

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

39

Town Hall

11/27/90

8:18 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 opened Public Portion of the meeting.

Appearance: Donald Tirschwell, Esq.

Mr. Tirschwell spoke regarding Agenda Item No. 3 (Rodeo East Subdivision). He stated there had been delivered to the Supervisor a letter of credit issued by Barclay's Bank in the amount of \$26,000.00. He asked that the performance bond be accepted if the reduction is approved.

Appearance: Mr. Stanley Hertz
West Nyack, New York

Mr. Hertz spoke on Agenda Item No. 21 (C & A Carbone - special permit for recycling facility). He was opposed to the placement of the facility in the area and urged the Board to look elsewhere for its placement and to please spare their neighborhood.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff referred to a report he had submitted to the Board from the State Comptroller's Office regarding City Bank and how their late payment was discounted by the Town. He questioned how this could have been done as he felt no one late with a payment of taxes is entitled to a negotiable settlement. He said the Town has been bilked out of about \$30,000.00. He requested a response in the very near future from the Town Board regarding this matter.

Mr. Cuff also spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). He felt the recycling center should be privately owned but should be located right next to the transfer station on Route 303.

Appearance: Mrs. Zepporah Fleisher
New City, New York

Mrs. Fleisher discussed maintenance of the roads in the vicinity of the proposed Pyramid Mall and urged that Pyramid put up a bond that would last for many years thus safeguarding the interests of the taxpayers.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke on Agenda Item #21 (C & A Carbone - special permit for recycling facility). He felt it did not belong on Western Highway and Route 303 would be a better location for it.

Mr. Broadley spoke regarding Agenda Item #19 (Hyundai zone change petition from R-22 to LIO). He was opposed to this change.

Mr. Broadley spoke regarding the road problem at the proposed Pyramid Mall and was opposed to a year-to-year contract as he felt the burden would be on the taxpayers.

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Appearance: Ms. Mary Ann Gavioli Member,
Orangetown Planning Board

Ms. Gavioli spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). She said the Orangetown Planning Board voted unanimously against this special permit application when it was sent by the Clarkstown Town Board for review back in 1989. She called for a full scale SEQRA review. She pointed out their concern about the monitoring of such an operation and the definition of what a recyclable is and what will be going on at that facility.

Appearance: Mr. Peter Beaton
Western Highway

Mr. Beaton spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). He said there has been no impartial review here. He was opposed to the facility because of traffic problems.

Appearance: Mr. Bob Kolenowski
Western Highway

Mr. Kolenowski spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). He noted that he had kept a list, at the Supervisor's suggestion, of license numbers of trucks travelling down Western Highway during a short period of time today. He questioned the different names on trucks coming down the highway and asked who is running this business? He expressed concern for the safety of children in the area. He was opposed to the location of the recycling facility in the area.

Appearance: Ms. Dorinda Mittiga
Congers, New York

Ms. Mittiga spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). She noted that many problem sites already existed in West Nyack. She felt this facility should be placed in the area of the landfill so as not to ruin another neighborhood.

Appearance: Ms. Goniconte
Western Highway

She spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling facility). She said if this is permitted the Town Board would be doing a terrible injustice to the entire community especially the children in the area and she was opposed.

Appearance: Mr. Jim Palmer
New City

Mr. Palmer spoke regarding the tunnel in West Nyack. Supervisor said it was closed based on recommendations of the Traffic Board of the Town and also of the Clarkstown Police Department. Mr. Palmer said he has used that tunnel about four times a day for eighteen years and had never seen an accident. Supervisor asked Mr. Palmer to contact Lt. D'Alessandro of the Clarkstown Police Department, who had represented the safety aspect of closing the tunnel to the Town Board. Supervisor said if he spoke to him he would get their perspective on it, which basically formed the Town Board's rationale to go ahead with it.

Appearance: Ms. Mary Kuhner, Pres.
Blauvelt Civic Association

Ms. Kuhner spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling). She said her concerns were

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for the residents of both towns who live on Western Highway. She opposed the permit because of the traffic problems already in the area and the ones it will create causing threats to the health and safety of the residents. She felt it should be placed on Route 303 next to the transfer station.

Appearance: Donald S. Tracy, Esq.
25 Georgetown Oval
New City, New York

Mr. Tracy spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling). He spoke about the problems connected with having recycling facilities in many locations as they often become junk yards. He discussed possible litigation if it is felt that a municipality creates a competitive monopoly over a particular service. In the future, when everybody recycles it is going to take very skilled individuals to be able to dispose of recyclables. He said if the Town Board has thought that this will be a municipal function then they ought to think very carefully about creating the ability of others to carry out these functions and then perhaps at some time in the future being sorry that they did so.

Appearance: Mr. William Griffith
Recycling Coordinator
Town of Orangetown

Mr. Griffith spoke regarding Agenda Item #21 (C & A Carbone - special permit for recycling). He said wherever a recycling facility is to be built the people in the area are going to be concerned. This is one of the things holding back solid waste disposal. He described the trucks which pick up the material and the condition of the material itself emphasizing that it is a clean operation. He noted that it is not popular but it must be provided in order to clean up our waste streams.

Supervisor noted that Agenda Item #22 (Personnel - Appointment - Director of Municipal Counseling Services) would be put off until December 4, 1990.

RESOLUTION NO. (1029-1990)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF NOVEMBER 13, 1990

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board meeting of November 13, 1990 are hereby 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (1030-1990)

AUTHORIZING RELEASE OF ESCROW FUNDS (PARK EVANGELICAL FREE CHURCH)

Co. Smith offered the following resolution:

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ABF471

RESOLUTION NO. (1030-1990) Continued

RESOLVED, that upon the recommendation of the Department of Environmental, escrow in the sum of \$4,000 held by the Town of Clarkstown to guaranty completion of certain work at a site known as Park Evangelical Free Church is hereby released as the work has been completed to Town requirements.

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

Supervisor offered a motion to rescind building permits for Rodeo East Subdivision but received no second for this motion.

RESOLUTION NO. (1031-1990)

AUTHORIZING REDUCTION IN
AMOUNT OF PERFORMANCE
AGREEMENT (RODEO EAST
SUBDIVISION)

Co. Kunis offered the following resolution:

WHEREAS, a performance agreement, together with a Letter of Credit in the sum of \$63,000 was furnished to the Town of Clarkstown by Sanford Pankin, Developer, to secure the completion of the public improvements and other facilities as shown on the Final Plat of RODEO EAST SUBDIVISION, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the amount of the performance agreement and security be reduced from \$63,000 to \$26,000 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the above referred to performance agreement may be amended and the security posted in the form of a Letter of Credit may be reduced to \$26,000, subject to receipt by the Town Attorney of an amended performance agreement and Letter of Credit 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.....No

RESOLUTION NO. (1032-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE SOIL
FROM PROPERTY (2 PINE TREE
COURT, VALLEY COTTAGE)

RESOLUTION NO. (1032-1990)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to remove two truck loads of soil from property located at 2 Pine Tree Court in Valley Cottage.

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. (1033-1990)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES (LANGREN
WAREHOUSE)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as LANGREN WAREHOUSE, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Harrison Avenue, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated October 1, 1990, from CARL H. LANDGREEN and KATHERINE M. LANDGREEN to the Town of Clarkstown gratuitously conveying a strip of land along Harrison Avenue, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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 (1034-1990)

RESCINDING RESOLUTION
(997-1990) AND EXTENDING
PERIOD TO COMPLETE
IMPROVEMENTS TO JODI-LYNN
WASHOMATIC, INC.(CAMELOT
SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 977/1990 adopted November 8, 1990, defaulting Performance Bond No. 21302 issued by The North River Insurance Company, Surety, to JODI-LYNN WASHOMATIC, INC. as Principal, is hereby rescinded, and be it

FURTHER RESOLVED, that the time period for the completion of the public improvements in a subdivision known as CAMELOT, SEC. III, is hereby extended to November 9, 1992, subject to receipt of an amended Performance Bond in a form satisfactory to the Town Attorney.

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ABF471

RESOLUTION NO. (1034-1990) 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. (1035-1990)

ACCEPTING ROADS AND
IMPROVEMENTS IN NEWPORT
ESTATES SUBDIVISION -
NEWPORT DRIVE AND SAMUEL
ROAD IN SECTION III AND
NEWPORT DRIVE IN SECTION IV

Co. Maloney offered the following Resolution

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from Pascack Realty Corp. and Linmil Realty, Inc. dated December 27, 1988, conveying the following road(s) and other improvements:

Extension of Newport Drive (Sec. III)	713	L.F.
Extension of Samuel Road (Sec. III)	191	L.F.
Extension of Newport Drive (Sec. IV)	230	L.F.

to the Town of Clarkstown in a subdivision as shown on Final Plat of Newport Estates South, Secs. III and IV, filed in the Rockland of Newport Estates South, Secs. III and IV, filed in the Rockland County Clerk's Office on July 8, 1982, and August 6, 1982, as Map Nos. 5389 and 5402, respectively, is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bond No. 000846042-90 dated the 26th day of November, 1990, Linmil Realty, Inc. as Principal and International Fidelity Insurance Company, as Surety, is hereby accepted.

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. (1036-1990)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND, INC.
FOR STREET LIGHTING ON
SMITH ROAD, SPRING VALLEY

Co. Smith offered the following Resolution:

WHEREAS, a representative of "The Hamlets of Rockland" has requested the Town to improve the existing street lighting on Smith Road, from the intersection of North Middletown Road west to Pascack Road, Spring Valley and

Continued on Next Page

RESOLUTION NO. (1036-1990) Continued

WHEREAS, the completion of New Clarkstown Road has provided direct access to Route 59, and has altered traffic patterns on Smith Road, North Middletown Road and Pascack Road, Spring Valley,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Smith Road	Spring Valley
(Upgrade four (4) - 4000 lumen mercury vapor street lights to 5800 lumen sodium vapor street lights on existing pole numbers 54/33, 29/34, 06/34, and 94/37.)	(Install ten (10) - 5800 lumen sodium vapor street lights on existing utility pole numbers 61/14, 38/34, 23/61, 47/65, 64/67, 88/27, 11/28, 36/30, 61/31 and 77/68.)

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. (1037-1990)

SETTING PUBLIC HEARING FOR SPECIAL PERMIT FOR ERECTION OF ADDITIONAL HOUSING FOR THE ELDERLY (TOLSTOY FOUNDATION, INC.)

Co. Smith offered the following Resolution:

WHEREAS, TOLSTOY FOUNDATION, INC., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the erection of additional housing for the aged, pursuant to the provisions of Section 106-10A, Table of General Use Regulations, R-22 District, Table 3, Column 3, Section B, Paragraph 2 of the Zoning Ordinance of the Town of Clarkstown for property located at Lake Road, Valley Cottage, New York, and designated on the Clarkstown Tax Map as Map 138, Block J, Lot 7.1;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 18th day of December, 1990, at 8:10 P.M., to consider the application of TOLSTOY FOUNDATION, INC., relative to said Special Permit, 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 Journal News, the official newspaper of the Town of Clarkstown as aforesaid, and file proof thereof in the office of the said Clerk

Seconded by Co. Maloney

On roll call the vote was as follows:

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ABF471

RESOLUTION NO. (1037-1990) Continued

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

RESOLUTION NO. (1038-1990)

SETTING PUBLIC HEARING RE:
AMENDMENT TO ZONING
ORDINANCE (GENERAL USE
REGULATIONS, TABLE 11, CS
DISTRICT, COLUMN 3-B BY
ADDING ITEM 6 - AUTO
LAUNDRIES)

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 the 18th day of December, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend §106-10A, General Use Regulations, Table 11, CS District, Column 3-B, by Adding Item 6 as follows:

"6. Auto Laundries:

(a) On parcels of not less than 40,000 square feet;

(b) There shall be a reservoir space of 300 square feet per automobile on the lot for not less than 30 automobiles for each laundry machine, subject to the requirements of Section 106-16C."
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

On roll call the vote was as follows:

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

RESOLUTION NO. (1039-1990)

SETTING A PUBLIC HEARING
RE: AMENDMENT TO CHAPTER 9
(ETHICAL STANDARDS)

Co. Maloney offered the following Resolution:

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RESOLUTION NO. (1039-1990) Continued

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMEMDMENT TO CHAPTER 9 (ETHICAL STANDARDS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of December, 1990, at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (1040-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
INTERSECTION SIGN AT TWIN
ELMS LANE AT CAPRAL LANE,
NEW CITY

Co. Maloney offered the following Resolution:

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

An intersection sign (See Sec. 232.1 of the NYS Dept. of Transportation's Manual of Uniform Traffic Control Devices - sign W-2-1). This sign to be erected on the northside of Twin Elms Lane at Capral Lane, New City and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABF471

RESOLUTION NO. (1041-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGNS WESTERLY DRIVE AT
BREWERY RD.; WESTERLY DRIVE
AT STRAWTOWN RD.; ON
PEPPERIDGE AT STRAWTOWN RD.
IN WEST NYACK NY

Co. Maloney offered the following resolution:

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

The following Stop signs:

- on Westerly Drive at Brewery Rd.
- on Westerly Drive at Strawtown Rd.
- on Pepperidge at Strawtown Rd. in West Nyack, 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. 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. (1042-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
"CHILDREN AT PLAY" SIGNS
EAST AND WEST OF THE
FIREHOUSE VICINITY OF
CENTRAL NYACK COMMUNITY
CENTER, CENTRAL NYACK

Co. Maloney offered the following resolution:

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

"Children at Play" signs East and West of the firehouse
in the vicinity of the Central Nyack Community Center,
West Broadway, Central Nyack.

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. 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. (1043-1990)

AUTHORIZING THE
SUPERINTENDENT OF HIGHWAYS
TO INSTALL STOP SIGNS AT
THE EASTSIDE OF PINE ST. AT
WALDRON AVENUE AND ON THE
WESTSIDE OF PINE ST. AT
WALDRON AVENUE, CENTRAL
NYACK

Councilman Maloney offered the following resolution:

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

Stop signs on the eastside of Pine St.
at Waldron Avenue and on the westside of Pine
St. at Waldron Avenue, Central Nyack

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. 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. (1044-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING AT ANYTIME" SIGNS
WITH DIRECTIONAL ARROWS
HIGHVIEW AVENUE FROM CHURCH
STREET SOUTH TO ROBERTS
PLACE, NANUET, NEW YORK

Co. Maloney offered the following resolution:

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

"No Parking at Anytime" signs with directional
arrows on Highview Avenue from Church St. South
to Roberts Place, Nanuet, 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. Smith

On roll call the vote was as follows:

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

ABF471

RESOLUTION NO. (1045-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING MONDAY - FRIDAY
FROM 8:00 AM TO 4:00 PM"
SIGNS AT BRADLEY DRIVE

Co. Maloney offered the following resolution:

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

"No Parking Monday - Friday From 8:00 AM to
4:00 PM" signs on both sides of Bradley Drive
from Jeff Lane to Mark Lane, New City, 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. 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. (1046-1990)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI (CHEMICAL
BANK v. THE ASSESSOR OF THE
TOWN OF CLARKSTOWN, THE
BOARD OF REVIEW OF THE TOWN
OF CLARKSTOWN, THE TOWN OF
CLARKSTOWN AND THE NANUET
UNION FREE SCHOOL DISTRICT)

Co. Smith offered the following resolution:

WHEREAS, proceedings were commenced in the Supreme
Court of the State of New York, County of Rockland entitled,
"CHEMICAL BANK v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD
OF REVIEW OF THE TOWN OF CLARKSTOWN, THE TOWN OF CLARKSTOWN and THE
NANUET UNION FREE SCHOOL DISTRICT," Index Nos. 6091/85, 5254/86,
5120/87, 3864/88, 4767/89 and 4734/90 for the years 1985, 1986,
1987, 1988, 1989, and 1990, and

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

1. That the premises owned by the petitioners
described on the assessment roll as Map 32, Block B, Lot 4.01 be
reduced for the year 1990 from \$351,100 to \$245,800.
2. That the proceedings commenced by the petitioners
respecting Map 32, Block B, Lot 4.01 for the years 1985, 1986, 1987,
1988, and 1989 be discontinued.
3. That reimbursement for the year 1990 on the parcel
described as Map 32, Block B, Lot 4.01 be made through the office of
the Commissioner of Finance of Rockland County.

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RESOLUTION NO. (1046-1990) Continued

4. That the assessed valuation of the parcel for the years 1991, 1992 and 1993 be set at the sum of \$315,000.

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

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

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

Councilman Kunis said there is a 30% reduction regarding the assessments. Is this going to set any kind of precedent? It seems like an awful lot of money for one year's assessment. Town Attorney said they discontinued for five years with nothing. It was reduced to a certain figure for one year and then a certain figure for the next three years as part of the settlement. Councilman Kunis said then in 1991, 1992 and 1993 there is no increase is that correct? Supervisor said then it goes to \$315,000.00.

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 (1047-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID FOR BID #83 -
PHOTOCOPIER FOR HIGHWAY
DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #83-1990
PHOTOCOPIER FOR HIGHWAY DEPT.

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: Tuesday, December 18, 1990, at which time bids will be opened and read, and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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ABF471

RESOLUTION NO. (1047-1990) Continued

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

RESOLUTION NO. (1048-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #84-1990 -
TRAFFIC SIGNAL INSTALLATION
AT CHURCH STREET, COLLEGE
AVENUE AND BLAUVELT AVENUE,
NANUET

Co. Maloney offered the following resolution:

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

BID #84-1990
TRAFFIC SIGNAL INSTALLATION
CHURCH ST./COLLEGE AVE./BLAUVELT RD., NANUET

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 (A.M.) on Thursday,
January 10, 1991, at which time bids will be opened and read, and be
it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (1049-1990)

AWARDING OF BID #1-1991 -
STATIONERY SUPPLIES (SUMMIT
OFFICE SUPPLY; CHESLERS
STATIONERY; TOWN OFFICE
SUPPLY; ADVANTAGE BUSINESS
PRODUCTS; SUPPERN
STATIONERY; MANHATTAN
STATIONERY CO., INC.;
ALLWIN STATIONERY; OLSON &
GORDON))

Co. Kunis offered the following resolution:

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

BID #1-1991
STATIONERY SUPPLIES

is hereby awarded to

Continued on Next Page

RESOLUTION NO. (1049-1990) Continued

SUMMIT OFFICE SUPPLY
34 MIDLAND AVE.
PORTCHESTER, NY 10573
PRINCIPAL: PUBLIC CORP.

CHESLER STATIONERY
15 E. CENTRAL AVE.
PEARL RIVER, NY 10965
PRINCIPAL: ED CHESLER

TOWN OFFICE SUPPLY
111 EIGHTH AVE
NEW YORK, NY 10901
PRINCIPALS: LESLIE AIKEN
MONTY LAZEWS
LEWIS LEVY

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

SUFFERN STATIONERY
68 LAFAYETTE AVE
SUFFERN, NY 10901
PRINCIPAL: RALPH CAPONE
PATRICIA CAPONE
DAVID CAPONE
DOROTHY CAPONE

MANHATTAN STATIONERY CO., INC.
HARRISON EXECUTIVE PARK
3010 WESTCHESTER AVE
PURCHASE, NY 10577
PRINCIPAL: HARVEY ARONOFF

ALLWIN STATIONERY
20 DEXTER PLAZA
PEARL RIVER, NY 10965
PRINCIPAL: NORMAN SHKOFF

OLSON & GORDON
66 BROCKWAY
WHITE PLAINS, NY 10602
PRINCIPAL: JAMES GORDON

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as per the attached price schedule.

(Price schedule on file in Town Clerk's Office)

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. (1050-1990)

AWARDING BID FOR BID
#4-1991 - PRINTING OF TOWN
ENVELOPES & STATIONERY
(LONG ISLAND ENVELOPE;
EMPIRE BUSINESS FORMS; BUSH
PRINTING & STATIONERY CO.;
INC.; AND STEVEN POSNAK &
CO.)

Co. Kunis offered the following resolution:

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

BID #4-1991
PRINTING OF TOWN ENVELOPES & STATIONERY

is hereby awarded to

LONG ISLAND ENVELOPE
240 ANDERSON AVENUE
MOONACHIE, NJ 07074
PRINCIPAL: C.K. GOOD

EMPIRE BUSINESS FORMS
PO BOX 4469
120 SOUTH ROBINSON AVE
NEWBURGH, NY 12550
PRINCIPALS: JOHN V. RICE
LOUISE M. RICE

Continued on Next Page

RESOLUTION NO. (1050-1990) Continued

BUSH PRINTING & STATIONERY CO., INC.
124 W 41ST STREET
NEW YORK, NY 10036
PRINCIPALS: ROBERT KAYE
STEPHEN E. DAYE

STEVEN POSNAK & CO.
PO BOX 167
100 ORANGE TPKE
SLOATSBURG, NY 10974
PRINCIPAL: R. STEVEN POSNAK

as per the attached price schedule.

(Price schedule on file in Town Clerk's Office)

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. (1051-1990)

AWARDING BID FOR BID
#74-1990 - TRUCKS FOR
HIGHWAY DEPARTMENT (DELUXE
SALES & SERVICE INC. AND
SCHULTZ FORD, INC.)

Co. Kunis offered the following resolution:

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

BID #74-1990
TRUCKS FOR HIGHWAY DEPARTMENT

is hereby awarded as follows:

ITEM #1 - Five - Seven yard Dump Truck equipped with snow
plow and salt/sand spreader awarded to

DELUXE SALES & SERVICE INC.
600 SOUTH RIVER STREET
HACKENSACK, JN 07601
PRINCIPALS: ARLEEN STEIN
JOHN PEPE, JR.

for two (2) new International, model 2554 Dump Trucks with Allison
MT654 automatic transmission, with Frink snow plow,
hitch, hoist, and spreader as per specifications as per
their proposed cost of \$66,442.00 per complete vehicle

ITEM #2 - Two (2) Ford F150 style side pick-up trucks awarded to

SCHULTZ FORD, INC.
80 ROUTE 304
NANUET, NY 10954
PRINCIPAL: TED SCHULTZ

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. (1052-1990)

AWARDING BID FOR BID
#6-1991 - PHOTOCOPIER/
FACSIMILE MACHINE SUPPLIES
(BOUTONS BUSINESS MACHINES;
ALL DISCOUNT COPY SUPPLIES;
ADVANTAGE BUSINESS
PRODUCTS; AND XEROX
CORPORATION

Co. Kunis offered the following resolution:

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

BID #6-1991
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

is hereby awarded to

BOUTONS BUSINESS MACHINES
95 ROUTE 304
NANUET, NY 10954
PRINCIPAL: JOHN MAIORANO

ALL DISCOUNT COPY SUPPLIES
121 WEST NYACK RD #7
NANUET, NY 10954
PRINCIPAL: SHELDON BUCHMAN

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

XEROX CORPORATION
555 WHITE PLAINS RD
TARRYTOWN, NY 10591
PRINCIPAL: PUBLIC CORPORATION

as per attached price schedule.

(Price schedule on file in Town Clerk's Office)

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. (1053-1990)

AWARDING BID FOR BID
#76-1990 - CENTENARY - OLD
ROUTE 304 DRAINAGE PROJECT
(SANITARY CONSTRUCTION
COMPANY)

Co. Kunis offered the following resolution:

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

BID #76-1990
CENTENARY - OLD ROUTE 304 DRAINAGE PROJECT

is hereby awarded to

SANITARY CONSTRUCTION COMPANY
167 FLANDERS - NETCONG ROAD
PO BOX 189
FLANDERS, NJ 07836

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RESOLUTION NO. (1053-1990) Continued

PRINCIPALS: MARGARET CERVINO
MICHAEL CERVINO
WILLIAM CERVINO
ANTHONY CERVINO
AUGUSTUS CERVINO

as per their total low bid proposal of \$147,829.00, and be it

FURTHER RESOLVED, that said award is subject to the execution of a formal agreement as included in bid specifications and the posting of required performance and labor/material payment bonds as approved by 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. (1054-1990)

DECREASING APPROPRIATION
ACCOUNT NO. A 7610-114
(PROGRAM FOR THE AGING-
PART TIME SALARIES) AND
INCREASING A 7620-114
(ADULT ACTIVITIES) AND
INCREASING REVENUE ACCOUNT
2025 AND INCREASING
APPROPRIATION ACCOUNT A
7210-301 (RECREATION &
PARKS)

Supv. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7610-114 (Program for the Aging - Part Time Salaries) by \$1,500.00 and to increase A 7620-114 (Adult Activities - Salaries) by \$1,500.00, and be it

FURTHER RESOLVED, to increase Revenue Account 2025 by \$13,500.00, and increasing Appropriation Account A 7210-301 (Food) by \$13,500.00.

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. (1055-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002705 (GIFTS &
DONATIONS) AND INCREASING
DARE APPROPRIATION ACCOUNT
NUMBERS A 3230-313 (OFFICE
SUPPLIES & PRINTING) AND A

RESOLUTION NO. (1055-1990) Continued

3230-319 (MISC. SUPPLIES)
AND DECREASING
APPROPRIATION ACCOUNT NO. A
3230-414 (CONFERENCES AND
SCHOOLS) AND INCREASING A
3230-319 (MISC. SUPPLIES)

Supv. Holbrook offered the following resolution:

WHEREAS, the DARE program has received \$6,000.00 in donations,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts and Donations) by \$6,000.00 and increase the following DARE Appropriation Account Numbers:

A 3230-313 (Office Supplies & Printing) \$1,200.00
A 3230-319 (Misc. Supplies) \$4,800.00

and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 3230-414 (Conferences & Schools) and increase A 3230-319 (Misc. Supplies) by \$500.00.

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. (1056-1990)

AUTHORIZING DIRECTOR OF
DEPARTMENT OF ENVIRONMENTAL
CONTROL TO ARRANGE FOR
SURVEY - WEST CLARKSTOWN
ROAD

Co. Kunis offered the following resolution:

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant to the Town of Clarkstown, has prepared a traffic study of West Clarkstown Road and has recommended that the Town have a survey performed of the 200 feet on either side of the Palisades Parkway Entrance Ramp and 20 feet on either side of the West Clarkstown Road pavement,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to arrange for said survey in accordance with Mr. Lampert's suggestions.

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

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RESOLUTION NO. (1057-1990)

DEFAULTING ESCROW FUNDS
(KOENIG MANAGEMENT, LTD.)

Supv. Holbrook offered the following resolution:

WHEREAS, Koenig Management, Ltd., agreed to complete within a certain period of time the installation of emergency lights and exit signs for premises located at 120-126 North Main Street, New City, New York, and

WHEREAS, a Performance Agreement together with a Letter of Credit in the sum of \$20,000 was furnished to the Town to guaranty the completion of the aforesaid work in order to obtain Certificates of Occupancy, and

WHEREAS, Koenig Management, Ltd. has defaulted in its obligations by failing to complete the installation of emergency lights and exit signs at the above premises;

NOW, THEREFORE, be it

RESOLVED, that the Letter of Credit in the sum of \$20,000 expiring December 1, 1990, held in escrow by the Town to guaranty the installation of the emergency lights and exit signs is hereby declared in default, and be it.

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby directed to take all necessary steps to insure that the work be completed, and be it

FURTHER RESOLVED, that the Building Inspector and the Fire Inspector and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

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. (1058-1990)

DENYING THE PROPOSED
AMENDMENT TO THE ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN - ROCKLAND
HYUNDAI - MAP 107, BLOCK A,
LOTS 13.02 AND 13.04

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 25th day of September, 1990, provided for a public hearing on the 23rd day of October, at 8:20 P.M., to consider the application of ROCKLAND HYUNDAI, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners designated on the Clarkstown Tax Map as Map 107, Block A, Lots 13.02 and 13.04, from an R-22 District to an LIO 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;

Continued on Next Page

RESOLUTION NO. (1058-1990) Continued

NOW, THEREFORE, be it

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

Seconded by 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. (1059-1990)

AUTHORIZING TOWN ATTORNEY TO DEFEND THE TOWN OF CLARKSTOWN AGAINST WEST BRANCH CONSERVATION ASSOCIATION, INC. AND MARCUS RATLIFF, INDIVIDUALLY AND AS A MEMBER

Co. Smith offered the following resolution:

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

WEST BRANCH CONSERVATION ASSOCIATION, INC., MARCUS RATLIFF, Individually and as Member of West Branch Conservation Association, Inc.,

Petitioners,

against

THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

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

Seconded by Co. 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. (1060-1990)

TOWN BOARD DENIES THE PETITION OF C & A CARBONE, INC. FOR A SPECIAL PERMIT TO CONDUCT A RECYCLING FACILITY

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RESOLUTION NO. (1060-1990) Continued

Co. Maloney offered the following resolution:

WHEREAS, C & A CARBONE, INC. has petitioned the Town Board of the Town of Clarkstown for a Special Permit to operate a recycling facility pursuant to the provisions of Chapter 106-16R of the Zoning Ordinance of the Town of Clarkstown for property located on the East side of Western Highway, West Nyack, New York, more particularly described on the Clarkstown Tax Map as Map 88, Block A, Lot 15, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on November 14, 1989, at 8:10 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown Reserved Decision at the Town Board meeting of November 14, 1989;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Department of Environmental Control, dated August 1, 1989, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested special permit 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 the reasons of public health, safety and welfare, the Town Board hereby DENIES the petition of C & A CARBONE, INC. for a Special Permit to conduct a recycling facility.

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

Councilman Maloney spoke regarding Agenda Item 22 (Appointment - Director of Municipal Counseling Services). He noted that this has been tabled until next week. He said it was very important that we recognize the fact that we have a situation that demands the hiring of a qualified individual for this particular position. There has been a lot of arm twisting and other things going on. He said he hopes once and for all by next meeting on December 4th that we will resolve this and have a Director of the Counseling Center in place.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Zoning Ordinance (Parking Requirments in RS District), was opened, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Amendment to Zoning Ordinance (Parking Requirements in RS District), was ADJOURNED, time: 9:22 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Zone Change from R-15 District to MF-1 District - Associates of Rockland, was opened, time: 9:23 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-15 District to MF-1 District - Associates of Rockland, was ADJOURNED, DECISION RESERVED, time: 10:00 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Amendment to the Zoning Ordinance re: Lot Line, was opened, time: 10:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Amendment to the Zoning Ordinance re: Lot Line, was closed, RESOLUTION ADOPTED, time: 10:15 P.M.

RESOLUTION NO. (1061-1990)

AMENDING THE ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN, SECTION 106-3

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 25, 1990, provided for a public hearing 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, 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, 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 September 7, 1990, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

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."

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RESOLUTION NO. (1061-1990) Continued

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 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.....Yes

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

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

63

Town Hall

11/27/90

9:10 P.M.

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

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE -PARKING
REQUIREMENTS IN RS DISTRICTS

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

Supervisor noted that with regard to this matter the SEQRA had not been completed so the Town Board cannot take any action on this tonight.

Supervisor called upon Robert Geneslaw, Town Planning Consultant. Mr. Geneslaw said this proposed amendment to the zoning code was requested by owners and managers of private properties within the town. It was intended to make the parking requirements, as were read, consistent with properties over 60,000 square feet in floor area and those under 60,000 square feet. While it would make the code consistent with respect to the requirement there are about 100 properties that potentially would be affected by it. He said they have communicated with the Town Board and the Building Department trying to get an idea of what the actual impact might be.

Mr Geneslaw said the practical effect of this, they believe, is that property owners would attempt to have more of their floor area designated as warehouse space for purpose of meeting the code requirement and less of it designated as retail space thereby allowing a reduction in parking and an increase in the size of building for existing properties and construction of additional space on properties not yet developed. That could increase traffic generation on Route 59 and on Route 303 and Route 9W at the northerly end. What we are trying to do is establish, with some accuracy, the actual effects this could have. It appears at this point that there are about 100 tax lots that are potentially affected and what we are trying to do is to narrow that down.

Town Attorney noted that the Rockland County Commissioner of Planning approved and said it was for local determination. The Town Planning Board was for denial of the application.

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

Appearance: Mr. Dennis Coyle
1 Sherwood Road
Congers, New York

Mr. Coyle said he represents many of the property owners who have some of this RS zoning with 20,000 square foot lots in the 9W area of Congers. He noted that the Building Inspector had said when you are talking about a warehouse in an RS zone the parking requirement was excessive. He stated that Mr. Geneslaw had used the words "stabilized" and "logical" and he agreed with him on those words. He felt this parking requirement should be consistent with the whole RS zoning.

Appearance: Mr. William Nest, Member
Clarkstown Planning Board

Mr. Nest wanted to give the Clarkstown Planning Board's position on this. He noted that parking requirements are constantly

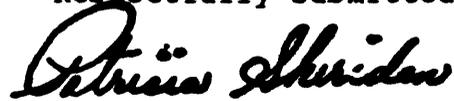
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being reviewed. He said they had made a change in 1977 allowing less spaces. They had hoped that maybe we would get smaller buildings which would leave some land in reserve for parking with more trees, etc. However, the building size increased. Mr. Nest cited past examples and problems they foresaw. He said the Planning Board feels that the zoning ordinance should be left as it is and not be increased.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was adjourned, sine die, pending completion of SEQR, time: 9:22 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

65

Town Hall

11/27/90

9:23 P.M.

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

RE: Zone Change (R-15 to MF-1) - Map 122, Block C, Lot 4
A.O.R. Developers (Rockridge Estates)

On motion of Councilman Maloney, seconded by Councilman Kunis 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 recommended disapproval for the following reasons:

1. Our previous review dated 6/22/88 (copy enclosed) is still valid.

2. Granting this zone change would leave two abutting tracts of land facing Storms Road zoned R-15, and would set a precedent for these and other parcels on Rte. 303 to be similarly changed. If the Town is interested in granting this MF-1 zoning, comprehensive study of parcels along Rte. 303 should be done, and related to the Town's comprehensive plan.

Mr. Jacobson said the Clarkstown Planning Board likewise recommended disapproval.

Mr. Jacobson stated that SEQRA has not been completed so that no affirmative action can be taken tonight.

Town Clerk then read two letters. One was from Mr. John Lucanera, 427 Storms Road, Valley Cottage, New York, urging the Town Board to vote no on this zone change. The other was a note regarding a telephone call from a Mrs. McWilliams, 424-B Storms Road, Valley Cottage likewise urging the Town Board to vote against this zone change. (These letters are on file in the Town Clerk's office.)

Supervisor asked if the representative of the applicant was present?

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

Mr. Deutsch stated that he was speaking tonight on behalf of the application submitted by AOR Developers, Inc. He said his primary point in support of the application is that in a very real sense this is not a zone change application although in form that is what it is. In a typical zone change application, what the applicant is requesting is to change the use of the property or increase the density on the property and in this particular case, as neither is going to occur, what we are primarily suggesting is that this is an application for permission to construct a different type of multiple family dwelling than that which has already been approved for the site. He said what they are proposing to do on this site is to construct these multiple family dwellings in the exact same footprint for which we have already received an approval from not only the Planning Board but also from this Board.

Mr. Deutsch described the history of the applicant's involvement with this parcel. He noted that they first applied for a standard subdivision approval containing 20 single family lots each of them on their own 15,000 square foot parcel. Because of traffic problems on Storms Road and the deep slopes on the property,

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the requested single family homes were not practical. The suggestion was made, and was actually approved, that multiple family be developed. He stated that multiple families can exist under the clustering concept in an R-15 zone. Sixteen homes all attached were given approval on an area which comprised a little over 2 acres. He mentioned that he had the subdivision plan that was approved showing the town house project. This project only has access onto Route 303 and there was no access out to Storms Road nor was there any proposal for Storms Road to be affected in any way.

Supervisor asked when that subdivision was approved and he was told in 1987. At this point reference was made to the subdivision map and discussion on it was had among Town Board Members and Mr. Deutsch.

Mr. Deutsch said each of the lots is approximately 27 feet in width and applicant began the process of preparing the site for this development. Building plans were actually prepared for the site and Mr. Deutsch described the plan. He said the house would be 3 stories, 27 feet wide by 52 feet long. Each of these houses would contain about 3,000 square feet of living space so there would be developed on this site 16 homes containing about 3,000 square feet for a total of about 48,000 square feet.

Mr. Deutsch said the applicant is now requesting the Board give permission to use the site in a slightly different manner. The proposal is in the same area but to build smaller apartments but more of them in the same two acres. He said they would covenant that they would contain not more than 45,000 square feet with each apartment not containing more than 1,000 square feet. In total there would not be any more square footage than what has already been approved for the site, all located in the same position as shown on the site plan.

Mr. Deutsch said they think this plan is in the best interests of the Town. He said they feel that this Town needs more smaller residential dwellings more than it needs another townhouse project. The need is there for young people, young marrieds, older people who have given up their homes and they would like to develop this site for that purpose.

Mr. Deutsch reiterated that the site would be developed to no greater extent than it is already approved for. In substance, what this application really is, is for permission to construct smaller apartments in the same space that we have already been given permission for to construct larger apartments. He said they feel it will not have any great impact on the Town other than to give the Town something that they believe the Town needs more of.

Councilman Maloney asked how many units they were asking for? Mr. Deutsch said they were prepared to covenant that the absolute maximum would be 45,000 square feet. They said they would be amenable to a slightly smaller number. Councilman Maloney asked could it be less? Mr. Deutsch said it could be slightly less but not too much less because then it becomes uneconomical. Councilman Maloney said then it is not anywhere near 50,000 or 60,000 square feet? Mr. Deutsch said no, it is not. Mr. Deutsch noted that they had had approval but it had lapsed. He was reasonably sure they could get it back again. There is already approval for 48,000 square feet of multiple family use on this site.

Councilman Mandia said if he understood correctly the approval Mr. Deutsch is talking about is preliminary approval from the Planning Board. He asked is that under the R-15 zone? Mr. Deutsch said it is and it is important to note that preliminary approval is sort of a misnomer. Preliminary approval, for all intents and purposes, is the approval. You need the preliminary approval in order to carry out some additional administrative

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steps. You can't get DEC approval or Health Department approval without preliminary approval but it is a very unusual circumstance where the Planning Board will vary from the preliminary map that is approved.

Supervisor asked how many acres have already been cleared there? Mr. Deutsch said he did not know. He went out and inspected the site and he has a site plan that shows their 20 lots and which does show the edge of the ridge. He said he is not sure who did the clearing as a lot has grown back in.

Councilwoman Smith said she thinks in the Planning Board minutes it states that about 3 acres have been cleared. Mr. Deutsch said that would be his guess. From the map that he has it indicates that it is approximately 3 acres.

Appearance: Mr. William Nest, Member
Clarkstown Planning Board

Mr. Nest said in 1982 there was an update of the Master Plan and this parcel was deemed environmentally sensitive. It was recommended that it be changed to R-40 so there would be less housing. At that time the owner of the land approached the Supervisor and said you are taking away my life savings and the Town Board said we will leave it stay as R-15. A few years later the owner sold the land and the owner then came before us to use the land wanting many things. The Supervisor asked us to work with the applicant to come up with a plan so he could build. We did. The land was R-15. The Planning Board decided that 16 lots were really buildable. If they were put in, having a road put in there was going to be almost impossible. We had to establish a count. There is a 281 law in Town. That is not multiple family. When we try to save parts of the land because of certain conditions we call it cluster building. We told him that he knew and we knew that he couldn't build 16 houses and not make any type of profit without knocking down the whole mountain.

We then asked the Town Board if we could build under 281? You gave him the right to build under 281. The 281 said yes you can build those 16 houses. The only feasible way he could build there was two groups of 8 - two buildings with 8 units each. The land was so sensitive that we wanted to put a driveway around the buildings but could not because you were right into the mountain. We had to put all the parking in front. There was very little buffer that we could provide. We did the best we could to design and approve something for two 8 units or 16 houses.

The builder then said he was all set and knocked down 3 acres of trees. We had also put a provision in there that in case Storms Road ever got sewers we wanted them to put a dry sewer through there so we could connect Storms Road. A few months later the builder came and said he couldn't build because we wanted a sewer line through there. We said we recognize maybe that was too much but go ahead and build your 16 units. Don't put the sewer line in. Just give us an easement there to relieve you of some of this burden so that you can go on. He said from the start he didn't think he wanted to build 16 units but wanted more. Nothing has changed. That mountain is still there. The ravines are still there. The drainage in the front of the building is still there. Route 303 is getting worse and it is going to get worse as time goes on and we don't feel that to increase that from 16 to 45 or whatever is necessary.

The applicant also talks about affordable housing. What is affordable housing? He does not come out with any amounts of money. He said units. You can go anywhere and get condominiums in Valley Cottage and Congers and anyplace else. There are many

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available that you can buy. This was not approved for multi family. It was approved under 281. All the builders are taking marginal pieces of land and after they get it they decide they are going to change it from what the zoning is to a multi family zone. We are doing harm to this Town. The feeling of the Planning Board is not to change the zone. Let it be built as it was designed and how it was zoned for many years.

Appearance: Mr. Bill Lauer
Storms Road

Mr. Lauer said he lives on Storms Road directly across from the proposed site. He submitted an information sheet for the record and urged the Town Board to support the Planning Board's position.

Appearance: Mr. Dan Fox
Storms Road

Mr. Fox said he totally agreed with Mr. Nest of the Planning Board. He noted that there are no sidewalks on the road and he was worried about the school children having to walk there. He expressed concern about the traffic on the road and didn't want any more traffic in the area.

Appearance: Ms. Dorinda Mittiga
Congers, New York

Ms. Mittiga said in the fall of 1988 there was a small article in the Journal News about this proposal. The three people who were looking at it favorably were Mr. Maloney, Mr. Kunis and Mrs. Smith. She said she thought at the time that this was one of the most asinine proposals she had seen coming across in the Town's history in a very long time. She said she would like to concur with Mr. Nest. She said she thinks he stated very reasonable reasons why they should not be entertained.

Appearance: Mr. Kevin MacManus
423 Storms Road
Valley Cottage, New York 10989

Mr. MacManus said the first thing the attorney said was the man bought the land and then realized he couldn't build on it. Didn't this man look at it? The traffic is bad there. We went all through this a couple of years ago and he thought it was over with and it is not. He is opposed to it basically for the traffic.

Appearance: Ms. Carole Russel
426 Storms Road
Valley Cottage, New York

Ms. Russel the attorney wants us to belief that this is just a little change and preliminary approval is just about there. But this is a big change and if it requires a change in the zoning, this is a change. Sixteen to nearly sixty units is a big change in the number of cars and people in the area. This is not zoned for this kind of use. We bought our home because we like the quality of life there. We can't stop all change. Some change is for the better but when someone buys a piece of property use, it for what it is intended.

Appearance: Mr. Timothy O'Sullivan
New City, New York

Mr. O'Sullivan said he was against this development mainly because of the traffic problems on Route 303 which will be exacerbated by the opening of the Pyramid Mall. He said the builder's representative said to us that he is offering the Town of

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Clarkstown something good. What is he offering us? Not anything that we really need. He said the only thing he sees is an outrageous grab at greed. We have had enough greed in this county to last a lifetime.

Mr. Joseph Deutsch spoke in rebuttal. He said what they are proposing is to build this project essentially the way it was designed. What is important is that it did not almost receive approval. It did receive approval and it did receive the approval for the 16 homes. He said substance is more important than form and although this is an R-15 which is not a multiple family zone, 16 homes together really does constitute a multiple family project. On the issue of affordability that was something that was mentioned in our petition and he did not deliberately refer to it in his presentation and we have not dealt with it at all. The reason for that probably stems from his own feelings. He acts as volunteer counsel to one of the affordable housing groups in the County and he has examined all of the affordable housing programs that exist in a good many of the towns in the State of New York and he has reached the conclusion after examining them all they all have so many problems that the best way to ensure affordable housing is by the old market theory which is supply and demand. If the supply is out there then the prices will be kept down as we can see in the current market and that is the best way to ensure that the housing will be affordable.

Mr. Deutsch said whatever we build there cannot be any more expensive than some small housing units. If they are any higher than they are just not going to sell. He said we are building it as designed. As it is designed there will be no impact on Storms Road. Many of the complaints here tonight have been about people who live on Storms Road. There is no traffic on Storms Road. There is no development under this proposal that is onto Storms Road so there is virtually no impact or very little impact on Storms Road.

Supervisor noted that the Board at this time could either deny or reserve decision.

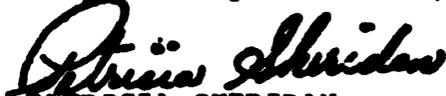
Supervisor said that the SEQRA was just submitted the other day so realistically we are talking about a month's time. Town Attorney said that was correct. He said then the earliest the Town Board could make a decision would be immediately after Christmas. It was decided that it would probably be the first meeting in January. According to law SEQRA has to be at least thirty days. A resident asked if they would be notified again. Supervisor said they would be and it would probably be at the first meeting in January.

A Mr. Stanley Cracovia stated that he lives on Christian Herald Road. The request is for a zone change from R-15 to MF-1. Is that the entire parcel? Supervisor said their parcel. Mt. Cracovia asked is it just the acres down by Route 303. Supervisor said it would have to be the entire parcel because the entire parcel would be subject to consideration by the Planning Board. Mr. Cracovia said that would allow multiple family development then if it is changed to MF-1 on the entire piece. He felt that should be taken into consideration. A change in the whole piece should not be allowed.

Supervisor said we are now looking at the first meeting in January and we will notify people as to the date of that.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was adjourned, DECISION RESERVED, time: 10:00 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

71

Town Hall

11/27/90

10:00 P.M.

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

Re: Amendment to Zoning Ordinance - Re: Lot Line

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 noted that the Rockland County Commissioner of Planning recommends approval. The Town Planning Board in their letter of 9/4/90 recommended additional wording in 106-3 and further wants to amend 106-19.

Mr. Geneslaw said they were not part of the advertisement and if you want to consider them you would have to call an additional public hearing. Town Attorney noted that he understood that but he was just telling the Board what was said.

Mr. Geneslaw said the advertisement notes two changes to the definitions. The first one changes the definition of front lot line so that it refers to both public or private street. The purpose of this is to treat lots that are in private streets the same way as lots that are in public streets. The difference is that sometimes with small parcels developers have proposed private streets because they could count the area within the street as part of the lot, therefore getting more lots out of a small parcel. It seems inherently unfair to do that. It also discourages construction of public streets.

The second one - if you think of a flag lot, the portion of the rear lot that is used for access to get out to the street - at the present time that is all counted as part of the lot area of the lot. What the amendment would do is to say the portion of that flag lot that is used for the right of way or easement doesn't count for purposes of establishing minimum lot size. The reason for that is the Planning Board sometimes gets proposals for subdivisions where the entrance driveway may be several hundred feet long and the driveway - the few feet on either side of it count as part of the rear lot. By the time you get to the rear lot the actual useable portion is way under what the minimum would be because that driveway portion has been counted. The purpose of that amendment is to eliminate that. That would discourage the use of a long driveway on a flag lot. It would not prohibit it but it would discourage it.

Councilman Mandia said his concern was that there may be someone who has owned the lot for 30 years and is just waiting for someone to build them a home perhaps and suddenly we have now taken and made that valueless. His second concern was that there could be utility easements or something that may exist. Town Attorney said it only says vehicular access. Councilman Mandia said when he owned a home on Long Island there was an easement in the back for the local power company for vehicular access in the event of an emergency. His concern was, for example, a lot line for a swimming pool may mess somebody up who wants to put a swimming pool in for a reason that is really not very valid because it is a roadway that may be used once a year by a utility company. He said he did not want to create a problem. He asked if his concern was a good one?

Mr. Geneslaw said he understood what Councilman Mandia was saying. This was not intended to affect that at all. This was intended to affect where somebody has a flag lot and the pole

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portion of the lot is used for everyday access out to the street. That pole portion of the lot would not be counted as part of the minimum lot area to meet the requirements of the code. It would not affect the set backs. It would not affect the utility easements even if the utility company had the right of occasional access for maintenance - just for the daily coming in and going out.

Councilman Mandia said let's say a person is in an R-40 zone and the fact of the matter is there is "x" thousand number of square feet - a small amount, maybe 5%. They are short of the R-40 necessary to build a home. Will removing that affect their property and make it valueless? Mr. Geneslaw said no, it would mean they would have to go to the Board of Appeals. He said there are occasionally situations like that. More often it is the developer who sees a lot that can be subdivided, who buys the lot and then comes in to subdivide into two or three. Sometimes this gives some really strange lot lines. These two amendments are intended to cover those situations.

Supervisor said there was a case the Town lost in court regarding flag lots off Red Hill Road. Mr. Geneslaw said that was with a crow's foot and that was one that was not advertised. Supervisor said would that be affected by these things here. Mr. Geneslaw said not directly - indirectly it would be but the only way to directly affect that would be to specifically prohibit that. This would discourage it but it would not prohibit it.

Supervisor said that has been approved hasn't it? Or did they win in court? Town Attorney said they won in court based on the fact that these lots met the zoning criteria. Supervisor said then that issue has been resolved? Mr. Geneslaw said resolved in the sense that the crow's foot would now be allowable until the Board amended the code to prohibit it. Town Attorney said what the Court said was that the Planning Board merely had a policy of discouraging these lots. Whereas, if there is a legislative enactment prohibiting them then they could have applied that. Since it wasn't, they couldn't.

Mr. Nest said he thought in the Planning Board's view the most important one is the crow's foot. He said we have in our code a provision that says you have to have 50 foot frontage on a public road to have a lot. Our code is interpreted by a building inspector. One building inspector said that you can have a lot come down to 15 foot along the edge of the lot. As you approach the road you come out 50 foot. Now you have a lot. If you get another lot up there and come down 15 foot and now you put another driveway, you come out another 50 foot. Now you are 100 feet. Supervisor said more like a quadraped rather than a crow.

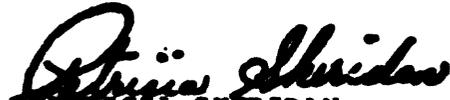
Mr. Nest said we knew that this was wrong. In 1984 we said we are not going to approve crow's lots anymore and we thought by setting a precedent like that and going through the years that we would have no problem. We didn't, until up on Red Hill Road a man had a piece of property and he divided the land and gave half the land to his son and daughter in law on one side and on the other side he wanted to put three houses. He said to us I am going to come down with the crow's foot and I want three lots there. We said no, you can't do that. Why don't you take a little land on the side, put a road through there? He was smart. He went to court and our code said in the interpretation as long as he had 50 feet along the road he could build. So, what did we do? We had to approve it. We didn't put 50 foot. He said we almost wanted to say put it there as a shining example so everybody could see what this is. What did we do? We only gave a 25 foot road so that he could have one access because it was right and we said let's try to eliminate that and that is what we are asking now - for wording in this code. Just one short sentence to eliminate the crow's foot and he said he thinks that is very important.

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He said the other thing, when we talk of people looking for private roads, people after awhile are looking to have the private roads taken over by the Town. We say to them why shouldn't you have the same size road as everybody else does, whether it is private or public, and that is why we want the change there. He said regarding the flag lot they have asked for three different motions here because even the Planning Board couldn't come to 100% conclusion on the last one with the flag lot. Whether you should have 50% or whether you should have nothing, it is not the lot that is existing. These builders come in and they look like a jig saw puzzle. As long as they can get 50 feet somewhere it doesn't make any difference how big the flag portion of the lot is. It becomes less than an R-10. You are taking all of your land into the pole portion of it. We said let's eliminate that and you'd be surprised when the developers come in with their plot plans. It is not the individual lot. That will still be there and there will be no problem.

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, DECISION ADOPTED, time: 10:15 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

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