

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/25/90

8:00 P.M.

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

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

Supervisor stated that he thought the Town Board intended to keep the Avaras Zone Change hearing open for another two week period for those people who wish to speak tonight but might be unable to speak because of other engagements. Anyone who is hear will be able to speak on that item tonight. He thought it would be adjourned until two weeks from now.

Supervisor opened the Public Portion of the meeting.

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

Mr. Lodico spoke regarding Items 2 and 21 on the agenda and felt they should be joint resolutions of our Board and the Nyack Village Board. He was told with regard to the installation of street lights that they are in the lighting district.

Mr. Lodico referred to Item No. 11 and asked if the DEC would possibly take an amicus curiae position in supporting the Town in having only one transfer station or should the suit fail would this mean that others would be permitted to create transfer stations in the Town of Clarkstown? Town Attorney said this proceeding is only to force the Town Board to make a decision. It has nothing to do with whether or not there should be a transfer station.

Mr. Lodico asked if there is a balance in the Federal funds allocated to the Town, perhaps it could be donated to a non-profit corporation known as Dutch Gardens.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the public address system here in the auditorium and requested improvement in the same.

Appearance: Mr. Teddy B. Dusanenko
5 Hickory Drive
New City, New York 10956

Mr. Dusanenko spoke regarding the driveway at Middlewood. He said it is dangerous and he requested immediate repair.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the Public Hearing re: Extension of the Clarkstown Consoliated Water Supply District was opened, time: 8:29 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District was adjourned until October 23, 1990, time: 8:30 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change from R-15 District to LS District - Map 37, Block C, Lot 1.04 - Avaras, was opened, time: 8:30 P.M.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Zone Change from R-15 District to LS District - Map 37, Block C, Lot 1.04 - Avaras, was closed, DENIED, time: 9:25 P.M.

RESOLUTION NO. (820-1990)

DENYING ZONE CHANGE
PETITION FROM R-15 TO LS -
MAP 37, BLOCK C, LOT 1.04
(AVARAS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 14th day of August, 1990, provided for a public hearing on the 25th day of September, 1990, at 8:05 P.M., to consider the application of PANAGIOTY and DOLORES AVARA, 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 37, Block C, Lot 1.04, from an R-15 District to an LS District, and

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

NOW, THEREFORE, be it

RESOLVED, that for the reasons of public health, safety and welfare, the Town Board hereby DENIES the petition of PANAGIOTY and DOLORES AVARAS for an Amendment to the Zoning Ordinance.

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10 to RS - Map 163, Block A, Lot 21 - Valley Hotels, was opened, time: 9:27 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10 to RS - Map 163, Block A, Lot 21 - Valley Hotels, was closed, RESOLUTION ADOPTED, time: 9:50 P.M.

RESOLUTION NO. (821-1990)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
R-10 DISTRICT TO RS
DISTRICT - MAP 163, BLOCK
A, LOT 21 (VALLEY HOTELS)

Co. Mandia offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 14th day of August, 1990, provided for a public hearing on the 25th day of September, 1990, at 8:10 P.M., to consider the application of VALLEY HOTELS, 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 163, Block A, Lot 21, from an R-10 District to an RS District, and

RESOLUTION NO. (821-1990) Continued

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

WHEREAS, the Town Board of the Town of Clarkstown has received a 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 5, 1988, 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 an R-10 District to an RS District, the subject property which is situate in the Hamlet of Nanuet, in said Town, and

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, which shall restrict the property use to parking for the term of three years, which date shall be the date of the filing of the restrictive covenant with the Rockland County Clerk's Office, or until improvements are made by the State of New York on Route 59, in the vicinity of the subject premises, whichever is sooner, 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 Commissioner 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. Maloney

On roll call the vote was as follows:

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

Councilman Kunis stated that he was going to vote yes based on the fact that the change will have the entire parcel conform to correct zoning regulations; the fact that Route 59 will be expanded; and the fact that there is a covenant of a buffer. He said he thought it was fair, reasonable and good zoning.

Councilman Maloney said he was voting yes because we will have the three year covenant. We will certainly see that it is abided by and that the buffer will certainly be adequate for the Mullers.

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RESOLUTION NO. (821-1990) Continued

Councilman Mandia said he was voting yes because in his judgment this was the natural plan for that area and he felt it all made sense.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law - Amendment to Chapter 47 (Fire Prevention) of the Town Code of the Town of Clarkstown, was opened, time: :55 P.M.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Local Law - Amendment to Chapter 47 (Fire Prevention) of the Town Code of the Town of Clarkstown, was closed, RESOLUTION ADOPTED, time: 10:00 P.M.

RESOLUTION NO. (822-1990)

ADOPTING LOCAL LAW NO. 4-1990 RE: AMENDMENT TO CHAPTER 47 (FIRE PREVENTION) OF THE TOWN CODE OF THE TOWN OF CLARKSTON

Co. Kunis offered the following resolution:

WHEREAS, a proposed local law entitled:

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

was introduced by Councilman Maloney at a Town Board meeting held on August 14, 1990, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 14, 1990, directed that a public hearing be held on September 25, 1990, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 10, 1990, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 14, 1990, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 25, 1990;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 - 1990, entitled:

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

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

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

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

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RESOLUTION NO. (822-1990) Continued

Seconded by Co. Smith

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandonment of Holbrook Avenue, Congers was continued from August 14, 1990, time: 10:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Abandonment of Holbrook Avenue, Congers was closed, RESOLUTION ADOPTED, time: 10:13 P.M.

RESOLUTION NO. (823-1990)

ABANDONMENT OF PORTION OF
HOLBROOK AVENUE, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 17th day of July, 1990, provided for a public hearing on the 14th day of August, 1990 at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Holbrook Avenue, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that the abandonment 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

RESOLVED, that a portion of Holbrook Avenue Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Holbrook Avenue, Congers, as described in Schedule "A" attached.

(Schedule A on File in Town 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

Appearance: Mr. Ken Winter

Mr. Winter asked to speak about Community Development Funds. He said as an architect and also as a builder and general contractor he said he has been bidding work for the County Community Development Office for several years and he said none of the

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projects on which he has bid and others which he knows have been built have never been given out. He said he finds that the people at the CD office are wonderful people, very concerned and very involved and want to get things done for either the handicapped, the elderly or for the infirm but they really are not aggressive enough to spend the money and push it through. He said he bid a project recently in South Nyack that has been on the boards for four years. He said if something could be done about that it would be appreciated whether he does the work or not as he felt the people deserved the monies.

RESOLUTION NO. (824-1990)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 11, 1990 AND SPECIAL TOWN BOARD MEETING OF SEPTEMBER 18, 1990

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of September 11, 1990 and September 18, 1990 are accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
for the 11th and Abstain for the
18th as she was not present
Supervisor Holbrook.....Yes

RESOLUTION NO. (825-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING ANYTIME/NO STANDING ANYTIME" SIGNS NORTH AND SOUTH SIDES OF CHRISTIAN HERALD ROAD FROM NYS RT. 9W WESTWARD .4(4/10) MILE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Clarkstown Police Department Town Board Resolution No. 982-1981 is hereby amended as follows:

"John F. Mauro, Supt. of Highways is hereby authorized to install signs to read, "No Parking Anytime/No Standing Anytime" on both the north and south sides of Christian Herald Road from New4York State Route 9W, westward for a total of .4 (4/10) of a mile".

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

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RESOLUTION NO. (826-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
KORN, ROSENBAUM, PHILLIPS &
JAUNTIG - CHARGE TO ACCOUNT
NO. A 1320-409

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Comptroller, the Town Board hereby authorizes the Supervisor to
enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig,
Certified Public Accountants, with offices at Palisades Office Park,
26 Firemens Memorial Drive, Pomona, New York, for independent audits
for the year 1990, at a sum of \$25,500.00, and for the year 1991, at
a cost of \$26,500.00, and be it

FURTHER RESOLVED, that such fees shall be charged to
Account No. A 1320-409, which agreement shall be in a form
satisfactory to the Town Attorney.

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. (827-1990)

SETTING PUBLIC HEARING RE
ZONE CHANGE FROM R-22
DISTRICT TO LIO DISTRICT -
MAP 107, BLOCK A, LOTS
13.02 and 13.04 (ROCKLAND
HYUNDAI)

Co. Smith offered the following resolution:

WHEREAS, ROCKLAND HYUNDAI has petitioned the Town Board
of the Town of Clarkstown requesting that the Zoning Ordinance of
the Town be amended by redistricting property owned by the
petitioner, from an R-22 District to an LIO District, and

WHEREAS, said property is designated on the Clarkstown
Tax Map as Map 107, Block A, Lots 13.02 and 13.04;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections
264 and 265 of the Town Law be held at the Auditorium of the Town
Hall of the Town of Clarkstown, at 10 Maple Avenue, New City,
Rockland County, New York, in the Town of Clarkstown, on October 23,
1990, at 8:20 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (828-1990)

REFERRING PETITION FOR
CHANGE OF ZONE TO
CLARKSTOWN PLANNING BOARD
AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING
(RICHARD BLUM)

Co. Maloney offered the following resolution:

WHEREAS, RICHARD BLUM has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-15 District to an LS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 126, Block A, Lot 24;

NOW, THEREFORE, be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (829-1990)

AUTHORIZING DIRECTOR OF
ENVIRONMENTAL CONTROL TO
HIRE CONTRACTOR TO SUPPLY
AND PLANT TEN (10) WHITE
PINE TREES (7 DANLYN COURT,
NEW CITY) - CHARGE TO
ACCOUNT NO. A 8730-413)

Co. Smith offered the following resolution:

WHEREAS, by Town Board Resolution No. 731-1990, Ira Wickes has been authorized to take down and remove seven (7) poplar trees located at the rear of 7 Danlyn Court, New City, and

WHEREAS, the Town Board desires to replace these trees with ten (10) white pine trees;

NOW, THEREFORE, be it

RESOLVED, that the Director, Department of Environmental Control, is authorized to hire a contractor to supply and plant ten (10) white pine trees in accordance with the recommendations and map prepared by the Department of Environmental Control, and be it

RESOLUTION NO. (829-1990) Continued

FURTHER RESOLVED, that the fee for this service shall not exceed \$1,200.00 and be charged to Account No. A 8730-413.

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. (830-1990)

SETTING PUBLIC HEARING
CONCERNING PROPOSED
AMENDMENT TO ZONING
ORDINANCE RE: SECTION
106-3 - DEFINITIONS (LOT
LINE, FRONT AND LOT AREA)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 27, 1990, at 8:15 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-3. Definitions - Lot Line, Front

from: "Lot Line, Front - The line of a street on which a lot fronts or abuts."

to: "Lot Line, Front - The line of a public or private street on which a lot fronts or abuts."

Amend Section 106-3. Definitions - Lot Area

from: "Lot Area - The total horizontal area included within property lines of a lot."

to: "Lot Area - The total horizontal area included within property lines of a lot, exclusive of any area of a lot designated as a right-of-way or easement for vehicular access."

and be it

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

Seconded by Co. Smith

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RESOLUTION NO. (830-1990) 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. (831-1990)

SETTING PUBLIC HEARING AND
REREFERRING TO CLARKSTOWN
PLANNING BOARD AMENDMENT TO
SECTION 106-10A GENERAL USE
REGULATIONS RS DISTRICT,
TABLE 12, COLUMN 6, ITEM 18
(WAREHOUSE PARKING)

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 27, 1990, at 8:05 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend §106-10A of the General Use Regulations, RS District, Table 12, Column 6, Item 18 as follows:

From: "18(a) Storage and warehouses for sites under one ownership and having a lot area of 60,000 sq. ft. or less: At least one parking space for each 300 sq. ft.

18(b) Storage and warehouses for sites under one ownership and having a lot area greater than 60,000 sq. ft.: At least one parking space for each 500 sq. ft. of gross floor area."

To: "18. Storage and warehouses for sites under one ownership and having a lot of at least 20,000 sq. ft. or greater: At least one parking space for each 500 sq. ft. of gross floor area."

and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be rereferred to the Clarkstown Planning Board for its recommendation and report, and be it

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

Seconded by Co. Mandia

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RESOLUTION NO. (831-1990) 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. (832-1990)

AUTHORIZING INSTALLATION OF
TRANSMITTER ON ROOF OF
POLICE DEPARTMENT BUILDING

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Police Department has recommended that a transmitter be installed on the roof of the Police Department building in order to enhance the reception for Pagers throughout the building;

WHEREAS, the Town Board believes it is in the best interest of the Town to have a transmitter installed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Metromedia Paging Services to install a transmitter on the roof of the Police Department building.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (833-1990)

AUTHORIZING TOWN ATTORNEY
TO APPEAL DECISION OF
APPELLATE DIVISION (PUBLIC
SERVICE COMMISSION,
COLUMBIA GAS TRANSMISSION
CORP., ET AL.)

Co. Maloney offered the following resolution:

WHEREAS, the Supreme Court, Appellate Division, Second Department, has rendered a decision in the matter of the TOWN OF CLARKSTOWN against THE PUBLIC SERVICE COMMISSION of the STATE OF NEW YORK, COLUMBIA GAS TRANSMISSION CORP., et al., and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to appeal said decision, retroactive to September 19, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (833-1990) Continued

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

RESOLUTION NO. (834-1990)

AUTHORIZING TOWN ATTORNEY
 TO DEFEND PROCEEDING
 AGAINST TOWN OF CLARKSTOWN
 (C & A CARBONE, INC.)

Co. Smith offered the following resolution:

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

C & A CARBONE, INC.,

Petitioner,

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

-against-

CHARLES E. HOLBROOK, Supervisor of the
 Town of Clarkstown, JOHN R. MALONEY, STEVEN
 C. KUNIS, ANN MARIE SMITH and RALPH F.
 MANDIA, constituting the TOWN BOARD OF
 THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

(Councilman Kunis said rather than authorize Town Attorney to defend he would propose a motion that the applicant's application be denied and therefore, if it were denied it wouldn't have to be defended. There was no second received for that motion.)

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. (835-1990)

AUTHORIZING SUPERVISOR TO
 ENTER INTO AGREEMENT WITH
 COUNTY OF ROCKLAND WITH
 RESPECT TO ENHANCED 911
 EMERGENCY SERVICE TELEPHONE
 SYSTEM

Co. Kunis offered the following resolution:

WHEREAS, the Legislature of the County of Rockland, by County Resolution No. 285-1990, authorized the County Executive to enter into a contract with New York Telephone for an Enhanced 911 Emergency Service Telephone System, and

RESOLUTION NO. (835-1990) Continued

WHEREAS, the Town of Clarkstown wishes to participate in said system by staffing and operating a primary Public Service Answering Point to be located at the Clarkstown Police Headquarters in New City;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, on behalf of the Town of Clarkstown, with the County of Rockland, to allocate costs, responsibility and staffing of the Enhanced 911 Emergency Telephone System, and be it

FURTHER RESOLVED, that said agreement shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (836-1990)

ELECTING TO PROVIDE
BENEFITS OF SECTION 41,
SUBDIVISION J OF RETIREMENT
AND SOCIAL SECURITY LAWS
(RE SICK LEAVE-EMPLOYEES OF
TOWN WHO ARE MEMBERS OF NEW
YORK STATE EMPLOYEES'
RETIREMENT SYSTEM

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown does hereby elect to provide the benefits of Section 41, subdivision j of the Retirement and Social Security Law as presently or hereafter amended, granting allowance for unused sick leave for employees of the Town who are members of the New York State Employees' Retirement System; and be it

FURTHER RESOLVED, that this election shall become effective on the 25th day of September, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (837-1990)

AUTHORIZING SUPT. OF
HIGHWAYS TO INSTALL STOP
SIGNS AT NORTH HARRISON
AVENUE, CONGERS

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent

RESOLUTION NO. (837-1990) Continued

of Highways is hereby authorized to install:

"Stop signs, east and west at North Harrison Avenue on Howard Street, 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. 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. (838-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "CHILDREN WALKING" (W6-2) SIGN OLD HAVERSTRAW ROAD NORTHBOUND AT ENDICOTT STREET, CONGERS AND AT FARMHOUSE ROAD, SOUTHBOUND AT ENDICOTT STREET, CONGERS AND "CHILDREN WALKING" (W6-1) SIGN ON FARMHOUSE ROAD SOUTHBOUND AT ENDICOTT STREET, CONGERS AND A "SCHOOL" (W6-3) SIGN WITH R2-1 (SPEED LIMIT 15) SIGN ON OLD HAVERSTRAW ROAD AT ENDICOTT STREET, CONGERS

Co. Smith offered the following resolution:

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

"CHILDREN WALKING" - W6-2 sign

The first, on Old Haverstraw Road, northbound at Endicott Street, Congers

The second, on Farmhouse Road, southbound at Endicott Street, Congers

"CHILDREN WALKING" - W6-1 sign

On Farmhouse Road, southbound, at Endicott Street

A W6-3 a "SCHOOL" sign with a R2-1 (SPEED LIMIT 15) sign to be erected on Old Haverstraw Road at Endicott Street

and be it

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

Seconded by Co. Maloney

RESOLUTION NO. (838-1990) 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. (839-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "DO NOT BLOCK SIDE ROAD" SIGN NORTHBOUND SIDE WEST CLARKSTOWN ROAD AT ZABELLA DRIVE, SPRING VALLEY

Co. Smith offered the following resolution:

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

a sign to read, "DO NOT BLOCK SIDE ROAD" on the northbound side of West Clarkstown Road at Zabella Drive, Spring Valley, NY

and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (840-1990)

AWARDING BID FOR TREE PRUNING - NEW CITY BUSINESS DISTRICT (COUNTY TREE PRESERVATION) - CHARGE TO ACCOUNT NO. A 8730-413

Co. Smith offered the following resolution:

WHEREAS, Bid #67-1990 for Tree Pruning - New City Business District was advertised; and

WHEREAS, the Shade Tree Commission has reviewed all proposals submitted and noting the wide disparity in the prices quoted; and

WHEREAS, the Shade Tree Commission met with the lowest bidder for further review and discussion;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Shade Tree Commission the bid for Tree Pruning - New City Business District be awarded to County Tree Preservation for their bid of \$699.00; and be it

Continued on Next Page

RESOLUTION NO. (840-1990) Continued

FURTHER RESOLVED, that the tree pruning commence during this 1990 fall season in accordance with the standards set by the National Arborist Association; and be it

FURTHER RESOLVED, that this \$699.00 be charged to Account No. A 8730-413.

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. (841-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #1-1991 -
STATIONERY SUPPLIES

Co. Smith offered the following resolution:

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

BID #1-1990
STATIONERY 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 October 12, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (842-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #73-1990 -
TIRE CHANGING MACHINE FOR
CLARKSTOWN HIGHWAY
DEPARTMENT

Co. Smith offered the following resolution:

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

BID #73-1990
TIRE CHANGING MACHINE FOR
CLARKSTOWN HIGHWAY DEPARTMENT

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RESOLUTION NO. (842-1990) Continued

bids to be returnable to the Office of the Clarkstown Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, October 16, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (843-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #72-1990 -
OFFICE FURNITURE

Co. Smith offered the following resolution:

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

BID #72-1990
OFFICE FURNITURE

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, October 17, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (844-1990)

DECREASING APPROPRIATION
ACCOUNT NO. SR 8160-110
(SALARIES) AND INCREASING
APPROPRIATION ACCOUNT NO.
SR 8160-209 (SANITATION
DISTRICTS-OTHER EQUIPMENT)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. SR 8160-209 (Sanitation Districts-Other Equipment) requires additional funding,

Continued on Next Page

RESOLUTION NO. (844-1990) Continued

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. SR 8160-110 (Salaries) and increase Appropriation Account No. SR 8160-209 by \$1,553.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (845-1990)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING VARIOUS OTHER
APPROPRIATION ACCOUNTS

Co. Maloney offered the following resolution:

WHEREAS, various Appropriation Accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$32,819.00 and increase the following Appropriation Account Numbers:

A 3120-459 (Police-EBT'a, Dispositions).....	\$ 4, 517.00
A 6411-409 (Industrial Com.-Fees for Serv.).....	5,900.00
A 8090-409 (Control of Aquatic Pests-Fees).....	13,185.00
A 8840-424 (Economic Assistance).....	217.00
A 7410-401 (Martin Luther King Library).....	9,000.00

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (846-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. 01-
002130 (REFUSE COLLECTION)
AND APPROPRIATION ACCOUNT
NO. A 8160-413 (SANITARY
LANDFILL-SOIL)

Co. offered the following resolution:

WHEREAS, Appropriation Account No. A 8160-413 (Sanitary Landfill-Soil) requires additional funding,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (846-1990) Continued

RESOLVED, to increase Estimated Revenue Account No. 01-002130 (Refuse Collection) and Appropriation Account No. A 8160-413 by \$66,300.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (847-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-005710-0 (SERIAL BONDS)
AND VARIOUS OTHER
APPROPRIATION ACCOUNTS

Co. Maloney offered the following resolution:

WHEREAS, various Appropriation Accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-005710-0 (Serial Bonds) by \$3,412,449.00 and the following Appropriation Accounts:

A 9710-620 (Principal on BAN's).....	\$3,348,375.00
A 9710-720-(Interest on BAN's).....	27,353.00
A 9710-810 (Principal on Capital Notes).....	35,000.00
A 9710-820 (Interest on Capital Notes).....	1,721.00

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (848-1990)

DECREASING APPROPRIATION
ACCOUNT NO. A 4210-201
(FURNITURE & FIXTURES) AND
INCREASING APPROPRIATION
ACCOUNT A 4210-409 (FEES
FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account A 4210-409 (Fees for Services Services) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account A 4210-201 (Furniture & Fixtures) and increase Appropriation Account A 4210-409 by \$216.00.

RESOLUTION NO. (848-1990) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (849-1990)

DECREASING APPROPRIATION
ACCOUNT NO. B 8020-230
(COMMUNICATIONS EQUIPMENT)
AND INCREASING
APPROPRIATION ACCOUNT NO. A
8020-409-1 (FEES FOR
SERVICES - MASTER PLAN)
(PLANNING)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account B 8020-409-1 (Fees for Services - Master Plan) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account B 8020-230 (Communications Equipment) and increase Appropriation Account A 8020-409-1 by \$19,945.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (850-1990)

INCREASING AND DECREASING
VARIOUS ACCOUNTS
(RECREATION DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A-7210-114 (Part-Time Salaries - Refreshment Stands) by \$2,750.00 and to decrease Appropriation Account No. A-7310-114 (Part-Time Salaries - Youth Program) by \$2,750.00, and be it

FURTHER RESOLVED, to increase Appropriation Account No. A-7210-219 (Miscellaneous Equipment) by \$1,000.00 and to decrease Appropriation Account No. A-7610-222 (Park & Recreation Equipment) by \$1,000.00, and be it

FURTHER RESOLVED, to increase Appropriation Account No. A-7210-219 (Miscellaneous Equipment) by \$400.00 and to decrease Appropriation Account No. A-7610-230 (Communications Equipment) by \$400.00.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (850-1990)

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. (851-1990)

INCREASING APPROPRIATION
ACCOUNT NO. A 1621-311
(GASOLINE) AND DECREASING
APPROPRIATION ACCOUNT NO. A
7180-424 (CONTRACTUAL
EXPENSES) - RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 1621-311 (Gasoline) by \$2,000.00 and to decrease Appropriation Account No. A 7180-424 (Contractual Expenses) by \$2,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (852-1990)

INCREASING AND DECREASING
VARIOUS ACCOUNTS (BUILDING
DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. 3620-111 (Overtime Salaries - Building Department) by \$18,000.00 and to increase Estimated Revenue Account 02-00-2999 (Unexpended Balance), by \$18,000.00, and be it

FURTHER RESOLVED, to increase Appropriation Account No. B -3620-366 (Photographic Supplies) by \$2,000.00 and to decrease Appropriation Account No. B-3620-424 (Contractual Expenses) by \$2,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (853-1990)

TRANSFERS OF FUNDS -
VARIOUS ACCOUNTS (POLICE
DEPARTMENT)

Co. Maloney offered the following resolutions:

Continued on Next Page

RESOLUTION NO. (853-1990) Continued

WHEREAS, various Appropriation Accounts in the Police Department budget require additional funding,

NOW, THEREFORE, be it

RESOLVED, to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A 3120-110		\$40,800
	A 3120-230	15,800
	A 3120-301	1,000
	A 3120-313	2,000
	A 3120-328	1,600
	A 3120-404	4,000
	A 3120-407	1,500
	A 3120-409	4,500
	A 3120-414	4,000
	A 3120-319	2,500
	A 3120-416	3,000
	A 3120-204	900
A 3120-415	A 3120-225	2,600
A 3240-414	A 3240-219	600
A 3230-110	A 3120-225	59,148

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (854-1990)

TRANSFERRING FUNDS FROM
 MONEY-IN-LIEU-OF-LAND
 ACCOUNT (REMOVAL OF
 ASBESTOS AT STREET
 COMMUNITY CENTER)

Co. Maloney offered the following resolution:

WHEREAS, Henry Horowitz, Inc., in a letter dated August 26, 1990, recommends the removal of asbestos at the Street Community Center, and

WHEREAS, the estimated cost not already funded will be approximately \$20,000.00,

NOW, THEREFORE, be it

RESOLVED, that the \$20,000.00 be transferred from the Money-in-Lieu-of-Land Account, and be it

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Henry Horowitz, Inc., total amount of all three contracts not to exceed \$252,746.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (854-1990) Continued

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

RESOLUTION NO. (855-1990)

TRANSFERRING FUNDS FROM
 MONEY-IN-LIEU-OF-LAND TO
 PARKLANDS AND IMPROVEMENTS
 (LAKE NANUET PARK)

Co. Maloney offered the following resolution:

WHEREAS, it is necessary to obtain additional data at Lake Nanuet Park, for proposed improvements, and

WHEREAS, a proposal submitted by Henry Horowitz, Inc., PE dated August 26, 1990, outlines the necessary work, including but not limited to, Perimeter Survey, Topographic Survey and Wetland Delineation,

NOW, THEREFORE, be it

RESOLVED, that an amount not to exceed \$40,000.00 be transferred from Money-in-Lieu-of-Land to Parklands and Improvements.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (856-1990)

AUTHORIZING ATTENDANCE AT
 CONFERENCE ON "THE EMERGING
 CONCENSUS" (EMILY FEINER) -
 CLARKSTOWN COUNSELING CENTER

Co. Kunis offered the following resolution:

RESOLVED, that Emily Feiner, CSW, of the Clarkstown Counseling Center attend conference on Tuesday, October 16, 1990 on "The Emerging Concensus" - Registration Fee - \$20.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (857-1990)

AUTHORIZING ATTENDANCE AT
 CONFERENCE ON "THE BAD
 OBJECT AND THE NEGATIVE

RESOLUTION NO. (857-1990) Continued

THERAPEUTIC REACTION*
(EMILY FEINER AND SUSAN
ROTH BEERMAN) - CLARKSTOWN
COUNSELING CENTER

Co. Kunis offered the following resolution:

RESOLVED, that Emily Feiner, CSW and Susan Roth Beerman, CSW of the Clarkstown Counseling Center, attend conference on Sunday, October 14, 1990 - "The Bad Object and the Negative Therapeutic Reaction".

Registration fee - \$90.00 (2 persons)

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. (858-1990)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON "ADVENTURES
IN AGING" - (FRANK DiMARIA
- PARKS AND RECREATION) -
CHARGE TO ACCOUNT NO. A
7610-414

Co. Kunis offered the following resolution:

RESOLVED, that Frank DiMaria, Senior Citizen Director, is hereby authorized to attend the "Adventures in Aging" Conference in Stony Point, New York from October 28, 1990 through October 30, 1990, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 7610-414.

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. (859-1990)

AUTHORIZING ATTENDANCE AT
ONE DAY SEMINAR "THE
ORGANIZED SECRETARY" (TRUDY
BASLOW) - RECREATION
DEPT. - CHARGE TO ACCOUNT
NO. A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that Trudy Baslow, Principal Clerk-Stenographer is hereby authorized to attend the one day seminar "The Organized Secretary" on October 25, 1990 in Tarrytown, New York, and be it

Continued on Next Page

RESOLUTION NO. (859-1990) Continued

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (860-1990)

AUTHORIZING ATTENDANCE AT TWO DAY IN-SERVICE TRAINING PROGRAM FOR WINNING RECREATION ALTERNATIVE PROGRAM TO ALCOHOL AND OTHER DRUG USE (ELAINE APPELBAUM AND JOHN YACIUK - PARKS AND RECREATION) - CHARGE TO ACCOUNT NO. A 7141-414

Co. Kunis offered the following resolution:

RESOLVED, that Elaine Apfelbaum, Senior Recreation Leader and John Yaciuk, Senior Recreation Leader, are hereby authorized to attend a two day in-service training program for Winning Recreation Alternative Program to Alcohol and Other Drug Use, September 25, 1990 and September 26, 1990, in Bensalem, Pennsylvania, and be it

FURTHER RESOLVED, that all necessary expenses be charged against Appropriation Account No. A 7141-414.

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. (861-1990)

AUTHORIZING ATTENDANCE AT NEW WORLD SYSTEMS USER GROUP CONFERENCE (DOLORES LODICO, DORIS FOGEL AND TINA SCALA) - COMPTROLLER'S OFFICE - CHARGE TO ACCOUNT NO. A 1680-414

Co. Kunis offered the following resolution:

RESOLVED, that Dolores Lodico, Doris Fogel and Tina Scala are hereby authorized to attend the New World Systems User Group Conference at Troy, Michigan from October 14th through October 17th, 1990, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 1680-414.

Continued on Next Page

RESOLUTION NO. (861-1990) Continued

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. (862-1990)

AUTHORIZING ATTENDANCE AT
TRAINING PROGRAM ON
LIABILITY MANAGEMENT
(MEMBERS OF TOWN ATTORNEY'S
OFFICE, POLICE DEPARTMENT
AND SAFETY COORDINATOR) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Kunis offered the following resolution:

WHEREAS, the Town of Ramapo is sponsoring two programs given by the Institute for Liability Management, a division of Gallagher Bassett Services, Inc., with regard to general police liability and personnel issues, and

WHEREAS, the total fee for representatives of the Town of Clarkstown to attend such programs shall be \$200.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes members of the staff of the Town Attorney's Office, Police Department, and the Safety Coordinator, to attend the liability management training programs at the Town of Ramapo, on October 9, 1990, and be it

FURTHER RESOLVED, that the required fee of \$200.00 shall be charged to 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. (863-1990)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT HIGHMOUNT
TERRACE, UPPER NYACK

Co. Kunis offered the following resolution:

WHEREAS, the Village Board of the Village of Upper Nyack has requested the Town of Clarkstown to install street lighting to improve the safety and welfare of the community on behalf of the residents of Highmount Terrace, Upper Nyack, and

WHEREAS, the Village of Upper Nyack is wholly within the Town of Clarkstown and the Clarkstown Consolidated Lighting District,

RESOLUTION NO. (865-1990) Continued

WHEREAS, Raines and Welsh & Sons Contractors, Inc. were called on an emergency basis to repair said lead, and

WHEREAS, said contractors had to return to the site to turn said repair clamp, and

WHEREAS, said contractors once again returned to the site to lower said three (3) inch water main, and

WHEREAS, the Nyack School District is already responsible for the necessitated repairs,

NOW, THEREFORE, be it

RESOLVED, that payment in the amount of \$4,670.15 be charged to Account No. DB 5110-378, and be it

FURTHER RESOLVED, that this charge be submitted for reimbursement to the Nyack School District.

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. (866-1990)

GRANTING PERMISSION TO
CLARKSTOWN P.B.A. TO
DISPENSE ALCOHOLIC
BEVERAGES AT SOFTBALL
TOURNAMENT

Co. Smith offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides for the Town Board to grant permission to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Policemen's Benevolent Association, Inc. to dispense alcoholic beverages, in accordance with and subject to Section 22-2A and 2B of the Town Code, at their softball tournament on September 29, 1990 which is to be held at Germonds Park, West Nyack.

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. (867-1990)

SETTING PUBLIC HEARING
REGARDING ZONE CHANGE FROM
R-15 DISTRICT TO MF-1
DISTRICT - MAP 122, BLOCK
C, LOT 4.01 (A.O.R.
DEVELOPERS, INC.)

Co. Maloney offered the following resolution:

WHEREAS, A.O.R. DEVELOPERS, INC. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to an MF-1 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 122, Block C, Lot 4.01;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 27, 1990, at 8:10 P.M., relative to the proposed amendment, and be it

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

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (868-1990)

SCHEDULING TWO ADDITIONAL
TOWN BOARD MEETINGS FOR
OCTOBER 2, 1990 AND OCTOBER
11, 1990

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby schedules two additional Town Board Meetings for October 2, 1990 and October 16, 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. (869-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (ELIZABETH
ASPIAZU)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Elizabeth Aspiazu, 266 Cottage Road, Valley Cottage, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Co. Holbrook

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. (870-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (ARISTO J.
FONTANA)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Aristo J. Fontana, 163 South Harrison Avenue, Congers, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Supv. Holbrook

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. (871-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (LOIS R. GAINES)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Lois R. Gaines, 5 Brook Road, Saugerties, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Supv. Holbrook

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. (872-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (ANN HERLIHY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Ann Herlihy, 2 Gandy Lane, New City, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Supv. Holbrook

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. (873-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (PATRICIA CASEY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Patricia Casey, 5 Link Court, New City, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Supv. Holbrook

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. (874-1990)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (JOSEPH SECORA)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Joseph Secora, 19 Jerry's Avenue, Nanuet, New York, Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 4, 1990.

Seconded by Supv. Holbrook

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. (875-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD (FORMER
SUBSTITUTE CROSSING GUARD)
- POLICE DEPARTMENT (JOANNE
PANTALE)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joanne Pantale, 950 Gilcrest Road, Valley Cottage, New York, to the position of Crossing Guard - Police Department (formerly a Substitute Crossing Guard) - at the rate of \$8.59 - per crossing covered - effective and retroactive to September 6, 1990.

Seconded by Supv. Holbrook

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. (876-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (MARY P.
CALDERON)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Mary P. Calderon, 191 Charles Boulevard, Valley Cottage, New York, to the position of Crossing Guard - Police Department - at the rate of \$8.59 - per crossing covered - effective and retroactive to September 6, 1990.

Seconded by Supv. Holbrook

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. (877-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (RICHARD T.
CONLIN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Richard T. Conlin, 1 Braemer Court, New City, New York to the position of Crossing Guard - Police Department - at the rate of \$8.59 - per crossing covered - effective and retroactive to September 6, 1990.

Seconded by Supv. Holbrook

RESOLUTION NO. (877-1990) 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. (878-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
CROSSING GUARD - POLICE
DEPARTMENT (MARIE BOUCHARD)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Marie Bouchard, 113 South Harrison Avenue, Congers, New York, to the position of Crossing Guard - Police Department - at the rate of \$8.59 - per crossing covered - effective and retroactive to September 6, 1990.

Seconded by Supv. Holbrook

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. (879-1990)

APPOINTING TO POSITION OF
CLERK TYPIST (SEASONAL) -
RECEIVER OF TAXES OFFICE -
(MARY DeFOREST)

Co. Maloney offered the following resolution:

RESOLVED, that Mary DeForest, 22 Old Brick Road, New City, New York, is hereby appointed to the position of Clerk Typist (Seasonal) - Receiver of Taxes Office - at the current 1990 hourly rate of \$8.40 - effective and retroactive to September 17, 1990.

Seconded by Supv. Holbrook

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. (880-1990)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF SENIOR
GROUNDWORKER (JOHN J.
DEERY)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (880-1990) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of John J. Deery, 48 Madison Avenue, Garnerville, New York, to the position of Senior Groundswoker - Parks Board and Recreation Commission - at the current 1990 annual salary of \$22,208.00, effective and retroactive to September 10, 1990.

Seconded by Supv. Holbrook

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. (881-1990)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO POSITION OF
(PROVISIONAL) RECREATION
LEADER (EDWARD S. VICTOR)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Edward S. Victor, 155 Schuyler Road, Central Nyack, New York, to the position of (provisional) Recreation Leader - Parks Board and Recreation Commission - at the current 1990 annual salary of \$20,846.00, effective and retroactive to September 10, 1990.

Seconded by Supv. Holbrook

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. (882-1990)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF (PROVISIONAL)
RECREATION LEADER - PARKS
BOARD AND RECREATION
COMMISSION (FRANK R. COHEN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Frank R. Cohen, 31 Morris Drive, New City, New York, to the position of (provisional) Recreation Leader - Parks Board and Recreation Commission - at the current 1990 annual salary of \$20,846.00, effective and retroactive to September 10, 1990.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (882-1990) Continued

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

RESOLUTION NO. (883-1990)

APPOINTING TO THE POSITION
 OF (PROVISIONAL) SENIOR
 ACCOUNT CLERK TYPIST -
 HIGHWAY DEPARTMENT (LORIAN
 MACAYLO)

Co. Maloney offered the following resolution:

RESOLVED, that Lorian Macaylo, 7 Huffman Road, Valley
 Cottage, New York is hereby appointed to the position of
 (provisional) Senior Account Clerk Typist - Highway Department - at
 the current 1990 annual salary of \$26,770.00, effective and
 retroactive to September 24, 1990.

Seconded by Supv. Holbrook

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. (884-1990)

REAPPOINTING TO POSITION OF
 MEMBER - ASSESSMENT AND
 REVIEW BOARD (PATRICIA
 BATTLES)

Co. Maloney offered the following resolution:

RESOLVED, that Patricia Battles, 5 Woodland Road, New
 City, New York, is hereby reappointed to the position of Member -
 Assessment and Review Board - term effective October 1, 1990 and to
 expire on September 30, 1995 - at the per diem rate of \$100.00, per
 meeting, when the Board is in session.

Seconded by Supv. Holbrook

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. (885-1990)

EXTENDING TEMPORARY
 APPOINTMENT OF
 ADMINISTRATIVE DIRECTOR,
 BUILDING DEPARTMENT (EDWARD
 J. GHIAZZA)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (885-1990) Continued

RESOLVED, that the temporary appointment of Edward J. Ghiazza, 7 Debra Lee Court, West Nyack, New York - Administrative Director, Building Department - is hereby extended to December 31, 1990 - at the current 1990 salary of \$12,500.00, effective October 1, 1990.

Seconded by Supv. Holbrook

(Councilman Mandia stated that while he has the deepest respect for Mr. Ghiazza's abilities he finds, and his conscience tells him, that the amounts of money paid to him through September should be sufficient for those services for the balance of the year.)

On roll call the vote was as follows:

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

RESOLUTION NO. (886-1990)

AUTHORIZING SUPERVISOR TO
EXECUTE COLLECTIVE
BARGAINING AGREEMENT

Co. Maloney offered the following resolution:

WHEREAS, the bargaining team for the Town of Clarkstown and the negotiating team for the Town of Clarkstown Special Unit, Rockland County Local 844, the Civil Service Employees Association has entered into negotiations in good faith to reach a successor agreement to the 1987-1989 agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in the Memorandum of Agreement dated September 24, 1990, and

WHEREAS, the Town Board has been notified by the CSEA that the membership of the bargaining unit has ratified the Memorandum of Agreement, and

WHEREAS, the Town Board has determined that the terms contained in the Memorandum of Agreement are in the best interests of the Town and its employees;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and adopts the terms of the Memorandum of Agreement and hereby authorizes the Supervisor to sign a collective bargaining agreement consistent with the terms thereof, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to forward a fully executed copy of the collective bargaining agreement to the Public Employment Relations Board upon its full execution.

Seconded by Co. Smith

Councilman Kunis thanked Ron Longo for his part in the successful negotiations. He felt it was a fair agreement to the employees covered under these negotiations.

Councilman Maloney said he reiterated the sentiments of Councilman Kunis. It is a fair agreement and he thanked all those

Continued on Next Page

RESOLUTION NO. (886-1990) Continued

who put in so many hours. He said he was looking forward to working again with the members of the bargaining unit.

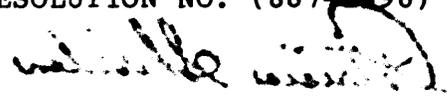
Councilman Mandia said he concurred with his colleagues.

Councilwoman Smith said she voted yes as this has been a long time coming. She said she is very happy with the settlement and she believes that it has been fair.

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. (887-1990)



AUTHORIZING SUPERVISOR TO SIGN GRANT OF EASEMENT FOR TRANSFER STATION (ORANGE & ROCKLAND UTILITIES, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to sign Orange and Rockland Utilities Grant of Easement for a 15' wide strip of land located on the west side of Route 303 south of Route 59, being a portion of the Clarkstown Sanitary Landfill site, in order to service the transfer station being constructed thereon.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (888-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO RECLAIM AND PAVE SURREY COURT, CONKLIN ROAD AND SHETLAND DRIVE, NEW CITY - CHARGE TO CAPITAL ACCOUNT NO. H 5110-05-409

Co. Smith offered the following resolution:

BE IT RESOLVED, that the Town Highway Superintendent is authorized to reclaim and pave Surrey Court, Conklin Road and Shetland Drive, New City for a total cost of \$27,540.00 (including equipment rental, labor and material), and be it

FURTHER RESOLVED, that all proper charges be allocated against Appropriation Account No. Capital Account No. H 5110-05-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

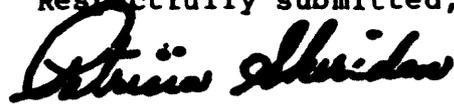
RESOLUTION NO. (888-1990) Continued

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

Councilman Maloney asked all present to keep in their prayers Rudy Yacyshin, Chairman of the Planning Board, who has just had open heart surgery. He also requested that all keep our Deputy Town Attorney Mark Posner in their prayers as he is also very ill.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/25/90

8:29 P.M.

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

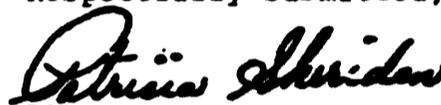
RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE CRESCO SALES, INC.

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

Town Attorney stated that he had a letter from Luke Kalarickal, Deputy Director of the Department of Environmental Control stating that there were four things which he found wrong with the petition. He read the letter noting the problems. Town Attorney stated that the Board could hear anyone who wished to speak regarding this but corrections would have to be made.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared adjourned until October 23, 1990.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(THIS HEARING ADJOURNED UNTIL OCTOBER 23, 1990)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/25/90

8:30 P.M.

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

RE: ZONE CHANGE FROM R-15 DISTRICT TO LS DISTRICT -
MAP 37, BLOCK C, LOT 1.04 - AVARAS

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

Deputy Town Attorney Fogel stated that there were reports from both the Rockland County Commissioner of Planning and the Planning Board of the Town of Clarkstown.

"(Letterhead of Robert Geneslaw Co.)

July 25, 1990

The Clarkstown Town Board has determined that it is lead agency for the proposed zone change identified above. As directed by the Town Board we are coordinating the review of this application under the provisions of the State Environmental Quality Review Act (SEAR).

We have reviewed the short Environmental Assessment Form (EAF), copy attached. We are distributing same to the agencies copied below.

Within 20 calendar days of receipt of all information the lead agency, the Town Board, shall determine the significance of the action. Please forward to us any information that may help the Town Board make a determination of significance.

Note that the proposed action is a zone change, which is intended to allow a continuation of professional office use.

/s/ Robert Geneslaw"

"(Letterhead of Rockland County Department of Planning)

July 3, 1990

The Rockland County Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the Rockland County Charter I hereby disapprove for the reasons below:

The granting of this zone change from R-15 to LS would set a precedent for similar requests for spot zone changes along Little Tor Road. Prior to granting any specific office requests along Little Tor Road, the Town should first undertake a comprehensive zoning analysis to determine the desirable zoning pattern for the full extent of this road.

Therefore, the County has no choice but to disapprove this zoning request at the present time."

"(Letterhead of Town of Clarkstown Planning Board)

July 19, 1990

The Board reviewed the above request, noting that Little Tor Road area is primarily residential in nature and a change to a non-residential zone would not be desirable with respect to retaining that primarily residential character. Other concerns were raised by the Building Department.

Continued on Next Page

"Therefore at the Planning Board meeting of July 11, 1990...

Motion of Fallon, second of Centra, carried 4:0 with Ayes of Maraia and Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: From a planning point of view the Planning Board cannot recommend in favor of the requested zone change for parcel 37 C 1.04, Avaras, New City. Although applicant agrees to provide restrictive covenant that the property could only be utilized for professional office use, such covenant can be modified at a later date.

The proposed change is contrary to the uses shown on the Master Plan and the existing land use pattern as the areas to the east, north, south and west are all zoned R-15. This would be creating an isolated district unrelated to adjacent and nearby districts, and is out of scale with the existing land uses.

Little Tor Road is primarily residential in nature, and a change to a non-residential zone would not be desirable with respect to retaining that primarily residential character.

Question has been raised by the Building Department that the existing building would not conform to the sideyard requirement for the LS district, and if zone change is granted, no parking would be permitted within 30 ft. of a residential district.

No substantial reasons have been offered why the property cannot be used in accordance with existing zoning, therefore, if granted, the proposed change will constitute a grant of special privilege to an individual owner as contrasted with public welfare.

The Board is concerned that this could establish a precedent for others to follow, as on Middletown Road in Nanuet, and that would not be in the best interests of the existing surrounding residential uses.

In response to the statutory requirements the Planning Board makes the following determinations, as applicable...

- a) The use permitted by the proposal would not be appropriate in the area as it is surrounded by residential uses;
- b) Public services do exist;
- c) Public water and sanitary sewers are available in the area;
- d) There is no PO or LS land in the immediate area as the entire immediate area is zoned residential;
- e) There is no PO or LS development in the vicinity of the area;
- f) The proposed amendment could have adverse effect on the growth of the area as it could set a precedent for others to follow and change the residential nature of the area to a non-residential area;
- g) Not applicable;
- h) Other similar requests could be made which would not be in the best interests of the Town.

Very truly yours,

/s/ Rudolph J. Yacyshyn

Rudolph J. Yacyshyn,
Chairman

cc: Town Attorney
Town Clerk"

Continued on Next Page

PH - Zone Change R-15 to LS - Map 37, Block C, Lot 1.04 (Avaras)
 9/25/90
 Page 3

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

Mr. Tracy stated that he was representing Mr. and Mrs. Avaras. He noted that they had heard of the various reports condemning the project. He stated that although this is a request for an LS zone change it is only a request for a LS zone change and not a PO zone change as the bulk of the property consists of 15,264 square feet and therefore it does not have sufficient bulk to be categorized in a PO zone. In order to make the proper bulk requirements they have opted to frame the petition in an LS zone with a restrictive covenant; that restrictive covenant being to the effect that the property can only be used for professional office uses. He said nothing that the board said about the surrounding area, at least within 500 feet zone of notification, can be disputed. The map speaks for itself. The zones are as they are.

Mr. Tracy said this property presents a unique and somewhat odd situation in that the property itself was built before most of the homes there were built. Some of the people who are here tonight to protest bought their houses through Mr. Avaras' efforts in the subdivision. The house was built at a time when the home office occupation provision of the old zoning ordinance permitted an unlimited number of part-time employees in the business. It was built as a real estate office and has functioned as a real estate office over all these years as a professional office. There are certain detriments that would be incurred in attempting to sell it as a residence both from the point of structural configuration and from the point of parking and other bulk items which Mr. Avaras will testify to. Bearing in mind that the PO zone was set up as the zone which was created to buffer residential areas from heavily travelled streets and bearing in mind that this is, in effect, a request for PO uses albeit called LS he introduced the only witness he had tonight and that is Mr. Peter Avaras.

Appearance: Mr. Peter Avaras
 145 South Little Tor Road
 New City, New York 10956

Mr. Avaras responded to questions from Mr. Tracy.

Mr. Tracy asked with regard to Mr. Avaras' present residence, which is the subject of this application, could he give the Board some historical background as to when it was constructed, how it was constructed and what causes him to make this request?

Mr. Avaras stated that he started to build his place in 1968. He said they had moved up here in 1958 and by 1962 or 1963 he became a real estate broker. He stated that in his expertise in watching the town and the county grow he realized that Route 33 also known as Little Tor Road was the gateway to county government. He said he knew it was an excellent location. He said he took special effort, acquired the services of a special architect and had him design this to make it look complimentary. It got known around town as the flatroof building between New Hempstead Road and Cropsey's Farm. He said the land north of him was all vacant up to Mrs. Duffy's property. The land south of him was the cemetery, the Protestant church and then about 1,000 feet after that there was Cropsey's farm which was a 4' by 8' stand where he sold some vegetables during certain times of the year. He said since then there has been quite a bit of change.

He said he designed his house, at extra cost, to have the office separate from the living space. This worked fine. He raised his family here and has been here for over 20 years. He said that they cannot sit on their porch due to increased traffic, the new County Jail and future projection of another County office building which will cost over \$66,000,000.00.

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Mr. Avaras stated that he had reached a point in life now whereby because of his illnesses he is seeking to sell. He has clients who are ready to buy it without any reservation providing they did not have to live there. It is not intended to put a retail store there but to stay the way it is right now. It might be another real estate office but he doesn't have to live there. He noted that he has had two dentists interested, two attorneys interested in it and an insurance person interested in it. He is ready to put the deal together. The price was no problem. He said after what he has been through it is time to pack it in.

Mr. Tracy asked Mr. Avaras how long the house has been on the market with multiple listing? Mr. Avaras said he has evidence to be introduced whereby on August 18, 1988 he listed it with the Rockland County Multiple Listing System whereby there are 2,000 sales people in Rockland County and 150 brokers.

Mr. Tracy asked if prior to that period of time did he try to sell it himself without putting it into multiple? Mr. Avaras said he tried for about a year on and off and then he figured he was kidding himself and wanted to give it more exposure. He said other brokers came to him and said if you get the zone change they had customers waiting.

Mr. Tracy inquired about the parking capacity presently on the premises. Mr. Avaras said there is no problem with parking.

At this point photographs of the house and surrounding properties were presented to the Town Board. Mr. Avaras described the pictures. He went into detail about the surrounding properties. He mentioned a nursery that had been on Oakland Street zoned residential and was now a doctor's office due to a change in zoning to PO. He mentioned other locations that had been zoned residential and were changed to PO. He noted offices there where 10 or 12 people were working.

Mr. Tracy asked Mr. Avaras if he was a licensed real estate broker in the State of New York and had practiced in Rockland County for a considerable number of years to which Mr. Avaras replied in the affirmative. Mr. Tracy asked Mr. Avaras if the introduction of a PO use on the property which he had occupied over these years, a home occupation, would be in any way detrimental to property values in the area. Mr. Avaras said it cannot be detrimental. His building was there before all the houses were sold north of him up to Mrs. Duffy's property. If it was detrimental the people on Degenshein's developments would not have put the houses right around him. Mr. Avaras said no it would not be detrimental.

Mr. Tracy said with regard to the continued use of this house as a PO, even though it be by another professional without the requirement of living there, would that in any way endanger the public health, safety or welfare? Mr. Avaras said no. Mr. Tracy then asked if the house was appropriately located with respect to police, water, transportation, etc.? Mr. Avaras said yes. Mr. Tracy then inquired if in Mr. Avaras' opinion there would be an increase in the taxes paid by this house should the zone be changed as requested here tonight? Mr. Avaras said we all know there will be. There won't be any children attending school. The property will change from residential to whatever you want to do and the taxes will be higher. This town like any other is always looking for ratables.

Mr. Tracy asked Mr. Avaras if he agreed, as he has sworn to in his petition, that should this zone change be granted it would be granted subject to a restrictive covenant that the property could only be used for professional office uses? Mr. Avaras said he does not want this property to be used for anything but its present use. He said there would be no additional parking, no additional

extensions. He wants it to stay as it is as it will be a comfortable office for two doctors, two lawyers, an architect, a chiropractor or a real estate office. The answer to the question would be yes.

Mr. Tracy stated that he had no further testimony by Mr. Avaras. He asked if the Town Board had any questions?

Supervisor asked if the Town Board Members had any questions at this time? No one did. Mr. Tracy said they would rest at this time reserving the right to rebuttal to the public comments.

Supervisor asked if there was anyone from the public who would like to make a comment on this?

Appearance: Ms. Rita Maklin
4 Maplewood Lane
New City, New York

Mrs. Maklin read a prepared statement which is on file in the Town Clerk's office stating objections to the proposed zone change. She noted hazards which this zone change would present and felt this would grant special privilege to an individual owner. She was definitely opposed to the proposed zone change.

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

Mr. DeSantis presented petitions from surrounding property owners opposing the proposed zone change. He spoke at length regarding the reasons for their opposition and their concerns for their area.

Councilman Mandia asked how the South Little Tor Association felt about the property being used as PO? Mr. DeSantis stated that the property will no longer be owner occupied. An absentee owner is different from a person who lives on the premises.

Appearance: Mr. Steve Dauer
99 Havermill Road
New City, New York

Mr. Dauer read a prepared statement in opposition to the proposed zone change noting it would disturb the tranquil nature of the area and the change would send a wrong message for future development of the area. He urged the Town Board to be sensitive to the factors which make a neighborhood a pleasant and secure place in which to live.

Appearance: Jessica Hauser, Esq.
Davis & Davis
New City, New York

Ms. Hauser said she was counsel to the Little Tor Civic Center. She questioned the legality of the proposed change as it has been stated by the Rockland County Planning Commissioner that this would be an example of spot zoning. She noted that from their petition they are not looking for PO but LS zoning. Residential home occupation is not opposed by the area residents because that would be appropriate for that piece of property. She urged the Town Board not to change the zone.

Appearance: Dr. Dwarka
15 Baker Lane
New City, New York

Dr. Dwarka urged that the zone not be changed to increase the profit for Mr. Avaras. He did not want the area

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PH - Zone Change R-15 to LS - Map 37, Block C, Lot 1.04 (Avaras)
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to become commercial. He wanted it noted that Mr. Avaras has not been living in that building for the past five years. His present zoning states that he must be residing in that building; hence that change of the zone should have been withdrawn. He noted that there is no need for more professional offices as many of them are vacant right now. He did not want to see the residential character change.

Appearance: Mr. Martin Schaffer
Havermill Road
New City, New York

Mr. Schaffer said we must look out for the general citizenry and not special interests. He was opposed to the proposed zone change. He also wanted the residential character maintained.

Appearance: Mr. Louis Kaplin
49 Hanson Avenue
New City, New York

Mr. Kaplin stated he was happy to be living in a residential area. They were opposed to the proposed change to LS zoning. He noted that some parcels in the area will present a future problem. He urged the Town Board to go along with the professional recommendations and deny the zone change.

Appearance: Mr. Teddy B. Dusanenko
5 Hickory Drive
New City, New York

Mr. Dusanenko stated he was opposed to changing to LS zone. He noted that from Red Hill Road all the way to Central Avenue it is residential zoning and the residents want to keep it that way. He urged the Town Board to keep it R-15.

Appearance: Mr. Larry Gritz
New City, New York

Mr. Gritz noted that Mr. Avaras has not lived there for five years. He lives right next door to the Avaras parcel and he knew it would not be in his best interests or the best interests of anyone else in the community to have the zone changed.

Appearance: Mr. Sam Gordon
New City, New York

Mr. Gordon stated that he lives opposite the Avaras parcel. He noted that growth is a part of living but he has moved from area to area to counteract this growth. He has lived on Little Tor Road for the last 13 years and they would like to keep the area residential. He was definitely opposed to the LS zoning as he felt it would be detrimental to the area.

Appearance: Ms. Diane Goldstein
85 Havermill Road
New City, New York

Ms. Goldstein noted that her house has been on the market for the past year and she has been unable to sell it which is the same situation as that facing Mr. Avaras. She said she can't rezone her house and failed to see why Mr. Avaras should receive special consideration.

Supervisor noted that a number of people had contacted his office as they were unable to attend tonight's meeting. He said they had mentioned adjourning and continuing this hearing on October 9, 1990. He did not want to preclude anyone from speaking who could

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PH - Zone Change R-15 to LS - Map 37, Block C, Lot 1.04 (Avaras)
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not be here tonight. He asked if the people who had called were present. He was answered in the affirmative. He asked if any one wished to speak.

Appearance: Mr. Ralph Miele
 Collyer Avenue
 New City, New York

Mr. Miele said they want to keep the neighborhood just the way it is. He complained of too much traffic, litter, congestion, dangers to their children, etc. He said they do not want a commercial area but want it residential.

Don Tracy spoke in rebuttal. He complimented the people who spoke in opposition to this on the professionalism of their approach. He wanted it noted that people in one profession should not criticize people in other professions for trying to make money.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DENIED, time: 9:25 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (820-1990) ADOPTED DENYING CHANGE OF ZONE)

TOWN OF CLARKSTOWN
PUBLIC HEARING

273

Town Hall

9/25/90

9:25 P.M.

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

RE: ZONE CHANGE PETITION R-10 TO RS - MAP 163, BLOCK A,
LOT 21 -VALLEY HOTELS, KEMMER LANE, NANUET

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

Town Attorney stated that the Rockland County Commissioner of Planning recommends disapproval:

"(Letterhead of County of Rockland Department of Planning)

December 28, 1987

Zoning along the significant Rte. 59 road corridor should be done comprehensively and not in a piecemeal fashion. A commercial rezoning such as this one would impact traffic along Rte. 59 and set a precedent for additional rezoning of nearby residential properties.

As you are aware, the Rte. 59 corridor in Nanuet has been studied and a study is underway for the full length of the Rte. in Rockland County. This particular site is proposed for R-15 zoning in the Nanuet Rte. 59 study. To change the site to RS would have an impact on the total fabric of land use recommendations and we therefore recommend that you delay any particular rezoning until such time as you can have the benefit of a comprehensive land use and road plan for the corridor.

If the subject Nanuet study is not deemed valid by your Board we again recommend that you prepare a single policy document that includes the total rezoning pattern of the corridor."

"(Letterhead of Town of Clarkstown Planning Board)

February 10, 1988

RECOMMENDATION TO THE HONORABLE TOWN BOARD: In light of the recommendations of the Route 59 Corridor Study conducted by RPPW, and in light of the ongoing studies for Route 59, the Planning Board recommends that the zoning for parcel 163-A-21 remain R-10.

Traffic congestion is a significant land use problem, and its solution is often most costly. Therefore, zoning must pay particular attention to the traffic impact of land uses. Several traffic studies prepared by various applicants with proposed developments in the immediate area revealed that traffic was at force flow in the Route 59 area, with the intersections of Rt. 59/Grandview Avenue and Rt. 59/Middletown Road at maximum capacity. In exploring means to ameliorate and reduce the traffic congestion along Route 59 and its environs, and improve public safety in the area, the consultants and the Planning Board concurred that for the public safety, the land use in this area should be R-15 as this would result in minimum additional traffic, with minimal trip generation and turning movements.

The wise Town Board agreed to make a change to R-10.

Substantial reasons have not been submitted why the property cannot be used in accord with the R-10 zoning. A change to RS would thwart any attempts to mitigate the traffic situation in the area. A

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PH - Zone Change R-10 to RS - Map 163, Block A Lot 21 -
Valley Hotels - 9/25/90

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change to RS would increase the trip generations and turning movements which would adversely affect traffic flow. It is therefore recommended that such zone change be denied.

Very truly yours,

/s/ Rudolph J. Yacyshyn,
Chairman"

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino & Edwards
317 Little Tor Road South
New City, New York

Mr. Tracy stated that this is a petition which was pending before the Board for a considerable period of time. The petition was originally brought by Valley Hotels, Inc., who was at that time the owner of the property, which had been changed from a PO zone to an R-10 zone without any actual knowledge by Valley Hotels, Inc. The notice had gone to the name on the tax rolls and had gone up to some Massachusetts Trust. Valley Hotels had the Holiday Inn had wanted to expand it and at that point found out that their property had been zoned to R-10. As the petition was filed and as time progressed Valley Hotels/Holiday Inn sold to the Day's Inn, the Day's Inn has now become something else and there were no further plans for expansion because it was deemed that motels in that particular area seemed not to be able to attract the kind of clientele these people wanted to attract. They, therefore, sold the property with the right to continue the zone change application to Alan and Hilda Pekofsky being the owner of the A & H Mall. Mr. Pekofsky bought the property for the purpose of acquiring additional parking for his mall.

Mr. Pekofsky at the present time will testify as to certain users who proposed to come into his mall which will require considerable additional parking and he will also testify to the fact that he is willing to covenant to the parking restriction for a period of three years in the event the zone change is granted. We all read the report that comprehensive studies need to be made, etc. and we are all aware over the period of time that this zone change was being considered that those changes have been made. The Route 59 improvements are on the drawing board. Route 59 improvements will be a reality subject to funding in the very near future. He said it has already been put into the design phase to get those Route 59 improvements underway. Mr. Tracy here referred to maps to locate the property for the Town Board. It is adjacent to the A & H Mall and at the corner of the property is Mrs. Muller's house and behind the property is a thin parcel of land that borders up against New York State Thruway.

Mr. Tracy went on to state that Mr. Pekofsky, for reasons he will testify to, seeks to have this zone changed to RS with a restrictive covenant that the property be used only for parking and for no other use for a period of three years or until such time as the Route 59 improvements materialize, whichever is sooner. The property, if used for parking for the uses that Mr. Pekofsky proposes to come in and then subsequently reverts at the end of three years to an RS zone, will require so much parking that there will not be that much additional construction that can take place. The property will merge with the existing A & H Mall so that with regard to traffic patterns and the like they will all be linked together which will mitigate against those turning movements that were referred to which he did not quite understand, by the Planning Board report.

Appearance: Mr. Al Pekofsky
10 Inverness Drive
New City, New York

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Mr. Pekofsky stated that he was the owner of the A & H Mall. He said he was negotiating at the present time with two users for the A & H Mall. Mr. Pekofsky said one of them is Loehmanns. The other one is Barnes & Noble. He said they are very classy people and would bring the community some good ratables also. Mr. Tracy asked what the difficulty would be for Mr. Pekofsky in satisfying the leasehold requirements. Mr. Pekofsky said he needs additional parking and it would be in the back and would not affect Route 59 because they would be coming in on Kemmer Lane which is the street bordering the property.

Mr. Tracy asked, with regard to his comments that Mr. Pekofsky would be willing to accept the restrictive covenant that you would use this parcel only for parking for a period of three years or until such time as the Route 59 road improvements were in effect, whichever came first, would Mr. Pekofsky agree and state before this Board that he would abide by that covenant if the zone change were granted? Mr. Pekofsky said he would.

Mr. Tracy asked if in connection with the parking did Mr. Pekofsky agree that he would provide adequate screening and buffer for Mrs. Muller's property. Mr. Pekofsky said he would.

Mr. Tracy asked Mr. Pekofsky if he would tell us who the users were who moved out of the mall that you would put the new proposed users into with some additional space? Mr. Pekofsky said the Metropolitan Plant Exchange which is right on the corner of Kemmer Lane and Route 59. Mr. Tracy asked would this in any way change the traffic flow or the ingress and egress to his mall or basically impact on turning movements in any way on Route 59? Mr. Pekofsky said it wouldn't because they also have entrance and exits on Kemmer Lane also. There are four entrances and exits.

Mr. Tracy then referred to the map and there was dialouge concerning placement of various businesses thereon and other facilities located in the area.

Mr. Tracy again asked Mr. Pekofsky if he was willing to abide by this covenant? Mr. Pekofsky replied in the affirmative.

Supervisor asked if any of the Board members had any questions?

Councilwoman Smith inquired about parcel 2 and asked if a shed and garage thereon was in use? Mr. Tracy said there is an old garage and shed not being used at the present time. Councilman Kunis asked if the Town parking lot was zoned RS? Mr. Tracy said he did not think so as it was part of the change of zone in that area because of traffic problems to R-10.

Supervisor asked if there was any member of the public who would like to comment?

Appearance: Mr. Michael Muller
 37 Kemmer Lane
 Nanuet, New York

Mr. Muller said that was his mother's property. She has since passed away. He said he has nine brothers and sisters who with him have equal shares in this piece of property adjacent to it. He said there are two pieces of property on this road being advertised as residential. With the market being as it is now it is very difficult. Traffic is very heavy. The commuter parking lot generates traffic at only certain times of the day and it is kept up well. He said one of his concerns was what would happen after a three year period? Would this be rezoned as commercial? What would the buffer zone limit be? He questioned air pollution, noise pollution? He said if anyone has tried to get out of that road on a Sunday or Saturday or even a normal day, the influx of traffic from there would be terrible. He said they are also afraid of decreasing property values. He said his brother was made an offer of \$150,000.00 from Mr. Pekofsky because he had no use for the

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building. He said what does that tell you as to what his future plans would be with this piece of property? There is no exit off that road for traffic purposes. He asked why zone it LS now until after the state is finished with their recommended changes for the traffic because the traffic is just absolutely terrible there. Other than that we have property there and the people there plan on staying residential. He said it would cut around our piece of property and how can you expect to sell a piece of property overlooking a parking lot or having motor homes and propane tanks as a view out your back door and German Shepherd guard dogs that he has, etc? He said Nanuet doesn't need it.

Councilman Maloney said a buffer was mentioned. He asked Mr. Tracy about it.

Mr. Tracy said he was sorry to learn of Mr. Muller's mother's death. He said Mr. Muller, as he is trying to sell that property, would probably be better off if he were included in the RS zone change but that is just his (Mr. Tracy's) gratuitous opinion at this point. With regard to the buffer, Mr. Tracy said they would put in such fencing and screening by way of evergreen shrubbery around the property as would be required by the Planning Board and is mandated by the zoning ordinance that there be an increase in buffer when you are adjacent to a residential zone.

Supervisor and Mr. Tracy again referred to the map and there was a discussion as to portions used for parking. Mr. Tracy mentioned that the properties would merge under the same ownership and he would then increase the uses if he is able to get Loehmann's and Barnes & Nobles in there and then push his parking into the rear so he would be able to satisfy the bulk. There are a couple of restaurants in there which create a problem with parking.

Supervisor asked if in the A & H Mall there is a bar that causes some problems from time to time. Mr. Tracy said yes but it is on its way out. Mr. Pekofsky said their lease is up in December and they will not be renewed.

Appearance: Pamela Muller

Ms. Muller said her mother was Catherine Muller and she is part owner of the property mentioned by her brother. She said she had reservations about what Mr. Pekofsky has said. She noted that one third of the stores are now empty and he has said that Barnes & Noble and Loehmann's would be moving in if this has more parking. She said she did not see what that has to do with expansion of the properties for parking. She said it is not in the rear where the parking is. She said his mall is facing Kemmer Lane and their house is to the left of his mall. It would be directly next to them. It would not be behind us. Behind him is Day's Inn and that is just an alley with a fence. She felt the area has been a little confused here.

Mr. Tracy said he was sorry for the confusion but they were following a map so that everyone can see the configuration of where the house is that is in the estate and the existing property that is subject to the zone change and the existing A & H Mall. He said there seemed to be two objections raised by the Planning Board. One was about turning movements. He said the turning movements will be exactly the same as they are now. The ingress and egress points will not change. The only thing that might change as a result of the introduction of these new users and the allocation of parking to the rear would be some of the internal movements which would be subject to site plan review by the Planning Board due to the fact that any use or any change in an existing use which provides for more than nine additional parking spaces needs to return for site plan review. With regard to the parking he advised the Board that Mr. Pekofsky already has an extensive parking variance from the ZBA. This would also relieve that situation.

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Supervisor asked if the parking were put there would that make it conform zoning wise with the parking of the uses involved in the shopping center? Mr. Tracy said yes it would. Councilman Maloney asked Mr. Tracy if he would explain the covenant with regard to the three years? Mr. Tracy said the covenant would provide that the property would be used only for parking for a period of three years or until such time as the New York State Department of Transportation's present plans for improvement are in place, whichever is sooner. In addition, such buffering by way of evergreen vegetation, fencing, etc., would be installed to enable the estate of Mrs. Muller to obtain the maximum value for their property although they probably will be talking to Mr. Pekofsky in the near future.

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

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (821-1990) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/25/90

9:55 P.M.

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

RE: PROPOSED LOCAL LAW - AMENDMENT TO CHAPTER 47 (FIRE PREVENTION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

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

Supervisor called upon Fire Inspector Mark Papenmeyer to give an explanation of the proposed local law.

Appearance: Mark Papenmeyer, Fire Inspector
Town of Clarkstown

Mr. Papenmeyer stated that changes were being made in the Town Code to reflect changes in the State Code. The majority of them are dealing with the maintenance of the sprinkler systems. We have two items which have been requested by the local fire chiefs. One deals with false alarms and fire alarm systems. He said they hope to provide a method of reducing the number of false alarms created by automatic fire alarm systems.

He said the other section which the local fire chiefs have indicated strong support for is the banning of all outdoor fires. He said the other two items are a spelling correction and a clarification for the Town Attorney on fines imposed.

Supervisor asked Mr. Papenmeyer what he meant by all burying out of doors? Do you mean if a person is clearing land and burning stumps, etc.? Mr. Papenmeyer said that will no longer be permitted. He stated that we have had a great many problems with open burning. It takes two permits to have open burning - one from the Rockland County Health Department and one from the Fire Inspector's office in Clarkstown. He added that everytime they do issue a permit they get many calls complaining about it. He said we no longer have big open areas which we had many years ago. It becomes a nuisance as it creates smoke and ash and complaints from all the residents.

Supervisor asked if this was a recommendation from the chiefs as well? Mr. Papenmeyer said that was correct. The permit process was instituted to try and notify the fire departments that there would be open burning. However, due to no fault of their own the fire departments are still getting called on unnecessary runs. They end up expending a lot of manpower and money to extinguish these fires.

Mr. Papenmeyer noted that the New York State Uniform Fire Prevention and Building Code made an amendment to their code and in order to keep our code current with theirs we had to reflect those changes also.

Supervisor asked if there was anyone present wishing to speak on this item.

Appearance: Mr. Ed Curry
Congers, New York

Mr. Curry said on Waters Edge in a new development they were stump burning. He thought it was unusual to see that open burning. He said he approved of the new law.

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A gentleman from the audience asked if this law would have any effect on the Vietnam Veterans' Watchfires on Memorial Day each year? Supervisor told him he thought that they could be given an exemption for that.

There being no one further wishing to be heard on motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, RESOLUTION ADOPTED, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (822-1990) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/25/90

10:00 P.M.

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

RE: CONTINUATION OF PUBLIC HEARING ON THE ABANDONMENT OF
HOLBROOK AVENUE, CONGERS (FROM AUGUST 14, 1990)

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the continuation of the public hearing was declared open.

Supervisor Holbrook asked Mr. Geneslaw if he had any comments on this. Mr. Geneslaw said they had made a recommendation that the Town Board not approve the abandonment until it was clear that there was adequate access to the Davies Farm property which is located to the west. Davies Farm property is capable of holding at least 100 single family homes and we know that preliminary plans have been prepared over the past few years for at least a portion of the property. Most of it is not visible from the outside roads but the farm itself runs along the east side of the lake starting a short distance north of the causeway and going all the way to the north side of the lake and winding around to the Davies farm stand on Route 304. It is very long and relatively narrow. There is potential for development and there are a number of road access points that are possibilities. Our recommendation and the Planning Board's recommendation is that the Town Board not abandon until it is clear there are alternate ways of serving potential development on Davies.

Town Attorney stated that his office had called the Planning Board on September 5th and they had requested further SEQRA information which had not been supplied at that time. Has it been supplied since then? Mr. Geneslaw said he has not seen anything but he has been told that a representative of the applicant spoke to Mrs. Schwartz and said that he had everything but did not leave any material with her, at least at that time. So there has been a verbal report that the information exists but none of it has reached him yet.

Supervisor asked if there was anyone present who wished to comment on this?

Appearance: Mr. Ken Winter
156 South Little Tor Road
New City, New York

Mr. Winter said site plans that have been prepared and were filed for the subdivision were left with the Planning Board for review and the petition itself. He said this was almost a month ago. He said at the last meeting of the Town Board they reviewed a county map and noted that there were at least minimally ten roads leading to the Davies property that were also paper roads and/or existing roads, either paved or dirt roads going directly to the property for ingress and egress. He said they felt at that time and a majority of the board members had concurred that there was sufficient access and also that Holbrook Avenue is a zig-zag road. There are two 90 degree turns coming off the property and they felt that should any variances be granted to any future developer for condominium or coop development that this would be the least safe access to the properties. He said as well as the 90 degree turns there is a cul-de-sac emptying off into Holbrook and Waltham at the final 90 degree turn. He said they felt that at best stop signs would be needed and at worst stop lights. He said they still feel that those would be an inappropriate ingress and egress to any large scale development in back.

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Councilwoman Smith asked if there was a conceptual plan that might come up where you could use these other roads? She said she thinks individually the board sympathizes with his predicament but are just not clear as to going ahead and abandoning the road without knowing that we are not leaving future plans for a large tract of land. Mr. Geneslaw said a conceptual plan was prepared by Henry Horowitz' office in support of a separate application some distance away. He said he did not have it with him tonight but he could make it available to the Town Board.

Councilwoman Smith said and with that did you still feel that we should not abandon Holbrook Avenue? Mr. Geneslaw said their feeling was that the Board should not forfeit any options. Supervisor asked what are the possibilities of Holbrook ever being opened, given the condition of zig zagging? Mr. Geneslaw said it does not have to be a major road going into the development. He said it was their feeling that there were a number of local roads in that general area that could provide for the traffic to be disbursed through a series of local roads. It is similar to stubbing a road in a cul-de-sac. He said when they looked at it they looked at it in terms of the present zoning. Supervisor said Sleepy Hollow is all laid out with ideas of stubs going into Davies property there, is that right? Mr. Geneslaw said many of them appear to have been laid out that way. Councilwoman Smith said but will they ever go through because some of them look like they are deadended there? Mr. Geneslaw said some probably will not, some will but at this point we do not know. He said we do not know when Davies will come in. We don't know what other opportunities may be foreclosed before Davies comes in. He said we are certainly not encouraging Davies to develop but the opportunities ought to be there so the Town has the maximum choice.

Councilman Mandia asked if there was any hardship currently on the property owner? Is he trying to sell it or expand it?

Appearance: Mr. Brian McGrath

Mr. McGrath said he is the property owner. He said he and his wife have one son and they have one bedroom. You can't put an addition on the house. Supervisor asked when the house was built and Mr. McGrath said in 1934. He said even if they want to put a development down there what are they going to tell him? After paying taxes - knock my house down? They can't knock my house down. It's impossible.

Mr. Ken Winter said the house sits directly on the property line and over into the proposed road.

Councilwoman Smith asked do we want to abandon the entire road or just the portion that would help them out? Mr. Winter said we requested just one portion but if you wanted to abandon the entire road that would be up to you. Councilwoman Smith noted that there was no need to abandon the entire road.

Councilman Kunis said then you need relief to get a clear title and be able to mortgage out and build, is that correct? Mr. McGrath said right now they can't even put an addition on it. Supervisor said right now they are in violation of the highway law, is that right? He was told yes.

Councilwoman Smith asked the Town Attorney if he could work with the Planning Board to abandon the portion that would give this gentleman relief but yet keep intact the rest of it? Town Attorney said he did not think that he was ever really given a description of the whole thing. He said he did not know if he had given one to the Planning Board.

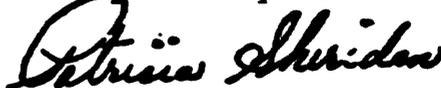
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PH - Continuation of Public Hearing on the Abandonment of
Holbrook Avenue, Congers, from August 14, 1990 - 9/25/90
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At this point there was reference to maps and discussion among Town Board members with regard thereto.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:13 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (823-1990 ADOPTED))