

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/24/89

8:00 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 recognized students from our local schools present in the audience who would be present tomorrow at Student Government Day here in Town Hall.

Supervisor declared Public Portion of the meeting open.

Appearance: Ms. Pat Halo, President
New City Chamber of Commerce

Ms. Halo said she was here as the appointed chair of the space committee which is a committee the Town Board appointed and that the County has representatives on to study the needs for governmental space in New City. They felt there should be a joint effort on the part of the Town and the County in this planning. She said the Town and County should work with a firm which is the mutual choice of both to look at the planning preparatory to action. She asked the Town Board to take the first step in working cooperatively with the County by taking a fiscal step to such cooperation and setting aside a certain sum of money and then the Space Committee would go to the County and ask them to match that amount of money. From this fund they would have a firm come in that would be multi-disciplinary and who would look at the problems which the Space Committee has identified.

Ms. Halo felt that these problems must be worked out by a firm with the capability to look at all of the problems and look at New City as an entire area not just separate town and county areas. She noted that in particular the traffic pattern has not been a very enjoyable one the last couple of years. She urged the Town Board to take the first step in solving these problems.

Appearance: Mr. William Chase,
Rockland County Planning Commissioner

Mr. Chase said the County has begun the process by putting out a document which is called a Court Facilities Capital Plan which is being studied by the Office of Court Administration. The County will continue the process of studying their space needs. They are now looking into hiring a traffic consulting firm to look at the problems of getting in and out of the County's campus. The cooperative role in venturing into this with two governmental structures and citizens input is something a little different. He said while he could not speak to what the County's response might be, if the Town reached out with funds they will be taking the first step in looking for a cooperative venture. He said the cost of the study as outlined by Ms. Halo would be approximately \$30,000.00 and the Town's share would be approximately \$15,000.00.

Appearance: Mr. William Kohn

(Ms. Halo had stated that Mr. Kohn was an Architect who had done plans for the County Campus in the past.) Mr. Kohn implored the Board not to lose this opportunity to be the lead factor in forcing cooperation. The fragmentation of planning within a given neighborhood has to cease and this is a rare opportunity, because of the common problems that exist, for both entities to do a common effort and a common result that both can understand. He said this Board would be complimented in its efforts if they would be the one to move on it.

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Appearance: Mr. Rudolph Yacyshyn, Chairman
Clarkstown Planning Board

Mr. Yacyshyn stated that he is the Town's appointed representative from the Planning Board to this body. He said they have served to develop the aspects that would be necessary to bring this to some fruition in a reasonable amount of time. The original Master Plan of the Town of Clarkstown, which was developed in 1966, first embodied the study and the need for the cooperation between the County and the Town and subsequent updates have reechoed and restated that. He said they have been undertaking for the past year to do the same thing. He felt if the Town Board sees fit to participate in this manner it will bring to fruition what we so sorely need. He urged the Board's support.

Ms. Halo asked if anyone had any questions. No one did. She thanked the Town Board and the Supervisor for allowing this to be discussed at the public portion of the Town Board Meeting and for taking the time to listen to it. She felt the Town Board could save money on a study it would need anyway by doing it this way. She stated that the cooperation of the Town and the County makes common sense because we are so close in physical proximity to each other. She asked the Board's consideration and stated they would be happy to come back when the Board was ready to discuss it further or to vote on the suggestion or an amended version of it.

Councilman Maloney thanked the members of the Space Committee and those that have given of their time to wrestle with these problems. They took their assignments very seriously and he thought they came up with some things for us to think about and have certainly presented a challenge to the Town Board and he thanked them for their input.

Supervisor Holbrook said he would echo those comments.

Supervisor then asked Mr. Anthony Teplitz to come forward for a Certificate of Recognition by the Town Board. Supervisor stated that about three weeks ago he was driving by the Teplitz property in Nanuet and noted that there is a new fence and a new house. He was impressed with the appearance of the whole operation and he thought that a businessman who takes time to enhance his property should be rewarded with some sort of recognition. He presented Mr. Teplitz with a framed certificate and stated that hopefully he would hang this in the building that doesn't look like a junkyard anymore. He congratulated Mr. Teplitz on a wonderful job.

Councilman Maloney stated that he and Supervisor Holbrook had been present at the dedication of the new Meals on Wheels. When they came to thank someone who had been an integral part in setting up the board room and donating furniture, Mr. Teplitz disappeared. They wanted to recognize him but they could not since he had gone outside because he is so modest. Councilman Maloney stated that he wanted to thank Mr. Teplitz on behalf of all who partake of that beautiful building and the board room.

Appearance: Mr. John Lodico
2 Birch Lane
New City, New York 10956

Mr. Lodico said we have just completed a \$36,000.00 space study? He wanted to know what happened?

RESOLUTION NO. (946-1989)

ACCEPTING MINUTES OF
SPECIAL TOWN BOARD MEETING
OF OCTOBER 3, 1989 AND TOWN
BOARD MEETING OF OCTOBER
10, 1989

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RESOLUTION NO. (946-1989) Continued

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the Special Town Board Meeting of October 3, 1989 and the Town Board Meeting of October 10, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (947-1989)

ACCEPTING DEEDS FOR ROAD
WIDENING PURPOSES ALONG
HARRISON AVENUE, CONGERS
TOGETHER WITH DECLARATION
OF RESTRICTIVE COVENANTS
(THOMAS, JANICE AND MILDRED
BIERDS AND JOHN P. OCHS)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown deed dated September 26, 1989, from Thomas W. Bierds and Janice Marie Bierds to the Town for road widening purposes along Harrison Avenue, Congers, New York; deed dated October 12, 1989, from John P. Ochs and Mildred L. Bierds to the Town for road widening purposes along Harrison Avenue, Congers, New York, together with a Declaration of Restrictive Covenants dated September 25, 1989, made by Thomas W. Bierds and Janice Marie Bierds required by the Board of Appeals in connection with Appeal No. 1718, are hereby accepted and ordered recorded in the Rockland County Clerk's office.

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. (948-1989)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ARTICLE 78
PROCEEDING (FREIREICH V.
PLANNING BOARD AND BUILDING
INSPECTOR)

Co. Carey offered the following resolution:

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

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RESOLUTION NO. (948-1989) Continued

In the Matter of the Application of
JOSEPH FREIREICH,

Petitioner,

for a Judgment pursuant to Article 78
of the Civil Practice Law and Rules

-against-

RUDOLPH J. YACYSHYN, RICHARD J. PARIS,
JOSEPH CENTRA, HAROLD SCHWEITZER,
WILLIAM NEST, JOSEPH MARAIA and FRANCES
FALLON, constituting the Planning Board
of the Town of Clarkstown, GERALD D.
COLUCCI, Building Inspector, and the
Town of Clarkstown,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. 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. (949-1989)

AMENDING RESOLUTION NO.
825-1989 RE VILLAGE GREEN
AUTHORIZING TOWN ATTORNEY
TO COMMENCE ACTION TO
RECOVER SUM ON BOND NO.
17537

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 825 - 1989, adopted by
the Town Board on August 29, 1989, be amended nunc pro tunc to add
the following language:

"and be it

FURTHER RESOLVED, that the Town Attorney, or such other
counsel as the Town Attorney may choose, be and hereby is authorized
to commence an action to recover the sum of \$125,000.00 on Bond No.
17537 at no cost or expense to the Town of Clarkstown."

On roll call the vote was as follows:

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

RESOLUTION NO. (950-1989)

AWARDING BID FOR BID
#69-1989 - LANDFILL COVER
MATERIAL (M. J. LUND
TRUCKING INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control and the Director of Purchasing that

BID #69-1989
LANDFILL COVER MATERIAL

is hereby awarded to

M. J. LUND TRUCKING INC.
BRISMAN DRIVE
THIELLS, NEW YORK 10984
PRINCIPAL: MARTIN LUND

as per their proposed cost of \$5.43 per delivered ton, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of the following as required by bid specifications:

- Certificate of Automobile Liability Insurance with
limits of coverage as requested, naming the Town as
an additional insured party
- Save Harmless Agreement
- Certificate of Workers Compensation coverage

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. (951-1989)

AWARDING BID FOR BID
#65-1989 - REPAIR OF
CATERPILLAR D-9 (SERIAL
#1JD1330)(H.O. PENN
MACHINERY CO. INC.)

Co. Maloney offered the following resolution:

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

BID #65-1989
REPAIR OF CATERPILLAR D-9
SERIAL #1JD1330

is hereby awarded to

H.O. PENN MACHINERY CO., INC.
P.O. Box 3238, NOXON ROAD
POUGHKEEPSIE, N.Y. 12603
PRINCIPAL: C.E. THOMAS CLEVELAND, PRES.

as per their proposed cost of \$6,600.00.

Seconded by Supv. Holbrook

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RESOLUTION NO. (951-1989)

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. (952-1989)

AWARDING BID FOR BID
#59-1989 - ELYSE DRIVE
STREAM PROJECT (SENTRALE
CONTRACTING CORPORATION)

Co. Maloney offered the following resolution:

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

BID #59-1989
ELYSE DRIVE STREAM PROJECT

is hereby awarded to

SENTRALE CONTRACTING CORPORATION
206 FERRIS AVENUE
WHITE PLAINS NY 10603
PRINCIPAL: JOSEPH F. CERNIGLIA

as per their low bid proposal of \$123,264.00, and be it

FURTHER RESOLVED, that said award is subject to the
execution of a contract as prepared by the Town Attorney.

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. (953-1989)

AWARDING BID FOR BID
#67-1989 - AIR CONDITIONING
COOLING TOWER REPAIR/-
REPLACEMENT FOR TOWN HALL
(AIR-PERME-ATOR, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Hall Building Maintenance Supt. and the Director of Purchasing
that

BID #67-1989
AIR CONDITIONING COOLING TOWER
REPAIR/REPLACEMENT FOR TOWN HALL

is hereby awarded to:

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RESOLUTION NO. (953-1989) Continued

AIR-PERME-ATOR, INC.
300 PREAKNESS AVENUE
PATERSON, N.J. 07502
PRINCIPALS: ERWIN F. STORZ
ROBERT E. GIBBONS

as per their combined low bid proposal of \$10,425.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of the Certificate of Liability Insurance coverage with limits of protection as stated in bid specs. The Town shall be named as a co-insured. In addition, successful contractor shall present evidence of Worker's Compensation coverage.

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. (954-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING HERE TO CORNER" - WESTSIDE OF BENSON AVENUE, 30 FEET FROM WEST NYACK ROAD, WEST NYACK, NEW YORK

Co. Carey 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:

a sign to read, "No Parking Here to Corner." This sign to be erected on the west side of Benson Avenue, 30 feet from West Nyack Road, West Nyack, New York

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

RESOLUTION NO. (955-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON LAUREN COURT AT PASCACK ROAD, SPRING VALLEY, NEW YORK

RESOLUTION NO. (955-1989)

Co. Carey 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:

A "Stop" sign on Lauren Court at Pasack Road, Spring Valley, New York

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

RESOLUTION NO. (956-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGNS TO READ "30 MPH" ON SOUTH CONGER AVENUE, CONGERS, NEW YORK

Co. Carey offered the following resolution:

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

Signs to read, "30 MPH" to be erected on South Conger Avenue, Congers, New York

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

RESOLUTION NO. (957-1989)

TRANSFERRING FUNDS IN VARIOUS ACCOUNTS

Co. Maloney offered the following resolution:

WHEREAS, the following Appropriation Account Numbers were overdrawn in the Sptember 30, 1989 Budget,

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RESOLUTION NO. (957-1989) Continued

NOW, THEREFORE, be it

RESOLVED, to make the following transfers:

<u>DECREASE</u>	<u>INCREASE</u>	<u>AMOUNT</u>
A 1315-201	A 1315-114	\$ 458
A 1315-409	A 1315-313	300
A 1620-408	A 1620-114	230
A 1680-110	A 1680-225	5,400
A 1990-505		25,700
	A 5650-419	525
	A 5650-461	175
	A 8160-413	25,000

Seconded by Supv. Holbrook

Councilman Kunis asked Mr. Schofield (Comptroller) what the transfer of the \$25,000.00 in A 1990-505 and A 8160-413 represented and Mr. Schofield said that was going to soil for the Landfill.

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. (958-1989)

TRANSFER OF FUNDS -
 DECREASING APPROPRIATION
 ACCOUNT NO. A 4210-201 AND
 INCREASING APPROPRIATION
 ACCOUNT NOS.: A 4210-313
 AND A 4210-328

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. 4210-201 by \$90.00 and increase the following Appropriation Account Nos.:

A 4210-313.....	\$30.00
A 4210-328.....	\$60.00

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. (959-1989)

TRANSFER OF FUNDS -
 DECREASING CONTINGENCY
 ACCOUNT NO. A 1990-505 AND
 INCREASING APPROPRIATION
 ACCOUNT NO. A 5630-311
 (MINI-TRANS - GASOLINE)

Continued on Next Page

RESOLUTION NO. (959-1989) Continued

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 5630-311 (Mini-Trans - Gasoline) by \$7,000.00.

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. (960-1989)

TRANSFER OF FUNDS - VARIOUS
ACCOUNTS - RECREATION AND
PARKS

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7020-438 (Parks & Recreation - Maintenance Agreement) by \$300.00 and to increase Appropriation Account No. A 7020-313 (Parks & Recreation - Office Supplies & Printing) by \$300.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7140-408 (Parks & Playgrounds - Building Repairs & Improvements) by \$150.00 and to increase Appropriation Account No. A 7140-222 (Parks & Playgrounds - Parks & Recreation Equipment) by \$150.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7180-424 (Swimming Facilities - Contractual Expenses) by \$3,000.00 and to increase Appropriation Account No. A 7180-323 (Swimming Facilities - Chemicals) by \$3,000.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account 01-002001 (Park & Recreation Charges) by \$4,030.00 and to increase Appropriation Account No. A 7310-427 (Youth Programs - Publicity) by \$4,030.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account 01-002012 (Refreshment Stands) by \$4,900.00 and to increase Appropriation Account No. A 7210-301 (Refreshment Stands - Food) by \$4,194.00 and to increase Appropriation Account No. A 7210-404 (Refreshment Stands - Travel, Mileage & Meals) by \$706.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account 01-002025 (Beach & Pool Charges) by \$10,050.00 and to increase Appropriation Account No. A 7180-114 (Swimming Facilities - Part-Time) by \$10,050.00.

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. (961-1989)

TRANSFER OF FUNDS -
DECREASING REVENUE ACCOUNT
NO. 11-002680 (LIABILITY
INSURANCE - INSURANCE

RESOLUTION NO. (961-1989) Continued

RECOVERIES) AND INCREASING
ESTIMATED REVENUE ACCOUNT
NO. 04-202680 (HIGHWAY-
DA-INSURANCE RECOVERIES)
AND APPROPRIATION ACCOUNT
NO. DA 5130-447 (EQUIPMENT
REPAIRS)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown received \$599.00 from
Kosta's Construction Works for the repair of the Superintendent of
Highway's car,

NOW, THEREFORE, be it

RESOLVED, to decrease Revenue Account No. 11-002680
(Liability Insurance -Insurance Recoveries) by \$599.00 and increase
Estimated Revenue Account No. 04-202680 (Highway-DA-Insurance
Recoveries) and Appropriation Account No. DA 5130-447 (Equipment
Repairs) by \$599.00 and transfer same to the appropriate accounts.

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. (962-1989)

TRANSFER OF FUNDS -
INCREASING ESTIMATED
REVENUE ACCOUNT NO.
02-002770 (TOWN OUTSIDE
VILLAGE-MISC. REVENUE) AND
APPROPRIATION ACCOUNT NO. B
8110-424 (CONTRACTUAL
EXPENSES)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$1,387.76
from Orange & Rockland Utilities for a broken sewer spur at 14
Palmer Ave., Nanuet,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
02-002770 (Town Outside Village - Misc. Revenue) and Appropriation
Account No. B 8110-424 (Contractual Expenses) by \$1,387.76.

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. (963-1989)

TRANSFER OF FUNDS -
DECREASING APPROPRIATION

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RESOLUTION NO. (963-1989) Continued

ACCOUNT NO. DB 5110-381
(HIGHWAY - BITUMINOUS) AND
INCREASING DB 5110-201
(FURNITURE & FURNISHINGS),
DB 5110-219 (MISC.
EQUIPMENT) AND DB 5110-408
(BUILDING REPAIRS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-381 (Highway-Bituminous) by \$705.00 and increase the following Appropriation Account Numbers:

DB 5110-201 (Furniture & Furnishings).....\$175.00
DB 5110-219 (Misc. Equipment).....\$ 30.00
DB 5110-408 (Building Repairs).....\$500.00

Seconded by Supv. Holbrook

Councilman Kunis asked if the Superintendent of Highways could tell him how much we are taking from the Bituminous Account? Supervisor said that the Highway Superintendent was ill this evening and was not in attendance.

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. (964-1989)

AUTHORIZING ATTENDANCE AT
"BASICS OF SUPERVISION"
COURSE (MANERI, PROFENNA,
BREGANTI AND BRUCK -
HIGHWAY DEPARTMENT - CHARGE
TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Steven Maneri, HMS I, Nicholas Profenna, HMS I, Michael Breganti, HMS I, and Dennis Bruck, HMS I, are hereby authorized to attend the "Basics of Supervision" course at the Mansion at Blue Hill Golf Course in Orangetown on Thursday, October 26, 1989, and be it

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

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. (965-1989)

SETTING PUBLIC HEARING RE
ZONE CHANGE FROM LO TO R-10
DISTRICT (C. R. CLEMENSEN)

Co. Smith offered the following resolution:

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RESOLUTION NO. (965-1989)

WHEREAS, C.R. CLEMENSEN has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an LO District to an R-10 District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 for the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of December, 1989, at 8:15 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. 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. (966-1989)

AUTHORIZING AND DIRECTING TOWN ATTORNEY TO COMMENCE ACTION AGAINST ASSOCIATES OF ROCKLAND COUNTY AND/OR AOR DEVELOPERS, INC., AND BFI MEDICAL WASTE SERVICE OF NEW YORK, INC., D/B/A MERRIMACK VALLEY MEDICAL SERVICE COMPANY

Co. Maloney offered the following resolution:

WHEREAS, it has come to the attention of the Town of Clarkstown that a transfer station for medical waste is being operated at the premises known as 612 Corporate Way, Valley Cottage, New York, in the Town of Clarkstown, designated on the Clarkstown Tax Map as Map 124, Block C, Lot 45, which is owned by Associates of Rockland County and/or AOR Developers, Inc. and rented by BFI Medical Waste Service of New York, Inc. d/b/a Merrimack Valley Medical Service Company, and

WHEREAS, the operation of such transfer station is in violation of the Zoning Code of the Town of Clarkstown, and

WHEREAS, the tenant has been notified to cease and desist from such operation but has continued to operate a transfer station at these premises;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized and directed to commence an action against Associates of Rockland County and/or AOR Developers, Inc., owner, and BFI Medical Waste Service of New York, Inc. d/b/a Merrimack Valley Medical Service Company, tenant, to enjoin the use of such premises, at 612 Corporate Way, Valley Cottage, New York, in violation of the Zoning Code of the Town of Clarkstown.

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RESOLUTION NO. (966-1989) Continued

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. (967-1989)

INSTITUTING ACTION AGAINST
OWNER OF PROPERTY
DESIGNATED AS MAP 36, BLOCK
D, LOT 3 (STANLEY ACKER)

Co. Maloney offered the following resolution:

WHEREAS, a trailer is being occupied as a residence at premises located at 10 Kings Highway, New City, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 36, Block D, Lot 3, which premises are presently owned by STANLEY ACKER, and

WHEREAS, such occupancy is not in conformity with the Zoning Ordinance of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to take all necessary steps to enjoin the occupancy of the trailer located at premises at 10 Kings Highway, New City, New York which occupancy is in violation of the Zoning Ordinance of the Town of Clarkstown.

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. (968-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #3-1990 -
PAPER/PLASTIC SUPPLIES

Co. Maloney offered the following resolution:

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

BID #3-1990
PAPER/PLASTIC 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 Friday, November 17, 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.

Continued on Next Page

RESOLUTION NO. (968-1989) Continued

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. (969-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #4-1990 - WORK
CLOTHING/UNIFORMS

Co. Maloney offered the following resolution:

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

BID #4-1990
WORK CLOTHING/UNIFORMS

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,
November 30, 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. 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. (970-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #73-1989 -
HAULING OF FILL MATERIAL
FOR SANITARY LANDFILL

Co. Maloney offered the following resolution:

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

BID #73-1989
HAULING OF FILL MATERIAL FOR SANITARY LANDFILL

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,
November 22, 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.

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RESOLUTION NO. (970-1989) Continued

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. (971-1989)

DECLARING ESCROW FUNDS IN
DEFAULT (ROCKLAND HYUNDAI)
- MAP 107, BLOCK A, LOT
13.02+)

Co. Smith offered the following resolution:

WHEREAS, certain work in a project known as ROCKLAND HYUNDAI (Map 107-A-13.02+) has not been completed, and

WHEREAS, the Town of Clarkstown has in its possession an Irrevocable Letter of Credit in the sum of \$92,700.00 which will expire on October 31, 1989;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney of the Town of Clarkstown, the sum of \$92,700.00 is hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the aforesaid escrow funds to complete the work at said site and the funds transferred to the Highway Department for that purpose, effective October 30, 1989.

(At this point Councilwoman Smith asked if this was the second time they were given the opportunity to complete the work. Town Attorney said they have about \$15,000.00 worth of work to do. The reason it is being done tonight is that there is no other meeting scheduled before October 30th. Supervisor said if the work is done this will be moot.)

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. (972-1989)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ARTICLE 78
PROCEEDING AGAINST TOWN OF
CLARKSTOWN (CHANG V. ZBA)

Co. Carey offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (972-1989) Continued

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

In the Matter of the Application of

PETER CHANG,

Petitioner,

for an Order Pursuant to Article 78
CPLR Reviewing and Annuling the
Resolution Dated August 21, 1989,
of the Zoning 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

RESOLUTION NO. (973-1989)

SETTING PUBLIC HEARING RE
ZONE CHANGE FROM LIO TO
MF-3 - MAP 123, BLOCK D,
LOT 3 (MICHAEL AND DONNA
CEFOLA)

Co. Smith offered the following resolution:

WHEREAS, MICHAEL and DONNA CEFOLA, have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioners described from an LIO District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 123, Block D, Lot 3;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 for the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 12th day of December, 1989, at 8:05 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (973-1989) 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. (974-1989)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT SOUTH HARRISON
AVENUE, CONGERS

Co. Smith offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc. for street lighting at the following location:

South Harrison Avenue Congers
(Install - One (1) 5800 lumen sodium vapor
street light on existing pole number 60680/
41471)

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. (975-1989)

AUTHORIZING COUNTY OF
ROCKLAND TO INSTALL
INFORMATION SIGNS AT EACH
PARK AND RIDE LOT LOCATED
IN CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland Department of Public Transportation has prepared information signs to be installed at each Park and Ride Lot in the County, to encourage people to carpool or use public transportation, and

WHEREAS, the Town Board of the Town of Clarkstown desire to cooperate with the County of Rockland for the benefit of the general public;

Continued on Next Page

RESOLUTION NO. (975-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the County of Rockland Department of Transportation to install information signs at each Park and Ride lot located in the Town of Clarkstown.

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. (976-1989)

CREATING A CITIZENS
ADVISORY COMMITTEE

Co. Maloney offered the following resolution:

WHEREAS, the Town Board is aware that in a democratic society it is important to have communication with the various hamlets and civic groups in the Town so that the desires and concerns of the residents of the Town of Clarkstown may be made clear to the Town Board, and

WHEREAS, it has been proposed that the Town Board create a permanent standing committee made up of citizens representing each hamlet and/or recognized civic association;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby creates a permanent standing committee to be known as the Citizens Advisory Committee of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the members of said Committee therein shall be appointed by the Town Board, at the Organizational Meeting in January, 1990, and shall consist of citizens of the Town of Clarkstown representing each hamlet or recognized civic association existing in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the membership of such Committee shall not exceed fourteen (14) members and shall serve at the pleasure of the Town Board, and shall be unpaid, and be it

FURTHER RESOLVED, that such Citizens Advisory Committee shall hold regular meetings not less than once a month, and be it

FURTHER RESOLVED, that a member of the Town Board shall be designated liaison to attend such meetings of the Citizens Advisory Committee and consult with members of said Committee regarding municipal problems which are of interest and concern to the citizens of the Town of Clarkstown.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Maloney stated that he thought this was an important decision that the Town Board is taking. It is not that we haven't listened to citizen groups in the past. We have, as they have been organized usually in terms of a crisis situation. He said

Continued on Next Page

RESOLUTION NO. (976-1989) Continued

that what we are doing tonight, which no other town has done, to his knowledge, is setting up a Citizens Advisory Committee as a standing committee, recognized by the Town Board, meeting on a monthly basis with a councilman assigned as liaison. He said what it will do is open up a dialogue which will involve representation from every hamlet, from every organized, bona fide civic association. It can only benefit the Town as a whole and only benefit the members of the Town Board because there is a lot of talent out there. We have seen that, as groups have organized regarding different issues. He said he was looking forward to the establishment of such a group and during the months of November and December we will be reaching out and getting recommendations from those groups that are organized so that this particular organization can start in January.

Councilwoman Smith said that she knows that this has been a long wished for goal of Councilman Maloney and she is happy to see that it will become fruition as of January, 1990 and she voted yes.

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

At this point all personnel items on the agenda were tabled until the next Workshop.

RESOLUTION NO. (977-1989)

SETTING PUBLIC HEARING AND REFERRING TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A MINI-WAREHOUSE FACILITY - MAP 120, BLOCK A, LOTS 23, 26 and 74 (NYACK SELF STORAGE, INC.)

Co. Maloney offered the following resolution:

WHEREAS, NYACK SELF-STORAGE, INC., with offices at 2 Sandpiper Drive, West Nyack, as property owner has petitioned the Town Board of the Town of Clarkstown for a Special Permit to construct and operate a mini-warehouse facility for property located on the south side of the New York State Thruway and on the north side of Route 59, Central Nyack, New York, designated on the Clarkstown Tax Map as Map 120, Block A, Lots 23, 26 and 74, pursuant to Chapter 106-16S and 106-10A, Table 12, Columns 3, 4, 6 and 7, of the Zoning Ordinance of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 12th day of December, 1989, at 8:10 P.M., to consider the application of NYACK SELF-STORAGE, INC., relative to said Special Permit, 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 Journal News, the official newspaper of the Town

RESOLUTION NO. (977-1989) Continued

of Clarkstown as aforesaid, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that this application be referred to the Clarkstown Planning Board pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for study and report, and be it

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

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. (978-1989)

AMENDING RESOLUTION NO. 776-1989 AND REFERRING AMENDMENT TO THE ZONING ORDINANCE TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING (HOME OCCUPATION)

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report:

Amend §106 of the Zoning Ordinance

- (a) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.
- (b) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

Normal maintenance and repair of premises used as a nonconforming home occupation shall be permitted if it does not extend the area of or the intensity of such use.

RESOLUTION NO. (979-1989) Continued

Seconded by Co. Carey

At this point Dr. William Grosso from the audience inquired as to whether a present home/occupation, for example, a chiropractor, could be transferred to another health related professional such as a dentist or doctor?

Town Attorney stated that we cannot change the conveyance statutes of the State of New York. We can do something in our zoning ordinance but that is about it.

Supervisor stated that what the Town Attorney is saying is that it goes with the property. Town Attorney stated that was correct.

There was considerable dialogue among Dr. Grosso, the Town Attorney and members of the Town Board as to home/occupation, grandfathering, etc. Supervisor stated that we would refer this resolution as it is and then take a further look at the question Dr. Grosso is raising at a later time.

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. (979-1989)

APPROVING DRUG ABUSE
PREVENTION COUNCIL GRANTS
FOR 1989

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Drug Abuse Prevention Council has determined that the following non-profit organization is eligible to receive grant funding to provide a program seeking to combat substance abuse problems and educating youth in the Town of Clarkstown to avoid such problems, and

WHEREAS, the Drug Abuse Prevention Council has recommended the amount for the grant awards to be made;

NOW, THEREFORE, be it

RESOLVED, that the following organization is hereby awarded a \$500.00 grant pursuant to Town Board resolution #179, and be it

FURTHER RESOLVED, that grant recipients are required to acknowledge in their program literature that funding was provided by the Clarkstown Town Board under the sponsorship of the Clarkstown Drug Abuse Prevention Council.

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Zone Change from R-160 District to an R-80 District (McCall) was opened, time: 8:45 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Zone Change from R-160 District to an R-80 District (McCall) was adjourned until November 14, 1989 for purposes of SEQR completion and until the first workshop in November, November 21, 1989, time: 9:40 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Guiseppa DePaulis, was opened, time: 9:41 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Guiseppa DePaulis, was closed, ORDER SIGNED, time: 9:42 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include 586 Brewery Realty, Inc., was opened, time: 9:41 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include 586 Brewery Realty, Inc., was closed, ORDER SIGNED, time: 9:42 P.M.

Appearance: Mr. Achilles Ligeras, Owner
Crossroads Restaurant
New City, New York

Mr. Ligeras said on October 16th he had applied for a permit to put a new sign in front of the store. The sign that is there is about twenty-five years old and you cannot even see it. He said it was approved but with the condition that he could not put it up for four or five months. He said he could not understand that as it is a separate issue from the one he is appealing which is the decision of the Building Department for him to reduce the capacity of his restaurant to fifty. He said under no circumstances will he do that. He said what he did was exercise his legal right and he appealed the Building Department's decision. He submitted to them a letter that he had done so. He said three Fire Inspectors along with a policeman marched into his restaurant during lunchtime. That was unheard of. He said he lives in New City and as a taxpayer he is opposed to the fact that his tax money is wasted this way - three inspectors and a polieman with a gun at lunchtime. There were people there for lunch some of them from the D.A.'s office. He said his attorney was present at the time they came into the restaurant. Tonight he said he came to the Board to say enough is enough. He will not be subjected to any more intimidation from the Building Department - and in particular he mentioned Mr. Papenmeyer the Fire Inspector.)

Supervisor said maybe the Town Attorney could answer the question of whether the permit to erect the sign can be held up pending the approval of the State Fire Board of the occupancy of the restaurant. He asked Mr. Ligeras to speak with the Town Attorney tomorrow regarding the legality of putting the sign up. He said he understood that Mr. Ligeras got permission from the Architectural Review Board to put the sign up but the Building Department is

Continued on Next Page

holding the permit pending the review by the State Fire Board as to the occupancy of the restaurant.

Mr. Ligeras said why he came tonight was to request to speak and to ask the Board members what he can do? He spent a lot of money to renovate the place. He felt he was entitled to a new sign. He thinks it improves the appearance of the restaurant and this is good for the Town. He said that is all he is asking.

Supervisor asked Mr. Ligeras to make an appointment with the Town Attorney tomorrow to ask him the question so that we can look into that aspect. Mr. Ligeras said he thinks that has been done in the past. He said he applied for a permit. It is a very simple issue. They approved it but they are holding me responsible until something else is solved. This is not right. They say okay we give you the permit but we do not allow you to put the sign up. He said this is unheard of. He should be allowed to put the sign up and this vendetta should stop.

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Attorney

TOWN OF CLARKSTOWN
PUBLIC HEARING

341

Town Hall

10/24/89

8:45 P.M.

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

RE: ZONE CHANGE FROM R-160 TO R-80 - McCALL

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

Supervisor called upon petitioner or a representative to make the presentation.

Appearance: Henry Horowitz, Esq.
representing Petitioner
West Nyack, New York

Mr. Horowitz said the property is on the south side of South Mountain Road about 2,000 feet west of Tioga Court surrounded on the south and west by lands of the Town of Clarkstown. He said the subject zone change is for one acre of property to be changed from R-180 to R-80. He said on December 19, 1984 Almira and Linda McCall purchased some 5.6 acres of property. There was one dwelling on the property and the intent was to purchase it and put on a second dwelling. Almira McCall, the mother, is a widow and Linda McCall is the daughter and they purchased it with the idea of using the one home which Almira McCall does in fact occupy today and then to build a second home for Linda McCall. The first thing they did was to apply for a building permit on the 5.6 acres. That is where they want to build two homes.

Mr. Horowitz at this point referred to maps which depicted the area in question. He said we have a parcel of property divided by district boundaries. He said there should be no problem with that as there are a lot of properties like that. He said we try to avoid them but sometimes there is no choice.

Mr. Horowitz referred to Section 106-19 B of the Zoning Ordinance entitled "Lots divided by district boundary." He said they could put up another house entirely within the R-80 portion of this site but we flip through the ordinance and we see what is divided by district boundaries. He quoted the entire Section 106-19 B. He said what that means is that you may get no building permit here today and that is what happened. No building permit. We do not know what it means. The Building Inspector is as upset as he (Mr. Horowitz) is. The Building Inspector does not know why they changed it because this should read "where a lot is divided by district boundary any construction on any portion of the lot shall conform to the zoning of that portion where the structure is located." Now anyone can understand that.

Mr. Horowitz said they purchased it on December 19, 1984. We had our fun with the Building Inspector and the first public hearing before the ZBA was held on July 7, 1986. Decision was rendered September 2, 1986 and the vote was five "nos", one abstention, one absent - the nos being it wasn't sufficient for economic hardship, there would be an overpopulation in the area, and a series of other determinations which they are certainly within their rights to make.

Mr. Horowitz said they then went to Supreme Court and on January 7, 1987 the court sent it back to the Board of Appeals saying that there was error and they should look into it a little more deeply. There was a second ZBA public hearing on February 23, 1987 and the decision made by that Board of Appeals on May 25, 1987 and again they said no. They went back and the second Supreme Court

Continued on Next Page

Decision came out on July 27, 1987 and they affirmed the no vote and said it was within the jurisdiction of the Board of Appeals to call it as they see it. There was a paragraph in that decision where the judge indicates "The record indicates that petitioners can either convert the existing residence into a two family dwelling by special permit or construct another one family dwelling on the present lot provided that the lot is not subdivided and local building space requirements are met. There is nothing in the record which supports the contention that the petitioners have been denied practical use of the premises by virtue of the denial of these variances."

Mr. Horowitz said what we have is the judge indicating that they can get two families, either one way or the other, and what he was really getting at was, unless he finds the Board of Appeals totally arbitrary and capricious he will not overturn their ruling and did not find them to be totally arbitrary and capricious. Now, we are at the point where the Board of Appeals twice, the Supreme Court action twice for the second house on 5.6 acres. At this point he referred again to maps and stated that what we have merely done is to take the R-80/R-60 line which ran arbitrarily in this location - 300 feet away - they do not meet here anyway and push it along the flood plain line - no problem. The home would go in, conforming in every respect to R-80. The home would be no place near the 100 year flood plain. It would be almost 100 feet, possibly more, away. Impact through here would be zero.

Mr. Horowitz said, in addition, what we have back in here - the land which is in the flood plain - is about 1.8 acres. Many years ago we did a subdivision known as Torne Brook which is one and two acre zones with density down to 17,000 square feet. You understand here we are talking about 160,000 square feet for the lot. The total area that they have here - 5.6 acres - is about 246,000 square feet on which we are looking for the second lot. Torne Brooks minimum lot area is 17,000 square feet. Because it went down to 17,000 we were able to generate some 100 acres which were dedicated to the Town of Clarkstown. Since this piece is abutted by the Town on both the south and the west, the McCalls agreed that they would subject the entire 1.8 acre piece in the back to a conservation easement similar to the 100 acres. He said actually the 100 acres is also subject to the conservation easement but there is an outright dedication to the Town. Here, with the McCalls what you do is make that 1.8 acres in the rear subject to the conservation easement. He again referred to maps. He said one home already exists. There would be another home far away from the present one and would conform to all of the bulk regulations, front yard, rear yard, side yard, floor area ratio, two side yard set backs and the like. It would be far away from the flood plain area.

Mr. Horowitz said he must get back to the bottom line. Get rid of our 106-19 B and all the other nonsense that went on prior to this. We are still talking about the idea of putting a second home on 5.6 acres. If the Board feels that the second single family home will wreak havoc with the health, safety, education and welfare of the Town of Clarkstown; that it will create traffic jams unheard of; that it will create solid waste disposal problems the likes of which we haven't seen - then by all means deny it. However, if you feel that justice in this case which is merely the movement of a line so that it goes where he thinks the Board really intended it to go and that is to be coincident with the 100 year flood plain line so they can end up with their two lots in the R-80 then grant it.

Supervisor asked if any of the Board Members had any questions of Mr. Horowitz? No one did.

Appearance: Mr. Richard Voigt
537 South Mountain Road
New City, New York

Continued on Next Page

Mr. Voigt spoke about the appearance of the property during the recent heavy rains and stated that you would have needed a boat to go through that property. The issue isn't simply one of public safety and traffic. The issue is one of justice to the petitioner and to all of the residents in that area. He said he owns 12.1 acres which he bought in 1978 at which time they were in a two acre zone. The Town changed the zoning to four acres. He noted that you can figure out by the mathematics how many lots he lost. He said he supported that change because that density is appropriate to that area. It is one of the few rural residential areas left in the County. He supported it in spite of the financial negative valuation of what he had.

He noted that the petitioner is a very sophisticated person in terms of real estate in this County. The property was purchased after the zone change took place. There was no hardship here, no surprises as there was in the case of many of us who own property there. The petitioner bought the property knowing full well that it was in an R-180 zone. What you are being asked to do is to legislate a windfall profit to one property owner on that street. That is the issue. A house can be built. We are talking money here and when you turn over by legislative act a second lot and a house that can in effect be subdivided and sold you are turning over an enormous profit to a very sophisticated investor. Getting a good return on our investments is something we would all want for ourselves and for each other. We are talking here about really windfall speculation and slipping one through which is really opposed by all of the residents of the area. What is fair for one is fair for all. If we are all living with a zoning change that set higher land requirement that should apply to all of us with equal fairness and we would all hope that you would maintain the present zoning and not vote for spot zoning in South Mountain Road.

Appearance: Ms. Ziporah Fleisher
443 Buena Vista Road
New City, New York 10956

Ms. Fleisher said she was speaking for the West Branch Conservation Association as Mr. Martus Granirer is unable to be here tonight. What Mr. Horowitz failed to mention is, of course, flood plains don't know what borders man has made on a map. She said if you have a flood plain line and it doesn't coincide with some kind of ownership line that is just not even part of an argument. She said she has lived here for fifty-five years and she has seen the water on South Mountain Road and the biggest puddle is the property in question where all the water collects. As the water comes down the mountain the road tips towards the east and that is why the Town owns that land now. That place has to be left to collect water.

She said she has talked to the Director of Environmental Control, Mr. Bollman, and he is doing the best he can. She said when you make these drains you have to make them within a decent distance in case a car falls in them, etc. In the spring when the snow melts it is just treacherous there after nightfall and if it is frozen you have to go slowly because this water comes across the road. At the place we are talking about it is like a retention pond. It is natural drainage.

She said perhaps some people will remember why we were asked to put it in R-160 and why it was even suggested to put houses so close together down in Centenary in order to leave that property open. That's the way the zoning works. It's too bad we couldn't leave it open and collect the water there and not make such a density down in Centenary. People criticize what Centenary looks like. It doesn't suit them, etc. That was the bargain made and that bargain was made by the Town of Clarkstown. The Town of Clarkstown owns this land. She said the dampness there is obvious. She suggested the Board members ride by the area before making any decision. There are many culverts that go under South Mountain

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Road and as they go under the road it looks like a rivulet which goes down into the land and that again is what it is for. It's a swamp - a collection point - whatever you wish to call it. Even today there was water standing everywhere in the area.

Mrs. Fleisher said they want this home for their mother. Mother is going to be eaten up by mosquitos and get mildew all through her new house. Suppose he says he is building the house for mother and builds it and sells it to someone else. That person won't see the mildew when he comes to buy it. He'll find out about it after he's lived there awhile. This builder has other property owned by Almira and Linda McCall. How many houses is he building for mother? You ought to figure that one out. She said we have another builder like that who lives closer to her and right now he has two houses that he has made duplexes for himself and his daughter - both on Little Tor Road. It is against the zoning and she urged the Board to understand that this is a drainage basin and there is no reason for a second house there especially when people knew ahead of time what they were getting into. Besides which, every time he has been turned down he has gone to court which must have cost this Town some money. She said it would be outrageous if you changed the zoning after the ZBA has turned him down twice and he has been to court and lost twice.

Ms. Fleisher said one of the other pieces of property is on High Tor Road in the name of those two people. She said she didn't have time to do much more research on it than that. Never mind that it won't hurt as far as garbage is concerned, etc. She said she believes that Mr. Horowitz is talking about breaking the R-160 zoning and once you do that it starts a domino pattern. South Mountain Road wasn't designed for that. She discussed the cost of educating children who would live in the houses built stating that the taxes from one house do not pay for the education of one child let alone more than one child. People are leaving here leaving us with the cost of schooling after their kids have graduated. They go to Florida and say what a great school system Clarkstown has but they don't stay and help pay for what they've already gotten. As far as the economics are concerned it is not a ratable. It could be potentially a lot more garbage. She felt Mr. Horowitz did not make a full presentation.

Appearance: Mr. Stan Silversweig
 565 South Mountain Road
 New City, New York

He stated that he lives a little bit east of the property in question. He agreed with the sense of what Mr. Voigt and Ms. Fleisher said before him. He bought his property in 1986. He said they were looking for something like it for about four years. He said they have 9.8 acres. It is exactly what they were looking for and they love it there. He said they bought it knowing what the zoning was and they are opposed to any exceptions to that zoning.

Appearance: Steven Abel, Esq.
 2 Congers Road
 New City, New York

Mr. Abel said he was representing Elizabeth Voigt of 537 South Mountain Road, who is the wife of Richard Voigt who spoke a few minutes ago. He submitted to the Board objections to the zone change petition signed by Elizabeth Voigt, Richard Voigt, Stan Silversweig and his wife. He handed them to the Town Clerk. He said when Mr. Horowitz started his presentation he indicated that he was going to give the chronology but there was one important date that he left out and that is June 28, 1983. That is the date when this Board adopted the R-160 zoning. That date is approximately a year and a half prior to the purchase of this property by the petitioners. As has been said, this property was not purchased and then upzoned. The people, when they purchased it, knew what the

zoning situation was. They were not caught unawares in any way, shape or form. When you go through the record on this particular request you will find, as has been said, the ZBA said no to this twice after full hearings. A Supreme Court judge affirmed the final decision of the ZBA.

He said what he would like to point out is one of the key paragraphs and which is the same thing that Mr. Horowitz pointed out. A Supreme Court judge found that the petitioners could build two houses on this lot without a zone change. This application is totally unnecessary. They do not need a zone change in order to build the two houses that they want to build. He said he had made that argument in front of the ZBA at the first hearing and the ZBA so found and it is quite a pleasure to know that the Supreme Court judge affirmed that point. The point is that if all the people want is to build two houses and that is within their right to build two houses on a large lot that conforms to Clarkstown zoning then why do they need a zone change? The answer is obvious. The reason they want a zone change is in order to build two houses on two lots. If you have two houses on two lots, you can sell them separately. If you really want a motner/daughter situation you don't need to have two lots in order to sell one off.

The result is you should not consider yourself faced with an emotional plea of I need space for the family. If all they need is space for the family they've got lots of space for the family and the Supreme Court said so on this particular case. They can build it. They don't need your approval for that. If what they want to do is build two houses that they can later sell off you should be voting against this zone change because then all you are doing is starting the ball rolling to completely destroy the R-160 zoning. He said it took tremendous foresight for the Town Board to adopt the R-160 because when you think about four acre zoning you think it is enormous. Who needs four acres for one house? But it took the foresight to protect the South Mountain Road area from development because it is not suitable for intense development and when you support that R-160 you are supporting the kind of community that the people who have bought houses there want to maintain. There is no need to do it for people who can build the extra house if that is what they really want without your approval. They don't need the zone change.

Appearance: Ms. Louise Laskey
430 South Mountain Road
New City, New York

Mrs. Laskey said she lives on the south side of the road and has lived there with her husband for thirty-seven years. She reiterated that the property in question is so wet and the water table in the last thirty-seven years has risen still higher. She said she really feels that the property cannot support a second house because it would have to be built on a pocket handkerchief sized piece of land that would have to be filled in. She said she did not think it could pass any kind of percolation test. She said you have to observe the land to see how unsuitable it is. When they zoned part of it as four acre it was for the reason that it is a very environmentally sensitive area and it was a wise decision. She urged the Board not to grant this petition.

Appearance: Ms. Linda McCall, Petitioner

She stated that it was nice to hear that she was sophisticated, an investor, that she was not going to live there, that she owned multiple lots that she was going to develop because she has \$5,000,000,000,000.00 sitting in the bank. She said she did not know why the people were saying that this property is so damp that it will not be appropriate for construction of another house. When this property went throught a Surrogate proceeding an appraiser went in there to examine the property. He said the best use of the

Continued on Next Page

property would be for two building lots. The fact that the owner who owned it at that time didn't choose to separate it into two lots was that she used it as a summer home and she wasn't interested in doing so. She said she has walked the property several times. There are no vegetations that flourish there like skunk cabbage or anything else you would like to name. It is not a quagmire. She said she would not be choosing to invest money in building another home. She said she has no intention of building this and then selling it. She likes the property. It is a very unique property because it is surrounded on the two sides by the Town of Clarkstown parklands. It is something that she looked for, for a long time. She said there were many references to garbage, etc.

She said she did not know what was being referred to. She said we are not talking about building a 1,000 square foot shack that she is going to inhabit. She said she really did not know what all the fuss is about. As far as this piece of property being used as a drainage basin for what might be across the street perhaps that is more to the point. The land across the street is higher than this property. Any water that runs off from the mountain, if it was not deterred by the drainage ditch along South Mountain Road, would come on to this property but it is not now. As far as the road being wet or puddled or iced she said she was over there frequently and she has not found that to be true. She said maybe in other parts of South Mountain Road where there are dips in the road because the road is in poor condition, she has seen that, but not where this property is.

Appearance: Mr. Evert Berger
 661 South Mountain Road
 New City, New York

Mr. Berger said he would like to know as far as the wetlands are concerned - does that come under wetlands? Does anybody on the Board know that - according to State jurisdiction? There was reference to the maps at this point. He said he was not talking about the flood plain but wetlands. Are they one and the same? Supervisor said he thought there was a distinction between the 100 year flood plain and what wetlands would be. Mr. Berger said the reason he bought this point up was that a neighbor approximately 800 feet away, give or take, who installed a pond this spring was fined by the DEC. He said one of our Board Members is aware and knows of the pond and it is on the same plan as this particular piece of property. Councilman Kunis asked if this was 612 South Mountain Road and Mr. Berger said he did not know the number but there is only one pond.

Supervisor said to do that they would need a DEC permit which they did not obtain. Mr. Berger said absolutely they would need a DEC permit to build on this particular piece of property. The present house was built on fill. This goes back to the mid-40's. He said he could recall truck load after truck load of Trap Rock dust to build that particular house. The gentleman that lives next door to that house was here at the last meeting and he stated that he has a sump pump running continually in his basement and he lives right next door. If you grant that they can build a house how are they going to build it? Are you going to allow them to fill the wetlands? Possibly you could put it on piers but he really wanted to know about the wetlands.

Supervisor asked Mr. Horowitz if he would answer the questions and give his summation.

Mr. Horowitz said there is a distinction between wetlands and the 100 year flood plain. To build in a wetland one needs a permit. To build within 100 feet of a wetland one needs a special permit. To build within a flood plain one also needs a permit. There is wetland on this property in the rear. He said the map precisely shows a wetland line (Exhibit C-1). This also shows

Continued on Next Page

the limit of the 100 year flood plain. We are not going anywhere near those areas. He said they are subjecting the whole wetland, the whole 100 year flood plain to a conservation easement so that no one can go near.

Mr. Horowitz said there are many McCalls owning lots all over the place. He did not think that Almira and Linda McCall have the lots that were mentioned. Almira McCall is already living in that house and they intend to live in that house. As far as this Board is concerned we have to assume, because someone mentioned something about schools, Almira does not have any young children now. Her children are all grown and Linda's children are all grown. Of course, that does not stop them from selling tomorrow to two families who each would have ten children going to the school district but right now they have none between them going into the school district.

He said with regard to the problem of the land in the back we took 100 acres for the flood plain to receive all the water and hopefully that's why we have it. Mention was made about septic. Mr. Horowitz said they sent a letter to the Rockland County Health Department because they are one of our concerns also. As a matter of fact should this Board grant the zone change we can't build there and that will make everybody happy. The McCalls will be happy that they got the zone change, the other people will be happy because we can't build in there. We have heard that the McCalls are sophisticated buyers but on the other hand we hear that they are not sophisticated buyers because they are living in a house where there are mosquitos, etc. There's got to be someplace in between.

Mr. Horowitz said the Health Department said on May 26, 1989 "This is to confirm our telephone conversation of this date relative to the construction of a new subsurface sewage disposal system to serve proposed Lot No. 2 of a minor subdivision for Almira and Linda McCall. This proposed subdivision is located on the south side of South Mountain Road approximately 1500 feet east of Hemlock Trail in the Town of Clarkstown. We would anticipate that this lot is capable of being served by an individual subsurface sewage disposal system. Our records indicate that the area is generally acceptable for the installation of these systems with no significant amount of problems in this regard." This letter was signed by Bernie T. VanHaut, P.E. Senior Public Health Engineer. Mr. Horowitz said this was in response to a letter he had written to the Health Department laying all this out - if there were any complaints in the area, etc.

Mr. Horowitz said the rear portion of this property is a wetland. A portion of this is in the 100 year flood plain - about 2.8 acres. He said the zone change to R-60 was made prior. If you are looking at the map and there is an existing house and you have five acres and you can get a house which fully conforms all within the 80,000 square foot portion of that lot, he said he believes the Town Board should grant the building permit.

Now, they went in and that is where they ran up against a lot divided by a district boundary. So far as the Board of Appeals decisions were concerned they came up with the fact that the petitioners didn't show sufficient economic hardship. That is their opinion. He said his basis of argument is that the rationale of the line - R-160 and R-80 - the function of the R-160 was for those lands which were excessively steep within the 100 year flood plain and the like - why that line did not follow the 100 year flood plain. Again, when we talk about if we do it for them everyone else is going to go. He said, no, if you look at the exhibit in front of you, you will see that all the homes along side us on South Mountain Road have the first 300 feet zoned as R-80 and as a matter of fact quite a number of them do not have the 80,000 square feet required. A lot have been there - non-conforming - for a number of years and there is no problem. A lot of them also have split with the R-160

in the back. None of them in that location are large enough to have an R-160.

Mr. Horowitz went on to say for those people who have large lots if they want to stay with R-160 that is fine. If they have R-80 and they still want to build for R-160 that's fine also. We show that the deed was picked up jointly by Almira and Linda McCall. Both picked it up together - that was the name of the grantees - both. Whoever made the statement that you can get two lots anyway - they don't practice getting building permits in the Town of Clarkstown. You are not allowed to have two single family dwellings on one lot and he did not care how big that lot is without a subdivision. It has to be on its own lot. That zone calls for a lot having a minimum area of 80,000 square feet. If I have 500,000 square feet I cannot put two houses on there because it is still one lot. It must be subdivided.

Mr. Horowitz said in summation with five some odd acres, the rear portion being a flood plain which we will agree is subject to a conservation easement leaves us almost again three acres to put up a second house. There is no domino effect because all houses south of us and west of us are R-80 for the first 300 feet so it doesn't open up the door to anything. If you feel that the ordinance in all sense of fair play will not allow a second house to go on this five some odd acre piece, then deny it. However, if you feel what has been said here tonight makes some kind of sense and there is a sense of fair play to people who live in the community then he felt the Board should seriously consider granting it.

With regard to a question about Hemlock Trail being connected to the sewer line Mr. Horowitz said all he said about Hemlock Trail was that in giving the location of this property it was on the south side of South Mountain Road and some 1,500 feet east of Hemlock Trail. He reiterated that he did not say anything about it being connected to the sewer line. Nothing about sewers in connection with Hemlock Trail.

Supervisor Holbrook said due to the incomplete nature of the SEQR application the Town Board has to adjourn the hearing to the 14th of November which will be the next regular Town Board Meeting.

Mr. Horowitz said the Board should be apprised that the EAF forms were submitted. He said he would check with the Town Clerk as to whom they were given to - this Board when it passed the resolution referring this to the Planning Board (who recommended approval) who you appointed as your staff for the lead agency. Town Attorney said Mr. Robert Geneslaw was designated. Mr. Horowitz said the application was submitted about two months ago.

Supervisor said the 14th of November would be the first time the Town Board could make a decision. It does not mean that they will do so at the meeting.

At this point there was a verbal exchange in the audience regarding property in the area that had failed a perc test. Mr. Horowitz said he had no information about that and the letter he read from the Health Department was one which he had solicited from them. They will not do anything unless a question is put to them. He said he was looking for a history, if they had any, of failing septic tanks in the area. They evidently did not have any.

Supervisor said we are adjourning this hearing. The Town Board will give an opportunity to anyone who has additional information to submit it to the Town Board members. We have no objection to that at all. He wanted to make it clear that the first date on which the Town Board could act officially on this - either

PH - Zone Change - McCall - 10/24/89
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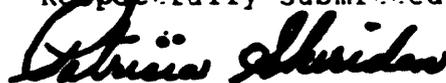
yes or no - would be on the 14th of November. The likelihood is that we won't be ready to make a decision on that date. But that would be the first date that we could. If anybody who is interested wants to see if it is on the agenda can call the Supervisor's office and he will be more than happy to inform them of that fact. It will probably go on the first workshop in November which will be the 21st for discussion. If anyone would want to come to that workshop on the 21st, if the Town Board members decided they wanted to act on this at the next official meeting of the Town Board after that, people would be able to find that out.

Councilman Maloney said we are getting it back on the 14th of November. Supervisor said that is the first date we could act officially but he did not think the Town Board would act then. He said what he would do is put it to the workshop, which is an informal Town Board meeting and where the Town Board would indicate whether or not they would put it on for the next Town Board meeting.

Supervisor said they would adjourn this meeting until November 14th which would be just for the completion of the SEQR. We won't make a decision then. It will be put on for the workshop of November 21st.

There being no one further wishing to be heard, the public hearing was adjourned until November 14th for purposes of SEQR completion and until workshop of November 21st for further discussion.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

351

Town Hall

10/24/89

9:41 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 GUISEPPE DePAULIS

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

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

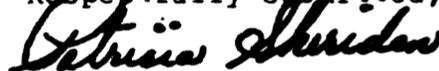
No one appeared.

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

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:42 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/24/89

9:41 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 586 BREWERY REALTY INC.

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

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

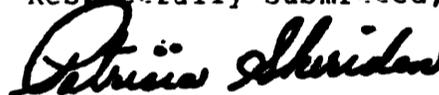
No one appeared.

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

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:42 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk