

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/27/90

8:00 P.M.

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

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

Supervisor read the following proclamation:

"GIRL SCOUT WEEK  
March 11-17, 1990

- WHEREAS, GIRL SCOUTS OF THE U.S.A., is the largest voluntary organization for girls in the world and recognizes that today's girls will be tomorrow's leaders; and
- WHEREAS, the Girl Scout Movement emphasizes building self-confidence, leadership skills and decision-making ability; and
- WHEREAS, GIRL SCOUTS OF THE U.S.A. celebrates individuality in girls that they may develop their full potential; and
- WHEREAS, GIRL SCOUTS OF THE U.S.A. is open to all girls ages 5 to 17 and offers a program that is responsive to their needs and interests;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, hereby proclaim March 11-17, 1990 as GIRL SCOUT WEEK in the Town of Clarkstown and thus do urge the citizens of Clarkstown to support Rockland County Girl Scouts in their endeavors.

(S E A L)

IN WITNESS WHEREOF I HEREUNTO SET MY  
HAND AND CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED THIS 27TH  
DAY OF FEBRUARY, 1990.

/s/Charles E. Holbrook  
CHARLES E. HOLBROOK, Supervisor  
Town of Clarkstown"

Supervisor stated that there were many troops present. Their leaders came forward and introduced the troops. Supervisor welcomed all the girls and stated that one of his daughters is still involved in girl scouting.

Councilman Mandia said he has been on the Board of Directors of the Rockland County Girl Scout Council for about two years. He stated that it has been one of his most rewarding experiences. He said it is a wonderful way to develop young people to become responsible citizens and to contribute to the community. He congratulated all of the girls.

Councilman Maloney said there is no finer organization for girls than the Girl Scouts of America. He hoped the girls someday realize what kind of an organization they have been in and appreciate the time and effort so many volunteers give to help further their careers, socialization, and Americanization. He said he hoped that some day they would be standing here as the leaders of other young girls. He offered his congratulations.

\*\*\*\*\*

Supervisor Holbrook made a presentation of the proclamation on behalf of the entire Town Board.

Supervisor declared public portion of the meeting open.

Appearance: Donald S. Tracy, Esq.  
Little Tor Road  
New City, New York 10956

Mr. Tracy said this is in relation to but not on a matter which is scheduled for public hearing tonight. He noted that the petition which he filed for this public hearing (Plotkin) was filed in June, 1988 indicating that they have been waiting some time for this public hearing. He said, in addition, he noted that there is a negative recommendation under 239(1), (m), and (n) of the General Municipal Law. He said in view of the fact that there are only three Town Board members here he respectfully requested that the hearing scheduled for 8:10 P.M. be opened and adjourned to a future date. He said there was supposed to be a companion hearing tonight (Fasman) on the adjacent property which, due to an error on the part of the Journal News, was not advertised. He respectfully requested, in view of the fact and in fairness to the petitioner, that the matter be adjourned to be held simultaneously with that hearing.

Supervisor stated that a number of people have come out. There was another hearing which was supposed to be held which will not be held because of an error in publication. He stated that since we are here we might as well proceed with the Plotkin hearing. The Town Board members present can take that information. The Board members not here can certainly give themselves access to the record. It does not preclude them from making a decision. He said it is up to the Board members present here, but that would be his recommendation.

Mr. Tracy said he knows some of the people who have come out tonight and he wanted to call the Board's attention to the fact that this petition has been pending since June 14, 1988. Out of fairness to the petitioner he should be able to present his case to a full Board. He said that is his position.

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff stated that he just returned from a trip down south. He gave a brochure to Councilman Mandia that he had obtained from Exxon.

\*\*\*\*\*

RESOLUTION NO. (168-1990)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF FEBRUARY 13, 1990 AND SPECIAL TOWN BOARD MEETING OF FEBRUARY 21, 1990

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of February 13, 1990 and the Special Town Board Meeting of February 21, 1990 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (169-1990)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND PROCEEDING  
AGAINST TOWN OF CLARKSTOWN  
(BERGSTOL v. TOWN OF  
CLARKSTOWN AND PLANNING  
BOARD)

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

ERIC BERGSTOL,

Petitioner,

-against-

TOWN OF CLARKSTOWN and the PLANNING  
BOARD OF TOWN OF CLARKSTOWN,

Respondents,

FOR AN ORDER AND JUDGMENT PURSUANT  
TO CPLR ARTICLE 78.

NOW, THEREFORE, be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (170-1990)

REVOKING AND RESCINDING  
RULES AND REGULATIONS OF  
THE POLICE DEPARTMENT  
ADOPTED ON DECEMBER 5, 1973  
AND ALL ADOPTED PRIOR AND  
SUBSEQUENT THERETO AND  
GRANTING TO THE POLICE  
COMMISSION THE POWER TO  
ADOPT AND ENFORCE RULES,  
ORDERS AND REGULATIONS FOR  
GOVERNMENT, DISCIPLINE,  
ADMINISTRATION AND  
DISPOSITION OF POLICE  
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, it is the intent of the Town Board, whether  
pursuant to Rockland County Police Act section 2B, Town Law section  
54, or otherwise, to vest in the Police Commission the power to  
adopt and enforce rules, orders and regulations for the government,  
discipline, administration and disposition of the Police Department  
and the members thereof, and

WHEREAS, various rules and regulations of the Police  
Department were adopted on December 5, 1973 by the Town Board;

Continued on Next Page

RESOLUTION NO. (170-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that the rules and regulations adopted by the Town Board on December 5, 1973, and all those adopted prior and subsequent thereto by the Town Board, are hereby revoked and rescinded, and be it

FURTHER RESOLVED, that the Police Commission as appointed by the Town Board, is hereby granted the power to adopt and enforce rules, orders and regulations for the government, discipline, administration and disposition of the Police Department and the members thereof, to be issued and maintained as deemed appropriate by said Police Commission.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (171-1990)

INCREASING ESTIMATED  
REVENUE ACCOUNTS AND  
APPROPRIATION ACCOUNTS RE:  
WEIGHT ENFORCEMENT  
ASSISTANCE PLAN (POLICE  
DEPARTMENT)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$20,742.00 from the State of New York for a Weight Enforcement Assistance Plan (W.E.A.P.) Grant,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue No. 01-002401 (Interest Earnings) by \$15,826.50 and 01-003832 (W.E.A.P. Grant) by \$4,915.50 and be it

FURTHER RESOLVED, to increase the following Appropriation Account Numbers:

A 3240-209 (W.E.A.P.-Other Equipment.....\$17,850.00  
A 3240-219 (Misc. Equipment)..... 500.00  
A 3240-225 (Computer Equipment)..... 750.00  
A 3240-313 (Office Supplies & Printing)..... 200.00  
A 3240-409 (Fees for Services)..... 600.00  
A 3240-414 (Conferences & Schools)..... 842.00

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (172-1990)

DECREASING APPROPRIATION  
ACCOUNT NO. B 8030-114 (BD.  
OF ARCHITECTURAL  
REVIEW-PART-TIME SALARIES)

RESOLUTION NO. (172-1990) Continued

AND INCREASING  
APPROPRIATION ACCOUNT NO. B  
8030-313 (OFFICE SUPPLIES &  
PRINTING)

Co. Maloney offered the following resolution:

WHEREAS, Account No. B 8030-313 is under appropriated  
in the January 31, 1990 Budget,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B  
8030-114 (Bd. of Architectural Review-Part-Time Salaries) and  
increase Appropriation Account No. B (8030-313 (Office Supplies &  
Pringing) by \$40.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (173-1990)

DECREASING ACCOUNT NO. A  
1420-110 (SALARIES) AND  
INCREASING ACCOUNT NO. A  
1420-225 (COMPUTER  
EQUIPMENT) (TOWN ATTORNEY'S  
OFFICE)

Co. Maloney offered the following resolution:

WHEREAS, there is a need for computer equipment at the  
Town Attorney's Office,

NOW, THEREFORE, be it

RESOLVED, that Account No. A-1420-110 (Salaries) be  
decreased and Account No. A 1420-225 (Computer Equipment) be  
increased by \$3,900.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (174-1990)

AUTHORIZING COMPTROLLER TO  
TRANSFER UNEXPENDED  
BALANCES OF APPROPRIATIONS  
AMONG VARIOUS ACCOUNTS AND  
INCREASE AND DECREASE  
REVENUE ACCOUNTS FOR  
BALANCING FUNDS

Co. Maloney offered the following resolution:

RESOLVED, that the Comptroller of the Town of  
Clarkstown is hereby authorized to transfer unexpended balances of

Continued on Next Page

RESOLUTION NO. (174-1990) Continued

appropriations among various accounts and increase and decrease revenue accounts for the purpose of balancing all funds.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (175-1990)

DECREASING APPROPRIATION  
ACCOUNT NO. B 8020-230  
(COMMUNICATIONS EQUIPMENT)  
AND INCREASE APPROPRIATION  
ACCOUNT NO. B 8020-328  
(PLANNING BOARD-BOOKS AND  
PUBLICATIONS)(PLANNING)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. B 8020-328 (Planning Board - Books & Publications) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B 8020-230 (Communications Equipment) and increase Appropriation Account No. B 8020-328 by \$25.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (176-1990)

DECREASING APPROPRIATION  
ACCOUNT NO. DB 5110-409  
(FEES FOR SERVICES) AND  
INCREASE APPROPRIATION  
ACCOUNT NO. DB 5110-308  
(SAFETY SHOES) (HIGHWAY  
DEPARTMENT)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. DB 5110-308 (Highway-Safety Shoes) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. DB 5110-409 (Fees for Services) and increase Appropriation Account No. DB 5110-308 (Safety Shoes) by \$4,000.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (176-1990) Continued

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (177-1990)

INCREASING APPROPRIATION  
ACCOUNT NO. A 5630-308  
(MINI-TRANS - SAFETY SHOES)  
AND DECREASING  
APPROPRIATION ACCOUNT NO. A  
5630-110 (SALARIES)  
(MINI-TRANS)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 5630-308  
(Mini-Trans-Safety Shoes) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Appropriation Account No. A  
5630-308 and decrease Appropriation Account No. A 5630-110  
(Salaries) by \$300.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (178-1990)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
02-002555 (BUILDING  
PERMITS) AND APPROPRIATION  
ACCOUNT NO. B 3620-203  
(BUILDING DEPARTMENT -  
MOTOR VEHICLES) (BUILDING  
DEPARTMENT)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. B 3620-203 (Building  
Dept. - Motor Vehicles - requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.  
02-002555 (Building Permits) and Appropriation Account No. B  
3620-203 by \$3,626.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (179-1990)

ACCEPTING DEED FOR ROAD  
WIDENING ALONG SOUTHEAST  
CORNER OF RENNERT LANE,  
BARDONIA (RAM REALTY AND  
CO.)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as RAM REALTY and CO., the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along the southeast corner of Rennert Lane, Bardonia, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated January 23, 1990, from RAM REALTY and CO. to the Town of Clarkstown gratuitously conveying a strip of land along the southeast corner of Rennert Lane, Bardonia, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (180-1990)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
BERTRAM J. CROSS FOR  
ARCHITECTURAL AND  
ENGINEERING SERVICES  
(TELCOM COMPUTER ROOM) -  
CHARGE TO ACCOUNT NO. H  
1680-409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Bertram J. Cross, Architect, P.C., in a form satisfactory to the Town Attorney, to provide architectural and engineering services regarding the new telcom computer room, pursuant to proposal dated February 16, 1990, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the sum of \$12,224.00, and shall be charged to Account No. H-1680-409.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (181-1990)

RESCINDING RESOLUTION NO.  
1076 CONCERNING STANDARDIZA-  
TION OF COMPUTER TERMINALS  
WITH BURROUGHS CORPORATION

RESOLUTION NO. (181-1990) Continued

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby rescinds Resolution No. 1076 concerning the standardization of computer terminals with the Burroughs Corporation, which was adopted by the Town Board on December 13, 1983.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (182-1990)

REQUESTING PUBLIC SERVICE  
COMMISSION TO REQUIRE  
PREMIUM RATES ON WATER ONLY  
WHEN USED ABOVE AVERAGE  
AMOUNT

Co. Maloney offered the following resolution:

WHEREAS, water companies charge premium rates for use of water during the summer time, and

WHEREAS, the Town Board feels that the premium rate puts an unfair burden on those who can least afford it, and that technology exists for the water companies to determine what the average use is;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Public Service Commission require that water companies charge premium rates on water only when water is used above the average amount.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (183-1990)

REFERRING AMENDED PETITION  
FOR CHANGE OF ZONING FROM  
R-22 TO MF-3 TO CLARKSTOWN  
PLANNING BOARD AND ROCKLAND  
COUNTY COMMISSIONER OF  
PLANNING (HORN CONSTRUCTION  
CORP.)

Co. Maloney offered the following resolution:

WHEREAS, HORN CONSTRUCTION CORP. has submitted an Amended Petition to the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-22 District to an MF-3 District, which amended petition has deleted a parcel of land included in its original petition for rezoning, and

Continued on Next Page

RESOLUTION NO. (183-1990) Continued

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 135, Block D, Lots 23 through 41;

NOW, THEREFORE, be it

RESOLVED, that the amended 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 Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (184-1990)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
TOWN OF ORANGETOWN FOR USE  
OF CLARKSTOWN SANITARY  
LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Town of Orangetown wishes to continue to use the Clarkstown Sanitary Landfill for the disposition of solid waste originating in the Town of Orangetown for the period retroactive to January 1, 1990 and continuing until the date of closure of the Clarkstown Sanitary Landfill, pursuant to the Consent Order entered into between the Town of Clarkstown and the New York State Department of Environmental Conservation, subject to a right of cancellation by the Town of Orangetown upon thirty (30) days written notice, and

WHEREAS, the Town Board of the Town of Clarkstown is agreeable to such use by the Town of Orangetown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the Town of Orangetown for the use of the Clarkstown Sanitary Landfill, in a form satisfactory to the Town Attorney, which agreement shall commence on January 1, 1990 and terminate on the date of the closure of the Clarkstown Sanitary Landfill pursuant to the Consent Order between the Town of Clarkstown and the New York State Department of Environmental Conservation, but no later than December 31, 1990, subject to a right of cancellation by the Town of Orangetown on thirty (30) days written notice, and be it

FURTHER RESOLVED, that the annual compensation for the year 1990 payable by the Town of Orangetown to the Town of Clarkstown shall be the sum of \$500,000.00 for the calendar year 1990, payable quarterly on January 1, 1990 and the first day of each

RESOLUTION NO. (184-1990) Continued

quarter thereafter, together with 200,000 tons of adequate landfill cover material per year, which monies and landfill cover material shall be pro-rated as of the date of termination of this agreement, and be it

FURTHER RESOLVED, that the Town of Orangetown is hereby required to abide by the provisions of Chapters 50 and 63 of the Town Code of the Town of Clarkstown, as applicable to the Town of Orangetown.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (185-1990)

CORRECTING TOWN BOARD  
RESOLUTION NO. 123-1990  
RE: BID #14-1990 -  
MUNICIPAL COMPUTER SOFTWARE

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 123-1990 is hereby corrected to read:

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 Thursday, March 15, 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. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (186-1990)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #30-1990 -  
REFUSE PICK-UP SERVICE

Co. Maloney offered the following resolution:

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

BID #30-1990  
REFUSE PICK-UP SERVICE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, March 21, 1990 at which time bids will be opened and read, and be it

RESOLUTION NO. (186-1990) Continued

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

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (187-1990)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #29-1990 -  
STREET SWEEPER

Co. Maloney offered the following resolution:

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

BID #29-1990  
STREET SWEEPER

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, March 30, 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. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (188-1990)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #28-1990 -  
TANDEM ROLLER

Co. Maloney offered the following resolution:

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

BID #28-1990  
TANDEM ROLLER

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, March 29, 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. Mandia

RESOLUTION NO. (188-1990) Continued

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (189-1990)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #27-1990 -  
ALARM SYSTEM FOR SEWER  
DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #27-1990  
ALARM SYSTEM FOR SEWER DEPARTMENT

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

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (190-1990)

AWARDING BIDS FOR BID  
#18-1990 - CRUSHED STONE  
(TILCON, NY, BRAEN STONE  
IND. INC. AND RAIA  
INDUSTRIES, INC.)

Co. Maloney offered the following resolution:

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

BID #18-1990  
CRUSHED STONE

is hereby awarded to:

TILCON, N.Y. INC.  
P.O. BOX 362  
HAVERSTRAW, NY 10927  
PRINCIPALS: NONE

RAIA INDUSTRIES, INC.  
P.O. BOX 505  
HACKENSACK, N.J. 07602  
PRINCIPALS: PUBLIC CORPORATION

BRAEN STONE IND. INC.  
P.O. BOX 8310  
CENTRAL AVENUE  
HALEDON, N.J. 07538  
PRINCIPALS: JANET R. BRAEN  
SAMUEL BRAEN III  
SCOTT A. BRAEN  
CHARLES C. VELDRAN

as per attached item/price schedule.

Continued on Next Page

RESOLUTION NO. (190-1990) Continued

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

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (191-1990)

AWARDING BID FOR BID  
#15-1990 - RECYCLING BOXES  
(BUCKHORN, INC.)

Co. Maloney offered the following resolution:

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

BID #15-1990  
RECYCLING BOXES

is hereby awarded to

BUCKHORN, INC.  
55 W. TECHNECENTER DRIVE  
MILFORD, OH 45150  
PRINCIPAL: LOUIS S. MEYERS

as per their low bid proposal of \$3.35 each.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (192-1990)

AUTHORIZING ACCEPTANCE OF  
PRICE QUOTE FROM BYRON  
ELECTRIC COMPANY, INC. FOR  
WORK ON TRAFFIC SIGNAL #2 -  
MAIN STREET AT PROSPECT  
STREET, NANUET - CHARGE TO  
ACCOUNT NUMBER A 3320-291  
(INSTALLATION OF TRAFFIC  
SIGNALS - EQUIPMENT)

Co. Maloney offered the following resolution:

WHEREAS, in October of 1988, the Town of Clarkstown  
applied to the New York State Energy Office for financial assistance  
available through a State appropriation of petroleum overcharge  
funds to the State Energy Office's Signal Timing Optimization  
Program to develop timing plans for designated traffic signal  
networks, and

WHEREAS, in December of 1988, the Town of Clarkstown  
was granted funding to study, and develop traffic signal  
synchronization timing plans for a five (5) signal network located  
on Main Street/South Middletown Road, Nanuet, one (1) such traffic  
signal is more specifically identified as Town Traffic Signal #2,  
Main Street at Prospect Street, Nanuet, and

RESOLUTION NO. (192-1990) Continued

WHEREAS, as part of the acceptance of this study grant, the Town of Clarkstown is obligated to implement the timing changes resulting from these studies,

NOW, THEREFORE, be it

RESOLVED, that Patricia A. Betz, Utility Services Coordinator is hereby authorized to accept the price quote dated January 4, 1990 from Byron Electric Company, Inc., 1020 Mamaroneck Avenue, Mamaroneck, New York in the amount of \$2,785.50 for work on Traffic Signal #2 as follows:

- 1) Replace the existing shelf mount loop amplifier for Prospect Street with a new loop amplifier that provides time delay.
- 2) Provide a new vehicle detection loop for the westbound right turn lane on Prospect street.
- 3) Change the operation of all vehicle detection loops from passage operation to presence operation.

the cost of said work to be a proper charge to Town account number A 3320-291 Installation of Traffic Signals - Equipment.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
 Councilman Mandia.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (193-1990)

AUTHORIZING HIGHWAY  
 DEPARTMENT TO PERFORM  
 PAVEMENT MARKINGS AND SIGN  
 INSTALLATIONS AT  
 INTERSECTION OF MAIN STREET  
 AND PROSPECT STREET, NANUET  
 - RELOCATION OF "NO PARKING  
 HERE TO CORNER" AND ON  
 SOUTH SIDE OF PROSPECT  
 STREET "PARK PARALLEL"  
 SIGNS BE INSTALLED

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E. Traffic & Highway Engineering Consultant in a report dated January 19, 1990 and the Clarkstown Traffic and Traffic Fire Safety Advisory Board in a report dated February 19, 1990 recommended Town Traffic Signal #2 located at the intersection of Main Street and Prospect Street, Nanuet, New York be modified in accordance with a traffic signal synchronization timing study conducted by the Town of Clarkstown through the New York State Energy Office's Signal Timing Optimization Program, and

WHEREAS, in order for any new loop detector installation to operate effectively, a uniform stop location, indicated by a painted stop bar, should be provided, and a lane line should be painted to define the right and left lanes on Prospect Street. The existing "No Parking Here to Corner" sign (NYS Sign #P1-9) should be relocated from its present site to a location 35 feet westward, toward the intersection of Main Street. In addition the existing diagonal parking pattern on the south side of Prospect Street at this intersection should be changed by posting new signs reading "Park Parallel" (NYS Sign #P2-6C) and this area restriped as

Continued on Next Page

RESOLUTION NO. (193-1990) Continued

recommended, in order to accomodate the necessary traffic signal modifications,

NOW, THEREFORE, be it

RESOLVED, that the Highway Department is hereby authorized to perform the above pavement markings and sign installations.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (194-1990)

AUTHORIZING SUPERVISOR TO ENTER INTO CONTRACT TO PURCHASE REAL PROPERTY - MAP 57, BLOCK J, LOT 7 - 52 MAPLE AVENUE, NEW CITY, NEW YORK (OWNER - META MEYER)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of purchasing premises located at 56 and 60 Maple Avenue, New City, New York, which are designated on the Clarkstown Tax Map as Map 57, Block J, Lots 6 and 5 respectively, and Jeffrey, Linda and Robert McCall and J.L.R. Associates respectively, owners of said properties are agreeable to selling these two properties for the total consideration of \$600,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract in a form approved by the Town Attortney for the purchase of properties designated on the Clarkstown Tax Map as Map 57, Block J, Lots 6 and 5, for the total consideration of \$600,000.00 (plus adjustments for prepaid excise/use taxes) payable ten (10%) percent on contract and the balance in cash at the time of closing, expected to be on or before May 1, 1990, and be it

FURTHER RESOLVED, that the contract deposit of \$60,000.00 shall be charged to Surplus Funds, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to provide a certified survey, and to obtain fee title insurance for the benefit of the Town on or before the date of closing of title, and be it

FURTHER RESOLVED, that the Town Board intends to use a Serial Bond to pay the puchase price and closing expenses for the acquisition referred to herein.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (195-1990)

AUTHORIZING ATTENDANCE AT COURSES SPONSORED BY STATE DEPARTMENT OF EQUALIZATION & ASSESSMENT AND NEW YORK STATE ASSESSOR'S ASSOCIATION (LONGO, CONKLIN, HEINISCH) - CHARGE TO ACCOUNT NO. (1010-414)

Co. Maloney offered the following resolution:

RESOLVED, that Nicholas A. Longo, Assessor of the Town of Clarkstown and Cathy Conklin, Supervising Real Property Appraiser and Frances Heinisch, Real Property Appraiser are hereby authorized to attend the following courses sponsored by the State Department of Equalization & Assessment and the New York State Assessor's Association for continuing education.

- 6/3-7/90 Education Program, Monticello, N.Y.
- 7/22-28/90 Seminar on Appraising, Ithaca-Cornell University
- 10/2-5/90 Conference on Assessment Administration, Monticello, N.Y.

and be it

FURTHER RESOLVED, that all proper charges be charged against line 1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (196-1990)

AUTHORIZING SETTLEMENT OF TAX CERTIORARI (ROCKLAND CENTER ASSOCIATES V. ASSESSOR, BOARD OF REVIEW, AND TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, "ROCKLAND CENTER ASSOCIATES v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, AND THE TOWN OF CLARKSTOWN," Index Nos. 6086/85, 5255/86, 5121/87, 3863/88 & 4766/89 affecting Map 32, Block B, Lots 85.2, 85.5, 85.6, 85.7 and 18 for the years 1985/86, 1986/87, 1987/88, 1988/89 and 1989/90, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioner described on the assessment roll as Map 32, Block B, Lots 85.2, 85.5, 85.6, 85.7 and 18 be reduced for the years 1985 and 1986 from \$10,160,200 to \$9,144,180. There will be no reduction for the years 1987, 1988 and 1989,

2. That reimbursement for the years 1985 and 1986 on the parcel described as Map 32, Block B, Lots 85.2, 85.5, 85.6, 85.7 and 18 be made within 90 days through the office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged, and

RESOLUTION NO. (196-1990) Continued

3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorneys for the Nanuet Union Free School District have consented to such settlement.

NOW, THEREFORE, be it

RESOLVED that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (197-1990)

AUTHORIZING SETTLEMENT OF  
TAX CERTIORARI (JAN  
MITCHELL, McDONALD  
FRANCHISEE V. TOWN OF  
CLARKSTOWN)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, "JAN MITCHELL, McDONALD FRANCHISEE v. TOWN OF CLARKSTOWN," Index Nos. 6225/85, 5537/86, 5793/87 & 4161/88 affecting Map 6, BLOCK A, Lot 10.2 for the years 1985/86, 1986/87, 1987/88 and 1988/89, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioner described on the assessment roll as Map 6, Block A, Lot 10.2 be reduced for the years 1985, 1986, 1987 and 1988 from \$256,900 to \$231,210,

2. That reimbursement for the years 1985, 1986, 1987 and 1988 on the parcel described as Map 6, Block A, Lot 10.2 be made within 90 days through the office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged, and

3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorneys for the East Ramapo Central School District have not objected to such settlement.

NOW, THEREFORE, be it

RESOLVED that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town

RESOLUTION NO. (197-1990) Continued

Attorney is authorized to sign all documents necessary to effectuate such settlement.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (198-1990)

AUTHORIZING ATTENDANCE AT  
30TH ANNUAL NORTH AMERICAN  
SNOW CONFERENCE OF AMERICAN  
PUBLIC WORKS ASSOCIATION  
(MAURO, DRESCHER) - CHARGE  
TO APPROPRIATION ACCOUNT  
NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that John F. Mauro, Superintendent of Highways and George C. Drescher, H.M.S. II, is hereby authorized to attend the 30th annual North American Snow Conference of the American Public Works Association, to be held April 7 - 11, 1990, in Omaha Nebraska, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (199-1990)

AUTHORIZING ATTENDANCE AT  
PROGRAM SPONSORED BY  
WESTCHESTER BAR ASSOCIATION  
(POSNER) - CHARGE TO  
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Mark A. Posner, Esq. is hereby authorized to attend a program sponsored by the Westchester County Bar Association on February 27, 1990, with respect to Police and Firefighter Disability, and be it

FURTHER RESOLVED, that the fee for the program shall be charged to Account No. A-1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (200-1990)

GRANTING CERTIFICATE OF  
REGISTRATION PURSUANT TO  
SECTION 83-65 OF TOWN CODE  
(APEX EXCAVATING CORP. -  
90-18)

Co. Maloney offered the following resolution:

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

APEX EXCAVATING CORP.  
175 Burrows Lane  
Blauvelt, New York 10913

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of  
Registration be issued:

90-18 to APEX EXCAVATING CORP.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (201-1990)

ACCEPTING ROAD AND  
IMPROVEMENTS IN TOWN OF  
CLARKSTOWN - CARLTON COURT  
(CARLTON WOODS)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director  
of Environmental Control and the Superintendent of Highways of the  
Town of Clarkstown, deed from Carlton Construction Corp. dated  
August 30, 1988, conveying the road and other improvements to the  
Town of Clarkstown in a subdivision as shown on Final Plat of  
Subdivision of Property for CARLTON WOODS filed in the Rockland  
County Clerk's Office on August 29, 1988, in Book 106 at Page 23 as  
Map No. 5941, as follows:

CARLTON COURT 950 L.F.

is hereby accepted by the Town and ordered recorded in the Rockland  
County Clerk's Office, and be it

FURTHER RESOLVED, that the agreement guaranteeing the  
road and improvements for a period of one (1) year with security  
posted by the developer in the amount of \$7,500 is hereby accepted.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (202-1990)

RECOGNIZING APPOINTMENT TO  
(PERMANENT) POSITION OF  
SENIOR CLERK TYPIST -  
POLICE DEPARTMENT (MARION  
B. GIONTA)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles PEL #571 Senior Clerk Typist  
which contains the name of Marion B. Gionta,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Marion B. Gionta, 75  
Margaret Keahon Drive, Pearl River, New York to the (permanent)  
position of Senior Clerk Typist - Police Department - at the current  
annual salary of \$21,150.00, effective and retroactive to February  
5, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (203-1990)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(PROVISIONAL) CLERK TYPIST  
- POLICE DEPARTMENT  
(MARGARET RASCOLL)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Margaret Rascoll, 7 Ludvigh  
Road, Nanuet, New York, to the position of (provisional) Clerk  
Typist - Police Department - at the current annual salary of  
\$17,042.00, effective and retroactive to February 12, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (204-1990)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(SUBSTITUTE) CROSSING GUARD  
- POLICE DEPARTMENT (DIANA  
L. CARRATURO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Diana L. Carraturo, 19  
Concord Drive, New City, New York, to the position of (Substitute)  
Crossing Guard - Police Department - at the current salary of \$8.18  
per crossing covered - effective and retroactive to February 5, 1990.

Continued on Next Page

RESOLUTION NO. (204-1990) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (205-1990)

ACCEPTING RESIGNATION OF  
DATA ENTRY OPERATOR I -  
COMPTROLLER'S OFFICE  
(GABRIEL GOLDMAN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Gabriel Goldman, 40 I  
Heritage Drive, New City, New York - Data Entry Operator I -  
Comptroller's Office - is hereby accepted - effective and  
retroactive to February 13, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (206-1990)

GRANTING LEAVE OF ABSENCE  
TO MOTOR EQUIPMENT OPERATOR  
II - HIGHWAY DEPARTMENT  
(CRAIG F. ALEMI)

Co. Maloney offered the following resolution:

WHEREAS, Craig F. Alemi, has requested a leave of  
absence, without pay,

WHEREAS, Article XIX, Section I of the Town of  
Clarkstown Labor Agreement of January 1, 1987 provides for a leave  
of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
granting of the leave of absence, by the Superintendent of Highways,  
for Craig F. Alemi, 76 Church Street, Nanuet, New York - Motor  
Equipment Operator II - Highway Department - effective March 12,  
1990 to September 12, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (207-1990)

ESTABLISHING 1990 PART-  
TIME SALARIES FOR  
RECREATION AND PARKS  
DEPARTMENT

RESOLUTION NO. (207-1990) Continued

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks that the following 1990 part-time salaries be established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$4.25/hr.	\$ 4.25/hr.
Recreation Assistant.....	\$4.50/hr.	\$12.00/hr.
Recreation Leader.....	\$7.00/hr.	\$15.00/hr.
Recreation Specialist.....	\$7.00/session	\$35.00/session
Refreshment Stand Attendant I.....	\$4.25/hr.	\$ 5.50/hr.
Refreshment Stand Attendant II.....	\$6.00/hr.	\$10.00/hr.
Lifeguard.....	\$7.00/hr.	\$ 9.00/hr.
Head Lifeguard.....	\$8.50/hr.	\$10.50/hr.
Water Safety Instructor.....	\$8.50/hr.	\$10.00/hr.
Head Water Safety Instructor.....	\$9.00/hr.	\$10.75/hr.
Laborer-Student.....	\$6.00/hr.	\$ 8.00/hr.
Groundworker (L).....	\$8.00/hr.	\$10.00/hr.
Custodial Worker (Seasonal) (L).....	\$5/00/hr.	\$10.00/hr.
Senior Citizen's Leader (Part-time)	\$8,650./year	\$13,006./year
Swim Area Supervisor (Seasonal)	\$8,650./season	\$13,006./season
Senior Recreation Leader (Seasonal)	\$4,335./season	\$ 6,815./season
Senior Recreation Activity Specialist (Seasonal)	\$3,100./season	\$ 5,575./season

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (208-1990)

APPOINTING TO POSITION OF  
(PROVISIONAL) DATA ENTRY  
OPERATOR I - TOWN JUSTICE  
DEPARTMENT (MADELINE S.  
WEINBERG)

Co. Maloney offered the following resolution:

RESOLVED, that Madeline S. Weinberg, 1 Dore Court, New City, New York, is hereby appointed to the position of (provisional) Data Entry Operator I - Town Justice Department - at the current annual salary of \$16,013.00., effective March 19, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (209-1990)

ACCEPTING RESIGNATION OF  
MOTOR EQUIPMENT OPERATOR I  
- HIGHWAY DEPARTMENT  
(WILLIAM TASARO)

Co. Maloney offered the following resolution:

Continued on Next Page



RESOLUTION NO. (211-1990) Continued

RESOLVED, that a public hearing pursuant to Sections 264 and 265 for 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 13th day of March, 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. Mandia

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Rockland County Consortium of Towns and Villages was opened, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Rockland County Consortium of Towns and Villages was closed, time: 8:47 P.M.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change R-15 to PO (Ellen V. Plotkin) was opened, time: 8:48 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change R-15 to PO (Ellen V. Plotkin) was closed, DECISION RESERVED, time: 9:50 P.M.

Supervisor Holbrook said he wanted it noted that the Town Board said they would reserve decision. There will be another public hearing on March 13th on the Fasman property. Given the nature of the properties that are in the area and the fear of domino aspects of this, the Town Board will weigh very carefully the hearing and will reserve decision until all the information is before us. Two of the Town Board members are not here so they will have to pick up from this hearing as well as get the information from the next hearing.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law No. 2-1990 re: Taxation, was opened, time: 9:52 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law No. 2-1990 re: Taxation, was closed, RESOLUTION ADOPTED, time: 9:55 P.M.

RESOLUTION NO. (212-1990)

ADOPTING LOCAL LAW NO.  
2-1990 - AMENDMENT TO  
CHAPTER 96 (TAXATION) OF  
THE TOWN CODE OF THE TOWN  
OF CLARKSTOWN

RESOLUTION NO. (212-1990) Continued

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 96 (TAXATION) OF  
THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman John Maloney at a Town Board meeting held on 21st day of February, 1990, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 21st day of February, 1990, directed that a public hearing be held on the 27th day of February, 1990, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 22, 1990, 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 February 15, 1990, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 27, 1990;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2-1990, entitled:

"AMENDMENT TO CHAPTER 96 (TAXATION) 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.....	Absent
John R. Maloney, Councilman.....	Yes
Ralph F. Mandia, Councilman.....	Yes
Ann M. Smith, Councilwoman.....	Absent

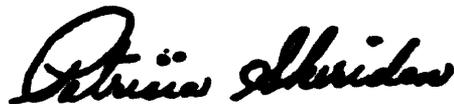
The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Mandia

\*\*\*\*\*

There being no one further wishing to be heard and no further business to come before the Town Board on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:56 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

63

Town Hall

2/27/90

8:40 P.M.

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

RE: ROCKLAND COUNTY CONSORTIUM OF TOWNS AND VILLAGES COMMUNITY  
DEVELOPMENT CITIZEN VIEWPOINT - 1990 PROGRAM PUBLIC HEARINGS

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and Supervisor explained that this public hearing is pursuant to directives of Doris Ullman who heads up the County Consortium. Clarkstown has been a participant in this and we take any comments of how to spend the money under advisement and then we disperse it. He stated that in the past we have used this money for the Central Nyack Community Center, the paving of roads in the unincorporated section of Clarkstown, etc. There are certain areas where this money can be spent based upon income and need. In the past we have moved a lot of architectural barriers in various public buildings. There are limitations as to where this money can be spent.

Supervisor asked if there was anyone wishing to comment?

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

Mr. Lodico said if a municipality such as the Town of Clarkstown fails to support this resolution then the number of population is not there to make federal money available and that could be our little part in reducing the national debt. He noted that officials sitting on the Town Board tonight said they would endeavor to get Clarkstown's fair share of money for the Town. In as much as the Clarkstown taxpayers pay the highest percentage of County taxes, if we are going to accept these funds, then we should be receiving them in proper relationship to what we pay. He suggested that this Board refuse to pass this unless they can negotiate receiving their fair share based on the percentage of County tax we pay.

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff noted that last year the Town Board designated Mount Moor Cemetary as an historic site. He said for Black History Month the Vietnam Veterans decided to go down there for a day and clean it up. It turned into many weekends and we accomplished a lot. There were 50 to 75 people at a time working there. Private corporations installed a magnificent flagpole and some plaques were installed. He did not feel we should have to depend on Vietnam Veterans or a couple of private citizens to maintain it. He stated that since it has historical significance and veterans of all our wars are buried there, if it is neglected, he felt part of Rockland County's history is being neglected. He said the veterans buried there sacrificed their lives to protect this community and he felt we owed them a little bit more than we have given them in the past. He said he would like to see something done with the cemetery to preserve Black History. Let's not talk about it once a year. Let's do something about it. He said he would like us to spend an amount to make it respectable and the showplace it should be.

Supervisor asked Mr. Cuff to make a concrete project out of this as that is something that we could probably use these funds for.

Continued on Next Page

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared closed, time: 8:47 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/27/90

8:48 P.M.

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

RE: ZONE CHANGE FROM R-15 TO PO - MAP 36, BLOCK D, LOTS 1, 8 AND 9  
(ELLEN V. PLOTKIN)

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

Town Attorney stated that the SEQRA recommendation by Planning Consultant, Robert Geneslaw, is that there is no adverse environmental impact. The Rockland County Planning Board recommends disapproval because they feel that this is a spot zone. (Letter on file in Town Clerk's office.) Since they have disapproved you will need four votes to pass this. He said the Town Planning Board recommends approval subject to conditions. (Letter on file in Town Clerk's office.)

Supervisor asked if the applicant was present?

Appearance: Donald S. Tracy, Esq.  
Attorney for record owner Ellen V. Plotkin  
South Little Tor Road  
New City, New York 10956

Mr. Tracy said he is starting this hearing with the caveat that this Board will not vote tonight. He was assured that was the case. He said the property at the present time is utilized and has been so utilized since 1976 as the professional office of Dr. Roger Plotkin. He said the property which is used by this medical practitioner severely limits him. The reason that it limits him is set forth in a resolution of the ZBA which was enacted in 1976 which permitted the use of the professional office subject to the following: The use to be limited to one physician as a professional medical office. He stated that Dr. Plotkin will testify as to the severe limitation that places him under in dispensing quality care under existing medical standards and practices. He said the parking spaces numbered 10 to 16 as shown on the site plan are to be shown as reserved parking spaces and not to be constructed. He said that is not a problem now and would not be a problem should a zone change be granted. He noted that there shall be no further subdivision use or development of the property identified as Map 36, Block D, Lots 1, 8 and 9 which comprises three tax lots during the period of time the property is used pursuant to variance. He said a variance runs with the land and is not extinguished. The existing driveway is used exclusively by the doctor and staff. An additional driveway for parking is to be constructed as shown on the site plan, etc. That would not change if the zone change were granted. No identification signs shall be displayed at the location other than the presently existing sign on the premises and the size of said sign shall not be larger than the presently existing sign. That would change if a zone change were granted. Mr. Tracy said this property has considerable frontage on New York State Route 304.

All evergreen screening and all other landscaping between the parking area and westerly property line is to be maintained. That would not change if the zone change were granted.

Compliance with all local laws and ordinances of the Town of Clarkstown. He said if you will note on the papers that were previously submitted with the petition back in 1988 you will

Continued on Next Page

note that there is a vicinity map. Starting at the top of that or the north part of that vicinity map there is a PO use. Crossing the street we have a PO and a CS use. Coming further south there is a CS use. Adjacent to that there is an MF-1, a large PO area and then 1,000 feet south of that the Plotkin parcel. He said for a period then within a radius of 500 feet you note that there are only residential uses on Route 304. Outside of that 500 foot radius and starting on Church Street (Germonds Road) you find PO, MF-3 and MF-1. The latest zone change of this type, since the enactment of a 1967 ordinance that was proposed before this board, was the zone change of Martin Hurwitz which was a similar situation and which granted to Mr. Hurwitz a zone change from a residential variance to a PO zone.

Mr. Tracy asked what was the planning rationale for this? You will notice a favorable recommendation from the Clarkstown Planning Board. Planning rationale is that in 1967 when the comprehensive revision to the Master Plan was made and the Town Board adopted the only Master Plan that was ever adopted by the Town Board together with a zoning map the PO zone was indicated, in the executive summary that accompanied that, as a zone to be used to buffer residential property from heavily trafficked public roads. Certainly since this variance was granted in 1977 and Doctor Plotkin began to conduct his practice there Route 304 has become a more heavily trafficked public road.

Mr. Tracy said he has had the opportunity, since his office is somewhere in that neighborhood, to discuss this with some of the neighbors. He said he hears complaints that have more properly to do with site plan analysis and site plan protections. He said he does not think anyone objects to what is there now or anyone objects to the fact that Dr. Plotkin is practising there. He said he thinks the concern of the people, which they will attempt to alleviate by testimony from Dr. Plotkin, has to do with the fact that the neighbors envision some huge professional office being built there which may very well happen in the year 2300. One does not know.

Mr. Tracy said with regard to the Planning Board's recommendations, the Planning Board has heard those items which they felt would not be in conflict with the Master Plan and the Planning Board has made its recommendation. He said further more he would like to state that he did not agree with the Town Attorney's opinion as to what Mr. Chase's purported denial would require (four votes) based upon the fact that it was not a clear and concise written reason for denial in that the reasons for denial were not valid reasons.

Appearance: Dr. Roger Plotkin  
Route 304  
New City, New York

In response to questioning Dr. Plotkin stated that he was the practitioner who presently occupies the building in question. He stated that he felt he is being quite limited in his practice. He said he first appeared before the Board applying for a variance fourteen years ago when he was in his 30's. He said then he thought his energy would go forever and his singleness would go forever and now that he is 52 he realizes that the practices in medicine have changed. He said he is limited in that he cannot take a partner. He can't get a bigger sign. He can't do very much with the property. He said the neighbors who are all here know that he has kept the property very nicely and he has tried to be courteous to them with their properties in his mind. He said he has no intention of doing otherwise other than to at least have the privilege of staying current in medicine and hopefully having a property that he might be able to turn over to a partner and to bring a partner in with him.

Mr. Tracy said with respect to something Dr. Plotkin brought out and he had forgotten to mention during his presentation

Continued on Next Page

he would like the Board to know that the PO buffer requirements - the PO yard requirements - as set forth in our zoning ordinance, all provide greater buffers, greater side yards, greater front yards than does the R-15 zone which the property is presently in. He said he would listen to the neighbors and reserve his right to rebuttal.

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

Supervisor asked if there was any one from the public wishing to speak?

Appearance: Ms. Helen Kilgallen  
33 Arlene Court  
New City, New York

She asked to see an Affidavit of Compliance from Mr. Tracy and Dr. Plotkin in regard to the Code of the Town of Clarkstown - Zoning - Section 106-32.C. Mrs. Kilgallen read the section which relates to proper posting of a public hearing for a zone change. Town Clerk said that has been complied with. Ms. Kilgallen stated that on 2/27/90 at 7:25 P.M. no posters were visible. She would like to see that compliance.

Ms. Kilgallen read the description of PO from the Zoning Code. She also read a prepared statement which was not given to the Clerk but in which she mentioned that the Plotkin/Fasman properties are encroaching on a residential neighborhood which has been established for thirty-three years. She also noted the traffic problems on Route 304. She mentioned that Arlene Court was not to be used for ingress or egress but that understanding has been violated. She discussed buffers. She discussed what could be built on the property. She noted that Mr. Tracy's office was approximately one and one quarter miles west of Arlene Court and hardly in their neighborhood.

Appearance: Mr. Bill Gruffi  
40 Ralphs Avenue  
New City, New York

He said when he purchased his home it was zoned for R-15. He has made expensive alterations. He felt Clarkstown was not doing anything for the residents. He referred to the Clarkstown Planning Board's notes of October 12, 1989 which referred to single family dwellings along or near Route 304 and for which there is still a market. He said the Town has not presented a plan for use along Route 304 and Kings Highway and also Leona Avenue. He requested that this zone change be tabled until the Town comes up with some standardized use of the property.

Mr. Gruffi said if this is granted to Plotkin/Fasman then many others along the route would be eligible for the same. He requested information on the parcels south of Route 304 and asked how far south the Planning Board is talking about?

Mr. Gruffi felt this was spot zoning and no one is for that. Mr. Gruffi asked the Board to have a major environmental study. He noted traffic flow problems in the area. He said when and if Dr. Plotkin sold the property no one could say what the use would be. It might increase the traffic much more than it is now. If the trees are removed, which are a barrier between Route 304 and Ralphs Avenue, then traffic onto Ralphs Avenue is going to increase. Air pollution to Ralphs Avenue would also occur.

Mr. Gruffi said in 1976 Dr. Plotkin got approval to run a professional office there. Today if he had five kids and he couldn't live where he is he would have to move to a larger home. If Dr. Plotkin wants to increase his practice and he doesn't get a zone change, let him move to another area and leave the present house as a single dwelling.

Continued on Next Page

Mr. Gruffi said if Dr. Plotkin gets this zone change everyone along Route 304 will also and this area will turn into a commercial zone.

Appearance: Mr. Charles Erlich  
27 Arlene Court  
New City, New York

Mr. Erlich said he agreed with what has been said. He said this is our neighborhood. He did not want this area turned into an office area. He objected to increased traffic in the area. He would like the area to remain as it is. Single family homes are still selling in the area. He hoped the Board would take the residents in the area into consideration when deciding on this.

Appearance: Mr. Robert Healy  
14 Arlene Court  
New City, New York

Mr. Healy said he did not want to see any commercial structures in front of his house. He said if Dr. Plotkin wants to put a house there and live there he is welcome. He stated that he had just made expensive repairs to his home and he did not want to see that go down the drain.

Appearance: Mrs. Ellen Gruffi  
40 Ralphs Avenue  
New City, New York

Mrs. Gruffi asked Mr. Tracy to comment on the fact that Dr. Plotkin may be turning his property over to another doctor for use. She was concerned about the negative impact a zone change would have. She mentioned vacant lots behind her home and on Route 304 about which she is concerned. She reiterated that this is a very appropriate area for single family homes. She said while she understood Dr. Plotkin's plight we all have to make decisions which we have to live with. Dr. Plotkin chose, in 1976, to open his practice in a residential area and he knew at that time that he was working under stringent limitations and she said she would respectfully suggest to Dr. Plotkin that if he has outgrown his space, he cannot expect upwards of 25 families to sacrifice the value of their homes. Development would have a very negative impact on the value of their homes. It is time for him to get out and find a more appropriate area in which to practice. Let that land be developed in the manner for which it would be most suitable and that is single family homes.

She discussed the traffic situation in the area.

Appearance: Ms. Marsha Oppenheim  
4 Ann Street  
New City, New York

Mrs. Oppenheim spoke regarding traffic concerns. She agreed with whatever has been said. She opposes the zone change.

Appearance: Mr. Jerry Oppenheim  
4 Ann Street  
New City, New York

Mr. Oppenheim said he was born and raised in New York City and coming to Rockland County was like coming to the country. Now that he is living up here the last few years he feels as though he is coming back to New York City. He complained about the traffic and the upsurge in building.

Continued on Next Page

Appearance: Mr. Jim Shea  
41 Kings Highway  
New City, New York

Mr. Shea also discussed the traffic problem and felt expansion of commercial property will be adding more traffic to the area. He said the parcel in question may not be significant if left basically untouched but because of the snafu in publication the second hearing tonight is not being held and that is adjacent to this piece of property. He was concerned about large areas going PO and felt that would be altering the character of the area. He urged the Board, when deliberating about tonight's parcel and future parcels in the area, to look at the area in terms of Route 304 and decide what is the most appropriate use for those parcels and how we are going to handle the traffic in and out so it can be diverted from the residential communities.

Appearance: Mr. Warren Kaufman  
32 Arlene Court  
New City, New York

Mr. Kaufman said just this week they applied for a building permit for major renovations on their house. He said they wanted to put major money into the house because they want to stay there and raise their family there.

Appearance: Ms. Robin Chagares  
2 Kent Street  
New City, New York

Mrs. Chagares said she supports what everyone else has said. She asked the Board members to put themselves in their place and think of their own homes in this area and let that guide your decision.

Appearance: Mr. Louis Romolo  
23 Arlene Court  
New City, New York

Mr. Romolo said he would like to go on record as agreeing with most of what he has heard tonight. This is a truly residential area that should not be blighted by expanding the doctor's plot. He was concerned about parking and traffic.

Appearance: Mr. Charles Chagares  
2 Kent Street  
New City, New York

Mr. Chagares said he wondered if their property values go down with this commercial addition, would this be lost revenue for the Town of Clarkstown? Supervisor said if the property values were to be adjusted by the Assessor or the Grievance Board the loss of that revenue would have to be picked up by other taxpayers. Mr. Chagares said there would be no need for that if we keep the property the way it is.

Appearance: Mr. Mike Niland  
92 Kings Highway  
New City, New York

Mr. Niland said it appears that there are two issues here. The doctor, if he needs a partner, may have enough space already to handle it. The prior owner, Dr. Meyerson, carried on a practice and lived in the house himself. If a partner is needed, do you really need to tear the building down or is it just a minor addition required? He said many people here feel they would not want to see a second doctor on the premises but if that is one of

Continued on Next Page

the major financial drawbacks at the present time, they may be a middle road.

Appearance: Mr. Bob Gruffi  
15 Ann Street  
New City, New York

Mr. Gruffi said he is all in favor of having a physician in the area but he has concerns. He said that Mr. Tracy had said that the doctor wanted to expand to give quality care to patients by having more physicians available. He said Dr. Plotkin is an excellent physician and does give quality care. Since when do we need multiples of physicians to give quality care? He spoke about a proposed new driveway and expressed an interest in seeing the plans. Mr. Gruffi was worried about trees being removed. He expressed concern about traffic. He worried about the business changing hands and subsequent building changes to the property. He requested the Town Planning Board review the impact of traffic. Mr. Gruffi was concerned about property values as many residents have invested tremendous amount of money in their homes here. He asked about the impact on the environment. He asked how it would affect other properties in the area. What is the next parcel of land going up for PO or an industrial complex on Route 304?

Appearance: Mr. John Nawoschik  
20 Arlene Court  
New City, New York 10956

Mr. Nawoschik said that Dr. Plotkin got permission to run a business from that house without living there on the basis of a hardship when Dr. Meyerson was there which was understandable. However, he knew what the situation was. He received a variance for a larger parking lot but now many times that is not sufficient. He referred to many problems with employee parking. Snow plowing has resulted in blocking of the road and on occasion damage to Mr. Nawoschik's lawn. Service people who cut Dr. Plotkin's lawn throw bottles and cans out into the street which Mr. Nawoschik picks up. This is the result of commercial property. Residential people do not do things like that. Mr. Nawoschik also complained about the alarm system which goes off and no one comes to shut it down. He felt with a larger professional office these problems would all be exacerbated.

Appearance: Ms. Karen Erlich  
27 Arlene Court  
New City, New York

Mrs. Erlich felt it was unfortunate that the Fasman property was not done at the same time as this because you would then get a better picture. She said it is a lovely area and homes could be built on Route 304 and Kings Highway which people would buy. She felt there would be no chance of that if the Plotkin and Fassman properties go PO. She said the whole area will feel the change. She said she will be looking to move as will others in the area. You will be changing the color of New City.

Appearance: Mr. Paul Stepantschenko  
21 Kings Highway  
New City, New York

Mr. Stepantschenko asked if Dr. Plotkin was trying to better himself as a doctor or as an entrepreneur. He said he lives adjacent to Ralphs Avenue which will turn into a traffic circle if this parcel in question goes PO. If the parcel on Kings Highway and Route 304 becomes offices and Plotkin and Fasman properties become offices he was concerned for the safety of his child who rides his bike in the area.

Continued on Next Page

Mr. Donald Tracy spoke in rebuttal. Supervisor said there was some question about the overall plan for the property. Mr. Tracy said he felt the most questions were about traffic in the area. He said Route 304 is now a heavily trafficked area. He said it was alleged, should the zone change be granted, more traffic would ensue. He said if this zone change is granted one thing and only one thing will happen, and that is some letters on a zoning map will change - from R-15 to PO. He said Dr. Plotkin has no intention of demolishing the house and building an enormous structure. But if he did, he would have to go to the Planning Board and there would have to be a public hearing with a site plan submitted with regard to buffer zones and the type of safeguards that you heard about in the Planning Board's resolutions.

Mr. Tracy said Dr. Plotkin stated that he is getting old and he needs someone to help him out but he has these restrictions on him with this property. He has no intention of knocking down the house or enlarging the house at the present time. He wants to have a PO zone to have previous covenants eliminated. He mentioned that Dr. Meyerson had gotten a variance on the grounds of hardship which was that he had been trying for two years to sell his house as a residence fronting on Route 304. That was in 1976. Traffic has increased greatly since that time. Mr. Tracy said it is sheer speculation that the granting of a zone change is going to increase traffic. He said were Dr. Plotkin to retire and bring another doctor in, does that mean that there is going to be more traffic?

Mr. Tracy stated that the most poignant suggestion was made by a previous speaker who urged the Board to come through and look at their houses. Mr. Tracy said go through the back and do look at the houses. They are beautiful houses. The people love them. They maintain them. They respect their properties. Then go out on to Route 304 where this house is located and determine if any one of you would want to live there. The subdivision called to your attention on Germonds/Church Road has no access onto Route 304 nor does it have any houses fronting on Route 304. He noted that he found it esthetically distasteful that the rear of those houses front out onto a major road but that is just a personal peeve of his.

Mr. Tracy said the objections of the people, with which he sympathizes and which he appreciates and he is sure of the sincerity of each person who spoke, were their genuine and honest concerns. He said Dr. Plotkin does not want to become an entrepreneur. Dr. Plotkin wants some help. If Dr. Plotkin gets some help that does not mean that the traffic is going to increase. The traffic is there. It is out on Route 304. He urged the Board to note that the adjoining property had also been submitted for the zone change and it would be a wonderful opportunity to do some more comprehensive planning in connection with both properties. He said both those properties are, at the present time, professional offices. If the zone change is granted, they will be professional offices.

Mr. Tracy said the PO zone was created to serve as a buffer between heavily trafficked roads and residential zones. If that PO zone and that preamble, which he urged all to read, does not apply to this property, then what property does it apply to? Mr. Tracy said those of us who grew up in the city saw, on heavily trafficked roads where professional men established their practices, that a person who maintains a professional practice does not maintain an image of a run down shoddy building. Most professional practitioners maintain their buildings with the exact same care and with the exact same pride as does a residential homeowner. Mr. Tracy said he does have a neighbor with an alarm that whistles at night and when that alarm whistles it does annoy him too and he wonders who is going to shut it off and when so he can understand that irritation. He said whether or not this Board grants the PO zone will not prevent the burglar alarm from going off.

Continued on Next Page

Mr. Tracy said with respect to the overall allegation of this neighborhood's cohesiveness and ambiance, none of their houses, if you look at that vicinity map, and you take the names of the people who were notified (incidentally, 69 individuals were notified) within a 500 foot radius, none of those residences front out on Route 304. None of them are subject to the traffic and noise. He said he would leave them with the thought that the Planning Board has made its recommendation. The Planning Board is in the process of doing a comprehensive plan. This proposed change of zone will do nothing concerning traffic, buffers, noise, etc., other than change some letters on a zoning map. Any physical change to this property, any expansion on this property, any buffering on this property, determinations as to where cars will park on this property, whether they will park in the front yard or the rear yard, will be subject to Planning Board review.

Mr. Tracy said he respects the neighbors who came out here tonight. He said he knows many of them. He respects their fears. He said he feels, however, that in this particular case there fears are unwarranted since there is no intention of changing anything.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 9:50 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

73

Town Hall

2/27/90

9:52 P.M.

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

RE: LOCAL LAW NO. 2-1990 - AMENDMENT TO CHAPTER 96  
(TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

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

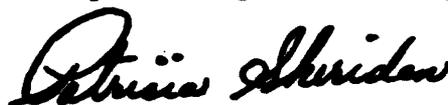
Supervisor Holbrook noted that this relates to a proposed local law regarding tax exemption for senior citizens. Town Attorney noted that senior citizens are those 65 years of age. It makes basically two changes which were provided for in the last session of the Legislature. Previously you had to be 65 on the date of your application and you had to make your application before the taxable status date which is March 1st. Now, you can be 65 during the year up until December 31st. It allows you to raise the minimum eligibility which was previously \$15,525.00. It has been raised to \$15,625. This local law is proposed to raise the exemptions for the lowest \$600.00, the next lowest \$500.00, then \$400.00, \$300.00, \$200.00 and \$100.00 which is provided for in the law.

Supervisor said then we are just updating this commensurate with what the State provides. Town Attorney said that is correct and it has to be done before March 1st so that the taxable status date will be as of that date.

Supervisor asked if there was anyone present wishing to comment on this local law?

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Resolution No. (212-1990) Adopted