

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

79

Town Hall

11/28/89

8:00 P.M.

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

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

Supervisor stated that the first order of business this evening would be a presentation to the Nanuet Knights Football Team for an undefeated season and also an unscored upon season. He said an undefeated season is very difficult and involves not only skill but good fortune. He said it is a unique achievement and we are proud of the fact that Nanuet High School is located within the Town of Clarkstown. Members of the Town Board wanted to make special note of the achievements of the young people who are here and their coaches and make these presentations on behalf of the Town showing our appreciation for making Clarkstown a little bit better place to live and making it a little better recognized out there in the world. He said so many times we read of such awful events on the front page of the paper but in recent weeks the Nanuet Football Team has taken some of those issues off the front pages and we are all grateful for that. Supervisor said one other thing that is unique about this team is that they did not play any home games. It is hard enough to win on the road when you have a few home games but to win on the road consistently is amazing.

Supervisor presented certificates from the Town to the following: John Burke, the Principal of the High School; Judy Slutsky, Athletic Director; David Piacente, Superintendent of Buildings and Grounds; Dr. Rightmyer, Superintendent of Schools; Rich Conklin, Head Coach; Phil Carbone and Mike Dellipizzi, Assistant Coaches; David Wells, Trainer, T. J. Ford and Michael Hussey, Co-Captains.

Supervisor also presented certificates to the players as follows: Mike Bohan, Rob Carbone, Mike O'Hara, Bob Gallagher, Mike Santoro, James Maritato, Bob Dunne, Jason Goodstein, Chris Anessi, Mark Coyle, Chris O'Neill, Tom Furlong, Mike Brennan, Tim Tyler, Mike Butler, Jason Kavountzis, Chris Kiernan, Chris Bohlin, Mike Garramone, Jon Wayne, Jared Begun, Brian Dudek, Pete Weigang, Joe Doslop, Chris Seidel, Bob Rock, Graham Klein, Lou Sciortino, Bryan Antonelli and representing J.V.: Jamie Barry, Richie King and Rich Loughlin.

Councilman Maloney said he had read in the news this morning that they are in the top Twenty in the Daily News Poll. He said thank God that Nanuet is now known for something other than traffic on Route 59 and the Mall. He said he is very proud as he comes from Nanuet. He said they have had a great season and should be proud of their accomplishments. He said it is a tribute to their coaching staff and the fact that you worked together as a team. He wished them lots of luck in the future.

Supervisor Holbrook said on behalf of the Town Board he would like to thank them for having everyone in attendance. Mr. Rich Conklin, Head Coach stated that on behalf of the football program at Nanuet High School and the Board of Education he wanted to thank the Town of Clarkstown and the members of the Board for acknowledging the season that the youngsters had. He stated that it was a thrill to be part of it and they were very appreciative of this ceremony.

Supervisor declared the Public Portion of the meeting open.

Appearance: Mr. John Lodico
representing the Independent
Contractors Assn. of Rockland County
and their membership in Orange County
2 Birch Lane
New City, New York

Mr. Lodico spoke in regard to the Town Board appointing the Superintendent of Recreation and Parks as the temporary Administrator of the Building Department. He said he respected the gentleman as a qualified Recreation Director. However, in the interest of the taxpayers of this Town he felt that the five members of the Board agreeing on this situation are developing a folly from the standpoint of revision of their proposal of whatever it is. He said he did not know what their proposal is as it was not clearly explained in the newspaper. He said the Superintendent of Recreation and Parks may be the best recreation director in the state and maybe the nation but that is where he belongs. He stated that he does not belong as administrator of the Building Department and he also objected to the board creating an additional \$25,000.00 stipend, which is taxpayer's money. This all adds to the future as well as retirement programs in the last three or four years of a public employee's payroll.

Mr. Lodico said this Board should seriously consider that the Superintendent of Recreation and Parks does not belong in the area of administering a Building Department. He is a super administrator in his particular field. He is not qualified to handle the Building Department in this Town or any other town. That is something that requires expertise in building procedures. Mr. Lodico said he is not opposed to implementing computerization into our system and there is no question this is in the modern age of government. The old rag in computers is - garbage in, garbage out. If a man doesn't know what the stress of a beam is and comes from Timbucktoo and presents a plan, the Superintendent of Recreation and Parks doesn't know that you can't install a 2' x 6' and spread it 12' and carry a floor above it. What you are doing is on the job training for a super administrator of a department that he excels in as well as considering giving him another \$25,000.00 of the taxpayer's money. It is unconscionable because you are taking him away from his particular speciality. If that is the case, then you don't need as many administrators in the Recreation Department and you can get rid of someone there.

Mr. Lodico said there is a need to improve some areas of our Building Department. Computerization is good when you have the proper input but you have to know many things, among them reading blueprint plans. He said his suggestion would be that the Town reconsider whatever their proposal was and consider getting someone with software in the Building Department who is involved with the construction industry and you do have a computer expert on board. All you have to do is search for the software that will fit in our particular program. You do have qualified people in the Building Department and he felt that the Board should review moving them up and in. There is nothing wrong with moving up within a department. Have people take the tests and qualify as a Building Inspector. Then review it with somebody in computerization so as to put what we expect to get out of that computer and the software that is accommodating with it in the interest of the taxpayer.

Appearance: Mr. Gergory Schultz
Mark Lane
New City, New York

Mr. Schultz said he has lived here almost 33 years near the Clarkstown Senior High School North in New City. He referred to

Continued on Next Page

a ten page letter of recommendation to the Supervisor concerning some cost reductions that he (Mr. Schultz) has suggested. He said when he first came to this Town his taxes were \$400.00. This year they are at least ten times that and next year they may be fifteen times that, he is told. He said now the Board and the Supervisor are considering ways and means to hold down those rising costs and taxes. Consequently, he said he has given some thought to one good possible way because he feels that, although our taxes have risen and the Town has grown, we are not getting the same effective good results for our bucks spent and our bucks taxed that we were years ago.

He suggested that we eliminate the Clarkstown Highway Department and in its place substitute private, outside contracting to do the same or similar functions and perhaps start with transferring the leaf cleanup function to outside contractors. He stated that he has presented some costs and logistical data to justify that move. We have already started perhaps what could be called a pilot program to have such a transition to private contractors and that has been with the bulk pickup. He said he has compared the Town operation versus the bulk pickup operation by an outside contractor. He said he wished the Board would give this serious consideration. He said the Supervisor and he have discussed this over a period of years now and perhaps it is fair to say that the Supervisor has similar feelings and perhaps would endorse such a move. He said he would hope that the Board would join him and he would further hope that, therefore, our four and half million dollars being spent on the Clarkstown Highway Department might be reduced and we would get better services for our bucks.

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

Mr. Cuff said he was speaking as a citizen and as a member of the Organized Taxpayers Association. Mr. Cuff said he shared the same concerns as Mr. Lodico and Mr. Schultz. He said he is also concerned that after this trial period or whatever it takes to reorganize the Building Department that we'd have the possibility of an Administrator taking over the Building Department; thereby circumventing the Civil Service structure so that possibly some political friend or some unqualified person would be given the position of Building Inspector for the Town of Clarkstown. Mr. Cuff stated that this rumor has been floating around for several months here in Town along with the names of several candidates, none of which are qualified and probably could not pass the Civil Service exam. If you were to circumvent the Civil Service structure and make an appointment of an administrator he guessed you could probably get this person in the door. He said he is a little concerned about that and he hopes what he has heard is not true but he is on record now and time will tell.

Mr. Cuff spoke in regard to an item on tonight's agenda having to do with importing more leaves from three communities in New Jersey. For some reason or other we cannot even get ours picked up here in Clarkstown. He said we are going into December and there is very little activity as far as leaf pick up goes. He said a lot of people are getting discouraged, like himself. He stated that he spends a lot of money to maintain his lawn and now the lawn is being destroyed by piles of leaves that have sat there for over a month. He said the next step is to take his leaves and rake them out onto the right of way and see what happens.

Appearance: Mr. Martin Feldi
 Little Tor Road
 New City, New York

Continued on Next Page

Mr. Feldi said he happens to be a person who does not have any trees with leaves on his property and now for the last month and a half after some heavy storms, there are leaves all over his property. He said he looks up and down Little Tor Road all year and sees garbage out there. He said he is sure some of the Town Board members can agree with him. He said he does not know what the reason is but it is time that we turn over the leaf pickup to private industry because it seems that most things that government handles don't function too well. He said down the side streets off Little Tor Road people have hilly properties. They rake everything off the hill onto the street. He said where he comes from people are ticketed for that. When the rain comes the leaves wash into the catch basins and clog everything up and then we have to have an expensive drainage program. It is ridiculous. Then the snow comes and the snow plows throw it all back onto the people's properties again.

Mr. Feldi said he went to Europe last year. Most people there have smaller properties than we do and very small yards. They all have chicken wire enclosures about two to three feet in diameter and they put their leaves in there. They sprinkle a little bit of lime over it. It makes the best fertilizer in the world. He said can't we require every Town resident to do that. He said he was not trying to be a dictator but it doesn't make sense to send people out on Saturdays. He is already paying \$10,000.00 taxes on his house and he is tired of all this. He said you are spending my tax dollars on Saturdays to pick up lousy leaves. Don't we have better things for our Highway Department to do? Give it to private industry if we can't handle it.

RESOLUTION NO. (1031-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS, ON THE RECOMMENDATION OF THE DIRECTOR OF ENVIRONMENTAL CONTROL, TO OBTAIN COST ESTIMATE FOR CREATION OF CHANNEL TO OUTLET PIPE - 4 FAIRHAVEN DRIVE

Co. Maloney offered the following resolution:

WHEREAS, the Department of Environmental Control has recommended that a channel be created from the rear of the property located at Four Fairhaven Drive to the outlet pipe running beneath Old Route 304 through the land owned by the Town of Clarkstown. This will provide for a constant water elevation and alleviate any ponding conditions which could inhibit the functioning of properly installed footing drains;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to obtain a cost estimate for the accomplishment of this work in accordance with the Department of Environmental Control's recommendation.

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. (1032-1989)

SETTING PUBLIC HEARING TO
CONSIDER DESIGNATING AN
HISTORICAL SITE - MAP 33,
BLOCK B, LOT 20.5/02 (42
DEMAREST MILL ROAD, NANUET)

Co. Carey offered the following resolution:

WHEREAS, it has been proposed that the house located at 42 Demarest Mill Road, Nanuet, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 33, Block B, Lot 20.5/02, be designated as an Historical Site pursuant to Chapter 12-3(C) of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 19th day of December, 1989, at 8:05 P.M., to consider the designation of the aforesaid property as an Historical Site, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1033-1989)

AMENDING 1989 BUDGET FOR
TRANSFER OF UNEXPENDED
BALANCES OF APPROPRIATIONS
AND BY INCREASING AND DE-
CREASING REVENUE ACCOUNTS

Co. Maloney offered the following resolution:

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1989 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE, be it

RESOLVED, that the 1989 budget is hereby amended.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1034-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
BOROUGH OF EMERSON, BERGEN
COUNTY, NEW JERSEY

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown has been approached by the Borough of Emerson, Bergen County, New Jersey, with a view toward the Town of Clarkstown accepting leaves from this municipality at an agreed price of \$7.00 per cubic yard, and

WHEREAS, the acceptance of such leaves would be beneficial to the Town of Clarkstown as the Town has the capacity to accept those leaves for composting and would profit by the additional revenue, and

WHEREAS, the New York State Department of Environmental Conservation has issued a permit for leaf composting at the Route 59 site;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Borough of Emerson, Bergen County, New Jersey, to accept leaves from such municipality at a fee of \$7.00 per cubic yard, which agreement shall be in a form approved by the Town Attorney of the Town of Clarkstown.

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. (1035-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT WITH
ROCKLAND COMPUTER PRODUCTS,
INC. CHARGE TO
APPROPRIATION ACCOUNT NO.
A-1680-409

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is authorized to enter into a contract with Rockland Computer Products, Inc. for the year 1990, utilizing their services as needed, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$22,500.00, which shall be charged to Appropriation Account No. A-1680-409.

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. (1036-1989)

AMENDING TIPPING FEE
SCHEDULE AT CLARKSTOWN
SANITARY LANDFILL

Co. Smith offered the following resolution:

WHEREAS, a proposal has been made by the Director of the Department of Environmental Control, that the Town Board amend the fee schedule established pursuant to Chapter 63 of the Town Code with respect to disposal of solid waste in the Clarkstown Sanitary Lanfill, in anticipation of the increased costs of operating the landfill in an environmentally safe manner and to provide revenue to pay for the expenses associated with the final closure of said facility, and

WHEREAS, the Town Board has duly considered said proposal;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 63-8 of the Town Code, the fee schedule for the disposal of solid waste in the Clarkstown Sanitary Landfill, effective January 1, 1990, shall be as follows:

- (1) Garbage, as defined in Chapter 50 - \$50.00 per ton or part with a minimum fee of \$100.00.
- (2) All other types of refuse, waste or debris (except road building material) - \$70.00 per ton or part with a minimum fee of \$140.00.
- (3) Mixed loads consisting of garbage and all other waste materials - \$70.00 per ton, provided, however, that Carters participating in the Clarkstown bulk pick-up program will be charged \$50.00 per ton.
- (4) Road building materials, as defined in Chapter 50 of the Town Code - \$100.00 per trailer load; \$65.00 per tandem load; or \$55.00 per six wheel dump load.
- (5) Stumps - \$90.00 per ton.
- (6) Contaminated soil - \$90.00 per ton.
- (7) Weight Service - \$10.00 per use.
- (8) There shall be no charge for passenger cars up to and including 3/4 ton, displaying a resident permit, provided that the operator, upon request of the Department of Environmental Control, completes a questionnaire drawn pursuant to Section 63-10(F) certifying that the refuse or debris originated from a location within the Town of Clarkstown and the hauler is not a refuse hauler for hire or contractor. Exempt vehicles shall be determined by registration and weight. All non-exempt pickup trucks shall pay a minimum fee of \$28.00 per load, all other non-registered vehicles shall pay a minimum of one (1) ton per item.
- (9) All commercial vehicles which shall not stop at the scale shall be charged for a full load at the debris rate based on the full load capacity of the vehicle.
- (10) The fee for disposal of tires shall be \$2.00 per tire (without rims) for passenger car tires up to 15"

Continued on Next Page

RESOLUTION NO. (1036-1989) Continued

diameter. Tires 15" through 22" in diameter \$5.00 per tire. Tires delivered in bulk shall be charged at \$200.00 per ton. In the event that tires are found in mixed loads, in addition to the fee applicable for such load, the Landfill Supervisor shall charge \$2.00 for each tire included in such mixed load or reject the entire load, at his discretion,

and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control shall immediately post the revised fee schedule and notify all licensed carters and others regularly using the Clarkstown Sanitary Landfill of the revised rate schedule as soon as possible, and be it

FURTHER RESOLVED, that the revised fee schedule established pursuant to this resolution shall be effective 8:00 A.M., January 1, 1990.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (1037-1989)

AUTHORIZING RETURN OF PERMIT FEE (ARCARA)

Co. Smith offered the following resolution:

RESOLVED, that the Building Permit fee of \$80.00, submitted by Roger and Arlene Arcara of 87 West Clarkstown Road, New City, New York, shall be refunded because there was a misunderstanding by the applicant with respect to the zoning requirements on building a car port on their property.

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. (1038-1989)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH ARTHUR CONKLIN (CONSULTING SERVICES - BUILDING DEPARTMENT)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1038-1989)

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract for the period from November 14, 1989 to May 13, 1990, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to November 14, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1039-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #76-1989 - STREET COMMUNITY CENTER REHABILITATION

Co. Maloney offered the following resolution:

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

BID #76-1989
STREET COMMUNITY CENTER REHABILITATION

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 21, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1040-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #78-1989 - SUCTION HOSE ASSEMBLY FOR LEAF LOADER

Co. Maloney offered the following resolution:

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

Continue on Next Page

RESOLUTION NO. (1040-1989) Continued

BID #78-1989
SUCTION HOSE ASSEMBLY FOR LEAF LOADER

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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1041-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #77-1989 -
REMOVAL OF TIRES FROM
CLARKSTOWN LANDFILL

Co. Maloney offered the following resolution:

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

BID #77-1989
REMOVAL OF TIRES FROM CLARKSTOWN LANDFILL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, December 12, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1042-1989)

CORRECTING RESOLUTION NO.
1006-1989 RE: AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#74-1989 - SALE OF SURPLUS
VEHICLES

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1042-1989) Continued

RESOLVED, that Town Board Resolution No. 1006-1989 is hereby corrected to read

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 15, 1989 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1043-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #7-1990 -
ATHLETIC AND RECREATION
SUPPLIES

Co. Maloney offered the following resolution:

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

BID #7-1990
ATHLETIC AND RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, December 19, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1044-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #79-1989 -

Continued on Next Page

RESOLUTION NO. (1044-1989) Continued

TRUCK WEIGHT SCALES FOR
CLARKSTOWN POLICE DEPT.

Co. Maloney offered the following resolution:

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

BID #79-1989
TRUCK WEIGHT SCALES FOR
CLARKSTOWN POLICE DEPT.

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,
December 27, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1045-1989)

REJECTING PROPOSALS
RECEIVED FOR BID #64-1989
AND READVERTISING FOR BID
#64A-1989 - PASSENGER SEDAN

Co. Maloney offered the following resolution:

RESOLVED, that all proposals received for

BID #64-1989
PASSENGER SEDAN

are hereby rejected, and be it

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

BID #64A-1989
PASSENGER SEDAN

with revised specifications, said bids to be returnable to the
Office of the Director of Purchasing, 10 Maple Avenue, New City, New
York by 2:00 P.M. on Monday, December 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1046-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #8-1990 -
PHOTOCOPIER/FACSIMILE
MACHINE SUPPLIES

Co. Maloney offered the following resolution:

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

BID #8-1990
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday,
December 26, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1047-1989)

AWARDING BID FOR BID
#58-1989 - PUBLIC ADDRESS
SYSTEM - WORLD MUSIC
CORPORATION

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Communications consultant and the Director of Purchasing that

BID #58-1989
PUBLIC ADDRESS SYSTEM

is hereby awarded to

World Music Corporation
135 Route 22 East
Springfield, NJ 07081
Principals: Abe Green
Irving Green

as per their proposed system at the proposed system at the proposed
cost of \$9,228.14.

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. (1048-1989)

AWARDING BID FOR BID
#6-1990 - POLYVINYL
CHLORIDE (PVC) PIPE
(PROGRESSIVE BRICK COMPANY,
INC.)

Co. Carey offered the following resolution:

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

BID #6-1990
POLYVINYL CHLORIDE (PVC) PIPE

is hereby awarded to

PROGRESSIVE BRICK COMPANY INC
190 ROUTE 17
HASBROUCK HEIGHTS NJ 07604
PRINCIPALS: RICHARD SCHULTZ
ARTHUR SCHULTZ

as per the following schedule:

<u>Nominal Pipe Size (inches)</u>	<u>Per forated</u>	<u>Non-per forated</u>
4 SDR 35	.68 LF	.55 LF
6 SDR 35	1.33 LF	1.13 LF
8 SDR 35	2.66 LF	2.06 LF

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. (1049-1989)

AWARDING BID FOR BID
#73-1989 - HAULING OF FILL
MATERIAL TO THE CLARKSTOWN
SANITARY LANDFILL (M.J. LUND
TRUCKING INC.)

Co. Carey offered the following resolution:

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

BID #73-1989
HAULING OF FILL MATERIAL TO THE
CLARKSTOWN SANITARY LANDFILL

is hereby awarded to

M.J. LUND TRUCKING INC.
BIRSMAN DRIVE
THIELLS NY 10984
PRINCIPAL: DENNIS SILLIS

as per their proposed cost per load (approx. 20 ton) @ \$85.00, and
be it

Continued on Next Page

RESOLUTION NO. (1049-1989) Continued

FURTHER RESOLVED, that said award is subject to the receipt of a Certificate of Auto Liability Insurance and Workers Compensation Coverage as stated in bid specs.

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. (1050-1989)

SETTING PUBLIC HEARING ON
PROPOSED LOCAL LAW AMENDING
CHAPTER 47 (FIRE PREVENTION)

Co. Smith offered the following resolution:

WHEREAS, Councilman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 47 (FIRE PREVENTION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of January, 1990 at 8:10 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (1051-1989)

AUTHORIZING PAYMENT TO
SECRETARY (MARGARETANN
RIES) TO BOARD OF APPEALS -
PETER CHANG V. BOARD OF
APPEALS - APPEAL #2244

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1051-1989) Continued

RESOLVED, that the sum of \$252.00 be paid to MARGARETANN RIES, Secretary to the Board of Appeals, for the preparation of the transcript of the public hearing held on Appeal #2244, in the matter of PETER CHANG v. BOARD OF APPEALS.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1052-1989)

DECREASING APPROPRIATION
ACCOUNT A 4210-114
(PART-TIME SALARIES) AND
INCREASING APPROPRIATION
ACCOUNTS A 4210-313 (OFFICE
SUPPLIES), A 4210-328 (BKS.
& PUBLICATIONS), AND A
4210-430 (ALARM SYSTEMS)

Co. Smith offered the following resolution:

RESOLVED, to decrease Appropriation Account A 4210-114 (Part-time Salaries) and increase the following Appropriation Accounts:

A 4210-313 (Office Supplies).....\$100.00
A 4210-328 (Bks. & Publications).....\$250.00
A 4210-430 (Alarm Systems).....\$300.00

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. (1053-1989)

DECREASING APPROPRIATION
ACCOUNT A 1355-110
(SALARIES) AND INCREASING
APPROPRIATION ACCOUNT A
1355-423 (ASSOCIATION DUES)

Co. Smith offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1355-110 (Salaries) and increase Appropriation Account A 1355-423 (Association Dues) by \$390.00.

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. (1054-1989)

DECREASING APPROPRIATION
ACCOUNT NO. DA 5142-111
(HIGHWAY-OVERTIME) AND
INCREASING APPROPRIATION
ACCOUNT NO. DA 5142-386
(SALT)

Co. Smith offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DA 5142-111 (Highway-Overtime) and increase Appropriation Account No. DA 5142-386 (Salt) by \$48,511.38.

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. (1055-1989)

DECREASING APPROPRIATION
ACCOUNT NO. DB 5110-387
(HIGHWAY-SIDEWALK & CURB
REPAIR) AND INCREASING
APPROPRIATION ACCOUNT NOS.
DB 5110-413 (TREES &
SHRUBS) AND DB 5110-449
(TRAFFIC SIGNALS)

Co. Smith offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-387 (Highway-Sidewalk & Curb Repair) by \$8,850.00 and increase the following Appropriation Account Numbers:

DB 5110-413 (Trees & Shrubs).....\$3,000.00
DB 5110-449 (Traffic Signals).....\$5,850.00

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. (1056-1989)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
CURVE SIGNS WITH PANEL "15
MPH" VICINITY NORTH PARK
AVENUE AND FREUND DRIVE,
NANUET

Co. Maloney offered the following resolution:

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

Curve signs with a panel beneath to read,
"15 MPH" to be erected at the following locations:

Continued on Next Page

RESOLUTION NO. (1056-1989) Continued

1. On the east side of North Park Avenue, Nanuet, going north between house #18 and house #20.
2. Going south on North Park Avenue approximately 30 or 40 feet from the intersection of Freund Drive and North Park Avenue, Nanuet.

and be it

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

Seconded by Co. 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. (1057-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL TWO (2) STOP SIGNS AT BOTH ENDS OF ELKS DRIVE AT BLAUVELT ROAD, NANUET

Co. Maloney offered the following resolution:

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

Two stop signs. These signs to be erected at both ends of Elks Drive at Blauvelt Road, Nanuet, New York

and be it

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

Seconded by Co. 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. (1058-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING ANYTIME" SIGNS ALONG ENTIRE LENGTH OF NORTHGATE COMMONS FRONTAGE, OLD LAKE ROAD, CONGERS

RESOLUTION NO. (1058-1989) Continued

Co. Maloney offered the following resolution:

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

Signs to read, "No Parking Anytime" (see Sec. 221.5 Pl-1 signs - in the New York State Department of Transportation's Manual of Uniform Control Devices) along the entire length of the Northgate Commons frontage, Old Lake Road, Congers, New York

and be it

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

Seconded by Co. 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. (1059-1989)

DENYING REQUEST OF JARCO REALTY CO. FOR CHANGE OF ZONE FROM R-15/CS TO ALL CS

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 19th day of September, 1989, provided for a public hearing on the 14th day of November, 1989 at 8:15 P.M., to consider the application of JARCO REALTY CO., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an R-15/CS District to an all CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 57, Block N, Lot 1.01, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Planning Board of the Town of Clarkstown that the parcel be entirely rezoned to PO subject to conditions rather than CS as requested, and based upon the recommendation of the Rockland County Commissioner of Planning disapproving the subject request as being adverse to the safe and efficient flow of traffic on Route 304, and for the reasons of public health, safety and welfare, the Town Board DENIES the petition of JARCO REALTY CO. for an Amendment to the Zoning Ordinance of the Town of Clarkstown.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1059-1989) Continued

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

RESOLUTION NO. (1060-1989)

REFERRING AMENDMENT TO
 ZONING ORDINANCE TO
 CLARKSTOWN PLANNING BOARD
 AND ROCKLAND COUNTY
 COMMISSIONER OF PLANNING -
 ELIMINATING "LOADING
 BERTHS" FROM GENERAL USE
 REGULATIONS PO DISTRICT,
 TABLE 9, COLUMN 8, ITEM 7

Co. Carey offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of January, 1990, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and be it

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

Amend Section 106-10A, General Use Regulations, PO District, Table 9, Column 8, Item 7:

FROM: "7. All uses accessory storage and loading berths shall be within completely enclosed buildings."

TO: "7. All uses and accessory storage shall be within completely enclosed buildings."

and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1060-1989) Continued

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

RESOLUTION NO. (1061-1989)

AUTHORIZING POLICE
DEPARTMENT TO CONVERT
ABANDONED VEHICLE TO ITS USE

Co. Carey offered the following resolution:

WHEREAS, the Clarkstown Police Department, pursuant to Section 1224 Subd. 6 (a) of the New York State Vehicle and Traffic Law, has obtained possession of one (1) abandoned vehicle, to wit: a 1979 BMW Vin #063551983, and

WHEREAS, the Clarkstown Police Department has complied with the requirements of Title 15 NYCRR Section 18.4 (b), and therefore, the ownership of the vehicle in question has now vested in the Town of Clarkstown, and

WHEREAS, pursuant to Clarkstown Town Code, Section 102-13 (D.2), the Town of Clarkstown may in each calendar year convert to its own use one percent of its unclaimed vehicles or two such vehicles, whichever is greater, and

WHEREAS, Police Chief Collins has recommended that the Town retain the aforesaid vehicle for use by the Police Department,

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 1224, Subdivision 6(a) of the New York State Vehicle and Traffic Law and Section 102-13 (D.2), the Town of Clarkstown Police Department is hereby authorized to convert to its own use the abandoned 1979 BMW Vehicle Identification No. 063551983.

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. (1062-1989)

REQUESTING COUNTY OF
ROCKLAND TO GRANT PORTION
OF SALES TAX RECEIPTS TO
TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland collects a sales tax throughout the County, and

WHEREAS, a major portion of such sales tax receipts are collected within the Town of Clarkstown at the shopping malls therein located, and

WHEREAS it would be equitable for the County of Rockland to apportion the sales tax receipts in relation to their place of origin;

Continued on Next Page

RESOLUTION NO. (1062-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the Legislature of the County of Rockland grant a portion of the sales tax receipts directly to the Town of Clarkstown.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1063-1989)

RESOLUTION OF INTENT BY
TOWN BOARD TO ENTER INTO
AGREEMENT WITH SPRING HILL
COMMUNITY AMBULANCE CORPS

Co. Smith offered the following resolution:

WHEREAS, Spring Hill Ambulance Corps, Brick Church Road, Spring Valley, New York, is serving the Spring Valley section of Clarkstown with emergency ambulance service and advanced life support service;

NOW, THEREFORE, be it

RESOLVED, that it is the intention of the Town Board of the Town of Clarkstown to enter into an agreement with the Spring Hill Ambulance Corps for the calendar year 1990 for emergency ambulance service and advance life support service, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$20,000.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (1064-1989)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT DEERFIELD
DRIVE, NEW CITY

Co. Kunis offered the following resolution:

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

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

RESOLUTION NO. (1066-1989)

DETERMINING SPECIAL PERMIT
TO OPERATE AGENCY GROUP
HOME HAS NO SIGNIFICANT
PHYSICAL IMPACT ON
ENVIRONMENT AND NO FURTHER
SEQRA PROCESSING IS
REQUIRED (THE CHILDREN'S
VILLAGE)

Co. Smith offered the following resolution:

WHEREAS, THE CHILDREN'S VILLAGE, has petitioned the
Town Board of the Town of Clarkstown for a Special Permit for the
purpose of operating an Agency Group Home, for ten (10) children,
pursuant to the provisions of Section 106-10A, Table 3, Column 3,
Item B-5 of the Zoning Ordinance of the Town of Clarkstown for
property located at 808 Tena Place, Valley Cottage, New York, more
particularly described on the Clarkstown Tax Map as: Map 123, Block
A, Lot 16.54, and

WHEREAS, the Town Board of the Town of Clarkstown has
received a Short Environmental Assessment Form pursuant to SEQRA;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Planning
Consultant, dated September 27, 1989, acting as staff to the Town
Board as lead agency, the Town Board hereby determines that the
requested special permit shall not have any significant physical
impact on the environment and no further processing pursuant to the
State Environmental Quality Review Act (SEQRA) is required.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (1067-1989)

SPECIAL FINDINGS DENYING
SPECIAL PERMIT TO OPERATE
AN AGENCY GROUP HOME (THE
CHILDREN'S VILLAGE)

Co. Carey offered the following resolution:

WHEREAS, THE CHILDREN'S VILLAGE, has petitioned the
Town Board of the Town of Clarkstown for a Special Permit for the
purpose of operating an Agency Group Home, for ten (10) children,
pursuant to the provisions of Section 106-10A, Table 3, Column 3,
Item B-5 of the Zoning Ordinance of the Town of Clarkstown for
property located at 808 Tena Place, Valley Cottage, New York, more
particularly described on the Clarkstown Tax Map as: Map 123, Block
A, Lot 16.54, and

WHEREAS, a public hearing was held before the Town
Board on the 14th day of November, 1989 at 8:05 P.M., to consider
such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, pursuant to its
authority under Section 106-14(B) and Section 106-10A, Table 3,

Continued on Next Page

RESOLUTION NO. (1067-1989) Continued

Column 3, Note B-5 of the the Zoning Ordinance of the Town of Clarkstown, makes the following Findings of Fact:

1. That The Children's Village has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an Agency Group Home for ten (10) children, between the ages 10 to 14, until age 18 or 21;
2. That due notice of the public hearing on the matter herein was published and posted as required by law, and a public hearing was held before the Town Board on the 14th day of November, 1989 at 8:05 P.M., to consider such application;
3. That all persons wishing to be heard were heard at the aforesaid public hearing;
4. That the premises does not have adequate on-site recreational areas and on-site parking. Therefore, such property is not a proper site for a group home housing ten (10) children;
5. That five other group homes are already in existence in Valley Cottage and the adjoining Congers area;
6. That the proposed facility is not properly located with respect to transportation and public recreational facilities;
7. That the facility will adversely affect the property values in the area;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to operate an Agency Group Home as described above is hereby DENIED.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: November 28, 1989

By: /s/ Charles E. Holbrook
Charles E. Holbrook, Supervisor

Seconded by Co. Kunis

Councilman Maloney said he feels that it is unfortunate that this application for a group home is going to be turned down. Unfortunate because everyone loses - the residents and neighbors of Valley Cottage and the children who would have resided there. He said he feels that the basic underlying emotion that causes good citizens to oppose this is fear - fear of the unknown, fear of taking a chance - fear of coming to grips with ourselves. These children will never know what it is to be accepted in a community like Valley Cottage, to be part of the neighborhood, to get a sense of family, to learn values from you and your children and the residents of this neighborhood, to attend school with your children and learn from them what it means to be loved and to shop and to explore, to worship in your churches. He went on to state that we could have learned from them what it means to be hurt, to be deprived and not to be loved.

Councilman Maloney said he has sat on this board for sixteen years and has participated in many public hearings on group homes and community residences. He said he has yet to hear a convincing argument why they should not be allowed to live among us. He said if he moved in there tomorrow with ten children nobody would tell him that there was no recreation facilities. Nobody would tell him that there was not room enough to house ten children. Why? Because you would have no right to do that. He said we rise to the defense of whales and seals and fur bearing

Continued on Next Page

RESOLUTION NO. (1067-1989) Continued

animals to give them a chance to survive but these children will not have that chance and they will be deprived of the one opportunity that they had to make it in this life, to contribute to the community, to make a new start and to share values from you people that live there. Again, he said, it was fear, not bigotry or prejudice, that gets residents upset. He said he must vote his conscience and he votes against this resolution.

On roll call the vote was as follows:

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

RESOLUTION NO. (1068-1989)

APPOINTING TO POSITION OF
CLERK STENOGRAPHER -
COUNSELING CENTER (RENEE D.
KIRSCHNER)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk Stenographer #89078 which contains the name of Renee D. Kirschner,

NOW, THEREFORE, be it

RESOLVED, that Renee D. Kirschner, 17 Farm Court, New City, New York, is hereby appointed to the position of Clerk Stenographer - Counseling Center - at the current 1989 annual salary of \$16,013.00, effective November 29, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1069-1989)

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

Co. Maloney 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., Beverly Brooks, 434 Mountainview Avenue, Valley Cottage, New York, Police Radio Dispatcher - Police Department - is hereby granted an extension of her Sick Leave of Absence - at one half pay effective and retroactive to November 18, 1989 to December 1, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1069-1989) Continued

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

RESOLUTION NO. (1070-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION TO
POSITION OF OFFICE WORKER
STUDENT - POLICE DEPARTMENT
(CHRISTINE RUSSO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Christine Russo, 1 Georgetown Oval, New City, New York, to the position of Office Worker Student - Police Department - at the current 1989 hourly rate of \$5.75, effective and retroactive to October 23, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1071-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION AS
SUBSTITUTE CROSSING GUARD -
POLICE DEPARTMENT (NANCY E.
DePATTO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Nancy E. DePatto, 376 West Clarkstown Road, Spring Valley, New York, as a (Substitute) Crossing Guard - Police Department - at the rate of \$8.18 - per crossing covered - effective and retroactive to October 12, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1072-1989)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (MARY J. NEWCOMB)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Mary J. Newcomb, 21 So. Conger Avenue, Congers, New York - Crossing Guard - Police

RESOLUTION NO. (1072-1989) Continued

Department - is hereby accepted - effective and retroactive to November 19, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1073-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (PAMELA J.
BOHLANDER)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Pamela J. Bohlander, 3 Kingsland Drive, New City, New York, as a Crossing Guard - Police Department - at the rate of \$8.18 per crossing covered - effective and retroactive to November 6, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1074-1989)

GRANTING SICK LEAVE OF
ABSENCE AT ONE HALF PAY TO
LABORER - SANITARY LANDFILL
(LOUIS DiDONATO)

Co. Maloney 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., Louis DiDonato, 7 Toni Court, Valley Cottage, New York - Laborer - Sanitary Landfill - is hereby granted a Sick Leave of Absence - at one half pay - effective November 29, 1989 to December 29, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1075-1989)

RECOGNIZING GRANTING OF
LEAVE OF ABSENCE FOR MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT (DONALD
WERBECK)

Co. Maloney offered the following resolution:

WHEREAS, Donald Werbeck, has requested a leave of
absence, without pay,

WHEREAS, Article XIX, Section 1 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 the Town Board hereby recognizes the
granting of the leave of absence, by the Superintendent of Highways,
for Donald Werbeck, 33 Whitman Street, Congers, New York - Motor
Equipment Operator II - Highway Department - effective and
retroactive to November 8, 1989 to December 26, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1076-1989)

RECLASSIFYING POSITION OF
WEIGHER TO POSITION OF
WEIGHER II (ESTABLISHED AT
GRADE 20) - SANITARY
LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on October 18, 1989 that the position of Weigher
(encumbered by Walter Hayward) can be reclassified to the position
of Weigher II,

NOW, THEREFORE, be it

RESOLVED, that the position of Weigher is hereby
reclassified to the position of Weigher II - Sanitary Landfill -
effective and retroactive to October 23, 1989, and be it

FURTHER RESOLVED, that the Grade for the position of
Weigher II is hereby established at a Grade 20.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1077-1989)

APPOINTING TO POSITION OF
(PROVISIONAL) WEIGHER II -
SANITARY LANDFILL (WALTER
HAYWARD)

Co. Maloney offered the following resolution:

RESOLVED, that Walter Hayward, 98 Lenox Avenue,
Congers, New York, is hereby appointed to the position of
(provisional) Weigher II - Sanitary Landfill - at the current 1989
annual salary of \$23,079.00 (Grade 20 Step B) effective and
retroactive to October 23, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1078-1989)

AUTHORIZING TOWN ATTORNEY
TO TAKE LEGAL ACTION TO
REMOVE DON MATHEWS FROM
TOWN PROPERTY - MAP 105,
BLOCK A, LOT 33.02

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown by condemnation
obtained the property known as Map 105, Block A, Lot 33.02, and

WHEREAS, it has come to the attention of the Department
of Environmental Control and the Building Department that Don
Mathews is occupying a portion of the aforementioned property in
person and with his equipment without the permission of the Town of
Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized
and directed to take legal action to remove Don Mathews from the
aforesaid premises.

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. (1079-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO NEGOTIATIONS
WITH KAESTLE-BOOS
ASSOCIATES, INC. FOR
ARCHITECTURAL SERVICES FOR
CONSTRUCTION OF NEW POLICE
FACILITY AND JUSTICE COURT

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1079-1989) Continued

WHEREAS, pursuant to Federal and State statutes, it is required that the Town of Clarkstown maintain a facility appropriate for the needs of the Police Department and the Justice Court, and

WHEREAS, a space study has been prepared and it was found that the current space needs of the Police Department and Justice Court are inadequate and at a critical level, and

WHEREAS, the Town Board wishes to eliminate this condition and requested the Chief of Police to investigate and prepare a report on architects who have constructed police facilities, and

WHEREAS, the Chief of Police formed a committee to prepare such report, which committee submitted its recommendation to the Town Board;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Architect Review Committee of the Police Department, the Supervisor is hereby authorized to enter into negotiations with Kaestle-Boos Associates, Inc., 31 High Street, New Britain, Ct., to provide architectural services for the construction of a new police facility which will house the Justice Court as well, in a form satisfactory to the Town Attorney.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1080-1989)

RELEASING PERFORMANCE BOND
(SMITH PROPERTY)

Co. Maloney offered the following resolution:

RESOLVED, that pursuant to the recommendation of the Department of Environmental Control of the Town of Clarkstown, a passbook containing the sum of \$5,000 furnished to the Town to secure the construction of the public improvements in connection with a subdivision entitled "SMITH PROPERTY" may be released to the developer.

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. (1081-1989)

AMENDING RESOLUTION NO.
533-1989 RE: SERVICE CHARGE
FOR CHECK RETURNED BY BANK
FOR INSUFFICIENT FUNDS OR
OTHER REASONS

RESOLUTION NO. (1081-1989) Continued

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown receives insufficient fund checks from various departments and the Town has to expend time to collect such funds,

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 533-1989 adopted by the Town board on June 13, 1989 is hereby amended to read a \$15.00 service charge for any check returned by a bank for insufficient funds or other reasons.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (1082-1989)

RECOMMENDING TO THE
CLARKSTOWN PLANNING BOARD
THAT BUFFER AREA BE
ESTABLISHED TO PROTECT KILL
VON BEASTE (CLARKSTOWN
EXECUTIVE PARK-AOR
DEVELOPERS)

Co. Carey offered the following resolution:

WHEREAS application has been made under the provisions of SEQR and for site plan review to develop Lot 4 in Clarkstown Executive Park, and

WHEREAS several submissions have been submitted to the Planning Board, one site plan showing two buildings and one site plan with one large size building, and

WHEREAS, the Kill Von Beaste Creek runs through this lot and the Kill Von Beaste is an environmentally sensitive area; and the Town of Clarkstown, dating as far back as 1966, in Stewardship, has made every effort to protect such environmentally sensitive lands, and

WHEREAS the Town Board wishes to protect the environment and keep all construction away from the Kill Von Beaste,

NOW THEREFORE, be it

RESOLVED that the Town Board hereby respectfully recommends to the Clarkstown Planning Board that a total buffer area of 150 ft. width, on either side of the stream, be established to protect the Kill Von Beaste, and accordingly that the building size be reduced so that the site plan can conform to all zoning requirements and, and at the same time, respect the environmentally sensitive nature of the land.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1082-1989) Continued

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

RESOLUTION NO. (1083-1989)

DIRECTING BUILDING
INSPECTOR AND FIRE
INSPECTOR TO INSPECT THE
SPRING VALLEY MOTOR LODGE -
MAP 163, BLOCK D, LOT
38.0101

Co. Maloney offered the following resolution:

RESOLVED that the Building Inspector and the Fire Inspector are hereby directed to inspect the property known as the Spring Valley Motor Lodge for any and all violations with regard to zoning, fire safety, housing and other applicable codes. This property is identified on the Clarkstown Tax Roll as Map 163, Block D, Lot 38.0101.

Seconded by Co. Smith

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change from R-15 District to MF-3 District - MAP 57, Block M, Lots 3 and 4 - ROBERT CHAMPEAU, was opened, time: 8:55 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Zone Change from R-15 District to MF-3 District - Map 57, Block M, Lots 3 and 4 - ROBERT CHAMPEAU, was adjourned until December 12, 1989, time: 9:10 P.M.

RESOLUTION NO. (1084-1989)

ADJOURNING PUBLIC HEARING
ON ZONE CHANGE - ROBERT
CHAMPEAU - MAP 57, BLOCK M,
LOTS 3 AND 4 FROM R-15
DISTRICT TO MF-3 DISTRICT

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 29th day of August, 1989, provided for a public hearing on the 10th day of October, 1989, at 8:10 P.M. to consider the application of ROBERT CHAMPEAU, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 57, Block M, Lots 3 and 4, from an R-15 District to an MF-3 District, and

WHEREAS, notice of public hearing was duly published as required by law and on October 10, 1989 the public hearing was opened and adjourned to November 28, 1989;

NOW, THEREFORE, be it

RESOLUTION NO. (1084-1989) Continued

RESOLVED, that said public hearing is further adjourned until December 12, 1989.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Local Law for Property Maintenance re: Dumpsters, was opened, time: 9:10 P.M.

On motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Local Law for Property Maintenance re: Dumpsters, was closed, RESOLUTION ADOPTED, time: 9:17 P.M.

RESOLUTION NO. (1085-1989)

ADOPTING LOCAL LAW NO.
7-1989 RE: PROPERTY
MAINTENANCE (DUMPSTERS)

Co. Carey offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 79 (PROPERTY MAINTENANCE)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on the 26th day of September, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 26th day of September, 1989, directed that a public hearing be held on November 28, 1989, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 13, 1989, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 29, 1989, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 28, 1989;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7 - 1989, entitled:

"AMENDMENT TO CHAPTER 79 (PROPERTY MAINTENANCE)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....	Yes
William J. Carey, Councilman.....	Yes
Steven C. Kunis, Councilman.....	Yes
John R. Maloney, Councilman.....	Yes
Ann M. Smith, Councilwoman.....	Yes

Continued on Next Page

RESOLUTION NO. (1085-1989) Continued

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Smith

Supervisor asked a group of people in the audience what they were here for and they replied they were in attendance for the McCall zone change. Supervisor said unfortunately a majority of the Board was not prepared to make a decision on this tonight but in polling them right now they will make a decision definitely on December 12th. A gentleman from the audience complained that the residents of the area had been in attendance at many meetings and were anxious to determine the outcome of this public hearing. It was again stated that a definite decision would be rendered on December 12th. Supervisor apologized for the inconvenience.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Storage & Warehouse - RS Zone), time: 9:20 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance (Storage & Warehouse - RS Zone) was closed, RESOLUTION ADOPTED, time: 9:30 P.M.

RESOLUTION NO. (1086-1989)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN RE: SECTION 106-10 A, TABLE 12, GENERAL USE REGULATIONS, RS DISTRICT, COLUMN 6, ITEM 17 AND SECTION 106-10A, TABLE 12, GENERAL USE REGULATIONS, RS DISTRICT, COLUMN 6, ADDING ITEM 18

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 10th day of October, 1989, provided for a public hearing on the 28th day of November, 1989, at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend Section 106-10A, Table 12 of the General Use Regulations, RS District, Column 6, Item 17. Dry-cleaning, rug-cleaning, laundry plants, printing and publishing, or storage and warehouses, to delete storage and warehouses:

From: "17. Dry-cleaning, rug-cleaning, laundry plants, printing and publishing, or storage and warehouses. At least one parking space for each 300 sq. ft. of gross floor area."

Continued on Next Page

RESOLUTION NO. (1086-1989) Continued

To: "17. Dry-cleaning, rug-cleaning, laundry plants, printing and publishing. At least one parking space for each 300 sq. ft. of gross floor area."

Amend Section 106-10A, Table 12 of the General Use Regulations, RS District, Column 6, by Adding Item 18 to read as follows:

"18(a) Storage and warehouses for sites under one ownership and having a lot area of 60,000 sq. ft. or less: At least one parking space for each 300 sq. ft. of gross floor area."

"18(b) Storage and warehouses for sites under one ownership and having a lot area greater than 60,000 sq. ft.: At least one parking space for each 500 sq. ft. of gross floor area."

and be it

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

Seconded by Co. Smith

Councilman Kunis said an hour and a half ago we had two gentlemen walk up here and mention that the Highway Department should contract out their bulk leaf pickup. He said he did not necessarily agree with it but tonight was an example of an outside contractor, Mr. Horowitz, coming in and making a presentation. He said he thinks it was an example of a presentation, as most of Mr. Horowitz's presentations are, very well spoken, very self-explanatory. Some building sizes will increase. However, with these building size increases there will also be additional tax revenue coming into the Town. In this instance he said he would have to agree with Mr. Horowitz and he would vote yes.

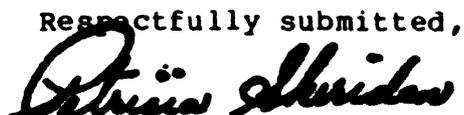
On roll call the vote was as follows:

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

Appearance: Mr. John (?)
Congers, New York

He said he also owns property on Route 9W in Congers and he would like some clarification as to the one standard. We also pay taxes and we have a minimum of 20,000 square feet in an RS zone. He said he would like to see 1 parking space for 500 square feet as well. He said he understands that taxes are going up and he is only too happy to pay the taxes that are going up but he would like the same fair treatment.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Town Board Meeting was declared closed, time: 9:33 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

115

Town Hall

11/28/89

8:55 P.M.

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

RE: CONTINUATION OF ZONE CHANGE HEARING - R-15 TO MF-3
MAP 57, BLOCK M, LOTS 3 AND 4 - ROBERT CHAMPEAU

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open.

Supervisor called upon the petitioner or representative.

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino & Edwards

Mr. Tracy stated that as he reported to Mr. Holbrook yesterday our expert planner is not available tonight due to an emergency in his family. He, therefore, requested an adjournment to as early as possible in January of 1990. He apologized for this but stated that he was out of town and when he got the information he called as soon as he could to inform the Supervisor that he would be making this request tonight.

Supervisor said that is up to the Town Board. This was published and adjourned to tonight. He said he was prepared to go ahead with it. Councilman Carey said he was also prepared to go ahead with it. Councilwoman Smith and Councilman Maloney said this could be tabled. Supervisor said if you are going to do that you must set a date. Town Attorney said you must adjourn it to a set date or else you must republish.

Appearance: Mr. Don Mallow
19 Old Schoolhouse Road
New City, New York 10956

Mr. Mallow said he is an attorney representing the families living on or about Old Schoolhouse Road who are challenging the zoning variance here. He said he understands the concern about the desire to adjourn the session until they can get an expert witness to testify at the hearing. He said, however, he did recall that this has been on the schedule for several times before and it was postponed to this evening. He said he alluded to it the last time we had the session back in October that there is a pattern of adjournments and delay which somehow if it adjourned often enough the objections of the community may be stifled or their enthusiasm against the project may be somewhat diminished. He said he thinks this is a tactic which in all due respect to Mr. Tracy, is being put forth here before the Town Board. We have members of the community here who are willing to speak on this project this evening. The facts are in. We are here almost on a bi-annual application to change the property variance and he saw no further use to grant an adjournment at this time. He said with all due respect to the Town Board they are willing to go ahead and present our viewpoint as the community in challenging the application.

Mr. Tracy said the petition is on file. It is valid. It exists. He said he is unable to proceed with the presentation tonight due to an unfortunate occurrence. If the matter is adjourned it will then, of course, be adjourned to a date certain at which time not only his client would have a constitutional right to present a full hearing but the people will have a right to speak against it. He said it is an unfortunate occurrence and he came back from vacation to be here for tonight's hearing. He said, nevertheless, he did not see where anyone would be prejudiced by the adjournment.

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Supervisor and Councilman Carey said they were prepared to go ahead. Councilman Carey asked if the 265 petition was valid and was told that it was. He said he would be off the Board in January and he felt that was as good a reason as any why they did not want to go forward.

Councilman Maloney said we have given postponements before on many other areas where for one reason or another a key person wasn't present, whether that be from the community and they weren't prepared, or from the applicant and he saw no reason why it couldn't be done again. The people will have their opportunity to speak for or against and the applicant will have an opportunity to present his case and he thinks if this can be picked for a certain date - as the Town Attorney indicated we must pick a certain date, he would be willing to adjourn it to a specific date.

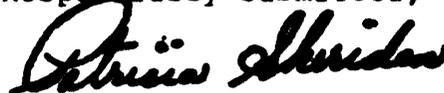
Councilman Carey said he did not see any reason why it could not be done next month. Mr. Mallow said he would be amenable to agree to an adjournment. However, he said he certainly saw no reason to postpone it to January 1990 or after. Supervisor asked what about December 12th. Mr. Mallow said that would be fine. He said if we mark it as final against the applicant he would have no reason to go against that.

Supervisor said we will set this for December 12, 1989. Mr. Tracy said that was nearing the holiday season. He was hoping that it would be later than that. Councilwoman Smith asked wasn't that the night of the Palisades hearing. She was told no. Supervisor said he was not in favor of postponing it tonight but he was in favor of either tonight or December 12th. Mr. Tracy said he has no objection to the 12th. Mr. Mallow asked if the 12th was final? Mr. Tracy said he would just as soon be sitting in Fort Lauderdale tonight. He came back for this hearing and it is an unfortunate event but he has no objection to the 12th. He said he would check with his consultant and see if he is available.

Mr. Mallow again asked if the December 12th date was final no matter what. Mr. Tracy said if he wanted to he could withdraw the petition and refile it but he said on December 12th they would be here.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was adjourned until December 12th.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (1084-1989) passed
adjourning this to December 12, 1989)

TOWN OF CLARKSTOWN
PUBLIC HEARING

117

Town Hall

11/28/89

9:10 P.M.

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

RE: LOCAL LAW NO. 7 - PROPERTY MAINTENANCE RE: DUMPSTERS

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

Town Attorney stated that the Town Planning Board voted to approve. There were no recommendations from anyone else.

Supervisor asked if there was any Town Board Member wishing to make a comment. No one did.

Supervisor asked if there was anyone from the public who wished to make a comment or ask a question.

Appearance: Mr. Kenneth Torsoe
Normandy Village
Nanuet, New York

Mr. Torsoe asked if this enclosure meant a roof or just sides. Councilwoman Smith said four sides, no roof. Mr. Torsoe said right now he has three sides so that people can get in and out. He asked now will he have to put something in front of it. It will be very hard to do. Supervisor said there is a problem with dumpsters particularly in shopping centers where people just roll through and throw their garbage in there. What this is primarily directed at is new places but also to try to get other shopping centers to at least have an enclosure so that when people miss with the garbage it will be hidden.

Mr. Torsoe said with what he has will he have to do something with it? He said he has three sides now and the open side is to the parking lot. Councilwoman Smith asked if he had a gate on it. Councilman Kunis said that Mr. Torsoe has a point, if he puts a gate on it it will be difficult to open when there is ice or snow in the winter.

Councilwoman Smith said we are just trying to keep them from the public eye and keep them totally enclosed. There was discussion and Mr. Torsoe reiterated that especially when there is ice and snow it would be a problem.

Councilwoman Smith said this was basically for commercial enterprises.

Supervisor said: Section 79-3(C) shall become Section 79-3(D). A new Section 79-3(C) shall read as follows:

"Section 79-3(C) shall be added to read as follows:

"Section 79-3(C) - A dumpster in an LO, PO, LS, CS, RS, MRS, LIO, M, or PED Zone shall be surrounded on all sides by an opaque fence or wall enclosure of durable construction no lower than one (1) foot above the height of the dumpster. All nonconforming pre-existing dumpsters shall be conformed to this requirement within six (6) months of the adoption of this local law. The failure to comply with this subsection shall be deemed an offense."

Supervisor said this does not apply to an MF zone. It is just for commercial zones.

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Appearance: Mr. Armand Miele
Nanuet, New York

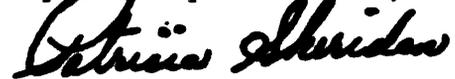
Mr. Miele said what if there is a small piece of property. Councilman Maloney said then you would have to have a small dumpster. Mr. Miele said there would not be room to back up the truck. Mr. Miele said there is a problem here. Supervisor said what we are trying to do is beneficial to the Town. There will have to be some exceptions obviously and we will have to make provision for that. He said we really do not want to see these dumpsters in shopping centers where they are just wide open. Mr. Miele said he could not agree more but he is an RS with a small piece of property, which happens to be non-conforming in downtown Nanuet. He said if he has to do four sides it would be impossible. The trucks would not be able to pick up the dumpster. Supervisor said that might be true but we can provide for properties like that.

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

Mr. Lodico said he wants the Board to understand that garbage is garbage wherever it is. It doesn't matter whether it is in an apartment house or on somebody else's lawn. There is nothing wrong with four sides - two on the end, one in the back and one on the top - because they roll them out and you are going to be concerned with keeping garbage out of the view. There is nothing wrong with four sides. You don't need a front but at least you maintain the dignity of the area whether it is an apartment house or somebody's shopping center.

There being no one further wishing to be heard on motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (1085-1989) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

119

Town Hall

11/28/89

9:20 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE (STORAGE & WAREHOUSE - RS ZONE)

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

Supervisor asked Town Attorney if he had any correspondence relating to this. Town Attorney said the Town Planning Board voted to deny as written. Rockland County Planning Board approved. SEQRA statement showed there was no environmental impact.

Supervisor called upon Mr. Robert Geneslaw, Planning Consultant to comment on this.

Mr. Geneslaw stated that this is a proposal which, as far as he can determine, has been requested by a private practitioner on behalf of a client. He stated that this does not have the support of the Planning Board or the Building Department or his office. He said he would suggest that Mr. Horowitz, who apparently initiated the request, provide the explanation for the Board.

Appearance: Henry Horowitz, Esq.

Mr. Horowitz said he thinks the Building Inspector, if he is not mistaken, agreed with the change. He referred to a memo from Gerald Colucci, Building Inspector to Rudolph Yacyshyn, Chairman of the Planning Board with regard to this proposed zoning amendment.

"1. A warehouse is a warehouse regardless of what zone it is to be located. There should be one standard in the Five (5) zones permitted. At present we have:

RS - One space/300 sq. ft.
MRS - One space/300 sq. ft.
LIO - One space/1000 sq. ft.
M - One space/500 sq. ft.
PED - One space/300 sq. ft."

Mr. Horowitz went on to state that we have the same use but depending upon what a zone map says the zone is that particular use either has to have one for 300, one for 1,000, one for 5,000 or one for 11,000. He said the purpose of the letter he sent to the Board was in line with this theory that no matter what the use is the requirement for parking should be the same regardless of where it is located. He said it was lower in the RS than in the other zones, that is the one for 300, because the minimum lot area in an RS is either 20,000 or 30,000 square feet but the other zones do require 60,000 square feet. He said some degree of logic exists that if you have a smaller warehouse as compared to a larger warehouse - if the larger one is twice as big you don't need twice the parking, if it is three times as big you don't need three times the parking. You need more parking for a bigger warehouse but it doesn't go exactly in the same ratio. He said all he was asking the Board to consider was that when you have an RS, which is usually a small lot, if a particular RS or series of RS's happen to be a large lot, say the same size as ambulance building which is 60,000 square feet all he was indicating was that where a warehouse is located in an RS zone it should require 100 to 300 as it is now. He said,

Continued on Next Page

however, when the lot in the RS zone is 60,000 square feet or more than it should have one per 500, the same as the other zones. In fact, he stated that Mr. Colucci carries it one step further and says they should all be the same. He said he did not think he said they should all be 1 per 300, 1 per 500 or 1 per 1000, which is what we have. He said so far as our experience is concerned review the 1 per 500. We are not asking for 1 per 1000. The reason for it is that warehousing is so different from the way it was when it was first set up in this zoning ordinance. We now have different methods of storage. We don't use fifty people in the warehouse. Today two or three people can take care of what forty people did before. The question is do we need 1 per 300. Experience has indicated that we don't.

Mr. Horowitz said let's get into the unusual circumstances that require 1 per 500 and it is not enough. Is there any warehouse now that there is not enough parking so that you are going to have parking on local streets, such as Route 59. If the warehouse has insufficient parking for any reason they are going to make the change and they are going to do something about it. It is not going to impact on the rest of us. We are requesting the requirement 1 per 300 be changed to 1 per 500. If the Board feels more comfortable than make it the 1 per 500 where your RS lot is at least 60,000 square feet, similar to the other zones, or else 1 per 500 right across the Board.

Supervisor asked if they are asking 1 per 300 if it is under 60,000 square feet? Mr. Horowitz said which is the way it is now, correct. Supervisor asked and 1 per 500 if it is above 60,000 square feet? Mr. Horowitz said that is correct. Supervisor said on the assumption that if we have a larger building warehousing it doesn't necessarily mean double or triple the parking? Mr. Horowitz said that is correct.

Mr. Horowitz said we have an amendment on signs - "No Parking Anytime." Why are you saying "Anytime?" He said the "No Parking" letters could be made larger. We would save money on the letters and the sign and it is more emphasis - "No Parking" is "No Parking." "No Parking Anytime" could be interpreted there may be some time when parking may be permitted. He said that same logic applies to this 1 per 300 or 1 per 500.

Supervisor said presently right now RS says for any RS it is 1 per 300 square feet. Mr. Horowitz said for warehouses, that is correct. Supervisor said then you are saying over 60,000 square feet? Mr. Horowitz said that is what he is suggesting.

Mr. Geneslaw said in spite of Mr. Horowitz' interpretation of Mr. Colucci's memo, Mr. Colucci and several other members of the Building Department have said they feel there should be one standard within the RS district. He said by reducing the parking requirement it allows the buildings to be larger so it is not an abstract discussion. The Board should be aware that it has an impact on the size of the building that may be built on the larger sites.

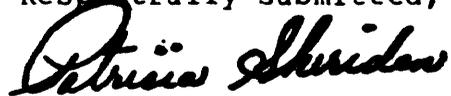
Appearance: Mr. Dennis Coyle
Congers, New York

Mr. Coyle said he agrees with Mr. Horowitz and Mr. Torsoe that the 300 foot limit in the RS zone for a warehouse is restrictive. He said they own a couple of warehouses on Route 9W in Congers in an RS zone - one of them they have had for ten years and another one for five years. He said they were required to have twenty-seven parking spaces when they built those buildings. He said he doubted if at any one time over that ten year period they have ever had more than ten cars use those parking lots. He said when we applied for the building permit we had a long discussion with Mr. Colucci who at that time agreed with us that the 300 foot

limit was restrictive. But that was the limit and that was what we had to live with. Mr. Coyle said they would support this application for the entire RS zone.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (1086-1989) ADOPTED