

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

123

Town Hall

12/12/89

8:08 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

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

Supervisor stated that the first order of business this evening would be the Graduation of the Fifteenth Class of the Clarkstown Youth Court. Supervisor introduced Sergeant Christopher Goodyear of the Clarkstown Police Department. Sgt. Goodyear noted that the Youth Court started in 1981 and that this group of twenty-nine young men and women would bring the total of young people going through this program to approximately 375 who have been trained as practitioners. Sgt. Goodyear introduced Chief of Police William Collins; Chairman of the steering Committee and Vice Chairman of the Executive Board Mr. Anthony Schiero; and his assistant Mrs. Patricia Board. Sgt. Goodyear then introduced Officer David Elmendorf and Ms. Elaine Apfelbaum who are members of the Executive Board of Adult Advisors, who basically are overseers. They do not run the court in any way but they just make sure that we are on the right track.

Chief Collins and Mr. Schiero then presented each of the young people with a Certificate of Achievement and an Identification Card. The audience applauded the young people. Chief William Collins conveyed his congratulations to the 15th Graduating Class and said he knew that the parents and friends must be as proud of them as he is of the Youth Court itself. He said in all probability the Youth Court is the most proficient and has the lowest recidivism rate of any of the courts in the judicial system. That has a lot to say for the kids who are running it.

Mr. Anthony Schiero stated that he agreed with the Chief and said sometimes these kids are better than the big guys. He congratulated the 15th Class and said he hoped that we continue to get young people involved in the program and help the youth in the Town of Clarkstown.

Sgt. Goodyear said the Youth Court is just one facet of the program that the Town of Clarkstown has in dealing with our young people and it shows an ongoing commitment on behalf of the taxpayers of the Town of Clarkstown as well as the Town Board that we take an active interest in what our young people do. We are willing to provide the activities for them and the resources for them so that they can become productive members of our society which is very important now and very important later because they are our legacy. They are the most important thing we leave behind. He stated that he would like to congratulate the young people and their parents because they have done an admirable job with them which is reflected in their behavior in the court. He said he would be happy to work with them.

At 8:22 P.M. Supervisor declared a two minute recess.

At 8:24 Supervisor announced that the public portion of the meeting was open.

Appearance: Mr. Don Mallow  
New City, New York

Mr. Mallow spoke regarding the fact that the Champeau zone change was conspicuous by its absence on tonight's agenda. He said he and the community were present tonight to emphasize resolve against the zoning change and to remind the Board exactly what occurred here two weeks ago when the attorney for Mr. Champeau

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requested an adjournment. Initially Mr. Tracy (Mr. Champeau's attorney) wanted it to be adjourned to January. Mr. Mallow said the community objected quite strenuously to that basically because although they believed that his (Mr. Champeau's) engineer was unavailable to testify, they thought that perhaps it might be too generous to go over to January when there might be new members on the Board. Mr. Mallow said they agreed to a two week adjournment to this evening and it was to be final this evening. Mr. Mallow said at that time the Supervisor asked Mr. Tracy whether or not it would be a final adjournment and if he (Mr. Tracy) would be prepared to go forward this evening. Mr. Tracy said he could withdraw the petition and resubmit it in January when there would be a new board. Mr. Mallow said the Supervisor said to Mr. Tracy "You wouldn't do that, would you? You are not going to play games with the Town Board?" Mr. Tracy said no, he wouldn't do that. Two weeks later we get the announcement that this request has been withdrawn.

Mr. Mallow said because it has been withdrawn obviously there is nothing for us to discuss this evening but he really wanted to communicate the resolve that they have in the community. They feel that this is a blatant effort on the part of Mr. Champeau to abuse the political process and really abuse the Board as well as the community. He strongly suggested that if and when Mr. Champeau puts this on the schedule again sometime in January that those of you who are on the Town Board, who would be predisposed to vote in favor of the zone change, even though we have 265 petitions with over 200 signatures against the zone change, think very carefully next time, in January or February or even a year from now in 1991, when this again is submitted. He reiterated that this has been a blatant disregard of the Board and of the community.

Appearance: Ms. Judy Travaglini  
Clarkstown Central School District

Ms. Travaglini said the statement she was reading had been prepared by legal counsel.

"The Board of Education of the Clarkstown Central School District strongly objects to the proposed zone change requested for the property of Coyle and others in the vicinity of the Lakewood Elementary School. This proposed zone change would have an effect of moving commercial development 100 feet closer to our school children. The zoning line was placed in its current location at the time that Lakewood Elementary was built. Its placement was intended to provide a buffer between the rears of the commercial establishments on Route 9W and the school grounds. Nothing in the intervening twenty years has indicated a need to eliminate that buffer. Indeed, quite the opposite is true. The buffer is needed now more than ever. There is no reason stated for the change which would eliminate the buffer. Even Mr. Coyle has said that he and the other owners have no plans to build anything in the area to be rezoned. The only reason given for changing the zoning district line is to straighten it out. The Board of Education has exercised its privilege as an affected landowner to formally protest this proposed change. The Planning Board unanimously recommended against the change. These boards represent the community and act in the interest of the community and its children. On behalf of the Board of Education we urge you to act in the best interest of the Town and to reject this zone change. Thank you."

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

Mr. Pantano spoke about the Coyle & Ries zone change. He said the Board of Education is very rare in their unanimity. When it comes to the safety of children he did not think any member of the Board could be faulted for their concern. The buffer zone was put there for a good reason - for the safety of children. He

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said there are too many examples today of problems with safety. He said he hoped that the resolution on the agenda tonight was not voting yes for Mr. Coyle to have his change because the only thing it will straighten out is something for Mr. Coyle. It will not straighten out anything on behalf of the children. He said it is very interesting also that the Planning Board, which members of this Town Board appointed, voted unanimously against the zone change. He noted that their unanimity was also very rare. He said the reason was the safety of children. He urged the Board to have that uppermost in their minds. He said if we don't ensure the safety of the children in this Town he did not know what any of us are here for - whether it be on the School Board or the Town Board.

Mr. Pantano spoke regarding Route 303. He said twelve years ago the New City Jaycees came before the Town Board and submitted a traffic hazard survey to the Town of Clarkstown. The number one problem in the Town at that time having to do with traffic was Route 303 in West Nyack along with the corner of Middletown Road and Route 59 in Nanuet. Those were the two areas that were most hard pressed in traffic. We have had countless accidents, many deaths and many people hurt and there have been little changes. It is a state road but there are things that possibly the Town Board can have some input in and he mentioned the lighting on that road, which is particularly bad in the West Nyack area and in several other areas, both in the Town of Clarkstown and Town of Orangetown. He said some of the work which is being planned on Route 303 is not going far enough. He urged the Town Board, as he planned to urge the School Board and the County Legislature, to put all pressure to bear on the State Department of Transportation, the representatives in Albany and the Senate and the Assembly to widen Route 303; change the dangerous curves that we have on Route 303; and put some more lighting there so people can be safe. He said he did not know how many years people have to come to this Town Board and to the Legislature and ask that citizens be safe on its own streets.

Supervisor said with regard to Route 303 that tonight there is a resolution (Number 20 on the agenda) which we are forwarding to the State at their request for the immediate improvements they intend to make. He said Mr. Pantano's points are well taken with regard to the darkness of the road, etc., and those things will be addressed. This resolution will address itself to what the State immediately intends to do starting early in 1990. They will, of course, study what is to be done beyond that.

Mr. Pantano said he hopes that the Town Board not only supports the emergency needs but also a widening of that road because there are many dangerous curves on that road and it is in need of another lane in each direction - not for the future but for the past.

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RESOLUTION NO. (1087-1989)

TOWN BOARD DETERMINES  
PETITION FOR ZONE CHANGE  
DOES NOT HAVE ANY  
SIGNIFICANT IMPACT ON  
ENVIRONMENT - NO FURTHER  
PROCESSING PURSUANT TO  
SEQRA IS REQUIRED (McCALL)

Co. Maloney 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 24th day of October, 1989, at 8:10 P.M., to consider the application of ALMIRA I. McCALL and LINDA G. McCALL, to amend the Zoning Ordinance of the Town of Clarkstown by re-districting the property of the Petitioners from an R-160 District to an R-80 District, and

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RESOLUTION NO. (1087-1989)

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;

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 November 14, 1989, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the petition for a zone change shall not have any significant 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.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (1088-1989) (FAILED)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN -  
R-160 TO R-80 (McCALL)

Co. Maloney 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 24th day of October, 1989, at 8:10 P.M., to consider the application of ALMIRA I. McCALL and LINDA G. McCALL, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners from an R-160 District to an R-80 District, 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 the zone change provided for herein is approved subject to the record owner providing a conservation easement, pursuant to recommendation of the Clarkstown Planning Board, in a form satisfactory to the Town Attorney, which shall run with the land, and shall be recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-160 District to an R-80 District, the following described property in the Hamlet of New City, New York, in said Town.

(Description Attached)

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (1088-1989) Continued

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

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RESOLUTION NO. (1089-1989)

TOWN BOARD DETERMINING  
PETITION FOR ZONE CHANGE  
DOES NOT HAVE ANY  
SIGNIFICANT IMPACT ON  
ENVIRONMENT AND NO FURTHER  
PROCESSING PURSUANT TO  
SEQRA IS REQUIRED (COYLE &  
RIES)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of June, 1989, on its own motion, provided for a public hearing on the 18th day of July, 1989, at 8:10 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 142, Block A, Lot 7, 7.01, 8.01, 8.02, 32.01 and 32.04 from an R-15/RS District to an all RS District, 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, 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 Kurian L. Kalarickal, dated August 18, 1989, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the petition for a zone change shall not have any significant 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.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (1090-1989)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN  
-R-15/RS TO ALL RS - MAP  
142, BLOCK A, LOT 7, 7.01,  
8.01, 8.02, 32.01 AND 32.04  
(COYLE AND RIES)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of June, 1989, on its own motion, provided for a public hearing on the 18th day of July, 1989,

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RESOLUTION NO. (1090-1989) Continued

at 8:10 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 142, Block A, Lot 7, 7.01, 8.01, 8.02, 32.01 and 32.04 from an R-15/RS District to an all RS District, 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 for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-15/RS District to an all RS District, the property designated on the Clarkstown Tax Map as Map 142, Block A, Lot 7, 7.01, 8.01, 8.02, 32.01 and 32.04, situated in the Hamlet of Congers, in said Town, 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

On roll call the vote was as follows:

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

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RESOLUTION NO. (1091-1989)

REFERRING APPLICATION FOR SPECIAL PERMIT FOR MINI-WAREHOUSE FACILITY TO ROCKLAND COUNTY COMMISSIONER OF PLANNING AND CLARKSTOWN PLANNING BOARD AND SETTING PUBLIC HEARING FOR SAME (U-HAUL CO. OF METRO-NEW YORK, INC.)

Co. Smith offered the following resolution:

WHEREAS, U-HAUL CO. OF METRO-NEW YORK, INC., has petitioned the Town Board of the Town of Clarkstown for the development of its property as a mini-warehouse facility, pursuant to the provisions of Chapter 106-16S and Chapter 106-10A, Table 12, Columns 3, 4, 6 and 7, of of the Zoning Ordinance of the Town of Clarkstown, for property located on the south side of First Street and Route 59 and north of Grace Street, Nanuet, New York, designated on the Clarkstown Tax Map as Map 32-2, Block A, Lot 19;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 23rd day of January, 1990, at 8:05 P.M., to consider the application of U-Haul Co. of Metro-New York, Inc., relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to

RESOLUTION NO. (11091-1989) Continued

be published in the Journal News, the official newspaper of the Town of Clarkstown as aforesaid, and file proof thereof in the office of the said Clerk, and be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the 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:

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

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RESOLUTION NO. (1092-1989)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH NYACK HOSPITAL FOR EMPLOYEE ASSISTANCE PROGRAM - CHARGE TO ACCOUNT NO. A 8840-424

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for the Employee Assistance Program for the twelve (12) month period commencing October 1, 1989, and terminating on September 30, 1990, and be it

FURTHER RESOLVED, that the appropriation of \$8,352.00 to pay for the services to be provided shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that this resolution is retroactive to October 1, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1093-1989)

GRANTING PERMISSION TO AMERICAN HEART ASSOCIATION FOR USE OF CLARKSTOWN SHOWMOBILE

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1093-1989) Continued

WHEREAS, the Rockland County Division of the American Heart Association, located in New City, New York, has requested use of the Town of Clarkstown showmobile on Saturday, February 24, 1990, for "America's Greatest Heart Walk and Run" to be held in New City, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Rockland County Division of the American Heart Association to use the Town of Clarkstown showmobile on Saturday, February 24, 1990, for the above purposes and subject to the provision of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1094-1989)

TRANSFERRING FUNDS -  
VARIOUS ACCOUNTS  
(RECREATION AND PARKS)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7141-110 (Community Recreation Centers - Salaries) by \$3,500.00 and to increase Appropriation Account No. A 7610-114 (Programs for the Aging - Part-time) by \$3,500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7140-199 (Parks & Playgrounds - Vacation Buybacks) by \$2,500.00 and to increase Appropriation Account No. A 7140-424 (Parks & Playgrounds - Contractual Expenses) by \$2,500.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1095-1989)

TRANSFERRING FUNDS -  
VARIOUS ACCOUNTS -  
PURCHASING

Co. Carey offered the following resolution:

WHEREAS, the Director of Purchasing has requested the following transfers,

NOW, THEREFORE, be it

RESOLVED, to increase Appropriation Account No. A 1345-204 (Purchasing - Office Machines) and decrease the following Appropriation Account Numbers:

Continued on Next Page

RESOLUTION NO. (1095-1989) Continued

A 1345-114.....	\$425.50
A 1345-201.....	255.00
A 1345-319.....	285.67
A 1345-423.....	30.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1096-1989)

TRANSFER OF FUNDS FROM  
MONEY-IN-LIEU-OF-LAND TO  
PARKLANDS AND IMPROVEMENTS  
(RECREATION)

Co. Carey offered the following resolution:

WHEREAS, an additional \$50,000 is required for engineering costs for the Street School Community Center Repairs,

NOW, THEREFORE, be it

RESOLVED, to transfer \$50,000 from Money-in-Lieu-of-Land to Parklands and Improvements.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Kunis asked Superintendent of Recreation and Parks Mr. Edward Ghiazza why another \$50,000.00 is required for the Street School Community Center? Mr. Ghiazza said this has to do with asbestos removal. Councilman Kunis asked isn't this covered by federal or state grants? Mr. Ghiazza said to the best of his knowledge the Town is not eligible for any reimbursement.

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RESOLUTION NO. (1097-1989)

TRANSFER OF FUNDS - VARIOUS  
ACCOUNTS (PLANNING BOARD)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. B 8020-204 (Planning - Office Machines) and increase Appropriation Account No. B 8020-111 (Overtime) by \$500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. B 8020-230 (Communications Equipment) and increase Appropriation Account No. B 8020-110 (Salaries) by \$3,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (1097-1989) Continued

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

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RESOLUTION NO. (1098-1989)

DECREASING APPROPRIATION  
 ACCOUNT NO. A 4210-114  
 (COUNSELING-PART-TIME  
 EMPLOYEES) AND INCREASING  
 APPROPRIATION ACCOUNT  
 NUMBERS A 4210-328 AND A  
 4210-460 (COUNSELING)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
 4210-114 (Counseling-Part-time Employees) by \$1,650.00 and increase  
 the following Appropriation Account Numbers:

A 4210-328.....\$ 450.00  
 A 4210-460..... 1,200.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1099-1989)

INCREASING ESTIMATED  
 REVENUE AND APPROPRIATION  
 ACCOUNT NUMBERS  
 01-004989-06; 01-004989-14;  
 A 8510-406; AND A 8510-506

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$10,000.00  
 from the County of Rockland (Community Development Funds) for  
 Architectural Barriers removed at the New City Library, and

WHEREAS, WND Site Corporation is the contractor for the  
 above and the work has been satisfactorily completed,

NOW, THEREFORE, be it

RESOLVED, to increase the following Estimated Revenue  
 and Appropriation Account Numbers:

01-004989-06.....\$ 5,000.00  
 01-004989-14..... 5,000.00  
 A 8510-406..... 5,000.00  
 A 8510-506..... 5,000.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (1099-1989) Continued

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

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RESOLUTION NO. (1100-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #10-1990 -  
GROUNDSKEEPING/LANDSCAPING  
SUPPLIES

Co. Carey offered the following resolution:

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

BID #10-1990  
GROUNDSKEEPING/LANDSCAPING SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,  
January 17, 1990 at which time bids will be opened and read, and be  
it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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(PLEASE NOTE - TWO RESOLUTIONS WERE GIVEN THE SAME  
NUMBER - 1100. THEREFORE, THE FOLLOWING RESOLUTION IS BEING  
ASSIGNED 1100-A-1989.)

RESOLUTION NO. (1100-A-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #9-1990 -  
HIGHWAY SIGNING/ROAD  
SUPPLIES

Co. Carey offered the following resolution:

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

BID #9-1990  
HIGHWAY SIGNING/ROAD SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,  
January 10, 1990 at which time bids will be opened and read, and be  
it

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

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RESOLUTION NO. (1100-A-1989) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1101-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #11-1990 -  
FIREARMS AND ACCESSORIES  
FOR CLARKSTOWN POLICE  
DEPARTMENT

Co. Carey offered the following resolution:

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

BID #11-1990  
FIREARMS AND ACCESSORIES FOR  
CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. Tuesday, January  
9, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1102-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #12-1990 -  
TRAFFIC SIGNAL UPGRADE -  
LITTLE TOR ROAD/NEW  
HEMPSTEAD ROAD, NEW CITY

Co. Carey offered the following resolution:

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

BID #12-1990  
TRAFFIC SIGNAL UPGRADE - LITTLE TOR  
ROAD/NEW HEMPSTEAD ROAD, NEW CITY

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, January  
26, 1990 at which time bids will be opened and read, and be it

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RESOLUTION NO. (1102-1989) Continued

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (1103-1989)

SETTING PUBLIC HEARING  
REGARDING PROPOSED  
AMENDMENT TO ZONING  
ORDINANCE RE: HOME  
OCCUPATION

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 desires to consider further amendment to 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 8:20 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-3 B. Defined Words - Home Occupation

from: "(1)(d) - The Keeping of goods for sale."  
"(2) - "Home occupations" do not include animal hospitals, morticians, limousine services, automotive-repair services, barbershops, beauty parlors or restaurants."

to: "(1)(d) - The keeping of goods for sale or rent."  
"(2) - "Home occupations" do not include animal hospitals, morticians, limousine services, automotive-repair services, barbershops, beauty parlors, restaurants, animal breeding or kennel."

Amend Section 106-10(A) of the General Use Regulations, R-80 District, Table 1, Column 3, by revising Item A-11

from: "A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties."

Continued on Next Page

## RESOLUTION NO. (1103-1989) Continued

- (a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.
- (b) More than 1 employee may be permitted.
- (c) An affidavit shall be provided in accordance with Section A above.
- (d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.
- (e) The home shall be the actual place of residence of the person conducting the home occupation.
- (f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

- (a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.
- (b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.
- (c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.
- (d) No more than two employees may be permitted.
- (e) The applicant shall provide an affidavit setting forth the scope of operations proposed.
- (f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.
- (g) The home shall be the actual place of residence of the person conducting the home occupation.
- (h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."
- (i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.
- (j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued

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RESOLUTION NO. (1103-1989) Continued

although neither such use nor bulk conforms to the current regulations.

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

Amend Section 106-10(A) of the General Use Regulations, R-40 District, Table 2, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

Continued on Next Page

## RESOLUTION NO. (1103-1989) Continued

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

(i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.

(j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

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

Amend Section 106-10(A) of the General Use Regulations, R-22 District, Table 3 Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

RESOLUTION NO. (1103-1989) Continued

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

(i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.

(j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

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

Amend Section 106-10(A) of the General Use Regulations, R-15 District, Table 4, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

Continued on Next Page

## RESOLUTION NO. (1103-1989) Continued

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

(i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.

(j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

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

Amend Section 106-10(A) of the General Use Regulations, R-10 District, Table 5, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

Continued on Next Page

RESOLUTION NO. (1103-1989) Continued

- (a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.
- (b) More than 1 employee may be permitted.
- (c) An affidavit shall be provided in accordance with Section A above.
- (d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.
- (e) The home shall be the actual place of residence of the person conducting the home occupation.
- (f) May allow the use of equipment not a customary household appliance or light office equipment.

The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

- (a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.
- (b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.
- (c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.
- (d) No more than two employees may be permitted.
- (e) The applicant shall provide an affidavit setting forth the scope of operations proposed.
- (f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.
- (g) The home shall be the actual place of residence of the person conducting the home occupation.
- (h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."
- (i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.

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## RESOLUTION NO. (1103-1989) Continued

(j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

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

Amend Section 106-10(A) of the General Use Regulations, R-160 District, Table 18, Column 3, by revising Item A-11

from: "A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment.

The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to: "A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring

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RESOLUTION NO. (1103-1989) Continued

properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

(i) Any "home occupation," which came into lawful existence on or before May 24, 1988 shall be deemed a valid nonconforming use and shall be exempt from any permit requirements to maintain its status as a nonconforming use.

(j) The lawful use of any premises as a home occupation existing on May 24, 1988, shall be continued although neither such use nor bulk conforms to the current regulations.

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

Amend General Use Regulations, RG-1 District, Table 6, Column 4, Item 6

"Delete Item 6. Home occupations."

Amend General Use Regulations, RG-2 District, Table 7, Column 4, Item 6

"Delete Item 6. Home occupations."

Amend Section 106-10(A) of the General Use Regulations, R-80 District, Table 1, Column 4, Items 7(j) and 7(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-40 District, Table 2, Column 4, Items 7(j) and 7(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Continued on Next Page

## RESOLUTION NO. (1103-1989) Continued

Amend Section 106-10(A) of the General Use Regulations,  
R-22 District, Table 3, Column 4, Items 7(j) and 7(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations,  
R-15 District, Table 4, Column 4, Items 7(j) and 7(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations,  
R-10 District, Table 5, Column 4, Items 7(j) and 7(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations,  
R-160 District, Table 18, Column 4, Items 6(j) and 6(m)

add to 7(j): "7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "6(m). Instructional services shall be limited to no more than 2 students at a time."

to: "6(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

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.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1103-1989) Continued

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

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RESOLUTION NO. (1104-1989)

SETTING PUBLIC HEARING FOR  
PROPOSED AMENDMENT TO  
ZONING ORDINANCE RE: HOT  
TUBS

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to 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, 1989, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend §106-20(B)(10) of the Zoning Ordinance:

from:           "(10) Hot tubs, spas and similar facilities. Hot tubs, spas and similar facilities are permitted in required rear yards, provided that no portion of the facility is closer than ten (10) feet to any side or rear lot line and it is screened from view. No portion of a hot tub located on a deck which is more than four (4) feet above ground level shall be closer than fifteen (15) feet to any side or rear lot line. No portion of the hot tub shall be located farther than twelve (12) feet from a principal structure. No outdoor hot tub shall be located with any RG or MF Zone unless it is part of a common recreation area."

to:               "(10) Hot tubs, spas and similar facilities. Hot tubs, spas and similar facilities are permitted in required rear yards, provided that no portion of the facility is closer than ten (10) feet to any side or rear lot line and it is screened from view. No portion of a hot tub located on a deck which is more than four (4) feet above ground level shall be closer than fifteen (15) feet to any side or rear lot line. No outdoor hot tub shall be located with any RG or MF Zone unless it is part of a common recreation area."

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.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1104-1989) Continued

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

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RESOLUTION NO. (1105-1989)

AUTHORIZING SUPERINTENDENT  
 OF HIGHWAYS TO PLOW  
 UNDEDICATED STREETS

Co. Maloney offered the following resolution:

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown and unplowed or impassable roads may pose an increased danger to life and property as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary to prevent imminent hazard to life and property.

Seconded by Supv. Holbrook

Councilwoman Smith asked if this included private streets also? She was told that it did.

Councilman Carey asked didn't we have an ordinance on the books now to cover a situation like this? Supervisor said we have passed this every year. Town Attorney said we have done this for at least the last twenty-five years. Supervisor said in a heavy snowfall obviously dedicated streets would be done first but this gives the authority to send heavy equipment into undedicated streets and will protect the health, safety and welfare of the Town.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1106-1989)

AWARDING BIDS FOR BID  
 #5-1990 - BUS  
 TRANSPORTATION (LAIDLAW  
 TRANSIT, INC.; PETER BREGA;  
 SADDLE RIVER TOURS; AND  
 ROCKLAND COACHES)

Continued on Next Page

RESOLUTION NO. (1106-1989) Continued

Co. Maloney offered the following resolution:

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

BID #5-1990  
BUS TRANSPORTATION

is hereby awarded as follows:

SUMMER DAY CAMP - swimming route  
YOUTH ONE DAY BUS TRIPS to

LIDLAW TRANSIT INC.  
16 HOFFMAN STREET  
SPRING VALLEY, NY 10977  
PRINCIPAL: PUBLIC CORPORATION

SENIOR CITIZEN DAILY CLUB ROUTE  
SENIOR ONE DAY TRIPS - COACH to

PETER BREGA  
PO BOX 152 KINGS HWY  
VALLEY COTTAGE NY 10989  
PRINCIPALS: BREGA, JOSEPHINE, JOSEPH, PETER K.,  
RICHARD, DOBERT, DAVID  
ESTATE OF PETER BREGA

SENIORS ONE DAY TRIPS - COACH - WITH LAVATORY to

SADDLE RIVER TOURS  
119 GRAHAM LANE  
LODI NJ 07644  
PRINCIPALS: JAMES R. MURPHY  
RONALD R. FAILLACE

SENIORS ONE DAY TRIPS - COACH - WITHOUT LAVATORY to

ROCKLAND COACHES  
126 N WASHINGTON AVE  
BERGENFIELD NJ 07621  
PRINCIPAL: RED & TAN ENTERPRISES

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1107-1989)

AWARDING BID FOR BID  
#4-1990 - WORK CLOTHING  
(LOU GOLDSTEIN UNIFORMS;  
OLYMPIC GLOVE; EASTCO  
INDUSTRIAL SAFETY; AND  
BLISS TIRE & RUBBER)

Co. Maloney offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (1107-1989) Continued

BID #4-1990  
WORK CLOTHING

is hereby awarded to

LOU GOLDSTEIN UNIFORMS  
200 SOUTH 13TH AVE  
MT. VERNON NY 10550  
PRINCIPALS: LOWELL LEVINE  
BARBARA LEVINE

OLYMPIC GLOVE  
75 MAIN AVE  
ELMWOOD PARK NJ 07407  
PRINCIPALS: D. HECKELMAN  
J. HECKELMAN

EASTCO INDUSTRIAL SAFETY  
130 WEST 10TH STREET  
HUNTINGTON STATION NY 11746  
PRINCIPAL: ALAN DENSEN

BLISS TIRE & RUBBER  
175-21 ROUTE 9W  
CONGERS NY 10920  
PRINCIPAL: GERARD COLBY

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1108-1989)

AWARDING BID FOR BID  
#1-1990 - STATIONERY  
SUPPLIES (CHESLERS  
STATIONERY; SUMMIT OFFICE  
SUPPLY; SUFFERN  
STATIONERY; ALLWIN  
STATIONERY; TOWNE OFFICE  
SUPPLY INC.; AND ADVANTAGE  
BUSINESS PRODUCTS)

Co. Maloney offered the following resolution:

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

BID #1-1990  
STATIONERY SUPPLIES

is hereby awarded to

CHESLERS STATIONERY  
15 E CENTRAL AVENUE  
PEARL RIVER NY 01962  
PRINCIPALS: EDWARD CHESLER  
JUDITH CHESLER

SUMMIT OFFICE SUPPLY  
303 W 10TH STREET  
NEW YORK NY 10014  
PRINCIPAL: CORPORATE OWNED

SUFFERN STATIONERY  
68 LAFAYETTE AVE  
SUFFERN NY 10901  
PRINCIPALS: RALPH CAPONE  
DOROTHY CAPONE  
DAVID CAPONE

ALLWIN STATIONERY  
20 DEXTER PLAZA  
PEARL RIVER NY 10965  
PRINCIPAL: NORMAN SHKOFF

TOWNE OFFICE SUPPLY INC  
111 EIGHTH AVENUE  
NEW YORK NY 10011  
PRINCIPALS: LESLIE AIKEN  
MORTY LAZERUS  
LOUIS LEVY

ADVANTAGE BUSINESS PRODUCTS  
3 CROSS STREET  
SUFFERN NY 10901  
PRINCIPALS: TAMARA BRISK  
SAM SCHWED  
JACK SCHWED

RESOLUTION NO. (1108-1989) Continued

as per attached schedule

(Schedule on file in Town Clerk's Office)

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1109-1989)

AWARDING BIDS FOR BID  
#2-1990 - CUSTODIAL/  
JANITORIAL SUPPLIES (E. A.  
MORSE & CO.; BURKE SUPPLY  
CO.; MT. ELLIS PAPER;  
HALBRO, INC.; CLEANING  
SYSTEMS COMPANY; PURITAN  
CHEMICAL; ROSE BRAND  
WIPERS, INC.; AND MORMAX  
COMPANY)

Co. Maloney offered the following resolution:

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

BID #2-1990  
CUSTODIAL/JANITORIAL SUPPLIES

is hereby awarded to

E. A. MORSE & CO.  
11-25 HARDING ST.  
MIDDLETOWN, N.Y. 10940  
PRINCIPALS: EMERSON A. MORSE  
WINIFRED V. MORSE

BURKE SUPPLY CO.  
880 MEEKER AVE.  
BROOKLYN, N.Y. 11222  
PRINCIPALS: PHIL BERKOWITZ  
NORMAN BERKOWITZ

MT. ELLIS PAPER  
214 MACARTHUR AVENUE  
NEWBURGH, N.Y. 12550  
PRINCIPALS: C. KAPLAN  
S. KAPLOWITZ  
M. KANTOR

HALBRO, INC.  
2090 ROUTE 110  
FARMINGDALE, N.Y. 11735  
PRINCIPALS: STANTON HALPERN  
CHARLES HALPERN

CLEANING SYSTEMS COMPANY  
44A SECOR LANE  
PELHAM MANOR, N.Y. 10803  
PRINCIPALS: BARBARA TRISTER  
EDWARD CULLEN

PURITAN CHEMICAL  
916 ASHBY ST NW  
ATLANTA, GA. 30318  
PRINCIPALS: CORPORATE OWNED

ROSE BRAND WIPERS, INC.  
517 WEST 35TH STREET  
NEW YORK, N.Y. 10001  
PRINCIPALS: GEORGE JACOBSTEIN  
RITA SHAPERO

MORMAX COMPANY  
1455 CROMWELL AVE  
BRONX, N.Y. 10452  
PRINCIPALS: DAVID SACKSER  
BERNARDO BERTASH

as per schedule of items/prices on file in Purchasing Department.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1109-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (1110-1989)

AWARDING BIDS FOR BID  
#78-1989 - SUCTION HOSE  
ASSEMBLY FOR LEAF LOADERS  
(TARRANT MANUFACTURING CO.)

Co. Maloney offered the following resolution:

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

BID #78-1989  
SUCTION HOSE ASSEMBLY FOR LEAF LOADERS

is hereby awarded to

TARRANT MANUFACTURING CO  
PO BOX 358  
SARATOGA SPRINGS NY 12866  
PRINCIPAL: JOHN TARRANT

as per their proposed cost of \$1276.00 each for twelve (12) Tarrant  
Model LK3C-12 suction hose assemblies.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1111-1989)

AWARDING BID FOR BID  
#75-1989 - COMPOST TURNER  
(TRIOUS INC.)

Co. Maloney offered the following resolution:

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

BID #75-1989  
COMPOST TURNER

is hereby awarded to:

TRIOUS INC  
369 DUFFY AVE  
HICKSVILLE NY 11802  
PRINCIPAL: GARY CERVELLI

as per their proposal for a Wildcat Model CX725-M-E with the  
following optional accessories:

- 1 - extra set Flails
- Throttle Control
- Start, Stop Switch
- Clutch Engaging From in-cab

Continued on Next Page

RESOLUTION NO. (1111-1989) Continued

at their total proposed cost of \$44,852.50.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

With regard to the resolution creating a Volunteer Hall of Fame it was decided to table the resolution until more information could be obtained from Mr. Louis Sibbio at a future workshop.

\*\*\*\*\*

RESOLUTION NO. (1112-1989)

ACCEPTING DEED FOR ROAD  
WIDENING STRIP ALONG BUENA  
VISTA ROAD, NEW CITY;  
CONSERVATION EASEMENT; AND  
280-a DECLARATION FROM  
ROSSE RE: SUBDIVISION OF  
PROPERTY FOR JOSEPH LAICO

Co. Carey offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "SUBDIVISION OF PROPERTY FOR JOSEPH LAICO", the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Buena Vista Road, New City, New York; a Conservation Easement and a 280-a Declaration;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, the following documents are hereby accepted and ordered recorded in the Rockland County Clerk's Office:

1. Deed dated August 31, 1989, from Michael David Rosse and Herman Joris Rosse as Trustees under the Last Will and Testament of Sophia Helena Rosse to the Town gratuitously conveying a road widening strip along Buena Vista Road, New City, New York;
2. Conservation Easement dated December 1, 1989, made by Herman Joris Rosse and Michael David Rosse;
3. 280-a Declaration dated August 25, 1989, made by Herman Joris Rosse and Michael David Rosse.

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. (1113-1989)

CHANGING TOWN BOARD MEETING  
DATE FROM DECEMBER 19, 1989  
TO DECEMBER 20, 1989

Co. Maloney offered the following resolution:

RESOLVED, the Town Board meeting of December 19, 1989  
will be held on Decembere 20, 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. (1114-1989)

AUTHOF SUPERINTENDENT  
OF HI O INSTALL  
SIGN' R'KING, 8:00 AM  
- 4 , M DAY THROUGH  
FRIDAY" BOTH SIDES SPIREA  
LANE, NEW CITY

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, 8:00 A.M. - 4:00 P.M.,  
Monday through Friday." These signs to be erected on  
both sides of Spirea Lane, New City.

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.

Councilman Kunis said this had been discussed about a  
year ago and parents were concerned about parking on days when they  
wanted to see their children playing on opening day and other busy  
days at the school. Supervisor said the problem is really during  
school hours with the students parking there. League play is  
usually after school and if the league notifies us it can be taken  
care of.

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. (1115-1989)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL  
SIGNS WITH ADVISORY SPEED  
PANEL BENEATH TO READ "15  
MPH" - RIGHT CURVE SIGN

RESOLUTION NO. (1115-1989) Continued

ERECTED EASTSIDE BADGER STREET, NEW CITY, SOUTH OF RIGHT ANGLE TURN AND LEFT CURVE SIGN ERECTED NORTHSIDE OF BADGER STREET, EAST OF RIGHT ANGLE TURN

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:

The following signs with an advisory speed panel beneath to read, "15 MPH":

A right curve sign (W-1-4 - see Sec. 231.3 NYS DOT Manual of Uniform Traffic Control Devices.) This sign to be erected on the eastside of Badger St., New City, south of the right angle turn.

A left curve sign (W-1-3.) This sign to be erected on the northside of Badger St., just east of the right angle turn.

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (1116-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN ON JILL DRIVE AT MARCUS ROAD, WEST NYACK

Co. Maloney offered the following resolution:

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

A stop sign on Jill Drive at Marcus Road, West Nyack

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (1117-1989)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAY TO INSTALL  
CHEVRON SIGN BOTH SIDES OF  
RED HILL ROAD, NEW CITY  
AROUND OUTSIDE OF CURVE  
BETWEEN UTILITY POLES #182  
AND #188

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:

Chevron signs (W1-13) on both sides of Red Hill Road,  
New City around the outside of the curve between  
utility poles #182 and #188.

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (1118-1989)

SETTING PUBLIC HEARING ON  
DESIGNATION OF HISTORIC  
SITE - MAP 33, BLOCK B, LOT  
20.5/02 (GRAY)

Co. Smith 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;

WHEREAS, a public hearing was scheduled for the 19th  
day of December, 1989, but it is necessary to reschedule the public  
hearing;

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 29th day of December, 1989 at 12:05 P.M., to consider the  
designation of the aforesaid property as an Historical Site, and be

FURTHER RESOLVED, that the Town Attorney prepare notice  
of such statutory hearing and that the Town Clerk cause 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. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1118-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (1119-1989)

GRANTING CERTIFICATE OF  
REGISTRATION PURSUANT TO  
SEC. 83-65 OF TOWN CODE TO  
RONALD J. TARIGO - (NO.  
90-1)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of  
Registration pursuant to Section 83-65 of the Code of the Town of  
Clarkstown:

RONALD J. TARIGO  
5 Capral Lane  
New City, New York 10956

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of  
Registration be issued:

No. 90-1 to RONALD J. TARIGO

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. (1120-1989)

ACCEPTING DEED FROM  
DePAULIS; RECIPROCAL  
EASEMENT FROM DePAULIS; AND  
DECLARATION FOR ROAD  
WIDENING STRIP FROM  
DePAULIS FOR SUBDIVISION OF  
LAND G D PARK

Co. Smith offered the following resolution:

WHEREAS, as a condition to the approval of the final  
map with regard to a subdivision kown as "SUBDIVISION OF LAND G D  
PARK", the Planning Board of the Town of Clarkstown requested a  
Declaration of Covenants gratuitously conveying a 10 ft. road  
widening strip along Route 9W, Congers, New York, a state road; a  
deed for a sewer easement and a Reciprocal Easement for purposes of  
ingress, egress, access and utilities;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the  
Department of Environmental Control of the Town of Clarkstown, the  
following documents are hereby accepted and ordered recorded in the  
Rockland County Clerk's Office:

Continued on Next Page

RESOLUTION NO. (1120-1989) Continued

- 1. Deed dated November 13, 1989, from Giuseppe DePaulis to the Town conveying a sewer easement;
- 2. Reciprocal Easement dated November 16, 1989, made by Giuseppe DePaulis for purposes of ingress, egress, access and utilities;
- 3. Declaration made November 14, 1989, by Giuseppe DePaulis agreeing to gratuitously convey a 10 ft. road widening strip along Route 9W, Congers, New York, a state road.

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. (1121-1989)

AUTHORIZING PAYMENT TO  
 SECRETARY TO BOARD OF  
 APPEALS MARGARETANN RIES  
 FOR PREPARATION OF  
 TRANSCRIPT (WAITZMAN V. ZBA)

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$958.75 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript of the public hearing held in the matter of WAITZMAN v. THE 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. (1122-1989)

MEMORIALIZING NEW YORK  
 STATE DEPARTMENT OF  
 TRANSPORTATION TO  
 EXPEDITIOUSLY TAKE  
 CORRECTIVE MEASURES RE:  
 ROUTE 303 (FROM ROUTE 59  
 SOUTHWARD TO ORANGETOWN  
 TOWN LINE)

Co. Smith offered the following resolution:

WHEREAS, there have been over one hundred serious automobile accidents along State Highway Route 303 from Route 59, southward to the Orangetown Town line during 1989, including four fatalities; and

WHEREAS, the Town of Clarkstown Town Board recognizes that a primary cause of these accidents is the treacherous roadway conditions existent along said portion of Route 303; and

RESOLUTION NO. (1122-1989) Continued

WHEREAS, the Clarkstown Town Board is desirous of having these conditions corrected in order to reduce the number of injuries and deaths to the motoring public; and

WHEREAS, the New York State Department of Transportation has proposed the resurfacing of this area as a revitalization project; and

WHEREAS, mere resurfacing will clearly be insufficient to correct the aforesaid conditions;

NOW, THEREFORE be it

RESOLVED, that the Town of Clarkstown Town Board hereby calls upon and insists that the New York State Department of Transportation include in their revitalization plans the widening of the roadway and the installation of physical barriers between the northbound and southbound lanes of said portion of Route 303; and be it

FURTHER RESOLVED, that the Town of Clarkstown Town Board also calls upon the New York State Department of Transportation to assure that these corrective measures be undertaken as soon as possible and expeditiously completed.

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

Councilwoman Smith noted that this was long overdue. Supervisor Holbrook said this will indicate to the State that we do support putting up the media which would only have a break where the Landfill is. They need this resolution so they know they have the support of the Town Board behind those improvements.

\*\*\*\*\*

RESOLUTION NO. (1123-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL FIRE LANES AT THE MALL AT 59/SEAMAN'S CENTER (MAP 153, BLOCK B, LOT 25)

Co. Carey offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at

THE MALL AT 59/SEAMAN'S CENTER  
NANUET, NY 10954  
(163-B-25)

by the installation of fire lane designations, and

WHEREAS, Harvey F. Anger, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

Continued on Next Page

RESOLUTION NO. (1123-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board 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. (1124-1989)

REQUESTING ADDITIONAL FUNDS FOR ROUTE 303 SANITARY SEWER SYSTEM, LEACHATE SYSTEM AND PUMP STATION - AND INCREASING BID #21-1988 CHARGE TO CAPITAL 2

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by Resolution No. 418-1988 awarded Bid #21-1988 to J. Fletcher Creamer and Sons for the construction for the Route 303 sanitary sewer system, leachate system, and pump station; and

WHEREAS, the total contract value for the project was \$1,175,380.00; and

WHEREAS, the final contract value is \$1,220,605.44 for a 2.1 percent increase from the original contract value; and

WHEREAS, the additional funds requested were for the following items:

1. the extent of the blasting required on Greenbush Road to install the sanitary sewers created a condition that effected the total width of Greenbush Road and ultimately required additional truing and leveling courses, macadam base courses and macadam top courses, totalling an additional \$36,564.00;
2. during construction of the leachate system through the landfill, extensive ground water conditions were incurred that required additional stone base material in order to stabilize the foundation for the leachate system so as to prevent sagging and blockages of the leachate lines;

this resulted in an additional cost of \$13,661.44; and

WHEREAS, \$25,000.00 was included in the contract for miscellaneous additional work, thus bringing the net value of the contract to \$1,150,380.00 for a total overbudget of \$50,225.44;

Continued on Next Page

RESOLUTION NO. (1124-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that Bid #21-1988 for the construction of the Route 303 sanitary system, leachate system and pump station be increased by the sum of \$25,225.44; and be it

FURTHER RESOLVED, that the additional \$25,000.00 allocated for additional work be applied to the amount overbudget; and be it

FURTHER RESOLVED, that this should be a proper charge to Capital 2 not to exceed \$25,225.44.

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. (1125-1989)

ACCEPTING RESIGNATION (BY RETIREMENT) OF SENIOR CLERK TYPIST - COUNSELING CENTER (LAVARNE POUND)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of Lavarne Pound, 11 Stratford Place, New City, New York - Senior Clerk Typist - Counseling Center - is hereby accepted - effective 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. (1126-1989)

ACCEPTING RESIGNATION (BY RETIREMENT) OF SENIOR ACCOUNT CLERK - TOWN JUSTICE DEPARTMENT (EVELYN KNERR)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of Evelyn Knerr, 23 Elm Street, Garnerville, New York - Senior Account Clerk - Town Justice Department - is hereby accepted - effective December 30, 1989.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1126-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (1127-1989)

ACCEPTING RESIGNATION (BY RETIREMENT) OF PRINCIPAL ENGINEERING TECHNICIAN - DEPARTMENT OF ENVIRONMENTAL CONTROL (WILLIAM ANDERSON)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of William Anderson, 14 Lake Shore Drive, Nanuet, New York - Principal Engineering Technician - Department of Environmental Control - is hereby accepted - effective January 1, 1990.

Seconded by Co. Kunis

Councilman Kunis said he believed Mr. Anderson took a sick leave six months ago. Mr. Bollman, Director of Environmental Control said it was longer ago than that. Councilman Kunis said we created another position at the time. With the retirement of Mr. Anderson tonight shouldn't we simultaneously be removing that position from the Department of Environmental Control. Mr. Bollman said he thought when we created the new position it stated in the resolution that this was not an additional position and this position when it became free would automatically be abolished. Councilman Kunis asked then is it abolished automatically? Mr. Bollman said he would have Mrs. Loeffler of Personnel check that but that was the intent. Councilman Kunis said he knew that was the intent but he wanted to be sure it was done. Supervisor said it was no problem.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1128-1989)

RECLASSIFYING POSITION OF CLERK TYPIST TO POSITION OF DATA ENTRY OPERATOR I - TOWN JUSTICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on November 30, 1989 that the position of Clerk Typist (formerly encumbered by Rita Sakowitz) can be reclassified to the position of Data Entry Operator I,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist is hereby reclassified to the position of Data Entry Operator I - Town Justice Department - effective December 13, 1989.

Seconded by Co. Kunis

Continued on Next Page

RESOLUTION NO. (1128-1989) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (1129-1989)

RECLASSIFYING POSITION OF  
ACCOUNT CLERK TO SENIOR  
ACCOUNT CLERK -  
COMPTROLLER'S OFFICE

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on November 29, 1989 that the position of Account Clerk - Comptroller's Office - can be reclassified to the position of Senior Account Clerk,

NOW, THEREFORE, be it

RESOLVED, that the position of Account Clerk - Comptroller's Office - is hereby reclassified to the position of Senior Account Clerk - effective December 13, 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 Councilwoman Smith and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Elizabeth McGuy, was opened, time: 9:08 P.M.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Elizabeth McGuy, was closed, ORDER SIGNED, time: 9:10 P.M.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from LIO to MF-3 - Map 123, Block D, Lot 3 - CEFOLA, was opened, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Zone Change from LIO to MF-3 - Map 123, Block D, Lot 3 - CEFOLA, was RECESSED until January 9, 1990, time: 9:20 P.M.

RESOLUTION NO. (1130-1989)

RECESSING PUBLIC HEARING  
RE: CHANGE OF ZONE FROM  
LIO TO MF-3 - MAP 123,  
BLOCK D, LOT 3 - CEFOLA

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1130-1989) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 24th day of October, 1989, provided for a public hearing on the 12th day of December, 1989, at 8:05 P.M., to consider the application of MICHAEL and DONNAL CEFOLA, for a change of the Zoning Ordinance of the Town of Clarkstown by redistricting property of the applicants from an LIO District to an MF-3 District, 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 said public hearing be recessed to January 9, 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

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Before the opening of the next public hearing regarding Nyack Mini-Storage, Inc. Town Attorney Murray N. Jacobson stated that this hearing could be opened and held. It would then have to be adjourned to a later date. Supervisor asked what the reason for that was and the Town Attorney stated that there were some technicalities on the zone that have to be complied with.

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit to operate mini-storage facility - NYACK MINI-STORAGE, INC., was opened, time: 9:20 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Special Permit to operate mini-storage facility - NYACK MINI-STORAGE, INC., was recessed to January 9, 1990, time: 9:25 P.M.

RESOLUTION NO. (1131-1989)

RECESSING PUBLIC HEARING  
RE: SPECIAL PERMIT TO  
OPERATE MINI-WAREHOUSE  
FACILITY (NYACK  
SELF-STORAGE, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 24th day of October, 1989, provided for a public hearing on the 12th day of December, 1989, at 8:10 P.M., to consider the application of NYACK SELF-STORAGE, INC., for a special permit to operate a mini-warehouse facility pursuant to Chapter 106-16S and Chapter 106-10A, Table 12, Columns 3, 4, 6 and 7 of the Zoning Ordinance of the Town of Clarkstown, 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

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RESOLUTION NO. (1131-1989) Continued

RESOLVED, that said public hearing be recessed to  
January 9, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by  
Councilwoman Smith and unanimously adopted, the public hearing re:  
Zone Change from LO to R-10 District - Map 60, Block A, Lot 7 - C.  
R. CLEMENSEN, was opened, time: 9:25 P.M.

On motion of Councilman Maloney, seconded by Councilman  
Kunis and unanimously adopted, the public hearing re: Zone Change  
from LO to R-10 District - Map 60, Block A, Lot 7 - C. R. CLEMENSEN,  
was closed, DECISION RESERVED, time: 10:05 P.M.

RESOLUTION NO. (1132-1989)

RESERVING DECISION RE: ZONE  
CHANGE FROM LO TO R-10 -  
MAP 60, BLOCK A, LOT 7 (C.  
R. CLEMENSEN)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by  
resolution duly adopted on the 24th day of October, 1989, provided  
for a public hearing on the 12th day of December, 1989, at 8:15  
P.M., to consider the application of C. R. CLEMENSEN, for a change  
of the Zoning Ordinance of the Town of Clarkstown by redistricting  
property of the applicant from an LO District to an R-10 District,  
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 said public hearing be closed, DECISION  
RESERVED.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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There being no further business to come before the Town  
Board and no one further wishing to be heard, on motion of  
Councilman Maloney, seconded by Councilwoman Smith, and unanimously  
adopted, the Town Board Meeting was closed, time: 10:07 P.M.

Respectfully submitted,  
*Sheila Reiter*  
SHEILA REITER,  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/12/89

9:08 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: EXTENSION OF WATER DISTRICT TO INCLUDE MCGUY

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

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

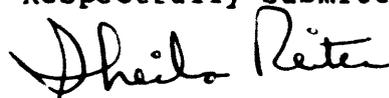
No one appeared.

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

No one appeared.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:10 P.M.

Respectfully submitted,



SHEILA REITER,  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/12/89

9:10 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: ZONE CHANGE FROM LIO DISTRICT TO MF-3 DISTRICT - MAP 123,  
BLOCK D, LOT 3 - WEST SIDE ROUTE 303, VALLEY COTTAGE, NEW YORK

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

Town Attorney stated that the Rockland County Planning Board recommends disapproval for the reasons below:

"This application for change of zone from LIO to MF-3 is disapproved because we believe that adjustments to the Town Zoning Map should be made more comprehensively rather than on a parcel-by-parcel basis.

We typically recommend in these cases that a broader review of area-wide land use trends precede any such zoning amendments, especially on small individual parcels. As the applicant points out, the Town is currently updating its master plan. This planning process should indicate to the Town Board the types of zoning changes which have become necessary and/or desirable."

Town Attorney said the Town Planning Board also recommends denial. SEQOR has not been completed.

Supervisor said that means we cannot act on this tonight. We can have the hearing and we can recess it. Town Attorney said that was correct.

Supervisor asked if the applicant or representative was present.

Appearance: Donald S. Tracy, Esq.  
Tracy, Bertolino & Edwards  
Little Tor Road  
New City, New York

Mr. Tracy mentioned letters which had been written by surrounding residents in favor of this proposed zone change. Deputy Town Clerk stated that she did not have them in her file. Supervisor said he had them and Mr. Tracy asked that they be made a part of the official record. (Two letters were subsequently given to the Deputy Town Clerk and they have been placed in the file. One letter dated December 6, 1989 from Regina M. Bedner and another also dated December 6, 1989 from Evelyn and Louis Natale both in favor of the proposed zone change have been placed in the Town Clerk's file on this matter.) Mr. Tracy said a petition has been filed by the Cefolas which is notarized and sworn to and we would rest on that petition.

Mr. Tracy read a letter that Mr. Cefola sent to each one of his neighbors prior to tonight's hearing. The letter said:

"If you haven't already received it, you will soon be mailed a notification of a request to the Town Board for a change of zone in your area.

We have been the owners of the property located at 44 and 44 A rt#303 Valley Cottage N.Y. for 20 years. Along with our sons, we own and operate Clarkstown Auto Lube, the former gas

Continued on Next Page

station which we have already modernized into an attractive, clean, new business in the community.

At this time, we would now like to remove the unsightly bungalows on the adjacent property 44A, and replace them with a clean, modern attractive 13 unit condominium building. It would be placed towards the rear of the property, buffered from rt#303, and attractively landscaped. We would want to be sure that these homes would attract the kind of good neighbor that we all would like to have.

This is something that we would like to do for two main reasons. One, is to beautify and improve the area. The other, and perhaps the most important to us, as parents, would be to provide homes for our adult sons and their wives, who own and operate the Clarkstown Auto Lube. Although the property already exists in a multifamily residential use, it requires a zone change for this new construction."

Mr. Tracy said it goes on to state that a public hearing will be heard tonight and that their attendance and comments would be appreciated.

Mr. Tracy said he believed that some of them might have sent in letters. He did not know if any were in the file to be read into the record. Supervisor said he had received a number of letters which indicated that people who sent them were in favor. He asked Deputy Town Clerk if she had any. She replied that she did not have any. Supervisor said we will get them from upstairs. Mr. Tracy said as long as we make them part of the record.

Mr. Tracy said this is a zone change about which the Planning Commissioner has said that he is against it because this should be done on an overall basis in accordance with the Town's Master Plan which has been being revised continuously for about the last three years. Mr. Tracy continued by stating that in addition, the Town Planning Board was against it and a letter was not read into the record from Mr. Geneslaw, the Town Planner, who also said he thought it would be better utilized as a small contractor's location.

Mr. Tracy said the property itself does not really conform to the zoning it is in. The property is in an LIO zone. It has insufficient bulk to meet the LIO zone designation and furthermore, since the Town reimplemented that road through the shopping center of Grossman, it now has two front yards, which greatly restricts the use of the property. Thus, in effect, what is being asked for tonight is a change in zone but not a change in use.

The use of the property is presently multi-family residential even though it is zoned LIO and it has been in that use for the past twenty years. Planners might differ on what should be done with this property but the Town Board quite recently, in an expression of legislative intent when they enacted a new zone for this Town for multiple family, expressed some criteria that they felt should be utilized for this new zone: that it be near shopping - this property adjoins a commercial shopping center; that it should be within certain distance of transportation - walking distance to the shopping center and a transportation center - this property similarly enjoys that characteristic. Therefore, he did not think it would be legislatively inaccurate for this Board to indicate that this type of property as it presently exists would qualify for an upgrading to modern multi family use. What exists on the property at the present time is seven units. They are old units. They are not attractive units. They are not a credit to the area. Certainly not the credit which the new construction, if permitted, would be. The new construction would require a bevy of variances, just as any construction on the property would require a bevy of variances including an attempt to utilize the property for an LIO use.

Continued on Next Page

Mr. Tracy said he respectfully submits to the Board that under all the circumstances in this case the worst thing that could happen to this parcel of land - the worst thing for the Town and for the esthetics of the Town and for the overall integrity of the zoning ordinance is to turn down the zone change and leave it as it is.

Supervisor asked if any of the Town Board members had any specific questions?

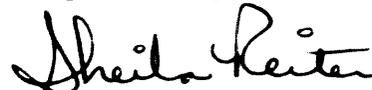
Supervisor asked if there was any member of the public present who would like to ask a question or make a comment?

Councilman Kunis asked what the Autolube was zoned as? He was told LIO. He asked is there nothing that can be built commercially on Route 303 road front property? Supervisor said the Autolube is staying. Councilman Kunis asked is there nothing that can be built for commercial use or retail use there? Mr. Tracy said you can't put retail in LIO. Councilman Kunis said he knew that, but, as zoned, or how about a CS? Mr. Tracy said you really can't put anything on it without a variance because you have two front yards and you have 39,000 square foot bulk. If it was zoned CS or LS you could put uses on it without variances. CS or LS is not the intent of the applicant.

Supervisor said we should recess this hearing as there was no one further wishing to be heard. Mr. Tracy said why not close it? Supervisor said we can't close it because the SEQR has to become part of the record. We will recess it until the 9th of January.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared RECESSED to January 9, 1989, time: 9:20 P.M.

Respectfully submitted,



SHEILA REITER,  
Deputy Town Clerk

(RESOLUTION ADOPTED RECESSING HEARING TO 1/9/90 - NO. 1130-1989)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

171

Town Hall

12/12/89

9:20 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: NYACK SELF-STORAGE, INC. - SPECIAL PERMIT TO OPERATE MINI-WAREHOUSE FACILITY - MAP 120, BLOCK A, LOTS 23, 26 AND 74

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

Town Attorney said SEQR states there is no environmental impact. The Clarkstown Planning Board said they have no objections but it is subject to conditions. The Rockland County Planning Board approved subject to conditions:

1. Parking and signs be kept away from the NYS Thruway. This is to ensure that the aesthetics are kept at a premium in an area which serves as a gateway to Rockland County.
2. Recommendations of the Soil & Water Conservation District letter of 10/4/88.
3. Review and recommendations of the NYS Thruway Authority.
4. Review and approval of the NYS Dept. of Transportation.
5. Retaining walls should be at least 10' back from the designated street line.
6. No coiled barbed wire be placed on any of the fences abutting Rte. 59 or the Thruway.
- 7.. Obtaining permits from the NYS Thruway Authority for any signs visible from the Thruway.
8. Exterior lighting and auto headlights should not be visible from Rte. 59 and the Thruway.

Town Attorney said that the Clarkstown Planning Boards recommendations were:

1. Planning Board shall review a site plan after the special permit is granted, and
2. As further restrictive covenants for the zone change gratuitous dedication for road widening shall be provided for Ingalls Street and Route 59 in accordance with the width as shown on the Official Map.

Supervisor Holbrook asked if the petitioner or representative was present.

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

Mr. Horowitz said this parcel has been before this Board a number of times. The last time we were here a zone change for the property was granted and the granting of that zone change indicates that the "applicant or successor in interest shall develop the premises for no other use except a mini-storage..."

Continued on Next Page

Mr. Horowitz went on to state that subsequent to that the mini-storage provisions of the zoning ordinance were changed. We had a hearing before the Board. As a matter of fact at that time the Town Board grandfathered this particular site because of the fact that it can't be used for anything but a mini-storage in accordance with the directions of this Board. He said Mr. Colucci (Building Inspector) had a problem with that particular change. It was voided. A new one was adopted in order to make things simpler. Mr. Horowitz said he had stated at that time to forget the grandfather clause, we will come back again. He stated that he was here tonight for a special permit to use the property for the only use which this Town Board said the property can be used for.

Supervisor asked if any Board members had any questions. No one did.

Supervisor asked if there was any member of the public who had a question or wished to make a comment?

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared RECESSED until January 9, 1989.

Respectfully submitted,



SHEILA REITER,  
Deputy Town Clerk

(RESOLUTION ADOPTED RECESSING HEARING TO 1/9/90 - NO. 1131-1989)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/12/89

9:25 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney and Smith  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: ZONE CHANGE LO TO R-10 - MAP 60, BLOCK A, LOT 7 - CLEMENSEN

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

Town Attorney stated that the Rockland County Planning Board recommended disapproval. "By granting this zone change the Town will be setting a precedent for the property owners to the south of Phillips Hill Road to also seek a change to a higher density residential zoning thus increasing traffic access and ingress and egress activity along this portion of the County Road. R-22 zoning would be more in keeping with the Town and County's Master Plan for lower densities further from the hamlet centers."

Supervisor Holbrook stated that he had a communication from Mr. Chase dated today's date which is the latest. Supervisor stated that there was no cc to the Town Attorney which is why he (Town Attorney) did not receive it.

Town Attorney read from that letter:

"Based on this new information, we have reviewed our previous review. Our revised finding is an approval subject to the following conditions:

1. That your Board reconsider the PO zoning for the parcel and if it still finds said zoning unacceptable that it find the requested rezoning to be the lowest residential density required to bring about a solution to this zoning dilemma.
2. Any approval by your Board be based on a determination that this parcel has unique circumstances that warrant the proposed change and that the Town is not, by this action, changing the overall development action for this neighborhood.
3. The Town Planning Board have the opportunity to review the configuration of the residential development. Various options for R-10 housing exist, ranging from single family detached to attached townhouse clusters."

Town Attorney stated that the Clarkstown Planning Board disapproved. They recommend PO. SEQR states there is no significant environmental impact.

Supervisor asked if the applicant or his representative was present?

Appearance: Mr. Anthony Balledda, President  
Kings Builders

Mr. Balledda stated that Kings Builders is the applicant and the owner of record for this piece which they call the Fitch piece. It was formally owned by Miss Eleanor Fitch (who was present in the audience.) He said the applicant is also the record owner of the adjoining one acre piece which is zoned PO, which is important to note in the evolution of this application.

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Mr. Balletta said it is important to know what the evolution of this property was. He noted that about a year ago in November of 1988, the applicant put in a zoning change from LO to PO, the reason for that being that the LO zone did not allow any type of development because it actually would have needed a lot more acreage to develop it. It basically sterilized the zone. In order to have a logical zoning change, if you looked at the entire strip you would see that running about 450 feet west of North Main Street for at least a couple of thousand feet there was all LO and PO pieces in there.

The original application was to change the LO to PO and to place an approximately 24,000 square foot office building which would be two stories high which would stretch across both pieces. That application, although it was approved by the Planning Board, when it came to the Town Board there was many people who came out from the neighborhood, and rightfully so, who were concerned with the commercialization of North New City, that this would be a lot of office building for that particular corner. The Town Board, being sensitive to the large turnout and being sensitive to the practicality of what is best to be developed on that particular corner, did vote unanimously to disapprove the zoning change from LO to PO and made a recommendation that maybe the LO piece could be looked into residentially.

About a month after that meeting the applicant sat down with the Town Board and the Planning Board at a workshop meeting and demonstrated to the joint boards that if the applicant did not ask for a zoning change (if the LO was left alone) because the applicant owns the adjoining PO acre piece on the corner, the applicant would be entitled to put up a 22,000 square foot office building on the corner piece where footage would be supported by parking which would be able to go on the subject LO piece. The problem with that is that it would be a three story office building and it is difficult to put in a three story office building and make it look esthetically beautiful; that is, to try to keep it in a colonial form and blend it in with the historic Dutch cottage.

Mr. Balletta said the Town Board wasn't enthusiastic although they realized that was what the codes did say. Neither was the Planning Board and neither was the neighborhood. The applicant met with various representatives of the neighborhood on a number of occasions and tried to put together a compromise proposal whereby maybe the office building on the corner piece could be limited and maybe some residential could be developed on the LO piece which would work out to be a practical project. When the applicant discussed with the neighborhood, various types of residential ranging from MF zones to town houses to a number of types of condominiums, the neighborhood felt no better about that than they felt about the large office building. The message that the neighborhood basically was sending to the applicant is that they would like to see detached housing.

The applicant then put together a proposal which is this R-10 proposal you see before you. It basically shows three additional houses being laid out around the Dutch cottage. The advantage of this particular application is that it in fact reduces what could be a 22,000 square foot office building on the corner which would have to be three stories because when you confine an office building to a smaller piece of property you have to go up. You can't spread it throughout the both pieces. It would probably be an office building that would be more like the Nardone Pavillion which is about a half mile south of the subject.

Mr. Balletta said this particular change of zone to R-10 effectively would reduce the corner office building from 22,000 square feet to approximately 12,000 square feet. It would add to the piece three residential homes which would be colonial. They would be homes that would be consistent with the Dutch cottage. We

Continued on Next Page

would try to make that into an historic enclave recreating the little Dutch cottage, maybe a Dutch house, an English house, possibly putting a little brick in the pavement with a little lamp post and a little bench and really making it look consistent with the surroundings where the Dutch cottage is.

Mr. Balletta said if you will notice the size of the Dutch cottage it is really like half a house - very small. This means the particular lot that the Dutch cottage is on is really very underutilized and it does leave a lot of other space for a reasonable development of slightly bigger than quarter acres. The basic result of all of this would be that the three additional houses, having reduced the next door office building basically in half, there would be less traffic. The zoning change would be more of an upzone rather than a downzone because the total yield to the applicant would be reduced. What would have been 22,000 square feet would now be 12,000 square feet of office and maybe 6,600 square feet of residential; not that you can compare residential to office but the total overall buildout developmental improvements on both pieces would be far less than if the applicant did not ask for a zoning change.

Mr. Balletta said they did sit down with the neighborhood on a few occasions. Sometime around the beginning of May a couple of representatives from the neighborhood did meet with one of his partners and himself. They came to the conclusion that, after exploring all the different alternatives and especially considering that if no zoning change was requested, the applicant would have no other alternative but to develop the larger office building. The neighborhood felt that the R-10 was a reasonable compromise and is what the applicant would need in order to make this plan sensible in all respects.

Mr. Balletta said if you looked at the R-10 plan in and of itself, without relating it to all of the history and the evolution of this project and without relating it to the adjoining adjacent corner piece, it is not the very best plan that the Town Board has ever looked at but it's probably one of the better compromises. This compromise came as a result and was born from a number of meetings. There was a lot of thought put into it.

The people who are principals in Kings Builders have always felt that the corner of Phillips Hill Road and North Main Street is a commanding location. It is basically the gateway to north New City and north New City is like a subhamlet of the hamlet of New City. He said they have always felt that this is an excellent location. As they reviewed the original plan for the larger office building, although it was a nice plan when we presented the original PO, we realize now that the smaller office building would be preferable. He noted that it is hard to recreate something really esthetically beautiful and something colonial in style when you get bigger or when you get higher in stories. When you can keep something to a two story level and when you can keep something within a modest range of square footage you are able to make it esthetically beautiful.

When the applicants reviewed the entire project they felt that the corner of North Main Street and Phillips Hill Road can really be a beautiful entrance into north New City because in fact that is the entrance and if the right building was put there it could be a gateway type of building. The building that is put on that corner makes a statement about the community that you are going to enter into. After analyzing the entire project we felt we could go with the smaller office building with a few residential houses namely Dutch cottage plus three additional houses. After we investigated it many different ways; after meeting with some of the members of the Town Board; and some of the members from the neighborhood, we came to the conclusion that this was the very best compromise that we could come up with and we would like to have the

Town Board really look into this tonight and be sensitive to all that we have been through. It has been two and half years and we just would appreciate it if the Town Board would accept this proposal.

Supervisor asked if any of the Town Board members had any questions. No one did.

Supervisor asked if any member of the public had a question or wished to make a comment?

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

Mrs. Fleischer said she did not think that we needed a gateway. She said this particular parcel was bought clearly and there was a small Dutch house on it. It was approximately two acres with plenty of room for one more house. The price was a steal and the gentlemen who need more money are just greedy because a zone change isn't even needed in order to develop this property profitably.

Mrs. Fleischer stated that this property was left in LO in error. When Mr. Nemeroff asked for LO many years ago before most of the people here were born she said she was objecting. She stated that LO was supposed to bring him some cash so that he could make enough money to develop his place properly by building there first. Then when he didn't build on it, it sort of got ignored and forgotten. She said two of us didn't forget it but we couldn't get the Town Board to change it because they said someone else owns it and we don't want to come along and change the zoning of a piece of property that someone owns. So it was left in LO and the whole argument here right now is what do they want to do because it is LO. She said her suggestion is, for the good of the Town, the best use of that piece of property would be one more home on it and not three. There is no need to put up three. He could make a nice profit if he would just sell that house for what he should have paid for it and build another one on it and sell that. There won't be any objection if it was like the rest of the neighborhood - R-22.

Mrs. Fleischer said across the street from that house is Mr. Apfelbaum's horse farm. On the other side across Main Street is Mr. Rapkin's property. She said she did not know how many acres but it is certainly large and he would have some right to come in here and ask for R-10 also. Maybe instead of R-10 they'd ask for condominiums. She stated that she has always asked for the least density. She said you will find that the more you will be building here the more problems you are going to have.

She no one seems to remember about water. She said she goes to the hearings before the Public Service Commission and she said she can tell you more about water than anyone else in this room. She said we all know we need it to drink. Another thing is there is a limited source of water in Rockland County. We are so blessed because most of it is underground. Some of it is Lake DeForest, some of it comes from the Ramapo, but the basic amount of water we have is underground and is very pure. That water cannot be increased by tapping on some great aquaduct that goes past the way Westchester has.

Mrs. Fleischer went on to say that we have been told that we have a limited supply. The Public Service Commission and the Department of Environmental Conservation have stated that when the water company gets up to using an average of 27.9 million gallons a day they can take Cedarpond Brook and make a new reservoir thus wrecking Cedarpond Brook but also increasing our water rate 40%. It will cost \$40,000,000.00. That figure is written in black and white in decisions of both of those agencies. She said the

Continued on Next Page

PH - Zone Change LO to R-10 - Clemensen - 12/12/89  
Page 5

reason she is preaching about this is because we need in every case the least dense solution and the least dense solution is not three more houses on that property. It is one more house. Mr. Clemensen when he bought it knew what he was getting. There is no hardship involved. He is simply trying to aggrandize that property. She noted that before he spoke of a gateway.

Ms. Fleischer said she could remember when Mr. Carroll spoke at a hearing when Mr. Nemeroff was asking to build a city where the golf course is and this gentleman came here and said in front of the Town Board hearing that he could envision nothing more beautiful than a tall skyscraper in the middle of that golf course. He said wouldn't it be beautiful. Ms. Fleischer said we didn't buy it. She said she didn't think that we needed this gateway either. She told the Board that there is no reason to bargain. In fact it is against the law to bargain with this versus a building. She said you come in for one purpose only. This is for R-10. Later on if the R-10 is denied and the applicant wishes to come in with another plan that is separate from this than I'll believe this is good in Town law.

Appearance: Mr. Yale Rapkin  
New City, New York

Mr. Rapkin said he was not here to take a position on this one way or the other but he wanted to get some things on the record. He said he has 70 acres across the street from this property so anything that happens on North Main Street one way or the other directly affects his property and he felt they could appreciate that. He said many years ago the Town fathers said Rapkin, there will be no zone changes up here; keep your property the way it is. After spending thousands of dollars he said he has a subdivision map on this particular piece of property.

He said across the street all kinds of crazy things were happening. Not through the fault of THIS board but over the years. He said in the middle of New City we have thirteen acres that were taken off the Master Plan and upzoned to one third acre within one block from shopping. He said 500 feet to the south of his property he has 500 garden apartments. Across the street we have a post office. We have a synagogue. He said he didn't care if it was a synagogue, a Catholic church, a Protestant church - it didn't belong in that area for the health, safety, etc. Some kid is going to get killed in that area and he said he worries about it. He said he drives out. He has already had three accidents himself. He said you have an office complex a little further to the north - office condominiums. Now we have this project.

Mr. Rapkin said what he is saying to the members of this Town Board is if you want to go up six stories across the street that's fine with him. If you want to go down to R-10 that is fine with him. But, he said, please when he comes in for garden apartments or he comes in for R-10 or he comes in for an office complex please don't tell me we have a serious traffic problem. It can't generate any more units because at this particular point he is sitting with five houses that he can't sell in the back of his subdivision. He said they were in the \$475,000.00 range and he is not blaming necessarily what is happening on North Main Street, it is a bad market now. He said this is a factor because people are saying what is going to happen here a year or two down the road. He said he is almost at a point right now where he can no longer use his property for the purpose for which it was intended. He said he can't build \$500,000.00 houses across the street from what he already has. He reiterated if you want to go up, if you want to give ten units to an acre, do what you want to do, that's fine with him but remember Rapkin when he comes back to you because as sure as God made little apples he will be back here.

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Appearance: Mr. Robert Knight  
Historical Review Board

Mr. Knight said we might have confused the Board somewhere along the way so he wanted to explain a little bit of the background. He said they are basically here to support Kings Builders in their original application which is where everything got confused. They originally sought PO and Mr. Knight said in their (the Historical Review Board) wisdom they agreed unanimously with

them that PO was the best zoning for that property. When that was turned down by the Town Board they subsequently came in with a new proposal for R-10. He said after considering that the Historical Review Board decided that was far too dense because their mandate is to protect the integrity of the historic house which is on the property. He said they felt R-10 was just far too dense to protect the integrity of the house. He said they were willing to reach a compromise, however, to go to R-22 which would allow one more house on the piece of property. He said they subsequently met with Mr. Balletta and Mr. Clemensen rather extensively and went over all of the various options and the various proposals and have now retreated back to their original position that the only appropriate zone for this property is PO. He said they tried to investigate and find out how it got to be LO because you can't build anything on one acre of LO. The setbacks are more than 400 feet of the property. You could probably stick a toothpick in the middle of it but that's about it. He said they were never able to figure out how it got zoned LO.

Mr. Knight said their basic position is that the only sensible zone for this property and the only zone that would protect the integrity of the house would be to zone it PO which all of the surrounding property around it is already PO. If you look at the zoning map it looks logically like this piece was intended to be PO as well and somehow just got left out. He said in their meetings with Kings Builders they even went over the plans that they (Kings) had for the office building if the two properties were both zoned PO they could build the lower office building two stories high instead of three stories and use a portion of the back of the house property for the parking with one wing of the building going behind the house where it could be screened and not really seen. The house could still be by itself. It wouldn't be crowded in and they think the neighborhood would be served by the lower profile office building only two stories in height instead of three. He said for every reason they could think of, after going over this for several months, the only conclusion they can come to unanimously is that this property should be rezoned PO. He said they are here to support Kings Builders but in the original proposal not in the current proposal.

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

Mr. Pantano said he has been before this Board in the past twenty-five years probably a thousand times against down zoning. He said some people want nothing put on the piece of property and that isn't fair to the gentleman. Putting three homes on the land isn't fair to the people in that area. He said he was not at the meeting or at least he didn't recall being there when the people came out against the PO zone. He said knowing the piece of property he would consider that, in his opinion, something that would be tastefully done and probably satisfy just about everybody in that area. He said he did not think it fair to have the gentleman come for a PO zone; turn him down and then have him come for something else. If you are going to come to a compromise he would agree with the gentleman who spoke before that one house possibly could be added. He felt that a real compromise is the change to the PO zone as he just could not see anything else. He

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thinks it should be ended soon for the benefit of the neighborhood and the benefit of the applicant.

Appearance: Mr. Howard Katz  
4 Tarry Hill Drive  
New City, New York

He said his property adjoins the property in question. He said if this Board remembers the original time when Mr. Clemensen requested the rezoning to PO there was a lot of controversy and resistance from the community. This Board, in its wisdom, turned down that request. Subsequent to that period of time the community in which he lives, Tarry Hill, sat down with Mr. Balletta and his partners and discussed this property trying to come to an intelligent conclusion as to what should happen with it. There are certain realities which exist there - current zoning is that reality. As everybody has said the LO designation of the old Fitch property is not correct. What do you do? The corner property which is PO someone owns and wants to build an office building. We came to a compromise. There is a precedent being set here. The precedent is that the community and the builders sat down 180 degrees apart and came to what was felt is the best possible solution for all. He said it is certainly not the best possible solution for him and certainly not the best possible solution for Kings Builders but it is a compromise. Mr. Katz said he was asking the Board, in its wisdom, to take that into consideration.

Mr. Katz said all the parties have worked it out and it is a good precedent. It is a good way to do things rather than fight it out in public. We came to a reasonable agreement and he asked the Board to support the change to the R-10. He said he did not believe that it was going to cause a cascading effect on downzoning in other available land. There is certainly enough various zoning in that area that if one wanted to build a case for downzoning you wouldn't need this particular zone change to support you. He said in addition he did not think this is really a precedent. It is solving a long term problem. The problem is that it is currently LO. It should never have been LO. It probably should have been R-22. He thinks that change came to this Board at least three times in the past. It should be R-22. He said he would love nothing more than to have this a complete residential zone with no commercial buildings. That is not reality. Reality is what it is today. This is a good compromise and he would ask the Board to pass it.

Councilman Kunis said he wanted some of the people opposed to this zone change to clearly understand what could happen if there is no zone change? Opposed to the three houses that can be built on R-10 there could be a three story office building of 22,000 square feet and that is for the property in use as zoned as we sit here today. Councilman Kunis asked were it to be rezoned PO, as you requested, how many thousand square feet would you propose putting up? He was answered 23,000 square feet. He went on saying if it is zoned PO, as requested we are talking about a 23,000 square foot office building in north New City opposed to a 12,000 square foot office building and three single family homes. He said he just wanted the people who are opposed to this to clearly understand that. This can be done without a zone change by right.

Councilman Kunis said let us assume there is a precedent set. If you were to change it to PO you would be setting a precedent of PO along north New City and across the street. The question is do you want to set a precedent of PO or do you want to set a precedent of R-10? What is going to create fewer problems? He said he is throwing these questions out as he has heard both sides of the story this evening. It is a dilemma but he also thinks in the several years he has been on the Board this is the first time where he has seen the community and a builder and a developer and an applicant actually work something out where it seems everybody came

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in and everybody on both sides was pleased. Each side gave a little bit. He just wanted it clearly understood that there could be a 23,000 square foot, three story office building very similar to the Nardone Pavillion just north of us here, built on the property in question without a zone change.

Appearance: Ms. Cynthia Streeter

Mrs. Streeter said she was wondering how this will affect the building of the Shabad which is just behind this area? Now, that will have traffic coming and going. That will also have people who will have to walk there for religious purposes at certain times of the week. She said she wondered if this impinges in any way on the rights of the Shabad.

Councilman Kunis asked what rights? Mrs. Streeter said she did not know but she envisions a three story building. Councilman Maloney said the owner has a right to build that under the present zoning. Mrs. Streeter said is that LO? She was told no, under PO. There are two pieces - one zoned LO and one zoned PO. Councilman Kunis said right now he can go out and build without coming before this Board and it is his right to put up a 23,000 square foot office building on the PO. Councilman Kunis said we are now referring to an agreement that was worked out between both sides for a smaller office building - two story, 12,000 square feet and three single family homes as opposed to a 23,000 square foot office building in north New City.

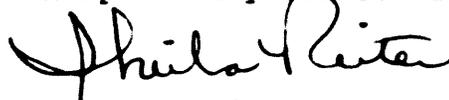
Mrs. Streeter said this strikes her as a little bit of a squeeze. Councilman Kunis said it is a squeeze. The man has a right and is working with the community to sort of upzone and downgrade the size of the office building. He said he considers it an upzone when you take a 23,000 square foot office building and reduce it to 12,000 square feet and you sacrifice three homes for it and the neighborhood is in favor of it. He said he would consider that an upzone not a downzone. He said is it a squeeze? Yes, it is a squeeze. Why is it a squeeze? Because he has a right to do something and it is his right and he has worked out something with the community and they agree with it.

Mrs. Streeter said he didn't work it out with her. Councilman Kunis said that's right and the only one who has gotten squeezed is the developer. Mrs. Streeter said really? Councilman Kunis said that is correct. Mrs. Streeter said it seems to her that this is an area of R-22 housing and this developer did not go around to a lot of them. She said they never had any word from him and she said she personally was in favor of seeing it remain R-22. Councilman Kunis said it is not R-22 right now. Mrs. Streeter said she meant to have it become R-22. It should have been done years ago. Councilman Kunis said if it does become R-22 again he has a right to put up a 23,000 square foot office building. Mrs. Streeter said not in R-22. Supervisor said then you are not in favor of the zone change and Mrs. Streeter said no. She thought it should be R-22. Councilman Maloney said he is not asking for R-22.

Mrs. Fleischer said that the Planning Board had stated that they would not approve a three story office building. She said there is a misconception here that there could be a three story building. The Planning Board told them they would not approve a three story building. Supervisor asked is that what the Planning Board said? Mrs. Fleischer said yes. Supervisor said let the record show that is what the Planning Board said.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:05 P.M.

Respectfully submitted,

  
SHEILA REITER,  
Deputy Town Clerk