

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/24/90

8:00 P.M.

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

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

Supervisor stated that the first order of business
would be the awarding of a proclamation as follows:

"OLDER AMERICANS' MONTH
May, 1990

- WHEREAS, the Town of Clarkstown is privileged to number among its residents over seven thousand older Americans, a group which has proven to be vital to the growth and prosperity of our community, and
- WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and
- WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and
- WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Town of Clarkstown is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and
- WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 24th day of April, 1990, do hereby proclaim the month of MAY as "OLDER AMERICANS' MONTH" in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

(S E A L)

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 24TH
DAY OF APRIL, 1990.

/s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor

/s/ John R. Maloney
John R. Maloney, Councilman

/s/ Steven C. Kunis
Steven C. Kunis, Councilman

/s/ Ann Marie Smith
Anne Marie Smith, Councilwoman

/s/ Ralph F. Mandia
Ralph F. Mandia, Councilman

Supervisor stated that Mr. Ghiazza would accept this
proclamation on behalf of the group cited.

Supervisor then presented a Certificate of Award to Eagle Scout Neil Bott, of Troop 29, Boy Scouts of America. Neil came forward and the Supervisor congratulated him on his outstanding achievement and also extended his congratulations to his family. All the Town Board members congratulated Neil and offered best wishes on his attaining this rank.

Supervisor then announced that the Public Portion of the meeting was open.

Appearance: Mr. Jack Cuff
Pheasant Drive
West Nyack, New York

Mr. Cuff noted that last month Grant Pulley & Hardware chose to leave Rockland County. He said today Lederle Laboratories announced that they would be manufacturing a new drug for inner ear infection in young people but they will not be building the facility to manufacture this drug here in Rockland County because of the cloudy financial picture from Albany and the already overburdened taxes here in Rockland County and in the State of New York. He noted the large number of homes for sale in the area. He urged thought be given to the way we are going to be spending taxpayers' money. The overall picture is gloomy and we should look at ways to trim back on our spending. He said we have been talking about new police buildings, modernizing recreational facilities, etc. and he hoped we would get a clear idea of what is taking place in the State of New York right now.

Mr. Cuff said he also hoped that when new ratables approached the Town that we give them strong consideration. He said we know have a glut of homes for sale in Clarkstown and we have a glut of condominiums already occupied, being built today and on the drawing board for some time to come. He said he is just giving the same message as has been given by Governor Cuomo and County Executive Grant. He said if you are concerned about our older citizens let's put our money where our mouth is. Let's not just talk about it; let's do something about it.

Appearance: Mr. Eliot Greenberg
7 Rusten Lane
Spring Valley, New York

Mr. Greenberg spoke regarding Item #14 - Bradco petition. He said he had attended many meetings with regard to this matter. He said now that all the information has been submitted and digested by the Board and that tonight we may finally get a decision on this important item. He said his fellow homeowners in the area who are directly involved with the access road and this piece of property have been very anxious for a final ruling on this. He hopes it will be definitely positive in their favor and that the Board will understand that it is not an issue of large concern. It is an issue of small homeowners and their property values and their safety for their children should be the main issue in this. He hopes the item will finally be resolved tonight.

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

Mr. Lodico spoke regarding Bradco and said the Board has to consider consistency. He said very few of our taxpayers in Town are aware of \$3,000,000.00 parks and other expenditures and the new police building in the works. He said as far as Bradco is concerned the zoning was consistent with the area and if you start changing back and forth because of citizenry, you are really not having a consistent plan for commercial growth in the Town and tax revenues. He urged the Board to support the maintaining of this property as commercial potential.

Appearance: Ms. Mimi Holtzman

Ms. Holtzman said she has called every member of this Town Board about the Bradco issue and the only response she has received was from Mr. Holbrook. She said none of her calls to the other Board members was returned. She said she and all her neighbors are very concerned about Bradco and the type of construction that is going to take place. She urged for the sake of the children and themselves to please vote on Bradco tonight in their favor.

RESOLUTION NO. (391-1990)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT GERKE AVENUE
AND SECOND AVENUE, SPRING
VALLEY

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

Gerke Avenue Spring Valley
(Install - One (1) 5800 lumen sodium vapor
street light on existing pole number 58602/40889)

Second Avenue Spring Valley
(Install - One (1) 5800 lumen sodium vapor
street light on existing pole number 59171/40588)
(Install - One (1) 5800 lumen sodium vapor
street light on existing pole number 58172/40577)

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. (392-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL ONE
HOUR PARKING LIMITATION
SIGNS SOUTH SIDE PROSPECT
STREET FROM FIRE ZONE EAST
TO INTERSECTION OF MAIN
STREET (SOUTH MIDDLETOWN
ROAD), NANUET

RESOLUTION NO. (392-1990) Continued

Co. Maloney 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:

One Hour parking limitation signs to be erected on the south side of Prospect Street from the Fire Zone east to the intersection of Main Street (South Middletown Road), Nanuet

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. 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. (393-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL AN INTERSECTION SIGN (W2-3) WITH "DRIVEWAY" PANEL TO BE ERECTED NEAR DRIVEWAY OF #2 LAKEWOOD DRIVE, CONGERS

Co. Maloney 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:

An intersection sign (see Sec. 232.1 of the NYS Dept. of Transportation's Manual of Uniform Traffic Control Devices, a W2-3 sign) with a panel, "Driveway." This sign to be erected near the driveway of #2 Lakewood Drive, Congers.

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. 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. (394-1990)

AUTHORIZING ATTENDANCE AT
CONFERENCE "PROBLEMS IN
RECOVERY: INTIMACY AND
SEXUALITY" - COUNSELING
CENTER - (COHEN, FEINER AND
BEERMAN)

Co. Smith offered the following resolution:

RESOLVED, that Ellen Cohen, CSW, Emily Feiner, CSW, Susan Roth Beerman, CSW, and Glenn Leeds of the Clarkstown Counseling Center attend conference on Wednesday, May 16th, 1990 at Stony Point Conference Center, Stony Point, N.Y. on - "Problems in Recovery: Intimacy and Sexuality."

Registration fee: \$190.00 each

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

At this point the Order Extending District for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Cropsey Estates was signed by the Supervisor and all Board Members.

RESOLUTION NO. (395-1990)

GRANTING A 280-a(2) TO
TOSCANO AND COMITO
CONSTRUCTION CO. FOR
PROPERTY LOCATED EAST SIDE
VERMONT AVENUE, CONGERS
(MAP 140, BLOCK E, LOT 18.3)

Co. Smith offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Department of Environmental Control and the Planning Board, a Building Permit for the erection of a one-family residence may be issued to Louis C. Toscano, Margaret M. Toscano and Comito Construction Co., for property situate on the east side of Vermont Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 140, Block E, Lot 18.3, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services, including but not limited to maintenance, paving or snow removal shall be provided along Vermont Avenue.

2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown.

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its

Continued on Next Page

RESOLUTION NO. (395-1990) Continued

designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street, including Vermont Avenue, to fifty (50') feet in width.

4. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.

5. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall:

a) Extend pavement at least to the existing width of pavement up to the southerly property line with a turnaround. Pavement thickness and material should be according to Town specifications.

b) Extend the sanitary sewer line up to the southerly property line.

c) Develop a drainage plan showing the existing drainage structures and the proposed drainage system.

d) Provide a berm along the westerly side of Vermont Avenue, to direct the runoff onto the proposed catch basin.

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. (396-1990)

AUTHORIZING ATTENDANCE AT
NINTH ANNUAL ROCKLAND
COUNTY YOUTH FORUM AND
AWARDS DINNER (VARIOUS TOWN
OFFICIALS) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

WHEREAS, the following are authorized to attend the Ninth Annual Rockland County Youth Forum and Awards Dinner on Wednesday, May 16, 1990 at the Terrace on the Hudson, Route 9W, Haverstraw:

- Supervisor and Town Council
- Town Clerk
- Chief of Police and Designees
- Superintendent of Recreation & Parks and Designees
- Members of Clarkstown Recreation Commission
- Clarkstown Counseling Center Director and Designees
- Youth Commission Chairman
- Director of Finance
- Town Attorney

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (396-1990) Continued

RESOLVED, that all expenses are not to exceed \$20.00 per attendee and be charged to Appropriation Account No. A 1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (397-1990)

ACCEPTING DEED AND CONSERVATION EASEMENT FOR ROAD WIDENING PURPOSES ALONG DEMAREST MILL ROAD, WEST NYACK SUBDIVISION OF PROPERTY FOR JAMES ALBERT ELLIOTT, JR. (LOTS 1 AND 3)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "Subdivision of Property for JAMES ALBERT ELLIOTT, JR." the Planning Board of the Town of Clarktown requested a deed for road widening purposes along Demarest Mill Road, West Nyack, together with a Conservation Easement affecting Lots 1 and 3;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated February 24, 1990, between James Albert Elliott, Jr. and the Town of Clarktown gratuitously conveying a road widening strip along Demarest Mill Road, West Nyack, New York, and a Conservation Easement dated February 24, 1990, made by James Albert Elliott, Jr. affecting Lots 1 and 3 of said subdivision are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (398-1990)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH ROCKLAND COMPUTER ASSOCIATES, INC. (FORMERLY ROCKLAND COMPUTER PRODUCTS, INC.) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1680-409 OR H 1680-409

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (398-1990) Continued

WHEREAS, the Town Board adopted a Resolution (No. 1035-1989) on November 28, 1989, authorizing the Supervisor to enter into an agreement with Rockland Computer Products, Inc., for the year 1990, to utilize its services for a fee of \$22,500.00, and

WHEREAS, Rockland Computer Products, Inc. has since changed its corporate name to Rockland Computer Associates, Inc., and

WHEREAS, fees for services for the remainder of the year 1990 shall be \$90,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Rockland Computer Associates, Inc., formerly known as Rockland Computer Products, Inc., for the remainder of the year 1990, utilizing their services as needed, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$90,000.00, which shall be charged to Appropriation Account No. A-1680-409 or H-1680-409.

Seconded by Co. Maloney

(Councilman Kunis asked the reason for the name change? He asked if there were any bankruptcies, liens, or any judgments involved? Mr. Schofield said they are not selling any products any longer and they wanted to get away from filing sales tax returns. Supervisor said they are only servicing and not selling any products.)

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. (399-1990)

DECLARING ESCROWS IN
DEFAULT (ANN POWER
SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is holding \$1,100 in escrow to guaranty the planting of trees along the right-of-way of Cottage Lane in a subdivision known as ANN POWER SUBDIVISION;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$1,100 held in escrow be defaulted to the Town of Clarkstown and that the Department of Environmental Control be directed to plant said trees in the Ann Power Subdivision to the extent that they can with the aforesaid \$1,100.

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. (400-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #43-1990 -
PAPER & PLASTIC SUPPLIES

Supv. Holbrook offered the following resolution:

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

BID #43-1990
PAPER & PLASTIC SUPPLIES

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
16, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (401-1990)

AWARDING BIDS FOR BID
#20-1990 - ARTS & CRAFTS
SUPPLIES (S & S ARTS &
CRAFTS, CREATIVE CRAFTS
INTERNATIONAL, ECONOMY
HANDICRAFTS, J & A HANDY
CRAFTS, INC., I.M.C.
MANAGEMENT, INC., RUTH LEE
YARN BARN, NEW ENGLAND
SCHOOL SUPPLY, VANGUARD
CRAFTS, BECKLEY CARDY, INC.)

Co. Maloney offered the following resolution:

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

1. S & S Arts & Crafts, Colchester, Connecticut 06415
2. Creative Crafts International, Essex, Connecticut 06426
3. Economy Handicrafts, Woodside, New York 11377
4. J & A Handy Crafts Inc., Lindenhurst, New York 11757
5. I.M.C. Management, Inc., Garnerville, New York 10923
6. Ruth Lee Yarn Barn, Nanuet, New York 10954
7. New England School Supply, Springfield, Massachusetts 01101
8. Vanguard Crafts, Brooklyn, New York 11234
9. Beckley Cardy Inc., Montgomery, New York 12549

GROSS TOTAL OF ALL ITEMS: \$37,505.66

(Entire list of award numbers on file in Town Clerk's Office)

and be it

FURTHER RESOLVED, that this amount be charged against
accounts:

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RESOLUTION NO. (401-1990) Continued

7141-329 - \$ 9,180.99
7310-329 - \$13,395.07
7610-329 - \$14,929.60

and be it

FURTHER RESOLVED, that there was no award to bid items #9, 11, 18, 25, 43, 45, 49, 50, 77, 81, 83, 84, 85, 104, 106, 107, 110, 111, 114, 117, 121, 129, 150, 151, 152, 153, 178, 179, 181, 190, 192, 212, 216, 220, 228, 240, 257, 274, 292, 298, 310, 311, 314, 315, 321, 322, 324, 325, 338, 350, 361, 394, 410, 411, 420, 422, 423, 424, 442, 456, 515, 516, 519, 520, 521, 522, 568, 590, 614, 616, 617, 618, 619, 621, 624, 625, 626, 627, 628, 629, 630, 632, 633, 635

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. (402-1990)

AWARDING BIDS FOR BID #32-1990 - AMMUNITION FOR CLARKSTOWN POLICE DEPARTMENT (SAWMUT DISTRIBUTORS, BEIKIRCH'S AMMUNITION CORP., RAY'S SPORT SHOP, INC., SLOAN'S SPORTING GOODS, INC., SERIOUS SPORTSMAN, INC. AND JUREK BROS., INC.)

Co. Maloney offered the following resolution:

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

BID #32-1990
AMMUNITION FOR CLARKSTOWN POLICE DEPT.

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

SAWMUT DISTRIBUTORS
P.O. Box 488 - Route 1
Kittery, Me 03904
Principals: Gary Adams, Phillip Adams, Kevin Adams

BEIKIRCH'S AMMUNITION CORP.
P.O. Box 151
930 Linden Ave
E. Rochester, N.Y. 14445
Principals: N.J. Beikirch, R.N. Beikirch

RAY'S SPORT SHOP, INC.
559 Highway 22
North Plainfield, N.J. 07060
Principal: R.P. Lueddeke

SLOAN'S SPORTING GOODS, INC.
10 South St
Ridgefield, Ct. 06877
Principals: Howard Walzer, M.R. Walzer

SERIOUS SPORTSMAN, INC.
100 Middletown Road
Pearl River, N.Y. 10965
Principals: David Brega, Richard Brega, Sr., Robert Brega, Peter K. Brega

JUREK BROS., INC.
53 School Street
Greenfield, Ma 01301
Principals: William Jurek, Stephen Jurek, Gregory Jurek, Alan Jurek

RESOLUTION NO. (402-1990) 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. (403-1990)

BID FOR BID #40-1990 -
BOTTOM REBUILD ON
CATERPILLAR D-9 BULLDOZER
(H.O.PENN MACHINERY CO.
INC.)

Co. Maloney offered the following resolution:

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

BID #40-1990
BOTTOM REBUILD ON A CATERPILLAR D-9 BULLDOZER

is hereby awarded to

H.O. PENN MACHINERY CO., INC.
PO Box 3238 Boxon Road
Poughkeepsie NY 12603
Principal: C.E. Thomas Cleveland

as per their proposed cost of \$35,025.88.

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. (404-1990)

RATIFYING AND APPROVING THE
MEMORANDUM OF AGREEMENT
BETWEEN TOWN OF CLARKSTOWN
AND TOWN OF CLARKSTOWN
UNIT, ROCKLAND COUNTY LOCAL
844 OF THE CIVIL SERVICE
EMPLOYEES ASSOCIATION

Co. Smith offered the following resolution:

WHEREAS, the collective bargaining agreement between
the Town of Clarkstown and the Town of Clarkstown Unit, Rockland
County Local 844 of the Civil Service Employees Association expired
on December 31, 1989; and

WHEREAS, the negotiating team for the Town and the
negotiating team for the CSEA have negotiated in good faith for many
months in an attempt to reach a successor to the 1987-89 agreement;
and

RESOLUTION NO. (404-1990) Continued

WHEREAS, the negotiating teams have reached a tentative settlement embodied in a Memorandum of Agreement dated April 19, 1990; and

WHEREAS, the Town Board has reviewed said Memorandum of Agreement and has determined that the terms and conditions contained therein are in the best interest of the Town and its employees

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves the Memorandum of Agreement dated April 19, 1990 and authorizes the Supervisor to sign a collective bargaining agreement consistent with the terms thereof; and be it

FURTHER RESOLVED, that, following full execution of said agreement, the Town Attorney is directed to file a copy with the Public Employment Relations Board.

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. (405-1990)

AUTHORIZING PAYMENT TO SECRETARY OF BOARD OF APPEALS (MARGARETANN RIES) FOR PREPARATION OF TRANSCRIPT ON APPEAL #2287 (MATTER OF CONKLIN V. BOARD OF APPEALS)

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$287.75 be paid to MARGARET-ANN RIES, Secretary to the Board of Appeals, for the preparation of the transcript of the public hearing held on Appeal #2287 in the matter of Franklin D. Conklin v. Board of Appeals.

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

At this point Supervisor Holbrook offered a resolution Amending the Zoning Ordinance of Town of Clarkstown from LIO TO R-15 - MAP 165, Block A, Lot 3.02 (Bradco) but received no second. There was discussion on the motion.

Councilman Kunis said the homeowners in the Hamlets have many valid reasons for wanting this change of zone. However, at this point in time he felt it would be premature for the Town Board to change a zone this evening. He said last week at a Town

Board Meeting by Town Board resolution, on its own motion, the Ramapo Valley Airport Zone Change was reopened. Approximately a month and a half ago a piece of property abutting this property (Bradco) came before the Town Board for a zone change. He said he believed that property was owned by the current builders of the Hamlets.

Councilman Kunis said we have three separate pieces of property - one wanting to go from commercial to residential; another one around the corner wanting to go from commercial to residential; and a third one wanting to go to residential. Two of them are zoned for commercial use. The owners of many of the Hamlets to whom he has spoken and many of the letters he has received have indicated to him, as a Town Board Member, that they want commercial development on the airport property. The owners of the Hamlets have indicated that they do not want commercial development on the Bradco property. The owners of the Hamlets have not indicated to him what they want on the third piece of property because we have not had a public hearing. However, as a Town Board Member, he said he has received information on this. The public has not yet.

Councilman Kunis felt that at this point in time it would be too premature to make a decision on the Bradco property. Perhaps some kind of arrangement could be worked out where Bradco may be able to build on a section of the airport or whatever and there can be residential development where Bradco is. Perhaps the people and the developers could get together and everyone will be happy. It is worth a try. He reiterated that it is too premature to vote this evening. He said that is his reasoning for not seconding the motion at this time. He said people have very many valid reasons for a zone change and others very many valid reasons not to have a zone change. He said in fairness to all concerned, including the residents of the Hamlets and other property owners, people who have invested millions of dollars, at this point in time it is too premature. That is why he has not seconded it and he thinks now that all three of these separate changes are coming before the Town Board perhaps a Master Plan can be developed and everyone can come into this room and be pleased with that Master Plan. It is worth the wait.

Councilman Maloney said he was inclined to agree that this whole area has to be studied and looked at. Things have happened so quickly since we first began to discuss the Bradco property and it is true that the whole airport piece is coming in again for a possible public hearing by the Town Board and it is possible that the warehouse that was rebuilt on the Bradco property might be able to be built where the warehouse is and that since many people in the past, when the airport came in for development, wanted town houses, perhaps that piece can be built where Bradco is. He said he thinks the whole piece has to be looked at in terms of what the Master Plan is for Smith Road and the whole area there. He said he thought it would be foolhardy to take one piece at a time. He said it doesn't hurt us to table it until we see exactly where the Planning Board intends to go with this whole area. He said he would vote to table.

Councilman Mandia said he concurs with both his colleagues. He said there is a lot of property there that is going to be considered by this Board in the near future. Whatever reasons you would use to go for it or not go for it, the impact of the traffic, the effect on the community is going to be affected by a much larger event. Tabling this issue at this point is the right thing to do.

Supervisor said it would appear that four members of the Town Board are willing to table so at this point the Town Board is not prepared to make a decision and when the Town Board indicates to me that they are, he would see that people are notified of the date when that decision will be made. Agenda Item No. 14 is tabled.

RESOLUTION NO. (406-1990)

REFERRING PROPOSED ABANDONMENT OF PORTION OF HOLBROOK AVENUE, CONGERS, NEW YORK AND DELETING FROM THE OFFICIAL MAP TO ROCKLAND COUNTY COMMISSIONER OF PLANNING AND CLARKSTOWN PLANNING BOARD

Co. Smith offered the following resolution:

WHEREAS, a request has been made by Brian McGrath, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way known as Holbrook Avenue, Congers, New York, as shown on subdivision map of property for Martin Feldi, filed in the Rockland County Clerk's Office on April 23, 1986, prepared by Jack D. Boswell, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned roads be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board, for their report and recommendations, 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. (407-1990)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT FOR ECONOMIC ASSISTANCE FOR 1990 - CHARGE TO ACCOUNT NO. A 8840-4224

Co. Kunis offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance to:

Continued on Next Page

RESOLUTION NO. (407-1990) Continued

Camp Venture	\$ 5,000.00
C.A.N.D.L.E.	16,000.00
Clarkstown Garden Club	500.00
Clarkstown Gridiron Club	3,600.00
Clarkstown Summer Theatre Festival	1,000.00
Congers VMA Little Leage	1,500.00
Home Aids of Rockland, Inc.	2,000.00
Meals on Wheels of R.C., Inc.	10,000.00
New City Babe Ruth Baseball	2,000.00
New City Little League	1,500.00
Nyack Community Child Dev. Ctr. Inc.	1,500.00
Nyack -Valley Cottage Little League	1,500.00
R.C. Assoc. for Children with Learning Dis.	2,000.00
Rockland Association for Retarded Citizens	5,000.00
Rockland Center for the Arts	5,000.00
Rockland Youth Philharmonic	1,500.00
The Shamrock Drum Corp., Inc.	2,400.00
Valley Cottage Indians, Inc.	3,600.00
Veterans Memorial Association	500.00
West Nyack Little League Inc.	1,500.00
West Street Day Care Center, Inc.	2,000.00

and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1990 and are to be charged against Account No. A 8840-4224.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilman Maloney.....Yes
 (Councilman Maloney wanted it noted that he abstained regarding Rockland Association for Retarded Citizens
 Councilman Mandia.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (408-1990)

APPOINTED TO POSITION OF
ACCOUNT CLERK - TOWN
JUSTICE DEPARTMENT -(JULIE
SIMETI)

Supv. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #88211 Account Clerk which contains the name of Julie Simeti,

NOW, THEREFORE, be it

RESOLVED, that Julie Simeti, 17 Green Oval, Nanuet, New York, is hereby appointed to the position of Account Clerk - Town Justice Department - at the current annual salary of \$15,346.00, effective May 1, 1990.

Seconded by 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. (409-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO EMPLOY A
(TEMPORARY) CLERK TYPIST

Supv. Holbrook offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Director of Purchasing to employ a (temporary) Clerk Typist - at the hourly rate of \$8.00 - effective April 25, 1990 - for a period not to exceed 30 days.

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. (410-1990)

ACCEPTING RESIGNATION OF
MEMBER - ZONING BOARD OF
APPEALS (WILLIAM NIEHAUS)

Supv. Holbrook offered the following resolution:

RESOLVED, that the resignation of William Niehaus, 13 Red Rock Road, New City, New York - Member - Zoning Board of Appeals - is hereby accepted - effective May 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

Councilman Kunis then read a letter of resignation which he had received from Gil Heim, a member of the Shade Tree Commission. (This letter is on file in the Town Clerk's Office.)

RESOLUTION NO. (411-1990)

ACCEPTING RESIGNATION OF
MEMBER OF SHADE TREE
COMMISSION (GIL HEIM)

Co. Kunis offered the following resolution:

RESOLVED, that the Town Bord of the Town of Clarkstown hereby accepts the resignation of Gil Heim, 472 South Main Street, New City, New York as a member - Shade Tree Commission - as of April 24, 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. (412-1990)

APPOINTING TO POSITION OF
MEMBER - ZONING BOARD OF
APPEALS (GIL HEIM)

Co. Kunis offered the following resolution:

RESOLVED, that Gil Heim, 472 South Main Street, New City, New York, is hereby appointed to the position of Member - Zoning Board of Appeals - (to fill the unexpired term of William Niehaus) term effective May 1, 1990 and to expire on June 18, 1992 - at the current annual salary of \$1,500.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Mandia stated that he would prefer seeing this item discussed at a workshop since we were just told about the resignation of Mr. Heim. He said he would like a chance to prepare a resolution for someone whose credentials he has seen. He said he would submit the name of Edward Graybow tonight, who used to be on that Board. He stated that the Zoning Board of Appeals, as is the Planning Board, a very important board in this Town. He felt there should be a chance to discuss this at workshop and review some resumes. Therefore, he was voting no.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Zone Change from LO to MF-2 (Mountain Shadows, Inc.) was opened, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, time: 9:18 P.M.

RESOLUTION NO. (413-1990)

REGARDING SEQRA ON PROPOSED
AMENDMENT TO ZONING
ORDINANCE FROM LO TO MF-2 -
MAP 143, BLOCK A, LOT 2 -
MOUNTAIN SHADOWS, INC.

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of March, 1990, provided for a public hearing on the 24th day of April, 1990, at 8:05 P.M., to consider the application of Mountain Shadows, Inc., 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 143, Block A, Lot 2, from an LO District to an MF-2 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;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Planning Consultant, dated March 14, 1990, acting as staff to the Town Board

Continued on Next Page

RESOLUTION NO. (413-1990) Continued

as lead agency, the Town Board hereby determines that the petition for a zone change shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (414-1990)

AMENDING ZONING ORDINANCE
FROM LO TO MF-2 - MAP 143,
BLOCK A, LOT 2 (MOUNTAIN
SHADOWS, INC.)

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of March, 1990, provided for a public hearing on the 24th day of April, 1990, at 8:05 P.M., to consider the application of MOUNTAIN SHADOWS, INC., 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 143, Block A, Lot 2, from an LO District to an MF-2 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 Environmental Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated March 14, 1990, 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, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the area has been comprehensively restudied and the number of lots under the MF-2 District shall not be excessive and that the impact of this change shall not be significant, and be it

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

Continued on Next Page

RESOLUTION NO. (414-1990) Continued

1. Applicant shall provide a gratuitous widening along the entire frontage of Route 9W, as well as declaration, title report and map with metes and bounds description to the satisfaction of the Town Attorney's Office.
2. Land yield shall be determined at time of site plan review.
3. Applicant shall covenant that there shall be no unit larger than two bedrooms, with no three bedroom units.

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LO District to an MF-2 District, the following described property in the Hamlet of Congers, New York, in said Town, 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.

(DESCRIPTION ON FILE IN TOWN CLERK'S OFFICE)

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Kunis stated that he was going to vote yes for very valid reasons that the attorney representing the applicant had made. He mentioned the younger individuals who had appeared and who are crying out for affordable housing in the Town of Clarkstown. He said this builder is committed to building affordable housing and building housing that will help the handicapped and the disabled in our Town. It appears to be environmentally sound and basically it is the first public hearing that he has attended as a Board member where there have only been positive comments regarding a zone change. He said he votes yes and he wished Mr. Mitlof the best of luck. He said hopefully Clarkstown and he (Mr. Mitlof) will be partners in this development.

Councilman Maloney said he was voting yes because he also concurs with the reasons that Councilman Kunis has given. He said it is not too often that we see someone coming in here willing to tackle some of the problems that the Town faces and certainly affordable housing is one of them. He noted that this strip of land could never be developed LO. The whole environment calls out for something that would allow people to live there and to enjoy the beauty of that particular area. He said this is a zone change that certainly should be voted affirmatively on its merits and he was voting yes.

Councilman Mandia said he concurred. However he made a request of Mr. Geneslaw, Planning Consultant, that although the straight row strip kind of thing would be necessitated by the narrow piece of property, it not look like a bunch of army barracks. He said if something could be done in that vein architecturally, he absolutely approves of the idea and he votes yes.

Councilwoman Smith said there is an extraordinarily beautiful view from this site and as Councilman Mandia said, she hopes the front of it does match the back. She said they wanted

Continued on Next Page

RESOLUTION NO. (414-1990) Continued

something that would be esthetically pleasing. She said at first blush when people hear \$150,000.00 they don't think it is affordable or even moderate. As the people go around Clarkstown to find anything in that range requires an awful lot of handyman work attached to it. She said in that respect offering something brand new and complete for that fee is a good sign. She said most especially she hoped we did see that these units are handicapped accessible and that we do provide something that is very lacking in this Town and in many towns. She said she votes for the project and hopes to see the very beautiful completion of it.

Supervisor Holbrook said he was not prepared to vote tonight but he would have preferred the MF-1 designation which was recommended by the Rockland County Planning Board. He said therefore he would not vote to support the zone change. He voted no.

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

On Motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from PO to R-15 - Town's Own Motion - (Foley Property) was opened, time: 9:22 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, time: 9:50 P.M.

RESOLUTION NO. (415-1990)

REGARDING SEQRA ON PROPOSED AMENDMENT TO ZONING ORDINANCE FROM PO to R-15 - MAP 17, BLOCK A, LOT 2 - FOLEY PROPERTY

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th of March, 1990, provided for a public hearing on the 24th day of April, 1990, at 8:10 P.M., to consider an amendment to the Zoning Ordinance of the Town of Clarkstown by redistricting the property described on the Clarkstown Tax Map as Map 17, Block A, Lot 2, from a PO District to an R-15 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;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Planning Consultant, dated February 8, 1990, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the petition for a zone change shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

Seconded by Co. Kunis

RESOLUTION NO. (415-1990) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (416-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
PO DISTRICT TO R-15
DISTRICT - MAP 17, BLOCK A,
LOT 2 (FOLEY PROPERTY)

Supv. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of March, 1990, on its own motion, provided for a public hearing on the 24th day of April, 1990, at 8:10 P.M., to consider an amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 17, Block A, Lot 2 (Foley property) from a PO District to an R-15 District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated February 8, 1990, 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, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from a PO District to an R-15 District, the property designated on the Clarkstown Tax Map as Map 17, Block A, Lot 2, situated in the Hamlet of New City, New York, in said Town, and be it

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

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

Seconded by Co. Kunis

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RESOLUTION NO. (416-1990) Continued

On roll call the vote was as follows:

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

Councilman Mandia said he was voting yes because from the evidence he has heard an agreement was made to allow Dr. Foley to protect his practice. That time has gone and as Mr. Bernstein and a couple of others have noted there is no danger of that right now. He said he thinks the proper thing to do is to revert back to what the original zoning was and he votes yes.

With regard to the next Public Hearing which was a Chapter 31 Violation - Gatson - Map 120, Block D, Lot 15, Supervisor said the Public Hearing would be unnecessary.

RESOLUTION NO. (417-1990)

AUTHORIZING TOWN ATTORNEY TO DISCONTINUE ALL FURTHER PROCEEDINGS WITH REGARD TO CHAPTER 31 VIOLATION - MAP 120, BLOCK D, LOT 15 (GATSON)

Co. Smith offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice dated March 13, 1990, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 120, BLOCK D, LOT 15 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings.

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 Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Chapter 31 Violation re: Map 111, Block A, Lot 28.07 - Lipkind, was opened, time 9:52 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Chapter 31 Violation re: Map 111, Block A, Lot 28.07 - Lipkind, was adjourned to May 8, 1990, time: 10:00 P.M.

RESOLUTION NO. (418-1990)

ADJOURNING CHAPTER 31 VIOLATION HEARING TO MAY 8, 1990 - MAP 111, BLOCK A, LOT 28.07 - LIPKIND

Co. Mandia offered the following resolution:

Continued on Next Page

RESOLUTION NO. (418-1990) Continued

WHEREAS, by Resolution No. (291-1990) a Chapter 31 proceeding in the matter of property owned by Rudy Lipkind, 530 East 23rd Street, New York, New York (Map 111, Block A, Lot 28.07) was ordered by the Town Board of the Town of Clarkstown to be reconvened, and

WHEREAS, said proceeding was reconvened at said time and after hearing testimony was ordered adjourned,

NOW, THEREFORE, be it

RESOLVED, that the Chapter 31 proceeding regarding property owned by Rudy Lipkind is hereby adjourned to May 8, 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

On motion of Councilman Maloney, seconded by Councilwoman Smith the Public Hearing re: Road Improvement for portion of Route 59, Nanuet, New York was opened, time: 10:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis the Public Hearing re: Road Improvement for portion of Route 59, Nanuet, New York, was adjourned until May 8, 1990, time: 10:35 P.M.

RESOLUTION NO. (419-1990)

ADJOURNING PUBLIC HEARING
RE: IMPROVEMENT OF PORTION
OF ROUTE 59 LYING BETWEEN
FIRST STREET AND SMITH
STREET, NANUET, NEW YORK TO
MAY 8, 1990

Co. Maloney offered the following resolution:

WHEREAS, a public hearing in the matter of a proposed Road Improvement was ordered to be held at the Town Hall on April 24, 1990 regarding improvement of a portion of a street known as New York State Route 59, lying between First Street and Smith Street, Nanuet, New York, and

WHEREAS, said hearing was opened at said time and after obtaining information was ordered adjourned,

NOW, THEREFORE, be it

RESOLVED, that the public hearing in the matter of a proposed Road Improvement of a portion of a street known as New York State Route 59, lying between First Street and Smith Street, Nanuet, New York is hereby adjourned to May 8, 1990.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (419-1990) Continued

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

There being no further business to come before the Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted the Town Board Meeting was declared closed, time: 10:36 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

251

Town Hall

4/24/90

8:40 P.M.

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

RE: ZONE CHANGE FROM LO TO MF-2 - MAP 143, BLOCK A, LOT 2 -
MOUNTAIN SHADOWS, INC.

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

Supervisor asked Deputy Town Attorney if there was any correspondence from the Planning Boards regarding this matter. Mr. Posner said that the Clarkstown Planning Board approved this with conditions on December 1, 1989. SEQRA review showed no environmental impact on March 14, 1990. On March 7, 1990 the County Planning Board disapproved. They recommended MF-1 and therefore in order to pass this resolution the Town Board would need a majority plus one.

Councilman Maloney asked if they recommended MF-1 as opposed to MF-2? Mr. Posner said in their letter of March 7, 1990 they state that they would be willing to support a change of zone from LO to MF-1 but not MF-2.

Supervisor asked the applicant to make his presentation.

Appearance: Martin Cornell, Esq.
New City, New York

Mr. Cornell stated that he was representing the applicant. He said this application sought to change the subject property from LO to MF-2. He said the Town Planning Board has recommended approval with certain conditions which are generally acceptable to the applicant. He stated that the Rockland County Planning Board has reviewed this matter extensively and the latest correspondence was in March of this year, in which they indicated that they would recommend a change to a residential use but are indicating that they would prefer it to be MF-1 designation rather than MF-2. He said the significance of that report from the County is that they are recognizing, as did the Town Planning Board, that the property should be residential as opposed to LO.

Mr. Cornell said the property is located on the east side of Route 9W approximately half way between the intersection of Route 9W and Route 303 on the north and Congers Lake Road on the south. It is abutted on the east by Palisades Interstate Park which has property along the entire eastern boundary line and that property is presently zoned R-80. Property to the south on the east side of Route 9W is zoned RS and has warehousing and other types of commercial use. Property immediately to the south is a facility which is used for the repair of fire engine trucks. On the north side there is LO which is a long strip of property which is undeveloped. On the other side which is the west side of Route 9W is LIO property which is presently undeveloped but which will eventually be developed.

Mr. Cornell said the property is a little over six acres and is a long rectangular parcel about 200 feet in depth with a frontage of about 1200 feet along Route 9W. The topography of the property is gently sloping in a northerly direction more or less consistent with the rise in Route 9W as it travels from south to north. As you progress into the property there is a steep rise where the property line borders on the park property and the park

Continued on Next Page

property then rises to a ridge which is along the top of the Palisades looking out over the Hudson River.

Mr. Cornell went on to state that the property is quite high, higher than the intersection of Congers Lake Road and standing there you can see Swarthout Lake down below so the elevation is rather significant. The proposed use of the property is for MF-2. In the MF-2 zone it would accommodate approximately 48 units. The applicant proposed to construct town houses which would have individual fee ownership. It is proposed that there would be 8 units in one building and six buildings which would be along Route 9W with an internal road in front of the property and parking in the front. The back of the property would face the park and be directly adjacent to the park property in the rear. The units would consist of no more than two bedrooms, which was a condition imposed by the Planning Board of the Town. The units would be three stories. The ground floor would be the garage and utility rooms. The second floor would contain a kitchen, living room, dining room and the upstairs portion would be no more than two bedrooms.

Mr. Cornell stated that he had with him a rough site plan and also a rendering which could be more easily viewed. At this time Mr. Cornell and Mr. Mitlof showed the rendering of the proposed development. Reference was made to this rendering in detail. Mr. Cornell said as is required in the MF zone there would have to be a certain amount of open space. There would be common areas - green areas, driveways, roads in the front of the premises. He stated there would also be a common area building which would be constructed for the use of the property owners and would be owned by them through an association. He said there would also be a swimming pool and other amenities which would serve the entire community.

Mr. Cornell said it is anticipated that these units would be marketed for approximately \$150,000.00 per unit more or less. He said they feel there is a definite market for units of that type. He said there are many reasons they feel this change of zone is appropriate. One being that the existing LO zone cannot accommodate any buildings on that property with the yard requirements. LO requires 100 feet front yard and 100 feet rear yard and a minimum depth of the parcel of 250 feet. This far exceeds the capabilities of this property which is a long rectangular parcel only 200 feet in depth. Mr. Cornell stated that if this were to be developed as LO for office or laboratory purposes it would require very extensive variances which may or may not be granted if the application were made to the Zoning Board of Appeals. The property in the LO zone is essentially worthless without being able to get such variances.

Mr. Cornell stated that secondly, the applicant feels that this property is ideal for moderate priced housing which can be owned by elderly families. Studies made in Rockland County and in Clarkstown indicate that there are numerous families where the household is occupied by individuals over 62 years of age with declining income who cannot afford to live in this county. Many of these people are forced to leave the community which is a shame. He said also the young adults in Rockland County and here in Clarkstown are unable to find any housing. A recent study done by the County indicates that young adults from the ages of 22 to 32 who have incomes under \$30,000.00 and who were surveyed - 70% of them are now living with their parents or other members of their family because they can't afford the housing available here in the County. Mr. Cornell said the fabric of our community here in Clarkstown is really suffering. The young people who have grown up here and gone to school here want to work and live here but they can't afford it. They could afford to live in this type of housing which is moderately priced.

Mr. Cornell said the volunteer services such as ambulance, fire, and other service agencies are finding it very

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difficult to recruit young people to provide the services which are provided voluntarily by and large to the people of Clarkstown. If we don't do something about this he and the applicant felt this would be a loss to the Town of Clarkstown.

Mr. Cornell said another unique feature of this property is that it abuts directly on the Palisades Park property on the east. Development of this property for residential purposes is much more compatible with park use and recreational uses which take place in that park than a commercial warehousing facility or other similar type of facility. He said they feel residential development is compatible with the parks and will also provide a facility for the people who will be living in this housing and who can utilize the park which will essentially be in their backyard.

Mr. Cornell stated that along the ridge of the park property which is several hundred yards to the east of the subject property along the top of the Palisades is a path with which you may be familiar called The Long Path. This was originally envisaged back in the 1930's as being a path which would traverse from the City of New York through Fort Lee all the way north along the Hudson River and then inland through the Catskills and to the Adirondack parks. He said that project is in place and is being worked on. The New York/New Jersey Trail Conference is maintaining The Long Path. Mr. Mitlof has been in touch with representatives of the New York/New Jersey Trail Conference and there is the possibility, if it is desired by the planners and other individuals who are involved in facilitating this program to maintain this trail, that there could be access to the trail from this property. The applicant is willing to consider, if it is feasible from a planning standpoint, permitting general access from Route 9W up to the ridge and to access this path which does not have any access other than from Rockland Lake or much further north.

Mr. Cornell said the property is beautiful and there is indication of wildlife. He said they feel very strongly that this residential use there will be much more acceptable and environmentally compatible with the park facility and will be appropriate for the area.

Mr. Cornell said they know there are concerns on the part of some individuals and perhaps Board members on the issue of whether or not the construction of residential units in areas which do have commercial establishments or warehousing is appropriate or which is compatible. Mr. Cornell said in this particular area, because of the location of the park, that there really is no data which would indicate that the placing of residential units in the general area, where there is commercial activity, is in any way going to be detrimental either to the commercial development or to the residential development which we are proposing. He said there are a number of other residential facilities in the area. At the intersection of Congers Lake Road and 9W and further north there is a residential development which has in its vicinity commercial warehousing and other uses. On Route 303 there is a number of residential developments, condominiums and town houses which are in the area where there is commercial development. There is no indication that these types of uses cannot compatibly work together. It is not inappropriate to consider the type of mix. This particular piece of property, because of its proximity to the park property, is very suited for residential use.

Mr. Cornell said he would like to call a real estate expert to back up what he has said based on his (the real estate person's) analysis.

Appearance:

Mr. Russ Wooley
317 Phillips Hill Road
New City, New York

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Mr. Cornell asked Mr. Wooley if, in his opinion, the construction of residential units on Route 9W in this area would adversely affect or cause any difficulties in connection with the existing or potential development of other commercial facilities in the area? Mr. Wooley said he did not know why it would detrimentally affect the commercial properties nearby and he did not see any reason why the commercial properties nearby would hinder any sales in the complex that is being proposed.

Mr. Cornell said the most crucial question in which the Board might be interested is whether, if this property is rezoned to MF-2 and if there are these residential units in that particular location, it will be difficult to market these units or will it be difficult for people to live there and conduct their lives in that area if there are warehousing or other commercial facilities which may be on the south side of the property and potentially across the street on the other side of Route 9W? Mr. Wooley said he has been licensed to sell real estate since 1978 and has done so in Clarkstown since then. He said the proposal that the applicant has made and the type of development is a wonderful opportunity for Clarkstown. We're talking about housing in the range of \$150,000.00. He said he gets numerous calls during the year from people who are transferring into our Town from other parts of the country who would like to live here in Clarkstown. He said it is impossible.

Mr. Wooley said there are many people within our Town who would obviously like to continue living here - young people, people moving up, people who want to get out of a rental situation. The opportunity for 48 homeowners to purchase townhouses of this quality, of this style within Clarkstown backing up to a park with easy access on and off to major highway shopping, etc. is something that is quite an attraction and something that the Town Board really should think very favorably upon.

Councilwoman Smith inquired what the acreage is? Mr. Cornell said it is 6.2 acres. Councilman Mandia asked if the rendering depicted MF-2 construction? Mr. Cornell said he met with Mr. Atzl, the engineer, this morning and reviewed the map very carefully with him, taking into consideration the bulk requirements. The maximum that could be obtained is approximately 48 units and the rendering is a rendering of that number of units, more or less. He said it showed that there would be six buildings of approximately 8 units in each building. Councilwoman Smith said then you are saying 8 to the acre, approximate. Mr. Cornell said yes. The maximum under the ordinance would be 10. something. He said probably because of the bulk requirements we could not get more than 48 and the applicant would be willing to stipulate to that if that is a requirement. Councilwoman Smith said that is MF-2 at its minimum. Mr. Cornell said MF-1 would produce perhaps 24 units or thereabouts. The applicant feels that for that site that number is not economical. You could not develop that site with that limited number of units. That is why we are asking for MF-2.

Councilwoman Smith speaking to Mr. Geneslaw said when the Planning Board was recommending they unanimously voted for MF-2 and then they have a statement that land yields shall be determined at site plan. Do you know what they had in mind - was it minimum MF-2? Mr. Geneslaw said he thinks their concern was that it not be more units than was shown on the concept plan which they reviewed and also that because of the concept plan and that the details had not been prepared it might be that 48 wouldn't work. They wanted the opportunity to establish the actual number on the basis of a workable site plan.

Councilwoman Smith said in reality, even if it were zoned an MF-2, they have the right to reduce it to the MF-1 if 48, which is the minimum, wouldn't work. Mr. Geneslaw said more likely it would be somewhere in between and probably close to the 48 but

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there might be problems of parking or maneuvering or landscaping set backs which might reduce it somewhat from the 48. He said he did not think it would go down to the equivalent of the MF-1. Councilwoman Smith asked if the rendering that was shown was similar to the conceptual plan? Mr. Geneslaw said it probably is as the units pretty much have to face the road and it was 48 units discussed at the Planning Board meeting.

Councilwoman Smith said to Mr. Cornell that it says that land yield shall be determined at the site plan review and yet they unanimously voted on MF-2. Mr. Cornell said he thinks, as Mr. Geneslaw indicated, because of the narrowness of the property and various access requirements, the bulk factors may determine precisely how many units which would probably, under no circumstances, be more than 48 and maybe a little bit less.

Mr. Cornell handed up photographs for review and said some of them were taken from the ridge which is above the property looking in a southerly direction showing Swarthout Lake and some of these shots were taken of the Hudson River which is in the other direction. He said the purpose in presenting these photographs is just to give the Board an idea, if you haven't been up there, what it looks like from that area - not necessarily from the subject property but just a little further up on the ridge of the property which is extraordinarily beautiful and pristine. These homeowners, if you grant this zone change, are going to have a backyard which is comparable to nothing on this earth.

Supervisor asked if anyone wished to make a comment or ask a question with regard to this proposed zone change?

Appearance: Mr. Mark Rodi
 220 South Grant Avenue
 Congers, New York

Mr. Rodi said he is planning to be married in August and he has been looking for almost a year for moderately priced housing. He said there is nothing in Clarkstown. He noted that he was born and raised here and would like to stay here. He wanted it noted that he is for this proposal.

Appearance: Mr. Jim Sinocchi
 5 Waltham Avenue
 Congers, New York

Mr. Sinocchi said he thinks the applicant has a novel approach. He said Mr. Mitlof intends, to whatever extent he can, to make the housing accessible to disabled people, to families who have elderly people or people in wheelchairs to build to their needs. He said at this price it is a great deal. He said more developers should consider the disabled in their building plans and Mr. Mitlof has already expressed his interest in doing whatever possible to encourage people to apply for these units. It is very difficult in this County to find accessible housing. At this price this is a good idea and we should see more of it in the County.

Appearance: Mr. Wayne Godecki
 2B Schuyler Road
 Nyack, New York

Mr. Godecki said he has been a lifetime resident of Rockland County. He said he is 27 and is speaking for all people in the same age group as himself. He said it has been very difficult to find housing that is affordable in Rockland County. He said if Mr. Mitlof is going to build housing in that price range it would be very beneficial to people my age as well as to older people too. He asked the Town Board to please consider this proposal.

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Appearance: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York

Mr. Bernstein asked if this would be condominium or homeowners association or is this individual homes? Supervisor said this was fee simple. Mr. Bernstein said then this is homeowners association? Supervisor said that is correct. Mr. Bernstein asked if this had been given for recommendation to the Industrial Development Commission? Supervisor said he did not think so. Mr. Bernstein said the reason he asked is that he has been put on this Industrial Development Commission and he knows that they weren't asked for a recommendation. He said he is not saying there is anything wrong with this proposal but it seems to him that with the Town continuously talking about needing industrial development that at least before a final decision is made this should be kept open until the Industrial Commission, which is meeting tomorrow night, has an opportunity to make a recommendation to the Board. He noted that there are very few industrial sites left in this Town and earlier in the evening he had heard of a whole batch of sights that are going to be done away with. He said if you are really going to do that he felt that the Board should also do away with the Industrial Commission.

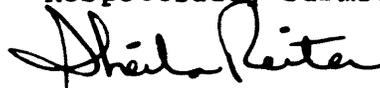
At this point Mr. Cornell returned and addressed Mr. Bernstein's remarks. He felt it was important to note that this piece of property, not only the location but the existing zoning, of LO is not industrial property at all and you could not, without extraordinary variances, put any building on this property. Even assuming that all the variances were granted what you would get is a couple of warehouses. It is very narrow, about 200 feet in depth and these warehouses would probably have minimal employees that would be of benefit to the community. He said as far as the ratable is concerned, this project will be in the neighborhood of market value of \$7,000,000.00 to \$8,000,000.00 which is going to be far in excess of any warehousing as far as value being put on the property. The tax yield for the residential use will be far in excess of any LO use that could be put on the property.

Mr. Cornell said he was not in any way disagreeing with the general proposition that Mr. Bernstein has presented to you about the necessity for retaining industrial property but this is not industrial and it is really not a location that is going to generate an industrial park. It is just too small a piece of property to permit that to occur.

Mr. Cornell said finally the protection of the parkland and the ridge of the Palisades is probably one of the most crucial things that this Board can do for this property or any other property. The residential development in this area will ensure that ridge is protected and not adversely affected by commercial or other types of use in the area.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, time: 9:20 P.M.

Respectfully submitted,



SHEILA REITER
Deputy Town Clerk

(RESOLUTION NO. (413-1990) SEQRA ADOPTED
(414-1990) AMENDING ZONING ORDINANCE

TOWN OF CLARKSTOWN
PUBLIC HEARING

257

Town Hall

4/24/90

9:22 P.M.

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

RE: ZONE CHANGE ON TOWN'S OWN MOTION - PO DISTRICT TO R-15 DISTRICT
(FOLEY PROPERTY)

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

Supervisor said this is a public hearing which is being done on the Town Own's Motion at the behest of a civic group in Clarkstown. Town Attorney said SEQRA review shows no environmental impact dated February 8, 1990. The County Planning Board on February 13, 1990 disapproved and recommended a change from PO to R-22. The Clarkstown Planning Board on February 26th - three members voted to deny R-15 and recommended R-22. Two members were absent and two members approved R-15. There was not a majority. No action taken. In order to pass this change the Town Board needs a majority plus one because of the Rockland County Planning Board disapproval.

Supervisor said this proposal is for changing this from a PO District to an R-15 District. Essentially, that is it in a nutshell. There is really no formal presentation here other than the reasons given for the motion.

Appearance: Donald S. Tracy, Esq.
representing Dr. Foley - owner
of the property

Mr. Tracy noted that Dr. Foley had not asked the Town Board to rezone his property. He said the property itself is of significant size - three acres. The request to rezone this property which has been zoned PO for a considerable period of time was brought about by a sincere civic association who feared the domino effect due to the fact that they mobilized to defeat a request for PO zoning on adjacent property to the south which was a rather large parcel of six acres or so of Rennart's. He said Dr. Foley had his property rezoned some time ago when there was some talk of the Palisades Interstate Parkway possibly condemning his property. He said if you look at his property although this property is three acres the 100 year flood plain elevation on this property is 308 feet. (At this point reference was made to maps presented by Mr. Tracy and there was extensive discussion among all parties.)

Mr. Tracy said by virtue of the topography of this property you could have your choice if you wanted to build on it. You could build an office building about the size of what Dr. Foley's present building is which is less than 1,000 feet of office space per floor or you could build one single family house. He said, therefore, he respectfully submits, that fronting on South Little Tor Road with basically an 80 foot depth of buildable property does not really lend itself to a residential zone. He said Dr. Foley has held that property vacant and paid taxes on it for many years now for the sole purpose of keeping it as a contingency in the event that should plans ever be devised that might require the taking of his professional practice. Mr. Tracy said he did not think it is harmful to the community. He said he understood the reason why the zone change was proposed in that people felt that the Rennart property being next door to this small PO zone might give rise to this domino theory.

Mr. Tracy said this Board knows that it votes each and every application that comes in here on its own merits without

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regard to what the zoning is necessarily in the vicinity. He said he would say it is a safe bet for the Town to keep this property zoned PO. In theory he thinks it is wrong that the Town Board abdicates zoning authority to someone who comes in and says I want my neighbor's property zoned another way. He said he did not think that is proper or correct. He said he did not think it was in accordance with good planning and zoning principles. He said he did not think there is any possibility that this property will be developed in the near future and he asked each and every Board member to take what lawyers refer to as judicial notice of Little Tor Road, particularly in the area from Davies Lake down to the Palisades Parkway. He said if you had a lot 80 foot deep would you want to build a residence thereon? Do you think it would be saleable? Do you think it would be proper to take away the zone from this individual who is holding it as an escape valve, if necessary, for so many years and paying taxes on it while it lays vacant?

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

Appearance: Mr. Nick De Santis, President
South Little Tor Civic Association

Mr. De Santis stated that this is the third occasion that his organization has come before a Town agency or board to discuss their concerns for the property between Burda and Little Tor Road. He said they appeared before the Planning Board and presented them with a variety of information and did some research on the historical aspects of the zone change that occurred on the property which is now referred to as the Foley property. He said they also presented that packet of information to the Town Board on March 6th which fairly well itemized, with 12 different exhibits, the sequence of events that bring us before this Town Board as well as the sequence of events that caused that property to go from RA-1 to LS and eventually to PO.

Mr. De Santis said he disagreed with Mr. Tracy who is representing the owner of the property that we, as a civic association, have a right to bring to the Town Board's attention something which they believe was created some twenty years ago for whatever the reasons. He said fortunately for Dr. Foley he never had to exercise his right that was given to him by a Town Board to relocate his building to the property on Little Tor Road from West Clarkstown Road. He said they are concerned about their area and have worked very closely with the County and this Town for our community. He said as a matter of fact he was just advised by Mr. Morahan, who is a resident of our area, that the County is beginning the construction project on the Nauraushaun Creek to drain that water from the creek area away from Dr. Foley's property and away from Mr. Rennart's property so that maybe it will become certainly more developable and attractive to various developers.

Mr. De Santis said when they appeared before the Town Board, when Mr. Rennart petitioned the Board for a zone change, there was some talk of the Rennart property, which is three and one half acres and Dr. Foley's property, which is two and half acres of those two properties being adjoined for the construction of not a small office building but perhaps a 40,000 square foot office building. He said if the Town Board would research its own code they would realize the large amount of parking that sort of an office building would require. He said he has been in government for twenty years and in government it is not so much that you just leave things alone and they go away because that doesn't happen.

He said people sometimes forget the reasons for accommodating one respected community member, as we are all respected community members here in Clarkstown, and apparently the

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need for Dr. Foley to have the option to move his building across the street to the property in question does not apparently exist any longer. A Town Board granted that permissive right some time ago when obviously there was some imminent threat to Dr. Foley and his ability to earn a livelihood. That does not exist any longer. What is happening is that the community is now threatened by virtue of the fact that a professional office zone exists on Little Tor Road. Quite successfully Chestnut Grove was developed as residential homes. He said we concur with the Town Board and with your planning consultant and with the members of the Planning Board who have recommended residential zoning for that property and residential development. He said maybe we are all saying it in a different fashion but certainly that seems to be the professional recommendation of planning experts, your Planning Board members as well as you, the Town Board, because you did make that referral.

Mr. De Santis said he did not think there was any need to wait any longer on voting this zone change. The information has been available since March 6th. The exhibits that were provided to each Town Board Member are very detailed. The rationale for the history of that property was very well laid out there. He said your own Planning Consultant has given you his own recommendations that date back, by the way, to 1982. The Planning Board of the Town of Clarkstown has been recommending residential zoning for that area since 1982. He said this is not something that is new. This is not something that 150 people attending here tonight think of as a passing fancy. They're concerned about their neighborhood and are concerned about the potential which might occur if that PO designation says what could happen along the Little Tor Road corridor. That is something that you as a Town Board should be very concerned with. You don't have the turning radius on Little Tor Road for the type of development which may occur.

Mr. De Santis said for whatever the reasons, maybe it was the County that didn't plan for the expansion but it is not there gentlemen and ladies. You can't put that type of a development nor hold out the possibility that a professional office can go into that location or someone else can site that particular parcel as the rationale for applying for a zone change for some parcel that they may speculate on for the purpose of development.

Mr. De Santis said you as a Town Board, and we support you, have an obligation to protect the residents of that area and the citizens of Clarkstown who are going to drive through that area. The County is making a substantial investment of about, he would imagine, a half a million dollars on helping improving the drainage on the Nauraushaun Creek. He said you as a Town Board have committed an investment to improving the corner there on a bi-party agreement between the Cooperative Extension and yourselves, through your own parks department with the Boy Scouts because it is the entrance to New City. He said do we want to leave the possibility of perhaps a 40,000 square foot office building? Maybe not today, maybe not a month from now but maybe two or three years from now? Mr. De Santis said for twenty years Dr. Foley has not had to exercise his right to move his building and it was permissive on the part of the Town Board. He said Dr. Foley paid taxes for vacant residential land which they researched in the Assessor's office. Dr. Foley has not paid taxes for PO. The Assessor doesn't assess property that way when it is vacant.

Mr. De Santis said he would submit that Dr. Foley is not being disenfranchised here. He said he was sure that if for some reason Dr. Foley still retained that property and for whatever reason his office building were condemned, he would be back before you and you would, as the previous Town Board did some twenty years ago, give him this special exception to move his building to protect his livelihood. But, that is not the case any longer - twenty years later.

Appearance: Ms. Jessica Hauser, Atty.
Little Tor Civic Association
Davis & Davis
New City, New York

Ms. Hauser said Mr De Santis has effectively summarized our position. She said there is a potential legal problem with this property. She said when this property was rezoned to PO along with it came restrictive covenants on the use. She said the Town Attorney has given a position paper that these restrictive covenants still exist. She said the PO designation is restricted solely to Dr. Foley and his building that is not on this property. Were he to sell this property to someone who wishes to develop it as professional office property that new owner would face a problem of putting up a building that faces restrictive covenants. He would have to come to the Town Board and ask to have the covenants waived. If you were to do so without a major comprehensive zone change you could be accused of spot zoning which is illegal in New York.

Ms. Hauser said were this property to be put back to what it was originally and rezoned residential it would now be in conformity with the neighborhood that it sits in. She stated that New York has held in its courts that proponents of such a rezoning plan need only demonstrate that such a rezoning plan would make the property conform to its neighborhood. She felt they have done that. She said the property owner proposing such rezoning must adequately demonstrate that he is not going to get any reasonable return on his property once the rezoning goes through. She said she does not think that Dr. Foley has done that. He speculated on what could be put there if it was residential. He has not researched it. He has not met the test that the courts set out.

Ms. Hauser said in summary this property twenty years after this rezoning cries out to go back to what it was and the community is asking you to do that.

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

Mr. Lodico said he is concerned about the general welfare of all of Clarkstown. He noted that with the use of "Town Motion" he was wondering if the Town Board was starting to develop a program where you are zoning by civic association and their potentials. He said sometimes elected officials placate a particular area. You are chipping away at our commercial and our industrial. Little by little you are taking away any area that would require less services than a residential area. He said the drainage of which Mr. De Santis is talking was developed and considered in 1972, 1973, 1974, 1975 while he (Mr. Lodico) was on the Town Board. He said the County, in their endeavor to promote drainage, has done nothing on the waste program for years.

Mr. Lodico said he wondered if the next 15 years would be the same situation with regard to drainage. He said when he and Councilman Maloney were on the Board in the early '70's they shared the proposals with regard to Bear Mountain. The Palisades Park said yes, we don't have it in this year's budget but we'll have it in next year's budget. The County said the same things. He said he would hope that for the problem of drainage in the area that maybe they would rely on possibly a builder to develop the property and do it from the private side since the County action is very slow.

Mr. Lodico said when we talk about spot zoning you have to think about civic association zoning too because it is their particular interest. He said the area would have been ideal for professional office in view of the fact that a cloverleaf is there

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for Palisades Parkway. He said it is just a question of whose turn it is for a Town Motion or a civic association motion. He thinks the Board should be consistent and start looking at their commercial land left - whether it be LIO, M, etc. He said what attorney represents what civic association doesn't matter. You keep presenting proposals for capital projects in this Town and we are going to be busted unless you start thinking about where the money is going to come from. He said his point is that if you are going to continue to develop capital programs, continue to think about where the money is going to come from because in most cases residential doesn't promote it.

Appearance: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York

Mr. Bernstein said he thinks years ago when they created this zone it was then spot zoning and it was done because Dr. Foley was concerned that he was going to lose his building if it had reverted back in a way that was then spot zoning. He said he agreed with Mr. Lodico that if the Palisades Interstate Park Commission had any brains they would, and still could, made a cloverleaf at that particular point and have traffic that wants to go south coming off the parkway go through this property and be able to come in on the north end and go south.

Mr. Bernstein said in terms of the particular zoning he thinks it may be time because it hasn't been used in 20 years and was really for a specific purpose. Perhaps now maybe it should revert back. Mr. Bernstein said he did not think that the Town Board should have made a decision without asking the Industrial Development Commission (if you really feel you should have such a commission) for their opinion. You create a board, you put people on it and then you don't ask for their opinion. He said frankly, if that's the way it is maybe you should do away with that particular board.

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

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

RESOLUTION NO. (415-1990 - SEQRA) ADOPTED)
(416-1990 - AMENDING ZONING ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

263

Town Hall

4/24/90

9:52 P.M.

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

RE: CHAPTER 31 VIOLATION - MAP 111, BLOCK A, LOT 28.07 - LIPKIND

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was opened.

Supervisor said this a reconvening of a public hearing that goes back to 1986 involving a piece of property in Valley Cottage that we had a public hearing on and that was supposed to have been repaired. Supervisor stated that he had again received complaints from the neighbors regarding this property and that is why we are here to reconsider having this structure removed finally, which we held off on back in 1986.

Appearance: John Cronin, Esq.
Attorney for Mr. Lipkind

Mr. Cronin said the history of this property has been stated by the Deputy Town Attorney. He said what happened in 1988 when we were approaching really getting going on this Mr. Lipkind had a heart attack with complications. Mr. Cronin submitted a copy of the doctor's report dated April 6, 1990. Mr. Lipkind was on medication which had to be stopped because of its very high mortality rate. It took him over a year and half for the doctor to work out with Mr. Lipkind exactly what he could and could not do and which medications could help him. He said Mr. Lipkind is now ready to work. Mr. Cronin said during that period of time, the doctor reports that Mr. Lipkind was depressed because of the fear of sudden death. He was unable to work.

Mr. Cronin said he had discussed with Mr. Lipkind that he wanted him to accompany him here tonight in order that he might answer any questions that the Board might have. Unfortunately, he was not able to convince him. Mr. Lipkind asked Mr. Cronin if this could be put over for two weeks until the next meeting and he would appear and answer any questions of the Board.

Supervisor said he could appreciate the desire to fix this thing up but the last time Mr. Lipkind was trying to do this himself. Supervisor said he had gone by there many times, often in 90o weather, and seen Mr. Lipkind, who has a heart condition, doing the work himself - a toothpick at a time. It is never going to be finished that way. If you want to fix the house up and show the Town Board you mean business, hire a contractor who is actually going to do it and will get in done within ninety days. Supervisor said he can attest to the fact that Mr. Lipkind is just not physically able to do it. He said he means that with no disrespect. He said from the standpoint of common sense he cannot go back to the area residents and say well, the Town Board, in the goodness of its heart took Mr. Lipkind's word that he was going to restore it back in ninety days.

Councilman Maloney said the last time this came up we indicated that the feeling of the Board was that he should hire someone to do it. We indicated that it would be impossible for him to do it. Councilman Maloney said that Mr. Lipkind had agreed that he was going to get some help and that was the way we left it. He was not going to do it by himself but hire someone. Mr. Cronin said he did not appear before the Board at any time after the Public Hearing. He said Mr. Lipkind had retained him and he had made all the appearances. Councilman Maloney said we all felt that in no way could this be accomplished by one man and the feeling was that the word should get back to him to hire someone and get on with it. That was his understanding.

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Mr. Cronin said the Board has been most understanding and most patient. He said he has communicated to Mr. Lipkind on every occasion your feelings. Your feelings are my feelings too. He said he has told Mr. Lipkind to go out and hire someone. Supervisor said let's make that a part of the stipulation. In two weeks time we have another Town Board meeting. He asked Mr. Cronin to come back with the name of the contractor who will go to the Building Department with plans to rebuild a house on this site which is a nice lot in a nice area of Valley Cottage. It will enhance the value of the place. Supervisor said he could not tell the people in the area that Mr. Lipkind was going to do it himself.

Councilwoman Smith said she did not want to pass judgement on Mr. Lipkind's abilities but looking at his physical condition and looking at the physical needs of the house she did not see that he was able to do any part of it. She stated that she was by there today and there are some measures that have been taken that are outright insulting to the neighbors. She said there are two, at least 16 foot tall, poles erected with a guard across them to keep people from going in and out of the driveway but it is absolutely an eyesore. There is no grass. It is just weeds and prairie. It is overgrown. She said something has to be done in a certain time period. She said she is not comfortable about going in and demolishing a house, especially if the man has his taxes paid up to date but on the other hand there is no way we can sit after three years and accept the shape that house is still in today. She said when you come back in two weeks it will have to be with a definite schedule and it has to be that someone other than Mr. Lipkind is going to perform the repairs because she did not believe he would be able to do it in any timely manner. Supervisor said to Mr. Cronin that this must be done in order to maintain all our credibility, yours as well as ours.

Councilman Mandia said to Mr. Cronin that in the affidavit he gave to the Board it said that the owner cannot afford a contractor. Mr. Cronin said that is what Mr. Lipkind told him and that is why he put that in the affidavit. He said he thinks Mr. Lipkind may have sources that he can reach and he told him to do that before this problem came up in 1986.

Supervisor said if Mr. Lipkind brings in a bona fide contractor who does business in the County and gets a building permit to start construction we have no problem with that. Councilwoman Smith said a schedule must be adhered to. It was decided that Mr. Lipkind would appear on May 8th.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Violation Hearing was adjourned until May 8, 1990, time: 10 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

265

Town Hall

4/24/90

10:00 P.M.

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

RE: ROAD IMPROVEMENT FOR PORTION OF ROUTE 59 (LYING BETWEEN
THIRD STREET AND FIFTH STREET, NANUET, NEW YORK

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

Supervisor said this is a road improvement of Route 59 which is in the vicinity of Service Merchandise and the Caldor Shopping Center. It goes back many years and the Town Board has attempted to work with some of the businesses there in terms of getting a cut through to enable traffic to go east and west on Route 59 which would alleviate some of the traffic at the Smith Street intersection. Additionally, we had written to the State which indicated to us that they would be seriously willing to consider this proposal even though it still is in close proximity to Smith Street. The Town Board has hired Mr. John Collins to do some work in terms of trying to come up with a design and a cost estimate for the work to be done.

Supervisor said he has had a number of meetings with representatives of Service Merchandise, whose counsel is present and also the shopping center across the way. He said while there seems to be universal agreement that the improvement would be beneficial to everybody the allocation of how to pay for it has not always been as clear. Supervisor said he had asked Town Attorney Murray Jacobson to research whether the Town could institute a road improvement on a state highway and he did that research and indicated that it is possible. We felt this was probably the best way of bringing this thing finally to cloture so that we can accomplish this and help alleviate a traffic situation not only for the residents of the area but also for those that plan shopping one day in Service Merchandise and plan shopping another day on the other side of the street particularly in the holiday season. Supervisor said he sees that Mr. Collins is here. He asked Mr. Robert Geneslaw, Town Planning Consultant, if it would be appropriate to ask Mr. Collins to make a few comments regarding some of the work that he has done. Mr. Geneslaw saw no problem with that.

Appearance: Mr. John Collins
Hawthorne, New York

Mr. Collins said he had copies of a concept plan that we are working towards. He placed them in front of the Board members. Mr. Collins said this particular plan is basically an agreement with a concept letter received from the New York State Department of Transportation regarding this specific item back in 1988. It calls for the provision of a median opening in Route 59 with left turn storage lanes provided in the center median. In addition it indicates that the driveways to each of the properties served by this new curb cut would have to be modified slightly in order to align with one another and geometrically designed to permit left turns in and out of the respective properties. The location would have to be signalized and coordinated with the adjacent traffic signals. Since Route 59 is a state highway all the work would have to be done in accordance with the DOT standards. He said that basically is the summary. What this particular curb cut would do - median access, etc. - would be to provide better access to each of these properties - Service Merchandise and Caldors - and relieve the traffic load at some adjoining intersections.

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Councilman Mandia asked if any property condemnation was planned here? He was told none.

Supervisor asked in terms of a cost estimate what would Mr. Collins' best estimate be based on doing the median cut, allowing east and west and also signalization?

Mr. Collins said their estimation would be that it would be in the neighborhood of \$250,000.00 to \$300,000.00. He said the early estimate back in early 1989 indicated some \$220,000.00 just for the work, etc., including signalization. He said when he put on certain contingencies that may occur, by the DOT as well as potential work inside the properties, it could bring that up to \$250,000.00 or \$300,000.00. Supervisor said if the Town were to say we would go with a road improvement up to \$325,000.00 would that be sufficient to do the work and to provide the signalization necessary? Mr. Collins said assuming that the work is done in 1990 and not in the year 2000.

Supervisor said in terms of investigation have any artifacts or valuables been found there which would dramatically influence the price of improvement? Mr. Collins said no. Councilwoman Smith asked how they arrived at that figure? Mr. Collins said traffic signalization alone is some \$80,000.00. He then discussed all the work that would have to be performed in order to meet state standards including alignment of the driveways, drainage, repaving, etc. Councilwoman Smith asked who is going to do it? Mr. Collins said whatever contractor the Town decides to hire.

Councilwoman Smith asked how can we do this without going out to bid? Supervisor said we would have to go out to bid. He said the thing we need to do is to decide that we are going to do it. We had talked about voluntarily coming to an agreement with the properties involved and while there seemed to be agreement from one, the other side (Caldor) basically felt it was a good idea but they didn't want to pursue it. This way the Town can bond the thing and then it would be the properties abutting that would be improved here who would pay for the construction of the improvement. Under Town law the only thing that the Town could be liable for would be the light.

Mr. Collins said the procedure that would be followed is that his firm would prepare the plan and would submit it to the DOT for review and permit. The Town would receive the permit since they are the permittee to do the work. Associated with the plan would be a detailed engineer's cost estimate as well as the necessary specifications to work within the state right-of-way. The Town would then take that permit and go out and seek bidders for that particular process.

Councilwoman Smith asked Mr. Collins who paid him for this preliminary work? Supervisor Holbrook said the Town hired Mr. Collins to do that work. Councilwoman Smith asked if we had a resolution to do that? She was told yes. Councilwoman Smith said she knew this was supposed to be between the properties and now the Town is involved. Supervisor said it becomes part of the road improvement.

Councilman Kunis asked what the time schedule was? Mr. Collins said the time frame with the State, once plans are finished, is some four to six months for permitting. Councilman Kunis said so we are talking about doing this next year? Mr. Collins said it is possible to have this built for the winter. Supervisor said that is why we are holding the public hearing now. Councilman Maloney said if we move on it. Councilman Kunis said how long will construction take? Mr. Collins said the roadway construction would be about six weeks for the paving, grading, etc. Concurrent with that you would probably do the signal installation. Signal installation is rather

PH - Portion of Route 59 Road Improvement (between Third and Fifth
Streets, Nanuet, New York

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quick. Basically, it is putting up poles and running conduit which takes roughly about two weeks and then you have the appropriate sign markings, pavement markings on the road, etc. The construction period could be as little as two months.

Supervisor said taking Service Merchandise for an example, if this goes ahead, they might want to change the configuration within their own shopping center which is sometimes quite confusing.

Councilman Kunis asked Mr. Posner if the Town bonds this and one of the property owners agrees to this and we can still make a road improvement but the other property owner does not agree with it, is he still part and parcel of that road improvement district? Supervisor said if we improve he is. Mr. Posner said if you have a road improvement district then it includes everyone who is an abutting property owner, whether voluntary or involuntary. Mr. Posner said what is being discussed here is whether there will be a voluntary payment on the part of the individuals without having to go into a road improvement district.

Councilman Mandia asked if there was anything in this plan about the streets going over to Cottage Road? He said the people have been complaining about this. Supervisor said we had a public hearing in regard to this and this is really the genesis of this plan which the Town has been enjoined from actually closing them based on the fact that at that instant we had not taken, to quote the court papers, a hard enough look at the environmental impact of doing that. If this were to be done this certainly would be a mitigating factor in terms of the traffic situation. That could be addressed at the time this thing was completed.

Supervisor said in our discussions which have been going on for a long time we had hoped that we would get voluntary agreement and that might come about in any event. He said unless we move on this thing now what will happen is that it will just continue to spin around in limbo and it will never proceed.

Councilman Kunis asked a question about Caldor's not being involved in this agreement and Supervisor said they would have to pay anyway. Councilman Maloney said they pay anyway, so we can't lose. Councilwoman Smith said didn't they agree at first and the others didn't? Supervisor said no, Service Merchandise has always been pretty agreeable. Caldor liked the plan very much but didn't want to pay. The tenants were going to pay. Supervisor said he thought what will happen if we compel them to pay, the tenants will wind up paying anyway. Supervisor said there is no question that the traffic will flow better as a result of this.

Supervisor asked if there was anyone from the public who would like to make a comment or ask a question?

Appearance: Ms. Dale Kent
owner of Lots 2.02 and 2.04
adjacent to Caldor's

Ms. Kent stated that they have not been able to see any of the proposed sketches so they are really not too familiar with exactly where the light will be placed. She said they are very concerned as to exactly which property owners will be paying and how the share will be divided. Supervisor said usually it is done by footage. Ms. Kent said would that be frontage? Supervisor said yes. She said they have a disproportionate share of frontage if you take a look at the map. She noted that her property is right next door to the Caldor's. Supervisor said it would have to be determined if that property is to be included in the improvement. He said if some of her property is they would only be responsible for the amount that is in the district.

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Appearance: Ms. Patricia Rossi
8 Grace Street
Nanuet, New York

Ms. Rossi said this is the fourth year that she has appeared here regarding this matter. She noted that she had sent a letter in January of this year to each of the members of the Board and to the Supervisor just to refresh their memories and let them know what the residents have been going through. She read a statement (which is on file in the Town Clerk's office.) She said they are in agreement with the improvements with the hope per se that they have the approval of all the Board for the closing of their streets. She stated that she hoped they had all of the Boards' approval and the promise that when all of these westerly exits are met through the shopping centers that their roads will be permanently closed. She said she would really appreciate it and so would all the residents who are still present this evening.

In response to a question from the audience regarding U-Turns Supervisor said if you are coming out of the shopping center to go west you have to go through Smith Street. Mr. Collins said if it is the intention of the Town to try to get U-Turns at this driveway we can pursue that with the State. The State has so far neither accepted or rejected that. They may allow it or not. Councilman Kunis said if you are doing the job why not see if they will allow that. Mr. Collins said it depends on how you want the operation. If you allow U-Turns you must post a "No Right Turn on Red" sign. Is it better to handle one or two people making a U-Turn or is it better to handle 100 cars crossing over? Supervisor said if you complicate matters too much for the DOT ... Mr. Collins said then you could cause about a year's delay.

Appearance: Sydell Green, Esq.
Birbrower, Montalbano, Condon & Frank

Ms. Green stated they are the attorney for Rockland Center Associates, the owner of the shopping center being referred to as the Service Merchandise Shopping Center. She said her client and she have been meeting with Supervisor Holbrook, residents of East Orchard and Grace Streets since the end of 1987. She said they agree in concept with the proposal of putting in the median cut and the traffic light but this agreement has always been with the understanding that all entrances and exits to the shopping center will remain as is except for the one that is affected by the interplay with the median cut. She said in no way do they agree to the closure of Grace and East Orchard Streets. She said they have had that litigation. She said if those streets are closed they do not know if they will even have any benefits from the median cut but she said what they do believe will happen is with the median cut and the ability for people to make left turns coming out of their shopping center to go to the Nanuet Mall that will relieve an extraordinary amount of traffic from the other two streets where the problem is.

Ms. Green said there was constant mention of the people benefitting from this. She said she respectfully refers the Town Board to Section 200 of Town Law. She said she believes the notice for tonight's hearing was supposed to contain a description of the proposed improvement, an estimate of the costs to be expended and the description of the area benefitted by the road improvement. That was not contained in the notice. She said neither her client nor herself saw this proposal that was submitted by Mr. Collins tonight. She said she has a lot of questions regarding the cost estimate, including whether that includes surveys and engineering costs and other soft costs, because Mr. Collins only mentioned the hard costs.

Ms. Green said the Town Board has a task before it to determine what the area is that is benefitted by that improvement.

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It is not just the Caldor Shopping Center and Service Merchandise. She stated that she would suggest that it is the entire area on Route 59 from the Nanuet Mall to the proposed new Pyramid Shopping Center because the increased flow of traffic on Route 59 will benefit everyone. She said at a minimum the benefitted area would be from Smith Street to the next current traffic light, which she believed was College Avenue. She said that is a task for the Town Board to look into and get information on.

Ms. Green stated that her client should have input into the design phase because she believed that the plan that Mr. Collins would be preparing now would end at the shopping center's property line. We would want to have some input into the design. She said this would be a good time for her client to sit down with the planners and get everything resolved at once. It would be cost effective and would provide for the safety and welfare of everyone who uses the shopping center and not require us to come again before the Board and go through a whole public hearing.

Councilwoman Smith said she was sure that the interior flow of Caldors could also be improved because the in and out is not very smooth. Councilman Kunis asked if Ms. Green's client had participated in the drawing of these plans that we have before the Board? She said no and the Supervisor said not directly. Ms. Green said, in fact, Mr. Collins had been hired to be their engineer when they were involved with the litigation against the Town in connection with Grace and Orchard Streets. Councilman Kunis asked Ms. Green if she had seen the plans at which the Board is presently looking. Ms. Green said not the ones that were submitted tonight.

Councilwoman Smith said maybe we should stop at this point until all of us are more involved. Conceptually, all of us have favored this for two years. She said she did not know it was on tonight. She said she has never passed a resolution before that goes with a minimum and a maximum when you are talking about bonding. She said most importantly, she did not know the length to be involved in this road improvement district.

Supervisor said that Mr. Posner was going to recommend that the points that Ms. Green mentions here in regard to the width, length, breadth, etc. that those things would have to be supplied by the Town prior to the adoption of a formal resolution. The intent tonight was to get this off ground zero so that would ultimately be done. Councilwoman Smith said there is a willingness on the part of both of the major players in this and she did not understand the force play of this, that it has to be done tonight. She said she would like more time. Supervisor said he was not saying that it had to be done but before we formally adopt a resolution he thought, and that Mr. Posner would attest to this, that his suggestion was to adjourn this to a meeting in May so that we can get the things that we need to have from Atzl & Scatassa and a formal price thing that would be an upset figure and then adopt it at that time. Otherwise we would run into problems from a legal standpoint but unless we brought this out now we would just be delaying.

Councilwoman Smith asked Mr. Geneslaw if prior to that he could meet with everyone involved and get the specifics of what is going to be done? Mr. Geneslaw stated that he has been meeting regularly with all of the parties. He said he has not seen the full size drawing which Mr. Collins brought tonight but has seen a portion of it and it is consistent with the plans that were prepared several years ago. It is just a matter of moving more toward the details.

Mr. Posner said there are other costs which have not been addressed as Ms. Green has suggested. Those costs being survey costs, the possible bonding costs and if there is going to be any change in the interior portion of the parking lots of the various

malls that would be their costs but there would have to be some sort of an agreement entered into otherwise there might be some question of condemnation proceedings.

Councilman Kunis asked what are the legalities of the omissions in the public advertisement of this hearing which Ms. Green had indicated have been omitted? Does it have to be republished? Mr. Posner said it is his understanding that the cost factors would have to be a cost estimate at the hearing. He said he would check and see if it is a requirement of the notice but he said he believes the notice is adequate. He said in any event if the cost factors, even the rough cost estimate given here, increase over and above what is stated here and there are many factors which would show that to be the case then there would have to another public hearing or if this hearing were kept open then we could keep it open for the purposes of having more specific cost factors.

Councilman Mandia said isn't there also some question of what property owners it affects? Councilman Kunis said he has sat in for the last two years and he thinks tonight is progress and we are just about there. He thinks a little bit more and we are going to have these problems solved.

Supervisor said what we have to do tonight is to basically adjourn the public hearing to May 8th which is our next formal Town Board meeting and in the meantime we can get in touch with Atzl & Scatassa and get the finite boundaries and at that time we will have a finite cost - an upset cost. Mr. Collins said no, you won't. Mr. Collins said the plan you have in front of you is a concept plan. Before detailed plans can be drawn we need the metes and bounds and then we have designs. Councilman Kunis said can that be done in two weeks. He was told no. Supervisor stated that he misspoke. We need to have the boundaries of the district - the metes and bounds of the improvement. That he felt we could have. He said he was sorry. He was talking about specific plans and he stands corrected.

Supervisor said we are adjourning this so we can get the actual boundaries of the road improvement and also at that time we can come up with an upset cost not to exceed which we have done with other road improvements.

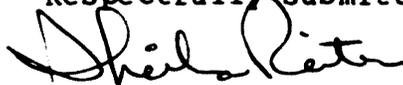
Ms. Kent said she did have a letter from Sydell Green dated December 5, 1988 and it does state \$300,000.00 approximate cost. Councilman Kunis said that was two years ago. Supervisor said one of the problems is that if the figures were to change after a public hearing you would have to have a new public hearing. So you want to put in an amount that you can deal with. You don't have to spend it all. You just have to put in an amount that would be sufficient.

Ms. Green said in response to Ms. Kent's statement she believed that figure did not cover the soft costs. It was approximately \$300,000.00. Ms. Green said she would like to request notification, at least, of when you receive any information from Mr. Collins or Atzl & Scatassa so she can look at them or if they are in a form in which they can be sent to her.

Councilwoman Smith asked Ms. Green if she had received official notification of this meeting tonight? Ms. Green said she received notification but there were no sketches involved. Councilwoman Smith directed Mr. Posner to notify anyone else who would be involved in this. Mr. Posner agreed.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared adjourned until May 8, 1990, time: 10:35 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk