

OWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

November 14, 1989

8:00 P.M.

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

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

Supervisor presented a Distinguished Service Award to Mr. Peter Krell, who has been largely responsible for production of the volume produced for our Bicentennial Commission called "So That All May Be Remembered." In this particular volume are listed the names of many of the people who are interred in the various cemeteries in Clarkstown, many of whom are veterans of the War of 1812, the Revolutionary War, Spanish American War, etc. It was a very arduous task and a lengthy project. Supervisor commended Mr. Krell for a job well done and said the book has added a very interesting part to our history in Clarkstown.

Mr. Krell said he appreciated the Board's belief in him and the support he received. He said he hoped that he could leave a permanent record and add to our Clarkstown history. He said it is a recital of various areas and various people in the Town. He noted that we are trying to remember some who have been forgotten over the past years. He said the book is available in the Town libraries and in the Clarkstown Town Hall.

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Supervisor recognized Geoffrey Kho of Troop #313 and his family. He noted that Geoffrey had attained the rank of Eagle Scout.

Supervisor then recognized Mark Schultz of Troop #313 and congratulated him on also achieving the rank of Eagle Scout.

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Supervisor then declared the Public Portion of the meeting open to anyone who wished to speak regarding Town business except on anything that was the subject of a Public Hearing this evening.

Appearance: Mr. John Cuff  
Pheasant Drive  
West Nyack, New York

Mr. Cuff said he was glad to see that the Town Board was going to vote on the proposed budget tonight as he did not want to wait and see it go any higher. He compared the Town Board's budget procedure with that of the School Board and felt dedication is lacking in the Town Board.

Appearance: Mr. Steve Ippolito  
Baylor Road  
Spring Valley, New York

Mr. Ippolito said that Councilman Maloney was on the radio this past week stating that cuts would be made. He did not see any cuts being made. He said it is very hard for the young and the elderly. He said he understood that we have to pay for the garbage crisis but he could not understand why there has to be increases in spending. He said people cannot afford a 25% tax increase.

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Appearance: Mr. Bruce Broadley  
West Nyack, New York

Mr. Broadley felt the Town Board had done an outstanding job of creating wealth for the Pyramid Corporation by granting them a zone change. They may do an even greater service of creating wealth at the expense of the taxpayer to the Pyramid Corporation by letting them open up their inactive hazardous waste dumps, dig them up, expose them to the air, expose the population to it and take this at a negotiated lower than normal tipping fee which is what Mr. Valenti said in the papers that he wants and dump this on the Town dump. He said he is sure that at that point the DEC will probably find that it is hazardous and it is going to cost that much more to close our dump. The DEC are the last people that you would want to trust in looking out for the citizens of New York State.

He said his own tax experts said that the homeowner in Clarkstown will not receive any reduction in taxes from the Pyramid Corporation and that is correct because it goes against the commercial properties. The homeowner in Clarkstown will receive tax increases generated by the extra services needed. He said in looking at maps upstairs he noticed there was a notation that said "New York Thruway, Route 303 and Route 59 Improvements - shown for information only" - which implies that they won't be doing anything about that.

Mr. Broadley said suspiciously missing from those maps was a fire substation which had appeared on previous maps. With the budget passing there will be a greater increase in taxes. We need a source of revenue that will reduce the homeowner's taxes and he suggested that towns be given the same ability that cities have to enact a sales tax of 1% or 2%. You would then generate revenues from Pyramid and since they are supposedly upscale and high class the sales tax should make an appreciable difference. An another suggestion he made would be to make Clarkstown a city and then enact a sales tax which could be used to offset a great increase in property taxes.

Appearance: Mr. Mike Merriman  
West Nyack, New York

He spoke regarding the dump on Route 303. He said we are now being given the prospect of another dump to be brought into our community by Pyramid Corporation. He discussed their project in Poughkeepsie and the disgruntled citizenry there. He said they still have the political force to thrust themselves into this community and do as they will against the wishes of a majority of the residents of this community. If the citizens of this community can ever get around to a petition to decide whether they want the Pyramid Corporation, "yes" or "no", and put it on a ballot he felt we will have gone some way toward maintaining our status as free citizens in this community.

Appearance: Mr. Teddy B. Dusanenko  
5 Hickory Drive  
New City, New York

Mr. Dusanenko discussed the budget and the resulting increase in taxes. He also asked the Supervisor where the proposed sludge plant would be located? Supervisor stated that after an environmental study, the sludge plant will probably be constructed at an Orangetown location.

Mr. Dusanenko then discussed the former Nanuet Theatre in the Round stating that we lost tax money by voting against it, but now we have the parking lot across the street which we paid for, paved and supply security guards for. Supervisor Holbrook said he supported putting the theatres in at the Theatre Go Round but that

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Mr. Dusanenko's son, when he was Supervisor, opposed it. There was discussion over who voted for it. Councilman Carey stated that then Supervisor Dusanenko, Councilman Maloney and Councilman Lettre voted against that and that Councilman Holbrook and Councilman Carey voted for it.

Mr. Dusanenko then said that Supervisor Holbrook had requested that TKR not televise the Town Board Meetings but the Supervisor said he did not do that and if Mr. Dusanenko would check this out he would find that is not what occurred.

Mr. Dusanenko inquired about the bonded indebtedness. He said the previous administration had lowered it over \$6,000,000.00. He asked how much it had been pushed up since then?

Appearance: Mr. Joseph Pantano  
South Little Tor Road  
New City, New York 10956

Mr. Pantano discussed the budget and the composition of the Town Board and their concerns for the taxpayers. He said it was his understanding that the increase to taxpayers would be approximately 25%. Supervisor said the tax increase to the taxpayers, if the adoption of the amendments is done, would be in the neighborhood of 15%. Mr. Pantano asked if that was with everything included? Supervisor said that was correct.

Mr. Pantano said his percentage comes to more like 30%. He said the revenues are overstated. Things supposed to happen won't happen because of problems with the law. He said he could not, in 26 years, remember anything like the unconscionable amount of taxes that are going to be put on the people. He assumed that a majority of the Board was going to vote for this. He said they could all be heroes tonight and put forth a budget that can be fiscally responsible. He said anything above 5% is something that the people of this Town will not stand for and will not be able to pay. The average citizen in this Town cannot afford what you are asking. He stated that the Clarkstown School Board is asking for no more than a 4% to 5% increase and he felt the Town Board could be as fiscally responsible.

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RESOLUTION NO. (980-1989)

ADOPTING THE 1990 BUDGET  
FOR THE TOWN OF CLARKSTOWN

Co. Carey offered the following resolution:

WHEREAS, a public hearing pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 1990, was duly scheduled and noticed for October 19, 1989, at 8:30 P.M. at the Town Hall Auditorium, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, as amended, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 1990, and that such Budget, as so adopted, be entered in detail in the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such

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RESOLUTION NO. (980-1989) Continued

Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2 and Section 231, Subd. 2 of the Town Law and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

(Budget with amendments on File in Town Clerk's Office

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis said that last year he voted against the budget and there were many valid reasons that he felt he had. He believed there are many valid reasons that he might have this year too. He also believed he had several valid reasons to vote for this budget. The Landfill is closing and we are in a solid waste crisis. There is an unknown factor. What will it cost to get rid of the solid waste? It is really very difficult at this point in time to know what these costs are going to be. At last night's workshop the budget was reviewed. He stated that he had reviewed it for the past month. Several changes were adopted. He said he did not think that any member of this Board feels good about voting for a large tax increase in 1990. He said as you live in this community, and we live in this community, and I live in this community, the taxes he pays are the same taxes that you pay and we pay. However, in the spirit of mutual cooperation between the Board and the Supervisor, during this fiscal crunch, he said he has elected to vote yes for this budget.

Councilman Maloney said he voted against the budget last year. We reviewed this budget. We reduced some of the salaries that were requested by some of the department heads last night. He said everyone sitting up on this Town Board pays taxes just like everybody else. He said it hurts him if the taxes go up 5% or 10%. The biggest tax we have to pay in this Town is the school tax. The County taxes and the Town taxes have been more or less stabilized. If we want services and people demand services we have to give the best service possible. The tax is no where near what some of the people have claimed. It is what Mr. Holbrook has said it was - 13.6% and up to 15.1%. He said he is voting for the adoption of this budget.

Councilwoman Smith said she is voting for this budget and we are all unanimously involved in keeping any expenses during the 1990 year exactly to what we have to spend. There are obligations we must meet but we will not spend anything frivolously.

Supervisor Holbrook said he does vote for the budget and again he would reiterate the comments of some of the Board members here. Garbage must be gotten rid of. People call Town Hall and they expect to have it gotten rid of. He said unfortunately in Rockland County we have not planned sufficiently for the garbage crisis that is upon all of us but it is the duty of this Town Board to provide the wherewithal with which Clarkstown residents will be able to get rid of their garbage and to enhance recycling and to move forward so that we will be prepared to deal with the garbage crisis in the 1990's. He said he was gratified for the support of the Board members here because it takes courage to make tough decisions. As we go through public hearings later on you will find out that the Town Board members have to make these decisions on a continuing basis at all their Town Board meetings. It is not easy to do that because we have to face you, the citizens, and the members of the public, and you can't please everybody. You have to do the best that you can do with the cards dealt to you. The Town Board in this particular case has done that. He voted yes for the budget.

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RESOLUTION NO. (980-1989) Continued

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

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RESOLUTION NO. (981-1989)

CREATING POSITION OF ADMINISTRATOR, BUILDING DEPARTMENT AND APPOINTING ACTING ADMINISTRATOR ON A TEMPORARY BASIS NOT TO EXCEED SIX (6) MONTHS (EDWARD J. GHIAZZA) UNTIL A PERMANENT APPOINTMENT CAN BE MADE AND ESTABLISHING SALARY FOR ACTING ADMINISTRATOR

Co. Carey offered the following resolution:

RESOLVED, that it is the intention of the Town Board to create the position of Administrator, Building Department, and be it

FURTHER RESOLVED, that as of January 1st, 1990, the position of Acting Administrator - Building Department - shall be filled by Edward J. Ghiazza, until a person can be hired on a permanent basis, and be it

FURTHER RESOLVED, that Mr. Ghiazza's appointment shall not exceed six months and that it conform to all appropriate civil service rules and regulations, and be it

FURTHER RESOLVED, that the amount of \$25,000.00 be established as the compensation for the position of Acting Administrator.

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

Councilwoman Smith said she would like to say that Mr. Ghiazza has the Board's unanimous support in the endeavor we are asking him to take on. She said their vote of confidence is based on his abilities during his tenure in the Recreation Department. She said she was very confident that on a timely basis the six months given to him would enable him to establish the procedures so that a pro forma ordinary building permit will be able to be processed within five to seven working days and that on any more complex applications and permits the time will be significantly reduced from what it is right now. She said you have our support. You have our encouragement. Good luck.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the continuation of Public Hearing re: Zone Change from R-160 to R-80 - McCall - from October 24, 1989, was opened, time: 8:31 P.M.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the continuation of Public Hearing re: zone Change from R-160 to R-80 - McCall - from October 24, 1989, was closed, DECISION RESERVED, with a vote set for November 28, 1989, time: 8:44 P.M.

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On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Special Permit to Operate Agency Group Home by The Children's Village was opened, time: 8:44 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Special Permit to Operate Agency Group Home by The Children's Village was closed, DECISION RESERVED, with a vote set for November 28, 1989, time: 9:50 P.M.

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At this point Supervisor Holbrook declared a short recess.

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Special Permit for Recycling Facility - C & A Carbone - Map 80, Block A, Lot 15, was opened, time: 10:00 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Special Permit for Recycling Facility - C & A Carbone - Map 80, Block A, Lot 15, was closed, DECISION RESERVED, time: 11:30 P.M.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Zone Change from CS/R-15 to CS - Map 57, Block N, Lot 1.01 - JARCO, was opened, time: 11:30 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing re: Zone Change from CS/R-15 to CS - Map 57, Block N, Lot 1.01 - JARCO, was closed, DECISION RESERVED until November 28, 1989, time: 12:20 A.M.

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RESOLUTION NO. (982-1989)

ACCEPTING MINUTES OF TOWN BOARD MEETING OCTOBER 14, 1989

Co. Kunis offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of October 24, 1989 are hereby accepted as submitted by 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

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RESOLUTION NO. (983-1989)

RESCHEDULING THE TOWN BOARD  
MEETING OF DECEMBER 26,  
1989 TO DECEMBER 19, 1989

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board Meeting scheduled for  
December 26, 1989 shall be rescheduled to December 19, 1989, at 8:00  
P.M., to be held in the Auditorium of the Clarkstown Town Hall, 10  
Maple Avenue, New City, New York

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (984-1989)

SCHEDULING THE YEAR END  
TOWN BOARD MEETING

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board shall schedule a Town  
Board Meeting for December 29, 1989, at 12:00 noon, to be held in  
the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New  
City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (985-1989)

RESCINDING RESOLUTION NO.  
971-1989 DEFAULTING ESCROW  
FUNDS RE: ROCKLAND HYUNDAI

Co. Kunis offered the following resolution:

RESOLVED, that Resolution No. 971 defaulting escrow  
funds held by the Town for a project known as Rockland Hyundai is  
hereby rescinded as a certified check in the sum of \$10,000.00 has  
been furnished to the Town for the completion of certain items at  
the site

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (986-1989)

ACCEPTING PROPOSALS FROM  
ORANGE & ROCKLAND  
UTILITIES, INC. FOR STREET  
LIGHTING AT VALLEY ROAD,  
VALLEY COTTAGE

Co. Smith offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve 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:

Valley Road	Valley Cottage
(Install pole and secondary service extension as per attached proposal to facilitate light)	(Install - One 5800 lumen sodium vapor street light on pole following installation)

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO (987-1989)

SETTING PUBLIC HEARING RE  
PROPOSED WATER EXTENSION  
(MC GUY SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated September 10, 1989 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 12th day of December, 1989, at 8:00 P.M. E.S. time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises..

Seconded by Co. Carey:

RESOLUTION NO. (987-1989) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (988-1989)

AUTHORIZING TOWN ATTORNEY  
TO ATTEND SEMINAR ON LAND  
USE LAW - CHARGE TO ACCOUNT  
NO. 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to attend a Seminar on Land Use Law at Pace University School of Law, White Plains, New York, on November 18, 1989, at a fee of \$95.00, said amount to be charged to Account No. 1010-414.

Seconded by Co. Smith:

On roll call the vote was as follows:

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

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RESOLUTION NO. (989-1989)

AUTHORIZING SPRING VALLEY  
WATER CO. TO INSTALL TWO  
(2) HYDRANTS (MARIANNE LANE)

Co. Smith offered the following resolution:

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

Two (2) hydrants as follows:  
W/S Marianne Lane Pvt. 140' S/O Rockland Lake Road  
W/S Marianne Lane 680' S/O Rockland Lake Road

Investigation No. 10400, and be it

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

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RESOLUTION NO. (990-1989)

AWARDING BID #66-1989  
MICROFICHING SERVICES (MICRO  
PROCESSING OF NJ INC.)

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Building Inspector and the Director of Purchasing that

BID #66-1989  
MICROFICHING SERVICES

is hereby awarded to

MICRO PROCESSING OF NJ INC.  
4 North Street  
Waldwick, NJ 07463

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (991-1989)

AWARDING BID NO. 71-1989  
MAYFIELD STREET DRAINAGE  
PROJECT (BRUCE H. SMITH  
CONTRACTING, INC.)

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

BID NO. 71-1989  
MAYFIELD STREET DRAINAGE PROJECT

is hereby awarded to

BRUCE H. SMITH CONTRACTING, INC.  
P.O. BOX 563  
STONY POINT, N. Y. 10980  
PRINCIPAL: BRUCE H. SMITH

as per their low bid proposed project cost of \$58,360.00 and be it

FURTHER RESOLVED, that said award is subject to the  
receipt of a Performance and a Labor and Material Payment bonds and  
the execution of the formal contract as approved by the Town Attorney.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (992-1989)

INCREASING ESTIMATED REVENUE  
NO. 01-003829 (TRANSPORTING  
OF PRISONERS) AND  
APPROPRIATION ACCOUNT NO. A  
3120-111 (POLICE-OVERTIME)

Co. Carey offered the following resolution:

RESOLVED, to increase Estimated Revenue No. 01-003829  
(Transporting of Prisoners) and Appropriation Account No. A 3120-111  
(Police-Overtime) by \$74,047.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (993-1989)

TRANSFER OF FUNDS FROM H 878  
(CAPITAL RESERVE FOR SLF) TO  
APPROPRIATION ACCOUNT NO. H  
8160-05-409 (SOLID WASTE  
TRANSFER STATION)

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown is preparing for a  
application for the NYS DEC for a permit to construct a Solid Waste  
Transfer Station and

WHEREAS, Velzy/Weston has presented the town with a  
invoice for this preparation in the amount of \$21,154.57.

NOW, THEREFORE, be it

RESOLVED, to transfer said funds from H 878 (Capital  
Reserve for SLF) to Appropriation Account No. H 8160-05-409 (Solid  
Waste Transfer Station)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (994-1989)

TRANSFER FUNDS FROM THE  
LIABILITY INSURANCE REVENUE  
ACCOUNT NO. 11-002680 TO  
HIGHWAY REVENUE ACCOUNT NO.  
04-102680 (INSURANCE  
RECOVERIES) AND INCREASE  
VARIOUS APPROPRIATION  
ACCOUNT NOS. (HIGHWAY  
DEPARTMENT)

Co. Carey offered the following resolution:

RESOLUTION NO. (994-1989) Continued

WHEREAS, the Town of Clarkstown has received \$608.22 from U. S. Fidelity Co. for cleanup of a oil spill on Snake Hill Road and

WHEREAS, the Highway Department was responsible for the cleanup of the oil spill,

NOW THEREFORE, be it

RESOLVED, to transfer said funds from the Liability Insurance Revenue Account No. 11-002680 to Highway Revenue Account No. 04-102680 (Insurance Recoveries) and increase the following Appropriation Account Numbers:

DB 5110-110 (Salaries)	\$267.97
DB 5110-382 (Sand, stone, gravel)	186.30
DB 5110-443 (Equipment Rental)	153.95

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (995-1989)

TRANSFER OF FUNDS TO VARIOUS APPROPRIATION ACCOUNT NOS.

WHEREAS, the following Appropriation Account Numbers are overdrawn in our October 31, 1989 Budget Report,.

NOW THEREFORE, be it

RESOLVED, to transfer the following monies to said Appropriation Account Numbers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$22,150	A 1990-505 (Contingency Account)	
500		A 1010-414 (Council-Conferences)
1,500		A 1430-409 (Personnel-Fees for Services)
4,000		A 1670-411 (Mail & Copy-Postage)
2,000		A 5650-409 (Commuter-Fees for Services)
500		A 5650-461 (Commuter-Gas & Electric)
500		A 6410-405 (Advertising)
650		A 7550-313 (Bi-Centennial - Office Supplies)
10,000		A 8160-413 (SLF- Soil)
2,500		A 8840-424 (Economic Assistance)
4,000		A 1680 110 (Data Proc. Salaries)
2,000		A 1680-225 (Computer Equipment)
1,000		A 1680-226 (Computer Software)
1,000		A 1680-438 (Maintenance Agreements)

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (995-1989) Continued

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

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RESOLUTION NO. (996-1989)

AMENDING RESOLUTION  
#888-1989 RE: REIMBURSEMENT  
FOR CORRECTIVE WORK TO  
APPROPRIATION ACCOUNT A  
1220-419 (SUPERVISOR)

Co. Carey offered the following resolution:

RESOLVED, to amend Resolution #888-1989 dated September 19, 1989 to charge the reimbursement of \$425.00 for corrective work to Appropriation Account A 1220-419

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (997-1989)

DECREASING APPROPRIATION  
ACCOUNT A 1450-114  
(PART-TIME SALARIES) AND  
INCREASING APPROPRIATION  
ACCOUNT A 1450-319  
(MISCELLANEOUS SUPPLIES  
(ELECTIONS)

Co. Carey offered the following resolution

RESOLVED, to decrease Appropriation Account A 1450-114 (Part-time Salaries) and increase Appropriation Account A 1450-319 (Miscellaneous Supplies) by \$4,000.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (998-1989)

TRANSFER OF VARIOUS FUNDS

Co. Carey offered the following resolution:

RESOLVED, to make the following transfers:

Continued on Next Page

RESOLUTION NO. (998-1989) Continued

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A 1330-313 (Rec. of Taxes- Office Supplies)	A 1330-204 (Office Machines)	655.00
A 3010-438 (Safety-Maint. Agreements)	A 3010-313 (Office Supplies)	6.25
A 3120-110 (Police-Salaries)		12,800.00
	A 3120-301 (Travel, Meals)	700.00
	A 3120-313 (Office Supplies)	3,500.00
	A 3120-319 (Misc. Supplies)	3,000.00
	A 3120-328 (Books, Publ.)	700.00
	A 3120-366 (Photo. Equip.)	400.00
	A 3120-414 (Conferences)	3,000.00
	A 3120-416 (Laundry Supplies)	1,500.00
A 1990-505 (Contingency Account)		12,070.00
	A 3010-423 (Safety-Assoc. Dues)	25.00
	A 3010-328 (Books & Publ.)	45.00
	A 1110-409 (Justice-Fees)	5,000.00
	A 1110-459 (EBT'S, Dispositions)	7,000.00
A 1110-110 (Justice-Salaries)		428.00
	A 1110 407 (Justice-Equip. Repairs)	28.00
	A 1110-423 (Assoc. Dues)	400.00

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. (999-1989)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND A PROCEEDING  
AGAINST TOWN OF CLARKSTOWN

Co. Carey offered the following resolution:

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

Application of HARRY WAITZMAN and  
MARCIA E. WAITZMAN,

Petitioners,

For a Judgment Pursuant to Article 78  
of the CPLR

ARNOLD AMSTER PHYLLIS BULHACK, JOHN CUFF  
JOHN CAIN, WILLIAM NIEHAUS, JOHN FELLA,  
ELIZABETH J. SQUILLACE constituting the  
Zoning Board of Appeals of the Town of  
Clarkstown,

Respondents.

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (999-1989) Continued

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1000-1989)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND A PROCEEDING  
AGAINST THE TOWN OF  
CLARKSTOWN

Co. Carey offered the following resolution:

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

In the Matter of the Application of  
STEPHEN J. COLE-HATCHARD,

Petitioner,

-against-

THE TOWN OF CLARKSTOWN POLICE DEPARTMENT, WILLIAM J. COLLINS, as Chief of Police, and WILLIAM ARCHACKI, as Administrative Captain of Police,

Respondents.

For a Judgment Pursuant to Article 78 CPLR

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1001-1989)

DISBANDING THE BLUE-RIBBON  
COMMISSION WITH RESPECT TO  
THE PROPOSED ETHICS LAW

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown adopted a resolution on January 10, 1989, creating a Blue-Ribbon Commission to study and make recommendations for a revised Ethics Law, and

Continued on Next Page

RESOLUTION NO. (1001-1989) Continued

WHEREAS, the Blue-Ribbon Commission has submitted its recommendations to the Town Board and the Board has reviewed same;

NOW, THEREFORE, be it

RESOLVED, the Town Board wishes to thank the Commission for and its diligence in preparing a proposed Ethics Law and its interest in the community, and be it

FURTHER RESOLVED, that since the Blue-Ribbon Commission has completed their task with respect to the proposed Ethics Law, the Town Board hereby disbands the Blue-Ribbon Commission as of this date.

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. (1002-1989)

AUTHORIZING THE SUPERVISOR  
TO ENTER INTO AN AGREEMENT  
RE SAFETY BELT AND SPEED  
ENFORCEMENT PROGRAM

Co. Smith offered the following resolution

WHEREAS, the Governor's Traffic Safety Committee has approved a grant application by the Clarkstown Police Department for the Safety Belt and Speed Enforcement Program, for the period from January 1, 1989 through December 31, 1989, in the sum of \$97,806.00, and

WHEREAS, the Governor's Traffic Safety Committee has approved a request from the Clarkstown Police Department for exemption from the expenditure ceiling on the above grant, said exemption to now include an additional \$24,452.00;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts the additional assigned funds from the Governor's Traffic Safety Committee for the Safety Belt and Speed Enforcement Program for the period January 1, 1989 through December 31, 1989, bringing the total funds to \$122,258.00, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute an amendment to an agreement dated February 2, 1987, which was amended by Supplemental Agreement No. 1, dated May 10, 1988; Supplemental Agreement No. 2, dated April 21, 1989; and by Supplemental Agreement No. 3, dated July 21, 1989, bearing New York State Comptroller's Contract No. C-000071, to effect said acceptance.

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. (1003-1989)

AUTHORIZING THE SUPERVISOR  
TO SIGN AGREEMENT WITH THE  
COUNTY OF ROCKLAND FOR  
COMMUNITY DEVELOPMENT FUNDS  
FOR 1988

Co. Carey offered the following resolution:

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute the agreement between the Town of Clarkstown and the County of Rockland providing for the allocation of 1988 Community Development Program funds to the Town of Clarkstown in the amount of \$40,000.00.

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. (1004-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #4 (WORK  
CLOTHING/UNIFORMS)

Co. Kunis 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, December 7, 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. 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. (1005-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #5-1990 (BUS  
TRANSPORTATION)

Co. Kunis offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1005-1989) Continued

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

BID #5-1990  
BUS TRANSPORTATION

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A. M. on Monday, December 4, 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. 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. (1006-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #74-1989 (SALE OF SURPLUS VEHICLES)

Co. Kunis offered the following resolution:

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

BID #74-1989  
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (A.M.) ON: FRIDAY, December 8, 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. 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. (1007-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID NO. 6-1990-POLYVINYL CHLORIDE (PVC PIPE)

TBM-11/14/89  
Page 19

RESOLUTION NO. (1007-1989) Continued

Co. Kunis offered the following resolution:

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

BID #6-1990  
POLYVINYL CHLORIDE (PVC PIPE)

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 24, 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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1008-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #75-1989 -  
COMPOST TURNER

Co. Kunis offered the following resolution:

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

BID #75-1989  
COMPOST TURNER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 on Monday, Decembere 11, 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. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1009-1989)

AUTHORIZING ATTENDANCE AT  
GOVERNMENT FINANCE OFFICERS'  
ASSOCIATION MEETING  
(SCHOFIELD, SMITH,  
SQUILLACE, LODICO AND FOGEL)

Continued on Next Page

RESOLUTION NO. (1009-1989) Continued

CHARGE TO APPROPRIATION  
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Paul K. Schofield, Councilwoman Ann Marie Smith, Elizabeth J. Squillace, Dolores F. Lodico and Doris S. Fogel are hereby authorized to attend the Government Finance Officers' Association meeting on December 8, 1989 at White Plains, New York, and be it

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account 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. (1010-1989)

REJECTING ALL PROPOSALS  
RECEIVED FOR BID #68-1989 -  
PORTABLE SEWAGE PUMP

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Deputy Director of DEC that all proposals received for

BID #68-1989  
PORTABLE SEWAGE PUMP

are hereby rejected.

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. (1011-1989)

RETITLING POSITIONS (2) OF  
WEIGHER TO WEIGHER I AND  
ESTABLISHING WEIGHER I AS A  
GRADE 19

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified, by letter, dated October 27, 1989 that two (2) positions of Weigher can be retitled to Weigher I,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Weigher are hereby retitled to Weigher I - effective and retroactive to October 30, 1989, and be it

Continued on Next Page

RESOLUTION NO. (1011-1989) Continued

FURTHER RESOLVED, that the Grade for the position of Weigher I is hereby established at a Grade 19.

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. (1012-1989)

APPOINTING TO POSITION OF  
(TEMPORARY) WEIGHER I -  
SANITARY LANDFILL (GEORGE  
KENT)

Co. Carey offered the following resolution:

RESOLVED, that George Kent, 26 Lake Road West, Congers, New York, is hereby appointed to the position of (temporary) Weigher I - Sanitary Landfill - at the current 1989 annual salary of \$18,210.00, effective and retroactive to October 30, 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.....	Abstain

\*\*\*\*\*

RESOLUTION NO. (1013-1989)

APPOINTING TO POSITION OF  
PLUMBING INSPECTOR -  
BUILDING DEPARTMENT (JOHN  
WALSH)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89133 Plumbing Inspector which contains the name of John Walsh,

NOW, THEREFORE, be it

RESOLVED, that John Walsh, 209 Radcliff Drive, Upper Nyack, New York, is hereby appointed to the position of Plumbing Inspector - Building Department - at the current 1989 annual salary of \$28,762.00, effective Novembere 15, 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. (1014-1989)

ACCEPTING RESIGNATION OF  
MEMBER OF BOARD OF ETHICS  
(FRANCIS PANDOLFI)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Francis Pandolfi, 132 North Middletown Road, Nanuet, New York - Member - Board of Ethics - is hereby accepted - effective and retroactive to October 27, 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

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RESOLUTION NO. (1015-1989)

ACCEPTING RESIGNATION OF  
MEMBER OF BOARD OF ETHICS  
(RABBI HENRY SOSLAND)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Rabbi Henry Sosland, 6 Long Meadow Drive, New City, New York - Member - Board of Ethics - is hereby accepted - effective and retroactive to November 1, 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

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RESOLUTION NO. (1016-1989)

ACCEPTING RESIGNATION (BY  
RETIREMENT) OF CLERK TYPIST  
- SAFETY OFFICE (DOROTHY M.  
COLLINS)

Co. Carey offered the following resolution:

RESOLVED, that the resignation (by retirement) of Dorothy M. Collins, 290 Brookway, Valley Cottage, New York, Clerk Typist -Safety Office - is hereby accepted - effective December 1, 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

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RESOLUTION NO. (1017-1989)

GRANTING LEAVE OF ABSENCE TO  
ERNEST SCHLAUGIES - MINI  
TRANS

Co. Carey offered the following resolution:

WHEREAS, Ernest Schlaugies, has requested a leave of absence, without pay,

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1989 provides for a leave of absence, without pay,

NOW, THEREFORE be it

RESOLVED, that Ernest Schlaugies, 162 Rose Road, West Nyack, New York - Assistant Automotive Mechanic - Mini Trans Department - is hereby granted a leave of absence, without pay, effective December 4, 1989 to June 4, 1990.

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. (1018-1989)

REAPPOINTING MEMBER TO  
ASSESSMENT AND REVIEW BOARD  
(ARISTO J. FONTANA)

Co. Carey offered the following resolution:

RESOLVED, that Aristo J. Fontana, 163 South Harrison Avenue, Congers, New York is hereby reappointed to the position of Member - Assessment and Review Board - term effective and retroactive to October 1, 1989 and to expire on September 30, 1994 - at the per diem rate of \$100.00, per meeting when the Board is in session

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. (1019-1989)

APPOINTING TO POSITION OF  
STREET CONSTRUCTION  
INSPECTOR - HIGHWAY  
DEPARTMENT (JOHN T. DINNEN)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88086 Street Construction Inspector which contains the name of John T. Dinnen,

Continued on Next Page

RESOLUTION NO. (1019-1989) Continued

NOW, THEREFORE be it,

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of John T. Dinnen , 41 Old Middletown Road, New City, New York, to the position of Street Construction Inspector - Highway Department - at the current 1989 Annual salary of \$28,762.00, effective and retroactive to October 12, 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

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RESOLUTION NO. (1020-1989)

RECOGNIZING THE APPOINTMENT  
TO POSITION OF LABORER  
-HIGHWAY DEPARTMENT (JEFFREY  
MEARA)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Jeffrey Meara, 27 Von Beaste Lane, Congers, New York, to the position of Laborer - Town Highway Department - at the current 1989 annual salary of \$17,444.00, effective and retroactive to October 4, 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. (1021-1989)

ACCEPTING RESIGNATION OF  
MOTOR EQUIPMENT OPERATOR II  
- HIGHWAY DEPARTMENT (PETER  
BALKO)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Peter Balko, 4 Lori PLace, New City, New York - Motor Equipmwent Operator II - Highway Department - is hereby accepted -effective and retroactive to October 25, 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. (1022-1989)

GRANTING SICK LEAVE OF  
ABSENCE AT HALF PAY - POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT - (BEVERLY BROOKS)

Co. Carey offered the following resolutio

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Beverly Brooks, 434 Mountainview Avenue, Valley Cottage, New York, Police Radio Disptacher - Police Department - is hereby granted a Sick Leave of Absence -at half pay - effective and retroactive to October 18, 1989 to November 18, 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. (1023-1989)

APPOINTING TO POSITION OF  
PART-TIME BUS DRIVER-MINI  
TRANS (GARY PESKIN)

Co. Carey offered the following resolution:

RESOLVED, that Gary Peskin, 20 Strathmore Drive, Spring Valley, New York, is hereby appointed to the position of part-time Bus Driver -Mini Trans Department - at the current 1989 hourly rate of \$8.72 - effective November 15, 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

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RESOLUTION NO. (1024-1989)

APPOINTING PRINIPAL CLERK  
TYPIST - POLICE DEPARTMENT -  
(PATRICIA BARAD)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89265 Principal Clerk Typist which contains the name of Patricia Barad,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Patricia Barad, 25 Scher Drive, New City, New York, to the position of Principal Clerk typist, Police Department -at the current 1989 annual salary of \$25,895.00, effective and retroactive to October 17, 1989.

Seconded by Co. Maloney

Continued on Next Page

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. (1025-1989)

APPOINTING TO POSITION OF  
REAL PROPERTY DATA COLLECTOR  
- ASSESSOR - (JOSEPH  
LIONETTI)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89141 Real Property Data Collector which contains the name of Joseph Lionetti,

NOW, THEREFORE, be it

RESOLVED, that Joseph Lionetti, 17 Gilmor Drive, Stony Point, New York, is hereby appointed to the position of Real Property Data Collector - Assessor's Office - at the current 1989 annual salary of \$16,013.00, effective November 15, 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

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RESOLUTION NO. (1026-1989)

AMENDING RESOLUTION NO.  
881-89 GRANTING SICK LEAVE  
OF ABSENCE WITH ONE-HALF PAY  
- ASSESSOR - (FRANCES KOPPEL)

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 881 - adopted at the September 19, 1989 Town Board meeting - granting Frances Koppel a Sick leave of absence -with one-half pay - is hereby amended to read "effective October 9, 1989 to November 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

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RESOLUTION NO. (1027-1989)

GRANTING EXTENSION OF SICK  
LEAVE OF ABSENCE WITH  
ONE-HALF PAY - ASSESSOR -  
(FRANCES KOPPEL)

RESOLUTION NO. (1027-1989) Continued

Co. Carey offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Frances Koppel, 41 Lakewood Drive, Congers, New York - Senior Clerk - Assessor's Office - is hereby granted an extension of her Sick Leave of Absence - at one-half pay, - effective and retroactive to November 9, 1989 to November 20, 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

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RESOLUTION NO. (1028-1989)

RECOGNIZING APPOINTMENT AS  
(TEMPORARY) CUSTODIAN II -  
PARKS BOARD AND RECREATION  
COMMISSION (TO COVER LEAVE  
OF AL CHIANESE) (JOHNNY  
JEMISON)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Prks Board and Rereation Commission of Johnny Jemison, 18 South Route 303, Congers, New York, as a (Temporary) Custodian II - Parks Board and Recreation Commission (to cover the leave of Al Chianese) - at the current 1989 annual salary of \$27,780.00, effective and retroactive to November 6, 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. (1029-1989)

REAPPOINTING MEMBER -  
ARCHITECTURAL REVIEW BOARD -  
(JOHN MANGAN)

Co. Carey offered the following resolution:

RESOLVED, that John Mangan, Jr., 25 North Conger Avenue, Congers, New York, is hereby reappointed to the position of Member - Architectural Review Board - at the current 1989 annual salary of \$1,000.00, term effective and retroactive to October 24, 1989 and to expire on October 23, 1994.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1029-1989) Continued

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 12:20 P.M.

Respectfully submitted,

*Patricia Sheridan*  
 PATRICIA SHERIDAN  
 Town Clerk

TOWN OF CLARKSTOWN  
CONTINUATION OF PUBLIC HEARING FROM OCTOBER 24, 1989

29

Town Hall

11/14/89

8:31 P.M.

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

RE: CHANGE OF ZONE FROM R-160 TO R-80 - MAP 62, BLOCK A, LOT 15  
(SOUTH MOUNTAIN ROAD, NEW CITY) McCALL

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the continuation of the public hearing was declared open.

Mr. Jacobson, Town Attorney, stated that a petition has been filed at the last meeting by 20% of the surrounding property homeowners. Therefore, any affirmative vote on this matter will necessitate four members of the Town Board voting yes. The SEQRA has been completed and there is a recommendation by the consultant that the SEQRA have a negative dec.

Supervisor called upon Henry Horowitz who is representing the applicant in this matter.

Appearance: Henry Horowitz, Esq.  
representing the petitioner

Mr. Horowitz respectfully requested a copy of the petition to which Mr. Jacobson referred. He said it would have to be 20% of the people who are either opposite, adjacent or within the area proposed to be rezoned. He would like it verified and if it is correct that 20% is involved then it would in fact require a majority plus one.

Town Attorney stated that the Department of Environmental Control checked the petition and the signatures and it is 20% of the required surrounding property owners. Mr. Horowitz reiterated that he would like a copy and Supervisor said he would get a copy.

Mr. Horowitz said at the last hearing on this matter there were just three items of substance that were mentioned. If the Board recalls this was the request of changing a portion that is one acre of an R-160 to R-80 in order to allow two dwellings, one of which already exists, on a little over 5-1/2 acres. One of the property owners across the street objected on the basis that his property was zoned R-160 and if he could live with it why couldn't the people across the street live with it. This property is not R-160. The properties in fact are R-80. He said he had a letter from the Building Department which he would distribute to the Board.

Mr. Horowitz said the second item that was raised at that meeting was a reference to the fact that the applicant didn't need a subdivision. While the speaker said he did not have any objection to two dwellings on 5-1/2 acres he did not see why a subdivision was necessary. He said also from the Building Department he had a letter to the effect that you could have 100 acres but you are still only permitted one single family dwelling on that lot. You cannot have more than two dwellings on a lot without a subdivision.

Mr. Horowitz said the third comment with any substance that was mentioned at the meeting was someone had indicated that they had reviewed the file in the Planning Office of the Town and found a letter from the Rockland County Health Department saying septics in that area would be a problem. He said we verified that with Mrs. Schwartz, which this Board can do as well. There is no letter in the file from the Rockland County Health Department. The only correspondence from the Rockland County Health Department was

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the letter which he (Mr. Horowitz) submitted to this Board, which indicated that septic tanks will, in fact, operate in that area. (Mr. Horowitz distributed to the Town Board members copies of a letter from the Building Department.)

Appearance: Mr. John Holmes  
New City, New York

Mr. Holmes said he lives three houses away from the McCalls and across the street. He said he is incensed that he has to come to meeting after meeting and that we should have to be on guard constantly from people who want to bend the rules and regulations. He said these people have already been turned down twice by the Court, after they have already been turned down by the Zoning Board. He said the costs for the Town and others for the legal time that these matters have already taken up must be substantial. He said the neighbors are quite firm in their regard for the area. He said they have 5.6 acres and he has 5.1 acres - only 9% less. He said will he be able to apply for permission to cut his property in half and then sell it? This is ridiculous. They have been turned down. When will it end? He said this is not financially responsible and it is not morally sound. It should be ended as far as he is concerned.

Appearance: Ms. Zipporah Fleischer  
443 Buena Vista Road  
New City, New York

Mrs. Fleisher said a couple of things have happened since the last meeting on this which she wanted to report. She said Mr. Voigt has R-80 zoning and Mr. Horowitz' customer has R-160 and there is a reason for that. She said the R-80 is on the upland side of South Mountain Road. The R-160 is down in the hollow. The R-160 floods. The R-80 does not. This was taken into consideration by this Town Board when that zoning was made. It is not arbitrary and she felt those reasons should hold.

Mrs. Fleisher said she was at a social occasion where she met Mrs. Willis. Mrs. Willis is the lady who sold the land to Mr. McCall. Mrs. Willis is the daughter of the people who used to live in that same house. Mrs. Willis used to come up weekends and she said she got tired of fighting the dampness. She said before she even put the house on the market she bought all new appliances because she did not think she could sell it with the rust and degradation of the heating equipment and the hot water heater, etc. She said Mrs. Willis also mentioned that had she known the people would not respect the zoning that she never would have sold the house to them. Mrs. Fleisher said she realized that was hearsay but that she has a reputation for telling the truth and she attested to the fact that she was willing to swear to it that this lady told her exactly what she had just related to all of the people here.

Mrs. Fleisher said we have to think of the benefit of the Town. She said this is only one more house but that is not the way to look at it. She said sometime we have to put our foot down and sometime we have to have our borderlines and if you didn't then there wouldn't be any stopping.

Mr. Horowitz spoke in rebuttal. He said this was not turned down by the courts twice before. He said there were two appearances before the Court. In the first appearance the Court held that the Board of Appeals had erred and sent the matter back. The second time before the Court, the Court did affirm the decision of the Board of Appeals to deny but the Judge had held in that decision, as he indicated to the Board, that they made the same mistake as the attorney had made - that they could get their two lots - let them have two dwellings but they can't get a subdivision. They were not turned down twice.

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Mr. Horowitz said in regard to the comment about the R-80 across the street, whatever this Board is going to do in any matter, it will do. He said in all the years he never requested any decision. He said he is concerned with an obligation of having the facts. He said at the previous meeting the individual who owns the property across the street merely indicated his property was R-160. It is not. If you see fit to turn the petition down, by all means turn it down. But at least be aware of what the factual situation is. The property across the street is in fact R-80. The property of the petitioner is, a good, major portion of it, for 300 feet in depth is also R-80. It is just one acre in the back, only because the zone line appears on the map dividing a piece of property into two different zones.

Mr. Horowitz went on to state that as a trade off they have agreed that the back 1-3/4 acres or so, would be subject to a covenant dedicated to the Town of Clarkstown for use as a conservation easement since it is contiguous to about 100 acres which the Town of Clarkstown has. If you feel that makes sense, fine. If you feel that one house is going to jeopardize the health, safety and welfare of the community turn it down.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 8:44 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

Supervisor stated that the Town Board would make a decision on this on November 28, 1989.

TOWN OF CLARKSTOWN  
PUBLIC HEARING

33

Town Hall

11/14/89

8:44 P.M.

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

RE: SPECIAL PERMIT TO OPERATE AGENCY GROUP HOME - THE CHILDREN'S  
VILLAGE AT 808 TENA PLACE, VALLEY COTTAGE, NEW YORK - MAP 123,  
BLOCK A, LOT 16.54

On motion of Councilman Maloney, seconded by Councilman Kunis and unaimously 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 SEQRA has been completed and the Planning Consultant shows no adverse environmental impact. The County Planning Board states that it is not within general municipal law purview. The Clarkstown Planning Board recommended approval with suggestions.

Supervisor Holbrook said with regard to the hearing the representatives who are here from The Children's Village will present their case to the Board and to the public. After that, if Board Members have any questions to ask they can ask them and after that point, any member of the public who wishes to make a statement or ask a question can do so.

Appearance: Ms. Nan Dale, Executive Director  
The Children's Village  
Echo Hills  
Dobbs Ferry, New York

Ms. Dale said they are petitioning the Board for a Special Permit to operate a group home for ten youngsters at 808 Tena Place, Valley Cottage. She said the children who will be served in this group home are all youngsters who are known to The Children's Village. They are children who have previously been at their campus program in Dobbs Ferry and who no longer require that kind of care. They are all children who are quite able to attend public schools and to live in the community. They do not have severe emotional or behavior problems though they have had a history of some problems which is why they have come to us.

Ms. Dale said for the most part the reason the children are in care is because they have been abused, neglected or abandoned. They are children who are unable to return home after being at The Children's Village and as a result we seek to place the children in a group home in the community. Children's Village operates four other group homes, two in Queens, one in Nyack, and one in Dobbs Ferry. She said most of the children who graduated from high school last year from our group homes went on to college. One went into the Army and one is going into the Police Academy. The children do very well. Ms. Dale said the Town of Nyack knows us well because we have been in Nyack for nearly twenty years and the police department, the schools, and the community resources have all been on extremely good and helpful terms with Children's Village and would attest to the fact that we run an extremely high quality program and have had no problems whatsoever in the school or in the community.

Supervisor asked if any Board members had any questions. Councilman Maloney asked the ages of the children. Ms. Dale said the children when they come in would probably be between the ages of about 10 to 14, maybe as old as 15. In general this is not a home in which children come and go. For the most part they come and they stay until they turn about 18, graduate from high school and go on to college or job training. She said they would

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expect the children to be fairly young at the time they come in and then they would grow up there. This is their home. This is where they live. When, in fact, they go off to college they generally come back at Christmas vacation and that sort of thing to visit.

Supervisor asked what kind of supervision is provided for these homes? Ms. Dale said it has been done in one of two different ways. From time to time we have had a group home in which we had a couple that lived in and that is supplemented by night staff so we have around the clock, awake staff during the night. The other alternative is we have a core of six staff members who work in the group home and who are again there around the clock. In general, when the children are in school, the staff who are there are involved in grocery shopping and the kinds of things that other parents do in the community. After school, we have at least two staff members on with the children consistently. From 11:00 P.M. to 7:00 A.M. we have one staff member who is required to stay awake all evening to supervise the home. In addition, there is a social worker and we have access to other clinical staff, if necessary.

Councilwoman Smith asked if Ms. Dale knew which is proposed for this particular home? Ms. Dale said no, because they have not begun to recruit staff. The house lends itself very well to having a couple live in. It is sometimes a difficult decision because it is very hard to find an absolutely wonderful couple. If we could that would be our preference but it is not always possible to do that.

Supervisor asked if there was anyone from the public who would like to speak or raise a question?

Appearance: Ms. Barbara Ortiz  
Valley Cottage, New York

Ms. Ortiz said she was Administrative Manager of Adult Psychiatry at Metropolitan Hospital. Prior to that she was Services Coordinator for Child and Adolescent Psychiatry. She worked on that service for 13 years. She said she has questions and reservations about placing the home in Valley Cottage. She said a week ago she spoke with Ms. Dale and she asked her what other group homes Children's Village operated. She was told there was one at 150 South Franklin Street in Nyack. Ms. Ortiz said she went to that group home to have a look around. She did not enter the premises.

Ms. Ortiz said she wanted to give her impressions. The house itself was poorly maintained although Ms. Dale states in her petition that the home will conform with the overall character of the neighborhood. Ms. Ortiz said she found various states of disrepair on the structure. The windows were dirty and many windows lacked even window shades. There were curtains but if a homelike atmosphere is what a group home's goal is then they are failing miserably at that site. Ms. Ortiz said perhaps the funds that Children's Village put aside to acquire new sites would probably be better spent in providing for the ones they have already.

Ms. Ortiz questioned the staffing patterns. She said that Ms. Dale tells us that the children are in care because they are abused, neglected and abandoned. This is true. The children are not placed in residential treatment centers merely because they are abused, neglected or abandoned. They are placed there because these conditions have affected them. Childhood is the time when character and values are formed within the family. The connections between different childhoods and damage in adolescents form very clear patterns. Children, whose memories are storehouses of deprivation, neglect and violence are robbed of their ability to cope with the present. Many experience developmental problems, impaired thought processes, poor impulse control and many more exhibit blatant antisocial behavior. They have grown up in surroundings that place them at high risk for adverse outcomes.

Ms. Ortiz went on to state that we have no way of ascertaining the diagnostic categories of the proposed residents. What we do know is the problems they faced in their early life experiences were severe enough to put them into long term hospitalization. She said we have concerns about these children coming from a highly structured setting into a community setting. We are concerned about them being chemically controlled. Incidents of violence among adolescents is spirally. In this last year alone the number of incidents that occurred among adolescents outnumbers the first four years of this decade. Many factors come into play on this point. One of the most prominent is that family violence and abusiveness function as a model for aggressive behavior.

Ms. Ortiz said she brought along some articles on how various facilities are dealing with this type of violence and the type of kid that is presenting themselves into these institutions or psychiatric centers these days. She said she is not sure where fault lies. She is not sure whether or not it is in the school system; whether it is our type of intervention; or whether or not we are getting to these kids early enough. She said what she does know is that it is a very dismal prospect for them and for us.

Ms. Ortiz said she recently had a conversation with a Miss Rochelle Penna. She serves on Community Board 17 in Brooklyn. Early last year they faced a similar proposal to place a group home in their neighborhood. In spite of community objections the home was opened in February of 1988. One year later when it came time to renew the lease the community board joined in with the community and refused to renew the lease. The petition that was submitted to that community board is almost identical, word for word, as the one we have here tonight. Their objections stem from the fact that the youngsters were very troubled and they felt that the petition was not true to its word especially in the area of age groups and supervision. The city interceded on behalf of the group home and began granting emergency thirty day leases under an act called Special Land Review. Their fight ended in October of this year. It ended with a severe beating of a child care worker. It ended in a fire bombing. It ended with a murder.

We are not hard hearted people but we are not soft headed either. We have struggled long and hard to achieve what we have. We are sincere in our sympathies to the problems of managing these kids but we are concerned with the well being of our community. Should we be forced to sacrifice - one in lieu of the other? We feel that the petition is deficient in many areas and we feel that The Children's Village in their zeal to acquire this site has chosen to overlook some very pertinent points.

Ms. Ortiz stated that the members of the Valley Cottage community ask the Town Council to please reflect and respect our wishes by voting no on this proposal.

Appearance:                    Mr. Larry Kohlman  
   492 Mitchell Drive  
   Valley Cottage, New York

Mr. Coleman said he lives approximately one eighth of a mile from this proposed site. He mentioned that he is a mental health professional and is not a group home basher. He said he wondered if the Board recalls that there is another group home about an eighth of a mile north of him. He said he wonders if, as a resident, his best interests are being looked at when he is surrounded within a very short distance by group homes. He said he has to be concerned about his property value. It is his major investment. He said it is under duress for many reasons that he will not rehash. This does not help in any way, shape or form. He said he likes to see growth and he likes to see people placed out of institutional settings. He feels the distribution should be fairer to all the residents of all the communities.

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Appearance: Mr. Francis X. Smith  
800 Mitchell Drive  
Valley Cottage, New York

Mr. Smith said that they have heard that there will be staffing in this group home. However, nobody seems to know what it will be. It is not specific enough to be exact. There is a trend among group homes and other psychiatric facilities to employ counselors to whom there clients can relate and they in turn are able to relate back to. It is fact that many of these child care specialists were at one time or another recipients of the same kind of care that they are now attempting to provide. Many are ill equipped to fulfill that goal. Many over-empathize. The one thing that is expected from those in this role is that ultimately they are depended upon to maintain physical control. When shove comes to push they are the muscle.

What happens if a number of staff members are sick or unable to report to work for any reason. What happens to the kids? Are they left to their own devices? They are unable to get out to any of the places that could afford them entertainment. They can't go to the movies. They can't go bowling. They can't even go to the local video store. The petition states that The Children's Village is preparing these residents for an independent life style. How so? If anything you are creating a situation which will force them into unreasonable dependence on any given set of circumstances. You are isolating them and giving them less structure at the same time. What do you think is going to happen? He said you are not only setting up the kids for failure. You are setting up the community as well.

Mr. Smith said there is non-existence yard space at the proposed site. It slopes back. You can't put anything in the back. Yard space at 808 Tena Place is unsuitable for any type of formalized recreation. The character of the land deems most of it unusable. It declines dramatically and the bulk of it is densely wooded. Maybe they'll take the trees down. Public recreational facilities available are Rockland Lake and Congers Memorial Park. How are they going to get there? Public transportation is nearly non-existent. What is available is expensive. Are kids encouraged to hold down after school jobs? If so, how do they get to and from them?

Mr. Smith said his daughter worked in Nyack maybe fifteen years ago. There were times when there was nobody at the home. Some of the children did have certain problems with the police.

Appearance: Ms. Linda Purcell  
490 Mitchell Drive  
Valley Cottage, New York

Ms. Purcell said she teaches some of these kids. She teaches special education in the Bronx. She noticed that some of the children coming from the school in Tarrytown have been from New York. She said she has a number of children in her class who have been from group homes. She has one youngster who regularly tries to burn the window sills with magnifying glasses. She has another youngster, a girl, who is very lovely, behaves well but fails to show up at night, sleeps over with her boyfriend who is into crack. Another youngster who has done very well and is now in Baruch College but this is only after he was placed with his aunt and left the group home.

She questioned what we are trying to do with group homes. We're trying to normalize a population that by its very definition is not normal. We are putting them in communities that are so very different than them that they disrupt the community. When Ms. Dale mentioned that she has excellent relations with the

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police I can ask the council members how many of you have excellent relations, as a family member, with the police? I don't have any relationship with the police. I've never had to deal with them with my children. Yet, she has good relationship. This tells you of a population that is not the same as the neighborhood. She said she also wonders about transportation that Mr. Smith mentioned. There is a parking area for perhaps two cars. When you are talking about children age 10 through 21 eventually they may have jobs and want to buy cars. Where are they going to put these cars? Where are the staff going to put all these cars? There is no parking on the street. Are they going to just blacktop the front lawn? Is this in keeping with the character? What is going to happen to that home when we have ten children in it and the surrounding area?

She said Ms. Dale talks in terms of very general nebulous words like - sometimes - maybe - they may be there for a long time - they may be ages 10 through 15 - we hope - perhaps. This means that things will be changing and this population does change continuously. They are not a stable population. Even if she had wanted to put in some youngster aged ten and keep him there until 21 it is not always possible. Their families are unstable which is why they are abused, abandoned and neglected.

Ms. Purcell said as she understands it, the home an eighth of a mile away as you were told about, on Hess Road, is for abused and abandoned women with children. She said we have done our share. She said she sees them walking down every day continually. They come down to meet a bus on Christian Herald Road. They come past her house many times a day. She said she really feels that this street has done its share for giving normalization to a population.

Appearance: Mr. Robert Ortiz  
Valley Cottage, New York

Mr. Ortiz said he is a police officer with the City of New York. He said prior to that he was a paramedic with the City for 13 years. He said he worked out of the east side of Harlem for 13 years as a medic. He said basically their problems were not with the kids. It was with the supervision. He said there was an average of two to three calls a week dealing with the fact that the supervision was unable to deal with the kids themselves. They tend to break down. It gets overwhelming. She explains that right now she doesn't have anyone specific to deal with the supervision of these kids. It takes a very strong person to deal with them because we have problems dealing with our children sometimes and that's one or two or three. He said he could imagine what it would be like to deal with ten boys. Geographically, the house is very small and the surroundings are very limited for their recreation. He said he could see the flow of traffic coming from Route 303 and Lake Road at times is very high in volume and he could see problems dealing with that. He said he perceives things happening in time. If a kid is not well supervised in that area he could see injuries and accidents happening too.

Councilman Maloney asked where the group home was located in the city? Mr. Ortiz said it was on 102nd Street and Lexington Avenue. Councilman Maloney asked if that was a regular group home? Mr. Ortiz said yes.

Appearance: Mr. Constantine Hetschinof  
804-A Tena Place  
Valley Cottage, New York

Mr. Hetschinof said we have had two previous problems in the mid-70's with neglected, abused children residing at 86 Lake Road which is parallel to Tena Place. They don't reside there anymore. They moved in the late 70's. Two brothers named Danny and Stewart broke into our house, stole and broke some of our

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possessions when we were not around. They did move. Next we had another person, name of Darren, now resides somewhere in Arizona, who lived on Lewis Lane, parallel to 86 Lake Road. He threw rocks and stones at our house and was chased by my father into the woods. He told us he would never do it again. But we still have had two serious problems with abused, neglected children. Our neighbors across the street had a problem with robbery and theft. This happened in the early part of the 80's. The person who committed the crime was in the neighborhood of 18 years of age.

He said he and his neighbors do not want this group home to pass but if it does would it be possible one way or another to review all the applicants, all the residents who will be living in the area so we would know who they are? Can we vote on who would be able to live there? He said he did not think it was a good idea to disturb the area.

Appearance: Ms. Marian Szechter  
Tena Place  
Valley Cottage, New York

Mrs. Schacter said she moved to Tena Place 24 years ago. She had an opportunity to observe her children and the neighborhood children at play. Although we each had a half acre of land most of the terrain was hilly and unusable for any type of sport or group play, including 808 Tena Place. The driveway of her house was one of the few level enough for a basketball hoop. She said her son and his friends would play there. There have been times when I found neighborhood youngsters using our hoop without invitation or permission. My son and his friends had Tulip Drive to play on because at that time there was little traffic and additional houses had not been built. As time went on our children found other places to play their ball or to meet their friends as traffic increased on our block. Today there are no areas in our development for groups of children to play or to relax. The house at 808 Tena Place had a family with four girls who grew up there but never played at that house because it was not conducive to play there. The backyard is not at all a place for children to play. The house and grounds at 808 is not appropriate for ten boys of various stages of growth. There is just no place for them. Parking is treacherous in the snowy weather. We are burdened with cars parking on our side blocking the snow plow from cleaning a very busy road. Our friends and neighbors have all been community minded and have been involved in all types of community activities. We are an intergrated community in an intergrated neighborhood. All we ask is respect for one another's differences and the right to maintain our homes and lives. She said she is a teacher and wants the best for all children. The house at 808 Tena Place is not the best for ten children.

Appearance: Mr. Robert Goldberg  
814 Tulip Drive  
Valley Cottage, New York

Mr. Goldberg said he was familiar with 808 Tena Place because when he first moved into the area 29 years ago he thinks he put a binder on that house. He said he came to get some information. Supervisor Holbrook sent him the formal petition which he suspects comes off a word processor for many such applications and doesn't provide too much information. Mr. Goldberg said there is a group home operated by Children's Village in our community in Nyack. He said he knows nothing about it and he hopes no decisions will be made without some effort to get a realistic picture of what the story is there. Mr. Goldberg said if this was Cathy Lukens, who has a fantastic track record in this community, he would probably stand up here in support of this but frankly he said he didn't know and he wants to know. He said we must have the time to find out the track record of this organization in our community. He hoped the Board and some interested residents would find somethings out and

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come back to an extension of this public hearing. He said he was basically here to request an extension so that we may now apply the information that was gathered tonight, review it and be able to comment on it before you.

Appearance: Mr. Phillip Hepp  
Tena Place  
Valley Cottage, New York

Mr. Hepp stated that he lives next door to this property. He wanted to know who really is buying the house? Where the money is coming from? Is the State buying? Is this private money? What is it? Why are they paying approximately \$75,000.00 more than the property is worth? Are they going to be paying taxes? Supervisor said that Ms. Dale would answer those questions in her summation.

Mr. Hepp said with ten children going to school the school tax will be approximately \$400,000.00 a year to support these children. He said he would like to know where that is going to come from? He said it is a five bedroom home. He wanted to know how you can put ten children and a family in a five bedroom home and have enough room for everybody to live properly?

Mr. Hepp said he wanted to know who is going to be financially responsible for any damage these children may do? He said he had six children and carries a lot of insurance. He stated that he is still financially responsible for his children. He wants to know who is going to be responsible for them?

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff said he has attended probably fifteen of these hearings over the years and he has one question which maybe the Town Attorney can answer. Is this application protected under the Padovan Act? Supervisor said no, this is a special permit under the Town Board's jurisdiction. It is a different type of public hearing.

Supervisor said under this type of application findings of fact have to be made and the Town Board has the ability to make its decision, yes or no, based on the facts. In the Padovan situation the Town Board is restricted in regard to whether or not a group home can be located in a community relating to saturation as being the primary reason for sustaining any objection to it. In the past that has been very difficult to prove. In this particular case, this comes under the Zoning Ordinance of the Town of Clarkstown under Special Permit provisions.

Appearance: Mr. Herbert Lerner  
495 Mitchell Drive  
Valley Cottage, New York

Mr. Lerner said he did not know if the Board was aware that this home had been proposed by New York State as a group home possibly two years ago and was turned down by the State by the Office of Mental Retardation and Developmental Disabilities as a possible site for a group home. It was turned down on the basis of not having a recreation area that was satisfactory, there being no level ground, no area for sufficient parking and the rooms were too small to carry the number of children that was proposed.

In answer to a question from the Supervisor, Mr. Lerner said approximately a year ago the State decided that it was not satisfactory as a site. Mr. Lerner said it is his understanding that under special permit, under normal zoning changes, you would not be able to put ten people into a house like this. Under special permit, if you do it, can the house be modified? Can it be enlarged? Can you do any alterations to it? Does the house conform

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to fire regulations that might be required for a group home that would be put in under say for example Letchworth, where there are all kinds of safety precautions that are taken in group homes within the community? Can modifications be made in the house or are they restricted under the special permit regulations?

Supervisor inquired of the Town Attorney if the Town could set conditions? Town Attorney answered in the affirmative.

Mr. Lerner asked can the house be enlarged? Supervisor said it would have to conform with zoning. We would not be having this type of hearing. We would be having an informational hearing under the Padovan. But in this particular case it is a public hearing because it does come under the jurisdiction of Clarkstown zoning. He said theoretically it could be enlarged as long as it would meet the bulk requirements and set back requirements, of the Clarkstown Zoning Ordinance. If you were to put an addition on your house, you would have to meet the same requirements.

Mr. Lerner said he did not know if the Board was aware that this street is now used as a traffic by-pass because of the traffic at the intersection of Lake Road, Christian Herald and the use of Christian Herald itself as a by-pass. Because of the pile up at the corner of Christian Herald and Lake Road many, many cars are making a turn onto Mitchell Drive and then making another turn onto Tena Place to completely by-pass that corner. Traffic has gone up tremendously. There is just no room in that area for parking of any sort on the street because of the large amount of traffic that is going by.

Appearance: Mr. Cliff Soloff  
835 Sherry Drive  
Valley Cottage, New York

Mr. Soloff said he has a friend who is Director of Affairs at Lakeside which is a residential facility here in Spring Valley. He said from what he can recall he said there must have been about 12 group homes that were within this complex. The major problem that his friend reported to him with the children who resided there was arson. The number one problem that existed there was ARSON.

Appearance: Mrs. Eileen Hepp  
807 Tena Place  
Valley Cottage, New York

Mrs. Hepp said she raised six children in her house and her house is larger than the one that is proposed for ten children. It was a struggle sharing bedrooms and everything else. She said she had been told that the house was up for \$400,000.00. She said no house in that area is worth that money. She said now she just heard that this house was up a year ago to the State but there was no sign except for a little sign on the mailbox that looked like a car for sale. She asked did the former owner go around looking to sell his house as a group home so that he could make this money for his divorce? How were you offered this house? Did you go to him? Why was our place picked?

Supervisor said sometimes if the house can't be sold they do solicit, so that is a possibility.

Appearance: Ms. Elizabeth Szechter  
822 Sherry Drive  
Valley Cottage, New York

Ms. Szechter said there is no place to play. The parks are not nearby. We can't play ball in the street because of the hills and the traffic. If we want entertainment, our parents have to drive us to the movies, arcades and general play areas.

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Appearance: Mr. Sol Derewetzky  
823 Sherry Drive  
Valley Cottage, New York

Mr. Derewetzky stated that he is a former principal of a school in New York City. He said he worked there for 38 years and always worked in difficult areas and had difficult children to work with. He said he really appreciates what Dobbs Ferry Children's Village is trying to do to help children. Children should be helped. One of the major problems we have in the big cities is overcrowding. He said he worked in a school where there were 800 children and he had no problem with the children. The school grew to 1800 children and then there were all kinds of problems. One major problem is staffing. He said Ms. Dale says she will be able to get the staff. He said he would like to know what the turnover is of staff? Turnover in staff in social work is very, very great. That means that you can't provide stability that the children need. Why do you want to have a group home of ten children? The average family isn't ten. If you want to have a family situation then you want to have something like three or four. The best situation is a foster home but you can't get a lot of people to do that today. If you want to why don't you spend the \$400,000.00 and buy two small homes where you would have smaller groups working together. There the children can develop a relationship. If they can't develop a relationship they are not going to be a family. You can't develop a family unless there is someone there who is going to act as a mother or father. The reason you are going away from having a couple there is because you can't get the couple there. So you are going to try to get something to work even though there is an essential element that isn't there. Why can't we find some other way of operating?

Today we are teaching and educating a different way altogether because things are not working the way they used to. We have to think creatively. We can't go down the road just to try to get a bunch of kids together - ten children together in one house - who never knew each other - who never had any kind of a relationship - all of a sudden they are going to become a family with somebody who doesn't even live there all the time? He said he would like to see it but he can't see it. He said he would love to see it happen. He said if you people approve this he is going to pray it happens. He said he hoped that he would not have to do that.

Appearance: Ms. Maureen Nobile  
842 Tulip Drive  
Valley Cottage, New York

Ms. Nobile asked Ms. Dale, with reference to their group home in Nyack, how many complaints have been received in Nyack regarding group homes with regard to runaways, fights, etc.? How many children require special education who are placed in the Nyack School District? How many have actually graduated from Nyack High School? Ms. Nobile also asked if there have been complaints from tutors and other professionals that these children have not shown up for appointments because there is a lack of supervision in the home? When people go in there, no one is there to tell them when someone will show up or why they did not show up. She requested Ms. Dale to answer these questions.

Appearance: Mr. Ram  
806 Tena Place  
Valley Cottage, New York

He said that he lives two doors away from the property in question. He stated that all the concerns he has have already been expressed by the other speakers and he did not have to repeat them. He said as a taxpaying, voting citizen he is not in favor of a group home in his neighborhood.

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Appearance: Mr. Tom Gannon  
85B Lake Road  
Valley Cottage, New York

Mr. Gannon said in his former profession he used to repair pool tables and Dobbs Ferry School was one of the places where he would go to repair the pool tables. He said in a home the average pool table would last approximately 15 years with average play. He said in the group homes they would find that every three or four months you would be back there repairing the same things or replacing the existing material. He said he has the feeling that the same thing may go on in a residential home that is made into a group home.

Appearance: Mr. Andre Szechter  
822 Sherry Drive  
Valley Cottage, New York

He asked Ms. Dale what kind of supervision does Children's Village provide to the homes that it operates and why does it try to place them so far from its main residence? It would seem that if professionals are available in the area where the main facility is located that they would want to have easy access to these homes which they operate so that they can provide the proper supervision. How many such homes are located in Westchester? If not, why not? How many are located in the neighborhood in which Ms. Dale lives? And if not, why not? We would like to know that because this is another county coming to us and we are not sure why this is happening.

Supervisor called upon Ms. Dale to answer the residents' questions.

Ms. Dale said some of the speakers seem to have a misunderstanding of what a group home is. One gentleman spoke about the group homes that were at Lakeside School and those are not group homes. Just as the homes on the campus of Children's Village are not group homes. Both of those facilities are part of the residential treatment center and the kinds of children who reside there are very different than the kinds of children who reside in group homes.

Ms. Dale said she would like to point out something about track record which was raised. Children's Village is not a new organization. It was founded in 1851. She said they have been in Dobbs Ferry since the turn of the century. The facility in Dobbs Ferry is a campus, residential treatment center very different from the group home programs they run. She said they also run foster homes and pre-adoptive programs. When children from our campus no longer need to be on the campus but can't go home because they don't have a family to which to go we try to do one of three things.

She said we try to find a foster home, an adoptive home or a group home. If we are able to find an adoptive home for children without a family that is our first preference. She said we do find some extraordinary wonderful families who come forward and adopt our kids. Sadly, there aren't enough such families in the world and so we have kids who would do very well living in a normal family situation who can't do that. We do the next best thing. We move them into a group home and they do live in groups of ten.

Ms. Dale said one of the things that peeves her as she listens to some of the comments is that there are differences between group homes. There is a group home in the city that may have a lot of problems. There are group homes in Westchester or Rockland that may have a lot of problems just as there are private homes. She said that she suspects that everybody in this room knows some private family who has had a lot of trouble with their own children. One speaker spoke about break-ins by teenagers in their

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community who were from a family, not a group home. We don't then stand around and say that family life should be demolished because some times kids in families have problems. Yes, sometimes kids in group homes have problems just like sometimes kids in families do. Children's Village is not those group homes. We do have a track record about which we are very proud.

Ms. Dale said about three years ago the National Institute of Mental Health did a study nationwide to try to find model and exemplary programs that they could hold up to the federal government as examples of the best programs in the country. They chose eleven programs nationwide. Two of them were residential programs. In the whole nation, Children's Village was one of those two. We are very proud of that. We run an extremely high quality program. We have a great many back-up services. From time to time, it is true that a staff member doesn't show up. We have four hundred staff members who work at Children's Village. If any one of our group homes out in the community runs into a problem they have only to call the campus and we can supply individuals who are well trained child care specialists. It never happens that all of the people who work in one group home are not present. If for some reason we feel we need an additional person, we have back-up. We have a sufficient staff in every group home that the children are never, never unsupervised.

Ms. Dale said transportation is a problem. She wished there was better public transportation. It would be better for my group home kids just as it would be better for your kids to be able to take a bus to go and play. It would be better if they had more play room in the area. They don't. And just as you drive your children to the parks and school and to after school activities and to jobs after school our staff happily drive our kids to their after school jobs and pick them up. They have curfews just like your kids. They have study times just like your kids. We provide tutoring if they are not doing well. She said it may have happened, just as one speaker alluded that once or twice, that a youngster didn't show up for a tutoring session. That never happened to anybody else? A kid stayed late and played football a little longer. Went out on a date and didn't come home exactly on time. These are children. They are just like your children. They do not have serious or severe emotional problems or they would not be in a group home. They would be on our campus.

Ms. Dale said that Ms. Ortiz spoke about the Nyack group home. She said when Ms. Ortiz called her last week she invited her to come to the Nyack group home, gave her five or six dates that she (Ms. Dale) would be available, including all day Sunday and Sunday evening, suggested that perhaps a group of neighbors would like to come together. Ms. Dale said it was her hope that we could arrange a time when the children would be home so that the neighbors could meet and talk to the children, not just see the physical plant. She said she thought when when you talk to our kids you realize that the program is a success. You can all point to programs where there was a group home and to where some kid didn't do well just as I can point to single families where there is a youngster who didn't do well. Unfortunately, Ms. Ortiz did not call me back and set up that meeting.

Ms. Dale said the house that we have in Nyack we rent. We do not own. This house we will be owning. We have been in something of a battle with the landlord of that house (in Nyack) trying to have them live up to the terms of our lease to do some structural repairs. We are aware of the fact and we wish that some of those structural repairs could be made and we're hoping that the landlord will do so and if not we will be making those repairs ourselves.

Ms. Dale said as to the question of how we found the Clarkstown-Valley Cottage group home we answered an ad in the paper. We offered the owner the price that he asked. That's how we

found the house. There was no seeking us out. We found the ad in the paper and we responded to it.

Ms. Dale said another question that was raised had to do with chemical dependency. There was a question that perhaps our kids are drugged in some way. She said we are the largest treatment center in the country. We have 315 children in one site. We have less than 5% of those children who are given any kind of psychotropic medication. Kids who need that level of care would not be the kids who would go to our group home. Those are kids who need much more intensive supervision, much more intensive treatment and they get that at the treatment center. We would not select those youngsters to go to a group home.

Ms. Dale said the question of recreation and recreation space - she wished it were bigger. She said their experience with kids, especially pre-teens and teenage kids, is that they don't play much in the backyard. As somebody suggested to me, if you have a backyard and you throw the ball it is going to go through somebody's window - mine, yours or somebody else's. So what they do like most teenagers is they go to the park or they go back to the school. We have kids on the football team. We have kids on the soccer team. They do what other kids do. Very few teenagers and pre-teenagers play around the house. They play where their friends are and they go with groups of kids. Many of our kids work after school because they'd like to have more things than we are able to provide.

Ms. Dale said as to finances, Children's Village is a not-for-profit corporation or what is referred to in the law as a 501C3 organization. We are purchasing the group home. Some of the funds used to purchase it will be reimbursed by the State Department of Social Service. Some of it will come directly from Children's Village endowment funds. As to the issue of taxes, every municipality has different regulations with regard to whether or not not-for-profit corporations pay particular kinds of taxes. Children's Village will pay whatever taxes are appropriate and legal for us to pay.

Ms. Dale said this house does have five bedrooms. Two youngsters in a bedroom. Two kids in a room. That is just the upstairs. Downstairs there is a separate living room and the possibility of a separate bedroom. She said she uses the terms, as one speaker said, "may" and "perhaps" because she did not want to mislead. She said she did not know exactly who is going to work there. She couldn't possibly hire staff before we own the home and have a program. As soon as that takes place, if it does, we will then begin to recruit staff and train them and have plenty of lead time to do that. She said we do not want to open that home before we have a stable, excellent staff in hand.

Ms. Dale said they also want very much to work with the community. They would be pleased to have an advisory committee of our neighbors. They would be pleased to have you come and go in our home in the same way as I hope if we do have approval this evening that you will welcome us to your home. We will be pleased to have a group who will work with us in the program development. It is clear to us that our program works and we can all point to individual youngsters who don't. She stated that she was telling us this evening that in our Nyack home every youngster who graduated high school this year went on to college. We had two kids who graduated high school. They both went on to college. She said we have had from time to time a couple of youngsters who haven't graduated. They have mostly gotten their GED but it is very rare. Out of the 40 kids in our group homes almost 100% graduate from high school and many of them do go on to college.

Ms. Dale said if the fears that people have of arson and all of these other things were true we would not be able to have that kind of record with kids. They are not perfect. We have had

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problems with kids. The relationship that I had with the police in Nyack is not because we have had a lot of kids involved with the police but because whenever we move into a community we make an effort to get to know all of the service providers, the school staff, etc. She said next week she will be at Thanksgiving Dinner in Nyack and the teachers will be there and others who work with our kids will be there. She said she hoped that should it come to pass that we are neighbors that on some future Thanksgiving you will share our supper with us.

Supervisor asked if any Board members had any further questions. He said the Town Board would reserve decision in regard to this matter tonight. Whatever the Town Board decides it will have to be findings of fact. Town Attorney said that was correct.

There was a question raised from the audience about taxes and the speaker was told that Ms. Dale had stated that any appropriate taxes would be paid. Town Attorney said he would have to see their documents but he would assume that they are exempt from paying property taxes. The speaker said then they are creating a tax burden on the other members of the community. Supervisor said the answer to the question is that they would be exempt according to what our Town Attorney thinks pending a look at their papers.

The speaker said Ms. Dale did not answer the question of who was going to be financially responsible for the children? Ms. Dale said the Children's Village is. When asked if they carried insurance Ms. Dale said, of course.

Appearance: Mr. Gennaro Langella  
818 Tena Place  
Valley Cottage, New York

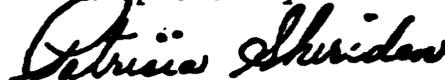
Mr. Langella asked Ms. Dale why they were willing to pay \$400,000.00 for a house in a neighborhood where they are not wanted? Why don't they go to another area where they would love to have them? Or is it that they don't want you in other neighborhoods?

Ms. Dale said we are not paying \$400,000.00 for the house as that was not the asking price. More importantly and sadly, as long as she has been doing this kind of work, which is twenty-five years, she has never found a community that on first blush said welcome to this community. It is always not in my backyard. It is only after we are there and a year later that I think people begin to realize that the threat is not a real one. The answer is we have chosen this house because it was available. It had five bedrooms. We have ten youngsters. We think it is ample size. We don't think that it is too small. We think we are getting good value for our money. We think it is a community in which our kids will thrive and grow and develop well. That's why we have chosen it for much the same reason that you chose to live in this community because it is a nice community.

Supervisor said the Town Board will make a motion to reserve decision on this. He said he would anticipate the Town making a decision on this on November 28th.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, DECISION RESERVED until November 28, 1989, time: 9:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

47

Town Hall

11/14/89

10:00 P.M.

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

RE: SPECIAL PERMIT TO OPERATE RECYCLING FACILITY  
MAP 80, BLOCK A, LOT 15 ( C & A CARBONE)

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

Town Attorney read the following recommendations of the Clarkstown Planning Board:

- 1) Provide gratuitous widening of Western Highway, 30 feet from the center line of the road, and provide deed, title report and map with metes and bounds description for T.A. review and approval.
- 2) Subject to all requirements of Dept. of E.C. and subject to all requirements of the Rockland County Highway Department, since Western Highway is a County road.

Town Attorney said the DEC reported no environmental impact.

The County Planning Board approved subject to conditions:

1. The recommendations of the Rockland County Highway Department letter of July 5, 1989.
2. The recommendations of the Soil and Water Conservation District letter of June 30, 1989.
3. Obtaining all required permits from the Rockland County Drainage Agency.
4. Obtaining all required permits from the Rockland County Health Department.
5. Guarantee that noise and odors do not adversely affect the nearby residential areas.
6. A traffic study be done to determine the volume and flow of traffic coming from this site. The study must take into consideration that there is a ban on truck traffic going into Orangetown.

Town Attorney read recommendations of the Rockland County Highway Department:

1. Provide adequate means of preventing dirt, dust and mud from being tracked onto Western Highway by vehicles leaving the site.
2. As the plans are developed, they are provided to this Department for review and comment.
3. A permit from this Department is acquired by the owners prior to the start of any construction on the site.

Town Attorney read recommendation of Rockland County Drainage Agency:

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The above referenced parcel is within the 100 L.F. of 100 year flood plain of the Hackensack River. Therefore a permit from this agency is required.

Town Attorney read recommendations of the Rockland County Soil & Water Conservations District Board:

The dominate soil on the site is Riverhead, a very deep well drained sandy loam. Because this soil is highly permeable, the town should satisfy itself that materials stored on the site are not allowed to leach into the soil. This soil should be considered to be a poor filter so the potential for ground water contamination has to be addressed in the planning and design for this proposed site.

Town Attorney read comments from the Town Department of Environmental Conservation:

1. The entranceway to the site and the exitway from the scale area should be paved to prevent dust coming onto Western Highway.
2. If the berm along Western Highway is to remain permanent, we recommend planting evergreens.
3. The proposed retaining wall should be designed, inspected during construction and certified that it has been constructed according to the design by the registered N.Y.S. Professional Engineer.

Supervisor said the applicant will make a presentation. The Board members can ask questions of the applicant. Then any and all questions and comments from the audience will be heard.

Appearance: Kenneth Resnick, Esq.  
Granik, Garson, et al  
representing C & A Carbone

Mr. Resnick said the Board has in front of it the petition, the recommendations of the Planning Board and the various boards and agencies of the county. He said he wanted to address some of the immediate concerns. He said his clients intention as soon as the permit is granted, if the Board is so inclined, to immediately file with the Planning Board an application to totally enclose the facility so that it will at all times be free from any noise, dust and any odor. There will be no possibility of any leaching or leachate simply because it will be all concrete floor. The present application is based upon the map as it is submitted in front of you but we have every hope and intention of developing a facility here for recycling in the method and manner which we are now utilizing but to be wholly enclosed. He said other than that he would rest upon the record that has been previously submitted to the Board.

Supervisor asked if the Board members had any questions.

Councilman Kunis asked how does totally enclosing stop odors? Mr. Resnick said it is an interesting phenomena that when you take material and deodorize it you stop the odor and if you keep it contained and provide deodorizers there is no smell. He said he could invite the Board to a couple of places that he is aware of that use those materials where it is effective. One is in Hillsdale and one is in Ramapo.

Supervisor said in regard to this facility you are talking about a recycling facility. Mr. Resnick said this is only recycling. This is not a transfer station. It is not permitted by

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the zoning law and it is not his client's intention to want a transfer station. Councilman Kunis said the property currently holds a permit for a transfer station from the State Department of Environmental Control, is that correct? Mr. Resnick said that was correct. He said he thinks you will find in that connection that that is the type of permit that comes out of Section 306 under the rules. That is essentially the permit.

Councilwoman Smith said are you saying that you have to have that permit to have a recycling permit? Mr. Resnick said no he is not but that is the permit that the DEC issued. He said his client applied for that back in 1987 but it wasn't issued until 1988. The limitations that existed between the zoning law and the application at the time were different. They were both the same. While it talks about a transfer permit and all of the conditions under a transfer station would still be applicable - no odor, leachate, no effluent, none of that kind of stuff. The site itself is only for a recycling center and that is the methodology of the Department of Environmental Conservation.

Councilman Kunis asked what is the possibility of entering that site from east to west and not using Western Highway? Mr. Resnick said at this point it has not escaped our attention. He said we know who the adjoining owner is - Mr. Magee. He said that his client has effected conversations with him. They have gone nowhere at this point. There is a very long stretch of road that would have to be built - 3,000+ feet and not an inexpensive road. We have not done any soil tests or anything like that but that is not liable to be compacted soil. It is liable to be mud and that would make it a very expensive road as well. There may be other alternatives rather than a straight line. He said he is not in a position today to represent to you anything with respect to the future in that other than it has not been lost upon his client and that there are and hopefully will be conversations that will go on.

Supervisor said in regard to the facility itself the concern about the traffic, aside from the odors, etc. has to be addressed. Regardless of whether this was built there or not the Board is concerned about that because Clarkstown is impacted by a ban and everything else. We have to attempt, between the Towns of Orangetown and Clarkstown, to resolve that problem with the truck traffic regardless of what is here. Mr. Resnick said on Western Highway, Route 303 and this whole package we may be able to facilitate that. He said he would point out one advantage that this site does have it is his guess that the availability of trucks to remove garbage from municipalities to distant landfill sites is going to be scarcer and more scarce. One of the current methods which is used now and it is nationwide is that truckers as almost a round robin - they go from one stop to another stop to another stop and somewhere in between those several stops, some of which may carry things we don't want to be in a truck that also carries garbage, to take material to landfill sites.

Mr. Resnick stated that we have a rail siding on that site. We believe that within three years costs of rail transportation vis a vis truck transportation will make rail competitive. Not because rail is going to get cheaper but because trucking is just going to get that much more expensive. That would eliminate probably close to a third of the truck motions that come about during the course of a day because that affords us an ability to transport substantial quantities by rail.

Councilwoman Smith said we must be made fully aware of whatever alternative plans you may have for traffic, other than Western Highway. Mr. Resnick said right now we have no direct access. We are limiting some of our truck movements by the sufferance of Mr. Magee. He allows us to utilize some of his property at different times and in different ways and allows us to go from Route 303 and limit our use on Western Highway. He said we

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have every intention of continuing but right now that is at the sufferance of Mr. Magee. It is not by contract and he said it is his hope that within the next short period of time perhaps that can be formalized but he cannot be put into a position to guarantee something like that. It is simply not something that he could guarantee.

Supervisor asked if there were any other questions from the Board. There were none. Supervisor asked if any member of the public wished to ask a question or make a comment?

Appearance:                    Mr. Stanley Hirsch  
                                  Western Highway  
                                  West Nyack, New York

Mr. Hirsch said he was in possession of a letter from Mr. Resnick to Mr. Bollman which says: "recognizing the circumstances regarding the landfill, as newspapers have reported it my client is in a position to offer the proposed facility as a transfer station to the Town." He asked Mr. Resnick if he wrote that letter and Mr. Resnick said absolutely.

Mr. Hirsch said Carbone has in his possession a permit to operate as a transfer station. He was surprised that Mr. Resnick did not try to deny that. He said he wanted to reiterate some of the points that the Town Attorney made before. He has a copy from the Rockland County Soil and Water Conservation District Board saying "There is a potential for groundwater contamination." They also require a traffic study to see the volume and flow, noise and odors - this is what you said Mr. Jacobson. That study has not been done, has it? Mr. Jacobson said he was not aware of it. Supervisor said it has not been done.

Supervisor said before any decision would be made a traffic study would have to be done. These are conditions. Mr. Hirsch said good, he wanted to understand that. He said discussion was had regarding tremendous truck traffic that we have on Western Highway so he knew that the study would not change anybody's mind on that. We have a lot of 18 wheelers going down Western Highway which is a residential area. We have the Carbone trucks handling recycling on Western Highway. They are very noisy trucks. He asked Supervisor Holbrook if the Journal News had lied the other day when it said that he (Supv. Holbrook) was offering Nyack the use of the Carbone facility for recycling? Supervisor said he did not see that. Mr. Hirsch asked the Supervisor if he had said that. Supervisor said part of the Village of Nyack is in the Town of Clarkstown so they would be part of our recycling and part is in Orangetown so they are part of both towns. Mr. Hirsch said Nyack is not currently using the Carbone facility so therefore we would have an increase in garbage. Supervisor stated that if the Village of Nyack wanted to come with Clarkstown in terms of getting rid of its recyclables, since he favored recycling, he would not be opposed to that. He said he could not say what was quoted in the newspaper. But he definitely would say yes to the Village of Nyack if they wanted to come with Clarkstown. Mr. Hirsch said but you just said there is a tremendous amount of truck traffic on Western Highway. Wouldn't this increase it? Supervisor said he did not know if it would increase it that much. Supervisor said the recycling trucks which pick up in Orangetown and Clarkstown are similar. The Village of Nyack has a problem in how to go about enhancing recycling for pickup. He said if they wanted to come along with the Town of Clarkstown and enhance their recycling he would be in favor of that. We would probably use the same recycling trucks that we are using in Clarkstown because the agencies are the same.

Mr. Hirsch said obviously there would be an increase in truck traffic if they are handling another villages recyclables. Supervisor said obviously there would be some. Mr. Hirsch said he was working out in front of his house the other day and Carbone's

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trucks were going by every five minutes. Supervisor said the Carter's Association has the recycling trucks that pick up the recyclables, not the Carbone trucks.

Mr. Hirsch said he wanted to reiterate what was stated before. That the Carbone facility is within 100 feet of the Hackensack Creek and he said he believed across the street in the swamp the water there is used by Spring Valley Water Company and we have had trouble in that area before, especially on Pine View with all of the wells being contaminated.

Mr. Hirsch said if you give this permit we are going to have an increase in traffic, an increase in noise pollution, we'll probably have an increase in water pollution and all of this in a residential area. He said when he attended a workshop several weeks ago a gentleman offered to have a facility in the Snake Hill Road area which is not residential, where they would be able to use Route 303 and it wouldn't disrupt and pollute a residential area. He said he would like a recycling center and put in a transfer station at a later time you said we only want to talk about recycling at this point. Mr. Hirsch said it is fairly obvious from what is coming out here that recycling will lead to a transfer station. Nobody is going into the recycling business because there is no money in it. Supervisor said the only transfer station we are going to construct, and our zoning does not permit it in any zone, is the one that will be constructed at the landfill site. When we had the hearing and established the definitions and then later established the zones, the Town Board made a conscious decision not to include transfer station in any of the zones. That was done consciously. It was considered but it was also then considered to take that out.

Mr. Hirsh said he heard that but he also has the permit from Carbone to operate a transfer station. Supervisor said that was from the New York State Department of Environmental Conservation but you have to remember that at the time that was issued there was no such provision for transfer stations in the Town of Clarkstown. By creating definitions of transfer stations and then specifically not applying to any of the zones, now our zoning ordinance does deal with that particular issue. It was not dealt with at all in our zoning up to that point.

Mr. Hirsch asked the Supervisor to tell the good people of West Nyack why you are so in favor of having a recycling facility on Western Highway and still opposed to having it on Snakehill Road. Supervisor said he is in favor of recycling. Right now we have no place in Rockland County. He is in favor of taking recyclables so that they can be removed and we can expand our recycling for the benefit of not only Clarkstown but all Rockland County residents. We need a place to bring it. This is a site we are considering. It is not necessarily the only site. The question of traffic which we have raised previous to this is one that he is concerned about. He said he did not think this Board is prepared to make a decision in regard to that. There are also other factors too. We are not prepared to make a decision favorable to this until such time as the traffic situation is resolved and that means trying to get the truck traffic off Western Highway. He stated that he has been saying that for some time and he would reiterate it now. It is a concern regardless of what is constructed at this particular site. If it was a row of stores, we would be talking about the same type of traffic and it has to be worked out between the Towns of Orangetown and Clarkstown.

Mr. Hirsch said you still have not answered my question and he was getting a little tired of asking the same question over and over and having you dance around it. Supervisor said he is not dancing around anything. Supervisor said you are assuming something. He said he favors recycling. If he could eliminate the truck traffic on Western Highway he would be in favor of having a

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recycling place where we could take Clarkstown's recyclables. If this happens to be a place, he has to consider it. It is not necessarily the only place to be considered.

Appearance: Ms. Florence Zuvich  
Blauvelt, New York

Ms. Zuvich asked approximately how big Clarkstown is? Supervisor said it is 42 square miles and 82,000 people. She said out of 42 square miles you have 8 toxic sites in a radius of maybe 3 miles. She asked why out of 42 miles would you even consider adding to the problem we've got. She said you keep trying to say Carbone is only recycling and you keep saying that your transfer station is going to be at the Landfill. Supervisor said that is correct. Ms. Zuvich said she wanted to clarify what she thinks.

Ms. Zuvich said you have stated that they will become probably County facilities eventually. Supervisor said that is correct. Ms. Zuvich said that Mr. Resnick also said that eventually railing it out will be cheaper than trucking it out. Hence, maybe the meeting with the people in Pennsylvania. Ms. Zuvich said if you look at the Carbone site and she did not know how many acres it was but it is not really that large, it cannot possible facilitate a County facility. The site for the so-called transfer station is also not big enough to hold a County facility. You will then have to graduate toward the middle of the map. We all know who owns the property in the middle of that map. The Magee Brothers.

Ms. Zuvich said if you look at the map the rail is directly behind Carbone and not by the proposed transfer station so if you are going to put the transfer station on Route 303 by the Landfill you will still have to truck it or move it in some way to the rail site which has got to be maybe 100 feet or so from Western Highway. Supervisor said our intention from the Town's point of view with regard to the transfer station on Route 303, is to bring the garbage, that is not recycled, to the site and then transport it by truck, not by rail, to a permitted facility which would probably be outside of New York State. This could be Pennsylvania or even Ohio. Ms. Zuvich asked is the rail supposed to be just for recyclables? Supervisor said their specific site was for recyclables. The Town of Clarkstown is not involved in the rail site. Ms. Zuvich said you have listened to that option of railing it. Supervisor said we have but the problem would be crossing the Landfill and the wetlands with a rail spur. He said we would not really be able to do that. Ms. Zuvich said that was her whole point. You would not be really connecting it. That transfer station would have to grow in order to accommodate a County facility. Supervisor said we are not looking to accommodate the County facility. Ms. Zuvich said but you will, eventually.

Supervisor said Orangetown and Clarkstown have been basically wedded together with regard to garbage for a long time, with the Landfill and ultimate with this station. What we are looking to do is to provide a facility at the location of the Landfill which would accommodate both the Towns of Orangetown and Clarkstown at that site. Ms. Zuvich said but did you not say that eventually you would go with the County facility? Supervisor said absolutely and what he envisions the County plan to be is that probably somewhere down the line in the Town of Ramapo there would probably be using their baling station or they would make it into a transfer station which would be another location for Ramapo and probably maybe even Haverstraw to use it as a site if they in fact have to truck garbage out of New York state. Supervisor stated that the Town Board here is not looking to make the facility and we have not applied for it in those terms. We are only applying for the Towns of Orangetown and Clarkstown and there is no intention to do that. Ms. Zuvich said she went to the County meeting on solid waste and the main applicant for the center was Carbone and no other was mentioned. She said also as we know one way of getting around SEQRA

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is saying that you have an existing facility. So you will have an existing facility there so that when the County wants to come in and expand there is little doubt that DEC will accommodate. Supervisor said one other point - add to that - going down the road and we did ask the question of the DEC at the Landfill site in West Nyack but we were talking about the transfer station. We did raise the possibility of that location having a recycling facility adjacent to the transfer station but in trying to move the application along they told us not to apply for that at that time. Ultimately, the Town of Clarkstown might decide that we want a recycling facility right at the Landfill site for Clarkstown's recyclables. The DEC recommended at the time we talked to them against making that application simultaneously with the one for the transfer station.

Ms. Zuvich said she understood that but also she said you just said about moving it to the Landfill site. She said she sincerely doubted that if Carbone is putting in that amount of money to start it you are not about to pull it away from them. Supervisor said we have said even over at the County, that when the County does come up with their plans ultimately for whatever they are going to do with solid waste which is not really formulated, and may never be formulated in this decade, the Town of Clarkstown is prepared to cooperate with the County of Rockland in whatever endeavors they do but that is not for the foreseeable future. Essentially we are going to construct our transfer station and maybe even try to make a recycling thing there ultimately at that location. Ms. Zuvich said the DEC permit expires in 1992 which is when the County facility is supposed to go on line. Supervisor asked what County facility would that be? Ms. Zuvich said the County's target date is 1992 and it seems curious to her that while you advocate having the County come in that Carbone's DEC permit would be expiring just at that time.

Appearance: Mr. Peter Beaton  
Western Highway  
West Nyack, New York

He said we have a Supervisor who is highly interested in recycling and Carbone wants to put a recycling plant on Western Highway. It follows that it is logical that we will increase dramatically, again and again, the amount of recyclables that are brought along Western Highway. Is that true? Mr. Resnick said he supposed you could say that. Mr. Beaton asked Mr. Resnick if it was not true that his plan is for the trucking out of stuff that has already been trucked over Western Highway and the railway has little impact on the people who live on Western Highway and their children? Mr. Beaton asked who is pulling the wool over whose eyes here with this recycling plant. If they get this foot in the door and we will have the transfer station just as we have the stinking stench tonight on the dump that is supposed to be covered. Go by it, tell me how you are going to take care of our problems. The area stinks every day.

Supervisor said with the approval of the Town Board he has signed a Consent Order to close the Clarkstown Landfill and we will be undertaking a rather expensive and lengthy remediation of that site. We are not oblivious to the environmental problems that the Landfill has caused over the years. He said we must consider that the Town Board has taken this measure and this Landfill site will be remediated and there will be relief. He said he was saying this in all sincerity. It is not going to happen ten years from now. It is going to happen starting in 1990. In terms of odors and whatever problems are there we will have to see what has been dumped there over the course of fifty years, etc., that has to be remediated. Knowing where you live and knowing that you have lived with this for a long period of time, the remediation of the Landfill site will, in the long run and in the immediate run, improve the situation there. He said we have done that. Mr. Beaton said you have promised to do it. Supervisor said we have done it. He said he is not saying there isn't odor from the Landfill tonight. But he

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is saying that with the remediation of the site in 1990 the conditions to which you are referring will be improved. We have consciously attempted to do that. Mr. Beaton said the DEC did that for us. Supervisor said instead of fighting them in the courts and delaying it ad infinitum the Town Board did not choose that option. We chose the option of approving a Consent Order and signing it so that the Town of Clarkstown would be eligible to be reimbursed for the cleanup of that site and it would happen immediately, not years down the road. Supervisor said he wanted to make that comment. It is not as if we are saying we don't care what happens there. We do.

Mr. Beaton asked Mr. Jacobson, Town Attorney, where the 30 foot widening on Western Highway was supposed to take place? Is it the entire length of it or just in front of Carbone? Town Attorney said this is in the recommendations of the Clarkstown Planning Board and he would assume it is only for a short distance in front of the Carbone property. He did not think they are talking about widening the whole of Western Highway.

Appearance:                    Mr. John Cuff  
                                  Pheasant Drive  
                                  West Nyack, New York

Mr. Cuff said we are light years ahead of the program. He asked what it costs his household per week to get rid of newspapers right now? Supervisor said he could not say offhand what it costs but that we do get \$10.00 a ton for the newspapers. When the Landfill closes and we have to truck that to some location for about \$80.00 a ton every ton of recycling that we do or we take out of the waste stream would save the taxpayers of Clarkstown \$80.00. Mr. Cuff said that is very easy to say but he said he thinks it is costing him, homeowner, probably a couple of dollars a week to get rid of ten pounds of newspapers. So if we were to figure that out at \$2.00 for ten pounds a hundred pounds is going to cost me maybe \$10.00 or \$15.00. If you get up to a ton it's going to cost him well over \$100.00 which is more than the cost of virgin material to make newspapers. Mr. Cuff said he takes what is going on right now as a big psych job. We are paying a fortune to get rid of newspapers that there is no market for anywhere in this country. It is costing him and every homeowner to go along with this recycling kick and we are paying more to get rid of it than the market price is if there was somebody to buy it. Unfortunately, there is very little market to buy newspaper print. It has to be dry, it has to be bundled and it has to be weighed. What we have created is a beautiful thing. Oh! We're recycling. We're environmentalists. We're concerned. But we are paying ten times what it would cost us if we just put it in our garbage can every day. Now, we are on a clear glass kick and he did not know where the market is for clear glass. He said he did not know what we get a ton. It costs money for them to stop at his door every Tuesday and pick up the clear glass. He said he knows it costs a lot of money to come and pick up the newspapers every week. Then it is all taken off. Do we know where this stuff is going? You were always concerned about where our garbage is going. Where is our newspapers going? Supervisor asked Mr. Bollman, Director of Environmental Control to tell Mr. Cuff where the newspapers were going. Mr. Bollman said newspaper is given to Garden State Paper Products. We deposit it at the Thruway Recycling Center which is part of Garden State Paper. Mr. Cuff said and we are being paid for that newspaper. Mr. Bollman said that is correct. Mr. Cuff asked what Mr. Bollman would say we are making per ton on newspaper right now, taking labor, transportation costs, costs of the truck and everything else into effect and the cost to the homeowner, how much are we making per ton on newspaper? Mr. Bollman said he did not have those figures but he wanted to address Mr. Cuff's other question. It might be more costly than to make virgin paper but if we are going to pay, say \$100.00 per ton, to get rid of garbage - newspaper being part of that - and your newspaper can be collected for \$70.00 per ton and can pay \$20.00 per ton for Garden State to take it away from me because I might have to pay

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them soon to take it. That is still \$90.00 versus \$100.00 and he would have to argue with Mr. Cuff it's better for the taxpayer to get rid of that paper at \$90.00 a ton than it would be to throw it into the garbage and transfer it to Ohio at \$100.00 per ton.

Mr. Cuff said talk is in New York City they are going to start mandatory recycling of newspaper out of New York City. Do you think that might have a slight impact on the newsprint market - waste print. Supervisor said absolutely. Mr. Cuff said if there is any kind of success with the recycling of newsprint out of New York City we are going to be paying a fortune to get rid of newspaper. Mr. Cuff said no one is more concerned about the environment than he is. He was born and raised here. Mr. Cuff said we put the cart in front of the horse. We are very chic by recycling but we are being conned all the way. We are paying an exorbitant price to get rid of it now and if these other townships and municipalities and if New York City climbs on the bandwagon and gets into recycling it's going to wind up costing us three times as much to get rid of newspapers as it is if we would just throw the darn things into an incinerator or mass burn facility and get rid of them. Mr. Cuff said he remembered back to 1946 when the mill in Piermont was running twenty-four hours a day, seven days a week for the war effort. Right where Manley Chevrolet sits right now was a big tin storage shed where all the newspaper came in for the war effort and was transferred down to Piermont to be recycled in the mill. All of sudden the war was over. There was no market whatsoever for newsprint. Do you know where it all wound up? Right over where we have our Landfill right now. That's the base coat of our Landfill because there was no market for it in 1946. If there is ever a concerted recycling effort by municipalities like New York City or Yonkers, etc. we are going to be paying ten times as much as we are paying right now to get rid of newspapers. Leaves - that's a whole other chapter. These people probably don't even know it but we are importing leaves from New Jersey now into West Nyack because we are going to set up some kind of a composting facility by importing leaves from New Jersey into West Nyack.

Supervisor said in regard to recycling, the State of New York, Department of Environmental Conservation, has required all municipalities in New York State to recycle. We have a mandatory recycling law in the Town of Clarkstown. When our Landfill closes we would then have to truck, if we did not recycle which we are doing now, 100% of our solid waste out of state which would jack up the cost of garbage disposal tremendously. Recycling has to be done and it must be done. He did not say that this is the site it must be done at but regardless of that it must be done. The Town of Clarkstown will do it. Town of Orangetown is doing it and our programs are very similar. It has to be enhanced because when our Landfill closes Orangetown's source of getting rid of their garbage also goes away. They must come up with an alternate. We must recycle regardless of what happens with the Carbone Recycling Facility.

Mr. Cuff said he envisions the day when Ohio and Pennsylvania and Iowa and all these other states are going to turn around to the State of New York and say solve your own problems. Supervisor said he agrees with him. Mr. Cuff said we should not be going too deep into this stuff. He said he does not think Albany has all the answers either. They've never had the answers on anything else so he did not know where they would have the answers on recycling.

Supervisor said we must recycle.

Appearance: Wayne Gavioli, Esq.  
representing the Blauvelt  
Association residents from  
Orangetown

Mr. Gavioli said they have long advocated a recycling program and when many officials could only think of incinerators and

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placing that incinerator in West Nyack, we joined with our brothers and sisters in West Nyack and successfully opposed that plant. When others were thinking about other sites for incineration we were in Albany lobbying for DEC regulations that would preserve the environment for all people in the County of Rockland and the State of New York. He said their record of advocating and promoting recycling is a long one, one that we took long before most of the elected leaders here in the County. Even today we are consulted by many of the people at the County level concerning recycling. He said they oppose the application for the special permit tonight because they have always felt that you do not solve one problem by creating others. He said they see the very real need for a recycling center but we say this is the wrong site. We cannot understand how a determination to place a garbage center for recyclables items, first of all, can be made without a full environmental impact statement. Secondly, he said they indicate to you that there is a very fine line indeed between recyclable garbage and non-recyclable garbage. There are many people who indicate that 90% of the waste stream is recyclable. He said he sees the day when this Town will be boxed in to the very real situation of just what is a recyclable. How will you monitor this recycling center? How will you deal with what is or is not a recyclable? Who is going to distinguish it? Who is going to go to Mr. Carbone and say this is a recyclable but this is not when there is no unanimity of opinion in the scientific community today. The very real possibility exists that what you will have is in name a recycling center but in actuality a garbage center. History has taught us to be very wary indeed of applicants who have tried to operate private recycling centers. Unfortunately, the history is not a good one. Only too recently a great deal of publicity was given in the mass media concerning a recycling center located in the State of New Jersey. That was licensed, that was approved and it was supposed to be for recycling. We know the story that what it became was what this might very well become - a garbage dump. For two years the municipality, its Town Attorney, its municipal attorneys and the town fathers tried to close it down. For two years they were unsuccessful. The result was the great fire that did take place which resulted in the burning of steel and the twisting of metal on the highways in New Jersey. We know that this is not the only center where this has happened. It has happened in other locations here in the State of New York, most recently out on Long Island. He said we know too that this applicant has already indicated to the DEC that this is not going to only be a recycling center. For this evening it is. For the DEC it was going to be a waste transfer station as well. That is his application. Those are in fact his words, not mine. He said the intention is obvious. It was stated here by a prior speaker that this is the attempt to get the foot in the door. Mr. Gavioli said the application itself has been an indication that there is an approval from DEC - Assemblyman Hinckey, Assemblyman Coleman and DEC regional personnel have looked into this on our behalf. They have indicated that the application itself seems to be fraught with irregularities. One of the irregularities is that at a time when this Town did not permit a recycling center for the transfer station, the application was made and granted without any knowledge to the DEC that it was not permitted under your zoning code at that time, something that it is customary for DEC to be advised of and important in its determining process as to whether or not to grant those permits.

In answer to a question from Councilman Kunis, Mr. Gavioli said there is no specific question but a series of questions relating to municipality and the right to use this particular use there. There is not a specific question no. Mr. Gavioli referred to a DEC memo that they received on November 10, 1989 which he would get back to in a little while.

Mr. Gavioli said it is obvious, he thinks, moreover that the application which was made to DEC is fraught with even further irregularities. At that time it was indicated that the maximum would be 50,000 cubic feet which as DEC regional personnel

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indicate is mere pittance and far, far less than anything anticipated at the current time. Mr. Gavioli said he knew that Mr. Resnick has indicated that this will be a wholly enclosed facility. In point of fact, DEC's revised regulations now mandate that so there is nothing that they are doing gratuitously. It is something that DEC has decided must be done.

Mr. Gavioli said your own Town Planning Board has highlighted for you very clearly that although we may wish and we may hope the reality is Western Highway will be the means of ingress and egress. They indicate to you in their own memorandum that it will require a widening of Western Highway so that we know where all this truck traffic is going to come and it is going to go down and most importantly impact the communities surrounding it. He said as far as what is going to happen with the Magees, etc., gentlemen and lady of the Board, let's not fool ourselves. These negotiations and discussions have been going on since the summer. They bore no fruit. Let's not misrepresent that in fact tomorrow everyone is going to sit down and we are going to resolve this. For a period of many months this has been ongoing. It has not been resolved and he would daresay it is not going to be resolved. Just to highlight for the record, the County has indicated that this is within 100 linear feet of the flood plain. Of course, the County's own Highway Department has concern too about the dirt, the dust, the mud being trucked onto Western Highway. In point of fact, Thomas Gill, Principal Engineering Technician, of the County Highway Department sent no less than five (5) memorandums to the Town of Orangetown indicating that roadway is incapable of handling any additional truck traffic.

Mr. Gavioli said finally he would refer to a several page letter which he received from DEC, Alexander J. Cresluk, Jr., Deputy Regional Permit Administrator dated November 10, 1989. He stated that Mr. Cresluk is concerned by this proposal and indicates his concerns are for the potential spills and waste leachate leaving the property. He indicates furthermore that they are not necessarily going to go along with this as 50,000 cubic feet would be minimal amount far less than what they anticipated and "We will request the Town of Clarkstown provide specific information to us regarding the proposal it is presently reviewing so as to determine whether this proposal in fact meets DEC requirements at this time in view of these concerns."

Mr. Gavioli said it has been mentioned and Mr. Jacobson has raised the point and he (Mr. Gavioli) will answer it whether or not there is a truck ban in the Town of Orangetown. The answer is yes there is. It was recently enacted several weeks ago. He said it seems inexplicable to him that this Town Board and your fellow Town Board members in Orangetown which only recently found that there was too much truck traffic on Western Highway and enacted a truck ban, in an area in which we are now talking about locating a facility that could only do more damage and increase that traffic. He said quite frankly this application has a pungent stink to it and he thinks it smells like garbage.

Appearance: Mr. Kalinowski  
83 Western Highway  
West Nyack, New York

He asked how many of his neighbors were here tonight and asked them to stand up. He addressed the Board and said that they were impacting his and his neighbors lives. He said we have our houses here and we will be in this area for a number of years. He said you are deciding on our fate and on our children's fate. You are increasing truck traffic immensely. You have to get together with the County. Business sense usually dictates that volume production reduce costs. You are going to do it alone and all the other towns are going to do it alone. He said he did not think so. He thought it was going to be in his backyard. He said

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he would like to know how and why you can offer up a facility of a private company to another town? You are offering their business.

Supervisor said what he is saying to the Village of Nyack is that if they want to come along with Clarkstown with regard to recycling they are welcome. We have to recycle regardless of this application. If the Town Board turns this down we still have to recycle and his offer to the Village of Nyack if they want to come with us and use the same system we are using is fine. We are not oblivious to what people are saying. Otherwise we would not be engaged in public hearing. If we decide that because of traffic or any other reason that this should not be done here we still have to recycle next year.

Mr. Kalinowski said you do not have to impact the environment one way to resolve a problem that already exists and you are going to impact the environment. He said he also has the application to the DEC and if you will note on that every question is answered with no impact. There is impact. There is impact every day that extra trucks go down that road. You have allowed a mall to be considered to come in here now. Western Highway is the connector down into New Jersey. There are as many Jersey plates coming up that street now as ever and there will be more because it is a real convenience to get away from Route 303 and the death trap that exists there. There is no lights. You can travel it cleanly. The truckers know it and they use it. You promised me it would stop at the last meeting and you haven't done it. Supervisor said we have had enforcement out there. He said he could not guarantee 100%. Mr. Kalinowski asked if this recycling center had gone out to open bid - is this a competitive bid basis? Supervisor said this application is a private matter. Mr. Kalinowski asked if he was wrong in the assumption that any business that the County or the Town gets involved with usually goes out on competitive bid basis. Supervisor said if it exceeds the threshold on the bidding which is \$7,000.00. Supervisor said this would be a contractual thing based on the price of it but it could conceivably go out to bid, yes. Mr. Kalinowski asked why couldn't it go out to bid. Supervisor said because we don't even know if it is going to be there. Mr. Kalinowski said what if somebody comes in with a lower bid and it is someplace else. You are not opening up all of the possibilities is what he is getting at. You are situated at one site now. You have an offer of Snake Hill Road. Put it up to competitive bid between the two guys. Let them run it from the current dump. Supervisor said that is an alternative and Mr. Kalinowski said it is an alternative that is not being pushed right now. This is just something that is going to lay down there and if these people don't stay on your neck every damn day of the week it's going to be on Western Highway and we are going to be on your neck. He said he has tried to call and ask Mr. Grant to come in. He's been on vacation. He had a hard fought victory. We need the Town and the County here together communicating. It's not happening. All you have is West Nyack and Western Highway fighting you and fighting the Town Board to reduce traffic. We suspect that there will not be a connecting road coming through. You have open land available. He said he has not heard the Supervisor once this evening ask these gentlemen to contract out with you to run a recycling facility on a site that is already a dump. Why does he have to put it on Western Highway when you can use the dump right now. Supervisor said he is applying for it there because he owns the property. Mr. Kalinowski said let him leave his trucks there right now just as he always has. Let him contract out to manage the service on Route 303. Why not? Supervisor said you are assuming that the Town is just going to pass on this special permit. The Town Board has not made that decision and the purpose of a public hearing is to get input from the public. You were here a couple of months ago. We told you there would be a public hearing. That is why you are here. That is why we are listening. Again, the traffic situation which you raise on Western Highway would have to be dealt with regardless of this facility being proposed. That is a problem that has to be dealt

with regardless. We have to recycle also, regardless. You have mentioned some other alternatives. The Town Board has to take that into consideration. It will. Mr. Kalinowski said he hopes they do and he hopes they keep it off Western Highway. We really don't need it there and there are better alternatives.

Appearance: Ms. Maria Hertz  
95 Western Highway  
West Nyack, New York

She said she would like to congratulate her fellow citizens who live on Western Highway for the very good job they are doing compiling information. The first meeting we attended we were totally raw. We did not know what was going on because we were innocent enough to trust you, our representative. Now we found out that we couldn't do that so we started digging for information. We have done an excellent job. She said she wanted Mr. Holbrook to know that no one is out to get him. There have been some harsh statements made and she wanted to tell him why. She said the first meeting when everybody complained about the traffic you told us you were going to do something about it. Within two days there was a sign on Doscher Avenue and Western Highway stating that Five (5) ton trucks were allowed. She said not a single violation or summons has been issued to any sixteen wheelers passing by. What is the use to have a law if it is not enforced. She said Mrs. Smith was the only one on the Board who accepted her invitation and came to her house. While she was there in five minutes we counted seven sixteen wheeler trucks going by.

She said she would like the Supervisor to answer their questions and not be referred to Mr. Bollman all the time. She said she was speaking not from papers but from her heart. She asked him to please consider the health of their children and themselves. She said the people in the rest of the Town, Congers included, have been silent on what is happening to the people of West Nyack. But if this facility goes in there everybody is going to be affected - healthwise for everybody. She appealed to the Town Board from her heart and asked everyone of them to vote from their conscience not to back up anybody else.

Appearance: Mr. Bruce Broadley  
West Nyack, New York

Mr. Broadley said here we go again looking at a special permit to create some wealth for somebody else - for a property owner at the expense of the homeowners in the area. This time the creation of the wealth would be affecting not so much the pocketbook but the lives of the people. Western Highway is a busy highway. It has trucks on it. Unfortunately we don't do too well in our negotiations with the other towns - Orangetown or Ramapo. They always seem to get the best of us. There is a limitation on the road. Unfortunately, the Clarkstown police don't really enforce it, because as we all know the Clarkstown police's job is (1) being arrogant to the citizens and (2) chatting with each other and (3) having coffee and that is the impression you get of them as you go around the town. It is quite apparent. The current recycling program is an interesting kind of thing. It isn't too effective. He said he had a lot of recycled goods this week. The blue box was filled up with newspapers and we had some clear glass which we put in a bucket and put it right next to it. Unfortunately the bucket was brown so they didn't take any of the glass that was right next to the papers. That's the way things go in the Town. Supervisor said they should have taken it.

Mr. Broadley said we see that West Nyack gets a lot of this stuff. They get the Pyramid Mall, they get the dump, they are going to get the transfer station and they are going to get the recycling. Dump everything in West Nyack rather than in pristine New City. It's no secret why New City doesn't get anything. If you

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look at the demographics of Clarkstown every politician knows that an election can be won if you carry New City and New City has more votes than the rest of Clarkstown combined. You have more population than the rest of Clarkstown. Look at the Rockland County Census. That may be wrong too. Again, it is a government report. That's why pristine New City doesn't get things. They have the population. They have the power base. What you are forcing us to do and as we get down the pike and get more and more of this crap you are forcing West Nyack to really seriously consider incorporation as the Village of West Nyack. The Village of West Nyack will take tax revenues away from Clarkstown because we would do certain things ourselves. In today's atmosphere where we just want to control zoning, the Village of West Nyack would seek to have borders which would capture properties such as Pyramid and capture properties such as the Town dump and the recycling things within their boundaries so that we could not only have appropriate zoning but so that we could have an aggressive and strict and enforceable village code contrary to what is currently done in Clarkstown where the town code is many times not enforced. This is what you are doing to us and what you are going to have is the same phenomenon you had in Ramapo. We have had a lot of inquiries from Congers, from Valley Cottage, from Nanuet and as you know in Nanuet, Mr. Teplitz is looking into that. You are going to have a situation where there is going to be villages and Clarkstown proper will be New City. You are forcing us into that if you don't start responding to the needs and requests of the West Nyack citizens.

Appearance: Mr. Ted Galloway  
24 Green Road  
West Nyack, New York

Mr. Galloway said his street is just north of Carbone and is probably known to you as a dangerous intersection. He said he wanted to give an example of the problem in response to the request for this facility. He said his wife was involved in an accident at the corner of Western Highway and Green Road. She is fine but we keep getting more trucks coming down Western Highway. He said the next foggy morning, of which there are many and a five or ten ton truck comes along, she isn't going to be here.

Appearance: Ms. Maryann Brancatelli  
2 Hobbe Street  
West Nyack, New York

She said she has called the Supervisor many times about garbage being picked up at 3:00 or 4:00 A.M. She said she wanted to know why and where it is going. She asked if there was anyone who could answer that. Supervisor asked if she was talking about the Carbone facility. She said they pick up at at time at the medical building. Many of them have called the police and it stops for a while but then it continues again. Why are they even allowed to pick up at 3:00 or 4:00 in the morning. The Supervisor said they shouldn't be. We have looked into it. He said he did not have a good answer for that except it shouldn't be. She said she hoped that would be resolved soon.

Ms. Brancatelli said they are against the proposal for a transfer station here in West Nyack. She said we already have the dump and now the idea of a transfer station transferring trash to our community is outrageous. She said they are tired of having such a fine community become the butt end of Rockland County's woes. She said they were tired of having anything dumped upon us against the democratic wishes of the community. A transfer station brings with it an air of ugliness and the sense of community is becoming environmentally unsound. She said with the opening of a transfer station comes along the problems of added truck traffic along Doscher Avenue, Western Highway and other nearby roads. She said we are intolerant to this scourge. The tractor trailers and trucks traversing across these streets pollute enough diesel smoke to fuel

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the entire steel city of Pittsburgh and she asked the Supervisor if they have to be forced to breathe any more toxins? She said also remember the fresh air of the spring, the crisp air of the fall and the memories they bring to mind. Well, the only memories we have are the dirty polluting air being inhaled into the lungs of our children and the filthy diesel smoke hovering over our homes. Is the stuff we want our children to grow up in? Is this the stuff we want in our future? In the Sunday New York Times they have a section which asks Would You Like to Live in - and there was a section once regarding Nanuet. They said in it, besides Nanuet, the Town of Clarkstown includes - and they named the hamlets. West Nyack wasn't even mentioned. We didn't even exist. In the eyes of Clarkstown we seem to exist only as a doormat for all to wipe their feet on us. She said right now she can't even open her doors and windows because of the fumes that come pouring through. This summer, she said she was eight and nine months pregnant and could not even use her house fan. She was a prisoner in her own home because all the fan brought in was fumes, not only from the trucks but from the dump. Don't create problems without solutions. We have eight toxic areas in about three square miles. Think about all of us in Clarkstown and don't forget about us in West Nyack. She said she wants to live and not die with her family in her community.

Appearance: Ms. Mary Kuhnar, President  
Association of Residents in Blauvelt  
Blauvelt, New York

Ms. Kuhnar said Councilman Kunis asked a question about specific questions on the DEC permit application for an environmental assessment form that was filled out by Mr. Carbone she would assume. She said there is one question which asks were any permits needed from the town and did he have them and Mr. Carbone answers yes and the permit number is 75-711 which should be checked into. We will provide you with a copy of this. Councilwoman Smith said 75-711 is a building permit for the garage. Supervisor said that sounds like it was issued in 1975. Ms. Kuhnar said this was the permit which he presented to the DEC as his right to have a transfer station. Supervisor asked if Mr. Carbone submitted that and Ms. Kuhnar said yes. She said she would like to add that she feels very sorry for the residents of West Nyack for what is happening to them and has been happening to them in the past. She said she wished the Town Board would listen to them because you can find alternative ways to have a transfer station. Have it on Route 303 but do not subject these people to the kind of truck traffic they are going to have from the garbage trucks that will be coming from all over the county. She said she is sure that will happen if this goes through.

Appearance: Mr. Frank Winbush  
58 Western Highway

Mr. Winbush said he works at Stewart International Airport and right below where he works there is a recycling and transfer center. It started out as a recycling center. Now it is a transfer station. He said you should reconsider putting it on Western Highway because of the truck traffic. He said every morning when he goes to make that turn to go into the airport he is either behind trucks or people from the area who are taking papers or recycling glass or whatever to dump it off there. The truck problem won't be your biggest problem although they do spill things on the road. A couple of times people have gotten into accidents because it was foggy. He felt it should be at a better site. He said where he works is right next to Route 87 (New York Thruway) and they are going to build a hotel there so in the future they probably will get rid of that transfer station because he said he was sure that people who come to that airport on business will not want to look out their window and see a transfer station. It would be better to have it somewhere else. He said where he works Route 84, Route 87, Route 9W there are tons of trucks coming all over that place. He said

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sometimes he is late for work just because he is stuck behind these trucks either because they are either too slow or they have a heavy load that they shouldn't be carrying.

Mr. Resnick spoke in rebuttal. He said he understood the emotion of the issue. He said he also understood how hard pressed the Board is and how careful the Board will be in making its determination in all respects. He said the first thing that concerned him was the 50,000 cubic feet of the proposed application. He said he did not have the application but would get it from Mr. Carbone tomorrow. He said it was Mr. Carbone's recollection that the application for for 48,000 cubic yards. He said 50,000 cubic feet is miniscule relatively speaking. Councilwoman Smith said they may have forgotten the amounts but she believed it was less than 12,500 tons or 50,000 cubic yards. Then what you apply for is considered a minor application. Mr. Resnick said that was correct. Councilwoman Smith said under those circumstances no municipal agency is notified that this is even applied for. That is something that has to be changed today because she did not think the amount that we are dealing with but the fact that such a site is coming into this municipality. She felt every application should be notified through the local municipality.

Mr. Resnick said you may be right and it may well be that it is time that particular aspect is changed so that there is communication much in the way of a 239 review where all affected localities or municipalities have the opportunity to give input at the initiation stage right from the beginning so you know where you are and you can stop something that may prove to be imprudent at the earliest possible opportunity. We are not dealing here with a transfer station or garbage site. We are dealing essentially with a recycling center that takes various kinds of materials that are capable of being reinserted into the stream of commerce and reinserts them in one form or another, whether it be wood, paper, plastic, glass, metal, aluminum in whatever form and that is the purpose of the site. Mr. Resnick said he had no problem with the definition of recyclable. He said he knows what the ordinance says and he knows what common sense says and it means to reintroduce materials back into the stream of commerce not to bury them in the ground. He said he does not have that kind of concern but he understands the constituency's concern. Garbage is not a pretty subject. We want to take our packaging, throw it away and make it go away but it doesn't work like that. We are a package conscious society. The problem that Clarkstown faces is a national problem. There are all sorts of solutions being offered. The real question he supposed was why doesn't the federal government and the state start doing something in a comprehensive way rather than leaving the it to local government and this kind of trauma that we face here tonight. He said with respect to the inspection of the facility he has a great respect for the enforcement arm of this Town. He has seen it at work. As part of any permit that site is open on a virtual 24 hour basis for inspection by any member of the Town of Clarkstown who is authorized to do it, by any member of the DEC who is authorized to do it, by any health inspector of the County of Rockland. In terms of inspection for management and maintenance it is open. It is there. It has to be. It can't be conducted any other way. He said with regard to the question of the trucks. He said he has no knowledge as to what the details of the impact of the various improvements which the Town may have on Western Highway. Nor is he privy to any of the potential solutions. He said he did recall hearing one of the neighbors complaining not about the Carbone trucks but about other trucks and that is a point that he asks the Board to keep an open mind on. He said we are but a miniscule portion of the truck traffic and we probably ride at hours when we don't impact truck traffic. Much of it would be early in the morning, he would suspect.

Mr. Resnick said he knows that the Board is familiar with the site. If the Board believes that a traffic study is

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necessary he can understand that. He said he does not want to pay the expense of it because traffic studies are notoriously expensive and what they confirm is that the road is inadequate and that somebody ought to turn around and improve it and then it usually turns out that it is not the municipality that needs the improvement but it is somebody else's road and you can't get it done. He said he only has to look at Main Street north of here to know that kind of a problem and the problem the Town faces there. It is a similar one on Western Highway. He said the site that we are contemplating developing and that we seek a special permit for will not by its nature contribute to pollution because it is not taking putrescibles. It will be taking cans which may have some soda in it. It will be taking cardboard which someone may have had a pizza in an office but we are not in the business of bringing household or industrial garbage to this site. That is not permitted under your zoning law and it is not our method of operation. We are strictly recyclables. He said he believes that we do conform to the zoning law in all respects but he said he would be pleased to help the board in any respect that they wish in terms of specific information or studies that it may need in order to assist it in its decision.

Councilwoman Smith said under your current DEC permit that is only valid under their regulations, not ours. She asked Mr. Resnick what the conditions are that they set for recycling? Mr. Resnick gave her a copy of the DEC permit. The conditions and requirements are all attached and submitted as part of the record. He said he thought it had been submitted as part of the application but he said he may be in error.

Councilman Carey asked Mr. Resnick the date on the permit. Councilwoman Smith read that it is dated July of 1987 and is valid through 1992 and because its already been granted they are not subject to the December 31, 1988 regulations. It says they have the right to store recyclable materials for no longer than six months. Non-recyclable materials shall be stored at the site for no longer than twenty-four hours.

A gentleman from the audience stated then he has permission to hold garbage in there for twenty-four hours. Is that correct? Mr. Resnick said what it means is that during the course of recycling material which is not recyclable is included in the load we have to get rid of it within twenty-four hours. The facility has been available for inspection by the Town since the date of the permit. This is not unknown. What goes in and what comes out has not gone unobserved. There is no transfer station being operated there and that is the fact of the matter. One is not suggested nor is one desired. It is the wrong site for a transfer station. It is too small.

Supervisor said the Board will notify the public of any discussions they would have at subsequent workshops concerning this so that everybody will know when it will be coming up. Also we will notify people of when the Town intends to make its decision in regard to this. He requested that anyone desiring any further information call his office.

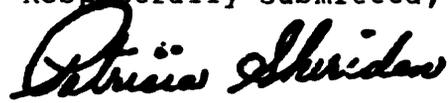
Councilwoman Smith said she wanted the public to understand that this is not a transfer station. We have no intention of it ever being a transfer station. She said she would like the Town Attorney and the applicant, if possible, to provide complete clarification on this DEC permit. Is anything fraudulent, correct, or anything that may be. She said as a Town we have to look at what we are doing. We are using a site that doesn't have permitted use by the Town for our recyclables. She said we should not continue this. We should find some alternative to the recyclables until we get this application straightened out. She strongly thinks that a traffic study has to be done.

Councilwoman Smith said a word to Orangetown - she stated that she knows they are sympathetic and they share the

problems of the people on Western Highway. But, your Town has to realize that it is your recyclables that are coming to that station also. You have to do something about the traffic from the Orangetown side no matter what is there - whether it is a recycling station or continuing what the operation is. You are asking us to work cooperatively with the County. We would like very much to do that. We also want Orangetown to work cooperatively with Clarkstown. It is not just enough to complain about traffic on Western Highway if you are the ones who are partially responsible for it.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 11:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

67

Town Hall

11/14/89

11:30 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Phillip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: ZONE CHANGE - R-15/CS TO ALL CS  
MAP 57, BLOCK N, LOT 101 - JARCO

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.

Mr. Fogel read correspondence from the Clarkstown Planning Board dated October 18, 1989, addressed to the Town Board. He quoted from same:

(Letterhead of Clarkstown Planning Board)

\*October 18, 1989

Honorable Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, N.Y. 10956

Re: TOWN BOARD REFERRAL: ZONE LINE AMENDMENT OR  
ZONE CHANGE REQUEST R-15 TO CS, JARCO REALTY  
57-N-1.01 NEW CITY

Dear Council Members:

The Board reviewed the above request at the Planning Board meeting of October 11, 1989.

There was some concern that the entire zone be changed to CS, with, or without, restrictive covenants. It was felt that it would be more appropriate to have the zoning changed to be more compatible with the existing land uses. Therefore, the Board unanimously approved the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has reviewed the request of Jarco Realty, 57-N-1.01, New City, for an amendment to the zoning mpa to allow for relocation of the R-15 line, in relation to the surrounding area. The Board recommends denial of any change to CS, with or without restrictive covenant limiting the use to professional office use. The Board recommends that the parcel be entirely rezoned to PO, and be subject to the following conditions:

- 1) The use to limited to professional offices of the kind that traditionally serve residential areas (other office uses should be in hamlet centers or major office sites, not on the edge of residential areas);
- 2) The entry drive not be relocated;
- 3) NO NEW BUILDING OR PARKING STTUCTURES, NOT ALREADY EXISTING, SHALL BE ALLOWED WITHIN ANY REQUIRED YARDS;
- 4) Building height to be limited to two stores(sic);
- 5) Parking to be intensively screened;
- 6) Site lighting shall be reviewed by the Planning Bpard as part of site plan review;
- 7) The uses shall be limited to professional offices and not include other uses permitted in the PO district.

Very truly yours,

/s/ Rudolph J. Yacyshyn

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Rudolph J. Yacyshyn  
Chairman

RJY:lrw

cc: Town Attorney  
Town Clerk"

Mr. Fogel stated there was also correspondence from the County Planning Board and read the following:

(Letterhead of Rockland County Department of Planning)

October 11, 1989

Clarkstown Town Board  
10 Maple Avenue  
New City, New York 10956

Tax Block & Lot: 57 N 1.01

Re: GENERAL MUNICIPAL LAW REVIEW 239(k)\_\_\_ 239(l&m)XX 239(n)\_\_\_

Map Date: 11.17.88 Date Reveiw Received: 9/21/89

Item: Jarco Realty (C-1735)  
Zone change application to allow approx. 0.93 acres currently zoned CD and R-15 to be zoned totally as CS Southeast corner of intersection between Route 304 and Second St.

The Rockland County Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the Rockland County Charter I hereby:

\*\* disapprove for the reasons below XX

Note: Please see attached"

\*\*\*

s/s William M. Chase  
William M. Chase,  
Commissioner of Planning"

Attachment as follows:

"The subject parcel is adjacent to residentially developed parcels and is somewhat unique in that it is a solitary non-residential use on the east side of State Route 304.

The applicant's argument against R-15 zoning could be used for numerous other residential parcels presently on or close to RRoute 304. We have consistently advised the Board to view such individual requiests in the light of the broader policy of development along roads with high traffic volumes. Thus, while the change requested is for a small parcel, itd still sets a precedent for other changes. We therefore disapprove the subject request as potentially adverse to the safe and efficient flow of traffic along State Route 304."

Mr. Fogel said he would point out to the Board that based on the negative recommendation of the County Planning Board it will need a majority plus one vote for this to pass.

Supervisor asked if the applicant was present.

Appearance: Ronald M. Kahn, Esq.  
369 South Main Street  
New City, New York

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Mr. Kahn stated that he was appearing for the petitioner, Jarco Realty Co. He said the Town Board had before it the petition and the amended petition together with the various exhibits. He said the motivating factor for this petition today is that this piece of property which consists of .93 of an acre, which is slightly less than one acre, has a zone line which runs right through it. There is some doubt and dispute as to where that zone line actually is which is one of the reasons we filed the amended petition. The Building Department contends that it is in one area. Our surveyor who has scaled the map contends that it is in another. He said at a TAC meeting we heard a third version of where that zone line might be. He said so as to end the confusion they thought it best to bring this application to try to get the zoning of this particular lot consistent throughout the entire lot. As the zone line now stands and as we contend it stands it bisects the building which presently exists. The building is a one story masonry structure containing six garage doors. There is a storage area and it had been used as such. He said while his client has owned this property he has been taxed as an auto body garage; as an office building; and he has been paying taxes as a non-homestead use. He stated that he has all the those tax bills and he submitted them for the record.

Mr. Kahn said additionally they are aware of the thinking of the County Planning Board and while they may be correct in some aspects of their thinking and their analysis it should be noted that nowhere along this particular roadway are there any other parcels of property where there is an existing structure which has this zone line going right through it which would so quality to ask the Town for relief. He said he was aware that they have other options and they do reserve the right to the other options. However, rather than resort to those options, such as going to the ZBA for various relief we would rather be able to end this situation right here with the Town Board in having this entire property zoned consistently.

Mr. Kahn said it should be noted that this is a one acre parcel. It is a contiguous parcel. It is one tax lot so we are not taxed as to that portion which is commercially zoned and that portion which is residentially zoned. We are taxed as a total commercial zone right now. He said he would also like to point out to the Board that we were present before the Clarkstown Planning Board and were aware of their thinking and while they were receptive to some of our applications saying that perhaps PO zone would be appropriate, we would like to bring to this Board's attention that were CS zone to be granted to us we would be willing to enter into a declaration of restrictive covenant with the Town that we would not use it for any retail space nor would be at any time further subdivide this particular parcel.

Mr. Kahn said on that basis they are again asking for the relief which they seek. He said they are willing to create any natural buffers. There are some now. They are willing to augment them between them and the surrounding area. However, we are facing the fact that we do have a presently existing structure.

Mr. Kahn stated that their surveyor was present.

Appearance: Mr. Joseph Caruso, Surveyor

Mr. Caruso stated that basically the zoning ordinance defines where zone lines occur. In the absence of any specific dimensions, the ordinance specifically says to scale the map. He said based on scaling the map the zone line does appear to go through a substantial portion of the building. There were several other versions. He said actually they chose not to debate where the line went but it seemed to make more sense that the property all go in one particular zone as it is one tax lot and we are requesting that zone designation be CS.

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Supervisor asked if the Town Board members had any specific question? No one did.

Supervisor asked if any member of the public had any questions or wished to comment?

Appearance: Mr. Dennis Katz  
Windmill Road  
New City, New York

Mr. Katz said he was speaking on behalf of himself and some of the neighboring property owners. This particular zone is an anomaly because on the western side of Route 303 there is a very large busy CS zone and anyone looking at the map who did not know that this zoning existed from some previous time would see it is a classic case of spot zoning where there is just one small section on the other side of the road that for some unknown reason is classified as CS. He said if he was going to make an application or if he was going to vote on this he would agree that there should be one zone and it should be a residential zone because the entire easterly side of Route 304 is residential and that is the character of the area. He said as far as he knows in the last two or three years this building or whatever you want to call it has not been used at all and there has been no activity, no stores, no cars there. It has just not been used for whatever reason. It could just as easily be demolished and built up for residential use as it can be converted for another type of use. If it is permitted to be another type of commercial use this would also be a classic example of taking a public law and rezoning it for a private purpose to enable a private property owner to have a specific special profit at the expense of the adjoining residential neighbors. In short a commercial zone of any nature doesn't belong in this area. It should not have even been considered. If the application would come up again for a zoning it would be more properly classified as residential than any sort of commercial use.

Mr. Kahn stated at this point that he wished to finish his presentation. Supervisor remarked that he thought that he had which is why he called for the first speaker. Mr. Kahn stated that he just interrupted himself to introduce Mr. Caruso, the surveyor.

Mr. Kahn said that he wanted to direct the attention of the Town Board to the report of the Clarkstown Planning Board whereby they mentioned the Plotkin resolution. It was with Dr. Plotkin just south of us here on Route 304. They had mentioned several conditions and one of the conditions was not to be able to relocate the driveway. However, if we were to develop that property the driveway would have to be relocated although it is not our intention at this time to relocate any driveways. Given our choices we would prefer the CS zone vis a vis the PO zone but we would be amenable to a PO zone if that was the determination of this Board.

Appearance: Ms. Risa McGuy  
53 Second Street  
New City, New York

Ms. McGuy said there was one house between her house and the lot. She said she has lived there for ten years. It has been a residential street. There are children who ride bicycles on the street. There has been an increase in traffic and they are very concerned. Some of her neighbors were here earlier but they had to leave. She said they would like to keep it a residential area.

Appearance: Ms. Virginia Channey  
42 Second Street  
New City, New York

Ms. Channey said she lives right across the street from the property in question and has lived there for thirty five years.

She said when she moved there originally the garages were there. The whole Second Street was empty except for Mr. Scot's house which is a big white house on the same side as the garage. She asked Mr. Kahn when he brought the property did he not check the zoning on there? The zoning line in 1971, she was informed by the Building Inspector of Clarkstown, that that area and my house, commercial zoning went straight through the middle. She said they were off to Europe and didn't pay any attention because it didn't make any difference. She said then there was an application and a public hearing on CS zoning and it was turned down by the public. This was to be a restaurant where now the apartments stand on Route 304. Now Mr. Kahn wants to have it changed again. She said she has lived across from that garage for thirty five years and has been the best watchdog you'll ever have. She said if she ever thought something was wrong over there she would call the Clarkstown Police. She said there has been quite a few things gone on over there. She said what is good for one is good for another and now all of a sudden he wants to change it. Through the years all there was was storage, a few cars. When Mr. Scot had it as the Rockland Tree Expert Company trucks went out in the morning, came back in the evening and everything was quiet. She said it was one of the best neighbors she ever had. She said she did not know what would happen if the zoning is changed.

Appearance: Mr. John Kemmer  
44 Third Street  
New City, New York

Mr. Kemmer said there were a lot of things he did not like about this proposal. He said number one was the way they were notified. He said he has a letter dated September 19, 1989, postmarked November 1, 1989 and he received it November 2nd. Is that the right kind of notification? Supervisor said you need ten days notice prior to public hearing. Mr. Kemmer asked why there were two postmarks on the envelope? Supervisor stated that he did not know but the applicant sent out the notifications and he would answer any questions about notification when he returned to the microphone. They questioned why didn't the Town send out notification. Supervisor said because the law provides for that. Mr. Fogel said the applicant, in the ordinary course of events, is the individual who sends notice to the adjoining property owners after checking against the zoning map in the Assessor's office.

Supervisor noted that if he doesn't and is deficient in that regard that could be grounds for no hearing. He is compelled to notify the public. You must be notified in regard to this.

Mr. Kemmer said he thought it was a shady way the whole thing was done. He wanted to know how it would affect his taxes if this was to go through? Supervisor asked if his property was residential and Mr. Kemmer said yes. Supervisor said he did not see how this would affect his property. You are a homestead parcel and your rates would not be affected. Mr. Kemmer said how would it affect property values there? Supervisor said the value of the property - he did not know. Mr. Kemmer asked if there had been an environmental study with regard to extra traffic, etc. Supervisor asked if there would be a SEQRA on this and was told yes. Mr. Kemmer said what about a study of the area. Supervisor said that is also a concern. These are things that the Town Board must consider when it makes a decision.

Mr. Kemmer said his position is that they are totally opposed to it.

Appearance: Evert Johns, Esq.  
representing Dennis Coyle  
and Robert Ries

Mr. Johns said Mr. Coyle and Mr. Ries own the twenty-nine apartment complex along Route 304 and also the residence

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on Scarlet Court of Mr. and Mrs. Ries. He said he was speaking in objection to the granting of CS or even if you consider CS with any type of restrictions. Basically, when this application was first filed it was filed to show approximately 80% CS and 20% residential. At the Planning Board meeting, the Building Inspector submitted a report which he made comment on later which he (Mr. Johns) had concurred in that it was just the opposite zoning. It was approximately 80% R-15 and 20% CS. He said he drew this to the attention of the surveyor and to the applicant also. They thereupon amended the petition to show both their claim and also the Building Inspector's claim. Mr. John said he thinks we well know that in the Town it is the Building Inspector who determines initially where the property line is. The applicant chose to do two things. He amended that petition and said we don't care where the line is, we'd like to have the property zoned CS. So in effect you don't know what you would be changing - whether it is 1% or 99% of the particular zone they seek to change it to. He said he did not think this Board should be put in that particular position of having to decide where that line is when the Building Inspector has determined where that line is. The applicant has filed and it is pending before the Zoning Board of Appeals right now an appeal of the Building Inspector's determination. That hearing is to be scheduled for sometime in January of 1990. He has taken the position to apply here and ask this Board in case the Zoning Board of Appeals denies him. Again, he said he hoped the Building Inspector would comment further on his determination but the proper procedure is when you disagree with the Building Inspector as his determination is to file an appeal when you can have sworn witnesses and surveyors and testimony before the Board instead of before this Town Board here. He chose that course but he chose both courses and Mr. Johns said he felt it was quite improper to ask this Board to make a determination when you don't even know what portion of the property you would be changing.

Mr. Johns then said if you look at the zoning map of the Town in this particular area you will see that all the surrounding area with the exception of Vanderbilt Lumber which is non-conforming is zoned either multiple family use or single family. In one instance there is a two family on the corner of Third Street and Route 304. Mr. Johns said you will see two small sliver parcels that are zoned CS. There is no other CS in the entire area in New City for some distance almost running all the way actually to Nanuet by the Parkway. Across the street is one of the small parcels which is CS and which is totally unbuildable. It is a small parcel and this parcel has about a 46' by 165' zoned CS. That is all it has. This has been confirmed by the Building Inspector before the Planning Board and that is pending decision.

Mr. Johns said an area inspection will indicate that the entire area there is residential. Such a proposed change of zoning would in effect be spot zoning - singling out a particular parcel of land entirely different to the surrounding area which is all residential use. Whatever it may have been at one time this Board, the Planning Board and the Master Plan, which now incidentally is now under study by the Planning Board, who may have their own recommendations - they did make a recommendation for PO. He said he will mention just that question later. All the actions of the Planning Board and this legislative board have implemented the R-15 or the MF-3 in the entire area including all the Vanderbilt property.

Mr. Johns said finally the applicant asks this Board to adopt an illegal resolution by amending the subject parcel to CS notwithstanding what part of it is CS because the front yard in the CS of an existing structure the requirement of the zoning ordinance is 30 feet where if you look at the map it shows 20.71 feet. Mr. Johns also pointed out that in the CS zone or any commercial zone particularly CS that adjoins a residential area you must provide, under the ordinance, 25 feet. A change to CS by this Board, or even

PO would immediately place this property in violation of your own zoning ordinance. He said this Board has no power to do that. You would be placing this property in violation no matter what particular commercial zone because everybody has ignored the structure. If this was a vacant parcel of land you could entertain an application but it would require the removal of a portion of that structure in order to comply with the CS zoning. Mr. Johns also maintained that this Board would not have the authority to grant such a zone subject to the ZBA granting a relief. If the ZBA did not choose to grant the relief then you would have the odd situation of having his defense that the Town Board placed this in violation.

Mr. Johns said he submitted to this Board on the basis of those three solid reasons that this application should be denied.

Appearance: Ms. Irene Saccende  
11 Windmill Drive  
New City, New York

Ms. Saccende said she would like to first say that she thought the posting for this public hearing was not adequate or evident to the people. She said if it were more evident to the people you would have a lot more people from Windmill Lane here. She said she was sure the bulk do not even realize this public hearing is going on. She said with the widening of Route 304 we have a bad traffic problem between New City/Congers Road to Third Street right now with just two lanes. Being that it is being widened to four to put commercial property on this corner is going to make it very hazardous in that area. Just across the street from this property is a school bus stop in the morning. If that is commercial property and it is being utilized she would imagine the bus stop would have to be changed. She said she traverses that street twice a day and has for the past twenty-seven years going and coming to work. She said she would have to go out to New City/Congers Road or to Third Street to where there is light in order to get out onto the road to come to work and to go home safely. She said she did not feel that making this property CS would be a wise solution. She said she would like to see it remain residential or multi-family.

Appearance: Mr. Jerry Colucci, Building Inspector  
Town of Clarkstown

Mr. Colucci said this is a petition for a change of zone. He said he wanted to advise this Board that there is an appeal pending before the Board of Appeals on an interpretation of non-conforming use and the zone lines. He said he had prepared a packet for the Board which he handed out. He referred to various items and times listed on his handout. He stated that at one time someone wanted to sell tires. The CS zone is only a small piece of the westerly portion of this parcel. He said roughly computing the areas the residential portion of the lot there is about 80% from the entire parcel. The building is located in the residential portion. Using Section 106 8(B) of the Zoning Ordinance and based upon a site plan of the Ries property which is just to the north side of Second Avenue and projecting this line further south to the subject property line of this particular parcel in question that is where he determined the line which is roughly about 46 feet to the corner fronting on Second Avenue. He referred to a tax map which shows where the zoning line would be located. This is also backed up by Town Board Resolution 123 adopted at a Town Board Meeting of 2/16/77 which is amending Resolution 98 correcting certain zone lines on a zoning map. He said you will note on the bottom he has underlined the northwest corner of property which is Lot 10 on the Tax Map, continuing along the westerly boundary of that property and extending in a southerly direction to the zone line running along the rear property line to the properties fronting on Second Avenue.

Mr. Colucci said there is a denial of a permit from the Board of Appeals. Active and continued operations have not been

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carried on with respect to non-conforming use of the premises on a continued period for one year. Use of these premises had ceased on or about May 1974. Mr. Colucci stated that he had correspondence from Ira Wicks of Spring Valley dated April 28, 1989 which said that Ira Wicks and Company of 11 McNamara Road, Spring Valley, New York purchased Rockland Tree Expert Company which was the owner of the subject parcel at the time on April 27, 1974. Thereafter, all vehicles, trucks and equipment were moved to corporate headquarters of Ira Wicks and Company. This transaction was completed by the middle of May 1974. Mr. Colucci said he came across no permits up until March 1978 for putting in a concrete floor. It does not identify a tenant or use or anything else.

Supervisor called upon Mr. Kahn to make his summation. Mr. Kahn said with respect to some of the arguments in effect if we were to change the zone here or maintain the position that there is no CS zone and it should be a residential zone and if the Building Inspector, who has been quite zealous and would even go so far as to say over zealous in protecting the interests of Mr. Robert Ries and his associate and in coming down on Jarco Realty Co., then in effect, what we would be doing is confiscating the property of Jarco Realty Co., which presently exists.

Mr. Kahn stated that Mr. Johns had made a nice presentation and told the Board that if you granted the CS zone you would have to have a certain side yard, a certain rear yard requirement. We are not talking about a building that does not exist. We are not talking about a site plan. We are not criticizing a building that doesn't exist. What we are saying is give us the zone and if you give us the zone, granted, we way not qualify with the existing building. Then we would have a non-conforming use vis a vis the CS zone.

Mr. Kahn said we all neglect the fact that Route 304 is a heavily trafficked artery and nothing has been mentioned about it. We also heard no mention made that less than 1000 feet to the north on Route 304 is a stainless steel four story structure or Vanderbilt Lumber that presently exists. Across the way we have a couple of retail stores and a shopping center. He said that Mrs. Channey had made a remark that she is across the street and she was afraid that an unsightly situation would be created among other things. He presented a picture of Mrs. Channey's property to the Board which showed a large trailer which sits in front of her house day in and day out.

Mr. Kahn said some mention was made as to the mailing. The documents that were mailed out and an affidavit of mailing was filed with the Town Clerk today. Mr. Kahn said he took those affidavits to a secretary in his office. They were mailed on November 1, 1989. It was logically received on November 2 which is well within ten days notice of the date of this hearing. WHe said he has a postal meter in his office and one of the younger secretaries inadvertently stamped all 20 or 25 envelopes and rather than destroy the postage we laid them aside until November 1 and we posted them. Now it is possible that there are two postal marks on there because the Post Office may have seen a dated stamp and redated them but the affidavit speaks for itself. Mr. Kahn said he also filed today an affidavit with the Town Clerk with regard to the posting of the property. That property was posted in conformity with Town law. Furthermore, he submitted pictures showing the posting of the property (these on file in Town Clerk's office.)

Mr. Kahn said Mr. Colucci, in his zeal, talked about the fact that we were on before the ZBA. That is another forum and that is another issue. That issue basically covers do we have or don't we have a prior non-conforming use? Mr. Colucci threw up a lot of dust in the air with an affidavit from Ira Wicks. Again, that relates to whether or not there was a cessation of use as Mr. Colucci contends there was. He said since he (Mr. Colucci) raised

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the issue that what we have done and what we have suffered is with a building that Mr. Colucci says you can't fix up, you can't straighten out, you can't rent, you can't do this and you can't do that. We are trying to straighten this out by coming to this Board and saying we've got a mess here. We've got a situation that we don't know where we are at. Give us a contiguous conforming use for the entire parcel.

Mr. Kahn said it is interesting to note and he calls the attention of several members of this Board and he is going to go back a couple of years that Mr. Ries, who is represented by Mr. Johns, and Mr. Coyle, who is represented by Mr. Johns, appeared before this very Board of which Mr. Holbrook was a member and Mr. Gerber was the Supervisor. Mr. Maloney was a member of that Board. The Board was also composed of Mr. Piacentile and Mr. D'Antoni. At that meeting a resolution was introduced which Mr. Colucci alluded to changed the zoning line but only as it affected the lot of Mr. Ries and Mr. Coyle. It did not touch this lot at all. He said he has a copy of that resolution. He said he would introduce it shortly.

Mr. Kahn said at that time the Town Board moved the zone line for this one lot and Mr. Ries and Mr. Coyle and their attorney, Everett Johns, appeared and argued vehemently that to do this was illegal and illogical. They wanted to put up the Ground Round Restaurant. It made the papers. A letter was written to the ZBA and Mrs. Squillace was the Chairlady of the ZBA at the time by the then Building Inspector, Mr. Bowman, arguing that the zone line should be at the northern perimeter and should not be at the lower level of the property. Mr. Jacobson, who was then Town Attorney, defended the position of the Town and said, because of the very admirable argument that Mr. Johns made, you couldn't change a zone line without a public hearing. He said he remembered Mr. Jacobson's position was to correct a zone line the Town Board could act without a public hearing. But that movement of a zone line only affected that particular lot. He then handed over the copy of the resolution he was speaking about.

There was dialogue between the Supervisor and a member of the audience having to do with taxes paid by commercial property. Supervisor said the lady would be notified when the Board makes a decision on this which will probably be on the 28th of November. He said she could call his office or he would call her.

Mr. Kahn said he would like to introduce the resolution signed February 17, 1977 and a perusal of it will show that it only applies to Map 57, Block M, Lot 121.01 which is not this lot in question. Mrs. Sheridan, Town Clerk, asked what the resolution number was. She was told it was Resolution No. 98-1977 adopted at a Town Board meeting of February 2, 1977.

Mr. Kahn said Mr. Caruso would like to address the Board regarding the ascertaining of a zone line.

Mr. Caruso said we are not trying to debate the location of the zone line. The purpose of our showing the designation of where we feel the zone line is so that the Board can have a feel for the magnitude of the change that we are requesting. We feel that the requested change is more of a 20% change where by Mr. Colucci's determination he showed it the other way around. There is no question but that Mr. Colucci does have the final say and we would have to go before the Zoning Board of Appeals to debate it. Again, we are trying to illustrate to the Board what we feel to be the magnitude of the change. He said he presented the Board with a copy of the zoning map. He said he has a scale and he invited the members of the Town Board to approach a display board and check off his scale map against the large displayed one. Mr. Caruso said he feels he is correct.

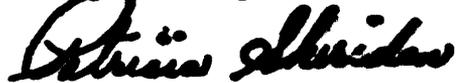
Mr. Caruso referred to a section of the code which states where a dimension is indicated on the zoning map such dimensions shall control. There is no dimension on the zoning map. However, in the absence of a specific dimension being indicated on the zoning map the dimension shall be determined by using the map scale.

Mr. Kahn at this point referred to several pictures of surrounding property which he presented to the Board. He referred to one showing the property to the rear of the property in question showing the property of the adjacent neighbor to our east who maintains a lawn mowing service. Another one showed the front of the premises looking in an easterly direction. The third picture showed the interior of the premises as they are presently constituted. He said a fourth and fifth picture showed the front of the building and the side of the building looking in an easterly direction. The last picture is of the front of the premises looking from the west which again takes in the property owner to the west showing a nice big lawn mower for sale sign in front.

Mr. Kahn said in conclusion, and without reiterating in depth, any of the items that he has already presented, he would point out to this Board that what he is asking for, contrary to the argument of Mr. Johns, is not spot zoning, the zone is there. What we are asking for is consistent zoning and we are asking for something that is consistent, logical, just and fair and equitable to his client because when his client purchased this property he obtained from the Building Department a CO showing that this had a commercial use. Additionally, with respect to the property and the argument regarding side yards, front yards, set backs we are only asking that the zone be created. Our building stands. It would be non-conforming. It exists. We are not going to demolish it. The zoning would not in any way affect the present building that is there. All it would allow us to do is live in peace.

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 declared closed, DECISION RESERVED until November 28, 1989, time: 12:20 A.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk