

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/20/89

8:13 P.M.

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

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

Supervisor opened the public portion of the meeting.

Appearance: Mr. Michael Merryman
West Nyack, New York

Mr. Merryman spoke regarding the Pyramid Corporation especially with regard to various malls built in the New York and Massachusetts area. He spoke at length and in detail about problems encountered when these malls were being constructed. He quoted from officials in other areas who advised Rockland County officials to be wary of Pyramid and its tactics.

Mr. Merryman said 70% of women shoppers go to Bergen County in New Jersey. He said if you want to keep them here you have to analyze the reason they go to Bergen. They go because of low prices and no taxes. We would have to bring people into this mall who would assure us that the prices would be within the reach of the residents of the County.

Mr. Merryman suggested that the State Government Integrity Committee be consulted by people who are working on this project here in Rockland.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item 9a - Creation of Position of Administrative Director - Building Department - Building. He asked if that was also temporary or is that going to be permanent? Supervisor said the person who will fill it right now will be temporary but ultimately there will be a Building Administrator as a permanent position. Mr. Cuff asked will he be in charge of the Building Inspectors? Supervisor said in the operation of the Building Department, the Building Inspector has certain statutory powers which obviously are indigenous only to him. They will remain. Building Inspector, as the Town Board envisions it, will be there to make decisions on all building issues expeditiously and none of his powers in that regard will be infringed upon. The administrator will be there to administrate the department and that is basically the difference. The administrator will not be doing Building Inspector work.

Mr. Cuff said then we are just creating another position is what it amounts to. If there is a problem in the Building Department the Supervisor said you would go to the Building Administrator. Mr. Cuff said if there is a problem now? Supervisor said if there is a problem in the Building Department a person would make that complaint through the Building Administrator.

Mr. Cuff asked are we also eventually going to have an Administrative Director at the Highway Department and one at the Town Garage and maybe one at the Transfer Station and one ... Supervisor said no. Mr. Cuff said he thinks this is a prime example of what the previous speaker just finished talking about. When we have a problem we throw money at it. He said he did not know of any other towns in Rockland County that have an Administrator over the top of a Building Department. Supervisor said he could not speak to that except he would say that there is no other towns that have a Building Department as busy as ours is. He said Ramapo is a town as

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large as ours but there really isn't a town of Ramapo and the other towns are certainly a lot smaller and have larger villages. Basically, we have a department here with more than twenty people working in it and a large volume of business. It needs to be handled expeditiously.

Mr. Cuff said after talking with people in the Building Department he did not think anyone from this Administration, including the Council people, have sat down and talked with the Building Department to determine if it is something internal that could be corrected without outside administration or without an outsider coming in. He said it would seem to him that the first procedure would be to have a summit conference with the people of that department and see if they can't streamline their operation or with the cooperation of Mr. Ghiazza, streamline their operation, and keep the cost of administration down some more.

Appearance: Mr. Martin Feldi
New City, New York

Mr. Feldi said that the Supervisor had stated that we have more work than most other towns. He said that is not true as far as new building permits are concerned. Supervisor said maybe not that, but overall - inspections, refinancing, etc. Mr. Feldi said maybe some of the work we are doing in our Building Department is obsolete in this day and age and maybe we should cut some of these things out. He said he recently did some building in the Town of Stony Point and their Town Engineer came to the door and gave him all the information he needed for building new homes. He said it seemed the whole Town of Stony Point had only six or seven employees in there. He said Mr. Hershkowitz is building one hundred homes in one particular spot. He said there are a lot of homes being built up there. They seem to handle it very well and have as good inspections as they have in the Town of Clarkstown with half the fees. Their taxes are half and we seem to have trouble with our taxes already with the dump problem coming up.

Mr. Feldi said none of us know what the outcome will be or what our final taxes will be when we see the problems we are going to encounter along the way. He stated that he read that we are going to have a \$6,000,000.00 police station. Now, since there is very little land left to build on in the Town of Clarkstown we are talking of a super agency. Maybe Mr. Ghiazza will find out it is too big already and there are too many workers. He said our taxes keep being raised and he wanted to know where is the fiscal responsibility? He said even if you hand a young married couple a house today which is free and clear they still can't afford to live here. We have seen in Suffolk County and we have seen it in Nassau County that people can't give their homes away because the people can't afford the taxes. Where does it end? Do we need a \$6,000,000.00 police station? People are getting concerned and mad about it. You are irritating people with these things.

Now, we have ninety percent of our land built on over the years and we got along fine with the Building Department as it was. Now we have the need to create a super agency that entails pensions, etc. He said he was very angry about this.

RESOLUTION NO. (1133-1989)

ACCEPTING MINUTES OF
SPECIAL TOWN BOARD MEETING
OF NOVEMBER 21, 1989 AND
TOWN BOARD MEETING OF
NOVEMBER 28, 1989

Co. Smith offered the following resolution:

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RESOLUTION NO. (1133-1989) Continued

RESOLVED, that the minutes of the Town Board Meeting of November 28, 1989 and Special Town Board Meeting of November 21, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1134-1989)

AUTHORIZING SETTLEMENT OF
TAX ACTION (VERGA, ET AL V.
TOWN OF CLARKSTOWN AND
COUNTY OF ROCKLAND)

Co. Maloney offered the following resolution:

WHEREAS, proceedings were commenced in Supreme Court, State of New York, County of Rockland, entitled SAMUEL D. VERGA, ET AL V. TOWN OF CLARKSTOWN AND COUNTY OF ROCKLAND, Index No. 3737/85, and

WHEREAS, the Supreme Court of the State of New York has set down this matter for the assessment of damages to the plaintiffs therein, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the payment of \$50,000.00, and

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown and Joseph McCale, Special Counsel to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated, and the Town Attorney and/or Joseph McCale, Special Counsel is authorized to sign all documents necessary to effectuate such settlement.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1135-1989)

ACCEPTING DEEDS AND
RECIPROCAL EASEMENT FROM
CHAMPION INTERNATIONAL CORP.

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1135-1989) Continued

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as CHAMPION INTERNATIONAL CORP., the Planning Board of the Town of Clarkstown requested certain documents;

NOW, THEREFORE, be it

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

1. Deed dated November 8, 1989, from Champion International Corp. to the Town for road widening purposes along West Nyack Road, West Nyack, New York;

2. Deed dated November 8, 1989, from Champion International Corp. to the Town for a proposed road beginning at the southwesterly corner of Lot 3;

3. Deed dated November 8, 1989 from Champion International Corp. to the Town for a drainage easement;

4. Declaration of Reciprocal Easements for driveway and utility purposes made by Champion International Corp. dated November 8, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1136-1989)

AWARDING BID FOR BID
#77-1989 - REMOVAL OF TIRES
FROM SANITARY LANDFILL
(RECYCLING PRODUCTS OF
ROCKLAND)

Co. Maloney offered the following resolution:

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

BID #77-1989
REMOVAL OF TIRES FROM SANITARY LANDFILL

is hereby awarded to

RECYCLING PRODUCTS OF ROCKLAND
183 WESTERN HIGHWAY
WEST NYACK NY 10994
PRINCIPALS: SAL FRANCO
ANGELO CARBONE
CARMINE CARBONE

as per their low bid proposal of \$75.00 per ton, and be it

FURTHER RESOLVED, that said award is subject to the furnishing to the Clarkstown Director of Purchasing, with a Certificate of Automobile Liability Insurance with a combined single limit of \$500,000.00 for bodily injury and property

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RESOLUTION NO. (1136-1989) Continued

damage and a properly executed Save Harmless Agreement. A Certificate of Workers Compensation Coverage shall also be furnished.

(Councilwoman Smith asked that the tires stored down at the Highway Department also be included in this.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1137-1989)

AWARDING BIDS FOR BID
#74-1989 - SALE OF SURPLUS
VEHICLES (TEPLITZ AUTO
PARTS, WOODSIDE MOTORS,
LIBERTY MOTORS, BROOKFIELD
AUTO WRECKERS AND MAPA
INTERN. TRADING)

Co. Maloney offered the following resolution:

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

BID #74-1989
SALE OF SURPLUS VEHICLES

is hereby awarded to

TEPLITZ AUTO PARTS
P.O. BOX 280
102 WEST NYACK ROAD
NANUET, N.Y. 10954
PRINCIPALS: ANTHONY N. TEPLITZ III
ADEL K. TEPLITZ

WOODSIDE MOTORS
43-29 CRESCENT STREET
LONG ISLAND CITY, NY 11101
PRINCIPALS: JACK GINGOLD
BILL HUPPERT

LIBERTY MOTORS
1705 KENNEDY BLVD
JERSEY CITY, N.J. 07305
PRINCIPAL: GARY DROUTMAN

BROOKFIELD AUTO WRECKERS
275 LAMONT STREET
ELMSFORD, N.Y. 10523
PRINCIPALS: THOMAS HORNER
EDWARD MALONE
CHARLES GROAP
ROBERT BJOCKLAND

MAPA INTERN. TRADING
44 DELL STREET
NO. TARRYTOWN, N.Y. 10591
PRINCIPALS: MANUEL ESPINOZA
PAUL SYLVESTER

as per the attached schedule of items/prices.

(Schedule on file in Town Clerk's Office)

RESOLUTION NO. (1138-1989)

AWARDING BID FOR BID
#70-1989 - PRINTING OF TOWN
STATIONERY AND ENVELOPES
(LONG ISLAND ENVELOPE CO.,
STEVEN POSNAK & CO., RCT
PUBLISHING CO., INC.,

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RESOLUTION NO. (1138-1989) Continued

ROCKLAND COUNTY CENTER FOR
THE PHYSICALLY HANDICAPPED,
INC. JAWANIO, AND PREFERRED
BUSINESS FORMS, INC.)

Co. Maloney offered the following resolution:

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

BID #70-1989
PRINTING OF TOWN STATIONERY AND ENVELOPES

is hereby awarded to the following vendors as per the attached
schedule of items/prices

LONG ISLAND ENVELOPE CO.
240 ANDERSON AVE
MOONACHIE NJ 07074
PRINCIPAL: CALVIN GOOD

STEVEN POSNAK & CO.
PO BOX 167
100 ORANGE TPKE
SLOATSBURG NY 10974
PRINCIPAL: R. STEVEN POSNAK

RCT PUBLISHING CO. INC.
11 NEW MAIN ST.
HAVERSTRAW, NY 10927
PRINCIPAL: EVELYN DAVIS

ROCKLAND CENTER FOR THE
PHYSICALLY HANDICAPPED, INC.
JAWANIO
200 LITTLE TOR ROAD NORTH
NIW CITY NY 10956
NOT FOR PROFIT CORPORATION

PREFERRED BUSINESS FORMS, INC.
122 E MAIN ST
ELMSFORD NY 10523
PRINCIPAL: JAMES KEIRNAN

(Schedule on file in Town Clerk's Office)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1139-1989)

AUTHORIZING ATTENDANCE AT
TRAINING PROGRAM ON "USE
AND ABUSE OF WOOD FRAME
STRUCTURES" (PAPENMEYER,
BOWLER, MILICH, FLORENCE,
BEARY, SACCEDE, McDOUGALL,
SULLINGER, MAHONEY,
TRUMPER, McLEOD, LAWRENCE
AND WALSH - CHARGE TO
ACCOUNT #1010-414

Co. Smith offered the following resolution:

RESOLVED, that the following personnel of the Building
Department be authorized to attend the Training Program on the "Use
and Abuse of Wood Frame Structures" sponsored by the Department of
State at the Rockland County Training Center, Pomona, New York on
February 27 & 28, 1990 and March 1 & 2, 1990.

Feb 27 & 28, 1990 Course AE 0014

Mark Papenmeyer
Peter Florence

William Bowler
Peter Beary

Adolph Milich
Irene Saccede

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RESOLUTION NO. (1139-1989) Continued

March 1 & 2 1990 Course AE 0015

Al McDougall
George Trumper
Jack Walsh

Richard Sullinger
David McLeod

William Mahoney
Edgar Lawrence

and be it

FURTHER RESOLVED, that all necessary expenses be charged against Account #1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1140-1989)

AUTHORIZING ATTENDANCE AT TRAINING WORKSHOP ON PROVISIONS FOR THE DISABLED IN NY STATE UNIFORM CODE (MILICH, LAWRENCE, FLORENCE, MAHONEY, MCLEOD, BEARY, TRUMPER AND WALSH)

Co. Smith offered the following resolution:

RESOLVED, that the following Building Department personnel are hereby authorized to attend a Training Workshop on Provisions for the Disabled in the N.Y. State Uniform Code on January 4, 1990 in Pomona, New York

A. Milich
E. Lawrence
P. Florence
W. Mahoney
D. McLeod
P. Beary
G. Trumper
J. Walsh

and be it

FURTHER RESOLVED, that there is no cost to the Town other than the use of Town vehicles.

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. (1141-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #80-1989 - TRAILER MOUNTED SEWAGE PUMP

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1141-1989) Continued

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

BID #80-1989
TRAILER MOUNTED SEWAGE PUMP

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 12, 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. 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. (1142-1989)

ESTABLISHING POSITION OF ADMINISTRATIVE DIRECTOR, BUILDING DEPARTMENT FOR PERIOD NOT TO EXCEED ONE (1) YEAR

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 18, 1989 that the position of Administrative Director, Buildings Department in the Building Department - can be established for a period not to exceed one (1) year,

NOW, THEREFORE, be it

RESOLVED, that the position of Administrative Director, Buildings Department in the Building Department - is hereby established - effective January 1, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1143-1989)

APPOINTING TO POSITION OF (TEMPORARY) ADMINISTRATIVE DIRECTOR, BUILDINGS DEPARTMENT - BUILDING DEPARTMENT (EDWARD J. GHIAZZA)

Co. Smith offered the following resolution:

RESOLVED, that Edward H. Ghiazza, 7 Debra Lee Court, West Nyack, New York, is hereby appointed to the position of

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RESOLUTION NO. (1143-1989) Continued

(temporary) Administrative Director, Buildings Department - in the Building Department - at the salary of \$25,000.00, effective January 1, 1990 through June 30, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1144-1989)

APPOINTING TO POSITION OF
(TEMPORARY) BUILDING
INSPECTOR II - BUILDING
DEPARTMENT (TO COVER LEAVE
OF ABSENCE, WITH PAY, OF
GERALD COLUCCI) - ADOLPH
MILICH, JR.

Co. Smith offered the following resolution:

RESOLVED, that Adolph Milich, Jr., 29 New Valley Road, New City, New York, is hereby appointed to the position of (temporary) Building Inspector II - Building Department - (to cover the leave of absence, with pay, of Gerald Colucci) at the 1989 annual salary of \$43,828.00, effective January 1, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (1145-1989)

APPOINTING TO POSITION OF
(CONTINGENT PERMANENT)
SENIOR ACCOUNT CLERK - TOWN
JUSTICE DEPARTMENT (ANN T.
DEVERY)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89068B Senior Account Clerk Typist (Contingent Permanent) which contains the name of Ann T. Devery,

NOW, THEREFORE, be it

RESOLVED, that Ann T. Devery, 17 Parkway Drive, West Nyack, New York, is hereby appointed to the position of (Contingent Permanent) Senior Account Clerk - Town Justice Department - (from Certification of Eligibles #89068B Senior Account Clerk Typist) at the current 1989 annual salary of \$26,664.00, effective and retroactive to December 18, 1989.

Seconded by Co. Maloney

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RESOLUTION NO. (1145-1989) 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. (1146-1989)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SEC. 83-65 OF THE TOWN CODE
(CAL MART CONSTRUCTION
CORP. NO. 90-3 AND NON STOP
SEWER & DRAIN NO. 90-4)

Co. Carey offered the following resolution:

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

Cal Mart Construction Corp.
357A Route 59
West Nyack, New York 10994

Non Stop Sewer & Drain
125 East George Avenue
Pearl River, New York 10965

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

No. 90-3 to Cal Mart Construction Corp.
No. 90-4 to Non Stop Sewer & Drain

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. (1147-1989)

AUTHORIZING RELEASE OF
PERFORMANCE BOND NO. 940733
(SOUTH OF THE MOUNTAIN,
SEC. II SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the
Department of Environmental Control of the Town of Clarkstown,
Performance Bond No. 940733 in the sum of \$10,000.00 furnished in
connection with a subdivision known as South of the Mountain, Sec.
II, is hereby released as sufficient escrows are being held by the
Town.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (1148-1989)

MEMORIALIZING NEW YORK
PUBLIC SERVICE COMMISSION
REGARDING PROPOSED RATE
INCREASE

Co. Kunis offered the following resolution:

WHEREAS, Spring Valley Water Company has filed a rate increase application with the New York Public Service Commission seeking the right to increase its water rates by ten (10%) percent, and

WHEREAS, such an increase will have the effect of increasing the amount of taxes to be raised by the Town of Clarkstown, and

WHEREAS, such rate increase is unnecessary and not in the best interests of the taxpayers of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests and memorializes the New York Public Service Commission to deny in its entirety the rate increase application of Spring Valley Water Company, and be it

FURTHER RESOLVED, that copies of this resolution be delivered to the New York Public Service Commission.

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

Supervisor said with regard to Item No. 8 on tonight's agenda (Zone Change - Clemensen - Kings Builders - Map 60, Block A, Lot 7) there has been some concerns about changing the zone to R-10. He said a lot of the residents were desirous of that but if the applicant is here he would like to ask a question. He asked if the zone initially proposed was PO, under the PO presentation what would have been permitted to have been built?

Appearance: Mr. Robert Clemensen
Counsel and Principal

Mr. Clemensen, stating that he was counsel and principal, said that the original application for PO contemplated not just simply a change to PO but with all of the privileges that would otherwise be afforded it. He said they went over it very carefully with the Planning Board with regard to parking, buffers and traffic flow which would all be installed pursuant to planning contemplations and recommendations of the Planning Board.

Mr. Clemensen apologized to the Board as well as to the public for a lot of the confusion on this. He said in his original application he did not make clear the fact that it was their perception that privileges afford by right, by code, if we were to develop the PO parcel which is the corner parcel as PO and conform to side yards, bulk, and height to side yard ratios, we would have been able to have built a 21,000 square foot building albeit a three story building with parking beneath. He said by virtue of the fact that it was adjacent to the parcel that is now the subject matter of

this application the LO there is no precedent in the Town of CLarkstown for the Planning Board limiting the height, providing the height of the building is within the height/side yard ratios. He said, together with the Planning Board, they did not feel that this was good long term planning which is why we made the application for the entire parcel to be considered PO and a smaller, lower building spread out over a larger area. He said we all recall the implications of our application and the neighborhood's response to that. He said he was not so sure that the neighborhood was aware that was an alternative. He said we attempted to use good planning under those circumstances and that was the basis of our original application for PO. He said on the advice of this Board we then looked into the matter of residential and together with the representatives of Tarry Hill Homeowners Association came up with the proposal you have here before you.

Supervisor said in other words if you had PO on both, the one parcel was PO which you owned, you would be able to build a lower office building? Mr. Clemensen said that was right, less imposing, but with restrictions. It was never intended to be able to enjoy all of the benefits that would otherwise have been afforded by a simple zone change to PO. Supervisor said what he is saying is if the LO now was a PO and you added PO to PO and had one PO piece it would be a lower building? Mr. Clemensen said it would be a lower building but what we are proposing now is a 12,000 foot building and four residential units.

Supervisor said now let's go back to the original proposal. Mr. Clemensen said it would be approximately 23,000 square feet and a lower building. It would be two stories instead of three stories. Councilwoman Smith said if you had no change at all and you could build on PO and use the LO for parking what would be the size of the building? Mr. Clemensen said approximately 21,900. Councilman Kunis said and that would be a three story building? Mr. Clemensen said yes with parking underneath the sides. Councilman Kunis said and the other way if the property were PO instead of R-10 you are still talking about 23,000 feet which is 1,000 square feet more. Councilwoman Smith said but spread out differently. Councilman Kunis said or 11,000 square feet more than it would appear to be for you to put three houses on it? Mr. Clemenson said that's correct.

Supervisor said his suggestion is that the Town Board might consider again, depending on Mr. Jacobson looking at this, PO for the Fitch piece. Mr. Clemensen said, with significant restrictions, we are willing. Supervisor said without maybe doing anything on this one right now and in essence having another hearing on that and allowing the Town Board to decide either way which would come about in a couple of weeks. He said this is just a thought that he had. It is somewhat perplexing because even speaking with Mr. Balletta and looking at this thing there is still concerns by other residents that live there about implications of the R-10 and even with Board members here. He said what he is saying is if the Town Board had referred this in the alternative initially in effect that is what he is proposing now.

Mr. Clemensen said we share the concerns in that it just happens to be that R-10 would be the zone that would comply with our proposal. Our proposal would not enjoy all of the other benefits that would otherwise be afforded by R-10, for example, semi-detached and that sort of thing. That is not what we would be looking for. It just so happens that R-10 would be the zone that would be applicable in the proposal as it is now outlined.

Supervisor said that is what is before us now. What he is saying is that the Town Board on its own motion refer to the Planning Board and set a date for a public hearing in January on the PO from LO to PO then in essence we would have a choice. Something has to be determined one way or the other. He said he doesn't think it makes any sense to leave it LO/PO. He thought it should be either PO or R-10/PO and right now because of the way it was advertised and everything we don't have that choice. We could turn

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this down and go for PO but then we won't have the alternative of coming back to it. He asked the Town Attorney to look into whether or not we could hold this in abeyance and set a date for a public hearing with the PO and then maybe the Town Board can make a clearer decision later on. He said he did not know if that was unprecedented or not. He was asked whether or not we turned down PO and he said yes. There are other people there who even live in the same Tarry Hill Subdivision who are wavering and so if maybe we hold a hearing on the PO we will hear people's feelings about the PO again before we finally make a decision on this. One way or the other in a couple of weeks this thing will be decided. LO would be eliminated either way. Mr. Clemensen said he thought that was a fair option if it could be moved to January.

Mr. Clemensen said he just wanted to remind everyone that when they were here a year and two months ago the public did come out overwhelmingly against the PO and that is why we don't want to go that route again. Supervisor said if we were to hold a hearing on the PO again then the Town Board, before it made a decision would have an option to consider where right now we just have either this or back to LO/PO which doesn't make much sense. Councilman Maloney said it really gives us two options in a sense. Mr. Clemensen said if a month from now the Town Board did come to a conclusion of PO which would probably be inconsistent with the way the neighborhood is going, would it then be legal to make a final decision that night? Supervisor said he thought so but he would have to defer to the Town Attorney. Town Attorney said you could make the decision that night but the question is, is that the way to go? Since this was just broached to him this evening he wants to take a look at it. We have a meeting on the 29th.

Councilman Kunis said there are many residents of north New City who said they are opposed to the R-10 and one of them is the owner of a large property there. Mr. Clemensen said he really wished it were possible to identify it as R-10 with restrictions as opposed to just simply R-10 because what we are proposing is not down zoning really. It's a substantial upzoning.

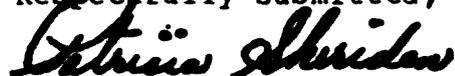
Supervisor said suppose we defer this and on our own motion, pending the Town Attorney's approval of what is being done, set a date for a public hearing in January, say the second meeting in January and refer it to the Planning Board and set a date for a public hearing on the PO for the second meeting which would give the Planning Board time to look at it again to see if they again concur in their original recommendations. That meeting would be on the 23rd of January.

Councilman Carey said he would like to offer a motion to deny this whole thing right now. Councilwoman Smith said then they would have to resubmit. Councilman Carey said he would not be on the Board so they can do whatever they want but to have R-10 up there means that everybody will be jumping on that lower zone. Supervisor said that is why we are doing this. Councilman Carey said it will destroy what is known as northern New City and he was glad he will not be around to see that one. Councilman Maloney said that is why we want the alternative.

Supervisor asked Town Attorney to set a date for a public hearing on the PO. Town Attorney said he would have a resolution prepared for the December 29th meeting calling a public hearing for the January 23rd Town Board Meeting.

There being no one further wishing to be heard and nothing further to come before the Town Board, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk