

Town Hall 12/18/90

Present: Supervisor Holbrook  
Council Members Kunis, Mandia and Smith  
Councilman Maloney not present  
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: Ms. Carmelita Muller  
New City, New York

Ms. Muller spoke regarding a continuing drainage  
problem which she is experiencing with regard to Rodeo East  
Subdivision, New City.

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RESOLUTION NO. (1101-1990) ACCEPTING MINUTES OF TOWN  
BOARD MEETING OF DECEMBER  
11, 1990

Co. Mandia offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of  
December 11, 1990, are hereby accepted as submitted by the Town  
Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (1102-1990) SCHEDULING TOWN BOARD  
MEETING FOR DECEMBER 31,  
1990 at 12:00 NOON

Co. smith offered the following resolution:

RESOLVED, that the Town Board shall schedule a Town  
Board meeting for December 31, 1990, at 12:00 noon, in the  
Clarkstown Town Hall auditorium, 10 Maple Avenue, New City, New York.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1103-1990) ACCEPTING PROPOSALS FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC., FOR STREET  
LIGHTING AT WALTHAM AVENUE,  
CONGERS

ABF471

RESOLUTION NO. (1103-1990) Continued

Co. Smith offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

Waltham Avenue Congers  
(Intall one (1) - 5800 lumen sodium vapor street  
light on existing utility pole number 60655/42340.)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1104-1990)

AUTHORIZING RENEWAL OF  
AGREEMENT WITH HI-TOR  
ANIMAL CARE CENTER

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 1991 and terminating on December 31, 1991, and be it

FURTHER RESOLVED, that all other terms and conditions of the present agreement to remain the same, except to change the per diem rate for each dog delivered by the Town's Dog Control Officer or Police Department to the Hi-Tor Animal Care Center, from \$6.00 to \$7.00, and further to change the rate charged to owners for release of their dogs from \$7.50 per day to \$ 8.50 per day, upon the recommendations of the Town Clerk and the Dog Control Officer.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1105-1990)

AUTHORIZING RELEASE OF  
MAINTENANCE BOND WITH

Continued on Next Page

RESOLUTION NO. (1105-1990) Continued

REGARD TO DEDICATED  
SUBDIVISION (TALL TIMBERS)

Co. Mandia offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a Savings Certificate in the sum of \$2,650 furnished to the Town in connection with dedication of the road and improvements in a subdivision known as TALL TIMBERS is terminated and the sum of \$2,650 may be released to the guarantor.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1106-1990)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING" SIGNS BRADLEY  
DRIVE FROM SCOTT DRIVE TO  
MEIN DRIVE AND MARK LANE  
FROM BRADLEY DRIVE TO  
DEERFOOT DRIVE

Co. Smith offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to install:

"No Parking Monday - Friday From 8:00 a.m. to 4:00 p.m." signs on both sides of Bradley Drive from Scott Drive to Mein Drive

and also

"No Parking Monday - Friday From 8:00 a.m. to 4:00 p.m." signs on both sides of Mark Lane from Bradley Drive to Deerfoot Drive

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. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1107-1990)

SETTING PUBLIC HEARING FOR  
EXTENSION OF CLARKSTOWN  
CONSOLIDATED WATER SUPPLY  
DISTRICT TO INCLUDE CRESCO  
SALES, INC.

Continued on Next Page

ABF471

RESOLUTION NO. (1107-1990) Continued

Co. Mandia offered the following resolution:

WHEREAS, a written Petition dated November 26, 1990 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said town, to be bounded and described as follows:

(DESCRIPTION ON FILE IN TOWN CLERK'S OFFICE)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on the 8th day of January, 1991, at 8:05 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (1108-1990)

ALLOWING MEMBERSHIP RENEWAL FOR ROCKLAND COUNCIL ON ALCOHOLISM - CLARKSTOWN COUNSELING CENTER (FEINER AND BEERMAN)

Co. Smith offered the following resolution:

RESOLVED, that Emily Feiner, CSW, and Susan Roth Beerman, CSW, of the Clarkstown Counseling Center be allowed to renew membership for the Rockland Council on Alcoholism \$25.00 per person, for a total of \$50.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1109-1990)

AUTHORIZING ATTENDANCE AT CONFERENCE ON SOLID WASTE MANAGEMENT AND MATERIALS POLICY (LESLIE F. BOLLMAN) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, is hereby authorized to attend a

Continued on Next Page

RESOLUTION NO. (1109-1990) Continued

conference on Solid Waste Management and Materials Policy to be held at the New York Penta Hotel, 7th Avenue and 33rd Street, New York, New York from January 29 - February 1, 1991, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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ABF471

RESOLUTION NO. (1110-1990)

AUTHORIZING ATTENDANCE AT  
UTILITY TURF MANAGEMENT  
COURSE (KNARICH) -  
RECREATION - CHARGE TO  
APPROPRIATION ACCOUNT NO. A  
7140-414

Co. Smith offered the following resolution:

RESOLVED, that Bruce Knarich, Maintenance Supervisor (Grounds), is hereby authorized to attend the Utility Turf Management Course to be held at Cook College, a division of Rutgers University, New Brunswick, New Jersey from January 2 - 19, 1991, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 7140-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1111-1990)

AUTHORIZING ATTENDANCE AT  
18TH ANNUAL PROGRAM FORUM  
(CHARLES F. CONNINGTON) -  
CHARGE TO APPROPRIATION  
ACCOUNT NO. A 7310-414

Co. Smith offered the following resolution:

RESOLVED, that Charles F. Connington, Assistant Superintendent of Recreation and Parks, is hereby authorized to attend the 18th Annual Program Forum to be held at the Nevele Resort, Ellenville, NY from January 28 - 30, 1991, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 7310-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

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RESOLUTION NO. (1111-1990) Continued

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

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RESOLUTION NO. (1112-1990)

REJECTING ALL PROPOSALS  
RECEIVED FOR BID #82-1990 -  
ACCESS CONTROL SYSTEM AND  
AUTHORIZING DIRECTOR OF  
PURCHASING TO READVERTISE  
FOR BID #82A-1990 - ACCESS  
CONTROL SYSTEM

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Town computer consultant that all proposals received for:

BID #82-1990  
ACCESS CONTROL SYSTEM

are hereby rejected, and be it

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

BID #82A - 1990  
ACCESS CONTROL SYSTEM

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 Friday, January  
11, 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 Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (1113-1990)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #10-1991 -  
PRINTING OF SPRING/SUMMER  
PARKS AND RECREATION  
BROCHURE

Co. Smith offered the following resolution:

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

BID #10-1991  
PRINTING OF SPRING/SUMMER PARKS AND  
RECREATION BROCHURE

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,

Continued on Next Page

RESOLUTION NO. (1113-1990) Continued

January 17, 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 Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1114-1990)

AWARDING BID FOR BID #2-1991 -CUSTODIAL AND JANITORIAL SUPPLIES - (ZEP MANUFACTURING CO., PURITAN CHEMICAL COMPANY, CERTIFIED LABS, AETNA JANITORIAL SUPPLY, E.A. MORSE & CO., JOHN EARL CO, HALBRO CONTROL INDUSTRIES, INC. AND ROSEBRAND WIPERS)

Co. Smith offered the following resolution:

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

BID #2-1991  
CUSTODIAL & JANITORIAL SUPPLIES

is hereby awarded to

ZEP MANUFACTURING CO.  
PO BOX 299  
SPRINGFIELD NJ 07081  
PRINCIPAL: PUBLIC CORPORATION

PURITAN CHEMICAL COMPANY  
8-10 GWYNNS MILLS COURT  
PO BOX 517  
OWING MILLS, MARYLAND 21117  
PRINCIPALS: PUBLIC CORPORATION

CERTIFIED LABS  
ONE MACK CENTRE DRIVE  
PARAMUS NJ 07652  
PRINCIPALS: IRVIN LEVY  
LESTER LEVY  
MILTON LEVY, JR.

AETNA JANITORIAL SUPPLY  
137 N MAIN STREET  
SPRING VALLEY, NY 10977  
PRINCIPALS: HARRY FRIEDMAN  
FAY FRIEDMAN

E.A. MORSE & CO  
11-25 HARDING ST.  
MIDDLETOWN NY 10940  
PRINCIPALS: WINIFRED V. MORSE  
EMERSON A. MORSE

JOHN EARL CO  
216 UNION STREET  
HACKENSACK NJ 07601  
PRINCIPALS: JANET EARL  
DONALD B. EARL

HALBRO CONTROL INDUSTRIES, INC  
2090 ROUTE 110  
PO BOX 260  
FARMINGDALE NY 11735  
PRINCIPALS: CHARLES HALPERN  
STANTON HALPERN

ROSEBRAND WIPERS  
517 W 35TH STREET  
NEW YORK NY 10001  
PRINCIPALS: GEORGE JACOBSTEIN  
RITA SHAPERO

Seconded by Co. Mandia

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ABF471

RESOLUTION NO. (1114-1990) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1115-1990)

AWARDING BID FOR BID NO.  
3-1991 BUS TRANSPORTATION  
(LAIDLAW TRANSIT INC.,  
PETER BREGA, SADDLE RIVER  
TOURS)

Co. Smith offered the following resolution:

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

BID #3-1991  
BUS TRANSPORTATION

is hereby awarded as follows:

SUMMER DAY CAMP - swimming route - YOUTH ONE DAY BUS TRIPS and  
SENIOR CITIZEN DAILY CLUB ROUTE

LAIDLAW TRANSIT INC.  
16 HOFFMAN STREE  
SPRING VALLEY NY 10977  
PRINCIPAL: PUBLIC CORPORATION

SENIOR ONE DAY TRIPS - school bus

PETER BREGA  
PO BOX 152 KINGS HWY  
VALLEY COTTAGE NY 10989  
PRINCIPALS: ESTATE OF PETER BREGA

SENIOR ONE DAY TRIPS - COACH - WITH LAVATORY  
SADDLE RIVER TOURS  
119 GRAHAM LANE  
LODI NJ 07644  
PRINCIPAL: JAMES R MURPHY

as per price schedule on file in Purchasing Dept.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1116-1990)

AUTHORIZING ISSUANCE OF  
CERTIFICATE OF REGISTRATION  
(NO. 91-1) TO RONALD J.  
TARIGO

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1116-1990) Continued

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

RONALD J. TARIGO  
5 Capral Lane  
New City, New York 10956

RESOLVED, that the following Certificate of Registration be issued:

NO. 91-1 to RONALD J. TARIGO

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. (1117-1990)

AMENDING RESOLUTION NO.  
905-1990 TOWN HALL  
ALTERATIONS AND RENOVATIONS  
- INCREASING ESIMATED  
REVENUE ACCOUNT NO.  
01-002999 (UNEXPENDED  
BALANCE) AND INCREASING  
CAPITAL ACCOUNT A-9550-910  
(TRANSFER TO CAPITAL)

Supv. Holbrook offered the following resolution:

RESOLVED, that Resolution No #905-1990 TOWN HALL ALTERATIONS AND RENOVATIONS - HVAC is hereby amended by \$30,000 by increasing estimated Revenue Account 01-002999 (Unexpended Balance) by \$30,000 and Increase Capital Account A-9550-910 (Transfer to Capital) by \$30,000.00, and be it

FURTHER RESOLVED, that the Administrative Director, Building Department is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Bertram J. Cross, Architect, P.C. for all contracts on Town Hall alterations & renovations not to exceed \$210,000 be allocated against Capital Fund Accounts H-1690-409 and H-1680-409.

Seconded by Co. Smith

Councilman Kunis asked Mr. Ghiazza what the \$30,000.00 represented? Mr. Ghiazza said some of this money is for the additional work they have to do in the computer room. He said there is money in the 1990 budget for furniture and that money will go into this so that we can buy it as part of this project. Councilman Kunis asked if the bid was \$210,000.00? Mr. Ghiazza said the total project for the computer room and the Building Department will not exceed that? Councilman Kunis said was the original resolution not to exceed \$180,000.00? He was told yes. He said then it was increased by \$30,000.00? Mr. Ghiazza said the money has been authorized for other accounts but it has to be transferred. Councilman Kunis said forgetting where the money is coming from or how it is coming, it has gone from \$180,000.00 to \$210,000.00. The original bid was \$180,000.00.

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ABF471

RESOLUTION NO. (1117-1990) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1118-1990)

ACCEPTING RESIGNATION (BY  
RETIREMENT) OF SENIOR  
ACCOUNT CLERK TYPIST -  
COMPTROLLER'S OFFICE  
(EILEEN KEVANE)

Co. Smith offered the following resolution:

RESOLVED, that the resignation (by retirement) of  
Eileen Kevane, P.O. Box 50, Nanuet, New York - Senior Account Clerk  
Typist - Comptroller's Office - is hereby accepted - effective  
January 11, 1991, at the close of the business day.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1119-1990)

APPOINTING TO POSITION OF  
OFFICE WORKER STUDENT -  
BUILDING DEPARTMENT (HOLLIE  
AMSTER)

Co. Smith offered the following resolution:

RESOLVED, that Hollie Amster, 4 Cygnet Lane, Valley  
Cottage, New York, is hereby appointed to the position of Office  
Worker Student - Building Department - at the current hourly rate of  
\$5.50 - effective pending R.C.P.O. approval of application.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1120-1990)

APPOINTING TO POSITION OF  
LABORER STUDENT -  
MAINTENANCE DEPARTMENT  
(DANIEL COYNE)

Co. Smith offered the following resolution:

RESOLVED, that Daniel Coyne, 6 Brookside Avenue, New  
City, New York, is hereby appointed to the position of Laborer  
Student - Maintenance Department - at the current hourly rate of  
\$7.00 - effective December 19, 1990 thru January 10, 1990.

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RESOLUTION NO. (1120-1990) Continued

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1121-1990)

APPOINTING TO POSITION OF  
OFFICE WORKER STUDENT -  
COUNSELING CENTER (NOREEN  
WALSH)

Co. Smith offered the following resolution:

RESOLVED, that Noreen Walsh, 209 Radcliff Drive, Upper  
Nyack, New York, is hereby appointed to the position of Office  
Worker Student - Counseling Center - at the current 1990 hourly rate  
of \$5.50 - effective December 19, 1990 - for a period not to exceed  
30 days.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1122-1990)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF SENIOR  
GROUNDWORKER (JOSEPH HEIM)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Parks Board and Recreation Commission of Joseph  
Heim, 4 Sunnyside Avenue, Middletown, New York, to the position of  
Senior Groundworker - Parks Board and Recreation Commission - at  
the current 1990 annual salary of \$22,208.00, effective and  
retroactive to December 10, 1990.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Mandia asked Mr. Ghiazza if this was a  
replacement? Mr. Ghiazza said this was a promotion of an existing  
employee from a Groundworker to a Senior Groundworker.

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

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RESOLUTION NO. (1123-1990)

APPOINTING TO POSITION OF  
(TEMPORARY) CLERK TYPIST -  
TOWN CLERK'S OFFICE (EILEEN  
MCCULLOUGH)

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ABF471

RESOLUTION NO. (1123-1990) Continued

Co. Smith offered the following resolution:

RESOLVED, that Eileen McCullough, 3 Eastlyn Court, Bardonia, New York, is hereby appointed to the position of (temporary) Clerk Typist - Town Clerk's Office - at the current 1990 annual salary of \$16,113.00, effective December 19, 1990.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1124-1990)

APPOINTING TO POSITION OF  
OFFICE WORKER STUDENT -  
SUPERVISOR'S OFFICE (CHRIS  
DAVIES)

Co. Smith offered the following resolution:

RESOLVED, that Chris Davies, Box 146, Dr. Davies Road, Congers, New York, is hereby appointed to the position of Office Worker Student - Supervisor's Office - at the current hourly rate of \$5.50 - effective December 24, 1990 thru January 11, 1991.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1125-1990)

INCREASING HIGHWAY  
SUPERINTENDENT'S SALARY TO  
BUDGETED AMOUNT FOR 1990  
PERIOD FROM SEPTEMBER 1  
THROUGH DECEMBER 31, 1990

Co. Smith offered the following resolution:

BE IT RESOLVED, that the Highway Superintendent's salary be increased to the amount budgeted for 1990, pro-rated and retroactive to pay period from September 1 through December 31, 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1126-1990)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO HAVE  
NECESSARY CORRECTIVE

RESOLUTION NO. (1126-1990) Continued

DRAINAGE WORK PERFORMED  
(VICINITY OF LOT  
170-A-16.01, BUENA VISTA  
ROAD, NEW CITY, NEW YORK) -  
CHARGE TO CAPITAL ACCOUNT #2

Co. Smith offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of 170-A-16.01, Buena Vista Road, New City, New York; and

WHEREAS, the Director of the Department of Environmental Control has recommended a solution to ameliorate said condition; and

WHEREAS, the Department of Environmental Control has prepared the necessary plans and profiles for the corrective drainage work entitled, "Buena Vista Road Drainage Project";

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is authorized to hire the necessary equipment and purchase the necessary materials to have performed the corrective drainage work; and be it

FURTHER RESOLVED, that the necessary survey work will be performed by the Department of Environmental Control; and be it

FURTHER RESOLVED, that all construction supervision shall be the responsibility of the Superintendent of Highways; and be it

FURTHER RESOLVED, that all costs for this project shall be a proper charge of Capital Account #2 and shall not exceed \$30,000.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1127-1990)

AUTHORIZING RAYMOND KEYES  
ASSOCIATES, INC. TO PROVIDE  
ENGINEERING SERVICES WITH  
RESPECT TO SQUADRON  
BOULEVARD, NEW CITY  
CHARGE TO CAPITAL ACCOUNT  
NO. H 1989-04-409

Co. Smith offered the following resolution:

WHEREAS, Raymond Keyes Associates, Inc. has submitted a proposal for engineering services to perform an alignment study for Squadron Boulevard, which is located between Route 304 and Main Street, New City;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Raymond Keyes Associates, Inc. to provide engineering services to perform the alignment study for Squadron Boulevard between Route 304 and Main Street, New City, and be it

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ABF471

RESOLUTION NO. (1127-1990) Continued

FURTHER RESOLVED, that the Supergisor is hereby authorized to enter into an agreement with Raymond Keyes Associates, Inc., in a form satisfactory to the Town Attorney, to provide for said engineering services, and be it

FURTHER RESOLVED, that the cost of the alignment study shall not exceed \$11,500.00, and shall be charged to Capital Account No. H 1989-04-409.

Seconded by Co. Mandia

Councilman Kunis said to Mr. Bollman that he had in prior years submitted a list to the Town Board of priority capital expenditure projects. He asked if this project was on any of those lists? Mr. Bollman said not to his knowledge. Councilman Kunis said he did not think this was a proper time to invest the money in this project. He said he thinks Mr. Bollman confirms that by indicating that this wasn't on our priority list. Mr. Bollman said he would like to state that he did give the Town Board four or five jobs at the end that were joint ventures - one being the drainage that we are doing in West Nyack and he said he thinks this was one of the those that he had talked about where we were getting contributions. He said he did think he acknowledged the existence of this project. Councilman Kunis said he did think there were other priorities in the Town not that he thinks this project doesn't need attention but he thinks there are other projects that we will prioritize over this. So he was going to vote no not to spend this money.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1128-1990)

SETTING PUBLIC HEARING RE:  
PROPOSED LOCAL LAW ENTITLED  
AMENDMENT TO CHAPTER 50  
(GARBAGE REMOVAL)

Co. Smith offered the following resolution:

WHEREAS, Councilwoman Smith , a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 50 (GARBAGE REMOVAL)  
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 December 31, 1991, at 12:10 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.

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RESOLUTION NO. (1128-1990) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (1129-1990)

SETTING PUBLIC HEARING RE:  
VIOLATION ON PREMISES -  
MAP 127, BLOCK L, LOT 27  
(ROCLAN DEVELOPERS, INC.)

Co. Mandia offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations on premises reputedly owned by ROCLAN DEVELOPERS, INC. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK L, LOT 27, and be it

FURTHER RESOLVED, that a public hearing be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of January, 1991, at 8:15 P.M., providing Notice Pursuant to Town Code, Section 31, can be made on or before December 26, 1990.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (1130-1990)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW ENTITLED  
"SOLID WASTE TRANSPORTATION  
AND DISPOSAL"

Co. Smith offered the following resolution:

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"SOLID WASTE TRANSPORTATION AND DISPOSAL)"

and

WHEREAS, this local law regulates the disposal of acceptable waste at the Clarkstown Solid Waste Facility, including a Transfer Station, as a replacement for the existing Clarkstown Sanitary Landfill, and also the disposal of acceptable waste at recycling facilities operated pursuant to a Special Permit. The Transfer Station has received a permit from the New York State Department of Environmental Conservation (NYSDEC) for the construction and an operating permit is anticipated. Private recycling facilities are subject to a specific SEQRA review as part

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RESOLUTION NO. (1130-1990) Continued

of the Special Permit process. This local law reflects the transition from a landfill to a transfer station, and the action is considered to be an Unlisted Action under the provisions of the New York State Environmental Quality Review Act Regulations.

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 December 31, 1990, at 12:05 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 Supv. Holbrook

On roll call the vote was as follows:

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

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On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law - Proposed Amendment to Ethics Law, was opened, time: 8:25 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law - Proposed Amendment to Ethics Law, was closed, RESOLUTION ADOPTED, time: 8:31 P.M.

RESOLUTION NO. (1131-1990)

ADOPTING LOCAL LAW NO.  
8-1990 - AMENDMENT TO  
CHAPTER 9 (ETHICAL  
STANDARDS) OF THE TOWN CODE  
OF THE TOWN OF CLARKSTOWN

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

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

was introduced by Councilman Maloney at a Town Board meeting held on November 27, 1990, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 27, 1990, directed that a public hearing be held on December 18, 1990, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 5, 1990, and

Continued on Next Page

RESOLUTION NO. (1131-1990) Continued

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 November 19, 1990, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 18, 1990;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8 - 1990, entitled:

"AMENDMENT TO CHAPTER 9 (ETHICAL STANDARDS)  
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  
Ralph F. Mandia, Councilman.....Yes  
Ann Marie 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.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of Special Permit - Tolstoy Foundation, Inc., was opened, time: 8:32 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of Special Permit - Tolstoy Foundation, Inc., was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (1132-1990)

GRANTING SPECIAL PERMIT TO  
CONSTRUCT HOUSING FOR THE  
AGED (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, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of

Continued on Next Page

## RESOLUTION NO. (1132-1990) Continued

Clarkstown on December 18, 1990, at 8:05 P.M., to consider such application, 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, the Town Board makes the following Special Findings pursuant to Section 106-14B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area; morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 4, 1990, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the 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 a Special Permit to erect additional housing for the aged on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 106-14B of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall secure site plan approval from the Planning Board;
3. Widen existing roadway to at least 18 ft. for two-way traffic, with time table for doing work to be worked out between Tolstoy and Clarkstown Planning Board;
4. Petitioner shall provide an easement agreement to the Town of Clarkstown for the maintenance of the detention pond with a right to use the existing roadway for vehicular traffic for the purpose of maintaining the detention pond;
5. Petitioner shall provide a gravel roadway from the existing roadway to the detention pond with same as above with Highway Superintendent;

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RESOLUTION NO. (1132-1990) Continued

6. Petitioner shall provide a gratuitous road widening along the entire length of the Rockland Lake frontage in accordance with the Official Map width, and provide a deed, title report and map with metes and bounds description satisfactory to the Town Attorney;

7. Petitioner shall provide a drainage easement along the stream running through the property if same is required by the Superintendent of Highways of the Town of Clarkstown,  
and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: December 18, 1990 By: /s/ Charles E. Holbrook  
Charles E. Holbrook, Supervisor

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance to Permit Auto Laundries in CS Zones was opened, time: 8:56 P.M.

On motion of Councilman Kunis, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance to Permit Auto laLndries in CS Zones was closed, DENIED, time: 9:33 P.M.

RESOLUTION NO. (1133-1990) DENYING PROPOSED AMENDMENT  
TO ZONING ORDINANCE RE:  
AUTO LAUDRIES IN CS ZONES

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of November, 1990, provided for a public hearing on the 18th day of December, 1990, at 8:15 P.M., to consider amending the Zoning Ordinance of the Town of Clarkstown to permit auto laundries in CS zones, and

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

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

NOW, THEREFORE, be it

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RESOLUTION NO. (1133-1990) Continued

RESOLVED, that based upon the report of Robert Geneslaw dated December 17, 1990, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance 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 proposed Amendment to the Zoning Ordinance.

Seconded by Co. Mandia

Councilman Mandia said the road right now is one lane and not two and we don't know what will happen in 1992. He said he thinks the applicant deserves a reason for his vote and that is one of the reasons. He said he heard a comment from a lady in the back about the heaviest use of a car wash being on Saturday and Sunday mornings at 11:00 o'clock. He said that is the time when kids are bowling in bowling alleys and they are all over the parking lot. Thirdly, he said he thinks the Town Board in the past has acted wisely. He doesn't think the corridor of Main Street in New City is the proper place for a car wash. There may be a place in New City but this is not the place. He said they were the reasons for his vote and he is voting yes to deny.

Councilwoman Smith said she was voting yes to deny because she thinks the site with the dual purpose would be just too congested.

Supervisor Holbrook said he was voting yes to deny for the basic reason that the CS zone is pervasive throughout the Town and if you allow it here it is going to be difficult to control its spread to other hamlets. New City has the largest CS zone of all the hamlets and that is the reason for his vote.

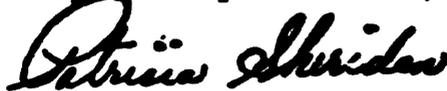
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:34 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

129

Town Hall

12/18/90

8:25 P.M.

Present: Supervisor Holbrook  
Council Members Kunis, Mandia and Smith  
Councilman Maloney not present  
Murray N. Jacobson, Town Attorney  
Patricia Sheridan, Town Clerk

Re: Proposed Local Law - Amendment to Ethics Law

On motion of Councilwoman Smith, 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 said this is basically an add on to the law that we adopted earlier this year. It is mandated by the state and that is why we are holding this public hearing now.

Town Attorney said we had provided in the original local law that these disclosure statements be confidential. The state law says they have to be open for inspection except for value and amounts and that is what we are doing to conform to the state law.

Supervisor asked if any of the council members wished to speak. No one did.

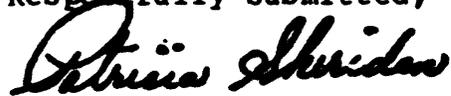
Supervisor asked if anyone present in the audience wished to make a comment or ask a question?

Town Clerk asked if this would all take place when the Ethics Committee is in place? Supervisor said it is in place. Town Clerk said but they will handle this and it will not be handled by the Town Clerk's Office. Supervisor said that was correct. The Ethics Committee would be handling this.

In response to a question Supervisor gave an example that if he had a mortgage at the bank, he would have to list that. He would have to note the creditor but the amount would not be made public. That is according to state law.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:31 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (1131-1990) ADOPTED)

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TOWN OF CLARKSTOWN  
PUBLIC HEARING

131

Town Hall

12/18/90

8:32 P.M.

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

Re: Extension of Special Permit - Tolstoy Foundation, Inc.

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

Town Attorney noted that the County Planning Board had approved noting that it was for local determination. The Town Planning Board approved subject to conditions:

1. Widen the existing roadway to at least 18 ft. for two-way traffic;
2. An easement agreement should be provided to the Town of Clarkstown for the maintenance of the detention pond with a right to use the existing roadway for vehicular traffic for the purpose of maintaining the detention pond;
3. A gravel roadway shall be provided from the existing roadway to the detention pond;
4. Superintendent of Highways should advise the Town Board whether a drainage easement along the stream running through this property is required at this time;
5. Provide gratuitous road widening along the entire length of the Rockland Lake frontage in accordance with Official Map width, and provide deed, title report and map with metes and bounds description satisfactory to the Town Attorney's office.

Town Attorney said our consultant noted that the SEQRA finds there would be no environmental impact. Supervisor said the Town Board could act on this tonight. Town Attorney said that was correct.

Supervisor asked if the applicant or representative was present.

Appearance: Patrick J. Finnegan, Esq.  
representing Tolstoy Foundation

Mr. Finnegan introduced Mr. Leon Marion, the Executive Director of The Tolstoy Foundation Center, and said he would speak about the generalities of the application. Mr. Finnegan said he will reserve the opportunity to address some of the conditions referred to in the comments made by the Town Attorney. He also noted that Mrs. Judith Lawler, the architect who prepared and submitted the plans on this particular matter, was also present.

Appearance: Mr. Leon Marion  
Executive Director

Mr. Marion said the Tolstoy Foundation has had a center on Lake Road since 1939 and has some 37 acres of property there. He said it has taken them almost 24 months to get to this juncture. He said what they are asking for is that the Town Board take action tonight on the construction of two small buildings. One is what they call a quadraplex and is made up of four separate units. The other is a duplex. Both of these will be almost in the center of

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the property. He said they are asking that the extension of the special permit be given so that these can be constructed.

Supervisor asked if they are replacing any dwellings that are already there or are these just going to be new dwellings? Mr. Marion said these are new dwellings but in the meantime we have taken down one building which was on the planning map. He said they have also submitted their master plan to the appropriate offices. He said he thinks they have done whatever they need to do in order to obtain this special permit.

Supervisor asked what was the total number of units for which they were applying? Mr. Marion said in one there will be four units and in the other one there will be two. Each one will have the same amount of square feet - about 2,000 square feet. Councilman Mandia asked how many persons would be accommodated in each one of the six units. Mr. Marion said there will be four in one and there will be four in the others but they will be couples. The duplex is for couples and the quadraplex is for four singles.

Councilwoman Smith said you mentioned 24 months but that is not the time it took to process in the Town is it? Mr. Marion said no it was our own planning. There were many hurdles involved.

Mr. Finnegan said appropos the comments from the Planning Board that the Foundation provide some form of access road to the so-called water retention basin, he felt a brief bit of history with respect to that might be appropriate.

Mr. Finnegan said in 1974 the Foundation filed an application to establish what is called a health related facility that would have been a building adjacent to the nursing home and its purpose was to serve for those persons who did not need skilled nursing care but still required some kind of care. That application came before this Board and was approved in 1974. In conjunction with the approval the Town imposed a condition for the establishment of the so-called water retention basin on Tolstoy's property which at the time and still does consists of approximately 40 odd acres. Their reasoning, of course, was attributable to the significant drainage problems in the area much of which were not cleared on Tolstoy but the area where they sought the water retention basin was a natural basin for the accumulation of large bodies of water. The health related facility was never built. A concomitant condition imposed by the Board at that time was that Tolstoy dedicate to the Town a 10 foot wide road widening easement on Lake Road. That was in fact implemented and during the tenure of Mr. Jacobson, who was then Town Attorney. Consequently, we had then imposed upon us a condition that was never really necessary in light of the fact that we did not implement the approval given for the health related facility for financial reasons. He said he was sure the Board was aware that the Tolstoy Foundation is a non-profit charitable organization and has been working here in Rockland County as well as world wide for the past 50 years.

Mr. Finnegan said in 1978 the Tolstoy Foundation renewed their efforts to have a health related facility through the bureaucratic mainstream of the State of New York. Being given some indication that it might then be approved we came back to the Town Board once more in light of the fact that the approval given in 1974 had expired. Once again the Town Board by resolution, and both of these resolutions are of record, approved the concept of the health related facility continuing the requirement for the water retention basin and once again, unfortunately, the health related facility did not get established again because of financial reasons. In the time frame of 1980, 1981, 1982, 1983 and 1984 the problems of water drainage in the area was still significant and the Town requested the Tolstoy Foundation to grant to them an easement on its property

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so that the Town could create a water retention basin. He said he obtained, as counsel for the Tolstoy Foundation, approval from their Board of Directors to grant the Town such an easement and we granted it to them. The Town installed the easement and the Town presumably has been maintaining it. How well he is not saying critically one way or the other but he is quite certain that it is not done in the most grand fashion. He said nonetheless on this present application the Planning Board will seek to impose upon applicants, conditions which impose a great deal of expense. That particular condition would in fact impose significant expense on Tolstoy. He said he respectfully submits to the Board that we have already given you the easement for the water retention basin. You have created the water retention basin. It was done with machinery and trucks, etc. from the Town and he said with respect to this present application should it be approved that that condition not be imposed because of the exorbitant cost that it will foister on the organization.

Supervisor asked Mr. Finnegan if he was talking about the road? Mr. Finnegan said yes. He said, however, in the context of the master plan that is before you, Tolstoy's plans envision something beyond the quadraplex and the duplex that they are here applying for this evening. He said down the road there will be a necessity to replace the old persons' homes which presently exist on the premises which the state has been requesting to Tolstoy that they refurbish or replace. Obviously, on the plan that you have before you, you will see the proposal for that particular thing. If and when that comes about there is a road intended to be put on the entire periphery of the property and obviously at that point in time it might constitute a form of ingress and egress should the necessity for the continuing maintenance which he submits should be done by the Town to the water retention basin becomes a necessity.

Mr. Finnegan said upon this evening's application he suggests that the condition which the Planning Board suggests that you should attach to any approval should not really be necessary but should rather be an obligation of the Town in the first instance in light of the history of the premises.

Councilwoman Smith said is that the only condition to which you take exception? You don't have trouble with Number 3 where you widen it to 18 feet? Mr. Finnegan said he would let Mrs. Lawler address that problem because it is in actuality her plans that we have before you.

Appearance: Mrs. Judith Lawler, Architect  
Scholfield and Colgan

Mrs. Lawler said she was not sure she understood the latest Planning Board recommendation that the road into the entire property be widened to 18 feet? Town Attorney said the existing roadway. Supervisor said there must be a concern about getting a fire engine in there. Mrs. Lawler said when they met with the Technical Advisory Committee their advice was that the road off the access road to the quadraplexes and duplexes be built at 18 feet. They had not suggested widening all the road in there to 18 feet and so we haven't really addressed that problem in our own minds in terms of the probable cost of it, etc. She said she was sure that would eventually be part of a master plan and it would be desirable.

Supervisor asked Mr. Robert Geneslaw, Planning Consultant, if he knew what road they are talking about? Mr. Geneslaw said he would agree with Mrs. Lawler that what the Planning Board was trying to do was ensure a greater level of fire safety. Mrs. Lawler said they had not received that memo so we haven't addressed that in our own minds about how possible that would be or the schedule that we would be able to do that. She said she thinks it would be desirable in the long run. It is just that every added expense puts building these little buildings further in the future

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because it becomes harder and harder to do it. She said they would certainly be willing to consider it and to perhaps present an acceptable schedule for doing that.

Supervisor asked if Town Board members had any questions or comments. No one did.

Supervisor asked if anyone present in the audience had any questions or comments.

Appearance: Ms. Helen Isdofer  
Valley Cottage, New York

Ms. Isdofer stated that her property abuts Tolstoy. She said she has been a neighbor for over 28 years. She said she would like to see the master plan. The old peoples' home is very close to her own. They have been good neighbors except for a few times when they have been shot at. She said everything has been fine since then. She asked if the quadraplex was going to be four areas for four persons, one group in each area for a total of 16? Mr. Marion said it is going to be in one area and it will be one building, one roof, with four separate units. Ms. Isdofer said will that be four persons in each and Mr. Marion said no, one person in each. It will be 2,000 square feet one story high. Ms. Lawler said it will be 4,000 square feet in all. One has 4 apartments of 500 square feet and one has two apartments of 1,000 square feet.

Ms. Isdofer asked just where on the farm this would be located? Ms. Isdofer was shown the maps and had it explained to her. Mr. Marion said he would supply her with a copy of their master plan. Ms. Isdofer said she thought it was a great idea.

Supervisor invited anyone in the audience who was interested to approach the dais and view the map. At this point there was dialogue and comments regarding the map. Supervisor presented a copy of the map to Ms. Isdofer.

Supervisor said he thought they could work something out with regard to the road in conjunction with the Town Planning Board. Mr. Geneslaw said the question with the road width is primarily for emergency access for fire equipment and secondarily for the Highway Department to get back to the retention pond which the Town has an obligation to maintain if it is accessible. Environmental Control recommended that the road be at least 18 feet wide to allow for that and the Planning Board agreed.

Councilwoman Smith asked if that was the gravel roadway in addition to the other one? Mr. Geneslaw said the Planning Board was talking about the main entrance road coming in which should be at least 18 feet. They did not talk about a schedule as to how it might be done. They simply recommended that it be widened. Supervisor said we could approve this saying that the road should be widened but there would be a schedule worked out, a timetable for the implementation of this.

Mr. Geneslaw said he thought that could be done and then probably the next step of approval would be contingent upon working out that agreement. If an agreement could not be worked out they would have to come back here. Supervisor said let's make it clear on the record that we want the road to be widened. However, there will be an acceptable schedule worked out between the Town and Tolstoy to accomplish this. Mr. Geneslaw said you should just indicate what agency of the Town should have the responsibility so it is clear. Town Attorney said he would change Number 3 to widen existing roadway to at least 18 feet for two way traffic. The timetable for doing work to be worked out between Tolstoy and the Planning Board.

Councilwoman Smith asked about Item 5. Mr. Geneslaw said 5 was the gravel road to the retention pond. He said

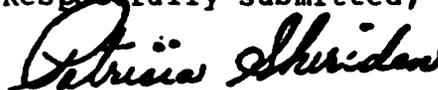
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Environmental Control had requested that so the Town could get equipment back there to maintain the existing retention pond. He said he thinks the way the Planning Board left it was that it ought to be upgraded to a condition acceptable to the Town Highway Superintendent since he is the one who would be arranging for equipment to go in and do any maintenance work. He said he did not know if there had been any discussion with Mr. Mauro on that. He said that could also be made subject to working out an agreement with Mr. Mauro.

Supervisor said he felt both of those could be approved with the added stipulations.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (1132-1990) ADOPTED

ABF471

TOWN OF CLARKSTOWN  
PUBLIC HEARING

137

Town Hall

12/18/90

8:56 P.M.

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

Re: Amendment to Zoning Ordinance of Town of Clarkstown  
to Permit Auto Laundries in CS Zones

On motion of Councilman Mandia, 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 Planning Board approved. He said on October 18, 1990 the Clarkstown Planning Board recommended denial. The SEQRA report was received on December 17, 1990 and it stated that there was no environmental impact.

Supervisor said to approve this amendment based on the recommendations of the County Commissioner of Planning would require a simple majority of the Town Board.

Supervisor called upon Martin Cornell, Attorney, who stated that this application is related to a proposed change in the text of the ordinance. He said he would like to talk about a particular site because that is why we are here tonight. He said he represents David Cherry who owns the New City Bowl. He said that Mr. Cherry has lived in Rockland County almost all his life and operated a business in the Spring Valley area for thirty-five years and is a resident of New City. He purchased the New City Bowl about four years ago and has invested several hundred thousand dollars in improvements. He anticipates investing several hundred thousand more over the next few years and will continue to operate that facility as a recreational area in New City. To make that parcel, which is located in New City on Main Street a viable, economic parcel there really has to be additional utilization of the land. When the property was analyzed it was determined one of the best uses to which the property could be put, in addition to the bowling center, was a car wash. As a result of that a preliminary design was developed for a car wash which would be located on the site behind the bowling alley.

Mr. Cornell said the property runs from Main street to Route 304 and is about 600 feet in depth with 100 feet of frontage on Main Street and about 280 feet of frontage on Route 304. The car wash would be behind the bowling alley and would not be visible from Main Street. It would not adversely impact upon the shopping center to the south or the property to the north. The ideal location of this site is the reason that there is a very substantial lead to the location of the car wash which would permit cars to stack, if necessary, probably in excess of fifty, coming in from Main Street and fifty cars approximately coming out onto the Main Street. It is anticipated that even at peak hours there would never be any stacking that would be in excess of that number of cars. It is felt that the vehicle access and exit to the premises would in no way adversely impact on Main Street.

Mr. Cornell said in order to facilitate this project, the only way this could occur would be to amend the text of the ordinance which is what is before you tonight in connection with the zone. Car washes are now permitted in the RS zone by special permit with certain conditions. He said they are suggesting that the ordinance be amended to permit car washes in the CS zone with the existing conditions that are in the ordinance now which require a special permit but also we have suggested that any parcel would have to have at least one acre. In addition, there would have to be a

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minimum reservoir for cars coming into the site of thirty vehicles. The reason that this has been suggested is to ameliorate your concerns and the concerns of others that there may be other properties in the CS zone that are going to come in with an application for another car wash which may not be on a desirable site. He said they feel with these conditions, the two mentioned which are new, will make it very difficult for most other sites to come in successfully. In addition to that, the special permit requirements in the ordinance now require that the applicant come before you which is not technically what we are doing tonight. If the text is changed, they would come before you for the special permit. We would have to prove to your satisfaction with expert witnesses and any other documentation that you and the planning consultants feel desirable that there would not be any traffic congestion or any traffic hazards created by the application; that there is a need for the facility at that site; and a number of other conditions as spelled out in the ordinance, in addition to the ones already mentioned.

Mr. Cornell said the applicant has a very heavy burden to meet all of these requirements and any other applicant for any other CS site would have the same burden to come in and make this proof so that you, as the Town Board, unlike any other Town agency, have the control over whether or not there are any other car washes in any other CS zones that might come before you and you can specifically control the use. He said their feeling is that there really is a need for this facility at this location. There is presently a car wash in Congers, in Nanuet, in West Nyack, in Spring Valley and in other parts of Rockland County. New City and north Clarkstown is really the only area where there is not a car wash and we feel that there is a definite need. There is a population in the New City area of probably 20,000 to 30,000. This is a service which he thought the people of north New City and the area really desire.

Mr. Cornell said they didn't rely on their subjective judgment on this but did ask people to help us with that determination. He presented a petition which was circulated and there are about 200 signatures on it, most of whom are from the New City and Clarkstown area. The petition says it is addressed to the Clarkstown Town Board. Mr. Cornell read the introduction to the petition which is on file in the Town Clerk's Office.

Mr. Cornell said in addition another factor which they feel is important is that if this facility is here in the New City Clarkstown area it means that people will not necessarily go out of the area to shop, which means that the people who live in the area will patronize the local shops and the local facilities because they have this additional service. He said this is a good facility for the area and will help and enhance the New City area.

Mr. Cornell presented a sketch of what the facility would look like. Reference was made to this by Mr. Cornell and the Town Board members. Mr. Cornell said the operation itself is environmentally sophisticated and computerized. These facilities are very clean. About 80% of the water is recycled so there is not a lot of new water that is used for each vehicle. The waste produced is trapped and taken away by waste haulers in a professional manner. The average number of cars anticipated would be about 28 cars an hour. At peak periods the most would be about 60 cars an hour but that would only be on a weekend or some other peak period. The mechanism of the facility is such that it can be speeded up so that if there are more cars there they can move the process faster so they go through the facility with some speed. The operation would probably be from 8:00 A.M. to 6:00 P.M. during the day.

Mr. Cornell said although this is not an application for a special permit, he knew one of the Board's concerns with regard to this site may be Main Street and the traffic. He said

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Mr. Jack Boswell is here and they have analyzed a recent study of the DOT for Main Street which you may be aware of.

Appearance: Mr. Jack Boswell, Engineer

Mr. Boswell submitted a traffic study to the Town Board for their consideration (which is on file in the Town Clerk's Office). He read certain salient portions from the report stating that this is a project which is going to be done and which he is sure the Board is well aware of. Mr. Boswell, after reading much of the report, stated that it is their feeling that this is a service and he thinks the Town Board looks toward giving services to the people who live here and as it was pointed out, this is the only hamlet that does not have a car wash. If there was a car wash here the overloading that could happen in West Nyack or somewhere else would be lessened because there would be another place to have the car washed.

Mr. Cornell said he thinks the most significant aspect of this textual change is that the Town Board really has control over what may occur in a CS zone. It is not a blank check for a car wash to crop up in any CS zone throughout the Town. There is in the ordinance now, under the special permit conditions that relate to auto laundries, several conditions in addition to the new ones that are in the proposal. The first one says the facility is necessary to serve the surrounding residential retail areas. The applicant must prove to you in connection with a special permit application that condition is met. It would be incumbent upon any applicant to make that proof that there were a large number of car washes in any particular area. Obviously, that condition couldn't be met. We feel that this particular site at the present time, because there is no facility like this in the New City or north Clarkstown area, would probably meet that condition. He said his point is that if the zone text is changed if this applicant comes before you and a special permit is granted it doesn't mean under any circumstances that you are going to receive a flood of applications because the ordinance itself permits you to control this facility under this particular condition.

Mr. Cornell said another condition that is in the ordinance now says the facility is so located as to draw a minimum of vehicular traffic to and through local streets or past an elementary school, park or playground. An applicant has to meet that burden also when it comes before you. There are other conditions which relate to disposal of waste water and other matters which obviously are of interest. In the general findings that must be brought forth before the Board in connection with a special permit application, one which is particularly pertinent to this site is that it will not cause undue traffic congestion or create a traffic hazard. This applicant, or any other applicant, coming before you would have to prove that and if this Board felt that it had not been adequately proved through expert testimony or in whatever manner, you would turn the application down.

Mr. Cornell said what he is saying in substance is that if the text is modified as is before you in this public hearing you have control in granting a special permit and you can approve an application or not approve an application based upon the facts that come before you. If they don't meet those tests then you can turn it down.

Mr. Cornell stated that there is a gentlemen present who is an expert on how car washes work if you would care to have him tell you about it. Mr. Cornell handed up a copy of the map to which they had been referring.

Supervisor asked if there was any member of the public who wished to make a comment or ask a question?

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Appearance: Mr. Ralph Widmaier  
351 Old Mill Road  
Valley Cottage, New York

Business address: 240 Route 9W  
Congers, New York

Mr. Widmaier said when he came before the Town Board for his special permit it was under the RS zone. He said he came to the Planning Board and to the Town Board and he spoke to everybody. They all said it had to be in this zone. Now, we have an applicant saying that he wants to have it in the CS zone. He said it is unfair. Besides the traffic problems that it is going to cause, you are going to put 1000 cars a day at busy times on Main Street in New City and he did not know it that could be handled. He said he was absolutely opposed to the amendment.

Appearance: Ms. Toni Vilkelis  
8 Elinor Place  
New City, New York

Ms. Vilkelis said there isn't a commercial zone in Clarkstown anywhere that does not abut residential neighborhoods. The original reason for putting car washes in an RS zone is because you have them on large highway systems where if there is any overflow of traffic they can handle it. She said Mr. Cornell said you can control it by zoning and you can control it by restrictions. The thing just gets watered down and watered down. The people who will be hurt are the residents of Clarkstown. She complained of the traffic which would be generated and felt it would be putting a tremendous burden on this Town. She said she believes that we should keep our car wash in a regional shopping zone as everyone believes that is where it belongs.

Appearance: Mr. Sidney Krivin  
New City, New York

Mr. Krivin said car washes are going to produce a lot of traffic. There will be noise pollution. There will be a problem getting rid of the water. The waste has to be taken away. It is a very serious matter. We have quite a few car washes in the area. Do we really need another one? He said he knows that we have looked at it before and he hopes that the same practical viewpoint will be taken again. Downzoning, whether it be on a particular or a general basis, is not good. He said he does not want to see any more congestion or any more problems here.

Appearance: Mr. Larry Stalatto

Mr. Stalatto said he is a car wash operator in the Village of Spring Valley. He said he thinks most of the points appropriate here have already been made. There has been a decline in the bowling business in recent years in the entire metropolitan area and perhaps in the northeast. One thing that might be considered is that when you are in the bowling business you are in the entertainment business. Maybe you would want to think about a multi-purpose entertainment center. There are other activities that could go in that area besides a car wash which is totally unrelated.

Appearance: Mr. Martin Feldi  
Little Tor Road  
New City, New York

Mr. Feldi said he remembered that there was one car wash turned down on Main Street already. He said at Johnson's Lane there had been a very good site for a car wash on Route 304 and it was turned down. He said he believed we should leave the car wash in RS zoning. There are plenty of other sites around. It is unfair to some of the other people who looked in CS zoning and knew they

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would be turned down if they came before the Board. He said he agreed with Mr. Cornell that there is a need for a car wash in New City. Traffic in northern New City is very bad but even if you do change it to CS zoning, that is not the site.

Mr. Boswell said reference was made by Mr. Widmaier as to the traffic, etc. He said Mr. Widmaier is on a two lane highway. This, as the traffic study done by the State of New York will show, will be four lanes. He said Mr. Widmaier is in violation of his special permit and has been since he opened but he says other people shouldn't have it. The specifics which will be shown in the traffic study is the signalization all along Main Street will allow a traffic break in order that people can make right and left turns. The special permit use is much more restrictive than what is in the RS and will not necessarily impact any of the residential zones.

On motion of Councilman Kunis, seconded by Councilman Mandia and unanimously adopted the public hearing was declared closed, DENIED, time: 9:33 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (1133-1990) DENYING AMENDMENT ADOPTED

ABF471