shapiro, Esq.

Mr. Shapiro said he did not see the exception to the exemption that the Town Attorney suggested in the copy of the proposed law. Town Attorney said it was under Section 485-b, subparagraph 7 of the Real Property Tax Law. Town Attorney read the section and explained the same.

Appearance: Mr. Peter LaJoy(?)
Rockland Economic Development Corporation

He asked the Board to consider not only reserving decision tonight but to keep the public hearing open so that a group of businessmen can come back and present information on 485-b. He said they welcome the Board's decision to become knowledgeable on what they feel is a beneficial economic development tool for Rockland County for the five towns. He said they have funded

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through the private sector an economic development strategy for Rockland County for which there will be a community leaders' forum co-sponsored by RCAREDC and other business groups in the early spring. He said he hoped the Board would allow themselves time to review that report prior to making any decision. He said the brokers from New Jersey and Connecticut are used to looking for tax abatements. Even if the Town does not have an extensive inventory of surplus property to be developed, having this type of tax abatement is an appropriate and important marketing tool.

He said it helps further to set the perception of Rockland and the five towns for the future. Although development has been good in Rockland, that is not a permanent condition. He said a community that stays stable and does nothing on the economic development front stands to lose 7% of its jobs per year. One of the points for Rockland is going to be redevelopment. He mentioned parcels along Route 59 which are now vacant and which need to be redeveloped.

He said 485-b does help the small businessman who wishes to make capital improvements to his facilities. He stands to benefit and to gain incentive for making these investments in his town, in his building and in his facility thereby enabling him to expand jobs and employment. He said a number of non-profit users have moved into various parcels. The elimination of the tax benefit would further that approach and you would have non-profits using the parcels as opposed to for-profit enterprises.

He said tomorrow members of the REDC are scheduled to meet with the development committee and it would seem appropriate that committee might have some recommendations after hearing about the economic development programs themselves. He said they welcome participation of all interested parties at that meeting.

Appearance: Mr. Scott Vanderhoff, President
Rockland County Association

Mr. Vanderhoof said they have about 250 members who represent business, education, not-for-profit and civic groups in the County. He said his group is strongly in favor of maintaining this tax abatement program. He said it is their belief that it is critical to maintain the foundation of a tax base throughout the County. Businesses come into our County and the Town of Clarkstown because they know they can get a break on this assessment. He asked the Board to postpone a decision on this matter and helpfully support the position of the Rockland County Association.

Appearance: Mr. Frederick Lowe, President
Nanuet Chamber of Commerce

Mr. Lowe said his organization is dedicated to improving the residential and business environment in Nanuet. He said there are 70+ businesses making up their membership. He said at an executive meeting today, the Town of Clarkstown's plan to abolish the tax abatement for new business was discussed and voted on. Many reasons in favor of continuing the abatement were brought forth. He discussed these at length mentioning the good and the bad reasons businesses either choose or reject Clarkstown as a location for doing business.

Among other things he discussed that businesses contribute additional money and time in support of volunteer organizations. To abolish the tax abatement is to send out a signal saying we don't want you to stay in our town. At a time when the Town is facing a crisis in refuse, pollution, traffic, implementation of a 911 service, coordinating county police forces, etc., the question of where does the money come from must be addressed. Increased taxes is not the answer. The amount of funds generated by this action versus the loss of long term business

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commitment to the community makes the decision for abolishment unwise.

He said at a meeting with County Legislator Gromack many months ago when the combined Supervisors first discussed this proposal all speakers overwhelmingly spoke in favor of keeping the tax abatement in place. He said to the best of his knowledge no other Town Supervisor other than Orangetown has continued along with this proposal. He said the business leaders of the Nanuet Chamber of Commerce voted unanimously to keep the tax abatement and asked that we be included in your decision making process so that we may work together in solving the community problems that face us. He said they have many good ideas and hope, with the Board's help, they can protect the relationship between town and hamlet that will foster a fertile environment within which both may prosper.

Appearance: Robert R. Granik, Esq.,
representing Richard Grossman of
Gibraltar Management Corp.

Mr. Granik gave a history of 435-b noting the costs many years ago of building in Rockland as opposed to building in North Jersey stating the differential in taxes. He said 435-b was adopted which is an enabling statute. He said it simply stated that if local governments enacted this legislature that they may do it and school districts in the community may do it. It didn't say you have to grant every exemption.

Mr. Granik explained that the intention of the statute was to attract business to the locality. He explained "site specific" situation as opposed to a general situation, using Pyramid as an example of "site specific." He said he felt it would punish the whole Town of Clarkstown by removing the incentive for many prospective developers to want to build in the Town.

Mr. Granik mentioned that a change of zone is different from a subdivision or site plan where you can ask an applicant in a change of zone to give up certain rights or even to make certain improvements where you cannot make them do them in a subdivision or site plan. He said for almost twenty years not one major developer wanted to come into Clarkstown because they did not want to undergo what they considered the "Reynolds' Syndrome." He noted that now Clarkstown is welcoming developers and is coming along fairly well. However, if businesses must pay more in taxes in our area than somewhere else they will go elsewhere and bypass this Town. He said by this amendment you will be taking away your own right to give an exemption. It is not an obligation; it is a right. That one act may cause development in the Town to take another ten or twenty years to build back up because of what will happen over the next several years. This Board would be making a serious, ill-conceived error in eliminating this right which you now have.

Mr. Granik asked if there are informal workshops to discuss this situation he would like to be invited to them. He felt he might be helpful.

Appearance: Mr. Adolph Solon
South Conger Avenue
Congers, New York

Mr. Solon said he felt that many people like himself, who are blue collar workers, will be asked to subsidize the companies who may be coming to Clarkstown and he stated that he could not afford that. He felt that we are already overtaxed and it was unfair to ask people who are making thousands to subsidize those making millions.

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Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley said he concurred with Mr. Solon. He said even Pyramid, which is one of the most aggressive companies in the northeast in pursuing tax abatements and tax reductions and assessment reductions, stated that they did not want any abatement. He felt that must mean that there is not too much land available and there is not a lot of places left where they can go and development will ultimately come here.

When businesses come they put more stress on the infra-structure and even though there is a split at homestead and commercial, the homestead people, although they get almost no benefit from businesses, pay their share of all the increases which is forever going up. He said homeowners don't get a tax abatement and it is time to stop treating the homeowner as a second class citizen and put everyone on an equal footing. He said do not worry about the developers coming here. They will come because there is not that much land left in the area surrounding New York City. A tax abatement puts money in their pockets and takes money from the homeowner and he urged the Board to remember that when they vote on this.

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

Mr. Lodico said the Town Board can correct the so-called "Reynolds' Syndrome" because you are the ones who have to move the planning and development, etc. He noted that for years no one wanted to come into this Town because the Town government played games with the planning and a developer could spend years and thousands of dollars in taxes and get no place. He felt projects should be moved along quickly by the Board.

Mr. Lodico spoke regarding the concern expressed for roads, landfills, etc. and where are we going to get the money? You are going to get the money from taxes. Projects which have already been approved in this Town will not be subjected to that. He mentioned his appointment to the Industrial Development Committee and said he is presently the Chairman. The Committee is representative of business persons in this Town, representative of the School Board, lay persons, realtors, etc. and they have discussed this aspect. He said before he was appointed to this Board he was concerned about the Pyramid Project from the standpoint of tax base and he spoke to a supervisor of another town where they had established a business. He said it did become a tax benefit to the other town. There were some inconveniences in the beginning but it was the tax dollars which helped them and bailed them out.

Mr. Lodico said in discussing a tax abatement with this other town supervisor, who was also a lawyer, he (Mr. Lodico) felt that it could be eliminated. There is no question of who will pay in the future when you eliminate the total thing - then everyone comes in equal. He said there is a large segment of the population which supports the repeal of the tax abatement and it would be in the best interest of this Town to start from scratch. There remains approximately 200 acres of land left in our bank so there is no reason to delay this tax abatement issue. He urged the Board to pass this tonight.

Appearance: Mr. Michael C.(?)
Orange & Rockland Utilities

He said Orange and Rockland supports the 485-b tax abatement program. He said Rockland County must portray a positive business atmosphere to attract good quality companies and that means more tax ratables, more jobs, broadening the local tax base over the

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long term and that is the objective of all responsible governments. We need tools to promote Rockland County and to attract quality companies and the tool is 485-b. He said 90% of the municipalities in New York State have remained in the tax abatement program to try to stay competitive. New York State has a poor reputation as a place to do business. New York State Department of Economic Development has indicated Rockland County's property taxes are too high in relation to New Jersey, Westchester and Orange Counties. Companies will start to leapfrog Rockland County to go to Orange County if 485-b is eliminated.

Appearance: Mr. Stuart Schwartz, representing
Rockland County Board of Realtors

Mr. Schwartz said at this time his group supports the postponement of any decision on this matter until the realtors and other interested parties in the Town have had enough time to study the matter further.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was recessed until February 28, 1989.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/24/89

9:16 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE (MINI-WAREHOUSE)

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that the Rockland County Commissioner of Planning approved subject to the condition that the amendment include a stipulation which requires that a certificate of occupancy be issued for each change in occupancy to insure uses that are compatible with mini-warehouse use and requires parking that does not exceed the spaces available.

Mr. Jacobson said the Town Planning Board recommended approval. They asked for the two stipulations noted above plus the maximum height of a mini-warehouse shall not exceed two stories or twenty-four feet and that no other accessory uses shall be permitted other than those already set up.

Mr. Jacobson stated that the SEQRA Mr. Geneslaw recommended has no impact.

Supervisor asked Mr. Geneslaw to comment on this. Mr. Geneslaw said the amendment before the Board is an Amendment to the Zoning Ordinance that would allow mini-warehouses in the M, LIO and RS zoning districts by special permit of the Town Board. He said one of the items which the Planning Board referred to in asking that there be no accessory uses would be that it not be the sort of place that also rented trailer hitches and moving supplies, etc. Planning felt it should be limited strictly to the mini-warehouses. All of the requirements of the respective districts would apply except that the mini-warehouses could be closer to the property line because there would not be as adverse an impact as from buildings with industrial activities or heavy traffic.

Councilwoman Smith asked if on the exterior there was a way to limit the colors. Mr. Geneslaw said the proposed amendment suggests earth tone colors and it would be subject to approval. However, because there is a Planning Board and an Architectural Review Board it might be that the Architectural Review Board would have the jurisdiction over the color but he felt it could be limited.

Appearance: Henry Horowitz, Esq.

Mr. Horowitz said he was in favor of the adoption of the proposed amendment. He said what gave birth to this proposal was an action by this Board which granted a change of zone to RS which the applicant had requested but restricted the use of that particular site to that of a mini-warehouse which is what the applicant requested.

When this went before the Planning Board for processing they did not see any mini-warehouse in the zoning ordinance. They said that is a storage place so we had to come up with several hundred parking spaces. We felt that would defeat the whole purpose so we went into the Board of Appeals for an interpretation. They said there is no such thing as a mini-warehouse. The ordinance calls it a storage place so you need several hundred parking spaces. We then supplied data to the Planning Board which Mr. Geneslaw took and analyzed. We had taken data from mini-warehouses throughout the Town and then got it into excellent form.

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Mr. Horowitz said there are two little problems. Since it is in the various zones RS (the zone we are in) and M by special permit he said he would like Mr. Jacobson, if there is a possibility in the adoption of this particular amendment that it at least exclude or that there is a grandfather for an item which has received a zone change and is restricted in use only to the mini-warehouse. Otherwise we face the position of having to come back again before this board for special permit for the mini-warehouse.

He said the other problem relates to the parking aspect. He said what has been built into the ordinance is that the drives within the mini-storage are going to be wide enough so that you don't need any specific parking. You can just pull alongside your unit, park and drop your stuff off. He said he was requesting the amendment, where it says parking regulations, to read mini-warehouse - none required. He said there is a provision for a dwelling to occur in that zone which is solely for a round-the-clock caretaker. He would need two spaces.

Mr. Horowitz said it should say mini-warehouse and where it provides parking it should say two for a caretaker's dwelling. If we do not do that when someone comes in before the Board they are going to look up and down the parking regulation and they will not see mini-warehouse. They will say it is a service use and it is.

Town Attorney Murray Jacobson said that the second thing Mr. Horowitz was talking about is a non-conforming use. It is there before the ordinance is amended so it doesn't cease to exist. He asked Mr. Horowitz if that was what he was worried about. Mr. Horowitz said the mini-warehouse has not been built yet. He stated that he has a resolution from the Town Board that says we have changed your zone to RS but the only thing you can do with it is a mini-warehouse. After the ordinance you now define it and say that can only occur in several zones. It can occur in the zone we have but by special permit of the Town Board. Is it construed that that resolution is tantamount to having a special permit? He said he just did not want anyone to raise that after we have gone through all this.

Supervisor said in other words when he goes to get his building permit he doesn't want a weird interpretation. Mr. Horowitz said that occasionally is wont to happen. Mr. Horowitz said he just has to protect what has been done before or otherwise you are pushing us back a year. Town Attorney said that is not a planning consideration - to say you are going to put it in as of right and we will change it later.

Councilman Maloney said is there any problem with changing it the way we mentioned before? Mr. Horowitz said you have got to change the rest of it so that we can get into the parking problem. Mr. Jacobson said he has no problem with that. The only thing it says is that there should be off street parking if they have offices or administrative areas. The other problem requires some thinking.

Town Attorney suggested adding an Item No. 12 to handle the parking problem. This was agreed to.

Mr. Horowitz said he was indicating as to whether or not it could not be construed that the granting of a zone change by the Town Board to a particular zone conditioned upon the site being used for only one specific purpose is tantamount to the Town Board granting a special permit to allow that purpose. Mr. Horowitz said that someone had suggested if you don't use the mini-storage but work some of the other uses in the RS you may be in a better position. He said he does not want that. It was the clear intention of this Board that that site was being rezoned for only one reason - mini-warehouse. If you don't want to use it you come back before the Board.

Town Attorney said he would put the resolution into appropriate language.

Appearance: Mr. Peter Martinelli
U-Haul, Nanuet

Mr. Martinelli asked if the mini-warehouse was being allowed only by itself and not in conjunction with any other business? Mr. Jacobson said this is a use in a zone with a lot of other uses in the zone. This is in RS, LIO and M. If you get a special permit for mini-warehouse that is all you can have there except for a cottage for a full-time caretaker. You can't use it for other things. If you get a special permit for that, that is all you are going to get the special permit for. If you want to use it for something else, you will go for the other use.

Mr. Martinelli asked if there is permit he can file for? Mr. Jacobson said not right now, but if this is passed, yes. Supervisor said you are looking for a U-Haul. You had to go to get a variance for side yards and everything. Mr. Martinelli said he wanted to know if they could go for everything on his property?

Councilwoman Smith asked U-Haul plus mini-storage? Mr. Martinelli said yes. Councilwoman Smith asked Mr. Geneslaw if he had said no to that? Supervisor said you might have zoning problems with that. Town Attorney asked how big a piece of property it was and Mr. Martinelli said it is about three acres. He said he wanted to go mini-warehouse and U-Haul which is the majority part of his business.

Mr. Geneslaw said the way the amendment is drafted he did not think it would be permitted. The amendment you have in front of you specifically prohibits retail sales. The Planning Board recommended no accessory uses.

Mr. Jacobson said the way it is drafted it says no retail use is permitted in a mini-warehouse. Are you saying that you take that to mean that the consideration is if the man has three acres they couldn't have an acre for something else and two acres for mini-warehouse? Mr. Geneslaw said in the end the Building Inspector is going to have to make the interpretation but the intention when it was originally drafted was to discourage retail sales but most specifically not to have retail sales out of the units themselves. Town Attorney said that is clear.

Town Attorney said but here where he is talking about three acres, let's say he wants to have one acre for retail sales and the other two he just has mini-warehouses. Mr. Geneslaw said one of the things the Planning Board recommended is no accessory uses. Town Attorney said then that would be an accessory use. Town Attorney said if he thinks he is going to have the same business in the mini-warehouse, the answer is no but if he segregates a one acre which he uses for something else - -

Councilman Carey asked if the zoning was all the same on the three acres? Mr. Geneslaw said it is RS. Councilman Carey said what would be the chances of changing the zone on a part of it, not the whole piece, so that he could do one thing on one piece of the property and one thing on the other piece. Mr. Geneslaw said we used to have that problem when the convenience stores first started being proposed in gas stations. What several building inspectors said was that each of the uses - the convenience store portion of the property and the gas station portion of the property - each had to meet independent requirements. If it was a 20,000 square foot minimum lot size the Building Department would say you would have to have 20,000 for the convenience store and 20,000 for the gas station. He said to him there was a parallel but he could not guarantee that the Building Department would make the same interpretation here. We just don't know.

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Mr. Martinelli said when he met with the Board everything was lined up and he was just waiting on a decision whether you would allow mini-warehouse. We went through the whole thing during which you recommended the different things we could do. The way the zoning read that day was that all we had to do was wait for the Town Board to pass on whether there would be mini-warehouse allowed or not. Mr. Geneslaw said we pointed out that the plan we were looking at would not be approved because it included the mini-warehouses. We were waiting to see what the Board did. Mr. Martinelli said you had said we couldn't run the businesses out of the individual units but that was not our intention. They would be separate units altogether. He asked if he was getting that or not?

Councilman Carey said not from us. Mr. Geneslaw said you can specifically amend this to allow mini-warehouses and other related uses on the site. Town Attorney said then you would need more votes because of the County Planning's recommendation. They approved with conditions. You need four votes when they approve with conditions. Councilman Carey said you need four votes on that? He said he was not aware of that. He thought it was just a negative recommendation when you needed four votes.

Supervisor asked what the Rockland Planning Commissioner's recommendation was? Town Attorney said he approved it subject to conditions, which he again read. He said the way it was proposed to him is the way you've got it. The only changes were to Items 9, 10 and 11. Supervisor said why don't we redraft it and rehear it again.

Supervisor said or we could amend it specifically for this. We can adopt it with the two things but he said what Mr. Martinelli is saying here would require a separate publication and another public hearing. Councilman Maloney said what Mr. Horowitz wants we can adopt with minor clarification.

There was discussion regarding what Mr. Martinelli had to do. Councilwoman Smith asked Mr. Geneslaw if Mr. Martinelli had enough room to do what he is proposing and Mr. Geneslaw said the site plan would work. Mr. Geneslaw asked if Mr. Chase (Rockland County Planning Commissioner) has said something about a certificate of occupancy? Mr. Jacobson said yes and what we included here is that the applicant shall be required to obtain a certificate of occupancy for each change of occupancy to insure that the use is a compatible mini-warehouse use and that the parking required for such use does not exceed the parking spaces.

Mr. Geneslaw said does that mean that everytime someone rents to someone they have to get a C.O.? Mr. Jacobson said that appears to be what he is suggesting. Mr. Geneslaw said that as a practical matter that would appear to be a problem. Mr. Geneslaw said if you are accepting his conditions we have to be clear what it is because the operators in the building department may get very badly tangled up. Mr. Jacobson said if we leave it out we must have four votes but that does not appear to be a problem.

Supervisor said let's put in the two amendments and delete Mr. Chase's recommendation. Town Attorney said then you would delete the present 11 and work out a new 11. We would have a new 12.

Appearance: Mr. John Lodico

Mr. Lodico said leave this hearing open until you get some more information as you did with the previous hearing so we don't have to spend money for another public notice. Mr. Lodico said there should be an area where the best use of the property should be available. The man should not be denied the right to utilize his property for his best and highest use. He said he

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would rather see a commercial building on the RS property so if the man wants to split his property make it so he can do one acre for the mini thing and let him have his gas station or whatever else is permitted in the RS zone so he gets the highest and full value. If you have a building on that two acres which is 200 feet long you'll have a half a million dollar ratable. If you have 200 feet of mini-warehouses at eight foot apiece you'll probably get 4% of the tax revenue for that mini-warehouse in deference to a half million dollar ratable you would get for its highest use in the RS.

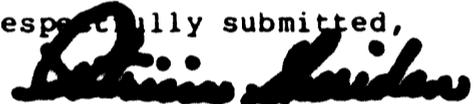
Councilman Kunis said if we delete Mr. Chase's recommendation we will get no revenue from any of those rentals whereas if they had to get a C.O. you would be getting revenue each time it is rented, correct? Mr. Jacobson said he did not think he was thinking in those terms.

Appearance: Irene Saccende, Code Inspector
Town of Clarkstown

Mrs. Saccende said she would like to see qualified the structures intended for dead storage of goods or wares. Councilman Maloney said how can you qualify that? You can't become specific. Goods and wares means everything - papers, boxes, etc. Mrs. Saccende said a businessman might use it to store many things, flammables, toxins, etc. It is all according to the type of business he's in. Mr. Jacobson said flammables would be covered by the fire code.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:47 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (106-1989 ADOPTED))

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/24/89

9:48 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE RE: FLOOR AREA RATIO

On motion of Councilman Maloney, seconded by Councilwoman Smith 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 said the County Planning Board approved. He said with regard to SEQRA Mr. Geneslaw said there was no environmental impact. The Town Planning Board said in light of additional research required by the Planning Consultant the Planning Board respectfully requests additional time be granted for the in depth review of the above matters. That was in their letter of January 6, 1989.

Supervisor asked Mr. Geneslaw if he had any further input from the Planning Board? Do they desire additional time in this regard. Mr. Geneslaw said yes they would.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was recessed to February 28, 1989, time: 9:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/24/89

9:51 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT
NO 1 TO INCLUDE AVARAS

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

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

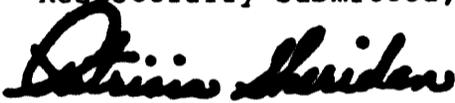
No one appeared.

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

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:53 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/24/89

9:51 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE KIAFFAS

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

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

No one appeared.

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

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 9:53 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk