

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/17/90

8:00 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Mark Posner, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor declared Public Portion of the meeting open.

Appearance: Joseph Deutsch, Esq.
New City, New York

Mr. Deutsch stated that he was the attorney for AOR Developers and was speaking regarding Agenda Item #2. He spoke in opposition to this resolution being adopted.

Appearance: Ms. Diane Goneconti
7 Sasson Terrace
Valley Cottage, New York

Speaking on Agenda Item #2 she requested the Town Board come down, walk the site and see what is going on she said it is unfair to make any kind of document at this time.

Appearance: Mr. Frank Christiano
9 Sasson Terrace
Valley Cottage, New York

Mr. Christiano also spoke regarding Agenda Item #2 and said he appreciates any input the Town Board cares to give. We are asking for as much protection as possible.

Appearance: Mr. Joseph Hirschfield
96 Susan Drive
New City, New York

Mr. Hirschfield said he was speaking for the North Clarkstown Coordinating Council and the Little Tor Homeowners Association. He said he was here to speak on Agenda Item #5 (Clemensen Zone Change.) He said he wanted to repeat their opposition to this proposed zone change.

Appearance: Mr. Louis Dretchen
8 Sasson Terrace
Valley Cottage, New York

Agenda Item #2 - He said they have a new development with a lot of children and there is going to be great impact on them if this new building being built by AOR Developers is not built to proper specifications. He said they knew there might be some sort of a building going up but nothing was ever mentioned about a warehouse. He said they were guaranteed that they would not be bothered by it.

Councilman Kunis said you say you were guaranteed - by whom? By the Board, by the builder - tell me about that guarantee.

Mr. Dretchen said that guarantee was given to us by Century 21. Councilman Kunis asked if it was an individual broker and was told yes. Councilman Kunis asked if it was given verbally or in writing? Mr. Dretchen said it was verbal.

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Councilman Kunis said when you bought this home from the builder was the warehouse zone existing? Mr. Dretchen said they were not given full disclosure of what was going up. Councilman Kunis said the zoning map is a public disclosure. Did you check a zoning map? Mr. Dretchen said he did not. Councilman Kunis asked was it zoned then as it is today? Mr. Dretchen said he could not answer that.

Councilman Kunis asked if any Board members could say what it was zoned then? Supervisor said a portion of it was changed in 1982, he believed. Councilman Kunis then asked Mr. Dretchen if he had bought his home as it is zoned today? He said that zone was publicly disclosed. Mr. Dretchen said but the point is as time goes by and as people build and as things do change we feel that sometimes we make mistakes and sometimes we make judgments that are not absolutely in the best interests of the environment and we make those changes.

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

Mr. Lodico spoke at length about the appropriation of funds for the repair and reclamation of our Dutch Gardens in New City.

Supervisor said Councilwoman Smith had already bought this up to the Town Board and they are looking to breathe life back into this project, if there is enough interest on the part of the county. Mr. Lodico said perhaps Clarkstown can take the lead. Councilman Maloney said we want to see the county put up some money too.

Mr. Lodico said he had spoken to one of the county legislators who was also concerned with this and he indicated that the Independent Contractors Association of Rockland County in the private sector would start off the first \$500.00. If we can get other organizations to do the same thing then we can keep this in our town.

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

Mr. Katz spoke regarding Agenda Item #5 (Clemensen zone change.) He said he hoped this would come to a vote tonight. He said as a homeowner with property bordering this property he urged the Board to show mercy on him and the community and bring this to a vote.

Appearance: Tony Baletta
Deer Track Lane
Valley Cottage, New York

Mr. Baletta said he is one of the applicants for Agenda Item #2 which is going to be voted on tonight. That the applicant felt that it might be simpler to just submit a map without asking for the zoning change, which is the map you have before you and utilize the property exactly as it is zoned by building an office building on the PO corner piece which doesn't require a zone change and using the existing LO piece where the Dutch cottage is for parking to support the office building. The applicant just wanted to give the Town Board and the neighborhood the benefit of knowing that it really is very insignificant which way this project goes as far as the vote is concerned.

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Appearance: Ms. Eleanor Fitch
representing Historical Review Board

Agenda Item # 5 - Ms. Fitch said that a piece of north Clarkstown had been badly managed. She said the map at which the Board is looking with a three story building on that corner and all the rest parking lot is not going to satisfy Tarry Hill and that group of people.

She begged the Town Board to go back to the Planning Board's suggestion and she was sure that looking at the map, the people adjacent to that property will be glad that she got up here and said let's have a two story building with some colonial aspect and not a gray and black building such as we have on the corner of Congers Road and Route 304.

Councilwoman Smith told Ms. Fitch that they have looked at this site for a long time now. She said they first viewed it because some of the residents wanted R-10. We thought that was much too dense even though the applicant tried to work with them and say he would keep it in a colonial theme. She said the reason she is personally favoring PO is for the two story building. She said she has been personally accused of favoring it for other reasons. She said she understood that the LO piece perhaps the residents wanted for the 50 foot buffer and in that she is in agreement. She said she would have no problem in asking the applicant for the PO with the 50 foot buffer to keep that parking away from Tarry Hill. We are up here and are trying to do what is best for that part of town. Councilwoman Smith said they have tried everything. She said at this point she did not know what the residents want or what more the applicant is willing to do. She said she thinks the best solution is PO.

Councilman Maloney said from the very beginning that was the Board's concern - to follow what the Planning Board suggested. If the zone had been given PO-LO we could have asked the contractor/applicant to make sure the building was exactly like the historical building that is there and not to allow him to build three stories. He said that was the Board's whole purpose from the very beginning despite what people said. Now, the votes are not there and now we are going back presumably to what is on this map and to leave it as it is PO/LO where LO will become the parking and PO will be exactly as it is right now. That's what it seems to be.

Ms. Fitch said to look at that map. Councilman Maloney said that is the map that he looked at before. It is the same map. Ms. Fitch said she thinks that the developers of that property had plans for some gracious building and she is afraid that what is going to go up there, and they can do it legally, will be a three story monolith there and a big parking lot covering the rest of the property. Councilman Maloney said he agrees.

Councilman Kunis said he thinks the concern of the residents in the area is that a precedent will be set. The same precedent that the residents of that area were concerned about when this Board considered R-10. The same precedent that this Board sits here tonight and listens to residents of Valley Cottage complain about a zone change ten years later. That's planning. He said in ten years he didn't want to sit here and listen to residents of north New City come in and complain that there is a post office, that we approved a three story building on the corner of Phillips Hill Road and that the owner of the Buckley Farms wants to put up office buildings on approximately 60 or 70 acres that he owns there and a precedent can be set; that the owner of the Rapkin property across the street wants to put up office buildings on another 80 acres.

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Councilman Kunis added that this is what we are talking about tonight. It is more than a two story building. It's more than a three story building. It's a precedent. It's planning. It's planning in a hamlet and it's planning that apparently a Board ten years ago didn't concern themselves with residents in Valley Cottage when they approved a zone change where there would be warehouses, LIO, and private residences in the same subdivision. That's what the Board did. Now, this Board here, ten years later, is living with that decision and is living with 150 people - residents of a community - coming in and complaining about this planning of ten years ago. He said he did not want to see a repeat of that and he said that is why he would have to disagree with Ms. Fitch. He said if the Board is so concerned about planning then we should consider the R-22 that the residents of the area would want. He said before that piece of property was sold that should have been considered but apparently there is a motive. That motive is investments, return on investments and the almighty dollar and that is not what the residents of the area are concerned about. They are concerned about their living conditions, not the almighty dollar. That is what we have to take into consideration tonight.

Appearance: Robert Clemensen, Esq.
609 North Broadway
Upper Nyack, New York

Agenda Item #2 - Mr. Clemensen said he has to agree with Councilman Kunis when he asked someone when they purchased the property were they aware of the zoning of the property adjacent to the property they acquired? The fact of the matter is that the zoning on the parcel that has been the subject matter of this application has been and was prior to the zone change that downzoned the zoning on the adjacent parcel which now contains the residences of the persons most vociferously opposed to this project. This property was zoned LO. One of the things we have to realize and one of the things we have to face is that when a piece of property is zoned in such a way, and he requested Town Attorney to provide us with his opinion of this, so that there can be absolutely no development in any way, shape or form of that property without a variance or a zone change that in itself constitutes a form of confiscatory spot zoning.

Mr. Clemensen said that the opinion of the TAC this morning was that the plan that we have before you is legal within the confines of the zoning ordinances and indeed even with regard to the discretionary power invested in the Planning Board addressing the height of the building. The only time, by law, the Planning Board can affect the height of the building, if the building otherwise is within the height restrictions created by side yard set back and set back by ratios, is if the property is immediately adjacent to a residential zone. If the zone change does not take place the site plan that you have before you is completely within the law and completely within the discretionary authority vested in the Planning Board. He said Mrs. Smith's point about the buffer, while it is painful, might be a reasonable way to resolve this by doubling it. We would lose several thousand feet in the building but if that's what it takes to resolve it so that we can put a two story building there, fine.

Mr. Clemensen added that the fact of the matter is that you see before you a legal three story application which is in effect right now.

Appearance: Mr. Louis Fishlin, President
Tarryhill Homeowners Assoc.

Agenda Item #5 - Mr. Fishlin said they are not going to be bludgeoned by an attempt to conciliate us with a larger building.

Mr. Fishlin said the Planning Board said initially when presented with this proposal that the best result that can be achieved in this area is to have this particular property zoned R-22, not PO, not LO, but R-22 and that was their original inclination. We presented to this Board a 265 petition which we are also prepared to stand behind.

Appearance: Ms. Andrea Weiss
2 Brookline Circle
New City, New York

Agenda Item #5 - Ms. Weiss said when they were criticized as residents of not looking into the area she said that is a personal insult. Ms. Weiss stated that Mr. Clemensen is an attorney. He should have been aware that there was not enough property to build an office building. She said she would love to see it go R-22.

Appearance: Ms. Francine Deolosa
representing Charter Oak
representing Croyden Lane

Agenda Item #5 - She said she also represented numerous residents in the community. She asked the Board to vote R-22.

Appearance: Mr. Michael Merriman
210 Parrott Road
West Nyack, New York

Mr. Merriman said there is a saying "caveat emptor" - let the buyer beware. Also ignorance of the law is no excuse especially in the modern community. In the old times the spirit of the law was something that our elders, our teachers and our politicians bothered to give to the general populace. Now the spirit of the law is something that they are concealing from the general populace. He read an article written by an environmentalist from Tucson. He said too often we are more interested in what is a prosperous life as opposed to what is a good one.

Appearance: Mr. Bruce (?)
Congers, New York

He said his concern was regarding charges for dumping of solid waste in the Clarkstown Landfill. He said he went to the Landfill this weekend in his only driveable vehicle which is a van with just residential garbage and was told very abruptly that he was required to pay a minimum of \$28.00 for household garbage which really didn't amount to more than a few bags of trash. He said he was told this was due to the fact that he was driving a registered vehicle which was a van or a possible pick up truck. Councilwoman Smith asked if it had commercial plates and he said no suburban plates. Supervisor Holbrook said in the resolution they passed as of March 15th all vans and pickup trucks were included.

The gentleman asked could the resolution be amended to make a more equitable way of charging the residents? Supervisor said he thought we have to adhere to what was passed in the resolution. However, if you were only bringing household garbage to the landfill, if you had called my office, I would have called down and have them verify that is all it was - not debris or anything else, but just household garbage. Supervisor said the other alternative would be if you had a regular car you could bring it there and drop off just domestic garbage at no charge. He said we could address that as long as it is just residential garbage.

The gentleman said he has no reason to have regular pick up from his home. He does not have that much refuse. He asked if there was some way the Board could inform the supervisors of the Landfill before they charge a minimum fee of \$28.00?

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Supervisor said they have to operate under the assumption that they have to charge everyone. He said in a case like this if you contact my office we could have it checked before you go down there.

The gentleman said since the landfill will be closing shortly what will be the charges that will be charged to a resident for the dumping of waste to the transfer company that is going to take over. Supervisor said the Town Board has not yet decided whether or not to permit resident vehicles and you would have the same problem then. That is the problem, whether or not to charge residents bringing garbage to the transfer station. Most people have regular residential pick up. That is something when the landfill closes, or before, we will have to make a policy decision on. We are also working on an incentive plan which is to distribute bags that would give people the opportunity to be charged for the amount of bags of garbage that they would put out. They would purchase them and in that way we hope to produce an incentive for the reduction of solid waste. We hope to put that into effect in conjunction with the closing of the Landfill. At the Transfer Station the tipping fee would go at the Landfill from \$50.00 to \$81.00.

The gentleman asked would there be a place for him to go as a resident to find the updates on what policies are current? Supervisor told him to just call his office.

Appearance: Mr. John Mauro, Supt. Highways

Mr. Mauro spoke regarding Agenda Item #5 and said the applicant had appeared before the TAC Committee and the Committee agreed that they would be in full compliance as presently zoned.

Mr. Mauro spoke with regard to Agenda Item #11 and requested that it be withdrawn this evening until such time as he has a chance to review this and the abandonment.

Appearance: Ms. Dorothy Katz
4 Tarry Hill Drive
New City, New York

Agenda Item #5 - Ms. Katz said when they purchased their property it was just a wooded lot and they did a lot of investigation as to what the zoning was behind them. She said they saw there was a small cottage and they went to the Zoning Board and the Planning Board and said they were told the zone was LO but it was an historical site. She said they weighed all conditions and they thought they were very safe.

Ms. Katz said to Councilwoman Smith that two years ago when they were talking about the buffer and the Town Board had suggested a 50 foot buffer, Mr. Clemensen vehemently opposed that. Now he is willing to give a 50 foot buffer.

Ms. Katz said in the minutes from the Planning Board Meeting of October 18, 1989 concerning the parcel of land, it was noted that Planning Consultant Geneslaw explained the last time the Master Plan was updated they had recommended R-22.

Appearance: Mr. Vincent Lansetta
15 Sasson Terrace
Valley Cottage, New York

Mr. Lansetta spoke regarding Agenda Item #2 and said as he recalls the real estate agent told them that the owner of the property only owned about 75 to 100 feet of the property and the rest belonged to the railroad.

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He said now years later he has woken up to the fact that the representatives of AOR were really lying through their teeth. He said he just hopes that when the Town Board votes on this they will take into account the kind of individuals you are dealing with.

Councilman Mandia said if he has learned nothing else in the last three months he has learned that we have procedures and regulations in place here in Town. The State and County do too, to let people know when a zone change is going to take place in our area, evidenced by the people who are here. What seems to be missing and with the help of the Town Attorney he found one place where a rule and regulation concerning disclosure about surrounding properties exists and that exists only in the procedures that are in place for a high density housing area - a condo prospective, if you will. What can be done about it? He said what he has tried to do and hopefully will be successful is contact our State representatives and there is a letter on his desk going to Senator Levy and Assemblyman Holland to see if we can get State legislation that insists when the transfer of ownership - an exchange of the deed - takes place that some disclosure is made to the purchaser that is not only the nature of the property around the piece of property they are buying and not only what it is zoned as but also the permitted uses.

Councilman Mandia stated that he has listened to the seller and he has listened to the real estate person. It has been this way for years and in some cases the person who is making that purchase is not being treated fairly and maybe the State can at least correct that by virtue of some regulation that would insist that there are certain things you need to sign when you buy a house. There are disclosures that are mandated by law in terms of credit, if you will. You must get certain disclosures. Well, perhaps, without putting an undue burden on the closing costs which are getting very high for the homeowners, see if the title companies and/or the attorneys of the people who are buying pieces of property like this can be protected. Hopefully that can be done. It's not going to solve the emotion but it's going to solve the misinformation which occurs many times.

Councilman Mandia said on the matter of the Clemensen piece he would be untrue to himself if he didn't say this. The ladies and gentlemen sitting here know how he feels. He said he agrees with Miss Fitch. He thinks the proposal for what these gentlemen wanted to build is better for the area. He said he also believes that the LO and PO zoning that has existed along the westerly side of North Main Street above Phillips Hill Road has been there long enough that if that were going to be used as a basis to change any other zoning over there he did not know if changing LO to PO or vice versa would really mean anything. He said it would create no precedent at all, in his opinion, for changing any other zoning there. The R-10 would. That would be a mistake. He said he believes that the building you are going to wind up with whether it is two stories or ten stories is not going to be as suitable for your area regardless of the outcome of the vote.

RESOLUTION NO. (331-1990)

ACCEPTING MINUTES OF
REGULAR TOWN BOARD MEETING
OF MARCH 27, 1990

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of March 27, 1990 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

At this point Supervisor Holbrook moved a resolution urging the Clarkstown Planning Board to further request that a Draft Environmental Impact Statement be submitted by AOR Developers for Lot 4 and also that topics included in the Valley Cottage Association's letter of March 22nd be investigated thoroughly before determining the completeness of the DEIS.

Councilman Maloney said he would make a suggestion based on what was discussed at the Workshop. He did not think the Town Board should politicize the Planning Board. He thought the Planning Board's responsibility is to look at the site, to do the planning, to demand what they have a legal right to demand and that has always been their prerogative. The Town Board has never interfered with this planning process. He said he would make a resolution indicating our concern.

Councilman Maloney said to demand or to request that they do a DEIS is going beyond our purview. He said if they know our feelings and if we indicate to them that we want this examined thoroughly because they haven't even looked at the third site plan that is before them he would offer that as a resolution which he thought would do what we would request them to do.

Councilwoman Smith asked that Councilman Maloney's resolution include the topics mentioned in the Valley Cottage Association's letter of March 22nd to which he readily agreed.

RESOLUTION NO. (332-1990)

URGING CLARKSTOWN PLANNING
BOARD TO THOROUGHLY EXAMINE
AND INVESTIGATE ANY NEW
MATERIALS REGARDING AOR
DEVELOPERS (LOT #4) AND THE
VALLEY COTTAGE ASSOCIA-
TION'S LETTER OF MARCH 22ND

Co. Maloney offered the following resolution:

RESOLVED, that the Clarkstown Town Board urges the Clarkstown Planning Board to thoroughly examine and investigate any and all new materials regarding AOR Developers relative to the development of Lot 4, and be it

FURTHER RESOLVED, that the topics included in the Valley Cottage Association's letter of March 22nd (attached hereto) be investigated thoroughly before determining the completeness of the DEIS.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (332-1990) Continued

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

Supervisor Holbrook said he would vote yes for this resolution but he would have preferred the DEIS as included in his original resolution. He wanted that stated for the record.

RESOLUTION NO. (333-1990)

RESCINDING RESOLUTION NO.
(641-1989) AND SETTING
REHEARING REGARDING ZONE
CHANGE PETITION OF
PARKER-NANUET ASSOCIATES

Co. Maloney offered the following resolution:

WHEREAS, PARKER-NANUET ASSOCIATES had 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 as follows:

1. Redistrict property designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1 and 2.01, from an LIO District to an MF-2 District, as shown on Schedule "A" attached;

2. Redistrict property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 12.03, from a PED District to an MF-2 District, as shown on Schedule "B" attached;

3. Redistrict property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 13.2, from an LIO District to a PED District, as shown on Schedule "C" attached;

4. Redistrict property designated on the Clarkstown Tax Map as Map 164, Block A, Lot 12.2, from a PED District to a Modified PED District, as shown on Schedule "D" attached;

5. Property designated on the Clarkstown Tax Map as Map 164, Block A, Lots 12.4, 12.5 and 13.1, to remain in a PED District, as shown on Schedule "E" attached, and

WHEREAS, a Draft Environmental Impact Statement (DEIS) was submitted to the Town of Clarkstown concerning Parker-Nanuet Associates' request for a zone change from LIO and PED Districts to MF-2 and PED Districts to permit the development of an office, warehouse and industrial uses, and multifamily housing on approximately ninety acres of property, and

WHEREAS, a resolution of the Town Board issuing a Final Environmental Impact Statement (FEIS) was adopted on the 25th day of April, 1989, and

WHEREAS, SEQRA was deemed complete, and

WHEREAS, Resolution No. 641-1989 was adopted by this Board on June 27, 1989 purporting to deny the zone change prior to the completion of a resolution issuing SEQRA Findings and denying the amendment before issuing SEQRA Findings, and

WHEREAS, the Town Board desires, on its own motion, to rehear and reconsider the original petition and to conduct an additional public hearing pursuant to Sections 264 and 265 of the Town Law;

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RESOLUTION NO. (333-1990) Continued

NOW, THEREFORE, be it

RESOLVED, as follows:

THAT Resolution No. 641-1989 purporting to deny the zoning amendment is hereby rescinded, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 8th day of May, 1990, for the purpose of rescinding Resolution No. 641-1989, and reconsidering and rehearing the application for zone change, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such rehearing 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

Councilman Kunis said he wished discussion on the motion. He noted that it said "WHEREAS, the Town Board desires, on its own motion, to rehear..." He said this was the first time that he is under the understanding that the Town Board is doing this on its own motion. The applicant is not requesting this? Supervisor said he would change that to read "WHEREAS, the Petitioner desires..." Councilman Kunis said if the Petitioner desires he would consider it. It was decided to change it to Petitioner.

Councilman Kunis said are we rescinding this now or are we scheduling a hearing to rescind? Deputy Town Attorney Mark Posner said we are rescinding it and then scheduling another public hearing to reconsider all aspects of it. Councilman Kunis said then we are rescinding that vote tonight? Supervisor said if it passes. Councilman Maloney said we are possibly having another public hearing on May 8th, is that right? Councilman Kunis said there is no way you can have a public hearing without rescinding Mr. Posner? Do you have to rescind to have a public hearing, Mr. Posner? Mr. Posner said it would be more appropriate to have a public hearing in order to rescind since you are in effect changing the requirements and in effect are rezoning the areas themselves by rescinding it.

Mr. Posner asked if the previous vote was a denial? He was told yes. He said then you do not need a public hearing to rescind. You may rescind today without a public hearing. Councilman Maloney said the original wording "Town Board desires, on its own motion..." not that the "Petitioner desires, on its own motion..." He said aren't we trying on our own motion to rehear and reconsider the original petition? He said then it would appear that on our own motion we are going to rehear, reconsider the original petition. Deputy Town Attorney said that is right. Supervisor said then the original wording is okay.

The vote was then taken.

On roll call the vote was as follows:

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

RESOLUTION NO. (334-1990)

SETTING PUBLIC HEARING AND
REFERRING TO THE CLARKSTOWN
PLANNING BOARD AND THE
ROCKLAND COUNTY
COMMISSIONER OF PLANNING
THE PROPOSED AMENDMENT(S)
TO THE ZONING ORDINANCE OF
THE TOWN OF CLARKSTOWN RE:
NURSERY SCHOOLS ON MINIMUM
SITE OF FIVE ACRES

Co. Smith offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 22nd day of May, 1990, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend General Use Regulations, R-80 District,
Table 1, Column 2, Item 5,

from: "5. Schools, except nursery schools."

to: "5. Schools, except nursery schools,
on a minimum site of five acres."

Amend General Use Regulations, R-40 District,
Table 2, Column 2, Item 5,

from: "5. Schools, except nursery schools."

to: "5. Schools, except nursery schools,
on a minimum site of five acres."

Amend General Use Regulations, R-22 District,
Table 3, Column 2, Item 5,

from: "5. Schools, except nursery schools."

to: "5. Schools, except nursery schools,
on a minimum site of five acres."

Amend General Use Regulations, R-15 District,
Table 4, Column 2, Item 5,

from: "5. Schools, except nursery schools."

to: "5. Schools, except nursery schools,
on a minimum site of five acres."

Amend General Use Regulations, R-10 District,
Table 5, Column 2, Item 5,

from: "5. Schools, except nursery schools."

to: "5. Schools, except nursery schools,
on a minimum site of five acres."

Amend General Use Regulations, RG-1 District,
Table 6, Column 2, Item 4,

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RESOLUTION NO. (334-1990) Continued

from: "4. Schools, except nursery schools."

to: "4. Schools, except nursery schools,
on a minimum site of five acres."

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

from: "4. Schools, except nursery schools."

to: "4. Schools, except nursery schools,
on a minimum site of five acres."

and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said clerk, and be it

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

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. (335-1990)

DENYING PROPOSED AMENDMENT
TO THE ZONING ORDINANCE OF
TOWN OF CLARKSTOWN (LO TO
PO DISTICT) - C.R.CLEMENSEN

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 29th day of January, 1990, provided for a public hearing on the 23rd day of January, 1990, at 8:10 P.M., to consider the application of C.R. CLEMENSEN, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner 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;

RESOLUTION NO. (335-1990) Continued

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 required, and be it

FURTHER RESOLVED, for the reasons of public health, safety and welfare, the Town Board hereby DENIES the petition of C.R. CLEMENSEN for an Amendment to the Zoning Ordinance to redistrict property from an LO District to a PO District.

Seconded by Co. Maloney

Councilman Maloney said while the Town Board submitted this on its own, there was a Town Board resolution and in effect, the Town Board is just withdrawing its own motion. Upon questioning Supervisor said we should withdraw and deny.

On roll call the vote was as follows:

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

Councilman Kunis said he was voting to deny for future planning and future growth of that particular area of the Town of Clarkstown. He said the Board should now consider R-22 for that particular parcel of land. He said he doesn't believe we should be downzoning that area any further with the post office and unknown future growth in that area. He said that historical house was to be so historical and people were so concerned about it then perhaps the Town of Clarkstown should have been approached about purchasing the property and maintaining the historical significance of that property but instead the house was sold and again the motive was money, profit and the almighty dollar.

Councilwoman Smith said she felt Ms. Fitch was entitled to respond to that as that was a little below the belt. Councilman Kunis said he would have been willing to listen to any offers and recommendations made to preserve the historical significance of the home and the area surrounding the home. At this point it is a little bit too late in the game for that and he stands behind what he says and he votes to deny this zone change.

Ms. Fitch said this is getting very personal. She said she happens to represent the Historical Review Board. We have cited many properties of historic value. This is only one of them and she said she could not give the exact number. She said she did not want to see the Town going into the real estate business. They don't have to. The house will stand on its own by Town Law. She said she doesn't worry about the house because it is protected. She said Councilman Kunis has to know that business is business whether you are selling bagels or not and they are just trying to save a little bit of the history of this county and this town.

Supervisor said statements were leveled at Ms. Fitch who happens to be a town official and she has been the primary mover in saving historical buildings in this community for a long time. The Board is concerned about the preservation of that specific house whatever is built there, whether it be a tepee or an office building or whatever it is. The fact is that she had a right to respond to those accusations that were made and that is why he let her make the comments that she made.

RESOLUTION NO. (335-1990) Continued

Councilman Maloney said he really feels that it is in the best interests to leave it - to go for the zone change but we have been kicking this around for such a long time. It's not going to come to any fruition and he thinks that the applicant should process whatever he has. Maybe at the Planning Board level they may be able to do something and make some changes, etc. but he thinks that the issue right now is going to go back to what it is. It is going to remain LO and PO exactly what it is right now.

Supervisor said we have a resolution to deny the zone change, do you want to vote yes or no on that? Councilman Maloney said Yes.

Councilwoman Smith said she is going to vote to deny the zone change reluctantly. She said she would hope that everyone present tonight would stop making these decisions so personal because every Board member up here tries to accommodate the resident primarily. We don't want lights in your eyes. We don't want big buildings. We don't want anything to affect you negatively. She said she has every confidence that this builder will go to the Planning Board and work with the best plan there for you as well as for them. She said she does not want to see a three story building and she doesn't believe they want to either but she said you have to give a lot of credit to someone like Ms. Fitch who comes out on an evening like this, more than once, to tell you honestly that she believes and you should all believe that she speaks for the good of the town and that she believes PO would be the best for the site. So do all of us. But the votes are not here so we will vote to deny.

Supervisor Holbrook said the sanctity of that house will remain. Ms. Fitch will see to that as well as the Historical Review Board. He said he would vote yes to deny the zone change.

RESOLUTION NO. (336-1990)

RESCHEDULING CHAPTER 79
PROCEEDING (MELLOZZO - MAP
134-A-13) - 18 HALL STREET,
CENTRAL NYACK, NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on October 11, 1988, a public hearing pursuant to Chapter 79 of the Code of the Town of Clarkstown was scheduled and held on November 15, 1988, with respect to property designated on the Clarkstown Tax Map as MAP 134, BLOCK A, LOT 13, reputedly owned by John Mellozzo and Florence Mellozzo, residing at 18 Hall Street, Central Nyack, New York, and

WHEREAS, the Superintendent of Highways of the Town of Clarkstown was authorized and directed to remove the debris if the condition continued uncorrected, and

WHEREAS, the condition of the property remains in violation and is creating a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Chapter 79 proceeding is hereby reconvened upon ten days written notice to the property owners for May 8, 1990, at 8:10 P.M., at the Auditorium of Town Hall, 10 Maple Avenue, New City, New York, at which time the Town Board shall authorize the Superintendent of Highways of the Town of Clarkstown, as directed by the Building Inspector, to remove the debris on said property; and be it

Continued on Next Page

RESOLUTION NO. (337-1990) Continued

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property; and be it

FURTHER RESOLVED, the the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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. (337-1990)

AUTHORIZING TOWN BOARD TO APPROPRIATE MONEY TO ROCKLAND CENTER FOR THE ARTS WITH RESPECT TO AN EXHIBITION - CHARGE TO ACCOUNT NO. A 8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Rockland Center for the Arts has requested monetary assistance from the Town of Clarkstown in the amount of \$5,000.00 to aid in presenting an exhibition from January 6 through February 3, 1991, entitled "Rockland County" Architecture of an American Suburb," and

WHEREAS, this exhibition will present an overview of the development of the County's built environment. Among other things, the exhibition will include a panel discussion by local architects, members of boards of architectural review, and community planners; guided tours of the exhibition, and printed education materials for school groups, which exhibition will be of interest to the residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby appropriates the amount of \$5,000.00 to the Rockland Center for the Arts with respect to the exhibition entitled, "Rockland County: Architecture of an American Suburb," which is being presented from January 6 through Feberuary 3, 1991, and be it

FURTHER RESOLVED, that the sum of \$5,000.00 shall be charged to Account No. A-8840-424.

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

Councilwoman Smith requested that the Supervisor stress our Bicentennial in their presentation.

RESOLUTION NO. (338-1990)

AUTHORIZING SUPERVISOR TO
SIGN HOME RULE REQUEST WITH
RESPECT TO TOWN OF
CLARKSTOWN EXCHANGING
PARKLANDS WITH COUNTY OF
ROCKLAND

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of approximately five acres of parkland situate on Phillips Hill Road, New City, as shown on the subdivision plat of Phillips Hill Park, recorded in the Rockland County Clerk's Office in Book 80, at Page 20, as Map 4015, which five acre parcel is adjacent to property owned by the County of Rockland, and

WHEREAS, the County of Rockland is the owner of two separate parcels of parkland, one being approximately .3100 acres, designated on the Clarkstown Tax Map as Map 61, Block A, Lot 11.01, and the other being approximately 4.6900 acres, designated on the Clarkstown Tax Map as a portion of Map 61, Block A, Lot 12.01, each of which are adjacent to the Zukor Park property, New City, which is owned by the Town of Clarkstown, and

WHEREAS, it is desirable to exchange the approximate five acre parcel of parkland owned by the Town of Clarkstown as described herein for the approximate five acres of parkland (two separate parcels) owned by the County of Rockland as described herein, and

WHEREAS, a 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. 7687 and Assembly Bill No. 10544, regarding the exchange of parklands between the Town of Clarkstown and the County of Rockland.

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. (339-1990)

TOWN BOARD TO SETTLE CLAIM
OF KNAPP SHOE COMPANY

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has contracted for certain safety shoes with Knapp Shoe Company, and

WHEREAS, Knapp has filed a claim against the Town under said contract in the amount of \$6,583.75, and

WHEREAS, an investigation of said claim has been undertaken by representatives of the Town,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (339-1990) Continued

RESOLVED, that the Town Board hereby determines that it is in the best interests of the Town to settle said claim in the amount of \$3,000.00 and hereby authorizes payment in said amount in full settlement of all outstanding claims.

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. (340-1990)

AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH KAESTLE BOOS ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES, REGARDING THE NEW POLICE FACILITY - CHARGE TO ACCOUNT NO. H 1620-04-409

Co. Maloney offered the following resolution:

WHEREAS, the Supervisor entered into negotiations with Kaestle-Boos Associates, Inc., 31 High Street, New Britain, Ct., concerning architectural services for the construction of a new police facility which will house the Justice Court as well as the Police, and

WHEREAS, negotiations have been completed and an agreement has been reached;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with Kaestle Boos Associates, Inc., for architectural services for the construction of a new police facility, which agreement has been reviewed and found satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee for said services shall be \$560,000.00 and shall be charged to Account No. H-1620-04-409.

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. (341-1990)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-003833 (STATE OF NEW YORK - SOFT BODY ARMOR) AND APPROPRIATION ACCOUNT NO. A 3120-293 (LAW ENFORCEMENT) - POLICE DEPARTMENT

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (341-1990) Continued

WHEREAS, the Town of Clarkstown has received \$2,322.06 from the State of New York for soft body armor,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-003833 (State of NY-Soft Body Armor) and Appropriation Account No. A 3120-293 (Law Enforcement) by \$2,322.06.

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. (342-1990)

DECREASING APPROPRIATION
ACCOUNT NO. A 1680-110 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1680-409
(DATA PROCESSING-FEES FOR
SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 1680-409 (Data Processing - Fees for Services) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1680-110 and increase Appropriation Account No. A 1680-409 by \$11,000.00.

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. (343-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002376 (REFUSE & GARBAGE
- OTHER GOVERNMENTS) AND
APPROPRIATION ACCOUNT NO. A
6411-409 - INDUSTRIAL
COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 6411-409 (Industrial Commission - Fees for Services) requires additional funding,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (343-1990) Continued

RESOLVED, to increase Estimated Revenue Account No. 01-002376 (Refuse & Garbage - Other Governments) and Appropriation Account Number A 6411-409 by \$5,000.00.

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. (344-1990)

INCREASING APPROPRIATION
ACCOUNT NO. A 7610-301
(PROGRAMS FOR THE AGING -
FOOD) AND INCREASING
ESTIMATED REVENUE ACCOUNT
01-002001 (PARK &
RECREATION CHARGES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 7610-301 (Program for the Aging - Food) by \$1,245.00 and to increase Estimated Revenue Account 01-002001 (Park & Recreation Charges) by \$1,245.00.

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. (345-1990)

DECREASING APPROPRIATION
ACCOUNT NO. B 8030-114
(PART-TIME EMPLOYEES) AND
INCREASE APPROPRIATION
ACCOUNT NO. B 8030-313 -
BOARD OF ARCHITECTURAL
REVIEW

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. B 8030-313 (Board of Architectural Review - Office Supplies & Printing) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B 8030-114 (Part-Time Employees) and increase Appropriation Account No. B 8030-313 by \$6.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (345-1990) Continued

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

RESOLUTION NO. (346-1990)

TRANSFER OF FUNDS INTO
APPROPRIATIONS ACCOUNT NO.
3230-319 FROM ACCOUNT NO.
A-884 (RESERVE FOR D.A.R.E.
PROGRAM)

Co. Maloney offered the following resolution:

WHEREAS, additional funding in the amount of \$1,000.00 is required in Appropriations Account No. 3230-319 (D.A.R.E. Program, Misc. Supplies);

NOW, THEREFORE be it

RESOLVED, to transfer said funds into Apropriations Account No. 3230-319 from Account A-884 (Reserve for D.A.R.E. Program.)

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. (347-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
TOWNS OF HILLSDALE AND PARK
RIDGE, NEW JERSEY

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has been approached by the Towns of Hillsdale and Park Ridge, New Jersey, with a view toward the Town of Clarkstown accepting leaves from such two municipalities at an agreed price of \$5.00 per cubic yard of uncompacted leaves, and an agreed price of \$10.00 per cubic yard for compacted leaves, and

WHEREAS, the acceptance of such leaves would be beneficial to the Town of Clarkstown as the Town has the capacity to accept those leaves for composting and would profit by the additional revenue, and

WHEREAS, the New York State Department of Environmental Conservation has issued a permit for leaf composting at the Route 59 site;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Towns of Hillsdale and Park Ridge, New Jersey, to accept leaves from the two municipalities, which agreement shall be in a form approved by the

RESOLUTION NO. (347-1990) Continued

Town Attorney of the Town of Clarkstown for the prices set forth above.

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. (348-1990)

RESCHEDULING CHAPTER 79
PROCEEDING - GRAZIANO (MAP
134, BLOCK A, LOT 13.01) -
111 CLINTON AVENUE, SOUTH
NYACK, NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, by resolution duly adopted on October 11, 1988, a public hearing pursuant to Chapter 79 of the Code of the Town of Clarkstown was scheduled and held on November 15, 1988, with respect to property designated on the Clarkstown Tax Map as MAP 134, BLOCK A, LOT 13.01, reputedly owned by Fred Graziano and Nancy Graziano, residing at 111 Clinton Avenue, South Nyack, New York, and

WHEREAS, the Superintendent of Highways of the Town of Clarkstown was authorized and directed to remove the debris if the condition continued uncorrected, and

WHEREAS, the condition of the property remains in violation and is creating a nuisance and hazard to the health, safety and welfare of the community;

RESOLVED, that the Chapter 79 proceeding is hereby reconvened upon ten days written notice to the property owners for May 8, 1990, at 8:15 P.M., at the Auditorium of Town Hall, 10 Maple Avenue, New City, New York, at which time the Town Board shall authorize the Superintendent of Highways of the Town of Clarkstown, as directed by the Building Inspector, to remove the debris on said property; and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property; and be it

FURTHER RESOLVED, the the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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. (349-1990)

AWARDING BID FOR BID
#34-1990 - SECURITY GUARD
SERVICE - TOWN PARKS
(JUSTICE SECURITY SERVICES,
INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Superintendent of Recreation and Parks and the Director of
Purchasing that

BID #34-1990
SECURITY GUARD SERVICE - TOWN PARKS

is hereby awarded to:

Justice Security Services, Inc.
421 East Route 59
Suite 8
Nanuet, N.Y. 10954
Principal: Paul M. Bodner

as per their low bid proposal of \$9.40 per guard, per hour, and be it

FURTHER RESOLVED, that said award is subject to the
presentation of a Certificate of General Liability Insurance,
including coverage for errors and omissions in the face amount of
one million dollars. The Town should be named as a co-insured on
the certificate. Successful contractor shall also provide evidence
of Worker's Compensation Insurance coverage.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (350-1990)

AWARDING BIDS FOR BID
#33-1990 - SALE OF SURPLUS
SANITARY LANDFILL EQUIPMENT
(ALLISON TRACTOR, INC., L &
S TRUCKING)

Co. Maloney offered the following resolution:

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

BID #33-1990
SALE OF SURPLUS SANITARY LANDFILL EQUIPMENT

is hereby awarded as follows:

For Item #1 - One (1) Caterpillar 826 Landfill Compactor
Serial #87x305

Awarded to: Allison Tractor Inc.
308 Sea Island Key
Secaucus, N.J. 07094
Principal: Joseph Job

per their proposed highest bid of \$25,100.00

Continued on Next Page

RESOLUTION NO. (350-1990) Continued

For Item #2 - One (1) Rex 350 Landfill Compactor
Serial #HTR246
Awarded to: Allison Tractor
(as above)

per their proposed highest bid of \$1,500.00

For Item #3 - One (1) Rex 340 Landfill Compactor
Serial #1169-7575
Awarded to: L & S Trucking
16 White Stag Drive
Yardville, N.J. 08620

per their proposed highest bid of \$201.99.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (351-1990)

AWARDING BID FOR BID
#21-1990 - FIREWORKS
DISPLAY (BAY FIREWORKS,
INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Superintendent of Recreation and Parks and the Director of
Purchasing that

BID #21-1990
Fireworks Display

is hereby awarded to

Bay Fireworks, Inc.
P.O. Box 912
Syosset, N.Y. 11791
Principals: Charles A. Rappa, and
Robert Yale

as per their low bid proposal of \$4,175.00, and be it

FUTHER RESOLVED, that said award is subject to the
timely receipt of the following as detailed in the bid
specifications:

1. Certification of General, Automobile, and Fireworks display liability.
2. Certificate of Workers Compensation Insurance.
3. Save Harmless Agreement
4. Performance or Cash Bond of \$5,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (351-1990) Continued

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

RESOLUTION NO. (352-1990)

AWARDING BID FOR BID
#31-1990 - GILBERT DRAINAGE
PROJECT (CAL MART
CONSTRUCTION CORP.)

Co. Maloney offered the following resolution:

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

BID #31-1990
GILBERT DRAINAGE PROJECT

is hereby awarded to

CAL MART CONSTRUCTION CORP
357A ROUTE 59
WEST NYACK, NY 10994

as per their low bid proposal of \$22,907.03, and be it

FURTHER RESOLVED, that said award is subject to the
execution of a formal agreement between contractor and the Town in a
form prepared by the Town Attorney, and the posting of prescribed
bonds as detailed in bid specifications.

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

Councilwoman Smith requested that Deputy Town Attorney
Mark Posner work diligently on this contract.

RESOLUTION NO. (353-1990)

AWARDING BIDS FOR BID
#24-1990 - COMPUTER
EQUIPMENT/ACCESSORIES (CODE
CRAFT CORP., ADVANTAGE
BUSINESS PRODUCTS, INC.,
INFORMATION PRODUCTS, INC
NORTH, AND INFORMATION
TECHNOLOGY SERVICES
(INFOTECH)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Computer Consultants and the Director of Purchasing that

BID #24-1990
COMPUTER EQUIPMENT/ACCESSORIES

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

Continued on Next Page

RESOLUTION NO. (353-1990) Continued

CODE CRAFT CORP.
260 OLD NYACK TURNPIKE
SPRING VALLEY, NY 10977
PRINCIPAL: LAZER MILSTEIN

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

INFORMATION PRODUCTS, INC. NORTH
175 ROUTE 46 WEST
FAIRFIELD, N.J 07004
PRINCIPALS: JOHN MURRAY
ROBERT MURRAY
BILL FINCH
SIDNEY KARP

INFORMATION TECHNOLOGY
SERVICES (INFOTECH)
275 MARCUS BOULEVARD
HAUPPAUGE, NY 11788
PRINCIPAL: JOHN SPIELBERGER

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. (354-1990)

AWARDING BID FOR BID
#14-1990 - MUNICIPAL
COMPUTER SOFTWARE (NEW
WORLD SYSTEMS CORP.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Computer Consultant, the Town Comptroller, and the Director of
Purchasing that

BID #14-1990
MUNICIPAL COMPUTER SOFTWARE

is hereby awarded to

NEW WORLD SYSTEMS CORP.
3270 W. BIG BEAVER
SUITE 300
TROY, MI 48084
PRINCIPALS: LARRY D. LEINWEBER
COLIN M. MC CONNEL

as per their proposed cost of \$80,190.00, and be it

FURTHER RESOLVED, that said award is subject to the
execution of a formal agreement between the Town and New World
Systems and the posting of the required performance bond as detailed
in the bid specifications.

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. (355-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
RIGHT TURN SIGNS AND LEFT
TURN SIGNS - GERMONDS ROAD
AT GERLACH DRIVE, NEW CITY

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:

The following signs: A right turn sign (a W1-3C) with
the speed advisory panel beneath to read 15 MPH, to be
erected westbound Germonds Road, 800 feet west of Route
304, New City.

A left turn sign (a W1-1C) with the speed advisory
panel beneath to read 15 MPH, to be erected eastbound
Germonds Road, 200 feet south of Gerlach Drive.

A left turn sign (a W1-1C) with the speed advisory
panel beneath to read 15 MPH, to be erected on
westbound Germonds Road, 200 feet south of Gerlach
Drive.

A right turn sign (a W1-1C) with the speed advisory
panel beneath to read 15 MPH, to be erected on
eastbound Germonds Road, 200 feet west of Gerlach
Drive, New City.

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. (356-1990)

AUTHORIZING SUPERVISOR TO
SIGN AGREEMENT WITH COUNTY
OF ROCKLAND FOR MASS
TRANSPORATATION

Co. Maloney offered the following resolution:

WHEREAS, Section 18(b) of the Transportation Law
provides for the appropriation of funds for the operation of bus
transportation systems, and

WHEREAS, pursuant to Section 119-r of the General
Municipal Law and Local Law No. 9-1974, the County of Rockland is
authorized to contract for mass transportation services to be
rendered to the people of the County of Rockland by a municipality
for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
hereby authorizes the Supervisor to enter into an agreement with the
County of Rockland, in a form satisfactory to the Town Attorney, to
provide for the operation of public transportation routes within the
Town of Clarkstown, and be it

RESOLUTION NO. (356-1990) Continued

FURTHER RESOLVED, that this resolution is retroactive to April 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. (357-1990)

AUTHORIZING PAYMENT TO
MARGARETANN RIES FOR
PREPARATION OF TRANSCRIPT
OF HEARING RE: VIPPOLIS V.
ZBA

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$610.50 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript of the hearing held in the matter of Vipplois v. Board of Appeals, Appeal No.2181.

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. (358-1990)

AUTHORIZING DIRECT DEPOSIT
OF EMPLOYEES' WAGES

Co. Kunis offered the following resolution:

WHEREAS, the Town Board deems it efficient to begin using an electronic funds transfer system for the direct payment of each employee's wages to an account designated by the employee, and

WHEREAS, Town Law Section 29 (3) and Banking Law Section 96 (B) authorizes such a transfer,

NOW, THEREFORE, be it

RESOLVED, that the Town is authorized to begin direct deposits, retroactive to April 12, 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. (358-1990) Continued

Irene Saccende, President of the Clarkstown Unit of the CSEA asked if this was being done for all employees. She was told it will be done by individual request. A question was raised if this authorized the Town to make any other withdrawls. The answer was that a court order would be needed for assessments, garnishees, etc.

RESOLUTION NO. (359-1990)

AUTHORIZING ATTENDANCE AT
SEMINAR FOR TAX COLLECTING
OFFICERS (MARIE GERONIMO)
CHARGE TO ACCOUNT NO. A
1010-414

Co. Smith offered the following resolution:

RESOLVED, that Marie Geronimo, Receiver of Taxes is hereby authorized to attend a Seminar for Tax Collecting Officers co-sponsored by the Association of Towns of the State of New York and New York State Association of Tax Receivers and Collectors on June 10th thru June 13, 1990 at Hidden Valley, Lake Luzerne, New York at a cost of \$117.00 for lodging plus travel, food and other necessary expenses, said amount to be charged to Account No. 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. (360-1990)

AUTHORIZING ATTENDANCE AT
CONFERENCE (COHEN AND
FEINER) - COUNSELING CENTER

Co. Smith offered the following resolution:

RESOLVED, that Ellen Cohen, CSW, and Emily Feiner, CSW, of the Clarkstown Counseling Center, attend conference on Thursday, April 19, 1990 - at Stony Point Center on "Families - New Definitions, New Needs." Registration Fee - \$18.00 per person.

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. (361-1990)

AUTHORIZING ATTENDANCE AT
STATEWIDE TRANSIT
CONFERENCE (JOSEPH LEWIS) -
MINI-TRANS - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (361-1990) Continued

RESOLVED, that Joseph Lewis, Transit Operations Supervisor, of the Town of Clarkstown, is hereby authorized to attend Statewide Transit Conference, Spring 1990 at Cooperstown, New York May 16 - 18th, 1990, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$400.00 be charged against Account No. 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. (362-1990)

AUTHORIZING ATTENDANCE AT ANNUAL SPRING SEMINAR OF NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS (LAURENCE KOHLER) - PURCHASING - CHARGE TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing, is hereby authorized to attend the Annual Spring Seminar of the New York State Association of Municipal Purchasing Officials at Saratoga Springs, New York from May 2 - 4th, 1990, and be it

FURTHER RESOLVED, that all reasonable and appropriate expenses be charged against 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. (363-1990)

REVISING AMENDED AGREEMENT WITH HENRY HOROWITZ, INC. CONCERNING ZUKOR PARK AND STREET COMMUNITY CENTER - CHARGE TO CAPITAL ACCOUNT NO. H 7141-02-409

Co. Smith offered the following resolution:

WHEREAS, Town Board Resolution No. 486 dated May 10, 1988 amended an Agreement signed January 31, 1986 between the Town of Clarkstown and Henry Horowitz, Inc., Land Planning Consultants, 55 Virginia Avenue, West Nyack, New York, concerning Zukor Park and the Street Community Center,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (363-1990) Continued

RESOLVED, that said Amendment is hereby revised to include modifications concerning the Zukor Park Master Plan in accordance with a proposal submitted by Henry Horowitz, Inc. dated March 30, 1990, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Capital Account No. H 7141-02-409.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Councilman Mandia said he was voting no because he did not understand the need for office space at the Street School when we just voted to begin the process for a new police station which will vacate space here. He said he has no problem with the ball field but he does have a problem with creating an additional 5,000 square feet of office space. On that basis he said he must vote no on this.

RESOLUTION NO. (364-1990)

AUTHORIZING LEASE OF
EQUIPMENT FOR COMPOSTING
OPERATION AT FRENCH FARM
SITE - CHARGE TO ACCOUNT SR
8160-443

Co. Smith offered the following resolution:

WHEREAS, two loaders are required for the continued composting operation at the French Farm site and the Route 59 site,

NOW, THEREFORE, be it

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, has been authorized to lease one new Caterpillar 966 E Wheel Loader for five (5) years at a cost of \$2,894.00 per month and one new Caterpillar 950 E Wheel Loader for five (5) years at a cost of \$2,762.00 per month, subject to the Town Attorney's review of proposal, and be it

FURTHER RESOLVED, that all proper charges be charged against Account No. SR 8160-443.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Kunis asked what loaders are we using now. Supervisor said he did not know the exact name of the loaders but these particular ones were recommended. We looked into which was the best way to go and it was cheaper to rent than to buy. Councilwoman Smith said this was for the composting. The existing loaders are from the Highway Department. Councilman Kunis asked

RESOLUTION NO. (364-1990) Continued

what about the individual who contracted to do our leaf composting? Supervisor said he manages the program. He does not run the equipment. Councilman Kunis asked if this was discussed at Workshop and he was answered in the affirmative. He said he was not present.

RESOLUTION NO. (365-1990)

REJECTING ALL PROPOSALS
RECEIVED FOR BID #28-1990 -
TANDEM ROLLER AND
AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID #28A-1990 - TANDEM
ROLLER

Co. Maloney offered the following resolution:

RESOLVED, that all proposals received for

BID #28-1990
TANDEM ROLLER

are hereby rejected, and be it

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

BID #28A-1990
TANDEM ROLLER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, May 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. 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. (366-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #42-1990 -
CAST IRON CURB INLETS,
CATCH BASIN FRAMES & GRATES

Co. Maloney offered the following resolution:

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

BID #42-1990
CAST IRON CURB INLETS, CATCH BASIN FRAMES & GRATES

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, May 10, 1990 at which time bids will be opened and read, and be it

Continued on Next Page

RESOLUTION NO. (366-1990) Continued

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (367-1990)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS - BID #41-1990, WASHED SAND AND GRAVEL

Co. Maloney offered the following resolution:

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

BID #41-1990
WASHED SAND AND GRAVEL

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, May 9, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (368-1990)

AUTHORIZING SUPERVISOR TO RETAIN KARL F. KIRCHNER TO PREPARE APPRAISAL -58-F-11.1 FOR THE YEARS 1986, 1987, 1988, AND 1989 AND FEES FOR SERVICES BE CHARGED TO ACCOUNT A-1420-409

Co. Maloney offered the following resolution:

WHEREAS, the Bank of New York has commenced Tax Certiorari proceedings against the Town of Clarkstown affecting property designated as Map 58, Block F, Lot 11.1, for the years 1986, 1987, 1988 and 1989, and

WHEREAS, it is appropriate to obtain a preliminary trial appraisal to assist in the defense of such proceedings;

Continued on Next Page

RESOLUTION NO. (368-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby retains Karl F. Kirchner, to produce a preliminary trial appraisal in connection with the above proceedings, at a fee not to exceed \$2,000.00, and be it

FURTHER RESOLVED, that such fee for services shall be charged to Account A-1420-409.

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

Co. Kunis asked if there was any reason why the Town Assessor can't provide this service rather than we pay \$2,000.00 for an outside contractor.

Supervisor Holbrook said that if it is going to trial they will need expert information.

RESOLUTION NO. (369-1990)

AUTHORIZING TOWN ATTORNEY
TO DEFEND A PROCEEDING -
NELSON AND ZUCKER D/B/A
BRIDON REALTY CO. V.
PLANNING BOARD

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

ROBERT NELSON and LEO ZUCKER,
d/b/a BRIDON REALTY CO.,

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice law and Rules,

-against-

PLANNING BOARD OF THE TOWN OF CLARKSTOWN

Respondent.

NOW, THEREFORE, be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (369-1990) Continued

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

RESOLUTION NO. (370-1990)

AUTHORIZING THE TOWN
ATTORNEY TO DEFEND A
PROCEEDING DOYLE AGAINST ZBA

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

GARY T. DOYLE,

Petitioner,

For a Judgment Under Article 78 of the Civil Practice
 Law and Rules for Annulment of a Decision of the
 Clarkstown Zoning Board of Appeals Which Denied a
 Variation from the Requirements of Section 106-10B,
 Table 16, Group G, Columns 5, 6 and 9 as Effecting Lots
 1 and 2 and Note 11, Lot Line as Effecting Lot 2; and
 Section 106-20B(6) Involving a Storage Shed on Lot 1,
 of the Zoning Ordinance of the Town of Clarkstown,

-against-

RONALD AMSTER, ELIZABETH J. SQUILLACE,
 JOHN CUFF, PHYLLIS BULHACK, JOHN FELLA
 JOHN CAIN and WILLIAM NIEHAUS, constitut-
 ing the Clarkstown Zoning Board of Appeals,

Respondents.

NOW, THEREFORE, be it

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

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. (371-1990)

GRANTING SICK LEAVE OF
ABSENCE TO POLICE RADIO
DISPATCHER - POLICE
DEPARTMENT (RENEE NELSON)

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XVIII,
Section 3 (k) of the Labor Agreement between the Town of Clarktown

Continued on Next Page

RESOLUTION NO. (371-1990) Continued

and the Clarkstown Unit of the C.S.E.A., Renee A. Nelson, 769 Birchwood Court, Valley Cottage, New York - Police Radio Dispatcher - Police Department - is hereby granted an extension of her Sick Leave of Absence - at one-half pay - effective April 25, 1990 To May 25, 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. (372-1990)

ACCEPTING RESIGNATION OF
DOG CONTROL OFFICER (LAURIE
A. SHARKEY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Laurie A. Sharkey, 52 S. Conger Avenue, Congers, New York, Dog Control Officer - Police Department - is hereby accepted - effective and retroactive to April 1, 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. (373-1990)

RECOGNIZING THE
(PROVISIONAL) APPOINTMENT
BY THE POLICE COMMISSION OF
POLICE RADIO DISPATCHER -
POLICE DEPARTMENT (LAURIE
A. SHARKEY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognized the appointment by the Police Commission of Laurie A. Sharkey, 52 S. Conger Avenue, Congers, New York, to the position of (provisional) Police Radio Dispatcher - Police Department - at the current annual salary of \$20,731.00, effective and retroactive to April 2, 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. (374-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF SENIOR
CLERK STENOGRAPHER - POLICE
DEPARTMENT (JOAN GIBBS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #89246 Senior Clerk
Stenographer which contains the name of Joan Gibbs,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of Joan Gibbs, 170 Country Club
Lane, Pomona, New York, to the (permanent) position of Senior Clerk
Stenographer - Police Department - at the current annual salary of
\$20,252.00, effective and retroactive to April 9, 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. (375-1990)

ACCEPTING RESIGNATION OF
MEMBER OF ARCHITECTURAL
REVIEW BOARD (PATRICK
CAMPBELL)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Patrick Campbell, 22
Stony Hill Lane, West Nyack, New York - Member - Architectural
Review Board - is hereby accepted - effective and retroactive to
March 26, 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. (376-1990)

REAPPOINTING TO POSITION OF
MEMBER - CONSUMER AFFAIRS
COMMISSION (MARIANNE
ANTOLINO)

Co. Maloney offered the following resolution:

RESOLVED, that Marianne Antolino, 33 Amarillo Drive,
Nanuet, New York, is hereby reappointed to the position of Member -
Consumer Affairs Commission - to serve without compensation - term
effective April 17, 1990 and to expire on April 16, 1993.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (376-1990) Continued

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

RESOLUTION NO. (377-1990)

REAPPOINTING TO POSITION OF
MEMBER OF CONSUMER AFFAIRS
COMMISSION (GERTRUDE BASLOW)

Co. Maloney offered the following resolution:

RESOLVED, that Gertrude Baslow, 6 Woodland Road, New City, New York is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective April 17, 1990 and to expire on April 16, 1993.

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. (378-1990)

REAPPOINTING TO POSITION OF
MEMBER OF CONSUMER AFFAIRS
COMMISSION (EILEEN
GOLDBLATT)

Co. Maloney offered the following resolution:

RESOLVED, that Eileen Goldblatt, 167 Sierra Vista Lane, Valley Cottage, New York, is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective April 25, 1990 and to expire on April 24, 1993.

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. (379-1990)

REAPPOINTING TO POSITION OF
MEMBER OF CONSUMER AFFAIRS
COMMISSION (THEODORE VON
ZWEHL)

Co. Maloney offered the following resolution:

RESOLVED, that Theodore VonZwehl, 13 Inwood Drive, Bardonia, New York, is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective and retroactive to April 16, 1990 and to expire on April 15, 1993.

Continued on Next Page

RESOLUTION NO. (379-1990) 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. (380-1990)

APPOINTING TO POSITION OF
SENIOR CLERK STENOGRAPHER -
HIGHWAY DEPARTMENT
(JOSEPHINE WALSH)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89246 Senior Clerk Stenographer which contains the name of Josephine Walsh,

NOW, THEREFORE, be it

RESOLVED, that Josephine Walsh, 209 Radcliff Drive, Upper Nyack, New York, is hereby appointed to the (permanent) position of Senior Clerk Stenographer - Highway Department - at the current annual salary of \$20,252.00, effective and retroactive to April 9, 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. (381-1990)

RECOGNIZING APPOINTMENT BY
THE SUPERINTENDENT OF
HIGHWAYS TO POSITION OF
MOTOR EQUIPMENT OPERATOR I
- HIGHWAY DEPARTMENT
(ARTHUR BARRUS)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Arthur Barrus, 31 James Street, New City, New York, to the position of Motor Equipment Operator I - Town Highway Department - at the current annual salary of \$27,030.00, effective and retroactive to April 9, 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

Continued on Next Page

RESOLUTION NO. (381-1990) Continued

Councilman Kunis asked if this was a new position? He was told no that it was a replacement.

RESOLUTION NO. (382-1990)

RECOGNIZING APPOINTMENT BY SUPERINTENDENT OF HIGHWAYS TO POSITION OF LABORER - HIGHWAY DEPARTMENT (DAVID WARREN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of David Warren, 99 Mt. View Trailer Park, Stony Point, New York, to the position of Laborer - (reassigned from the position of Maintenance Helper in the Highway Department) - at the current annual salary of \$20,252.00, effective and retroactive to April 9, 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. (383-1990)

APPOINTING TO POSITION OF CODE INSPECTOR - BUILDING DEPARTMENT (GEORGE BURTON)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #87141 Code Inspector which contains the name of George Burton,

NOW, THEREFORE, be it

RESOLVED, that George Burton, 40 Sherwood Drive, Nanuet, New York, is hereby appointed to the position of Code Inspector - Building Department - at the current annual salary of \$21,654.00, effective May 7, 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. (384-1990)

APPOINTING TO (PERMANENT) POSITION OF BUILDING INSPECTOR II - BUILDING DEPARTMENT (ADOLPH A. MILICH)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (384-1990) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Building Inspector II #89139, which contains the name of Adolph A. Milich,

NOW, THEREFORE, be it

RESOLVED, that Adolph A. Milich, 29 New Valley Road, New City, New York, is hereby appointed to the (permanent) position of Building Inspector II - Building Department - at the current annual salary of \$43,828.99, effective April 18, 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

Councilman Kunis congratulated Mr. Milich and noted that he had been with the Town for many years. He stated that Mr. Milich works hard, is a dedicated employee and he said he could not think of any individual who deserves this position and this promotion more than he did. He said that Mr. Milich had his share of hardships this year but that it was a pleasure to see him here for a happy occasion. Councilman Kunis' sentiments were echoed by the Supervisor, Councilwoman Smith, Councilman Maloney and Councilman Mandia.

RESOLUTION NO. (385-1990)

RECOGNIZING APPOINTMENT BY PARKS BOARD AND RECREATION COMMISSION OF (PROVISIONAL) RECREATION LEADER - PARKS BOARD AND RECREATION COMMISSION (RONALD GUZINSKI)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Ronald Guzinski, 824 Sherry Drive, Valley Cottage, New York, to the position of (provisional) Recreation Leader - Parks Board and Recreation Commission - at the current annual salary of \$19,853.00, effective and retroactive to March 12, 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. (386-1990)

REASSIGNMENT FROM POSITION OF CLERK TYPIST IN TOWN CLERK'S OFFICE TO CLERK TYPIST IN PURCHASING DEPARTMENT (HELEN McCRUDEN)

Co. Maloney offered the following resolution:

RESOLUTION NO. (386-1990) Continued

RESOLVED, that Helen McCrudden, 20 Plains Drive, New City, New York, is hereby reassigned from the position of Clerk Typist in the Town Clerk's Office to the position of Clerk Typist - Purchasing Department - effective April 18, 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

(PLEASE NOTE THAT DUE TO AN ERROR ON THE PART OF THE TRANSCRIBER THERE IS NO RESOLUTION NO. (387-1990) OR (388-1990)

RESOLUTION NO. (389-1990)

GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SEC. 83-65 OF TOWN CODE - PAUL DeSIMONE (NO. 90-22)

Co. Maloney offered the following resolution:

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

PAUL DeSIMONE
35 Madison Avenue
Garnerville, New York 10923

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 90-22 to PAUL DeSIMONE

Seconded by Co. Kunis

On roll call the vote was as follows:

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

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance re: Airports and Heliports, was opened, time: 10:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance re: Airports and Heliports, was closed, RESOLUTION ADOPTED, time: 10:02 P.M.

RESOLUTION NO. (390-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
DELETING AIRPORTS AND
HELIPORTS FROM GENERAL USE
REGULATIONS - LO, LIO AND M
DISTRICTS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 27th day of March, 1990, provided for a public hearing on the 17th day of April, 1990, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend the General Use Regulations, Table 8, LO District, Column 3, Item B-1, by Deleting same as follows:

Delete "B-1. Airports and heliports, subject to performance standards procedure (\$106-12B) and subject to \$106-16B."

Amend the General Use Regulations, Table 14, LIO District, Column 3, Item B-1, by Deleting same as follows:

Delete "B-1. Airports and heliports, subject to performance standards procedure (\$106-12B) and subject to \$106-16B."

Amend the General Use Regulations, Table 15, M District, Column 3, Item B-1, by Deleting same as follows:

Delete "B-1. Airports and heliports, subject to performance standards procedure (\$106-12B) and subject to \$106-16B."

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

On roll call the vote was as follows:

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

Councilwoman Smith noted the proposed contract with Nyack Hospital. Nyack Hospital has not received any pay for the first four months of the year yet they have serviced us for the first quarter. They are requesting that we come to some agreement. Supervisor said we are having a meeting with them this week. Councilwoman Smith said perhaps we could come to some intent that we could partially pay them. Supervisor said that resolution should be on for April 24th.

On motion of Councilman Maloney, seconded by Councilman
Mandia and unanimously adopted, the Town Board Meeting was declared
closed, time: 10:04 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

225

Town Hall

4/17/90

10:00 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Mark Posner, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDMENT TO THE ZONING ORDINANCE - DELETION OF AIRPORTS AND
HELIPORTS FROM GENERAL USE REGULATIONS - LO, LIO AND M DISTRICTS

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.

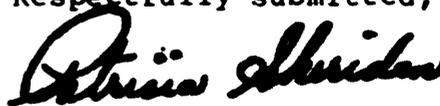
Supervisor asked Deputy Town Attorney Mark Posner if he had any recommendations. Mr. Posner said he had a SEQRA review dated March 28, 1990 with no significant impact. He said the Planning Board signified approval dated April 5, 1990 and the Rockland County Planning Board signified approval dated April 5, 1990.

Supervisor said this was basically deleting airports and heliports from the specific zones mentioned (LO, LIO and M.) He was asked if there was a place for them and he replied that PED District was the only zone in which they would be permitted where it presently is now.

Supervisor asked if there was anyone present who wished to be heard on this matter. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:02 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (390-1990 ADOPTED))