

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

87

Town Hall

3/13/90

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.
Assemblage saluted the Flag.

Supervisor presented a Certificate of Award to Eagle Scout Andrew Roper of Troop 33, Boy Scouts of America. He said it is always a great honor for the Town Board to recognize young people in our community who have diligently worked for this high award. It is a great honor and he said he was sure that Mr. Roper's family is very proud of him as are the Town Board members.

Supervisor then recognized the Roper family who took the time to come to Town Hall this evening.

Supervisor declared Public Portion of the meeting open.

Appearance: Mr. George Zuckerman, President
Clarkstown Tenants Association
Normandy Village
Nanuet, New York 10954

Mr. Zuckerman spoke regarding Item #2 on the agenda with respect to the Emergency Tenants Protection Act. He asked the Town Board to approve a resolution for public hearing on May 8, 1990. He requested the Town Board to write to Commissioner Richard Higgins, New York State Division of Housing and Community Renewal, 1 Fordham Plaza, Bronx, New York 10458 requesting that a representative knowledgeable in the ETPA attend said public hearing to answer all questions. He said he was sure any questions that anyone would have would be answered by an impartial representative of the State.

Mr. Zuckerman said he knew that inquiries had been made by some of the Town Board members as to how ETPA is affecting Westchester County. There are 18 municipalities in Westchester County which have adopted ETPA. He said any Town Board can do away with ETPA at any time but not one in Westchester County has done so.

Appearance: Mr. Michael Merryman
West Nyack, New York

Mr. Merryman quoted a statement of Albert Einstein regarding tolerance. He mentioned the proposed Bradco zone change and said, following the example of Pyramid, they are all going to be coming in. He expressed concern over losing the character of Rockland. He read a piece from the N.Y. Board of Integrity regarding Pyramid and the N.Y. State Board of Elections investigation of allegations of political corruption in Poughkeepsie. He said the State Integrity Commission has lost its funding but is still going strong in Fordham Law School in New York City sponsored by several local law firms.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from LIO to R-15 - Map 165, Block A, Lot 3.02 (Bradco) was opened, time: 8:12 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from LIO to R-15 - Map 165, Block A, Lot 3.02 (Bradco) was closed, DECISION RESERVED, time: 9:06 P.M.

Continued on Next Page

Supervisor said with regard to the Town Board's making a decision, certainly by the next workshop the Town Attorney will have reviewed the petition and will determine whether the 265 petition is valid or not. He stated that he would be sure the people are informed if it is going to be on the agenda and if a decision is going to be made. Anyone who wishes to call the Supervisor's office, and there have been many in recent days who have been doing this certainly can find out and we will acknowledge whether or not it will be on the agenda. Until Mr. Jacobson, Town Attorney, reviews the petition, we will reserve decision.

At this point, Supervisor Holbrook declared a five minute recess.

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-15 to PO - Map 36, Block D, Lot 2 (Fasman) was opened, time: 9:16 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Zone Change from R-15 to PO - Map 36, Block D, Lot 2 (Fasman) was closed, DECISION RESERVED, time: 10:28 P.M.

RESOLUTION NO. (219-1990)

TOWN BOARD MINUTES OF
2/27/90 AND 3/6/90 ARE
HEREBY ACCEPTED

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board meeting of February 27, 1990 and March 6, 1990 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

Councilman Kunis..Abstain on 2/27 and Yes for 3/6
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.Abstain on 2/27 and Yes for 3/6
Supervisor Holbrook.....Yes

RESOLUTION NO. (220-1990)

TOWN BOARD SCHEDULING A
PUBLIC INFORMATIONAL
MEETING REGARDING PROPOSED
ESTABLISHMENT OF THE
EMERGENCY TENANT PROTECTION
ACT

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown has been requested by citizens residing in apartment dwellings in the Town of Clarkstown, to establish the Emergency Tenant Protection Act;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a Public Informational Meeting concerning the

Continued on Next Page

Resolution No. (220-1990) Continued

establishment of the Emergency Tenant Protection Act on May 8, 1990 at 8:00 P.M., at the Auditorium of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York, and be it

FURTHER RESOLVED, that the Town Attorney shall publish notice of this meeting by display advertising in the Journal News on April 27, 1990.

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. (221-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AN AGREEMENT
WITH WRKL FEE OF \$695.00 TO
BE CHARGED AGAINST ACCOUNT
#6410-405

Co. Smith offered the following resolution:

WHEREAS, WRKL'S Good Neighbor Day provides a method of informing residents about programs and services provided by the Town,

BE IT THEREFORE RESOLVED, that the Supervisor is authorized to enter into an agreement with Radio Station WRKL for "Good Neighbor Day" announcements on April 6, 1990. The fee of \$695.00 will be charged to Account 6410-405.

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. (222-1990)

AUTHORIZING ACCESS TO ROAD
BY M.A.G. ASSOCIATES
(COLLEGE AVENUE NANUET)

Co. Smith offered the following resolution:

WHEREAS, M.A.G. Associates, owner of property designated on the Clarkstown Tax Map as Map 32-2, Block B, Lot 94, located at the intersection of Route 59 and College Avenue, Nanuet, New York, hereby request access onto College Avenue from its property;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 105.25(D) of the Zoning Ordinance of the Town of Clarkstown, the Town Board hereby

Continued on Next Page

Resolution No. (222-1990) Continued

authorizes access onto College Avenue, which is not a major road, from the property owned by M.A.G. Associates, and designated on the Clarkstown Tax Map as Map 32-2, Block B, Lot 94.

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. (223-1990)

GRANTING PERMISSION TO
CLARKSTOWN PARKS BOARD AND
RECREATION TO DISPENSE
ALCOHOLIC BEVERAGES

Co. Kunis offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at:

Annual Senior Citizen Show Cast Party
April 7, 1990
Congers Community Center
Gilchrest Road
Congers, N.Y.

and

Annual Senior Citizen Picnic
June 6, 1990 (Raindate: June 7th)
Congers Lake Memorial Park
Gilchrest Road
Congers, N.Y

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. (224-1990)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT TALL TIMBERS OF
NEW CITY II

Co. Kunis offered the following resolution:

Continued on Next Page

Resolution No. (224-1990) Continued

RESOLVED, based upon the recommendation of Kurian L. Kalarickal, Deputy Director, the following street lighting be installed to improve traffic and pedestrian safety, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposal from Orange & Rockland Utilities, Inc. for street lighting at:"

Tall Timbers of New City ll
Install: 2 - 5800 lumen sodium vapor street lights on Fiberglass poles
Install: 1 - 5900 lumen sodium vapor street lights on 8' U.P.S. on pole #59979/42454.
Increase to the Town: \$331.92 plus E.F.C.
Annual Charges: \$110.64 x 3 units = \$331.92

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. (225-1990)

ACCEPTING PROPOSAL FROM
ORANGE & ROCKLAND UTILITIES
FOR STREET LIGHTING AT
HASTINGS WOOD, PARMA COURT,
VALLEY COTTAGE

Co. Kunis offered the following resolution:

RESOLVED, based upon the recommendation of Kurian L. Kalarickal, Deputy Director, the following street lighting be installed to improve traffic and pedestrian safety, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposal from Orange & Rockland Utilities, Inc. for street lighting at:

Hastings Wood, Parma Court, Valley Cottage
Install: 1 - 5800 lumen sodium vapor street lights on Fiberglass poles
Increase to the Town: \$110.64 plus E.F.C.

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. (226-1990)

CORRECTING RESOLUTION
#190-1990

Continued on Next Page

Resolution No. (226-1990) Continued

Co. Kunis offered the following resolution:

RESOLVED, that resolution #190-1990 is hereby corrected to read

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, N.Y. 10927
PRINCIPALS: NONE

LONE STAR INDUSTRIES, INC.
162 OLD MILL ROAD
WEST NYACK, N.Y. 10994
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

PLAZA MATERIALS CO.
969 MIDLAND AVENUE
YONKERS, N.Y. 10704
PRINCIPALS: C. PETRILLO
T. MITCHELL

as per attached item/price schedule.

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. (227-1990)

AWARDING BID #19-1990 -
FIRST AID SUPPLIES TO PARK
SURGICAL SUPPLY, NATIONAL
HEALTH SUP. CORP., G.E.
PICKERING CO., MOORE
MEDICAL, KRIST GOODMAN,
EMS., INC., GARDNER
SURGICAL SUP.

Continued on Next Page

Resolution No. 227-1990) Continued

Co. Kunis offered the following resolution:

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

BID #19-1990

FIRST AID SUPPLIES

is hereby awarded to

PARK SURGICAL SUPPLY
5001 NEW UTRECT AVENUE
BROOKLYN, N.Y. 11219
PRINCIPALS: MIRIAN DUKE
DANIEL DUKE

NATIONAL HEALTH SUP. CORP.
2 SOUTH ST., P.O. BOX 737
GARDEN CITY, N.Y. 11530
PRINCIPAL: STANLEY SAFT

G. E. PICKERING CO.
263 GLEN COVE AVENUE
SEA CLIFF N.Y. 11579
PRINCIPAL: GEORGE E. PICKERING

MOORE MEDICAL
P.O. BOX 2740
NEW BRITAIN, CT. 06050
PRINCIPAL: NONE

KRIST GOODMAN, EMS. INC.
16 LAFAYETTE AVENUE
SUFFERN., N.Y. 10901
PRINCIPALS: DAVID KRIST
PETER GOODMAN

GARDNER SURGICAL SUP.
382 BROADWAY
BROOKLYN, N.Y. 11211
PRINCIPALS: ROBERT SILVERSTEIN
JUDITH SILVERSTEIN
FANNIE GARDNER

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. (228-1990)

AUTHORIZING ATTENDANCE AT
INFORMATIONAL SEMINAR
CONCERNING NEW 19A
REGULATIONS -(LEWIS AND
ECKHART) TO BE CHARGED
AGAINST #1010-414

Co. Kunis offered the following resolution:

Continued on Next Page

Resolution No. (228-1990) continued

RESOLVED, that Joseph Lewis, Transit Operations Supervisor and Nils Eckhart, Safety Officer of the Town of Clarkstown, are hereby authorized to attend Informational Seminar Concerning New 19A Regulations, March 7, 1990 at Newburgh, N.Y. and be it

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

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. (229-1990)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON SOLID WASTE
MANAGEMENT (BOLLMAN) TO BE
CHARGED AGAINST
APPROPRIATION ACCOUNT
#A1010-414.

Co. Kunis offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, is hereby authorized to attend a conference on Solid Waste Management to be held at the Edgewood Resort, Alexandria Bay, New York on May 21 and 22, 1990, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriation account #A 1010-414

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. (230-1990)

AUTHORIZING ATTENDANCE AT
HALF-DAY WORKSHOP ON
"DEALING WITH UPSET
CITIZENS AND THE PUBLIC"
(MAKLIN) TO BE CHARGED
AGAINST APPROPRIATION
ACCOUNT # A1010-414

Co. Kunis offered the following resolution:

RESOLVED, that Rita Maklin, Senior Stenographer, Department of Environmental Control is hereby authorized to attend a

Continued on Next Page

Resolution No. (230-1990) Continued

half-day workshop on "Dealing with Upset Citizens and the Public" to be held March 19, 1990 at the Saddle Brook Marriott Hotel, Saddle Brook, New Jersey, and be

FURTHER RESOLVED, that all proper charges be charged against appropriation account #A 1010-414.

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. (231-1990)

AUTHORIZING ATTENDANCE AT
HALF-DAY SEMINAR ON
"DEALING WITH UPSET
CITIZENS AND THE PUBLIC"
(SACCENDE) EXPENSES
ALLOCATED AGAINST ACCOUNT A
#1010-414

Co. Kunis offered the following resolution:

RESOLVED, the Code Inspector, Irene Saccende, Building Department is hereby authorized to attend the following half day seminar:

Entitled "Dealing with Upset Citizens and the Public", held March 19, 1990, at the Saddle Brook Marriott Hotel, Saddle Brook, New Jersey, cost will be \$65.00.

FURTHER RESOLVED, that all necessary expenses be allocated against appropriate account #1010-414.

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. (232-1990)

AUTHORIZING ATTENDANCE AT
THE 25th ANNUAL MEETING OF
THE UNITED WAY OF ROCKLAND
COUNTY (HOLBROOK,
SQUILLACE, WEDLICK, DOYLE
AND MALIHA) COST OF \$15.00
PER PERSON CHARGED TO
ACCOUNT A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that the following are authorized to attend the 25th Annual Meeting of the United Way of Rockland County on

Continued on Next Page

Resolution No. (232-1990) Continued

Wednesday, March 21, 1990: Charles Holbrook, Elizabeth Squillace, Det. David Wedlick, Det. James Doyle and Julia Maliha, and be it

FURTHER RESOLVED, that the cost of \$15.00 per person will be charged to account A 1010-414.

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. (233-1990)

AUTHORIZING ATTENDANCE AT
1990 CORNELL LOCAL ROADS
PROGRAM "POWERS AND DUTIES
OF LOCAL HIGHWAY OFFICIALS
(MAURO, DRESCHER, CLUNE AND
GERLACH) EXPENSES BE
ALLOCATED AGAINST
APPROPRIATION ACCOUNT NO. A
1010-414

Co. Kunis offered the following resolution:

RESOLVED, that John F. Mauro, Superintendent of Highways, George Drescher, HMS II, John Clune HMS II, and Karl Gerlach, HMS II are hereby authorized to attend the 1990 Cornell Local Roads Program "Powers & Duties of Local Highway Officials" to be held March 27, 1990 in Rockland County.

BE IT FURTHER RESOLVED, that all necessary expenses be allocated against appropriation account no. A 1010-414.

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. (234-1990)

AUTHORIZING ATTENDANCE AT
A.P.W.A. "ON-THE-JOB-SAFETY
IN PUBLIC WORKS" SEMINAR
(CLUNE AND GERLACH)
EXPENSES BE ALLOCATED
AGAINST APPROPRIATION
ACCOUNT NO. A-1010-414

Co. Kunis offered the following resolution:

RESOLVED that John Clune, HMS II, and Karl Gerlach, HMS II are hereby authorized to attend the A.P.W.A. "On-the-Job Safety in Public Works" seminar to be held on April 17, 1990 at Iselin, New

Resolution No. (234-1990) Continued

Jersey.

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

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. (235-1990)

AUTHORIZING ATTENDANCE AT THE AMERICAN PUBLIC WORKS ASSOCIATION 1990 EQUIPMENT SHOW -(MAURO, BURGIO, DRESCHER, CLUNE AND GERLACH) EXPENSES BE ALLOCATED AGAINST APPROPRIATION ACCOUNT NO. A 1010-414

Co Kunis offered the following resolution:

RESOLVED, that John F. Mauro, Superintendent of Highways, Charles Burgio, HMS III, George Drescher, HMS II, John Clune, HMS II and Karl Gerlach, HMS II are hereby authorized to attend the American Public Works Association 1990 Equipment Show to be held Thursday, May 24, 1990 at the Orangetown Highway Department, Orangeburg, New York

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

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. (236-1990)

AUTHORIZING MEMBERS OF THE ZONING BOARD OF APPEALS TO ATTEND A "SHORT COURSE ON ZONING" SPONSORED BY THE WESTCHESTER MUNICIPAL PLANNING FEDERATION EXPENSES CHARGED TO ACCOUNT A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that the members of the Zoning Board of Appeals are authorized and encouraged to attend a "Short Course on Zoning" sponsored by the Westchester Municipal Planning Federation

Resolution No. (236-1990) Continued

beginning on March 27, 1990, at Pace University, and

BE IT FURTHER RESOLVED that the registration charge of \$30.00 per person plus travel expenses be charged to Account A 1010-414.

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. (237-1990)

AUTHORIZING ATTENDANCE AT THE NEW YORK STATE "BUY RECYCLED" CONFERENCE (KOHLEK) EXPENSES TO BE CHARGED AGAINST ACCOUNT A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the New York State "Buy Recycled" Conference in Syracuse, New York on March 21, 1990, and be it

FURTHER RESOLVED, that all reasonable, related expenses be charged against account A 1010-414.

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. (238-1990)

ACCEPTING DEED FOR EXTENSION OF ROAD (TRAM QUILL ASSOCIATES, INC.)

Co. Smith offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as TRAM QUILL ASSOCIATES, the Planning Board of the Town of Clarkstown requested a deed for the future extension of a road known as Corporate Way located in a subdivision known as Clarkstown Executive Park, Valley Cottage, New York;

Continued on Next Page

Resolution No. (238-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated February 27, 1990, from Tram Quill Associates, Inc. to the Town, gratuitously conveying said extension of Corporate Way, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (239-1990)

AUTHORIZING RELEASE OF ESCROWS WITH REGARD TO KINGSGATE, SEC. "D" AND KINGSGATE SEC. "E-1 AND E-2"

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Performance Agreements secured by a Letter of Credit from Knolls East, Ltd., (Kingsgate, Sec. "D") in the sum of \$60,000 and a Letter of Credit from Timberline Associates, L.P., (Kingsgate, Sec. E-1 & E-2) in the sum of \$60,000, furnished to the Town to guaranty the complete construction of the north/south By-Pass Road in connection with map entitled "Plan of Kingsgate", are terminated and the Letters of Credit in the sum of \$60,000 each may be released to Knolls East, Ltd. and Timberline Associates, L.P.

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. (240-1990)

SETTING PUBLIC HEARING REGARDING ZONE CHANGE PETITION FROM PO DISTRICT TO R15 DISTRICT - PUBLIC HEARING APRIL 24, 1990 (FOLEY PROPERTY)

Smith 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 described (Foley property)

Continued on Next Page

Resolution No. (240-1990) Continued

from a PO District to an R-15 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 17, Block A, Lot 2;

NOW, THEREFORE, be it

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 24th day of April, 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 Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (241-1990)

SETTING A PUBLIC HEARING
REGARDING ZONE CHANGE OF
MOUNTAIN SHADOWS, INC, PUBLIC
HEARING APRIL 24, 1990

Co. Kunis offered the following resolution:

WHEREAS, MOUNTAIN SHADOWS, INC., has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an LO District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 143, Block A, Lot 2;

NOW, THEREFORE, be it

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 24th day of April, 1990, at 8:05 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. Maloney

On roll call the vote was as follows:

Councilman Kunis.....	Yes
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Continued on Next Page

Resolution No. (241-1990) Continued

Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	No

RESOLUTIUN NO. (242-1990)

EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 (REGINA
CROPSEY)

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated February 9 1990 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

Description in Town Clerk's Office

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 27th day of March 1990, at 8:00 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

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. (243-1990)

AMENDING BOND RESOLUTION
ADOPTED AUGUST 12, 1985 AND
AMENDING FEBRUARY 24, 1987

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the original improvement and embellishment of recreational facilities at Congers Lake Park, at the estimated maximum cost of \$1,585,000.00 which amount was appropriated therefor pursuant to the bond resolution adopted by said Town Board on August 12, 1985 amended February 24, 1987 and hereinafter referred to, and it now has been determined that due to increased costs of labor and materials for dam reconstruction the estimated maximum cost of such recreational facilities improvements is now estimated to be \$2,325,000.00 and it is necessary to increase the appropriation therefor by \$740,000.00;

NOW, THEREFORE BE IT

Resolution No, (243-1990) Continued

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

Section A. The bond resolution of said Town duly ADOPTED BY THE Town Board on August 12, 1985, amended February 24, 1987, entitled:

"Bond resolution of the Town of Clarkstown, New York, adopted August 12, 1985 and amended February 24, 1987, authorizing the original improvement and embellishment of recreational facility as Congers Lake, Park, stating

the estimated maximum, cost thereof of \$1,585,000.00, appropriating said amount therefor including the appropriation of \$79,250.00 current funds to provide the required down payment, and authorizing the issuance of \$1,505,750.00 serial bonds of said Town to finance the balance of said appropriation,"

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985, AMENDED FEBRUARY 23, 1987 AND FURTHER AMENDED MARCH 13, 1990, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT CONGERS LAKE PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,325,000.00, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$117,000.00 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$2,208,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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 originally improve and embellish recreational facilities at Congers Lake Park, including dam reconstruction, improvements to the picnic groves and tennis courts, resurfacing the existing parking area and construction of additional parking, reconstruction of the Community Center, and construction of a combination lifeguard/refreshment stand building, as more particularly describe in the preliminary plan and report prepared by Mayo, Lynch and Associates, Inc., Engineers, for the dam and Schofield Colgan Architects for the remaining work, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,325,000.00 and said amount is hereby appropriated therefor including the appropriation of \$177,000.00 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$2,208,000.00 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town 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 to \$2,208,000.00 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

Continued in Next Page

Resolution No. (243-1990) Continued

called "Law") to finance the balance of said appropriation not provided by said current funds.

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 \$2,208,000.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19. (c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$117,000.00 will be provided from moneys now available therefor in the current budget of the Town under the heading "CAPITAL FUNDS." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(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 of 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

Continued on Next Page

Resolution No. (243-1990) Continued

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, as amended, is subject to permissive referendum.

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolutions, as so amended.

Section C. The Town Clerk of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on March 13, 1990, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution further amending the bond resolution adopted by said Town Board on August 12, 1985 and amended February 24, 1987 which bond resolution and as amended, is entitled:

Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985, amended February 24, 1987 and further amended March 13, 1990, authorizing the original improvement and embellishment of recreational facilities at Congers Lake Park, stating the estimated maximum cost thereof is \$2,325,000.00, appropriating said amount therefor, including the appropriation of \$117,000.00 current funds to provide the required down payment, and authorizing the issuance of \$2,208,000.00 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution, as amended, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish recreational facilities at Congers Lake Park, including dam reconstruction, improvements to the picnic groves and tennis court, resurfacing the existing parking area and construction of additional parking, reconstruction of the Community Center and construction of a combination lifeguard/refreshment stand building as more particularly described in a preliminary plan and report prepared by Mayo, Lynch and Associates, Inc. Engineers, for the dam and Schofield Colgan Architects for the remaining work, on file in the office of the Town Clerk and hereby approved; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,325,000.00; APPROPRIATING said amount therefor, including the appropriation of \$117,000.00 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing included the expenditure of said current funds, issuance of \$2,208,000.00 serial bonds of the Town to

Continued on Next Page

Resolution No. (243-1990) Continued

finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$2,208,000.00 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$117,000.00 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$2,208,000.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution, as amended, is subject to a permissive referendum

DATED: MARCH 13, 1990

Patricia Sheridan
Town Clerk

Section D. Said bond resolution, as herein amended is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor, is defeated, the validity of the bond resolution adopted August 12, 1985 and amended February 24, 1987 shall not be in any way affected and shall remain in full force and effect.

Section E. After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in full, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section F. This resolution shall take effect immediately,.

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

Continued on Next Page

106

Resolution No. (243-1990) Continued

The resolution was declared adopted.

Seconded by Co. Smith

RESOLUTION NO. (244-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
04-102770 (MISC. INCOME)
AND APPROPRIATION ACCOUNT
NO. DB 5110-230
(COMMUNICATIONS EQUIPMENT)

Co. Kunis offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$133.33
from William Tasaro for damage to a Highway truck radio,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
04-102770 (Misc. Income) and Appropriation Account No. DB 5110-230
(Communications Equipment) by \$133.33.

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. (245-1990)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1430-409
(PERSONNEL - FEES FOR
SERVICES)

Co Kunis offered the following resolution:

WHEREAS, Appropriation Account No. A 1430-409
(Personnel - Fees for Services) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A
1990-505 and increase Appropriation Account No. A 1430-409 by
\$3,352.00

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. (246-1990)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING (MAP 120-D-15 -
GATSON)

Co. Kunis offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by LOUIS GATSON and BESSIE GATSON, more particularly described on the Tax Map of the Town of Clarkstown as MAP 120, BLOCK D, LOT 15, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 24th day of April, 1990, at 8:15 P.M., providing service of Notice Pursuant to Town Code, Chapter 31, is made on or before the 22nd day of March, 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. (247-1990)

AUTHORIZING THE SUPERVISOR
TO SIGN A HOME RULE REQUEST
AMENDING SECTION 271 OF THE
HIGHWAY LAW WITH RESPECT TO
FUNDS FOR THE PURCHASE OF
HIGHWAY EQUIPMENT

Co. Maloney offered the following resolution:

WHEREAS, the cost of the purchase of certain highway equipment has risen rapidly in recent years, and

WHEREAS, Section 271 of the Highway Law, as amended, provides in subdivision 3a(1) that a limitation of \$200,000.00 only may be raised by taxes for highway equipment in Clarkstown, and

WHEREAS, the Town Board is desirous to increase the limits in the Town of Clarkstown to \$450,000.00 for the purchase of the highway equipment enumerated in Section 271 of the Highway Law and to have introduced into the State Legislature an ACT to amend the Highway Law, in relation to the limitation on the amount to be raised by tax for equipment expenditure in the Town of Clarkstown, and

WHEREAS, said Home Rule Request was forwarded to the Assembly and Senate of the State of New York, for their review and submission as a bill, and said bill was introduced;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to sign a Home Rule Request concerning Senate Bill No. 3096-A and Assembly Bill No. 4772-A, amending Section 271 of the Highway Law.

Continued on Next Page

Resolution No. (247-1990) Continued

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. (248-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGNS TO READ, "NO PARKING MONDAY - FRIDAY 8:00 A.M. TO 4:00 P.M." TO BE ERECTED ON BOTH SIDES OF FRINGE COURT, NEW CITY, NEW YORK

Co. Kunis offered the following resolution:

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

SIGNS TO READ, "NO PARKING MONDAY - FRIDAY 8:00 A.M. TO 4.00 P.M." to be erected on both sides of Fringe Court, New City, New York

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro for implementation.

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. (249-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL A STOP SIGN ON REINA LANE AT WATER'S EDGE, VALLEY COTTAGE

Co. Kunis offered the following resolution:

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

A stop sign on Reina Lane at Water's Edge, Valley Cottage

and be it

FURTHER RESOLVED, that the Town Clerk be directed to

Continued on Next Page

Resolution No. (249-1990) Continued

forward copies of this resolution to the Superintendent of Highways, John Mauro for implementation.

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. (250-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #31-1990 - GILBERT
DRAINAGE PROJECT

Co. Mandia offered the following resolution:

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

BID #31-1990
GILBERT DRAINAGE PROJECT

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, April 12, 1990 at which time bids will be opened and read, and be it

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

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

RESOLUCYION NO. (251-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR - BID #32-1990
(AMMUNITION FOR CLARKSTOWN
POLICE DEPARTMENT)

Co. Mandia offered the following resolution:

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

BID #32-1990
AMMUNITION FOR
CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the office of the Director of Purchasing,

Continued on Next Page

Resolution No. (251-1990) Continued

10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, April 3, 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. (252-1990)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #33-1990 (SALE OF SURPLUS SANITARY LANDFILL EQUIPMENT)

Co. Mandia offered the following resolution:

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

BID #33-1990
SALE OF SURPLUS SANITARY
LANDFILL EQUIPMENT

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, April 4, 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. (253-1990)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #34-1990 (SECURITY GUARD SERVICE AT TOWN PARKS)

Co. Mandia offered the following resolution:

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

Resolutin No. (253-1990) Continued

BID #34-1990
SECURITY GUARD SERVICE
AT TOWN PARKS

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 April 2, 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. (254-1990)

REJECTING ALL PROPOSALS
RECEIVED FOR BID #26-1990
(INDUSTRIAL PERSONAL
COMPUTER)

Co. Smith offered the following resolution:

RESOLVED, that all proposals received for

BID #26-1990
INDUSTRIAL PERSONAL COMPUTER

are hereby rejected and that items be purchased off current New York State Contract.

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. (255-1990)

CORRECTING TOWN BOARD
RESOLUTION #193 -1990 RE:
STREET SIGN

Co. Maloney offered the following resolution:

RESOLVED, Town Board resolution no. 193-1990 adopted February 27, 1990, in reference to traffic signal modifications on Prospect Street at Main Street, Nanuet, paragraph two, be corrected to read "The existing "No. Parking Here to Corner" sign (NYS sign #P1-9) should be relocated from its present site to a location 35 feet eastward, toward the intersection of Main Street."

Resolution No. (255-1990) Continued

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. (256-1990

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF THE TOWN
CODE TO (HENRY SMITH, INC.
90-17 AND TRAVCON, INC.
90-19)

Co. Smith 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:

HENRY SMITH, INC.
P. O. Box 24
Monsey, New York 10952

TRAVCON, INC.
370 Kings Highway
Valley Cottage, N.Y. 10989

RESOLVED, that the following Certificates of
Registration be issued:

No. 90-17 to HENRY SMITH, INC.
No. 90-19 to TRAVCON, INC.

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. (257-1990)

APPOINTING EDWARD CHAZAN,
POLICE OFFICER - POLICE
DEPARTMENT

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #88222 Police Officer which
contains the name of Edward Chazan,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of Edward Chazan, 21 Stratford
Place, New City, New York, to the (permanent) position of Police
Officer - Police Department - at the current annual salary of
\$34,910.00, effective and retroactive to February 8, 1990.

Continued on Next Page

Resolution No. (257-1990) Continued

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. (258-1990)

APPOINTING TARA A. STUART
POLICE OFFICER - POLICE
DEPARTMENT

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88222 Police Officer which contains the name of Tara A. Stuart

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Tara A. Stuart 80 L Ridge Road, Valley Cottage, New York to the (permanent) position of Police Officer - Police Department - at the current annual salary of \$34,910.00, effective and retroactive to February 8, 1990.

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. (259-1990)

APPOINTING EILEEN S. MALLOY
POLICE OFFICER - POLICE
DEPARTMENT

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88222 Police Officer which contains the name of Eileen S. Malloy

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Eileen S. Malloy, 22 Park Terrace, New City, New York, to the (permanent) position of Police Officer - Police Department - at the current annual salary of \$34,910.00, effective and retroactive to February 8, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes

Continued on Next Page

Resolution No. (259-1990) Continued

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

RESOLUTION NO. (260-1990)

APPOINTING JOSEPH C.
REITER, POLICE OFFICER -
POLICE DEPARTMENT

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88222 Police Officer which contains the name of Joseph C. Reiter,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joseph C. Reiter, 7 Brenda Lane, Bardonia, New York, to the (permanent) position of Police Officer - Police Department - at the current annual salary of \$34,910.00, effective and retroactive to March 5, 1990.

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. (261-1990)

APPOINTING CRAIG F. ALEMI,
POLICE OFFICER, POLICE
DEPARTMENT

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of eligibles #88222 Police Officer which contains the name of Craig F.Alemi,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Craig F. Alemi, 76 Church Street, Nanuet, New York, to the (permanent) position of Police Officer - Police Department - at the current annual salary of \$34,910.00, effective and retroactive to March 5, 1990.

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. (262-1990)

REAPPOINTING JOHN WEIGOLD
AS MEMBER - FIRE BOARD OF
APPEALS

Co. Kunis offered the following resolution:

RESOLVED, that John Weigold, 7 Aspen Lane, New City, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to March 12, 1990 and it expire on March 11, 1993.

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. (263-1990)

REAPPOINTED TO FIRE BOARD
OF APPEALS - JOHN KIVLEHAN

Co. Kunis offered the following resolution:

RESOLVED, that John Kivlehan, 177 Rose Road, West Nyack, New York is here by reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effctive and retroactive to February 28, 1990 and to expire on February 27, 1993.

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. (264-1990)

REAPPOINTED TO FIRE BOARD
OF APPEALS - EDWARD HEWITT

Co. Kunis offered the following resolution:

RESOLVED, that Edward Hewitt 8A Bittman Lane, New City, New York is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to February 28, 1990 and to expire on February 27, 1993.

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. (265-1990)

APPOINTED CHAIRMAN OF FIRE BOARD OF APPEALS - EDWARD HEWITT

Co. Kunis offered the following resolution:

RESOLVED, that Edward Hewitt, 8A Bittman Lane, New City, New York, is hereby appointed to the position of Chairman - Fire Board of Appeals - to serve without compensation - term effective and retroactive to March 12, 1990 and to expire on December 31, 1990.

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. (266-1990)

REASSIGNING GARY LANDRO FROM SANITARY LANDFILL TO (POSITION OF LABORER) DEPARTMENT OF ENVIRONMENTAL CONTROL

Co. Kunis offered the following resolution

RESOLVED, that Gary Landro, 533 Millburn Court, Valley Cottage, New York, is hereby reassigned from Sanitary Landfill to the position of Laborer - Department of Environmental Control - at the current annual salary of \$19,393.00, effective and retroactive to February 20, 1990.

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. (267-1990)

GRANTING EXTENSION OF SICK LEAVE OF ABSENCE AT ONE HALF PAY - JOSEPH RUTLIGIANO - MINI TRANS DEPARTMENT

Co. Kunis offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Joseph Rutligiano, 4 William Street, New City, New York, Senior Transit Clerk & Bus Driver - Mini Trans Department - is hereby granted an extension of his Sick leave of Absence - at one half pay - effective and retroactive to March 2, 1990 to April 2, 1990.

Seconded by Co. Mandia

Resolution No. (267-1990) 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. (268-1990)

CREATING POSITION OF CLERK
STENOGRAPHER - DEPARTMENT
OF ENVIRONMENTAL CONTROL

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 28, 1990 that the position of Clerk Stenographer can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Stenographer - Department of Environmental Control - is hereby created - effective March 14, 1990.

Secondced 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. (269-1990)

APPOINTING KENNETH BODKIN
OFFICE WORKER STUDENT -
PURHASING DEPARTMENT

Co. Kunis offered the following resolution:

RESOLVED, that Kenneth Bodkin, 7 Bellwood Drive, New City, New York, is hereby appointed to the position of Office Worker Student - Purchasing Department - at the current hourly rate of \$4.00 - effective and retroactive to March 6, 1990.

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. (270-1990)

RECLASSIFYING POSITION OF
ACCOUNT CLERK TYPIST TO
ACCOUNT CLERK - JUSTICE
DEPARTMENT

Resolution No. (270-1990) Continued

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 26, 1990 that the position of Account Clerk Typist can be reclassified to the position of Account Clerk,

NOW, THEREFORE, be it

RESOLVED, that the position of Account Clerk Typist - Town Justice Department - is hereby reclassified to the position of Account Clerk - effective March 14, 1990.

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. (271-1990)

APPOINTING JAMES COMER TO
POSITION OF (TEMPORARY)
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT

Co. Kunis offered the following resolution:

RESOLVED, that James Comner, 11 Forest Brook Road, Spring Valley, New York, is hereby appointed to the position of (temporary) part-time Bus Driver - Mini Trans Department - at the current hourly rate of \$8.72, effective and retroactive to March 9, 1990.

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, (272-1990)

APPOINTING HENRY GROSSMAN
MEMBER - CONDOMINIUM
INFORMATION BOARD TO FILL
UNEXPIRED TERM OF DOROTHY
GIAIMO

Co. Kunis offered the following resolution:

RESOLVED, that Henry Grossman, 41 Omni Court, New City, New York, is hereby appointed to the position of Member - Condominium Information Board (to fill the unexpired term of Dorothy Giaimo) term effective March 14, 1990 and to expire on January 14, 1993.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

Resolution No. (272-1990) Continued

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

RESOLUTION NO. (273-1990)

REAPPOINTING MEMBER -FIRE
BOARD OF APPEALS (ARTHUR
SMITH)

Co. Kunis offered the following resolution:

RESOLVED, that Arthur Smith, 31 Pondview Drive, Congers, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to March 12, 1990 and to expire on March 11, 1993.

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. (274-1990)(TABLED)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
ZONE CHANGE FROM LO TO PO -
MAP 60, BLOCK A, LOT 7
(C.R.CLEMENSEN)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 9th day of January, 1990, provided for a public hearing on the 23rd day of January, 1990, at 8:10 P.M., to consider amending the Zoning Ordinance of the Town of Clarkstown, on its Own Motion, by redistricting the property described on the Clarkstown Tax Map as Map 60, Block A, Lot 7, from an LO District to a PO District, and

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

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

Continued on Next Page

Resolution No. (274-1990) Continued

required, and be it

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the receipt and acceptance by the Town Board of a covenant in a form approved by the Town Attorney submitted by the record owner, shall provide that the recommendations of the Planning Board made upon review of the proposed zone change shall be implemented by the property owners or his successor in interest as follows:

1. Road widening along Phillips Hill Road shall be provided in accordance with the width as shown on the Official Map, thirty (30') feet to be gratuitously conveyed to the Town of Clarkstown for future road widening purposes.
2. No less than a twenty-five (25') foot buffer area shall be provided along the westerly boundary line, with no parking or driveway to be permitted within said buffer.
3. Applicant shall return to the Planning Board for site plan review and approval, and conformance with all Zoning requirements.

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LO District to a PO District, the property designated on the Clarkstown Tax Map as Map 60, Block A, Lot 7, situated in the Hamlet of New City, New York, 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. Mandia

Before roll call Councilman Kunis said we went through two zone change hearings this evening. Approximately 150 people were here. Both of these groups opposing or in favor of zone changes were told that they would be given the courtesy, if they called the Supervisor's office, of being told when the zone change vote would be placed on the agenda. We are voting tonight on a item - a major zone change - in north New City. Not one resident of north New City has been notified that the vote will be taking place tonight at 10:40 P.M. with seven people in attendance at a Town Board Meeting. This is not the right way to do it. It is not the fair way to do it and as a matter of fact, as a Town Board Member, he was not notified of this zone change resolution that would be proposed tonight by Councilman Maloney at 10:40 P.M.

Councilman Maloney said Mr. Kunis maybe you might ask why it was withdrawn from the packet? Because this was called in yesterday and it was acknowledged yesterday and it would have been in your packet.

Councilman Kunis said it was not in his packet. Councilman Maloney said then find out why it wasn't. Councilman Kunis said it was not in his packet and he did not know anything about it and once again, being proposed, with not one resident of

Continued on Next Page

Resolution No. (274-1990) Continued

the surrounding area. He said the only people he sees in this auditorium tonight concerned about this zone change are the two owners of the property. They were given the courtesy of notification that there would be a vote on the zone change tonight. Not one resident in north New City was given the courtesy. At this time Councilman Kunis said he was moving to table this and he moved that the residents of north New City or any resident of Clarkstown be given the courtesy of notification when a vote is being taken. This is not the right way to do it. It is not the fair way to do it. It is not the democratic way to do it. He moved to table.

Supervisor Holbrook said he personally favored the zone change but he did feel that at this particular time it would be unfair to vote on it tonight in the absence of anybody being here.

RESOLUTION NO. (275-1990)

TABLING RESOLUTION NO.
(274-1990) RE: ZONE CHANGE
FROM LO TO PO - MAP 60,
BLOCK A, LOT 7
(C.R.CLEMENSEN)

Co. Kunis moved the following resolution:

RESOLVED, that Resolution No. (274-1990) regarding the adoption of a zone change from an LO District to a PO District, Clarkstown Tax Map Map 60, Block A, Lot 7 (C.R. Clemensen) is hereby tabled.

Seconded by Supv. Holbrook

Before roll call Councilman Maloney said his concern was that he was afraid that this thing would never come up because it has been quite a long while since we had two public hearings. He said he did not remember any time where we have had a definite ruling that we had to make a zone change vote with the people present that were at the public hearings. He said he could remember many times and he was sure Councilman Kunis could and other people on this Town Board could remember where we made zone changes without the people being present. He said he did not think it was out of order to bring it up.. He stated that he called it in yesterday to be on the agenda and it was taken off the agenda. He said not that some people were not notified and some people were notified. He said he was not sure it was going to make a stack of beans whether there are five hundred people here when we vote or whether there is nobody here because if the votes are there the votes are there and it doesn't make any difference. The people will not have any say although they will know what happened. If you want to table it, he said he would be glad to vote to table it. But he added that he wants to make sure that it comes up in two weeks.

Councilman Kunis said he believed that it should come up. He believed that the residents don't have to be here but this Board, as an elected Board, owes the residents of the area the courtesy of notification. If there was a notification that went out where somebody can call up and say what's on the agenda tonight - is it on? - then I have no problem with it, Councilman Maloney, but when it is not on the agenda and it is put on as an item - the 25th item - not part of an agenda - I have a serious problem with that.

Councilman Maloney said he thought that perhaps when he called it in yesterday that the people would have been called to come out and those people that wanted to come out could come out - whether it be ten people representing all the people or whether

Continued on Next Page

122

everybody wanted to come out. He said he does not make the phone calls to tell the people to come out. Lots of time people come out here. He said he never called them but they are here.

Supervisor Holbrook said Councilman Maloney called the Town Attorney yesterday and asked him to put it on yesterday and the Town Attorney did the resolution and he brought it to my office this afternoon. Supervisor said he made the decision not to put it on the agenda basically for the reason that with the two public hearings that we had here tonight he thought that if we bought another group of people in here we'd have three public hearings and it would just be too much and that was the reason he decided not to put it on the agenda this afternoon when the resolution came in. He said we will put it on the agenda for the next meeting.

Councilwoman Smith said she hoped that this would be the last time that something like this happens. It seems the lack of communication between the members of the Town Board is incorrect to all of us as well as to the public and if someone requests something to go on that request should be respected. If it is not to go on then that person and all the rest of us should know that it will not be on. She said this had been a problem over the last two years that had subsided for awhile. She stated that she hoped it won't repeat itself.

On roll call the vote was as follows:

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

Councilman Maloney said on a happy note he would like to wish Councilwoman Ann Marie Smith a very Happy Birthday and thank her for spending almost the entire day of her birthday here with the Town Board.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 10:45 P.M.

Respectfully submitted,

Patricia Sheridan
 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

3/13/90

8:12 P.M.

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

RE: ZONE CHANGE FROM LIO TO R-15 -
MAP 165, BLOCK A, LOT 3.02 (BRADCO)

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 said the SEQRA found no environmental impact. The Town Planning Board recommended denial. The Rockland County Planning Commissioner recommended approval.

Supervisor said this public hearing is the result of a motion by the Town Board which referred this to our Planning Board for their review. He said in 1983, when we did our last Master Plan Update, this particular site had been recommended by them for a change from LIO to R-15. That was never done and so this particular request was from the Town Board directly to the Planning Board. That is why we are having this hearing this evening.

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

Appearance: Mr. Robert Steinmann
Olin Drive
Spring Valley, New York

Mr. Steinmann said he was on record with the Planning Board relative to the Bradco property with regard to conditions in the Town such as sewage, drainage, etc. He expressed concern about gas rates, water rates, sewer rates, garbage rates, increased school taxes and more impact on the local people.

Appearance: Mr. Robert Estrin
Treetop Circle
Nanuet, New York

Mr. Estrin said he found such a massive building inappropriate in the middle of a residential area. He felt it would have impact on over 1200 homes which are being built right now. He discussed the ingress and egress. He expressed concern over trucking and about semi-trailers negotiating the turn from Pascack Road onto Smith Road. He urged some other use for this parcel which is the only commercial parcel in the middle of a residential area.

Appearance: Mr. Stephen Iser
71 Smith Hill Road
Monsey, New York

Mr. Iser said he is one of the developers of Timberline and an owner of Timberline Condominium Development. He discussed reasons for zoning in municipalities as assuring that growth take place in an orderly manner. Mixing of industrial, commercial, business and residential uses should be avoided. Residential is the highest use and should be protected from intrusion by other uses.

Continued on Next Page

He referred to Euclid v. Amber Realty which was the first zoning case reviewed by the Supreme Court and in which the court found valid legal basis to exclude business use from residential areas. He went into detail regarding this case which set a precedent regarding mixed zoning. He said a comprehensive zoning plan must be adopted in accordance with a master plan. He said the site in question has been shown over the years to be for medium density residential development use. He said the Town was convinced to leave the site under existing commercial zoning partly due to the fact that no residential development to the north or east of the property had occurred even though residential property to the south was already established.

Mr. Iser said in 1981 there was a recommendation to rezone this site from LIO to R-15. This recommendation of the Planning Consultant was endorsed by the Planning Board. For reasons not indicated in the minutes, the Town Board did not follow such recommendations.

Mr. Iser noted that Bradco is seeking approval for an 87,000 square foot warehouse but if granted there would be no guarantees that Bradco would even use the building for a stated use. He noted the LIO could be used for numerous heavy uses which were never meant to be contiguous to a residential development.

He said that there is no legal restriction on a municipality's legislative right to rezone a sight which is incompatible with adjacent land use. The Town Board posed a question to Town Attorney Murray Jacobson if Bradco had any vested rights in the present zoning category of LIO. His reply in a memo dated January 9th was the person processing the new site plan has not received any approvals to date and therefore has not acquired any vested rights. The property owner does not have a vested right in a continued zoning classification. Mr. Iser said also an owner does not have the right to the highest and best use of the property. Zoning has to be balanced with the health and welfare of the surrounding areas in which the questionable property is located.

Mr. Iser expressed concern over access from the site. He said the Bradco project clearly demonstrates the problems of an inconsistent, incompatible project which will generate a continuous stream of problems for the Town as well as the community in which it lies. He said he would hope that this Board this evening is going to take a vote on this application either to approve it or disapprove it and he hoped they do not decide to reserve decision. The public and everyone here has a right to know how each and every member feels about this project.

Appearance: Mr. Elliot Greenberg
7 Rustin Lane
Spring Valley, New York

Mr. Greenberg said has been opposed to the construction of such a facility for many reasons. The reasons for opposition include: fire hazards and fire safety, traffic safety, noise and air pollution, the visual impact and property values. He said he had engaged a former traffic engineer for the City of White Plains to review and evaluate the Traffic Impact Analysis Report submitted by Bradco to the Planning Board. That review indicated many flaws in the report and subsequently resulted in the Planning Board asking Bradco to conduct a new traffic analysis which would respond to the questions raised.

Mr. Greenberg said due to the highly combustible nature of the contents to be stored in the proposed building it is imperative that the unhindered access be available for fire fighting equipment during the first crucial minutes of a fire emergency. He said he has discussed the site of the proposed building with Chief Joseph Jacaruso of the Spring Valley Fire Department which has

jurisdiction over this area and he has indicated his concern regarding access to the property for his equipment and the nature of the combustibles to be stored in the proposed warehouse.

Mr. Greenberg also expressed concern over a remark at the Planning Board Meeting he attended in February when one of the Board members said in regard to the proposed zone change that he will vote against the zone change because Bradco has already spent a large sum of money on this project. This statement was also backed by another member of the Planning Board. It was also detected at this meeting that this whole matter is believed to be a fight between large property owners. This is not and should not be perceived to be the case by the Planning Board or the Town Board. The people who will suffer the most if this zone change is not approved and this project is allowed to continue are the small home owners. They will be subjected to increased traffic safety problems, fire safety problems and numerous other potential problems including reduced property values. Land speculation is not an exact science and sometimes the purchaser takes a chance on a piece of property and runs into problems as in this case. He said he feels that the Town Board should be most concerned with the overall welfare of the majority of their citizens and not overly concerned and reluctant to rezone a piece of property because of money spent on a project. He asked that the Town Board grant the petition to rezone the subject property from LIO to R-15.

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

Mr. Lodico said some of the questions he would raise to the Board: How long has this property been zoned of commercial nature? He was told that it was over 50 years LIO. He said his point is that it depends on whether you are buying or selling, whether it's votes tonight or principle tonight, and/or whether a property owner has the right to develop his property to its fullest extent. He said he would like to remind this Board that in 1975 this whole project, that included Treetops and the rest, was granted a zone change that took our largest and most capable commercial structure available, which at that time was zoned M, LIO, LO and the smallest portion of it was residential in nature. He said he would suggest to the Town Board that there might be an area of concern of principle of a person's property rights. In this case that whole area was 90% of commercial nature with its highest zone, prior to 1975, being M, LIO, LO and of commercial nature.

Appearance: Ms. Lorraine Brooks
Linden Lane
Nanuet, New York

Ms. Brooks said she lives at Timberline and is a member of the Condominium Information Board. She said what you have to take into account is more than the bottom line because we represent the bottom line as well. That area has changed. It is not 1975 anymore. It is 1990 and if one drives down that area one will notice there is a definite change. She said the people have put a great deal of money into our properties and we spend a great deal of time and effort keeping that area the kind of place where people want to live. She said she had the misfortune last week of driving behind a Bradco truck. It was not an experience she would like to have again. It is a smelly truck; it is large; and it is extremely slow. She said if you think that a warehouse of that nature is going to add to the area it is not.

Ms. Brooks said she noticed that the Board will be going to a conference dealing with upset citizens and the public. She said let me tell you now that you have us right here and we hope you will consider our voices.

Continued on Next Page

Appearance: Ms. Judy Mender
163 Treetop Circle
Nanuet, New York

Ms. Mender said she was representing her six year old daughter who has watched the lovely trees outside of her backyard being knocked down. It is now this vacant area and she does not understand why that is the way it is. She said she has noted the many changes in the area and the increased traffic by the Spring Valley Market Place. Ms. Mender said now she has explained to her daughter about this plant and she learns all about the environment in school and appreciating nature and conservation, etc. This makes no sense to her and she is very upset about it. She asked me to speak to you about it. She wanted to present her daughter's point of view.

Appearance: Mr. John Fiorvanti
2 Rustin Lane
Nanuet, New York

Mr. Fiorvanti said several weeks ago Nanuet Ambulance Corps was called to respond at North Pascack Road. With lights and sirens blaring it took us in excess of three minutes to get from Tunnel By-Pass Road and Smith Road traffic light onto Pascack Road. That is not a problem for a car but it is a problem for an ambulance. He asked all the Town Board members to vote their conscience.

Appearance: Mr. Harry Pollen
4 Lauren Drive
Nanuet, New York

He said his property is adjacent to the dirt road over the proposed project. He is asking the Town Board members to put themselves into the residents' position having to work up early in the morning to the noise of traffic, pollution, safety and other nuisances that come with the territory. He said with regard to the right of property owner's developing their own property if he were to buy a piece of property around the corner from your residence and develop it where undesirables would come in, would you enjoy that? He urged the Board to say no to Bradco.

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino and Edwards
Attorneys for Bradco

Mr. Tracy submitted a petition under Section 265 of the Town Law signed by the appropriate officer of Bradco. He spoke about fairness and about a person who comes into our Town, which constantly mouths the premise that we want to attract industrial ratables and we want to attract light industry, who buys a parcel of land so zoned and who proceeds for a period of two years now through our Planning Board to get approval for a use that is permitted by right. He said he has heard the objections to this use. What kind of use is it? It is going to create pollution? What kind of pollution does stored warehouse building products cause? Lumber causes pollution? Lumber is a by-product of trees. He said Mr. Iser comes in as the developer who benefitted from the LIO zone change to residential which took place on Treetops and who built some houses and who has a difficult market and who stirs up the residents and says let's stop this Bradco. It is going to hurt your property values. It is an economic interest but he was so wrong when he quoted Euclid and when he went on through the history of this particular project. This project was at one time owned by Spencer Pile Company. The property at the present time has 10,000 feet of dilapidated LIO type buildings on it. It was at one time an old laundry. It also serves as a garage space for garbage trucks. It has been zoned LIO since our only adoption of a comprehensive revision to a Master Plan in 1967.

Continued on Next Page

Mr. Tracy said now Bradco comes in and buys this property. They get held up two years by the Town of Clarkstown. The neighbors come in fomented by developers seeking to protect their economic interest and the Town Board says okay Bradco, even though you paid an LIO price for your land we'll give you R-15 value for it. Fairness, not principle, not votes, Fairness. Inaccuracies - some of the very same people who came in here tonight and asked you to remove this LIO use came in here on the Parker/Nanuet zone change and said we don't want any more residential. We want to preserve our PED and LIO uses. There are other users of an LIO nature contemplating at the present time coming to the Town of Clarkstown.

Mr. Tracy expressed concern that we are sending out the wrong signal to prospective developers of LIO property. Because there is 99 acres of it and it sits not on the busy road envisioned by Mr. Iser's presentation but it sits on Smith Road. Now compare Smith Road to Pascack Road. Pretty much the same aren't they?

Mr. Tracy said the Planning Board said we have asked these people first to buy a piece of property to secure a secondary access. They tried to buy that property but Mr. Iser bought it. They asked Mr. Iser would he give them that secondary access out and have the Town put that access onto the Official Map. The answer was no. Have my clients and Mr. Iser been negotiating for Mr. Iser to purchase my client's property? The answer is yes. So, what do we have here? We have here a selfish, economic interest which has utilized the bona fide concerns and fears of honest residents for their own advantage.

Mr. Tracy asked what will be the result of approving this zone change tonight? The result of approving this zone change tonight is that the message will go out that zoning is not sacrosanct in the Town of Clarkstown; that we do not zone in accordance with the recommendation of our Planning Board members; that we zone, based upon public consensus and we don't zone with any degree of uniformity because we said in one case around the corner we want this property to remain LIO and PED. We don't want any more residential use condominiums in the area. We want it to stay the way it is. That was the majority of the Board. Now, the Board says we want this property to be LIO. We don't want it to be residential. What kind of a Town will we have? The Clarkstown Planning Board voted against the zone change - this Planning Board which is now in the process of completing its Master Plan because it felt that Bradco had done everything they were supposed to do and because Bradco had just furnished and completed traffic studies which showed that the use was safe and the property would accommodate their use.

Mr. Tracy said with regard to the danger and hazards of having this type of an operation near you and with regard to Timberline, not that near. He said you have within 350 feet of you and have had since he was a little boy Vanderbilt Lumber Supply. Hazard? Same type of use right? Create traffic problems? They take their trucks and they go out with their building materials and their lumber in the morning. Do we need all kinds of police protection? Do we need all kinds of fire protection? He said he thinks we all know the answer to that. You can observe that. He said he appreciated the sincere concerns of the people. He does not appreciate builders who come in asking for zone change and then say now that I got mine I want my neighbor's property changed. He said he appreciates all of that but he asks the Board to judge this zone change on the basis of neither principle nor votes but on the principle of fairness.

Appearance:

Warren Kossin, Esq.
representing Treetops Condominiums,
Phase A, Section II
Kingsgate, Section I
Knolls East Condominium, Section I

Continued on Next Page

He said he thinks Mr. Tracy made one big mistake. He said Mr. Iser is just another developer as far as the people present here tonight are concerned. However, one thing that Mr. Tracy did say that was correct is that the people who are here tonight are here because of selfish, economic interests but not Mr. Iser's - their own. They came here because they heard the message about Clarkstown, that it is a beautiful place to live and they bought homes in the Town of Clarkstown and they are now threatened by having a warehouse stuck in the middle of a residential area.

He said neither Mr. Lodico nor Mr. Tracy didn't say, in defense of this project, how is this project compatible with the area? How does it fit in? How is it appropriate for where it is? Certainly they have the zoning. It has been zoned that way since 1967. But that has nothing to do with today. Maybe in 1975 a grand mistake was made in permitting the zoning changes which allowed the hamlets to be built. The question is are we going to make one more mistake and allow an enormous commercial building to be stuck in the middle of a residential neighborhood?

He noted that we have a new road in the Town of Clarkstown - New Clarkstown Road. If you start at Smith Road going north it is a very nice road to travel on. It is surrounded on both sides by residential properties. He said they would like to see the residential nature and aspect of that part of the community kept residential without an enormous commercial building being stuck in there. He said yes, the people fought - don't put the condominiums in between Smith Road and Route 59. That is true but that has nothing to do with that property. That was on the other side of Smith Road which is already commercial and it is a great place for commercial properties. We are now talking about the residential side of Smith Road and all of these people are here tonight to fight for the interests of all the people that sunk their money into their homes and want to continue to enjoy living in those homes. He said if we are going to have a movie based upon this we would probably bring down Frank Capra who would like to write a story about how the common man is fighting to maintain the integrity of his home. We are asking the Town Board to fight with us for that integrity.

He said in summing up let's have the Town of Clarkstown zoned for the best interests of the people who are living in the Town of Clarkstown. Let's put commercial properties with commercial properties and let's put residential properties with residential properties. Simply put we are asking for the zone change.

Appearance: Mr. Arthur Borock
 9 Timberline Drive
 Nanuet, New York 10954

Mr. Borock asked the Town Board to assume that they were one of 1200 families that decided to live in the area we are discussing and you have just made probably the largest financial commitment you will make as an individual on the basis of what you have seen voluntarily in coming to live in the Town of Clarkstown. Assuming that this is the atmosphere you want to live in, the type of town regarding traffic, safety, environmental, etc., would you vote against this change if you were one of those people?

Appearance: Mr. Robert Brandorf
 18 Milford Court
 Nanuet, New York

Mr. Brandorf said he understands that the Town Board members are all supposed to be neutral and not really take any side in this. Supervisor said we each have our own feelings certainly but we listen to the public at a public hearing and make our decision after that. Mr. Brandorf said unless there is a financial thing involved he cannot imagine why anyone would put a large warehouse in the middle of a residential area. He said he sees

Continued on Next Page

basically an area where there is a lot of young families and he did not see the need for a roofing warehouse. He said he sees a disruption in the texture of that area. If you want to see what it is going to look like in the future, if you okay this as a warehouse, take a look at Yonkers and that is what you will have. He urged the Board to take a look at the big picture and you will see that this is not the right thing to do.

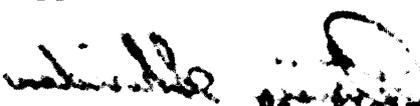
Councilman Mandia asked does state law require that, when a prospectus is put together for a high density housing complex like this, the prospective buyers be made aware of the zoning which surrounds it and the uses which may be permitted in that zoning? He said he was curious about that. He was told yes. Councilman Mandia said then the law does require that it be put into a prospectus for a condominium? He was told yes, surrounding uses.

Mr. Warren Kossin said if you look at the offering plan for any condominium it does say what the general use of properties surrounding a condominium development is but it doesn't pick out specific uses.

Supervisor asked Town Attorney Murrary Jacobson to look into this. The Town Board should be advised by the Town Attorney.

Mr. Donald Tracy said the offering plan on this condominium, and if he recalled correctly he thinks he did Treetops offering plan, states very clearly the surrounding uses and it states very clearly that one of the surrounding uses is LIO. Mr. Tracy said just to tell the gentlemen who said he didn't know why the Town Board would put it here the answer is the Town Board didn't put it there, it was there before he came there.

Appearance: Ms. Roseann Kleinman
18 Rustin Lane
Spring Valley, New York

 Ms. Kleinman said when she bought in Rustin Estates ten years ago she checked the area thoroughly. She said Ramapo Airport was there and that was her biggest worry. She checked the flight plan with the FAA. She looked at the zoning. She said she is an experienced realtor and she bought there because it was a small building that you could hardly see that would not bother anyone. She said they drove around and they did not expect a huge building with an ugly color to be the view that I look at. She said now she has the nicest location and she faces the woods which are between her and treetops and now she will have this huge building. She said people do know what the zoning is and they do drive around and she does not expect it to be changed with this ugly building.

Appearance: Ms. Mary Harrington
11 Tulip Court
Nanuet, New York

Ms. Harrington said she would respectfully ask that you consider one thing. As a resident of the hamlets of Rockland, as it was said eloquently before, we are not responsible for any possible misplanning. It is not our fault that you have a residential use which was allowed next to commercial property which apparently came first. If you look at equity and fairness, if that is what you want to look at, who has a remedy here? What is to happen to each individual homeowner when we find ourselves next to a big warehouse with tractor trailers coming down our access of traffic in and out to our homes and developments? What is going to happen when the property value depreciates? What remedy are we going to have? Can we then turn our condominium into a commercial use and say that is really now what it is well suited for? What message are we going to send? Who is going to be more important - big business, which does have its place in commercial development, or the residences?

She said while she can feel and can also sympathize with the property owner such as Bradco buying this property, they

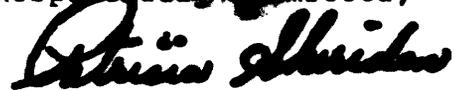
too can also see the handwriting on the wall. It is not the residential who should look and just see well we have a possible commercial development - maybe we should not buy our homes there. You trust that the people you elect and the people who you put in office will protect our interest and to put forth a plan that will protect us and will not allow such use. She said she would suggest that if it does turn out that Bradco's property does turn residential she said she was sure we are all well aware of the price of real estate in Rockland County. They do have a remedy. They can get a return on their money. What are we going to get in return when we turn into an industrial area with all the negative impact?

If we talk about what message we are going to send if you have a prospective homeowner going to buy into another Clarkstown development are they going to think and say what happened to the hamlets in Rockland and are you going to have people leaving kland? Is it going to be the Exodus and Rockland will not be what it is? Is it going to turn into another Westchester? Are we going to leave everything that we built for and run away from it? We have to ask what the message is? The residents do count. We ask you, the people who we elected, to look out for interests, to please do that and to think about where the equity lies?

Supervisor said there was a 265 petition that was handed up to the Town Board. The Town Attorney has to review that petition. It does have significance because if it is valid it will require a super majority of the Board to approve the zone change.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Council Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:06 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

131

Town Hall

3/13/90

9:16 P.M.

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

RE: ZONE CHANGE FROM R-15 TO PO - MAP 36,
BLOCK D, LOT 2 - FASMAN

On motion of Councilman Kunis, 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 Clerk then read a memo which stated that Mrs. Ann Thomas of 42 Kings Highway, New City, New York had telephoned the Supervisor's Office at 10:38 A.M. this morning to go on record as opposing the zone change petition because she feels it will increase traffic in that area.

Town Attorney said the report of Town Planning Consultant, Mr. Robert Geneslaw, recommends that there be a finding for SEQRA of no environmental impact. The Town Planning Board recommends approval subject to a list of conditions which are included in their referral. The County Commissioner of Planning recommends disapproval.

Supervisor asked what the significance was of the County Planning Board recommending disapproval. The Town Attorney said we are required to have a super majority of four votes to pass the zone change.

Supervisor said the applicant will make a presentation. Board Members will then ask questions and then it will be opened up to the public for questions and comments. There will then be a brief summation by the applicant. He said it was the intention of the Town Board tonight, as in the case two weeks ago (Plotkin) to reserve decision.

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino & Edwards
representing the petitioner

Mr. Tracy said we have all heard the zone change application for Dr. Plotkin. This is a similar zone change application. A firm of certified public accountants presently occupy a parcel of land which is shown as tax map 36-B-2 on the enclosed plan (here he referred to a map which he stated had been supplied to Town Board Members). He said this property has considerable frontage on New York State Route 304. It is within 600 feet of a PO zone. It has no access, nor is any access planned to be utilized in the areas of Arlene Court and Ralphs Avenue.

Mr. Tracy said the property is presently utilized as a professional office pursuant to a variance which means that as a professional office grows and prospers their needs expand. They need more file room. They may want some junior accountants and therefore, under the present circumstance, they will have to go back before the ZBA everytime they wish to put a foot onto their property. This property is a little less objectionable, he would assume from the point of view of surrounding neighbors, since there is no access from Arlene Court. All that there is on this property is ingress and egress from New York State Route 304. He said he would assume, having judged the objections of the good neighbors who came here on Dr. Plotkin's zone change, that they will complain that traffic is going to increase dramatically on Ralphs Avenue and on Arlene Court. Mr. Tracy called attention to the Land Use and Zoning Map and noted that Kings Highway comes through to Route 304 and that

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Leona Avenue comes through to Route 304 with traffic signalization. He said one would be hard pressed to think that clients of this office are going to use the back route of Ralphs Avenue and Arlene Court.

Mr. Tracy said the second and perhaps most vociferous objection made by the property owners within the area was that this zone change will somehow decrease their property values. Yet, the very designation PO, when it was adopted in 1967, was described as a zone which would provide the ideal buffer between heavily trafficked roads and residential properties - a target case for a PO zone. PO zones, if one is to journey throughout the Town of Clarkstown in those few areas where PO has developed, and particularly PO zones that are not run by absentee landlords but where dedicated professionals maintain their own office and their own image, such a view throughout the Town will indicate that those properties are well kept and that those properties do insulate the residential zones further away from heavily travelled roads. This may be observed both on Little Tor Road, on New York State Route 304 and wherever you have a professional practicing, not as an absentee landlord but owning his own building.

Mr. Tracy said we will hear tonight about people having put in expensive renovations and the care that they take with their own residential properties. He said he respectfully submits that since this accounting firm has been practicing at this particular location it has been well kept and has been a model of what a professional office would be. Mr. Tracy then asked Mr. Dennis Fasman if he would answer a few questions?

Appearance: Mr. Dennis Fasman
 24 Tucker Avenue
 New City, New York

In answer to questions of Mr. Tracy Mr. Fasman stated that he is a certified public accountant with a practice at 627 South Main Street in New City. He said he has been practicing in the County for thirty years. He said he has been at the present location for seven years. Mr. Fasman said he wanted the zone change for his property because the growth of his practice has been such that he has been very pleased to maintain the property at the level of care that you have seen over the many years. He said they have ability to give employment to some Rockland County residents. He said they want to be able to bring on some young accountants. He said the firm has, as senior members, people who are in their sixties but they recognize retirement and they want to be able to bring some young members in and have the property zoned to what we use it for. He said it is used as professional office and he wants to have it zoned as professional office.

Mr. Tracy asked Mr. Fasman if he had any plans of knocking down the existing building and building a huge professional office building at the present time or at any time in the near future? Mr. Fasman said no they do not intend that. He said they find their building is a model in the County and is one of the loveliest buildings in New City. He said they have tried to maintain the property at the level at which they found it and to enhance it's level. He said they have no intention of making that building anything other than what you see it to be.

Mr. Tracy asked Mr. Fasman if he was aware that the sideyards and bulk restrictions and buffer zones attendant to a PO zone are actually more restrictive than that of an R-15 zone? Mr. Fasman said he was, by virtue of having had that brought to his attention. He said when they originally acquired the building there was need to put in shrubs and trees around the property. The property is well treed at this point and in fact there is the screening of their neighbors. He said they respect the neighbors and find themselves to be very good neighbors in the way the

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property is maintained and the relationships with the neighbors. He said they do not have situations where there is any kind of noise factor or any kind of problems arising with the neighbors.

Mr. Tracy asked Mr. Fasman if he was aware of the conditions suggested by the Planning Board? Mr. Fasman said yes they are. Mr. Tracy asked if the Town Board sees fit to grant the zone change, could Mr. Fasman comply with those conditions? Mr. Fasman answered in the affirmative. He said they have in the past and they would certainly do so in the future.

Mr. Tracy asked that their petition and all exhibits be incorporated into the record and he would rest reserving his right to rebuttal.

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

Supervisor asked if any member of the public present had any questions or would like to comment?

Appearance: Mrs. Rocenello
37 Kings Highway
New City, New York

She said when you can give some consideration to changing this to a PO zone she would also like the Board to consider total busing in Clarkstown because the children who have to walk to the Junior High School will then have to walk down that road and cross Route 304 which is bad enough as it is.

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

Mr. Nawoschik said the statement about the professional office use that the building is currently in is true and this useage is accepted in present zoning. Anyone living in this particular zone can have a professional office but he thinks it was supposed to be if they lived there. Now the people are not living there but the use is professional office and there is no reason to expand it or change it. The shrubs and trees that were mentioned are no different now than they were seven years ago. As a matter of fact, shrubs were supposed to have been added to get a little more screening. Nothing was done. He expressed concern about others in the area seeking more profession zoning.

Mr. Nawoschik said a comment that was made on the professional office at the last hearing was that there is nothing being changed except a couple of letters on the map. He said our learned attorney is trying to pull the wool over someone's eyes because he certainly knows that it's not just changing some letters on a map. If it was just a matter of that, why bother doing it? It certainly opens up the book to a lot more regulations and a lot of different regulations and giving people something different they can do with their property.

Mr. Nawoschik discussed recent changes in the area The property should be developed properly and if someone wants to sell it fine, they should be able to sell it. It could be sold at a good price and a fair price. Certainly if someone wants to make a lot more money there is no reason why the Town should have to provide somebody with a profit on their property. If they took a chance seven years ago and they are losing it and they want to sell the property and get out of it, fine. They should lose the money then. That's one of those things in business. No one can guarantee anybody profit on real estate.

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

Mrs. Gruffi said that Mr. Tracy seems to be making light of the traffic issue and she spoke in detail about traffic and the dangers of turning into the areas from Route 304.

Mrs. Gruffi said she is here tonight because it is her contention that when the vast majority of people who are to be affected by a zone change of this proportion come out and speak against it as is evidenced here tonight she thinks the officials whom we elected to represent us are duty bound to honor our wishes. It is so important to us that the current zoning be upheld in this case for reasons that range from tarnishing the character of our neighborhood to more tangible reasons such as lights, dumpsters, parking lots in our very backyards and in more than one case frontyards. She felt they had a right to live in the environment in which we now live and which we originally chose and selected in good faith based on the current zoning.

Mrs. Gruffi felt that zone changes should not be granted to compensate for owners' poor planning. This zone change has the potential to destroy a beautiful and long standing neighborhood. She said if the owners are truly sincere and forthright in their stated reasons for needing the zone changes why can their needs not be met by simple variances without leaving a path of destruction in their wake? She asked Mr. Holbrook to encourage his Board to uphold the current zoning just as you recently encouraged the Board Members of the Village of Nyack to uphold their zoning in their deliberations concerning the zone change to accommodate the Daytop Corporation.

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

Mr. Kaufman said in the previous hearing (Bradco) Mr. Tracy said it would be unfair to Bradco because they bought the property when it was LIO zoning and now it is unfair to change. How come five minutes ago it is unfair to change and now it is fair to change? These people and ourselves bought the property when it was R-15. He said that Mr. Tracy talked about selfish economic interests of the developer who wants to go condos yet he doesn't talk about the selfish economic interests of his clients who want to change the zoning for their own economic benefit. He said Mr. Tracy talks about the principle of fairness in dealing with zoning. You have zoning in place. You cannot argue a case and keep on changing sides. Everybody in this area bought this property when it was zoned R-15. Why change it?

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

Mr. Erlich said only unhappiness to the residents would result from granting this zone change. He discussed in detail the traffic problems that will be encountered on the surrounding residential streets. He mentioned another proposed medical building that is going to be coming on Leona and Route 304 which will also add to the traffic burden. He said we are going to have to live with that as it is now. We don't want this Board to let everything just go down the tubes. We hope that this Planning Board wants to be known as a board that is saying stop, this is enough. We are not going further than Leona. We've gone that far. We're going to leave the rest the way it is and the way it should be - as a nice area. He said he hopes that the Town Board will let the petitioners know and everybody else know in strong fashion that this is what we are going to do.

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He said no shrubs have ever been put in as a buffer between this property and the property behind it which was supposed to be done six and half years ago when the variance was received.

Appearance: Mr. Lou Romola
23 Arlene Court
New City, New York

He said his property adjoins the Fasman property. He said he feels he has the most directly to lose should a zoning change take place. He said he would like to see someone on the Town Board buy his house with a potential of a two story grey brick or whatever building they put up within ten feet of his property line. It is just not going to happen. He said he appreciated Mr. Fasman's love of his building. It is a beautiful building and fits right in with the neighborhood but there is no assurance that since he is a partner and is looking to take on other partners that when he retires the plans won't change and the building won't be torn down to accommodate other partners and other junior accountants in the firm. He noted that there is no barrier. He said he hears Route 304. He hears the clean up crews coming in on the weekends. He said come there on a Saturday and he will barbeque and you will hear the screeching tires on Route 304 trying to turn into Arlene Court or trying to negotiate the driveways on Route 304. He said he wants to go on record agreeing with most of what has been said tonight.

He said if Batman were real life he thinks Mr. Tracy would be the counsel for the Joker.

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

Mr. Shea said that Mr. Tracy is paid by his client and therefore has to represent them. He said each of the Board Members knows that PO is supposed to be a buffer between residential and commercial property which has been stated by Mr. Tracy and others on a number of occasions. He said you have a major problem in front of you in that you don't have and will not be permitted to have access to Route 304. What does that do to the traffic? He said the issue of traffic is major.

Mr. Shea felt there might be a tremendous problem because of the limited size of these professional offices. If the zoning is changed to PO and other plots in the area follow suit -- and he said he has to emphasize the one south because that is over three and half acres of property which would be able to absorb a larger professional office probably of more multiple use than what the current use is on the other two plots - and you can't arrange as a Board to gain access to Route 304 and divert the traffic away from the immediate residential neighborhoods, you're defeating your purpose of having a buffer zone between residential property and commercial property. Until such time as the State Department of Transportation relaxes its requirements he thinks the Town Board will have to consider leaving those parcels as residential so that they cannot be expanded beyond what they are today.

He spoke at length about traffic in the area and a domino affect if this is granted. He strongly urged the Board to reflect on the total property that is involved and not just particular parcels that were raised either two weeks ago or tonight but look at the whole piece of property between Kings Highway and Leona.

Mr. Shea said the likelihood of any accommodations being made for buffer zones and so forth as has been pointed out has been minimal. Property owners are required often by variances and/or zone changes to make certain buffer requirements such as shrubbery, etc. Unfortunately, we have heard at the last two

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meetings that those requirements have not been met. It is incumbent upon the Board as well as the Building Department to enforce those requirements if any changes are made.

Appearance: Mrs. Eileen Browning
15 Overlook Road
New City, New York

Mrs. Browning spoke at length and gave great detail about the traffic in the area. She said she cannot imagine adding more traffic into that same small area. She said they have counted 200 school buses going in and out every morning and every afternoon to Albertus, the Junior High, BOCES and the Jessie Kaplan and down toward Strawtown Road. It is an enormously busy intersection for school children morning and afternoon. She said their kids walk to the schools so that is another consideration. She said she could not imagine any more ingress and egress from any one of those small areas.

Ms. Browning complimented Mr. Fasman on the quality of his building. She stated that it is absolutely lovely and she said she is glad his business is thriving but she still would not like to think that his economic quality of life is going to be at the expense of our quality of life. She said that Mr. Tracy had suggested that if they even want to add a two foot extension someplace they have to go back to the ZBA for approval. She said that is fine with her. It would seem to be preferable than having a blanket PO so that if they really want to have it basically the same with almost no changes - just maybe a little bit here or a little bit there for a little bit extra filing space - than it would seem that a ZBA reconsideration of the variance would be an appropriate way to go instead of a blanket PO.

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

Ms. Kilgallen asked why these particular certified public accountants require a zone change? Because they are growing and house burdened? How many square feet is in the house now? How much space is not utilized in the house? In regard to file rooms did you know that you can store the Encyclopedia Britannica on a computer floppy disc. She said she has heard before that the proposed zone change will only change letters on a map. This is true but are we to be victims because previous elected officials could not develop a master plan suitable to serve the needs of this community? She expressed concern about the domino theory and felt it has already taken place.

The variances have been in effect for seven years but again it is highly probable with the code for the PO that a two to five story building could be placed on these adjoining lots depending on the placement of the building. For example, if you are fifty feet away from your boundaries you can go five stories tall.

Ms. Kilgallen also spoke about the traffic problem in the area. She said it is her understanding that a former Clarkstown judge who wanted his R-15 changed to a PO for hardship reasons was denied by this Board. She said she can only hope that the Board will do the same in this case.

She said with regard to the Plotkin zone change, the property is owned by Ellen Plotkin, not Dr. Plotkin. Dr. Plotkin spoke on 2/27/89 of a hardship. How is the tenant having a hardship when it is the landlord who is requesting the zone change? Also there was a misdemeanor committed in regard to that. The posters shall remain in plain sight until after the hearing. On various

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visual inspections of said property the posters were never there. Supervisor said are you talking about the zone change hearing? Ms. Kilgallen said yes. She said that constitutes a misdemeanor by the Zoning Code of Section 103 - 33(a).

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

Mr. Gruffi said he is against the zone change for Fasman and Zucker. He said he felt intimidated here tonight because he does not have a podium or somewhere to put his papers. He said he felt we could afford a podium so that people could feel more comfortable. A lot of the residents feel the same way and that is why he is bringing that up tonight. Supervisor said we will supply a podium.

Mr. Gruffi said regarding this zone change the Rockland County Planning Board disapproves the request and in their letter to the Board they state they disapprove the zone plan from R-15 to PO because it borders on spot zoning. He said he wanted to make sure that the Town Board understands that. He said adjustments to the Town zoning map should be made more comprehensive rather than on a parcel by parcel basis. This is the Rockland County Planning Board recommendation. They also recommend that a study be completed before a zone change is made. Also they state that the existing variance does provide relief to the property owner and that is in reference to the buffer. There is a buffer there now. He said they would like that buffer maintained.

Mr. Gruffi said that the Town Planning Board also makes some comments particularly with regard to the market for single family homes. There is a market for residential housing in this area. They also said this does not finalize nor has the Board formulated specific land uses along Route 304. If we are going to grant special permits or we're going to spot zone that is against good planning practices.

The Planning Board said to avoid holding up the applicant the below recommendation was approved. He said in his opinion if they do not have enough input they should not say "to avoid holding up the applicant." They should hold it and not make a judgement if there is not enough information.

Mr. Gruffi recommended the hiring of a traffic consultant to do a detailed study of the area and he referred to traffic and resulting accidents in their area.

Mr. Gruffi expressed concern with a domino effect on zone changes.

Mr. Gruffi requested an environmental study based on the Acker property and what is in the ground water as chemicals were stored there for many years. He said if they start moving the dirt around he wants to see what chemicals are out there. A chemical business is being run out of that property and he said he believes it is against the Town Code to run a chemical business out of that property. Supervisor said those trailers are being removed and an action has been started. Mr. Gruffi said the fact is that there was a fire there several years ago. Supervisor said that was in violation of Town Code.

Mr. Gruffi requested a study by two or three appraisers to find out what the effect of a PO area in his backyard would have on his home price. Mr. Gruffi said the other concern he has is that if you take a 500 foot radius around the Plotkin and Fasman property you find there is only residential use. He said there is no guarantee that if you grant this zone change that they will not sell to one common builder and build one huge site.

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Mr. Gruffi said in the Town Board minutes Mr. Tracy stated that there were 69 people notified of the Town Board hearing regarding the Plotkin property and maybe he is going to make the same statement tonight. Regarding the sheets that were prepared by his land surveyor there are only 39 people so he misquoted and misrepresented to the people on the Board if they believe there were 69. Mr. Tracy said he counted families and there were 69 people.

Mr. Gruffi discussed the composition of the surrounding area and noted that their area is really the only section that is really residential and he would like to keep it that way. Mr. Gruffi said he would like to see some restrictions on property care. He said people do not do what the Town Board requests and what the Planning Board requests. There is no guarantee that the people will do what they say they will do if a zone change is granted. He said it is not done in the Town today and he could site many places where it is not done.

Appearance: Mr. Ken (?)
17 Ralphs Avenue
New City, New York

He said having just moved into the area, he would like to go on record with his wife as opposing the zoning change to PO and he agrees with the domino effect of the traffic on Ralphs Avenue. He said they have only been there four months and can already see the changes.

Appearance: Mrs. Ellen Plotkin
37 Rolling Ridge Road
New City, New York

Mrs. Plotkin said she owns the property at 603, Route 304, New City, New York. She said she is in favor of the zone change to the Fasman property. She said she has been in the County for 19 years now. Route 304 and that neighborhood as well as every other neighborhood in the New City area has gotten increased traffic in the past 19 years. She felt that increased traffic is a different issue than what we are asking for here tonight or two weeks ago. Mrs. Plotkin felt that their intention for the property had been mistated when the story went from one person to another.

Mrs. Plotkin asked permission to speak about some of the things that had been brought up in the Plotkin hearing two weeks ago. She said it was a difficult house to sell because it would be very difficult to raise a family on Route 304. She noted that her husband's office always gives directions to patients utilizing Route 304 and not the local streets. She stated that their burglar alarm system is in keeping with those used in a residential neighborhood. Mrs. Plotkin said it is very rare that cars park on the street. She said they were looking to make the building more accessible. She also mentioned that they wanted to make the building accessible to wheelchair patients.

Mrs. Plotkin discussed the fact that her husband was thinking of bringing on a partner and mentioned some of the problems in connection with that.

Mrs. Plotkin said she feels that zoning on these properties will be changed. They may not be changed today or next year but on Route 304 they will be changed. She said if there is professional zoning there the likelihood is that in ten or twenty years or so they will sell that property and if it is a professional zone she feels that it will stay as a professional zone and be used as such. She felt leaving it residential would be dangerous to the area.

Continued on Next Page

Appearance: Ms. Karen Krystel
50 Ralphs Avenue
New City, New York

Ms. Krystel said she is a sixth grader at Link Elementary School and next year she will be going to the Junior High. She said her friends and she have to go to a pretty far away bus stop for the school itself. She said a lot of kids in the neighborhood, including herself, walk these streets and go on bikes and we might not be able to do that with the new zoning. She said she hoped that it would stay as a residential area.

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

Ms. Erlich expressed concern over Mr. Tracy's talking about professional buildings further north making it sound like that's alright and that is why we can change this. That just illustrates that we are not just talking about small properties. He is already using another professional office building as a precedent for changing this and then the next one and the next, etc.

She said Mr. Fasman and Dr. Plotkin both humbly came up before the Board to tell of their plight. Dr. Plotkin came on last time speaking of when he was 32 he thought he could do everything and now that he is 52 he realizes that he has to take on a partner and maybe turn over the business to a partner. She said if he takes on a partner there will of necessity be more expansion. She said the same thing goes for Mr. Fasman. She said a variance would cover a ramp for wheelchair patients. She said what you need a zoning change for is to open up a lot of doors for a lot of different reasons.

She also questioned the number of people who had been notified of the meeting this evening. She stated that there are still many people who should be notified about this who have no idea about the threat.

She discussed traffic in the area and accidents occurring as a result of it.

She said it seems to her that what we have here are some businessmen who are looking to get the most money from their investments which wouldn't be any different from me asking for a zoning change to make my home a multiple family dwelling to get the most out of my investment but in good faith she couldn't do that.

She felt that with all the empty office space around they didn't need to change this area. She said she guessed for them it couldn't hurt to ask. They have hired a fancy lawyer to represent their self serving desires. This whole community should not have to fight off a change in our family neighborhood. You men and woman on the Board were elected by us to represent us and we hope you realize what is really important. The reason that we moved here was to have space and trees and clean air and a safe place to live and raise our kids. She discussed the screening or lack of it in the area.

The adjacent homeowners moved north - not just to north New City - even that, which is still prestigious, wasn't far enough away. Thousands of homes are for sale in the County because people can't stand what is happening to our environment. Route 304 does not need what Mr. Tracy called a mish mash of more businesses. She emphasized that the area is still residential with homes being built and sold and lived in. She urged the Board that if in good conscience you represent those who elected you you will vote against mish mash zoning.

Continued on Next Page

Mr. Tracy spoke in rebuttal. He said he does not object to the objections of the people. He thinks that the people who object, object for reasons personal to themselves and for reasons that they feel very deeply about. He disagreed with them. He said he does not represent the Joker and he appreciates the lady who called him a fancy lawyer. He said he is reminded that when St. Patrick's Cathedral was built the Archbishop was severely criticized because somebody said to him why the heck did you build that cathedral out in the wilds. Route 304 is a heavily trafficked road, much more heavily travelled than Ralphs Avenue will ever be, much more heavily trafficked than any of those side roads will ever be. The same complaint the people voiced and the same fear that they say is going to happen to their road will prevent anything other than the commercial development in the future of Route 304. It will happen. It may not happen at such time as we have a Board that is as enlightened and as protective of the residential homeowner as he has found this Board to be, sometimes much to his chagrin.

He said therefore, he would say to the people that to allow a domino effect of professional office zoning down Route 304 is perhaps the best thing that could happen to them. Rather than to see the mish mash of commercial, strip, retail zoning develop under a less enlightened Board. He said that is why he so strongly emphasized what a PO zone was designed to do.

Mr. Tracy said this has turned into the Plotkin/Fasman zone change which is what was what was originally intended but for an oversight in the press. He said you have two parcels of land which are developed. He said he listened and admired one lady's presentation until she came to the point of leaving a path of destruction. He asked what path of destruction? These two things exist. We talk about good planning. The Planning Board has made its recommendation. The Planning Board is preparing a Master Plan. The Planning Board did not release any of the some 15 zone changes which have been hanging around for two years like these from their reporting stage until they were satisfied that what they recommended is going to be consistent with what they are planning for Route 304. Face it, if you live a block away from Route 304 you don't have the traffic that you have on Route 304 and you might be lucky to have a use as is presently enjoyed by Mr. Fasman or by Dr. Plotkin insulating you from that.

Mr. Tracy said that is his opinion. The other people have their opinion. They say no it is very bad - domino - professional offices - monstrous buildings, etc. Maybe someday, maybe 50 years from now, maybe a 100 years from now like what was built around the wilds of St. Patrick's Cathedral. But those offices during our lifetime, those professional offices on Route 304, will be a heck of a lot better for my friends and neighbors who live in that vicinity than strip retail uses, restaurants, bars etc.

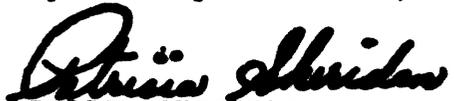
Mr. Tracy noted that in the residential zone right now you can put a restaurant by right. That big vacant piece of Mr. Haldenwang/ Acker now - could be built by right as Charlie Brown's restaurant with its attendant traffic because it is on a main residential - major road. Restaurants by right on a major road. Dr. Plotkin's building - Mr. Fasman's building - they are insulators. They are there. They are going to stay there. They have all indicated they want to expand and the complaints you heard tonight against their expansion were not directed against those two letters on the zoning map that were taken out of context because that is all that will happen. The letters will change. They were directed against site plan issues. They were directed against traffic. They were directed against buffering. All of the things that the Planning Board would take into account should these two letters change and should these gentlemen go in with a plan for some type of expansion.

Mr. Tracy said what is Route 304 going to be 20 years from now and what is the best thing that we can do to protect those

people like the good neighbors here tonight who came to speak against the zone change?

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:28 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk