

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/9/90

8:00 P.M.

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

Supervisor declared Town Board Meeting open.

Clarkstown Police Honor Guard presented the colors. Assemblage saluted the Flag. Detective David Wedlick introduced Police Chief William Collins. Chief Collins stated that the Clarkstown Police Department would like to show in a small way their appreciation for the support, confidence and guidance shown to them through some of the most troubled times in the history of the Clarkstown Police Department. He asked former Police Commissioners William Carey and Michael Higgins to come forward. Chief Collins presented plaques to both gentlemen which commended their dedication, service and high integrity as Police Commissioners.

Mr. Carey thanked all of the people who had elected him to two terms on this Town Board and to the Town Board for his appointment to the Police Commission. He also thanked Chief Colling and wished him and all the members of the department the best of luck in the years to come.

Mr. Higgins said as the Chief stated we have travelled some rough roads together but the Clarkstown Police Department is still number one. He thanked this Town Board and the previous Town Board for the privilege of serving on the Police Commission.

Supervisor Holbrook said the entire Town Board is deeply indebted to Commissioners Higgins and Carey for their service to the Town of Clarkstown. He wished them well in their retirement.

Chief Collins stated that he would like to pay homage to the Honor Guard Unit of the Police Department. This unit, which has become familiar to anyone who attends Town Board Meetings, or any other ceremonies in the Town or County pertaining to veterans or police functions or special parades, was started six years ago with 25 volunteers and has grown now to 36 members with a waiting list. We had to put a cap on it because we have so many people wanting to get in. During the past six years they have marched in many parades taking numerous awards, including second place recently in Falls River, Massachusetts Invitational which included units from all over the northeast.

Chief Collins said in the past year they have been invited to Washington, D.C. to participate in the groundbreaking of the Law Enforcement Memorial, and were one of only 14 units invited at which the President of the United States participated. In addition, they were invited to march in the St. Patrick's Day Parade in Washington, D.C. They have also been asked to return to Washington. They frequently are invited, regretfully he would have to say, by many other police units in the County to officiate and serve as the honor unit at funerals.

Chief introduced: Lt. John Kubran, who is the ranking officer of the unit and Det. Gary McDonald, who has been perhaps the mainstay of this unit and has brought us through to what we are today. He has dedicated many hours of his own time. He introduced Officer David Elmendorf, who is now the training officer and who has brought with him the expertise from the military after being part of the United States Navy Presidential Ceremonial Unit which is assigned in Washington, D.C. to the Arlington Cemetery. Dave has brought the final polish to what you see here today.

Continued on Next Page

Chief Collins said the main thing he wanted to do tonight was to officially recognize this unit. Even though they have been in existence for six years they have never been recognized as an official section of the Police Department. Tonight by General Order 801, dated January 22, 1990 they are so designated as the one and only Ceremonial Unit of the Clarkstown Police. Chief Collins stated that he had intended to present a plaque to this unit but unfortunately it had not arrived in time to be presented this evening.

Detective Wedlick then introduced Thomas Sheehy, Secretary of the Clarkstown PBA. Officer Sheehy thanked Detective Wedlick and Chief Collins. In the absence of the PBA President, Chris Goodyear, Officer Sheehy thanked the outgoing Police Commissioners. He said he wanted to relay the feelings of the PBA in general. He said they have seen Mr. Carey and Mr. Higgins drive toward making the Clarkstown Police Department ready for the 21st century as well as diplomatically handling situations which have occurred here in the 20th century.

Officer Sheehy said that the working relationship between the PBA and the Commission has always been highly cooperative and very professional. Both organizations have jointly worked toward making the Clarkstown Police Department the best we can be. Many new ventures have been entered into by this Commission and he stated that they were sorry that Mr. Higgins and Mr. Carey will not be involved from here on. These include complete computerization of our dispatch and patrol functions and the new building. In reference to the new building Officer Sheehy said that even though Mr. Carey and Mr. Higgins won't be commissioners he felt sure they would be standing right next to them on dedication day just as proud of our new facility as the police themselves.

Officer Sheehy said in conclusion they look forward to keeping this relationship with Mr. Maloney and the new Commission. He wished Mr. Carey, Mr. Higgins and their families the best in their future endeavors.

Detective Wedlick called upon the Town Board members for their comments.

Councilwoman Ann Marie Smith said that the Honor Guard may not have ever been officially recognized before but every place you go you are recognized. You stand out. You are absolutely sharp and you give us every reason to be proud of you.

Councilman Steven C. Kunis said as in the past he would like to say that it is his pleasure to see the Honor Guard and members of the Police Department here on a happy occasion. He said may we only meet at happy occasions and have health in the future.

Councilman Mandia said how proud he was to be part of the team for the Police Commission and for this Police Department. He said the whole Town is proud of it and he was happy to be part of the team.

Councilman Maloney said he was certainly very proud of the Honor Guard. He said he was around when they started. They look great and get better looking every day. He said they are Number 1 and they will continue to be Number 1. He stated that as he said a few weeks ago he wanted to thank Mr. Carey and Mr. Higgins for all the time and devotion they gave as Commissioners. You don't realize the number of hours they did put in in trying to run this Department. Again, congratulations to all the men.

Supervisor Holbrook said the Honor Guard certainly adds a tremendous amount of dignity to occasions such as this and to

Continued on Next Page

promotion ceremonies and retirements, etc. It adds a little bit extra to those proceedings and makes them more meaningful. He said he was sure that was true when they go out and march in parades and other ceremonial functions. He said we are indeed delighted to have them as a special unit and commended them on their work.

The Honor Guard then retired the colors.

Supervisor declared Public Portion of the meeting open. No one appeared.

RESOLUTION NO. (44-1990)

ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF DECEMBER 20TH AND DECEMBER 29TH, 1989

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of December 20, 1989 and December 29, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (45-1990)

AMENDING RESOLUTION NO. 100-1989 RE AGREEMENT WITH S Q ASSOCIATES FOR FIFTY (50%) PERCENT OF THE COST OF PREPARATION OF ENGINEERING WORK BY KOZMA ASSOCIATES

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 700 adopted by the Town Board on July 18, 1989 shall be amended, and be it

FURTHER RESOLVED, that the agreement entered into between 18 S Q Associates and the Town of Clarkstown dated October 24, 1989 and authorized by Resolution No. 700 shall be amended to provide for the payment by 18 S Q Associates of fifty (50%) percent of the cost, not to exceed \$45,500.00, of the preparation of the engineering work by Kozma Associates, Consulting Engineers, P.C., and such further percentage of the excess over and above \$45,500.00 as shall be agreed upon by 18 S Q Associates and the Town of Clarkstown, which agreement shall be entered into prior to the Town of Clarkstown entering into an agreement with Kozma Associates, Consulting Engineers, P.C.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (46-1990)

AWARDING BID # 8-1990 -
PHOTOCOPIER AND FACSIMILE
MACHINE SUPPLIES (BOUTONS
BUSINESS MACHINES, INC.,
DEC COPIERS, INC., ALL
DISCOUNT COPY SUPPLIES,
INC., AND XEROX CORPORATION

Co. Maloney offered the following resolution:

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

BID #8-1990
PHOTOCOPIER AND FACSIMILE MACHINE SUPPLIES

is hereby awarded to the following vendors as per the attached
item/price schedule

BOUTONS BUSINESS MACHINES, INC.
95 Route 304
Nanuet, N.Y. 10954
Principal: John Maiorano

DEC COPIERS, INC.
6A Route 9W
West Haverstraw, N.Y. 10993
Principals: Chuck Wurf
Gil Lieberman

ALL DISCOUNT COPY SUPPLIES, INC.
7 Elmwood Drive
New City, N.Y. 10956
Principal: Sheldon Buchman

XEROX CORPORATION
555 White Plains Road
Tarrytown, N.Y. 10591
A Public Corporation

(Item/Price Schedule on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (47-1990)

AWARDING BID FOR BID
#3-1990 - PAPER & PLASTIC
SUPPLIES (E. A. MORSE &
CO., CITIBAG INC., STRAUSS
PAPER, MT. ELLIS PAPER CO.,
MORMAX CO., AND BURKE
SUPPLY CO.)

Co. Maloney offered the following resolution:

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

BID #3-1990
PAPER & PLASTIC SUPPLIES

is hereby awarded to

E. A. MORSE & CO.
PO BOX 728
MIDDLETOWN NY 10940
PRINCIPALS: EMERSON A. MORSE II
WINIFRED V. MORSE

CITIBAG, INC.
768 FREHLINGHUYSEN AVE
NEWARK NJ 07114
PRINCIPAL: MICHAEL DIMIN

Continued on Next Page

RESOLUTION NO. (47-1990) Continued

STRAUSS PAPER
10 SLATER STREET
PORT CHESTER NY 10573
PRINCIPALS: STEWART STRAUSS
ROBERT JONAP
JOYCE JONAP

MR. ELLIS PAPER CO.
PO BOX 4083
NEWBURGH NY 12550
PRINCIPALS:
SEYMOUR KAPLOWITZ
CLIFFORD KAPLAN
MILTON CANTOR

MORMAX CO.
1455 CRUMWELL AVE
BRONX NY 10452
PRINCIPALS: DAVID SACKSER
BERNARD BERTASH

BURKE SUPPLY CO.
800 MEEKER AVENUE
BROOKLYN NY 11222
PRINCIPALS: NORMAN BERKWITZ
PHIL BEREKWITZ

as per schedule on file in the Purchasing Department.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (48-1990)

AWARDING BID FOR BID
#79-1989 - TRUCK SCALES FOR
CLARKSTOWN POLICE
DEPARTMENT (PAT EQUIPMENT
CORPORATION INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Chief of Police and Director of Purchasing that

BID #79-1989
TRUCK SCALES FOR CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to

PAT EQUIPMENT CORPORATION INC.
20 E SIXTH STREET
PO BOX 231
WAYNESBORO PA 17268
SUBSIDIARY OF PIETZSCH AG, WEST GERMANY

at the proposed unit cost of \$2,975.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (49-1990)

AWARDING BID FOR BID
#7-1990 - ATHLETIC AND
RECREATION SUPPLIES -

RESOLUTION NO. (49-1990) Continued

(ANACONDA-KAYE SPORTS, ARC,
BSN CORPORATION, CHAMPION
PRODUCTS, INC., FLAGHOUSE,
KENMAR, MILLMANS T'SHIRT
FACTORY, MORLEY ATHLETIC
SUPPLY CO., INC., PASSON'S
SPORTS, SPORTSMASTER,
T.D.SPORTING GOODS, AND USC)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Anaconda-Kaye Sports
1221 Ulster Avenue
Kingston, New York 12401

ARC
Rt. 121
No. Salem, NY 10560

BSN Corporation
Box 7726
Dallas, Texas 75209

Champion Products Inc.
3141 Monroe Avenue
Rochester, NY 14618

Flaghouse
150 N. Mac Questen Parkway
Mt. Vernon, New York 10550

Kenmar
1578 White Plains Road
Bronx, New York 10462

Millmans T'Shirt Factory
778 Main Street
Poughkeepsie, New York 12603

Morley Athletic Supply Co.,
Inc.
P.O. Box 557
Amsterdam, New York 12010

Passon's Sports
1017 Arch Street
Philadelphia, Pa. 19107

Sportsmaster
P.O. Box 5000
Pittsburg, Pa. 15206

T.D. Sporting Goods
16 Sandhage Drive
Pearl River, NY 10965

USC
One Olympic Drive
Orangeburg, NY 10962

(Item numbers and prices on file in Town Clerk's Office)

GROSS TOTAL FOR ALL ITEMS: \$28,576.27

and be it

FURTHER RESOLVED, that this amount \$28,576.27 be charged against accounts:

| | |
|---------------|-----------|
| 7140-307..... | \$ 188.52 |
| 7141-222..... | 823.51 |
| 7141-329..... | 2,298.36 |

Bid #7-1990 - Athletic and Recreation Supplies

| | |
|---------------|-------------|
| 7180-307..... | \$ 3,452.64 |
| 7180-329..... | 146.00 |
| 7210-307..... | 184.32 |
| 7310-222..... | 267.84 |
| 7310-307..... | 12,658.83 |
| 7310-329..... | 7,654.22 |
| 7610-329..... | 89.18 |
| 7620-307..... | 350.00 |
| 7620-329..... | 462.85 |

and be it

Continued on Next Page

RESOLUTION NO. (49-1990) Continued

FURTHER RESOLVED, that award pending on items #1 and #81. No bid awarded to item #20A.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (50-1990)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT DORIS DRIVE,
NANUET

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

Doris Drive Nanuet
(Install - One (1) 5800 lumen sodium vapor
street light on existing pole number 58970/40249)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (51-1990)

BOND RESOLUTION AUTHORIZING
CONSTRUCTION OF ROAD
IMPROVEMENTS TO LENOX
AVENUE, CONGERS

Co. Kunis offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JANUARY 9, 1990, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS TO LENOX AVENUE, CONGERS, WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF

RESOLUTION NO. (51-1990) Continued

IS \$147,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$147,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following a public hearing duly called and held to consider the construction of road improvements to a portion of Lenox Avenue, Congers, in the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, at an estimated maximum cost of \$147,000, the Town Board of the Town (herein called "Town Board"), determined pursuant to the resolution duly adopted on October 11, 1988, that it is in the public interest to make said road improvement, and authorized the construction of such road improvement pursuant to the survey, plans and specifications to be prepared therefor by the Director of Environmental Control of said Town;

NOW, THEREFOR,

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct road improvements, consisting of a "T structure road", to a portion of Lenox Avenue, Congers, for a frontage distance of approximately 1,800 lineal feet, according to Town specifications, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$147,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$147,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said road improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, using a per front foot formula so that all parcels having primary access on Lenox Avenue shall pay a rate which is one and one-half (1-1/2) times the rate paid by those parcels which do not have primary access to the improved road being constructed on Lenox Avenue, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$147,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$147,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(b) or (c) of the Law, is fifteen (15) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d.3(i) of the Law.

Continued on Next Page

RESOLUTION NO. (51-1990) Continued

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Sec. 81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Councilwoman Smith and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilmen Maloney, Kunis and Mandia and Councilwoman Smith

NOES: None

RESOLUTION NO. (51-1990) Continued

The resolution was declared adopted.

RESOLUTION NO. (52-1990)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO HAVE CAUSED NECESSARY SURVEY WORK VICINITY OF BLAUVELT ROAD, CHURCH STREET, COLLEGE AVENUE INTERSECTION, NANUET, NEW YORK AND CHRISTIAN HERALD ROAD FROM N.Y.S. ROUTE 303 TO N.Y.S. ROUTE 9W, VALLEY COTTAGE, NEW YORK - CHARGE TO CAPITAL FUND #2

Co. Kunis offered the following resolution:

WHEREAS, the Town of Clarkstown is planning to install traffic control devices at the intersection of Blauvlet Road, Church Street, College Avenue, Nanuet, New York, and construct sidewalks along Christian Herald Road from N.Y.S. Route 303 to N.Y.S. Route 9W; and

WHEREAS, the Director of Environmental Control has recommended that the necessary right-of-way survey work be accomplished by a consulting firm;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to retain Atzl and Scatassa, Inc. to perform the necessary right-of-way survey for a sum not to exceed \$20,000.00; and be it

FURTHER RESOLVED, that this amount be a proper charge of Capital Fund #2.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (53-1990)

AUTHORIZING ATTENDANCE AT CONFERENCE ON SUICIDE - CHILDREN/ADOLESCENTS (ELLEN COHEN - DIRECTOR, CLARKSTOWN COUNSELING CENTER)

Co. Maloney offered the following resolution:

RESOLVED, that Ellen Cohen, Director, Clarkstown Counseling Center attend conference on Suicide - Children/Adolescents, on February 2 and 3, 1990 at Boston Park Plaza Hotel. Cost of conference is \$160.00 and hotel accommodations - \$210.00.

Seconded by Co. Mandia

RESOLUTION NO. (53-1990) Continued

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (54-1990)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF TOWN CODE
(ENVIRONMENTAL CONSTRUCTION
CORP. (NO. 90-8) AND J & R
D'ONOFRIO PLUMBING &
HEATING, INC. (NO. 90-12)

Co. Maloney 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:

Environmental Construction Corp.
P.O. Box 563
Stony Point, New York 10980

J & R D'Onofrio Plubming & Heating, Inc.
35 West Street
P.O. Box 88
Spring Valley, New York 10977

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

No. 90-8 to Environmental Construction Corp.
No. 90-12 to J & R D'Onofrio Plumbing & Heating, Inc.

Seconded by Co. Kunis

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (55-1990)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF TOWN CODE
TO BRUCE H. SMITH
CONTRACTING, INC. (NO.
90-5), H & R PLUMBING
HEATING & AIR CONDITIONING,
INC. (NO. 90-7), W. HARRIS
& SON, INC. (NO. 90-9) AND
MONSEY EXCAVATING, INC.
(NO. 90-10)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (55-1990) Continued

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

Bruce H. Smith Contracting, Inc.
P.O. Box 563
Stony Point, New York 10980

H & R Plumbing Heating & Air
Conditioning, Inc.
53 Massachusetts Ave.
Congers, New York 10920

W. Harris & Son, Inc.
37 W. Washington Avenue
Pearl River, New York 10965

Monsey Excavating, Inc.
18 Laura Drive
Monsey, New York 10952

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 90-5 to Bruce H. Smith Contracting, Inc.
- No. 90-7 to H & R Plumbing Heating & Air Conditioning, Inc.
- No. 90-9 to W. Harris & Son, Inc.
- No. 90-10 to Monsey Excavating, Inc.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (56-1990)

MANDATORY RECYCLING PROGRAM
TO INCLUDE ALL METAL CANS

Co. Smith offered the following resolution:

WHEREAS, the Mandatory Recycling Program of the Town of Clarkstown, Local Law No. 5 of 1989, provides that additional recycling materials may be designated by the Town Board of the Town of Clarkstown for inclusion in the recycling program;

NOW, THEREFORE, be it

RESOLVED, that the Mandatory Recycling Program shall include all metal cans.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (57-1990)

REFERRING PROPOSED CHANGE
OF ZONE FROM LO DISTRICT TO
PO DISTRICT TO CLARKSTOWN
PLANNING BOARD AND ROCKLAND

RESOLUTION NO. (57-1990) Continued

COUNTY COMMISSIONER OF
PLANNING AND SETTING PUBLIC
HEARING RE SAME - MAP 60,
BLOCK A, LOT 7 (C. R.
CLEMENSEN)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, on its own Motion, has recommended that the Zoning Ordinance of the Town be amended by redistricting property of C.R. CLEMENSEN described from an LO District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 60, Block A, Lot 7;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 23rd day of January, 1990 at 8:10 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Smith

(In answer to a question Supervisor Holbrook stated that we had the public hearing on R-10 and we reserved decision on that. At that meeting some of the Board members were not satisfied and we discussed perhaps going back and holding a hearing on the LO to PO. Some people called today and indicated that they wanted that to extend to the R-22. We can include that at the pleasure of the Town Board or not. Councilman Maloney said he just wanted to do PO. Councilman Kunis said the resolution calls for an alternative. Supervisor said that was in response to calls to his office today. He said if the Town Board so designates to include R-22 the public hearing will encompass that. Councilman Maloney said the original intent was from LO to PO. Supervisor said this is on the motion of the Town Board. At this time there is not a consensus to do the R-22. The Town Board can either leave it the way it is, change it to R-10 or after this public hearing change it to PO - those would be the three alternatives. It was decided that this hearing on January 23rd would be just on the PO.)

On roll call the vote was as follows:

Councilman Kunis said that we voted no on PO last year and he said he could not see discussing having a hearing on putting up a 23,000 square foot three story office building in north New City. It just doesn't make any sense at all and he was voting no.

Continued on Next Page

RESOLUTION NO. (57-1990) Continued

Councilman Maloney said this was going to allow us to discuss whether there should be PO or R-10.

| | |
|--------------------------|-----|
| Councilman Kunis..... | No |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (58-1990)

AMENDING RESOLUTION NO.
5-1990 AUTHORIZING
ATTENDANCE BY TOWN
DEPARTMENTS AT ASSOCIATION
OF TOWNS CONVENTION

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 5-1990 adopted by the Town Board on January 2, 1990 shall be amended as follows:

RESOLVED, that Joann Geary, Justice Court Clerk, be hereby authorized to attend the Association of Towns Convention to be held in New York City on February 18 through February 21, 1990, and reasonable expenses incurred by the aforementioned be made proper Town charges.

Seconded by Co. Smith

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (59-1990)

AMENDING RESOLUTION NO.
5-1990 AUTHORIZING
ATTENDANCE BY TOWN
DEPARTMENTS AT ASSOCIATION
OF TOWNS CONVENTION

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 5-1990 adopted by the Town Board on January 2, 1990 shall be amended as follows:

RESOLVED, that Dolores Lodico and Doris Fogel of the Town Comptroller's Office are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 18 through February 21, 1990, and reasonable expenses incurred by the aforementioned be made proper Town charges.

Seconded by Co. Smith

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (60-1990)

APPOINTING TO (PERMANENT)
POSITION OF UTILITY
SERVICES COORDINATOR -
CONSOLIDATED STREET LIGHTS
(PATRICIA A. BETZ)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89202 Utility Services Coordinator - which contains the name of Patricia A. Betz,

NOW, THEREFORE, be it

RESOLVED, that Patricia A. Betz, R.R. #1, Box 742, Bailey Road, Montgomery, New York, is hereby appointed to the (permanent) position of Utility Services Coordinator - Counsolidated Street Lights - at the current annual salary of \$34,286.00, effective January 10, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (61-1990)

APPOINTING TO POSITION
(TEMPORARY) WEIGHER I -
SANITARY LANDFILL (COLUMBUS
BOWDEN)

Co. Smith offered the following resolution:

RESOLVED, that Columbus Bowden, 6 Duane Avenue, New City, New York, is hereby appointed to the position (temporary) Weigher I - Sanitary Landfill - at the current annual salary of \$20,252.00, effective January 10, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (62-1990)

CREATING POSITION OF REAL
PROPERTY DATA COLLECTOR -
ASSESSOR'S OFFICE

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on January 5, 1990 that the position of Real Property Data Collector - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Real Property Data Collector - Assessor's Office - is hereby created - effective January 10, 1990.

RESOLUTION NO. (62-1990) Continued

Seconded by Co. Maloney

Councilman Kunis asked if this position was a new position, a new person, what is the salary and just what is this all about? He said this was the first he heard about it. He asked for an explanation.

Supervisor said this is a position that has been vacant there for awhile and it was recommended to be filled by the Assessor's office. It is being put before the Board for our consideration.

Councilwoman Smith said what we are doing is eliminating clerking positions and making data collectors so that they can make the entry. It is one and the same job so the clerking positions can be eliminated. The only reason that Clerk has to remain in the title remaining is because there is a woman who is working in the Police Department now and until she passes the Police Department test she has to be able to come back to her prior position. Eventually, the Clerk will be eliminated and the Data Collector will be added.

Councilman Kunis said but we haven't eliminated the clerk at this point? Councilwoman Smith said we can't. We have to create one to do the other.

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

RESOLUTION NO. (63-1990)

APPOINTING TO (PERMANENT)
POSITION OF WEIGHER I -
SANITARY LANDFILL (GEORGE
D. KENT)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89194 Weigher which contains the name of George D Kent,

NOW, THEREFORE, be it

RESOLVED, that George D. Kent, 26 Lake Road West, Congers, New York is hereby appointed to the (permanent) position of Weigher I - Sanitary Landfill - at the current annual salary of \$20,252.00 - effective January 10, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

| | |
|--------------------------|---------|
| Councilman Kunis..... | No |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Abstain |

RESOLUTION NO. (64-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #13-1990 -
PRINTING OF SPRING/SUMMER
RECREATION BROCHURE

Co. Smith offered the following resolution:

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

BID #13-1990
PRINTING OF SPRING/SUMMER RECREATION BROCHURE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,
February 1, 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 Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (65-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #14-1990 -
MUNICIPAL COMPUTER SOFTWARE

Co. Smith offered the following resolution:

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

BID #14-1990
MUNICIPAL COMPUTER SOFTWARE

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,
February 16, 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 Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (66-1990)

REPUBLISHING NOTICE OF
PUBLIC HEARING REGARDING
PROPOSED AMENDMENT TO
ZONING ORDINANCE OF TOWN OF
CLARKSTOWN RE: HOME
OCCUPATION

Co. Maloney offered the following resolution:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Clarkstown, Rockland County, at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 23rd day of January, 1990, at 8:00 P.M., to consider the adoption of the following amendment 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.

(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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

(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-80 District, Table 1, Column 4, by adding Item 7(p) as follows:

"7(p). 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-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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

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

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

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 4, by adding Item 7(p) as follows:

"7(p). 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.

(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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

(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-22 District, Table 3, Column 4, by adding Item 7(p) as follows:

"7(p). 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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

(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 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 4, by adding Item 7(p) as follows:

"7(p). 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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

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-8

- from: "A-8. 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-8. 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.

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

(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 4, by adding Item 7(p) as follows:

"7(p). 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-7

from:

"A-7. 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."

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

to: "A-7. 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-160 District, Table 18, Column 4, by adding Item 6(p) as follows:

"6(p). 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."

Continued on Next Page

TBM - 1/9/90
Page 27

RESOLUTION NO. (66-1990) Continued

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."

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."

Continued on Next Page

RESOLUTION NO. (66-1990) Continued

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. Smith

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | Yes |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

On motion of Councilman Smith, 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 reopened, having been continued from December 12, 1989, time: 8:35 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 closed, RESOLUTION ADOPTED, time: 8:37 P.M.

RESOLUTION NO. (67-1990)

SEQRA RESOLUTION REGARDING
PROPOSED AMENDMENT TO THE
ZONING ORDINANCE FROM LIO
TO MF-3 - MAP 123, BLOCK D,
LOT 3 (CEFOLA)

Co. Smith 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 8:05 P.M., to consider the application of MICHAEL and DONNA CEFOLA, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners described on the Clarkstown Tax Map as Map 123, Block D, Lot 3, from an LIO District to an MF-3 District, and

RESOLUTION NO. (67-1990) Continued

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 Full Environmental Assessment Form pursuant to SEQRA;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Planning Consultant, dated December 12, 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. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (68-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
LIO TO MF-3 - MAP 123,
BLOCK D, LOT 3 (CEPOLA)

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 8:05 P.M., to consider the application of MICHAEL and DONNA CEPOLA, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners described on the Clarkstown Tax Map as Map 123, Block D, Lot 3, 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 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 LIO District to an MF-3 District, the following described property in the Hamlet of Valley Cottage, New York, in said Town, and

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the area does not need to be comprehensively restudied as recommended and that the impact of this change shall not be significant, 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

Continued on Next Page

RESOLUTION NO. (68-1990) Continued

published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law, and be it

FURTHER RESOLVED, that the number of units on premises be restricted to a maximum of thirteen (13).

Seconded by Co. Smith

On roll call the vote was as follows:

| | |
|--------------------------|-----|
| Councilman Kunis..... | No |
| Councilman Maloney..... | Yes |
| Councilman Mandia..... | Yes |
| Councilwoman Smith..... | Yes |
| Supervisor Holbrook..... | Yes |

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance re: Loading Berths, was opened, time: 8:39 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance re: Loading Berths, was closed, RESOLUTION ADOPTED, time: 8:43 P.M.

RESOLUTION NO. (69-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
LOADING BERTHS

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of November, 1989, provided for a public hearing on the 9th day of January, 1990, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our Planning Consultant, Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated the 30th day of November, 1989, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

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

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

Continued on Next Page

RESOLUTION NO. (69-1990) Continued

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

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. Maloney

On roll call the vote was as follows:

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

On motion of of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Town Code re: Chapter 47 - Truss Type Construction, was opened, time: 8:43 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Amendment to the Town Code re: Chapter 47 - Truss Type Construction, was closed, RESOLUTION ADOPTED, time: 8:48 P.M.

RESOLUTION NO. (70-1990) AMENDING CHAPTER 47 OF TOWN CODE - FIRE PREVENTION (TRUSS TYPE CONSTRUCTION)

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

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

was introduced by Councilwoman Smith at a Town Board meeting held on the 28th day of November, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of November, 1989, directed that a public hearing be held on the 9th day of January, 1990, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 26, 1989, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 24, 1989, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 9, 1989;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1989, entitled:

Continued on Next Page

RESOLUTION NO. (70-1990) Continued

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

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

- Charles E. Holbrook, Supervisor.....Yes
- Steven C. Kunis, Councilman.....Yes
- John R. Maloney, Councilman.....Yes
- Ralph F. Mandia, Councilman.....Yes
- Ann M. Smith, Councilwoman.....Yes

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

Seconded by Co. Kunis

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance re: Hot Tubs, was opened, time: 8:45 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance re: Hot Tubs, was closed, RESOLUTION ADOPTED, time: 8:50 P.M.

RESOLUTION NO. (71-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
HOT TUBS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of December, 1989, provided for a public hearing on the 9th day of January, 1990, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend §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 within any RG or MF Zone unless it is part of a common recreation area."

Continued on Next Page

RESOLUTION NO. (71-1990) Continued

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 within any RG or MF Zone unless it is part of a common recreation area."

and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the continuation of the public hearing re: Special Permit to Construct and Operate Mini-Warehouse Facility - Map 120, Block A, Lots 23, 26 and 74 - Nyack Self Storage, Inc., was opened, time: 8:50 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the continuation of the public hearing re: Special Permit to Construct and Operate Mini-Warehouse Facility - Map 120, Block A, Lots 23, 26 and 74 - Nyack Self Storage, Inc., was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (72-1990)

SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A MINI-WAREHOUSE FACILITY - MAP 120, BLOCK A, LOTS 23, 26, AND 74 (NYACK SELF-STORAGE, INC.)

Co. Smith offered the following resolution:

WHEREAS, NYACK SELF-STORAGE, INC., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the construction of a mini-warehouse facility pursuant to the provisions of Section 106-16S and Section 106-10A, Table 12, Columns 3,4, 6, and 7 of the Zoning Ordinance of the Town of Clarkstown for property located on the south side of Route 59, Central Nyack, New York, more particularly described on the Clarkstown Tax Map as: Map 120, Block A, Lots 23, 26, and 74, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of

Continued on Next Page

RESOLUTION NO. (72-1990) Continued

Clarkstown on the 12th day of December, 1989, at 8:10 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant K. Luke Kalarickal, Deputy Director of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of K. Luke Kalarickal, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the special permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 106-14B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct and operate a mini-warehouse facility on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 106-16S of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall secure approval from the Rockland County Soil and Water Conservation District;
3. Petitioner shall secure approval and permits from the New York State Thruway Authority;
4. Petitioner shall secure approval from the New York State Department of Transportation;
5. Parking and signs shall be kept away from the New York State Thruway;

Continued on Next Page

RESOLUTION NO. (72-1990) Continued

6. Retaining walls shall be at least ten feet back from the designated street line;

7. No coiled barbed wire shall be placed on any of the fences abutting Route 59 or the New York State Thruway;

8. Exterior lighting and auto headlights should not be visible from Route 59 or the New York State Thruway;

9. Petitioner shall secure site plan approval from the Planning Board;

10. Pursuant to the Restrictive Covenant for the zone change petition of Paul, John, and Joseph Guarino, gratuitous dedications for road widenings shall be provided for Ingalls Street and Route 59 in accordance with the widths as shown on the Official Map,

and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: January 9, 1990

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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 Councilman Kunis and unanimously adopted, the Town Board Meeting was declared closed, time: 8:55 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/9/90

8:35 P.M.

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

RE: CONTINUATION OF PUBLIC HEARING BEGUN ON DECEMBER 12, 1989
CHANGE OF ZONE FROM LIO TO MF-3 - MAP 123, BLOCK D, LOT 3 -
CEFOLA

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared reopened. Supervisor noted that the public hearing had been recessed because action could not be taken at that time because the SEQRA had not been completed.

Supervisor asked if there was anyone present who had anything to add with regard to this zone change.

Town Attorney stated that the SEQRA was satisfactory. He said in correspondence from Robert Geneslaw it was stated that they had reviewed the long EAF dated 12/1/89 which stated that their review did not disclose any adverse environmental impact. Therefore the Town Board could adopt a negative declaration.

Supervisor asked if the applicant had any further comment to make with regard to this?

Donald S. Tracy, attorney for the petitioner, stated that he wanted to emphasize that they were not changing the use on the site. The use presently exists and anything that would be done there would, of course, require some additional variances. It would upgrade what is presently a somewhat antiquated and run down area of the town into something which will be modern, updated and a better ratable.

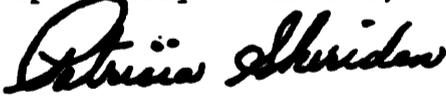
Councilman Maloney asked how many units would be there. Mr. Tracy said thirteen.

Councilman Maloney said it is MF-3 they are asking for but actually the number will be less than an MF-3.

Councilman Mandia asked if there would be a covenant protecting the town indicating that there would be no more than thirteen units in this piece. Supervisor said there would be.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, time: 8:37 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION ADOPTED NO. 68-1990 GRANTING ZONE CHANGE)

TOWN OF CLARKSTOWN
PUBLIC HEARING

277

Town Hall

1/9/90

8:39 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE RE: LOADING BERTHS

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

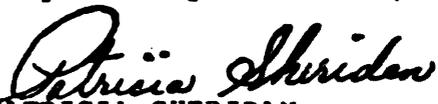
Town Attorney said SEQRA showed no significant environmental impact. The Planning Board recommends adoption. County Planning Board said it was for local determination.

Mr. Geneslaw, Planning Consultant said the purpose of this amendment is to remove from the code the present requirement that the buildings in the PO district have enclosed loading berths. It has been in the code for a long time and was apparently not enforced on a regular basis until recently. For small professional office buildings there is really no need for an enclosed loading berth. This amendment would remove that requirement.

Supervisor asked if there was anyone else wishing to make a comment. No one did.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:43 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (69-1990 ADOPTED))

TOWN OF CLARKSTOWN
PUBLIC HEARING

277

Town Hall

1/9/90

8:39 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE RE: LOADING BERTHS

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

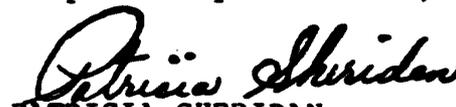
Town Attorney said SEQRA showed no significant environmental impact. The Planning Board recommends adoption. County Planning Board said it was for local determination.

Mr. Geneslaw, Planning Consultant said the purpose of this amendment is to remove from the code the present requirement that the buildings in the PO district have enclosed loading berths. It has been in the code for a long time and was apparently not enforced on a regular basis until recently. For small professional office buildings there is really no need for an enclosed loading berth. This amendment would remove that requirement.

Supervisor asked if there was anyone else wishing to make a comment. No one did.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:43 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (69-1990 ADOPTED))

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/9/90

8:43 P.M.

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

RE: AMENDMENT TO TOWN CODE - CHAPTER 47 - TRUSS TYPE CONSTRUCTION

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

Town Attorney said there are no recommendations from anyone as this is an amendment to the Code. He stated that the Fire Inspector had been pushing for this as it would identify buildings of truss type construction. Supervisor stated that he had a letter from Mr. Papenmeyer as follows:

"Attached is proposal to amend Chapter 47 of the Town Code to provide for the identification and marking of all buildings of truss type construction in the Town of Clarkstown.

Truss type of construction poses certain problems for firefighters and it is important that they be aware of which buildings contain this type of construction.

I would, therefore, respectfully submit this proposal to amend Chapter 47."

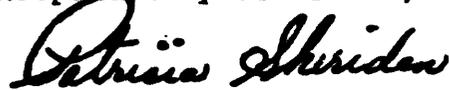
Supervisor asked if anyone wished to make a comment on this. No one did.

Councilman Mandia asked what kind of marking would that be? Supervisor said it would be an identification logo which will be supplied by the Fire Inspector.

Supervisor read from the proposal: "Upon notification the owner/occupant will be required to permanently affix a Clarkstown approved 12" x 18" reflective truss construction identification logo on the building. The exact location shall be determined by the Fire Inspector. The identification logos shall be properly installed within ten days of receipt of written notice. The initial identification logos will be supplied by the Town of Clarkstown Fire Inspector."

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, RESOLUTION DOPTED, time: 8:48 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. 70-1990 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

281

Town Hall

1/9/90

8:48 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE RE: HOT TUBS

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

Mr. Geneslaw, Planning Consultant, stated that the only change that is before the Board is to remove one sentence that says something like no part of the hot tub may be more than 12 feet from the principal structure in a single family district. The original intention was that they not be so close to the property lines that they become a problem for neighbors. The difficulty that was pointed out by the installers was that meant the hot tub had to be very close to the house in many cases because of the way the language was written and their suggestion is that they remove them altogether from the code so that there is no restriction on the distance from the house. That one sentence would be removed. The rest of it would remain as is.

Town Attorney stated that the Town Planning Board recommended approval. The County Planning Commissioner recommended approval and SEQRA stated that there was no environmental impact.

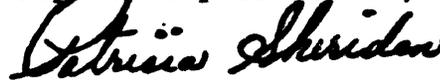
Supervisor asked if there was anyone wishing to make a comment or ask a question.

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

Mr. Lodico asked did it say that no further than 12 feet from the building. Supervisor said that was the old language which we are taking out. Mr. Geneslaw said the way it reads now is that no part of the hot tub could be more than 12 feet from the building.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. 71-1990 ADOPTED)