

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/23/91

8:08 P.M.

Present: John Maloney, Deputy Supervisor
Supervisor Holbrook absent due to
illness of his father
Council Members Kunis, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

RESOLUTION NO. (293-1991) APPOINTING HARRY EDELSTEIN
CLARKSTOWN TOWN JUSTICE

Co. Kunis offered the following resolution:

WHEREAS, there exists a vacancy in the position of Town
Justice which was formerly held by Town Justice Harry Waitzman, and

WHEREAS, the Town Board of the Town of Clarkstown is
empowered by Town Law, Section 64 (5) to fill such vacancy,

NOW, THEREFORE, be it

RESOLVED, that Harry Edelstein, 35 Glenwood Road, New
City, New York, is hereby appointed to fill the position of Town
Justice - said appointment commencing April 24, 1991 and to
terminate on December 31, 1991, at the annual 1991 salary of
\$38,596.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

Deputy Supervisor presented Family Court Judge, Bernard
Stanger. Judge Stanger stated that he had known Judge Edelstein for
many years and had always been impressed by his dedication to the
practice of law and implementation of justice. He praised Judge
Edelstein highly and proceeded to swear him in as a Clarkstown Town
Justice.

Deputy Supervisor then recognized the outstanding
achievement of three young men in the community who had reached the
rank of Eagle Scout. Certificates of award were presented to James
G. Dietrich, Peter F. Dietrich, and Thornton Ritter. He
congratulated the three young men and they also received
congratulations from the Town Board members.

Deputy Supervisor then presented a proclamation in
honor of Older Americans' Month.

"OLDER AMERICANS' MONTH
MAY, 1991

WHEREAS, the Town of Clarkstown is privileged to number among
its residents over seven thousand older Americans, a
group which has proven to be vital to the growth and
prosperity of our community, and

WHEREAS, these citizens can be considered a great asset to the
Town of Clarkstown, and

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WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and

WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 23rd day of April, 1991, do hereby proclaim the month of MAY as "OLDER AMERICANS' MONTH" in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 23RD DAY OF APRIL, 1991.

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

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

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

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

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

Deputy Supervisor John Maloney then gave copies of the proclamation to Mr. Edward Ghiazza, Superintendent of Parks and Recreation for distribution to the various Senior Citizen Clubs in the Town. He invited the audience to attend the Annual Senior Citizens' Show on Saturday at 8:00 P.M. at the Clarkstown High School South. He noted that admission was free and there would be two and one-half hours of great entertainment. He stated that it is great to see what seventy, eighty, and ninety year old people can do. He urged everyone to come out and support them.

Deputy Supervisor then opened the public portion of the meeting.

Appearance: Ms. Catherine McDougall
New City, New York

Ms. McDougall spoke in opposition to the 2% handling charge on the new sanitation bills which had been mailed out to all the residents.

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

Mr. Lodico spoke regarding the Lake Lucille Aquatic District and stated that he was opposed to this. He questioned the legal right of the Town Board to expend public funds for private causes.

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Appearance: Mr. Kelly Bernard
Spring Valley, New York

Mr. Bernard requested an explanation of Agenda Item No. 8 regarding a recycling agreement with the Village of Spring Valley.

Appearance: Mr. Robert Steinman
19 Olin Drive
Spring Valley, New York

Mr. Steinman requested an explanation of his sanitation bill. Councilman Mandia gave an explanation. Councilman Kunis also explained various reasons for the sanitation bill.

Appearance: Mr. James Conlon
West Nyack, New York

Mr. Conlon spoke regarding Agenda Item #7 (crows foot lots).

Appearance: Mr. Jerry Baum

Mr. Baum had questions regarding the fees for the sanitation pickup.

Appearance: Ms. Arlene Owens
16 Calico Place
Congers, New York

Ms. Owens stated that she was opposed to town policies and that there will be a tax revolt on May 22nd.

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

Mr. Hirshfield spoke regarding the New City Post office and complained of the lack of parking and the traffic congestion.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano spoke regarding the school tax collection. He spoke regarding Item #12 regarding tax certiorari proceedings. He also stated that he would like the Budget Hearings held earlier in the year.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding the New City Post Office.

Appearance: Ms. Zippy Fleisher
New City, New York

Ms. Fleisher spoke regarding conditions at the new New City Post Office. She protested the installation of "No Parking" signs on the west side of Main Street in the area.

Appearance: Mr. Bob Gaglione
Congers, New York

Mr. Gaglione spoke in opposition to a new park proposed in West Nyack.

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Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item #2 - appraisal of property in West Nyack for proposed new park. He also spoke regarding Item #17 - attendance at conferences.

Mr. Sheldon Golden asked a question regarding the public hearing on Iser/Graf zone change. Deputy Supervisor noted that they were unaware until this afternoon that it was to be opened and adjourned. Mr. Golden said the Planning Board should plan a little more carefully. Deputy Supervisor said evidently they needed more information. He said he did not have anything in writing that says it is postponed. Town Board members decided to hold the public hearing and reserve decision.

RESOLUTION NO. (294-1991) ACCEPTING MINUTES OF TOWN BOARD MEETING OF APRIL 9, 1991

Co. Smith offered the following resolution:

Resolved that the minutes of the Town Board Meeting of April 9, 1991 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (295-1991) SETTING PUBLIC HEARING TO ABANDON PORTION OF SECOND STREET, CONGERS (FREEMAN)

Co. Mandia offered the following resolution:

WHEREAS, a request has been made by DENNIS FREEMAN and ANN FREEMAN, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way as shown on a survey entitled, "Survey of Property for Dennis and Ann Freeman, Congers, New York, Town of Clarkstown, Rockland County, dated February 15, 1991, prepared by Thomas A Donovan, P.L.S., " as shown on Schedule "B" attached, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be has at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of May 1991, at 8:10 P.M., pursuant to

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RESOLUTION NO. (295-1991) Continued

Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, and be it

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board, for their report and recommendations, and be it

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

Seconded by Co. Smith

(Schedules A & B on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (296-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE "NO OUTLET" SIGN (NORTHERLY END OF WATERS EDGE ON WATERS EDGE NORTH OF THE RISE)

Co. Kunis offered the following resolution:

RESOLVED, that based upon the recommendation of Howard Lampert, P.E., Traffic & Highway Engineering Consultant, in his report dated March 27, 1991, the Superintendent of Highways is hereby authorized to:

Remove "No Outlet" sign upon the opening of the northerly end of Waters Edge on Waters Edge, north of The Rise.

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:

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RESOLUTION NO. (296-1991) Continued

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

RESOLUTION NO. (297-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING" SIGNS ON HIGHVIEW
AVENUE, NANUET

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the
Superintendent of Highways to install the following signs:

"No Parking Anytime" sign to be located on
the east side of Highview Avenue, Nanuet.

"No Parking from 10:00 A.M. to 6:00 P.M." sign
to be located on the west side of Highview
Avenue, Nanuet.

and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (298-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL FIRE
LANE DESIGNATIONS AT VALE
HYUNDAI, WEST NYACK

Co. Smith offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector
of the Town of Clarkstown recommend implementing certain provisions
of Local Law No. 9-1971, as amended, known as the VEHICLE AND
TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec.
14, of the Code of the Town of Clarkstown, at

VALE HYUNDAI, 250 Rt. 303, W. Nyack, NY 10994

by the installation of fire lane designations, and

WHEREAS, Peter Candito, the owner and/or person in
general charge of the operation and control of the parking area
located in the Town of Clarkstown, has authorized that the Town of
Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971,
as amended, the Town Board hereby directs that the aforementioned

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RESOLUTION NO. (298-1991) Continued

recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (299-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL FIRE LANE DESIGNATIONS (MAP 129, BLOCK A, LOT 5.07) ARC - HEMLOCK DRIVE, CONGERS

Co. Smith offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at

ARC - HEMLOCK DRIVE, CONGERS, NY (129-A-5.07)

by the installation of fire lane designations, and

WHEREAS, Karyl Kaplan, owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (300-1991)

AUTHORIZING MEMBERSHIP IN THE NEW YORK STATE ASSOCIATION OF LARGE TOWNS - CHARGE TO ACCOUNT NO. A 1010-423

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (300-1001) Continued

RESOLVED, that the Town Board hereby authorizes membership in the New York State Association of Large Towns (NYSALT), and be it

FURTHER RESOLVED, that the fee for such membership is \$1,750.00 or the year 1991, and shall be charged to Account No. A-1010-423.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (301-1991)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH GENERAL CODE PUBLISHERS CORP. FOR COMPUTERIZATION OF TOWN CODE - TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT NO. A 1990-505 TO ACCOUNT NO. A 1680-226

Co. Smith offered the following resolution:

WHEREAS, General Code Publishers Corp. has submitted a proposal dated March 27, 1991, to supply the Town of Clarkstown with computerization of the Town Code;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Supervisor Holbrook to enter into an agreement with General Code Publishers Corp. for the computerization of the Town Code, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the cost for said project, which shall include yearly supplements, shall be charged to Account No. A-1680-226, and be it

FURTHER RESOLVED, that \$3,000.00, which is the cost for the initial setting up of the Town Code on PC/Codebook, shall be transferred from Contingency Account No. A-1990-505 to Account No. A-1680-226.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (302-1991)

AUTHORIZING SUPERVISOR TO CONSENT AND AGREE TO MODIFICATION OF LEASEHOLD MORTGAGE BETWEEN CLARKSTOWN RECYCLING CENTER, INC. AND CITIBANK, N.A. CONCERNING TRANSFER STATION SITE

RESOLUTION NO. (300-1001) Continued

RESOLVED, that the Town Board hereby authorizes membership in the New York State Association of Large Towns (NYSALT), and be it

FURTHER RESOLVED, that the fee for such membership is \$1,750.00 or the year 1991, and shall be charged to Account No. A-1010-423.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (301-1991)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH GENERAL CODE PUBLISHERS CORP. FOR COMPUTERIZATION OF TOWN CODE - TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT NO. A 1990-505 TO ACCOUNT NO. A 1680-226

Co. Smith offered the following resolution:

WHEREAS, General Code Publishers Corp. has submitted a proposal dated March 27, 1991, to supply the Town of Clarkstown with computerization of the Town Code;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Supervisor Holbrook to enter into an agreement with General Code Publishers Corp. for the computerization of the Town Code, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the cost for said project, which shall include yearly supplements, shall be charged to Account No. A-1680-226, and be it

FURTHER RESOLVED, that \$3,000.00, which is the cost for the initial setting up of the Town Code on PC/Codebook, shall be transferred from Contingency Account No. A-1990-505 to Account No. A-1680-226.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (302-1991)

AUTHORIZING SUPERVISOR TO CONSENT AND AGREE TO MODIFICATION OF LEASEHOLD MORTGAGE BETWEEN CLARKSTOWN RECYCLING CENTER, INC. AND CITIBANK, N.A. CONCERNING TRANSFER STATION SITE

RESOLUTION NO. (302-1991) Continued

Co. Smith offered the following resolution:

WHEREAS, Clarkstown Recycling Center, Inc. has requested that Citibank, N.A. lend it an additional \$300,000.00 in its construction and opening of the Transfer Station Site in the Town of Clarkstown, and

WHEREAS, as collateral for the new loan, Citibank, N.A. has requested that Clarkstown Recycling Center, Inc. execute and deliver a new leasehold mortgage covering the site lease for the premises on which the transfer station is built, and

WHEREAS, Citibank, N.A. has requested that the Town of Clarkstown acknowledge notice of, and consent to the terms and provisions of the Leasehold Mortgage, Modification and Consolidation Agreement between Citibank, N.A. and Clarkstown Recycling Center, Inc., which is intended to be supplemental to the Consent and Agreement dated October 2, 1990 previously executed by the parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Consent and Agreement acknowledging notice of, and consent to the terms and provisions of the Leasehold Mortgage, Modification and Consolidation Agreement between Citibank, N.A. and Clarkstown Recycling Center, Inc., which is intended to supplement the Consent and Agreement dated October 2, 1990 previously executed by the parties, with respect to the Clarkstown Transfer Station Site, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to April 17, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (303-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI PROCEEDINGS
(PERGAMENT DISTRIBUTORS,
INC.)

Co. Smith offered the following resolution:

WHEREAS, certain tax certiorari proceedings were commenced in the Supreme Court of the State of New York, Rockland County entitled, "PERGAMENT DISTRIBUTORS, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROSS VALENZA, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN", Index No. 4976/85 affecting parcel designated on the Tax Map of the Town of Clarkstown as Map 32, Block B, Lot 85.01 for the tax year 1985/86 and "PERGAMENT DISTRIBUTORS, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, NICHOLAS LONGO, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN", Index Nos. 3481/87 and 2710/88 affecting parcels designated on the Tax Map of the Town of Clarkstown as Map 32, Block B, Lot 85.01 and Map 32, Block B, Lot 94 for the tax years 1987/88 and 1988/89, respectively; and

WHEREAS, the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs each of the proceedings on the following terms and conditions:

Continued on Next Page

RESOLUTION NO. (303-1991) Continued

That the proceedings commenced by the petitioner for the years 1985/86, 1987/88 and 1988/89 are hereby settled in consideration of a lump sum settlement affecting all of the aforementioned parcels in the total amount of \$10,000.00 for all of the parcels payable pro rata; by the Town of Clarkstown - \$1,760.00; by the County of Rockland - \$760.00; by the Nanuet Union Free School District - \$7,480.00.

WHEREAS, it appears to be in the best interest of the Town of Clarkstown 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 proceedings are 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. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (304-1991)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING - MAP 163, BLOCK
A, LOT 11 (HUTTON)

Co. Smith 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 as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by HUTTON FIFTY-NINE TOWN HOUSE LTD. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 163, BLOCK A, LOT 11, and be it

FURTHER RESOLVED, that a public hearing shall 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 28th day of May, 1991, at 8:10 P.M., providing service of Notice Pursuant to Town Code, Chapter 31 is made on or before the 20th day of May, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (305-1991)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31

RESOLUTION NO. (305-1991) Continued

PROCEEDING - MAP 120, BLOCK G, LOT 37 (PITTS)

Co. Smith 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 as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by KORRY and LENORA PITTS, in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 120, BLOCK G, LOT 37, and be it

FURTHER RESOLVED, that a public hearing shall 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 28th day of May, 1991, at 8:15 P.M., providing service of Notice Pursuant to Town Code, Chapter 31 is made on or before the 20th day of May, 1991.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (306-1991)

TRANSFERRING FUNDS (PARKS AND RECREATION) - DECREASE ACCOUNT A-7610-222 AND INCREASE ACCOUNT A-7141-222 (PARKS & RECREATION)

Co. Mandia offered the following resolution:

RESOLVED, to decrease Appropriation Account A-7610-222 (Park and Recreation Equipment) by \$1,000 and to increase Appropriation Account A-7141-222 (Park and Recreation Equipment) by \$1,000.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (307-1991)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #41-1991 (SALE OF SURPLUS VEHICLES)

Co. Kunis offered the following resolution:

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

BID #41-1991
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasin, 10 Maple Avenue, New City, New York by 11:00 A.M. on: Monday, May 20, 1991 at which time bids will be opened and read, and be it

RESOLUTION NO. (307-1991) Continued

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

Seconded by. Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (308-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #42-1991
(TRAFFIC SIGNAL UPGRADES,
NY STATE TRANSPORTATION
ENERGY CONSERVATION PROGRAM)

Co. Kunis offered the following resolution:

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

BID #42-1991
TRAFFIC SIGNAL UPGRADES NY STATE
TRANSPORTATION ENERGY CONSERVATION PROGRAM

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, May 21, 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

RESOLUTION NO. (309-1991)

AWARDING BID FOR BID
#31-1991 SWIMMING POOL LANE
MARKERS & REEL (BROCK
ENTERPRISES)

Co. Smith offered the following resolution:

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

BID #31-1991
SWIMMING POOL LANE MARKERS & REEL

is hereby awarded to

Continued on Next Page

RESOLUTION NO. (309-1991) Continued

BROCK ENTERPRISES
P.O. BOX 5307
60 CONNOLLY PKWY
HAMDEN CT 06514
PRINCIPALS: RAYMOND B. BROCK
RAYMOND B. BROCK, JR.

as per their low bid proposal as follows:

- ITEM #1 KEIFER MCNEIL #200-342 as described @ \$537.00 each (x9)
- ITEM #2 KEIFER MCNEIL #200-350 STORAGE REEL @ \$589.00

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (310-1991)

AWARDING OF BID FOR BID
#19-1991 - FIREWORKS
DISPLAY (ZAMBELLI FIREWORKS
MFG. CO., INC.)

Co. Smith offered the following resolution:

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

BID #19-1991
FIREWORKS DISPLAY

is hereby awarded to

ZAMBELLI FIREWORKS MFG. CO., INC.
20 SOUTH MERCER STREET
NEW CASTLE, PA 16103
PRINCIPAL: GEORGE R. ZAMBELLI

as per their proposed cost of \$4200.00, and be it

receipt of FURTHER RESOLVED, said bid award is subject to the

- 1- Performance Bond or Cash deposit of 100% of proposed cost.
- 2- Certificate of General, Automobile, and Fireworks Display Liability Insurance coverage as described in the bid specifications
- 3- Certificate of Worker's Compensation Coverage
- 4- Save Harmless Agreement

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (310-1991) Continued

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

RESOLUTION NO. (311-1991)

AWARDING BID FOR BID
#27-1991 - ICE CREAM FOR
TOWN SUMMER REFRESHMENT
STANDS (LA SALLE ICE CREAM
CO.)

Co. Smith offered the following resolution:

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

BID #27-1991
ICE CREAM FOR TOWN SUMMER REFRESHMENT STANDS

is hereby awarded to

LA SALLE ICE CREAM CO.
596 MARKET STREET
NEWARK, NJ 07105
PRINCIPAL: STEVEN KISSEL

as per their following low bid proposal.

(Low bid proposal on file in Town Clerk's Office)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (312-1991)

AWARDING BID FOR BID
#28-1991 - SOFT DRINKS FOR
TOWN SUMMER REFRESHMENT
STANDS (PEPSI-COLA-NEWBURGH
BOTTLING CO. INC.)

Co. Smith offered the following resolution:

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

BID #28-1991
SOFT DRINKS FOR TOWN SUMMER
REFRESHMENT STANDS

is hereby awarded to

PEPSI-COLA-NEWBURGH BOTTLING CO., INC.
237 DUPONT AVENUE
NEWBURGH, N.Y. 12550
A PUBLIC CORPORATION

as per their proposed product costs as follows:

Continued on Next Page

RESOLUTION NO. (312-1991) Continued

COLA.....	5 GAL. BAG IN BOX CONTAINER.....	\$ 42.25
DIET COLA.....	5 GAL. BAG IN BOX CONTAINER.....	\$ 42.25
LEMON.....	5 GAL. BAG IN BOX CONTAINER.....	\$ 42.25
ORANGE.....	5 GAL. BAG IN BOX CONTAINER.....	\$ 42.25

CO2 GAS.....@ \$10.00 & \$15.00 DEPOSIT/CYLINDER
 SIZE OF CYLINDER.....20 LBS
 COST OF HOOK-UP.....NONE

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (313-1991)

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

Co. Kunis offered the following resolution:

RESOLVED, that the following employees are authorized to attend the Eleventh Annual Rockland County Youth Forum and Awards Dinner on Thursday, May 2, 1991, at the Terrace on the Hudson, Route 9W, Haverstraw:

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

and be it

FURTHER RESOLVED, that all expenses are not to exceed \$20.00 per attendee and those expenses shall be charged to Appropriations Account A -1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (314-1991)

AUTHORIZING DIRECTOR OF
PURCHASING (LAURENCE
KOHLE) TO ATTEND ANNUAL
CONFERENCE OF NATIONAL
INSTITUTE OF GOVERNMENTAL

Continued on Next Page

RESOLUTION NO. (314-1991) Continued

PURCHASERS - CHARGE TO
APPROPRIATIONS ACCOUNT NO.
A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the annual conference of the National Institute of Governmental Purchasers in St. Paul MN from August 10-14, and be it

FURTHER RESOLVED, that related and necessary expenses thereto be charged to Account No. A 1010-414.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (315-1991)

AUTHORIZING ATTENDANCE AT
1991 HIGHWAY SCHOOL
(SUPERINTENDENT MAURO AND
DESIGNEE) - HIGHWAY
DEPARTMENT - CHARGE TO
APPROPRIATIONS ACCOUNT NO.
A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that John Mauro, Superintendent of Highways and his designee are hereby authorized to attend the 1991 Highway School to be held at Ithaca College, Ithaca, New York on June 3, 4 and 5, 1991; and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (316-1991)

AUTHORIZING ATTENDANCE AT
SEMINAR FOR TAX COLLECTING
OFFICERS - (GERONIMO AND
DAUBITZ)- RECEIVER OF TAXES

Co. Kunis offered the following resolution:

RESOLVED, that Marie Geronimo, Receiver of Taxes and Dolores Daubitz, Deputy Tax Receiver, are hereby authorized to attend a Seminar for Tax Collecting Officers co-sponsored by the Association of Towns of the State of New York and New York State Association of Tax Receivers and Collectors on June 9th thru June 12, 1991 at Fallsvew, Ellenville, New York at a cost of \$72.00 for lodging plus travel, food, and other necessary expenses, said amount to be charged to Account No. 1010-414.

Continued on Next Page

RESOLUTION NO. (316-1991) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (317-1991)

SETTING PUBLIC HEARING AND
SIGNING ORDER CALLING SAME
FOR ROAD IMPROVEMENT
PROJECT FOR A PORTION OF
DUSTMAN LANE, BARDONIA

Co. Smith offered the following resolution:

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board of the Town of Clarkstown wishes to consider the improvement of all or a portion of a street known as Dustman Lane, located south of Schweitzer Lane and west of Route 304, in the Hamlet of Bardonia, New York, which improvements shall consist of pavement, curbs, gutters, catch basins and drainage facilities, benefitting properties shown on the Clarkstown Tax Map as Map 33, Block B, Lots 3.01, 4.02, 29.02, 30.02, 30.03, 30.04, 33.01 and a portion of 31.01, being approximately 1,276.22 lineal feet, and

WHEREAS, the maximum amount proposed to be expended for the improvement shall be the sum of \$60,000.00;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 14th day of May, 1991 at 8:20 P.M., relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, to post a copy of same on the signboard of the Town of Clarkstown, as well as conspicuously in five (5) public places along the Dustman Lane, Bardonia, in the time and manner required by law, and it is

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

TOWN BOARD, TOWN OF CLARKSTOWN

/s/ John R. Maloney
John R. Maloney, Deputy Supervisor

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

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

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

Continued on Next Page

RESOLUTION NO. (317-1991) Continued

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (318-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO HAVE
NECESSARY DRAINAGE WORK
PERFORMED - (MAP 40, BLOCK
A, LOT 200) - 8 AVON DRIVE,
NEW CITY, NEW YORK - CHARGE
TO ACCOUNT NO.
H-1989-25P91-01-409

Co. Smith offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of 8 Avon Drive, New City (Map 40, Block A, Lot 200), and

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

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to have the necessary drainage work performed in the vicinity of 8 Avon Drive, New City, more particularly designated on the Clarkstown Tax Map as Map 40, Block A, Lot 200, in accordance with the recommendation of the Director of Environmental Control, and be it

FURTHER RESOLVED, that all costs shall be charged to Account No. H-1989-25P91-01-409.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (319-1991)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES ALONG OLD
HAVERSTRAW ROAD, CONGERS
(KOHLER)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney of the Town of Clarkstown, deed dated June 2, 1981, between LEONARD SCHWALL, as executor of the last will and testament of Mitchell Kohler, and the Town of Clarkstown for road widening purposes along Old Haverstraw Road, Congers, New York as shown on a Final Plat of Minor Subdivision for JESSICA KOHLER filed in the Rockland County Clerk's Office on June 11, 1982, in Book No. 98, at Page No. 58, as Map No. 5377, is hereby accepted and ordered recorded in the

Continued on Next Page

RESOLUTION NO. (319-1991) Continued

Rockland County Clerk's Office; together with a 20 ft. wide drainage easement along the westerly property lines of Lots 2, 3 and 4 as shown on the aforesaid filed subdivision map.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (320-1991)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK ON LOTS 2, 3 AND 4 IN JESSICA KOHLER MINOR SUBDIVISION

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby directs the Superintendent of Highways to have the necessary drainage work performed in the easement which is located adjacent to Lots 2, 3 and 4 in the Jessica Kohler Minor Subdivision, as shown on a Final Plat of Minor Subdivision for JESSICA KOHLER filed in the Rockland County Clerk's Office on June 11, 1982, in Book No. 98, at Page No. 58, as Map No. 5377.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (321-1991)

SCHEDULING TOWN BOARD MEETING MAY 6, 1991 AT 8:30 P.M.

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby schedules a Town Board Meeting for May 6, 1991, at 8:30 P.M., in Room 311 of the Clarkstown Town Hall.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (322-1991)

RECOGNIZING APPOINTMENT BY SUPERINTENDENT OF HIGHWAYS OF MOTOR EQUIPMENT OPERATOR I - HIGHWAY DEPARTMENT (DAVID WARREN)

RESOLUTION NO. (322-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of David Warren, 99 Mountain View Trailer Park, Stony Point, New York, to the position of Motor Equipment Operator I - Highway Department - at the current 1991 annual salary of \$24,339.00, effective and retroactive to April 8, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (323-1991)

REAPPOINTING TO POSITION OF
MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE
(FREDERICK J. HENSEY)

Co. Smith offered the following resolution:

RESOLVED, that Frederick J. Hensey, 19 North Harrison Avenue, Congers, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective and retroactive to April 16, 1991 and to expire April 15, 1994.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (324-1991)

REAPPOINTING TO POSITION OF
MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE (ALAN
YASSKY)

Co. Smith offered the following resolution:

RESOLVED, that Alan Yassky, P.O. Box 558, West Lake Road, Tuxedo Park, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective and retroactive to April 16, 1991 and to expire on April 15, 1994.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (325-1991)

AMENDING RESOLUTION NO.
207-1991 APPOINTING TO
POSITION OF (PROVISIONAL)
BUILDING PLANS EXAMINER
(DAVID McLEOD)

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 207, adopted at the Town Board Meeting of March 12, 1991, appointing David McLeod to the position of (provisional) Building Plans Examiner is hereby amended to read "at the 1991 annual salary of \$42,231.00."

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (326-1991)

AMENDING RESOLUTION NO.
208, APPOINTING WILLIAM
BOWLER TO (PROVISIONAL)
FIRE SAFETY INSPECTOR

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 208, adopted at the Town Board Meeting of March 12, 1991, appointing William Bowler to the position of (provisional) Fire Safety Inspector, is hereby amended to read "at the 1991 annual salary of \$42,231."

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (327-1991)

REAPPOINTMENT OF AUDREY
PALEY TO POSITION OF
CHAIRPERSON, LITTER CONTROL
BUREAU

Co. Smith offered the following resolution:

RESOLVED, that Audrey Paley, 5 Avon Lane, New City, New York is hereby reappointed to position of Chairperson - Litter Control Bureau - term effective April 16, 1991 - at the 1991 salary of \$250.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Local Law - Special Permit Uses in the Route 304 Corridor, was opened, time: 10:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law - Special Permit Uses in the Route 304 Corridor, was closed, DECISION RESERVED, time: 10:37 P.M.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Amendment to Tables 3 and 4 of General Use Regulations of Town Code for R-22 and R-15 Zoning Districts, was opened, time: 10:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Tables 3 and 4 of General Use Regulations of Town Code for R-22 and R-15 Zoning Districts, was closed, DECISION RESERVED, time: 10:37 P.M.

On motion of Councilman Mandia, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Zone Change from R-15 to RG-2 (Map 165, Block A, Lot 3.55) - Iser/Graf, was opened, time: 10:37 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-15 to RG-2 (Map 165, Block A, Lot 3.55) - Iser/Graf, was closed, DECISION RESERVED, time: 11:20 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-22 to MF-3 (Map 35, Block A, Lot 23+) - CPF Development, was opened, time: 11:30 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-22 to MF-3 (Map 35, Block A, Lot 23+) - CPF Development, was closed, DECISION RESERVED, time: 12:20 P.M.

With regard to the 8:20 public hearing - Special Permit for Landfill Operation - Gussack Realty (Map 89, Block A, Lot 18+) Town Clerk noted that it is being postponed.

RESOLUTION NO. (328-1991)

POSTPONING PUBLIC HEARING
REGARDING SPECIAL PERMIT -
GUSSACK REALTY CO.

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby postpones the public hearing regarding the application of GUSSACK REALTY CO. for a special permit to conduct a landfill operation, to allow the applicant sufficient time to comply with SEQRA.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (328-1991) Continued

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

There being no futher 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: 12:25 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

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Town Hall

4/23/91

10:00 P.M.

Present: Deputy Supervisor Maloney
Supervisor Holbrook absent due to
illness of his father
Council Members Kunis, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: Proposed Local Law - Special Permit Conversions from
Single Family Residences to Professional Offices in
the Route 304 Corridor

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

Deputy Supervisor Maloney asked if there were any reports from the Planning Boards. Due to microphone problems Deputy Town Attorney Harold MacCartney, rather than Town Attorney Murray Jacobson, noted that there was approval from the Rockland County Department of Planning. He read the entire approval which is on file in the Town Clerk's Office. There were seven concerns noted and expanded on.

Mr. Robert Geneslaw, Town Planning Consultant, stated that this was the first outgrowth of the current update of the Master Plan. While the Planning Board recognizes that traffic is increasing and is less desirable as a setting for single family homes they were also concerned that there not be extensive and intensive commercial development along Route 304. What you have before you is a proposed local law which the Planning Board felt would allow for some modest increase in office development in existing buildings along Route 304 which would apply primarily to the undersized parcels that are not large enough to qualify for zone changes, particularly to PO district or other districts. There have been a number of use variances in the area over the years. The Planning Board felt there were site factors that should get greater consideration as development continues along Route 304. The local law represents their recommendations to that extent.

Deputy Supervisor Maloney asked if there was anyone from the public wishing to make a comment or ask questions?

Appearance: Mr. Joseph Hirshfield, President
North Clarkstown Coordinating Council
New City, New York

Mr. Hirshfield stated he was concerned not merely because of the reservations that the County Planning Board mentioned or that Mr. MacCartney mentioned, but the very concept disturbs him. He felt that the Board was taking the R-15, R-22 designation and emasculating it. He was disturbed that the concept of residential zoning will be gone if we continue this way. He said there are other remedies for people who feel that they want to put up professional offices. If it is too small for a zoning change, they are free to go to the ZBA. At least if you continue along that line you will preserve the sanctity of the residential zoning designation and the residential zone will continue to be meaningful. If we continue along this line allowing different uses for residential zones eventually the residential zone designation will become meaningless.

Appearance: Ms. Zippy Fleisher
New City, New York

Ms. Fleisher stated that if we give the Planning Board the privilege of regulating and passing on these changes she could

Continued on Next Page

Mrs. Juris said she was at the Planning Board meetings several times when this topic was addressed. The very issues that the County Planning Board addressed were issues that she had raised. She said she still has not heard a satisfactory answer. What will prevent an applicant from seeking relief from the ZBA even if they do have a special permit? She said she did not understand the purpose of this and asked for an explanation as to how this would help.

Mr. Geneslaw said if this is adopted in its present form it will be adopted as a local law outside the zoning ordinance. It says specifically in the proposal that it would not be subject to variances. These special permit provisions would not be subject to variances from the ZBA. He said that answers a direct question but does not answer an indirect question. He said he would defer to Mr. MacCartney as his answer is different from his. He stated that he thinks a property owner could still go to the ZBA for a use variance without applying for a special permit. They would have to make an economic proof at the ZBA which they may or may not be able to make. If they choose the special permit procedure which is before you, if adopted, the proof they have to make has to do with site related factors rather than an economic proof related to the property. He asked Mr. MacCartney if he agreed?

Mr. MacCartney said what this really does is give the people who live within the area that is covered by this proposed local law another developmental option for their property. It does not change the existing zoning. It is separate and apart from the existing zoning. It doesn't prevent someone from going to the ZBA in a proper case and getting a variance under the existing zoning ordinance. It just provides additional developmental options subject to the very strict and tight criteria of the proposed local law.

Mrs. Juris said she had attended some County Planning meetings and she heard conflicting opinions from various sources all over the state. She said it seems that you cannot deny an applicant relief. They are permitted to go to the ZBA by right. She said you are disputing them one step up.

Mr. MacCartney said he had to tell her that the people who told her that completely misunderstand this local law. He said in his view they have given her incorrect advice. No one is being precluded from going to the ZBA and getting a variance under a proper case with respect to any parcel that would be within the area covered by this local law. Again, he said he would have to tell her that this provides for another developmental option by special permit entirely separate and apart from whatever rights they have under the zoning ordinance. If a person had an existing piece of property and they wanted to go to the ZBA and they could make out a case of one kind or another they would still have that option. That would not be foreclosed by this local law. What is foreclosed by this local law is providing any property owner or applicant from going anywhere to get a variance from the requirements of this particular type of special permit.

Mrs. Juris said she would also like to add that she is in total agreement with Mr. Baum who spoke before her. She stated that she lives on Glen Drive and works in New City. She works traditional business hours and there have actually been times when she had to go south in order to go north because it was impossible for her to make a left turn to leave her street at 8:30 in the morning. She said she would hope that the Board would consider this very carefully and think about the people along Route 304 and think about the people on the side streets who adjoin Route 304 and think about the residents in the area and the accidents we are experiencing now.

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PH - 4/23/91 - Proposed Local Law - Special Permit Conversions from
Single Family Residences to Professional Offices in the Route 304
Corridor

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Appearance: Mr. John Farrell
Rennert Lane
Bardonia, New York

Mr. Farrell said he was backing Mr. Baum's remarks.

Appearance: Ms. Elizabeth Squillace
Glen Drive
Bardonia, New York

Ms. Squillace stated that she agreed with the previous speakers. She urged the Town Board to look very carefully at this because she fears getting out on that street. She said she doesn't take lunch. She works in New City, here in this building. To go home at lunch time and come back is an horrendous time to try to get in and out of her street. She said she fears for anyone who goes in and out of that street. To go north is very, very difficult. You talk about police patrolling the area. You cannot keep that mileage down to 35 miles per hour. The Bardonia Elementary School has fought for years to get that traffic light that is on Route 304 to cross the children. She talked at length regarding the dangers to anyone who tries to walk on Route 304 or who tries to cross Route 304 in the area. She urged better police patrol regarding the speed limit in the area even though there is a police manned light for the children crossing the road. She said adding this to it will just add to the problem. She said she did not know the answer either but she hopes it will be looked at very carefully and make the proper decision.

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 closed, DECISION RESERVED, time: 10:30 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/23/91

10:00 P.M.

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

Re: Amendment to Tables 3 & 4 of Town Code for Special Permit Uses
in the Route 304 Corridor

On motion of Councilman Kunis, 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.

(This public hearing was held in conjunction with the immediately preceding public hearing and all comments and reports relevant thereto are contained in the prior hearing.)

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:30 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/23/91

10:37 P.M.

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

RE: Zone Change from R-15 District to RG-2 District
(Map 165, Block A, Lot 3.55) - Iser/Graf

On motion of Councilman Mandia, 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.

Deputy Supervisor asked Town Attorney if he had any correspondence relevant to this petition. Town Attorney stated that the Rockland County Planning Board approved subject to condition: "We don't see that this zone change and development will have an adverse effect on the adjacent Town of Ramapo. However, there is concern over maintaining the safe and efficient flow of traffic on the By-Pass Road and thus there is a need to keep the number of driveways to a minimum. There is also concern over the livability of an increased number of condominium owners living in proximity to a busy road. If the parcel can be developed in conjunction with the abutting multi-family parcel and thereby gain access and share in conjunction with the abutting multi-family parcels and thereby gain access and share amenities with said parcel then this concern could be ameliorated."

Town Attorney said the Clarkstown Planning Board passed the following resolution: "At this time the Planning Board cannot make a recommendation to the Town Board but since the public hearing is scheduled for April 23rd, the Planning Board wishes the record to note that the Planning Board is favorably disposed to a changed RG-2 even though this is a departure from the Planning Board policy to not grant further changes to RG-2. We suggest that the land yield should be established based on a site plan that conforms to all zoning requirements. There shall not be more than 37 units based on a MF-2 layout with calculations provided by the applicant. The Planning Board respectfully requests that the Town Board hold a public hearing and continue said hearing as the Planning Board is considering the best way of obtaining the roads shown on the official map to serve the Bradco property. A further investigation is needed to determine the best way to resolve this. Furthermore, the Board is looking at a Master Plan for this defined area in that the parcel in which the zone change is being sought is for a portion of a larger strip of land. The Board wishes to study what is the most appropriate zoning pattern for the balance of the property. Planning Consultant Geneslaw explained that he should have his report finished within thirty days." (Town Attorney said he took it that was the SEQRA report which we do not have.)

Deputy Supervisor Maloney asked if the applicant or representative was present?

Appearance: Henry Horowitz, Esq.
Attorney and Engineer for Applicant

Mr. Horowitz showed the originally approved plan of Kingsgate which was approved prior to any of the present buildings of Kingsgate and occurred about 1975. He said at the time of the approval of the entire Kingsgate plat, the entire area was zoned and is currently zoned as RG-2. At that time even this Route 45 By-Pass was zoned as RG-2. Mr. Horowitz went into great detail using the map referred to as the basis for his remarks. He mentioned thirty some odd notes which also related to the method of the development of Kingsgate.

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He said access to the site was accomplished by use of Baylor Road, which was the subject of many law suits which went on in that period of time. He said when the current developers of Kingsgate became involved one of the items they requested was to deal with the State in an effort to get a 60 foot right-of-way from the State which would go from West Clarkstown Road to Smith Road and essentially be continued right out to Route 59. That would eliminate the necessity of Baylor Road. At that point negotiations commenced. There were about a half dozen trips to Albany. The New York State Department of Transportation came down to Clarkstown at least ten or twelve times and they were finally convinced to grant to the Town a 60 foot right-of-way through their property which they had acquired a number of years ago. There were negotiations with the Russian Convent and there was a land swap. We now had a 60 foot right-of-way going from West Clarkstown Road to Smith Road servicing the Kingsgate Development.

The only problem that was still remaining was that while most of Kingsgate was on one side of the access road there was a portion of Kingsgate which was on the opposite side. He presented a copy of the plat referred to. This portion did have access from Pascack Road. The Planning Board did not want to use Pascack Road and requested that we do something about getting access from this 60 foot right-of-way which would mean that we would have to go across the balance of the State property. We spoke to the State and requested they sell us the 60 foot right-of-way to go across and have access to our property. The State refused. We asked for a long term lease. The State again said no. They said what they were going to do, since they gave us the 60 foot strip and had 140 feet left, they were going to auction it off to the highest bidder and one really couldn't complain with that approach. However, they further indicated that they would wait until the 60 foot right-of-way was improved so in that way they would be auctioning off improved property and get a higher price. One really can't fault our State for doing that either. It was possibly a little inequitable since the fellow who needed it was paying along with the Town and the other developers to improve that 60 foot right-of-way. This was his only access to the site as Pascack Road was not desirable.

Once the State took that approach the Town decided to eliminate the RG and make it R-15. The Town Board did make that right-of-way R-15 which is the zone you have today, never intending to develop it as R-15 as that would require a whole series of individual lots coming out on the road that had just gone in and that was never the intent. The Town took one other step to insure that there would be no problem and that is it put the little access road leading to the site on the Official Map and it also did it for the adjacent property next door. What that did then was give notice to the world that no one would ever be permitted to build in the bed there and in fact they will in fact be public roads servicing both of those properties. Next step was that the State now stuck to its word and they put their excess properties up for auction. He presented more maps for the perusal of the Town Board.

Mr. Horowitz said when the bid was asked for the first time the State put out a bid on June 14, and they give an upset price, the minimum price at which the property would be sold and the seven acres with which we are involved had a minimum price of \$1,113,000.00. No one submitted a bid. The State took it back and indicated that in a couple of months they would put it out for bid again and if still no one bought it they would take it off the block for a number of years and then come back again. A few months later they did in fact put it up for bid and this time they had reduced their upset price down to \$770,000.00. There was only one bidder and that was the owner of the lot and they had to do that since they felt that was the only way they could get some use of their lot. They purchased the property for the minimum price of \$770,000.00. They now had almost a seven acre strip in front of their property.

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Mr. Horowitz continued saying when it came to the zone change and the petition does in fact request a zone change to RG-2 the reason is that the zoning in the entire area is in fact RG-2. However, the petition also has an indication in there that while we are requesting a rezoning to RG-2 the petitioners are agreeable if the requested zone change be granted, it be subject to the same conditions as presently exist for Kingsgate including maximum density, parking requirements, etc. and every other requirement that was on the plat.

Mr. Horowitz noted that in addition to the requirements of the plat there are at least eighteen covenants and agreements subsequently added entered into by the Town and the applicant regarding the issuance of permits, etc. He said three acres relate directly to Kingsgate and should be considered part and parcel of the Kingsgate area and should be subject to every single condition that the Kingsgate units were. As a matter of fact it was the County who expressed concern about having this built under a different set of rules and regulations.

He said he knows that the Planning Board is cutting out the RG-2. We are all aware of this. If you look at the map in front of you the zone as it stands today is RG-2. Its not built as RG-2 because of rules and regulations. All we are asking for is for the three acres involved. The only reason we asked for three, while we own the whole strip, is that we don't know what could happen in a few years. We agree it should not be R-15. We are not asking for this to be a multi-family. That is going to be up to the Planning Board and this Board to determine. We believe this should be studied.

Mr. Horowitz said we know that Bradco is under consideration. What that should be this Board and the Planning Board will determine. Even the Town and County Planning Boards' comments have indicated these three acres should be part and parcel of Kingsgate. The reason that we are trying to move it fast is that what is going to happen is that once those three acres if, in fact, they are zoned we are going to have to go back in to the Planning Board and revise the approved site plan that we already have for that portion which has been laid out and has been approved. Once these units are added, and the number being added happens to be the 37, it is again not the number of units we are entitled to under RG-2 which is about 54, it again conforms to Kingsgate. We held the same ratio. If you recall Kingsgate had 60% one bedroom and 40% two bedrooms. We followed that here. We followed Kingsgate down the line.

The reason we are anxious to move with it is that we know this entire plat will have to be revised in order to accommodate these thirty some odd units. We have no objection to the Town Board indicating that it will study the area. That is fine. We have no difficulty with that particular item at all. That doesn't even answer everything because we don't know what it should be. We do know and the Planning Board agrees that the three acres immediately in front of the Kingsgate parcel should be incorporated into the Kingsgate units.

In so far as the road is concerned, the road through our parcel obviously will be a dedicated road. We do have the road to the parcel next door. As shown on the Official Map there can be no building in the bed of that particular road. There has been an offer by the people next door to purchase that; that is if that piece will end up with the piece next door. It should go that way. It has to go that way. The present owner can't build in the bed of it. It is true he did spend \$770,000.00 to assure access to his site and also how to pick up additional acres. However, he picked it up subject to that strip of the adjacent property being shown on the Official Map and that must be recognized. They should have the

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PH - 4/23/91 - Zone Change from R-15 District to RG-2 District
 (Map 165, Block A, Lot 3.55) - Iser/Graf
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opportunity to work a deal out if they possibly can with the people next door who have already bought and it will, and as sure as we are standing here, one way or the other end up with that piece because it should. That piece also should not be using Pascack Road which is its present access. I know that SEQRA must be completed but I would request that the Board, in the instance of the 3. some odd acreage involved which is the subject of this zone change and the 37 units which will be integrated as being part and parcel of Kingsgate, will act on that particular request as soon as legally possible.

Deputy Supervisor asked if any member of the public wished to make a comment or ask a question:

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

Mr. Lodico noted that the original vote on Kingsgate was three to two to support this. He said we put in covenants to protect the area, to protect the traffic pattern, and to protect the investment of the whole area. Until 1975, I was one of the people who voted against it. Mr. Lodico said 1973 was the vote. The Board changed January 1, 1974. Mr. Lodico stated that it was approved with a negative vote of two. Almost every covenant to protect the area subsequently was changed by this legislative function. When a developer offers you something, watch out. You are going to get a swamp. They are going to call it an aviary. We have that in the north. You are going to get something else that is going to be called some other name. The protective covenants were changed by the subsequent Board later on in later years so as not only to grant more things than the protections that we had in there, but then to force the cost of that road on the rest of the taxpayers to help bail it out. The cost of that road was not to be put or placed on the taxpayers.

Mr. Lodico said the land that they were going to give for recreation was on Nanny Goat Hill which was the mountain of high tension wires. The one thing that we did get, two minority votes on this, was to request that instead of Nanny Goat Hill, one concession that we did get, even though we voted for was the ten acres which we said at that time, even though we are voting against this Kingsgate project because it is not in the best interests of the general area and the taxpayers, is give us ten acres that are good. Someday it may be able to be used for municipal purposes and subsequently those ten acres were the ones that you used - Mr. Maloney, you were on that Board - to trade off so you could get the road across from the Russian Convent. Had this Board accepted the original conditions of Kingsgate, we would have ended up under the tension wires with ten acres of park on Nanny Goat Hill and you would not have been able to use the ten good acres that we did get. Mr. Lodico stated that everything that was mentioned about Kingsgate and its original proposal does not count tonight because all of those covenants and protections were eliminated by a subsequent Board.

Appearance Mr. Robert Steinmann
 19 Olin Drive
 Spring Valley, New York 10977

Mr. Steinmann stated that the adjacent property to the north which is in the Town of Ramapo is R-15 properties which would back up into what they want to call RG-2 now. Mr. Steinmann stated that when Kingsgate, Timberline or whatever bought this parcel from the State, they land blocked Bradco from access to the West Clarkstown roadway. In other words, Bradco could not build on it because the Town did not want access from the right-of-way road that went to Pascack Road from the Bradco property. When "Mr. Timberline" or whoever, purchased that piece of land, it blocked off

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Mr. Pantano stated that he seemed to remember Kingsgate had a number of names throughout the years, now called Treetops, and he remembered, as he was sure that Mr. Jacobson does, that his name (Mr. Pantano's) was linked with Kingsgate because he brought to the Planning Board in 1973 certain political individuals involved with certain developers in this Town and in fact, that evening, the individuals involved attempted to arrest him and he sued this Town and won the case. I know that Mr. Jacobson remembers that. Mr. Jacobson stated that he would appreciate Mr. Pantano stating that it was not he who had Mr. Pantano arrested but another Town Attorney. Mr. Pantano stated that in fact that case is now a precedent setting case in the State of New York.

Mr. Pantano stated that to go back to Kingsgate for this particular item and to compare it favorably is a mockery of justice because as Mr. Lodico mentioned earlier the Town Board after that sought to change the covenants and to consider, as Mr. Granirer said earlier, a change right now when the Planning Board puts out a Master Plan, is ridiculous. Mr. Pantano (addressing the audience) asked the applicant when the property was picked up? Town Clerk told Mr. Pantano that he had to talk to the Board. He asked the Board what year the applicant had picked up the property? Councilman Maloney stated that the applicant could answer that when it is his time to speak again.

Mr. Pantano asked to be told what it was zoned at that time? He was told R-15. He said he assumed that it was purchased based on an R-15 zone. He also asked how many acres we were talking about here? He was told three. Mr. Pantano said we are talking about R-15 and if his math was good about 7 or 8 homes depending on the area and what is going on. Now they have asked to go to 37. Deputy Supervisor said they could have 54. Mr. Pantano said what they could have but they don't have anything right now. What they bought it at and the price they paid for it was at 7 or 8. They want to go to 37 which is about five fold or a little more. That is the American way and they have a right to do that. We have a right, as responsible people, that for many reasons it should remain as it is - for reasons of taxes, and density, and traffic, etc.

Mr. Pantano said he would suggest that this Town Board deny the application.

Appearance: Ms. Ann Haas
 31 Olin Drive
 Spring Valley, New York

Ms. Haas said her property is right on the line where the Braco warehouse was proposed. She has the road that was just built next to her. We have the Spring Valley Market Place. She said they tried to sell their house because they can barely afford to stay here. They keep building things and it keeps getting denser. The value of her house keeps going down. She asked the Board to please not consider this change because there are single family dwellings that would sell there.

Appearance: Ms. Dorinda Mittiga
 Congers, New York

Ms. Mittiga said she was at a Planning Board meeting last week when one of the subjects under discussion was a Master Plan. She said she thought it was mind boggling to one week be discussing constructing something and the next week we are discussing deconstructing it. She stated that she wanted to back what Martus Granirer has said. He has presented an argument that is filled with logic. Why go about giving any zone changes at this point until you have a comprehensive Master Plan which has been going through an awful lot of discussion for the past few years? It doesn't make sense if you take a plan and you tinker around with

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various parcels of the the Town now and then they come up with a Master Plan later on and you find out that one does not fit in with the other.

Ms. Mittiga said it would seem to her at this point that it would make a an awful lot of sense to put this on the shelf for now until the Planning Board can come up with something a little bit later on that can show how this will fit in with the overall scheme.

Appearance: Ms. Zippy Fleisher
Rockland County Conservation Association
New City, New York

Ms. Fleisher commented on the lack of people here tonight when something like this usually would bring out a great crowd. People are saying to us when we ask them to come down here they don't believe it does them any good anymore. They say to me, anyway, nobody is considering the people who are here. They are worried about young people who can't find a place and they forget those of us who are here. Additionally, she said she did not think it was naive of Mr. Horowitz to bring this up now. She said she thinks he must know what he is doing because he has been around long enough.

She said she has the usual other projects that she likes to point out because the obvious ones have already been stated about this hearing and that is, the sewer and the water business. You people don't seem to consider, the Planning Board doesn't seem to consider - we are already overextended and pouring partially treated sewerage into the Hudson River, at times. We are still never up to third treatment sewer which we are supposed to be. We haven't enough water. The water company happily has agreed with the West Branch Conservation Association's projections, and those she can add of Ned Whitman in the County Law Department, She said the two of us and several witnesses argued before the DEC and we were talking about when to build Ambrey Pond, if at all, that the projections which the water company used were incorrect and exaggerated. Now, the water company has had an about face. They have changed their mind. They used to say they wouldn't be on a radio program with her. We made a tape last week and we are all talking about conservation.

She said she went yesterday, Earth Day, to the Lime Kiln Store and she shared the program with Mr. Henning of the water company and they were giving out suggestions as to how to save water and all the things they wouldn't do before. Why has the water company changed its position? Because, the water company sees the projection. We are using, per capita now, about the lowest rate of water. That is the people in Clarkstown. Any why are they doing it? Because of the cost of water. If you are going to force more population in here when you have options, that is, if the Planning Board comes up with a Master Plan that you approve of which requires more density here, less density there or whatever, that is a plan. If you are going to take the attitude each time that somebody comes in here and asks for more density you should be looking at it in a reverse way.

She believes that there was far less snow this year than in the past and there is a great warming effect. She referred to an article which tells the effect on this corridor from Albany down of the change in water and due to the warming of the earth. Now, no one is talking about that or thinking about that or is worried about that and we don't have enough of a forward look on this stuff. She said she never thought she would see the day when someone would throw up Kingsgate as the reason for building more of the same. She urged the Board to please think about where we are at with our water. She said she has testified over and over again and

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the water company testified before the Public Service Commission that water rates would be up 40%. Just think of what that means? People are bursting at the rates right now. She said she did not know what it would do to industry. You talk about bringing industry here - bringing business here. If your rates were 40% higher where would you get all that business? She said please try not to put in any more density.

Deputy Supervisor then called upon the applicant's representative to clarify or answer any questions or concerns.

Mr. Horowitz, applicant's attorney, stated that 200 notices were sent out in connection with this application. Calls were made as to what is going on and so on. He said he did not think we have one person here from Kingsgate. Several people spoke who are regulars and who speak on many things many times. He said we have recognized as he pointed out to the Board the importance of the study because we are not into the whole parcel. The only piece we are in with is the one that must be tied into Kingsgate. The Town Board in their resolution has agreed to that.

Mr. Horowitz asked why are we pushing so hard? The Kingsgate lot to which this is contiguous has received final site plan approval. They are at the crossroads. They are going to start putting in all their utilities and develop the way it is or does he now incorporate these units into the picture. He said we knew what the zoning was. The Town Board agreed that we have to do something to prevent the State from giving in and selling RG-2 to an innocent purchaser who is going to come in and then put apartments throughout the whole thing and no one wanted apartments in there. We made it R-15. We knew it was R-15. We also knew, if you looked at your map, that R-15 would not be a practical way to build it. Let's assume for the moment, notwithstanding the County Planning Board's recommendation, notwithstanding this Town Board's recommendation, that instead of coming in with the zone change we didn't bother coming before the Town Board but went right to the Planning Board. This was a 200 foot strip. The standard depth usually of an R-15 is only 150 and 150 x 100 is the R-15. We could come along the By-Pass which now runs right through and every 100 feet lot that whole thing up and then have all these driveways come up or put in a common driveway, etc. but have a whole bunch of single families throughout there. We were entitled to do that and we still are entitled to do that today. We all knew when the R-15 went in it was not for that purpose. There is no connection with Olin. The Olin Drive area is R-15 and there are other areas in R-15 and they should stay as R-15. There is no connection between those areas and this particular area and the By-Pass.

Mr. Horowitz said in connection with the comment that was made about Bradco. Nothing that was done in any way modified in any way, shape or form, whatever access Bradco has or will have. They have always had access to Pascack. They now have a road that's been put on the Official Map leading to a tunnel by-pass which is put in by the owner. In so far as the last comment, he did want to mention that none of the applicants, except one of the builders on one of the lots - but the builders on two of the lots, the applicants here, myself, everyone on the Board, except possibly Mr. Maloney was in any way involved in the original granting of Kingsgate. He was not involved and did not even know it existed at the time. What we have had to live with all those years, is the mistakes that were made at that time - those subsequent covenants, modifications, changes, etc. changes over all the years going back over, reworking it.

Mr. Horowitz said he thinks it has worked out in the best way possible in that we do have a road going from West Clarkstown Road to Route 59. Yes, the Town did contribute to a portion of it but from Smith to Route 59 the Town did not contribute anything. The only contribution and it was most important and that

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PH - 4/23/91 - Zone Change from R-15 District to RG-2 District
(Map 165, Block A, Lot 3.55) Iser/Graf
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was to help us at the hearings to convince the State to allow us to cross the railroad track at grade without a billion dollar bridge over it or a million dollar tunnel. It was a joint effort with all of the applicants involved. He said what we are asking from the Board today is only that 3 acre piece which everyone agrees is related and the reason we are pressing is that we are at the crossroads now. Do we develop that site plan as it was already approved by the Board or do we start reworking it in order to incorporate it? This setting it aside - the usual comment - let's wait, let's wait for the Master Plan - is a cry that in this particular instance does not carry too much weight.

Mr. Lodico said that Mr. Horowitz is correct. Not any member of this Board approved that project. It was strictly in 1973 for the Gray Shadow Government of Rockland County who contributed to the major party. Subsequent to the change of election in 1973, the Board enacted that and changed all of the protective covenants to be instituted in this project.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 11:30 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

137

Town Hall

4/23/91

11:30 P.M.

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

Re: Zone Change from R-22 to MF-3 (Map 35, Block A, Lot 23+)
(CFF Development Corp.)

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

Town Attorney stated that the Town Planning Board recommended denial. The Rockland County Planning Board is also against it. SEQRA states that there is no environmental impact.

Deputy Supervisor called upon the applicant or representative.

Appearance: Donald S. Tracy, Esq.
representing the applicant
South Little Tor Road
New City, New York

Mr. Tracy stated that CFF Development Corp. is comprised of Coatti, Furfaro and Porni, longtime holders and owners of this particular parcel of land. He also inquired of the Board if they had before them surveys and proposed site plans because this petition was filed in July of 1987. Town Attorney stated that he had one set and Mr. Tracy furnished extras for the Town Board members. He said you have heard the Planning Board recommendation but since July of 1987, while this piece has been kicking around, that hasn't been the only recommendation of the Planning Board. He quoted from an April 14, 1988 letter to the Town Board from the Planning Board:

"Gentlemen:

The Planning Board has reviewed the above zone change request. The Board recognizes that R-22 is no longer a realistic or appropriate zone for the area. The Board has several concerns. For example, more intensive development on Route 304 will weaken the hamlet centers and can Route 304 handle the traffic and turning movements if this and other vacant parcels along Route 304 are rezoned to multi-family use?"

Mr. Tracy said that was a letter that the Planning Board sent to the Town Board. In addition, they also pointed out that they wanted to continue on with their Master Plan hearings and review these various matters. Again, on a resolution of April 11th from the Planning Board the Planning Board felt that the property was not properly zoned - that there should be something done with it and that they wanted to study it. The Planning Board voted to continue this matter on March 9th, 1988 and they said "The Board agreed that they would not be adverse to change to the appropriate residential zone that would allow for two single family attached housing or rental type apartments by right."

Mr. Tracy said to analyze the topography and surroundings of this particular property he would like to submit to the Board a vicinity map which shows the uses in the area. This was done. Referral to the map by Town Board members was made at this point. Mr. Tracy stated that he should also like to call attention to the survey and inform the Board that portion of the survey which includes Furphy Lane is being withdrawn tonight so that the zone change will not be applicable to the Furphy Lane parcel which

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consists of .384 acres which will make the entire zone change basically a 2.686 acre zone change. The property to the north now contains non-conforming lots. There is not a single lot that meets the zoning requirement for the property. The property to the west is zoned MF, both parcels you will note. The property to the south is zoned PO and the property to the east is the Town park.

Mr. Tracy said if you will examine zoning layouts (and here he referred to maps) and if you will allow me to show you this site which incidentally does not approximate the 14 to 15 units per acre of Kingsgate but is in reality 8+ small percentage units per acre, you will note that there are 20 units shown on this property. Later on in the presentation, one of the owners will testify that the owners would sign a covenant which would make this property rental property for at least ten years without conversion. It will fulfill a need in the community.

Mr. Tracy said at the present time there are what he would call substandard (although one Planning Board member called them quaint) houses which exist on the property which can have highway access. If the property were built R-15 and say could accommodate 4 units you could have four driveways leading out onto the highway. Under this present proposal there is one highway access for the houses. He said if you will note the rental housing proposed contains a 1200 square foot size. It could be a two or it could even be a three bedroom apartment but it would probably be a two bedroom apartment.

Mr. Tracy said with regard to the overall situation that presently exists on Route 304 you may note that under the MF zoning designation there is a 100 foot front yard required. These properties would have to be set back as shown. (Again reference was made by the Town Board to presented maps.) Mr. Tracy said these properties would have a considerable setback such as the property you envision every day known as Germonds Village.

Mr. Tracy then called upon Mr. Furfaro to testify to some of the economic impacts of the zone change since it appears there has been generated a lot of interest in taxes, etc. tonight.

Appearance: Mr. Joe Furfaro
New City, New York

Mr. Furfaro stated that he was part owner of the property in question. He said Mr. Tracy has mentioned that the Fornis and Coattis have owned the property since 1964. The buildings on the property have really passed their economic useful lives or any useful life almost. He said they invested almost \$5,000.00 last year in just repairs and maintenance on those two buildings. He said he did not know how much longer they could do that. They basically abut the road - are within 15 feet of the road. They don't provide very good housing units at all. He said they currently pay almost \$10,000.00 a year in taxes on this parcel so obviously the parcel is being assessed and has been assessed not as to the two units that are on there but for some potential use either multi-family or office or something. Otherwise we wouldn't have the taxes that high. He said on the other hand if they were able to build the 20 some odd units there they believe the taxes would probably go up to about \$50,000.00 and should not add any additional children to the school district or any additional burden to the Town. He said we have heard a lot about traffic and spot zoning tonight. He did not really consider this a spot zoning of the property since everything else around it has already been developed. This is like the last spot on the map. He said they would like to do something that would enhance the property and this certainly would be an enhancement of the property.

The other problem which has been mentioned is the traffic on Route 304. There is a 35 mile an hour zone. The number

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of cars on Route 304 is not created by the uses on Route 304. It is created by the uses north and south of Route 304. The people on Route 304, although they have problems getting in and out, these 20 units, the units across the street and the Bard Building next door are not really major contributors to the traffic. You must have 25,000 cars a day on Route 304 and we will add about 50. As Mr. Tracy said we would be agreeable to keeping these as rental units for ten years if the Town felt that was desirable.

Mr. Tracy said he calls the Board's attention to the uses surrounding this property, particularly the MF uses directly across the street on two parcels. He said rental housing which is much needed would be provided by the building of this project. He said the number of potential driveway accesses will be diminished by the approval of this project. He noted that a tax ratable paying approximately \$60,000.00 per year as opposed to two dilapidated structures which pay \$9,000.00 a year would be put into place and he believes esthetically improve the community. Mr. Tracy said with those comments and with the marking of the petition and the exhibits and the additional Planning Board recommendations which he has read into the record he would rest, reserving his right to rebuttal after the public portion, if needed.

Deputy Supervisor asked if the Town Board members had any questions?

Councilman Mandia asked if the removal of Furphy Lane had any impact on the Planning Board's recommendation?

Mr. Geneslaw said that offer was made tonight for the first time and therefore there is no Planning Board report on that.

Deputy Supervisor asked if anyone from the public had any questions or wished to make a comment?

Appearance: Mr. Martus Granirer
New City, New York

Mr. Granirer said he wondered with the modification that was offered tonight whether you got the right hearing advertised. Under the Municipal Home Rule Law can you change the zone and proceed? He thought it had to be on your desks seven days ago. He said he did believe there is a question about whether you can change zones without noticing the hearing in advance and having it on your desks.

Mr. Jacobson said the notice talked about property on the east side of Route 304, Town of Clarkstown, designated on the Clarkstown Tax Map as Map 35, Block A, Lots 23, 23.05 and 23.06. Now, they removed 23.05. We still have the other two. Mr. Granirer said he did not have his law book here but he did believe that if you are changing what you advertised, you can't do it, even if it is reducing it.

Mr. Jacobson said to Mr. Granirer that the petitioner is asking at the present time that less land be rezoned. Mr. Granirer said that is a change in what you are doing. Less or more is not the issue. Councilman Mandia said didn't the public hearing notice state that three parcels would be addressed? He was answered in the affirmative. Mr. Granirer said he did not think there were going to be three as three separate changes. It was three altogether. You were changing a section which includes all three parcels. Councilman Mandia said it was discussed and withdrawn for consideration. Mr. Granirer said the business of coming to Town Hall and having one item advertised --

Town Attorney said the notice is satisfactory. You can ask to have less land rezoned.

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Mr. Tracy said this has nothing to do with Municipal Home Rule Law. It has to do with Section 264 and Section 265 of Town Law. The purpose of the notice was to give notice to the people who could appear on the project. He said if I reduce the size of the project or this Town Board approved a lesser zone change amendment than was requested it would be perfectly proper and perfectly legal. On the other hand, if this Board extended the zone change and someone protested against it, as apparently Mr. Granirer is seeking to do by his obfuscatory comments on something that he knows as well as I do, so I will simply say I stake my professional reputation on the fact that if this Board acted on the remainder of the parcel that said action would be perfectly legal and proper.

Mr. Granirer said he guessed if you want to take Mr. Tracy's position as the definitive one, you may but he (Mr. Granirer) did not believe that Town Law is the place to look. In response to a comment, Mr. Granirer said he is not practising law but he is a citizen. The issue is whether the Town Board can consider even the reduced zone change under the provisions of the Municipal Home Rule Law which he did not think to bring with him.

Town Attorney Murray Jacobson stated that he believed that you can take up a lesser amount of land but you can't take up a greater. Mr. Granirer said please just consider the actual point of law because he had reason to look at this very recently himself. Deputy Supervisor stated that the Town Attorney has given the answer and if he wishes to research it at another time he was sure that he would.

Mr. Granirer said you now have six zone changes pending before this Town, all of them in some state of process, in addition to the ones that are officially pending, and he was saying this with regard for Mr. Colucci, who is present. Mr. Colucci's family has owned some land for some time just north of the parcel which you are considering and he would suggest that a decision about this CPF parcel is the beginning of perhaps a two step process. Again, he asked, do you want to rezone this Town piecemeal or can we do it comprehensively? He said there is good reason to do a Master Plan and a Master Plan implementation and not watch each one of these six come down the road and say fellows look at the good reason for taking care of my problem. The Town problem must be looked at as a whole and he thinks the Town problem should come first.

Appearance: Ms. Bridget Richman
Route 304
Bardonia, New York 10954

Ms. Richman said for the past three years her house has been on the market and the sale has been knocked down by the Board because everyone who looks at the house has been a professional person. She said a sale was just knocked down two weeks ago. She wanted to know why her property can't be zoned professional office instead of R-22? It was R-22 prior to Route 304 taking the frontage of that house. She said she has 8.6 feet in front of her house. She said what Mr. Tracy has in mind seems all right to her as long as there would be an individual driveway out of there. It is going to be a cul-de-sac. If he can do that why can't she go along and have her property zoned PO? She noted that there are doctors who have a practice on a private lane which is not even a dedicated road - Ramler Lane - whose addresses are Route 304 but the entrance is on a private road. She said they are PO and they have less property than she has. She noted doctors and lawyers in the area with less property than she has who are zoned PO. They do not live in the houses but use them for business.

Councilman Mandia told Ms. Richman if she wanted a change of zone on her property she has a perfect right to ask for

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that. He said that people are probably applying for a special permit to use Ms. Richman's residence as a professional office. He said he did not think a person could apply for a zone change on property they do not own. She said people had a binder on the house and when they went for information on it the Town said no. Deputy Supervisor said that was probably the ZBA. Councilman Kunis said perhaps her property did not satisfy the bulk requirements for PO.

Deputy Supervisor said what happens to this piece of property could affect all the surrounding properties. If this piece is changed you would have every right to come in and ask for a change of zone on yours. Town Clerk told her to come into her office and she would let her know what she has to do to apply for a zone change.

Appearance: Mr. Andy Sprauer
Bardonia, New York

Mr. Sprauer stated that he lives across the street from the property in question. He said he was concerned about the traffic. Councilman Kunis asked him if he felt the layout was satisfactory. Mr. Sprauer said he was only looking at a site plan, it is not an architectural drawing. He said he was concerned about the set back and the egress.

Appearance: Ms. Celia Juris
Bardonia, New York

Ms. Juris said we keep hearing zone change after zone change. We could almost say ditto. Spot zoning is not a good idea. We just heard that one parcel is being withdrawn and you know that if you grant this parcel for zone change you can bet that the other parcel is going to come in for a zone change and use this one as a good example of why it should be granted a zone change. It talks about neighboring parcels. She said Mr. Tracy used that argument to justify his client's parcel. Route 304 is impossible. This is not the way to handle the problem. She asked them to please consider this very carefully.

Councilman Kunis said the people who live along Route 304 have been there long before the highway was expanded. He said he was sure that a lot of them would like to sell and they have had offers for professional office such as Ms. Richman. Doctors along that route want to expand their office space. Residents come to him and say they can't sell as residential. They could sell it for office or some sort of professional use. He asked Ms. Juris what do these people do who are there and have been there prior to the expansion of Route 304? What is fair? We try to do what is fair to you so what do we do for them? Are they creating the traffic? Are they there and are having problems because of the traffic that has been created through growth on that road?

Ms. Juris said she lives on a dead end street. There are two houses for sale on her street of 22 homes. Dead end street - very desirable - because of that. Two houses have been on the market for a very, very long time. This particular market isn't a good example. She said it has to be a question of finances. If she could get a property rezoned to PO she could make more of a profit selling her house that she might have paid \$15,000.00 for back in 1960 than if she tried to sell it at the same price and sell it as a private residence.

Councilman Kunis said he knows the area but that could be said for anybody who lives in the Town, if he wanted to sell his house as PO in a neighborhood. She said these houses would sell privately for a lower price than they would sell as PO. That is her point. If they attempted to sell them as a private residence they would get less money for them. They would sell but perhaps the

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offering price is not in line with the value of the house. It is a question of money.

Councilman Kunis asked if it is fair to the people who have owned property there for a long time for their homes to be depreciated, instead of appreciated, as a private residence because of the expansion of Route 304? In other words, you could take your home and you could sell it and you can get a reasonable return on your investment in line with other private homes in the Town. The people who live along Route 304 who lived there prior to the expansion can't get that same percentage of return on investment because it hasn't appreciated and there really is no incentive for a family to take over that house with children because it is on a main road. That's the flip side of the coin. These people can't get the money out which they've invested and they have paid mortgage and interest over the years.

Ms. Juris said they can certainly get a return on their initial investment. As to who will buy the house - perhaps it would have to be bought by a couple starting out with very young children who would not be out unsupervised. Deputy Supervisor asked on Route 304? Ms. Juris said yes. She said she is talking about a young couple where the child is in hand and they want to start home owning. It is not the Town Board's business to think about the return or how much profit a property owner is going to make. She said no one should be deprived of selling their house. She said no price should be set by the Town. That should never be done. The return for their investment would be greater if it sells as a different zone other than residential. She said that is not the job that the Town Board is here to do. You also have to realize that what you do along Route 304 intrudes on the private streets.

She said she is not talking now as a resident of Glen Drive but as Chairperson of the Shade Tree Commission. She said they are going to be confronted with adequate buffering and screening of the residents who live along those side streets. What she has seen so far has not allowed adequate property to properly screen these people. You are going to get this mushrooming, almost cancerous effect, in this particular area. She said that is her answer. As far as the Town Board's responsibility if the price is right the place will sell. There will always be a buyer.

Councilman Kunis said a woman was just speaking here who is a long term home owner. Government sort of changed the residential integrity of her neighborhood. She didn't do it - government did it. The State did it. Expansion did it. She wasn't responsible but yet she comes here tonight and she is bearing the brunt of government's changing the highway. Councilman Kunis said he sees Ms. Juris' point of view but Ms. Richman also has a valid point of view.

Ms. Juris asked why can't the property be sold at a lower price as a residential property instead of seeking a larger profit to sell it as another zone which it is not. Councilman Kunis said what he is going by is this has been sort of a general complaint to him of many homeowners along that Route 304 Corridor. That is what he can go by.

Ms. Juris said if you own property on a state highway and you have visions of dollars dancing in your head because you can sell it for something else if you get it rezoned and you can make a much larger profit wouldn't you go for it? Of course. Councilman Kunis said absolutely but again he said he was not for or against but the integrity of the neighborhood - Route 304 - is changed. He said he remembers when Route 304 was a two lane highway and it was expanded. The State took a right of way so the integrity along the route was changed. Ms. Juris said she was very aware of Route 304 and has been involved with PTA for many years. Councilman Kunis

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said that is what happens. It changes. You try to do the best and you try to fit the pieces together to sort of make it work and it can't be perfect because what we are trying to do is fit the pieces together from the damage the State has done with the expansion of a highway through the Town of Clarkstown and you try to put certain zones, and create zones, in areas that he thinks are appropriate. It is very difficult because of the people living there and the problems they have and the change. It is very pronounced on this Route 304 strip.

Ms. Juris said she agrees with Councilman Kunis but stated, in closing, if the price is right the property will sell and for every home there is a buyer.

Appearance: Mr. Donald Colucci
Route 304
Bardonia, New York

Mr. Colucci said he has lived in his house which he built for 38 years. He has raised five children there. You have a tough problem. We have property to the north of the property in question. He owns another house north of where he lives. He said he is also speaking for his neighbor to the south of him, Margaret Summa, who owns Lot No. 35.11. He said they have three parcels of land. What do we do with them? We have an older house with a lot of land around it. We can't sell it for residential property. He said he wouldn't advise anybody building a private home on that road. He said he raised five children on that road and he would not highly recommend anyone having a family living on that road. He said he is in perfect agreement with the CFF Company to do what they want to do with an MF multi-family. He said he does not think PO is the answer to that area. There is a flood of PO in the Town now and he did not think PO is the answer. Also selling it as a single family residence is not the answer. If you want to go multi-family and limit it to one bedroom to cut down on the number of people, okay. He said his children cannot afford to live in the Town. They are all moving out. Perhaps if you give them someplace with low rent housing, possibly one bedroom, and seniors with their children out of the nest, possibly that would be apropos for the area. He said he did not think PO is the answer and multi-family might be. He said you do have a problem but he did not think the area should build houses so that the land that we have can go for a single family residence. He said we do have empty land. What do we do with it? We have an old house there with land attached to it. We can't sell it for residential land.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said Route 304 has a lot of problems. He said he knew that they were not easy to solve. He said he did not agree that PO is the answer because that PO zoning is going to create a lot more problems than we have now. This idea that a person lives there and 35 or 30 years ago the State widened it, that this Town Board, therefore, has to make a change. You have to weigh the question of what is the alternative. If you make a change and you help somebody on the road and then you create a lot more problems for all the rest of the people in this Town that is not an answer. He also agreed that the question of what to do with Route 304 is serious and it has been discussed for twenty years. He said he really thinks that the Planning Board should seriously consider low density multi-family along Route 304 with very limited accesses maybe incorporating one of the recommendations made by Mr. Chase that there should be a combination of accesses so that you don't necessarily have to go in and out of every particular property. In the rear there should be some kind of a road that pulls them together so that you can come out at limited areas. He said while the Planning Board is supposed to be doing a Master Plan

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that this Board shouldn't be making changes. What is the point to it? You sit on a Planning Board and you work on trying to make an overall plan and while they are doing that you are making changes. That doesn't make any sense at all. Most places when they start working on a Master Plan go even further. They don't allow certain building permits to be issued during that period of time so that they can really study it without daily or weekly changes.

Mr. Bernstein agreed that to sell an individual home along Route 304 is a very difficult thing. But you have to make sure that the alternative isn't worse. He said the Planning Board should look at the possibility of making a plan that will have low density, multi-family but not condominiums. That is the other thing. He attended a meeting once with the Town Board in which someone came in and said we need affordable housing so we want you to make a change from R-15 to multi-family and therefore they would provide housing for the young people. He said he had pointed out if we did that the next thing that development will turn into condominiums and you won't be doing the thing that you wanted to do to begin with. He said he was told by the then supervisor that it is illegal to put that on. He said he thinks it is illegal if the zoning calls for either but if you are going to give a change you are allowed to provide a covenant that it should be used for rental and that is what is the great need in the Town. We have more condominiums than we will ever use up in the next 5 or 10 years. But rental housing is what there is a great need for. Along Route 304 up to Cranbrook Road you should seriously consider a major change but a logical one that has multi-family with limited access maybe with a road behind it tying everyone together.

Mr. Tracy spoke in rebuttal. He thanked Mr. Bernstein for his brevity and his expertise. He said he wanted to impress upon the Board that we are not trying to sell this property. We are not distressed in that we can't sell the property. We have no intention to sell the property. What we are trying to do is use the property and use it properly instead of pumping money into two derelict houses. The remarks of Ms. Juris that you don't have to help them out because they are going to sell the property is not the question.

We want to make decent use of the property with something that is needed in the community. Ms. Juris pointed out that everything you do on Route 304 impacts private streets. He wondered where the people come from who travel on Route 304? Mr. Tracy said with regard to Mrs. Richman, whether she knew it or not she was here for the first hearing. She needs to get a special permit for her house to permit a doctor to practice in there without living there. He said he was trying to tell her that the first hearing was the hearing she was interested in. Mr. Tracy said with regard to Mr. Granirer's statement obfuscatory it will become more and more common on anything that comes in. He said he thinks it is disingenuous and that is why he showed a little bit of peevishness. Nevertheless, he said he stands by his legal opinion citing the case of Vesey v. Islip. He said with that he will close asking this Town Board to look at this parcel of land with what is in the back of it - Town park; with what is across the street from it - MF; with what is to the south of it - the Bard Professional Building; look where it is situated. Look at the fact that it is deep enough to have 100 foot front yard and be set back. Look at the fact that the owners covenant to rental housing. Ask yourselves is there, to your minds, any place in the Town of Clarkstown that would be more suitable for rental housing?

Mr. Tracy said they have been waiting since 1967 so that the Planning Board could finish their Master Plan. This came on for a hearing after they were finished with the Route 304 study. All of the comments about don't do it piecemeal, wait for the Master Plan - its been done.

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There being no one further wishing to be heard, on
motion of Councilman Mandia, seconded by Councilwoman Smith and
unanimously adopted, the public hearing was closed, DECISION
RESERVED, time: 12:20 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk