

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

203

Town Hall

5/28/91

8:05 P.M.

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

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

Supervisor stated that the first order of business was the declaring of the week of May 27th Major Gerald F. Brickwood Week in the Town of Clarkstown. He read the following proclamation:

"Maj. Gerald F. Brickwood Week
Town of Clarkstown
Week of May 27, 1991

WHEREAS, on behalf of all the employees of the Town of Clarkstown, the Town Board would like to welcome back GERALD F. BRICKWOOD, and

WHEREAS, in December, 1990, GERALD F. BRICKWOOD, Major in the United States Army Reserve, and Supervisor of Operations, Clarkstown Department of Environmental Control, was called to duty to serve in "Operation Desert Storm," and

WHEREAS, without hesitation, JERRY put aside his private life, said goodbye to his many friends in the Town of Clarkstown and joined his fellow Reservists of the 411th Engineering Brigade for active duty in the Persian Gulf, and

WHEREAS, JERRY's days in the Persian Gulf were long and filled with hard work, but he found the time to write letters to all his friends at Town Hall, describing his interesting experiences in the Middle East and telling of the life and customs of the people of those Arab lands, thereby giving us a good insight into the reality of "Operation Desert Storm," and

WHEREAS, in recognition of his distinguished service and courage in the Persian Gulf, the Town of Clarkstown is proud to honor JERRY for his patriotism and dedication to his County, and

WHEREAS, we especially would like to thank him for joining the fight to protect our fellow men and women in another part of the world from domination, thereby helping to preserve the freedoms we hold so dearly,

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all the residents of Clarkstown, hereby declare the week of May 27, 1991 as "MAJ. GERALD F. BRICKWOOD WEEK" in the Town of Clarkstown, in grateful appreciation for his efforts towards preserving world peace.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 28TH
DAY OF MAY, 1991.

/s/ Charles E. Holbrook

CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

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Supervisor also presented a plaque to Major Brickwood which set forth the grateful appreciation of the Town of Clarkstown. Jerry Brickwood came forward and accepted the presentations from the Town Board and all the residents of the Town of Clarkstown. He expressed his thanks to the Town Board and to all the residents of the Town.

Supervisor declared Public Portion open.

Appearance: Mr. Les Bollman, Director
Department of Environmental Control
Town of Clarkstown

Mr. Bollman spoke regarding Agenda Item 11a (Advertising for Bids for BID #45-1991 - Landfill Cover Material). He asked the Town Board to please have the bids come back on the 7th of June but if not then on the 10th so we could award them on the following Tuesday.

Appearance: Mr. James Conlon
West Nyack, New York

Mr. Conlon spoke regarding Agenda Item #4 (Amending Section 106-19(A) of the Town Code regarding Crows Foot Lots). He urged the Town Board to hold this off for at least a month as he has now pending such a lot and it will be up for hearing next week. He also had a question regarding Agenda Item #3 (Amending Chapter 93 of the Town Code - Subdivision of Land).

RESOLUTION NO. (393-1991) ACCEPTING TOWN BOARD MINUTES OF MAY 14, 1991

Co. Maloney offered the following resolution:

BE IT RESOLVED, that the Town Board Minutes of May 14, 1991, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (394-1991) AUTHORIZING CREATION AND CONSTRUCTION OF ROAD IMPROVEMENT FOR PORTION OF DUSTMAN LANE, BARDONIA

Co. Maloney offered the following resolution:

WHEREAS, the Director of Environmental Control was directed to make an estimate of costs and expenses to establish a road improvement district for premises fronting on Dustman Lane,

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RESOLUTION NO. (394-1991) Continued

Bardonia, New York, located south of Schweitzer Lane and west of Route 304, and

WHEREAS, by report dated May 10, 1991, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project, and

WHEREAS, by resolution adopted on April 23, 1991, the Town Board ordered that a public hearing be held on the 14th day of May, 1991 at 8:20 P.M., to consider the creation of such road improvement district, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning same, and

WHEREAS, the maximum amount proposed to be expended for the improvement as described in the estimate and plan of the Director of Environmental Control is \$60,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines from the evidence offered at the public hearing and all documents made part of the record that it is in the public interest to make the said improvement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby authorize and approve the improvement of a portion of Dustman Lane, Bardonia, for a frontage distance of approximately 1,276.22 lineal feet, as indicated on the attached Schedule "A", and be it

FURTHER RESOLVED, that the maximum amount to be expended for the said improvement is \$60,000.00, and be it

FURTHER RESOLVED, that the Director of Environmental Control shall survey, or cause to be surveyed, the above described portion of Dustman Lane, Bardonia, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed, after completion of the survey work described herein, to prepare definite plans and specifications, and with the assistance of the Town Attorney, to prepare a proposed contract for bidding pursuant to General Municipal Law, or in the alternative prepare the project plans for completion by the Department of Highway personnel, and thereafter to oversee the work required for such improvement, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized and directed to apportion the cost of the project for assessment against the benefitted parcels on the basis of a percent front foot formula for frontage on Dustman Lane, Bardonia, so that all parcels shall make the same per front foot contribution, and be it

FURTHER RESOLVED, that the improvement proposed constitutes a Type II Action under 6 NYCRR §617.13(d)(4) and will not have a significant effect on the environment, and no additional SEQR processing is required, and be it

Continued on Next Page

RESOLUTION NO. (394-1991) Continued

FURTHER RESOLVED, that pursuant to §200(3) of the Town Law, the construction of the improvement herein is subject to the consent and approval of the Commissioner of Transportation of the State of New York, and be it

FURTHER RESOLVED, that pursuant to Section 200 (10) of the Town Law, this resolution shall be subject to Permissive Referendum, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall within ten days after the adoption of this resolution cause a Notice to be published in full in the Journal News, and posted on the sign board of the Town maintained pursuant to Town Law.

(Schedule A on file in Town Clerk's Office.)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

Supervisor read Agenda Item #3 regarding the Amendment to Chapter 93 (Subdivision of Lan) of the Town Code of the Town of Clarkstown. This did not have a mover or seconder.

RESOLUTION NO. (395-1991)

TABLING AGENDA ITEM #4 -
AMENDING SECTION 106-19(A)
OF THE TOWN CODE OF THE
TOWN OF CLARKSTOWN
REGARDING CROWS FOOT LOTS

Co. Mandia offered the following resolution:

RESOLVED, that Agenda Item #4 for May 28, 1991 Town Board Meeting (Amending Section 106-19(A) of the Town Code of the Town of Clarkstown regarding Crows Foot Lots) is hereby tabled until the June 25, 1991 Town Board Meeting.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (396-1991)

REFERRING PETITION FOR
CHANGE OF ZONE FROM PO
DISTRICT TO LO DISTRICT -
MAP 32, BLOCK B, LOT 97
(KETOVER AND RAND) TO
CLARKSTOWN PLANNING BOARD
AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (396-1991) Continued

WHEREAS, CAROL KETOVER and MARSHA RAND have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners described from a PO District to an LO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 32, Block A, Lot 97;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that for 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. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (397-1991)

SETTING PUBLIC HEARING RE
ZONE CHANGE PETITION FROM
R-15 DISTRICT TO PO
DISTRICT - MAP 59, BLOCK A,
LOT 15.1 (ALVIN ARONOFF)

Co. Maloney offered the following resolution:

WHEREAS, ALVIN ARONOFF has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 59, Block A, Lot 15.1;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 25, 1991, at 8:15 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (397-1991) Continued

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

RESOLUTION NO. (398-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 135,
BLOCK D, LOT 19.1
(SHRIVASTAVA)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled RAMKUMAR AND SARASWATI SHRIVASTAVA, Index No. 4261/90 for the year 1990/91, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 135, Block D, Lot 19.1 be reduced for the year 1990/91 from \$440,500 to \$150,000;

2. That reimbursement for the year 1990/91 on the parcel designated as Map 135, Block D, Lot 19.1 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (399-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 94,
BLOCK A, LOT 46 (DECICCO)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled,

Continued on Next Page

RESOLUTION NO. (399-1990) Continued

"FRANK AND NANCY DECICCO v. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN," Index No. 5178/86 affecting parcel 94-A-46 for the year 1986/87, and

WHEREAS, the attorney for the petitioners has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioners described on the assessment roll as Map 94, Block A, Lot 46 be reduced for the year 1986/87 from \$417,500 to \$375,000;

2. That reimbursement for the year 1986/87 on the parcel described as Map 94, Block A, Lot 46 be made through the office of the Commission of Finance.

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (400-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 94,
BLOCK A, LOT 42 (SCHILLER)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, "RHONDA SCHILLER v. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN," Index Nos. 5170/86, 4619/87, 4481/88, 5031/89 and 6180/90 affecting parcel 94-A-42 for the years 1986/87, 1987/88, 1988/89, 1989/90 and 1990/91, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 94, Block A, Lot 42 be reduced for the years 1986/87, 1987/88, 1988/89 and 1989/90 from \$420,000 to \$350,000;

2. That the premises owned by the petitioner described on the assessment roll as Map 94, Block A, Lot 42 be reduced for the year 1990/91 from \$420,000 to \$375,000;

Continued on Next Page

RESOLUTION NO. (400-1991) Continued

3. That reimbursement for the years 1986/87, 1987/88, 1988/89, 1989/90 and 1990/91 on the parcel described as Map 94, Block A, Lot 42 be made through the office of the Commission of Finance;

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (401-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 94,
BLOCK A, LOT 39 (MANION)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, "FRANK P. AND EILEEN MANION v. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN," Index No. 5174/86 affecting parcel 94-A-39 for the year 1986/87, and

WHEREAS, the attorney for the petitioners has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioners described on the assessment roll as Map 94, Block A, Lot 39 be reduced for the year 1986/87 from \$340,000 to \$306,000;

2. That reimbursement for the year 1986/87 on the parcel described as Map 94, Block A, Lot 39 be made through the office of the Commission of Finance.

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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RESOLUTION NO. (401-1991) Continued

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (402-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - VARIOUS
MAP, BLOCK AND LOT NUMBERS
(500 AIRPORT EXECUTIVE PARK)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled 500 Airport Executive Park, Inc. v. Town of Clarkstown, Index No. 3900/90 affecting parcels 164-A-12.5; 164-A-13.1; 164-A-17.1; 164-A-13.2 and 164-A-12.4 for the year 1990/91, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 12.5 be reduced for the year 1990/91 from \$2,065,600 to \$1,516,200.

2. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 13.1 be reduced from \$915,900 to \$742,700.

3. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 17.1 be reduced from \$594,700 to \$329,500.

4. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 13.2 be reduced from \$1,454,600 to \$1,152,900.

5. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 12.4 be reduced from \$2,103,200 to \$1,644,800.

6. That reimbursement for the year 1990/91 on the parcels described as 164-A-12.5, 164-A-13.1, 164-A-17.1, 164-A-13.2 and 164-A-12.4 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

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RESOLUTION NO. (402-1991) Continued

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOL:UTION NO. (403-1991)

AUTHORIZING RELEASE OF
PERFORMANCE BOND
(KINGSGATE, SECTION C)

Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown granted final approval to a site plan entitled KINGSGATE, SEC. C, and

WHEREAS, the public improvements have been completed in accordance with the requirements of the Department of Environmental Control of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond No. 072587, JMK Building Corp. as Principal and International Fidelity Insurance as Surety may be considered released pursuant to the recommendation of the Department of Environmental Control as the public improvements have been completed to Town specifications.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (404-1991)

AUTHORIZING DISCONTINUANCE
OF ACTION (COCKS V. STEFAN
FAMILY PROPERTY, INC.)

Co. Maloney offered the following resolution:

WHEREAS, an action was instituted against the Town of Clarkstown entitled Herbert E. Cocks v. Stefan Family Property, Inc. and the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown makes no claim of title to or in any of the premises described in the Complaint;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to execute a Stipulation discontinuing the action as against the Town of Clarkstown.

RESOLUTION NO. (404-1991) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (405-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGN ON MOUNTAINVIEW ROAD
AT CHRISTIAN HERALD ROAD
AND ON MITCHELL DRIVE AT
CHRISTIAN HERALD ROAD,
VALLEY COTTAGE

Co. Maloney offered the following resolution:

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

A Stop sign on Mountainview Road at Christian Herald
Road and a Stop sign on Mitchell Drive at Christian
Herald Road, Valley Cottage, New York

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (406-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
GUIDE RAIL ENTIRE LENGTH
PROPERTY 116 FOXWOOD ROAD
(EASTSIDE), WEST NYACK

Co. Maloney offered the following resolution:

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

A guide rail along the entire length of the property of
116 Foxwood Road (Eastside), West Nyack, New York

and be it

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

Seconded by Co. Smith

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RESOLUTION NO. (406-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (407-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #45-1991 -
LANDFILL COVER MATERIAL
PROVIDE AND HAUL

Co. Maloney offered the following resolution:

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

BID #45-1991
LANDFILL COVER MATERIAL
PROVIDE & HAUL

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 June 14, 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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (408-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #46-1991 -
HELICALLY CORRUGATED
ALUMINUM CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #46-1991
HELICALLY CORRUGATED ALUMINUM
CULVERT PIPE

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 Monday, June
17, 1991 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

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RESOLUTION NO. (408-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (409-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #47-1991 -
HELICALLY CORRUGATED STEEL
CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #47-1991
HELICALLY CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, June 17,
1991 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (410-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #48-1991 -
RIVETED CORRUGATED STEEL
CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #48-1991
RIVETED CORRUGATED STEEL CULVERT PIPE

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, June
18, 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. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (410-1991) Continued

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

RESOLUTION NO. (411-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #49-1991 -
ALUMINIZED STEEL TYPE 2
CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #49-1991
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, June
19, 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 Clarksstown Director
of Purchasing.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (412-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #50-1991 -
CORRUGATED HIGH DENSITY
POLYETHYLENE CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #50-1991
CORRUGATED HIGH DENSITY POLYETHYLENE CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, June
20, 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. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (412-1991) Continued

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

RESOLUTION NO. (413-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #51-1991 (MINI
BUSES)

Co. Maloney offered the following resolution:

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

BID #51-1991
MINI BUSES

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 Monday, July 8,
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. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (414-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #52-1991 -
DEMOLITION OF STRUCTURE
-MAP 164, BLOCK A, LOT
16.01 (REICH PROPERTY)

Co. Maloney offered the following resolution:

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

BID #52-1991
DEMOLITION OF STRUCTURE
TAX MAP 164-A-16.01 (REICH PROPERTY)
PASCACK ROAD, SPRING VALLEY

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.M. on June 10, 1991 at
which time bids will be opened and read, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (416-1991) Continued

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

BID #41-1991
SALE OF SURPLUS VEHICLES

is hereby awarded as follows to the highest bidders:

Item #1 - 1984 International 32 Passenger Bus
Vin # LHVLPXLZEHA45485
awarded to:

Manuel A. Espinoza
44 Dell Street
No. Tarrytown, NY 10591
Individual bidder
@ \$2,100.00

Item #2 - 1984 International 24 Passenger Bus
Vin # LHVLPXL3EHA45141
awarded to:

Manuel A. Espinoza
44 Dell Street
No. Tarrytown, NY 10591
Individual bidder
@ \$2,100.00

Item #3 - 1984 International 28 Passenger Bus
Vin # LHVLPHYN8PHA30796
awarded to:

Manuel A. Espinoza
44 Dell Street
No. Tarrytown, NY 10591
Individual bidder
@ \$2,100.00

Item #4 - 1981 Ford Pick-up Truck
Vin # 2FTEF26G5BCB09828
awarded to:

Liberty Motors, Inc.
1705 Kennedy Blvd.
Jersey City, NJ 07305
Principal: Gary Drautman
@ \$361.99

Item #5 - 1981 Ford Pick-up Truck
Vin # 2FTEF26G3BCB09827
awarded to:

Liberty Motors, Inc.
1705 Kennedy Blvd.
Jersey City, NJ 07305
Principal: Gary Drautman
@ \$131.99

Item #6 - 1987 Dodge Diplomat Sedan
Vin # 1B3BG26SZHX769712
awarded to:

Woodside Motors
43-29 Crescent Street
Long Island City, NY 11101
Principals: Jack Gingold, Bill Huppert
@ \$569.00

Item #7 - 1987 Dodge Diplomat
Vin # 1B3BG26S6HX769714
Awarded to:

Continued on Next Page

RESOLUTION NO. (416-1991) Continued

Woodside Motors
43-29 Crescent Street
Long Island City, NY 11101
Principals: Jack Gingold, Bill Hupart

@ \$835.00

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (417-1991)

AWARDING BID FOR BID #32-1991 -
FOUR WHEEL DRIVE DUMP TRUCKS
(DELUXE SALES & SERVICE, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that basd upon the recommendation of the
Superintendent of Highways that

BID #32-1991
FOUR WHEEL DRIVE DUMP TRUCKS

is hereby awarded to:

DELUXE SALES & SERVICE, INC.
600 SO. RIVER STREET
HACKENSACK, N.J. 07601
PRINCIPALS: ARLEEN STEIN, JOHN PEPE, JR.

for four (4) 1991 Navistar International 4x4 Dump Trucks equipped as per
specs as per their lowest bid meeting specifications of \$83,277.95 each.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (418-1991)

SETTING PUBLIC HEARING RE ZONE
CHANGE FROM R-15 TO RG-2 - MAP
165, BLOCK A, LOT 3.55
(ISER/GRAP)

Co. Maloney offered the following resolution:

WHEREAS, STEPHEN ISER and AXEL GRAP have petitioned the Town
Board of the Town of Clarkstown that the Zoning Ordinance of the Town be
amended by redistricting property of the petitioners described from an
R-15 District to an RG-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax
Map as Map 165, Block A, Lot 3.55;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (418-1991) Continued

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 25, 1991, at 8:25 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (419-1991)

REFERRING APPLICATION FOR
CREATION OF OPEN DEVELOPMENT
AREA (SECTION 280-a(4) PAT E.
DAMIANI

Co. Maloney offered the following resolution:

WHEREAS, PAT E. DAMIANI has submitted an application for the creation of an Open Development Area, pursuant to Town Law, Section 280-a(4);

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the application of Pat E. Damiani, for the creation of an Open Development Area, pursuant to Town Law, Section 280-a(4), to the Clarkstown Planning Board for its review and recommendations.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (420-1991)

REFERRING AMENDMENT TO TOWN CODE
RE: SECTION 89-11 - ADDITIONAL
REQUIREMENTS FOR FINAL APPROVAL
ITEM B(1) SIGNS AND SETTING
PUBLIC HEARING RE SAME

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (420-1991) Continued

RESOLVED, that the following proposed amendment to the Town Code be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report:

Amend §89-11. Additional requirements for final approval.
Item B (10) to read as follows:

"B.(10) Proposed location of all signs, including descriptions of size, lighting and coloration (subject to separate permit process), and building identifications signs."

and be it

FURTHER RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on July 9, 1991, at 8:15 P.M., to consider the adoption of the proposed amendment(s) to the Town Code of the Town of Clarkstown, and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (421-1991)

SETTING A PUBLIC HEARING
REGARDING A PROPOSED AMENDMENT
TO THE ZONING ORDINANCE OF THE
TOWN OF CLARKSTOWN (FAMILY
RECREATION)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 25, 1991, at 8:20 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Continued on Next Page

RESOLUTION NO. (421-1991) Continued

Amend General Use Regulations, LIO District, Table 14,
Column 2, to add the following:

- "16. Family Recreation when located within a fully enclosed building."

Amend General Use Regulations, LIO District, Table 14,
Column 3, Paragraph B, to add the following:

- "8. Family Recreation when located outdoors, subject to Section 106-16T."

Amend General Use Regulations, LIO District, Table 14,
Column 4, to add the following:

- "14. Restaurants, as accessory uses to Family Recreation, not to exceed 15 percent of the total Family Recreation floor area.
15. Related retail space (pro shop, souvenir counter, etc.) as accessory to Family Recreation, not to exceed 5 percent of the total Family Recreation floor area.
16. Accessory indoor assembly space, for birthday parties, team lectures and similar space not to exceed 15 percent of the total Family Recreation floor area."

Amend General Use Regulations, LIO District, Table 14,
Column 6 to Amend No. 3 to read Indoor Tennis clubs, health clubs, and handball courts, AND Add the following uses and parking requirements as below:

<u>"Use</u>	<u>At Least 1 Parking Space for Each:</u>
Bowling Alleys	1/2 space per alley
Exercise centers; Health Clubs; Gymnastics	1 space for each player position
Self-defense activities; aerobic exercises; dance studios or halls	1 space per 200 square feet of floor area
Miniature golf; driving ranges; golf facilities	2 spaces per tee
Baseball batting cages; firing ranges	1 space for each player position
Bumper cars, water bumper boats and similar	1 space per vehicle unit
Video, pinball and other arcade type amusements	1 space per two player positions
Petting zoos	1 space per 200 square feet
Billiard parlors and pool rooms	2 spaces per table

Continued on Next Page

RESOLUTION NO. (421-1991) Continue

Skating rinks	1 space per 75 square feet of floor area
Swimming pools	
Horseback riding facilities corrals, etc.	1 space per animal
Restaurants, as accessory uses to specific recreational uses:	
(a) Standard	1 space per 100 gross sq.ft.
(b) Fast-Food	1 space per 75 gross sq.ft.
Related retail space (Pro shop, souvenir counter, etc.)"	1 space per 200 gross sq.ft.

Amend Section 106-3 Definitions to add the following:

"FAMILY RECREATION - Indoor or outdoor recreation activities capable of participation by family members of varying ages. Examples include, as a general category, those for which parking standards are provided in Table 14, Column 6, Numbers 3, 21 through 32."

Amend Section 106-16 to add the following:

- "T. Family recreation, outdoor, subject to the following conditions:
- (1) Site lighting. A site lighting plan shall be provided, including all technical specification for the type and intensity of lighting proposed the location and height of all lighting fixture standards, luminaires and facilities, evidence that lighting will not affect nearby residential properties, and proposed hours of operation of night lighting.
 - (2) Noise. Adequate evidence must be furnished by the applicant demonstrating that noise levels will not be likely to disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of participants, the number of participants, the frequency of the activity, and the time and day of the proposed activity.
 - (3) Waste. A plan must be provided demonstrating that activity of generated waste, such as fertilizer and insecticide runoff or airborne spray, solid waste, and any other by-product of the activity will be disposed of properly.
 - (4) Special considerations. Because the range of activities permitted as Family Recreation is very wide, and the characteristics and intensity of use may vary widely, the Town Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location, and the nature of the adjoining community."

and be it

Continued on Next Page

RESOLUTION NO. (421-1991) Continued

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (422-1991) AMENDING RESOLUTION NO.1135-1990
- ESTABLISHING TOWN BOARD AND
WORKSHOP MEETING DAYS

Co. Mandia offered the following resolution:

RESOLVED, that the Town Board hereby amends Resolution No. 1135-1990, establishing Town Board and Workshop meeting days for the year 1991, by rescheduling the meeting days for the months of July and August as follows:

- Workshop - July 1st and August 5th
- Town Board - July 9th and August 13th

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (423-1991) TRANSFER OF FUNDS - VARIOUS
ACCOUNTS -COMPTROLLER'S OFFICE

Co. Maloney offered the following resolution:

WHEREAS, it is necessary to transfer funds into Appropriation Account No. H 7140-25P90-10-409 (Capital #2-Armory Dr., VC),

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 0 (Unexpended Balance) and increase Appropriation Account No. A 9550 910 1 (Transfer to Capital) by \$1,270.00 and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 15-002954-1 (Transfer from other funds) and Appropriation Account No. H 7140-25P90-10-409 by \$1,270.00 and make the necessary transfers to the proper accounts.

Seconded by Co. Smith

RESOLUTION NO. (223-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (424-1991)

INCREASING ESTIMATED REVENUE
ACCOUNT NO. B 02 2770 0 AND
APPROPRIATION ACCOUNT NO. B
8110-111 (SEWER-OVERTIME)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received a check in the amount of \$1,582.48 for a damaged sewer line on Rt. 304 from Orange and Rockland Utilities,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Account No. B 02 2770 0 and Appropriation Account No. B 8110-111 (Sewer-Overtime) by \$1,583.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (425-1991)

INCREASING ESTIMATED ACCOUNT NO.
DA 042 4 2300 0
(HIGHWAY-DA-REVENUE FROM OTHER
AGENCIES) AND APPROPRIATION
ACCOUNT NO. DA 5142 386 (SALT,
CALCIUM)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received checks in the amount of \$6,332.44 from various agencies for the purchase of salt

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. DA 042 4 2300 0 (Highway-DA-Revenue from other agencies) and Appropriation Account No. DA 5142 386 (Salt, Calcium) by \$6,333.00

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (426-1991)

AMENDING OF PETTY CASH FOR
VARIOUS TOWN DEPARTMENTS

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (226-1991) Continued

RESOLVED, that Resolution #13-1991 establishing petty cash for various town departments for 1991 be amended to read as follows:

Comptroller	\$100.00	from	\$110
Street School	\$ 75.00	from	\$ 25

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (427-1991)

APPROPRIATION OF FUNDS TO
VETERAN ORGANIZATIONS

Co. Maloney offered the following resolution:

WHEREAS, certain veteran organizations have requested monetary assistance from the Town, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64 (13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500.00 for leasing or rental and maintenance of meeting facility and \$250.00 for patriotic observance) to each of the following veteran organizations:

Wm E. DeBevoise, Jr. American Legion	Post 1682
Clarkstown Memorial - V.F.W.	Post 851
Vietnam Veterans of America	Chapter 333
Lt. Raymond Jauss - V.F.W.	Post 2607
Lt. Walter Lipman/M/Sgt. Max Erlanger J.W.V.	Post 756
Lts. Israel Schwartz/Theodore Kerchman - J.W.V.	Post 720
New City Memorial - V.F.W.	Post 8749
Congers V.M.A.	

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organizations and submitted to the Town Board for audit and distribution, and be it

FURTHER RESOLVED, that said funds will be charged against 1990 Account No. 6510-401.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (428-1991)

SETTING A PUBLIC HEARING ON
PROPOSED LOCAL LAW ENTITLED "A
LOCAL LAW CREATING THE
ARCHITECTURE AND LANDSCAPE
COMMISSION AND PROVIDING FOR ITS
POWERS AND DUTIES"

Co. Smith offered the following resolution:

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

"A LOCAL LAW CREATING THE ARCHITECTURE AND LANDSCAPE
COMMISSION AND PROVIDING FOR ITS POWERS AND DUTIES"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of
the Municipal Home Rule Law, be had at the Auditorium of the Town Hall,
10 Maple Avenue, New City, New York, on July 9, 1991, at 8:05 P.M., or as
soon thereafter as possible, relative to such proposed local law, and be
it

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

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (429-1991)

SETTING A PUBLIC HEARING ON A
PROPOSED LOCAL LAW ENTITLED,
"REPEAL OF LOCAL LAW NO. 6-1971
AND LOCAL LAW NO. 3-1976 OF THE
TOWN OF CLARKSTOWN DEALING WITH
TREES, SHRUBBERY, TOPSOIL AND
SEEDING"

Co. Smith offered the following resolution:

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

"REPEAL OF LOCAL LAW NO. 6-1971 AND LOCAL LAW
NO. 3-1976 OF THE TOWN OF CLARKSTOWN DEALING
WITH TREES, SHRUBBERY, TOPSOIL AND SEEDING"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of
the Municipal Home Rule Law, be had at the Auditorium of the Town Hall,
10 Maple Avenue, New City, New York, on July 9, 1991, at 8:07 P.M. or as
soon thereafter as possible, relative to such proposed local law, and be
it

Continued on Next Page

RESOLUTION NO. (429-1991) Continued

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

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (430-1991)

SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "REPEAL OF LOCAL LAW NO. 1-1965, LOCAL LAW NO 4-1971, LOCAL LAW NO. 5-1981 AND LOCAL LAW NO. 5-1982 DEALING WITH THE BOARD OF ARCHITECTURAL REVIEW OF THE TOWN OF CLARKSTOWN

Co. Smith offered the following resolution:

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

"REPEAL OF LOCAL LAW NO. 1-1965, LOCAL LAW NO. 4-1971, LOCAL LAW NO. 5-1981 AND LOCAL LAW NO. 5-1982 DEALING WITH THE BOARD OF ARCHITECTURAL REVIEW OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on July 9, 1991, at 8:10 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (431-1991)

AUTHORIZING ATTENDANCE AT THE
"BENEFITS AND THE LAW" WORKSHOP
(NANCY DAVIDSON) - CHARGE TO
APPROPRIATION NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Nancy Davidson, Employee Benefits Clerk, is hereby authorized to attend the "BENEFITS AND THE LAW" Workshop on June 12, 1991, in New York City, and be it

FURTHER RESOLVED, that the registration fee of \$295.00 is be charged against Account No. A 1010-414 along with all necessary and appropriate charges.

Seconded by Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (432-1991)

AUTHORIZING THE SUPERVISOR TO
ENTER INTO AN AGREEMENT WITH
ARTHUR CONKLIN

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract, except that Mr. Conklin shall be paid \$15.00 per hour, for the period from May 14, 1991 to November 13, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (433-1991)

PROPOSAL OF ROAD IMPROVEMENT OF
MEDWAY AVENUE, CONGERS

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby directs Leslie F. Bollman, Director of Environmental Control, to prepare a preliminary cost estimate on the proposed road improvement of Medway Avenue, Congers, New York, between Tremont Avenue and Route 303.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (434-1991)

AUTHORIZING DRAINAGE WORK TO BE PERFORMED - RALEIGH DRIVE, NEW CITY

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to perform corrective drainage work on Raleigh Drive, New City, pursuant to recommendation of the Department of Environmental Control.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (435-1991)

ADOPTING LOCAL LAW NO. 4 - 1991 (ROUTE 304 CORRIDOR) - SPECIAL PERMIT TO ALLOW FOR CONVERSIONS OF EXISTING SINGLE FAMILY RESIDENCES IN R-15 & R-22 ZONES TO PROFESSIONAL AND BUSINESS OFFICE USES

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

A LOCAL LAW ENTITLED, "ROUTE 304 CORRIDOR (Ludvigh Road to New City/Congers Road) SPECIAL PERMIT TO ALLOW FOR CONVERSIONS OF EXISTING SINGLE FAMILY RESIDENCES IN THE R-15 & R-22 ZONING DISTRICTS TO PROFESSIONAL AND BUSINESS OFFICE USES SUBJECT TO SPECIFIC CRITERIA"

was introduced by Councilwoman Smith at a Town Board meeting held on March 26, 1991, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 26, 1991, directed that a public hearing be held on April 23, 1991, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 8, 1991, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 13, 1991, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 23, 1991, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated April 22, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

Continued on Next Page

RESOLUTION NO. (435-1991) Continued

FURTHER RESOLVED, that the Town Board has determined to adopt this local law by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because the Town cannot comply with the conditions recommended by the County, and be it

FURTHER RESOLVED, that Local Law No. - 1991, entitled:

"A LOCAL LAW ENTITLED, "ROUTE 304 CORRIDOR (Ludvigh Road to New City/Congers Road) SPECIAL PERMIT TO ALLOW FOR CONVERSIONS OF EXISTING SINGLE FAMILY RESIDENCES IN THE R-15 & R-22 ZONING DISTRICTS TO PROFESSIONAL AND BUSINESS OFFICE USES SUBJECT TO SPECIFIC CRITERIA"

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

- Charles E. Holbrook, Supervisor...Yes
- John R. Maloney, Councilman.....Yes
- Ralph F. Mandia, Councilman.....Yes
- Ann Marie Smith, Councilwoman.....Yes

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

Seconded by Co. Maloney

RESOLUTION NO. (436-1991)

ADOPTING LOCAL LAW NO. 5 - 1991
AMENDING SECTION 106-10A, TABLE 3, AND SECTION 106-10A, TABLE 4, COLUMN 3 OF TOWN CODE

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

"A LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING SECTION 106-10A, TABLE 3, COLUMN 3, AND SECTION 106-10A, TABLE 4, COLUMN 3 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith at a Town Board meeting held on April 23, 1991, a 8:05 P.M., and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 26, 1991, directed that a public hearing be held on April 23, 1991, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 8, 1991, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 13, 1991, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 23, 1991, and

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (436-1991) Continued

RESOLVED, that based upon the report of Robert Geneslaw, dated April 22, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this local law by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because the Town cannot comply with the conditions recommended by the County, and be it

FURTHER RESOLVED, that Local Law No. - 1991, entitled:

"A LOCAL LAW AMENDING SECTION 106-10A, TABLE 3, COLUMN 3, AND SECTION 106-10A, TABLE 4, COLUMN 3 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

- Charles E. Holbrook, Supervisor...Yes
- John R. Maloney, Councilman.....Yes
- Ralph F. Mandia, Councilman.....Yes
- Ann Marie Smith, Councilwoman.....Yes

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

Seconded by Co. Maloney

RESOLUTION NO. (437-1991)

DECLARING BOND(S) IN DEFAULT AND AUTHORIZING TOWN ATTORNEY TO INSTITUTE LEGAL ACTION

Co. Maloney offered the following resolution:

RESOLVED, that Bond Number 114545 issued by Union Indemnity Insurance Company of New York and Bond No. 21302 issued by The North River Insurance Company to JODI-LYNN WASHOMATIC, INC. in connection with a subdivision known as CAMELOT, both in favor of the Town of Clarkstown, be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bonds to insure construction and completion of roads, improvements, etc., in accordance with Town specifications, and be it

FURTHER RESOLVED, that the Director of Environmental Control and the Superintendent of Highways and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (438-1991)

UPGRADING OF PLANNING ASSISTANT
TO A GRADE 29 - PLANNING
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that the position of Planning Assistant - Planning Department - is hereby upgraded to a Grade 29 - effective June 3, 1991

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (439-1991)

ADOPTION OF PAY RATE INCREASES
FOR OFFICE WORKER STUDENTS AND
LABORER STUDENTS

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective June 3, 1991:

Year-Round High School Students (Office Worker Student)
Hired Prior to 1/1/91.....25¢ Per Hour

Year-Round College Students (Office Worker Students)
Hired Prior to 1/1/91.....50¢ Per Hour

Year-Round College Students (Office Worker Students)
Hired after 1/1/91 and
Presently on Payroll.....25¢ Per Hour

Returning Seasonal College Students

Office Workers.....25C Per Hour
Laborers.....25¢ Per Hour

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (440-1991)

APPOINTING TO POSITION OF
MAINTENANCE HELPER - HIGHWAY
DEPARTMENT (RICHARD IPPOLITO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Richard Ippolito, 18 Westlyn Drive, Bardonia, New York, to the position of Maintenance Helper - Highway Department - at the current 1991 annual salary of \$19,232.00, effective May 28, 1991

Seconded by Co. Smith

RESOLUTION NO. (440-1991)

On roll call the vote was as follows:

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

RESOLUTION NO. (441-1991)

APPOINTMENT TO POSITION OF
LABORER STUDENT - TOWN HIGHWAY
DEPARTMENT (BARRY LANDES)

Co. Maloney offered the following resolution:

RESOLVED, that Barry Landes, 7 York Drive, New City, New York, is hereby appointed to the position of Laborer Student - Town Highway Department - at the current hourly rate of \$7.00 - effective and retroactive to May 23, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (442-1991)

APPOINTMENT TO THE POSITION OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (PATRICK FARLEY)

Co. Maloney offered the following resolution:

RESOLVED, that Patrick Farley, 69 Bogert Avenue, Pearl River, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current hourly rate of \$9.62, effective May 28, 1991

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (443-1991)

APPOINTMENT TO THE POSITION OF
OFFICE WORKER STUDENT -
JUSTICE DEPARTMENT (MARCY
PETEROY)

Co. Maloney offered the following resolution:

RESOLVED, that Marcy Peteroy, 13 Terrace Avenue, Nanuet, New York, is hereby appointed to the position of Office Worker Student - Town Justice Department - at the current hourly rate of \$4.50, effective May 29, 1991.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (443-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (444-1991)

TEMPORARY CREATION OF PART-TIME
POSITION OF CODE INSPECTOR -
BUILDING DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel office has certified on May 28, 1991 that the part-time position of Code Inspector - can be created, temporarily, pending further review,

NOW, therefore, be it

RESOLVED, that the position of (part-time) Code Inspector - Building Department - is hereby created - effective June 3, 1991, and be it

FURTHER RESOLVED, that the 1991 hourly rate for the position of part-time Code Inspector is \$12.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (445-1991)

APPOINTMENT TO POSITION OF
TEMPORARY (PART-TIME) CODE
INSPECTOR -BUILDING DEPARTMENT
(AUDREY PALEY)

Co. Maloney offered the following resolution:

RESOLVED, that Audrey Paley, 5 Avon Lane, New City, New York, is hereby appointed to the position of temporary (part-time) Code Inspector - Building Department - at the current 1991 hourly rate of \$12.00 - effective June 3, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (446-1991)

APPOINTMENT TO POSITION OF
OFFICE WORKER STUDENT -
CONSOLIDATED STREET LIGHTS
(CATHERINE CLARK)

Continued on Next Page

RESOLUTION NO. (446-1991) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Catherine Clark, 16A Dover Road, Congers, New York, is hereby appointed to the position of Office Worker Student - Consolidated Street Lights - at the current hourly rate of \$5.50 - effective May 29, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (447-1991)

SETTING A PUBLIC HEARING ON A
PROPOSED LOCAL LAW ENTITLED
"LIMITED TWO-FAMILY DWELLING LAW"

Co. Maloney offered the following resolution:

WHEREAS, COUNCILMAN MALONEY, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"LIMITED TWO-FAMILY DWELLING LAW
OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on July 9, 1991, at 8:20 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

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

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

Seconded Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (447-1991) Continued

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

On motion of Councilman Mandia, seconded by Councilwoman Maloney and unanimously adopted the public hearing re: Zone change from LIO to LS - Map 129, Block A, Lot 14 (DePaulis) was opened, time: 8:40 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted the public hearing re; Zone change from LIO to LS - Map 129, Block A, Lot 14 (DePaulis) was closed, DECISION RESERVED, time: 9:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Abandonment of portion of Second Street, Congers, was opened, time: 9:01 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandonment of portion of Second Street was closed, DECISION RESERVED, time: 9:03 p.m.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 31 violation - Map 163, Block A, Lot 11 (Hutton Fifty-Nine Town House, Ltd.) was opened, time: 9:03 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 31 violation - Map 163, Block A, Lot 11 (Hutton Fifty-Nine Town House, Ltd.) was closed, RESOLUTION ADOPTED, time: 9:06 P.M.

RESOLUTION NO. (448-1991)

AUTHORIZING BUILDING INSPECTOR
TO CORRECT CONDITIONS - MAP 163,
BLOCK A, LOT 11 (HUTTON)

Co. Smith offered the following resolution:

WHEREAS, by Resolution No. 304 dated April 23, 1991, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 163, BLOCK A, LOT 11, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 28th day of May, 1991, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 31 of the Code of the Town of Clarkstown dated April 23, 1991 have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 24th day of June, 1991, and be it

Continued on Next Page

RESOLUTION NO. (448-1991) Continued

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 31 violation - Map 120, Block G, Lot 37 (Pitts) was opened, time: 9:07 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 31 violation - Map 120, Block G, Lot 37 (Pitts), was closed, RESOLUTION ADOPTED, time: 9:10 P.M.

RESOLUTION NO. (449-1991)

AUTHORIZING BUILDING INSPECTOR
TO CORRECT CONDITIONS - MAP 120,
BLOCK G, LOT 37 (PITTS)

Co. Mandia offered the following resolution:

WHEREAS, by Resolution No. 305 dated April 23, 1991, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 120, BLOCK G, LOT 37, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 28th day of May, 1991, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 31 of the Code of the Town of Clarkstown dated April 23, 1991 have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 24th day of June, 1991, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action be assessed as a lien against the property, and be it

Continued on Next Page

RESOLUTION NO. (449-1991) Continued

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

Seconded by Co. Maloney

On roll call the vote was as follows:

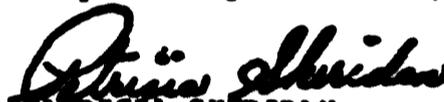
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

Appearance: Aldolph Selong
 Congers, New York

Mr. Selong stated about a week ago on So. Conger Avenue there was a Highway Department truck that came up there about 7:13 A.M. That truck was running from 7:13 to 8:30 in the morning burning up gasoline, burning our money and wasting his time.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney and seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was closed, time: 9:12 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

241

Town Hall

5/28/91

8:40 P.M.

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

Re: Zone change petition (LIO to LS) DePaulis 129-A-14

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

Supervisor Holbrook asked Town Attorney Murray Jacobson if he had any reports from the planning agencies. Murray Jacobson stated that we had a report from the County Planning Department dated April 29, 1991 as follows:

(Letterhead of Rockland County Department of Planning)

"April 29, 1991

The zone change from LIO to LS for this parcel is disapproved for the following reasons:

No comprehensive statement has been submitted that addresses the area-wide concerns of such a change. The applicants reasons are not clear whether the claimed need for the shopping plaza is generated from the nearby industrial and office uses or the areas residential uses. If the intent is to serve the needs of residential neighbors then the nearby Congers Hamlet Center is well suited for this type of shopping. If this area is changed to LS then any outlying area could make a similar claim.

If the Town Board decides that shopping is appropriate in the LIO zone to provide convenient shopping and luncheonette uses for workers, then the Board should consider amending the use table for the LIO zone to allow said uses as special permits."

The Town Planning Board has not reviewed this matter and SEQRA has not been completed.

Supervisor Holbrook stated that the Town Board could not vote to approve this tonight.

Appearance: James Freeman
4 Laurel Drive
New City, New York

Mr. Freeman said Joe DePaulis of the DePaulis Masonery Supply Enterprise at 303 and 9-W in Congers is the owner of property located across the street bordered on the south by Meola Road and other property in the immediate environment. The particular parcel which is the subject of this application is zoned at the present time LIO. It is approximately 2.8 acres and it has come to the interest of Mr. DePaulis and Mrs. DePaulis to seek an amendment to the code to change this to an LS zone which would permit a local shopping mall of approximately 25 to 28 thousand square feet to serve the neighborhood area. The area itself right now is starting to be built up with uses such as a new plant being erected, MRC and several housing developments in the immediate area. Present this evening is representative Wayne Klingman from Atzl & Scattassa and Conrad Remick the proposed architect for this site should this zone change be approved. To get to the question of the surrounding zoning, he called Wayne Klingman to the microphone to demonstrate to the Board the immediate zoning in the area with respect to the traffic patterns that are generated and drainage.

Continued on Next Page

Appearance: Wayne Klingman

He stated that the property on Route 303 and Meola Road is in a LIO zone. The zoning in the immediate proximity to this parcel are zones in LIO, LS and RS. The site as it is shown would be for what Mr. DePaulis is planning would be in conformity with the area as it is developed. The area now is developed as the MRC or into warehousing and light manufacturing type uses. There is nothing in this immediate area that qualifies under the local shopping for this area.

As far as the traffic goes, Route 303 at this point is not that heavy of a traffic area as it would be much further south. There is not that heavy a traffic situation. Meola Road is basically a semi-improved and unimproved road. Our access to this parcel would not be from Route 303, but from Meola Road, therefore, eliminating any traffic coming directly out of the site onto Route 303.

There are sewers in the immediate area to service this site and the drainage for the site can be very easily worked out. There is an existing drainage system down along the New York Railroad and access to that drainage can be very easily obtained and that will be done during the normal Planning Board process that this would have to go through before we could obtain Planning Board approval.

Appearance: James Freeman

For the Board's information, he presented Conrad Remick, the architect of the proposed structure to be erected which he stated would be of first quality to accommodate the stores such as restaurants. There has been a great deal of interest expressed from lending institutions, a restaurant and your neighborhood shoppers. He said that there would be a great deal of money expended in the development of this piece and this would not interfere with the ladies and gentlemen who are operating in the Congers area because of the amount of the rent that will be charged to justify the expense that Mr. & Mrs. DePaulis are going to be expending this structure.

Appearance: Conrad Remick

The site that has been mentioned is approximately 2.8 acres, and is an L shaped configuration of the building with parking in the foreground and with screening from Route 303. The whole concept is to maintain whatever major trees are on the property and provide adequate parking in proportion to the structure itself in terms of meeting the code requirements. The appearance of the project would be colonial in character with the use of colonial brick, pitched roofs, dormers, lots of screening and planting. The concept is to create a new image in that area and kind of set an example for future development such as shopping in the area.

Appearance: James Freeman

Mr. Freeman stated that Meola Road will serve as the entrance to the shopping center and Mr. DePaulis does own the roadway. He said that the area itself is surrounded by property which is owned to some large extent by Mr. & Mrs. DePaulis.

Supervisor Holbrook asked Mr. Freeman "In terms of your major proposed customers, where would you anticipate them coming from. The immediate area or far beyond?" Mr. Freeman said that there was a great deal of residential construction in that area and in the Bully Boy Restaurant area. There is also office workers and executive clientele coming from the quite tasteful structures that

Continued on Next Page

have been erected and which are in the process of being erected there and they need services. For instance, just an ability to simply get a lunch in that area is a big problem and Mr. DePaulis is willing to take the risk in erecting for the town a great ratable and present these neighborhood type services that will allow that area to develop in a very tasteful way in a style that certainly can't be judged as mediocre.

Councilman Mandia asked if there were any changes from what you, Mr. Freeman, talked about in the workshop? Mr. Freeman stated that

it was the same thing that he had seen in the workshop. It is a colonial type motif and that is what he wants to stick with and there are no changes from the drawing you saw in the workshop. Conrad tried to present it in greater detail to give you a better idea exactly what DePaulis has in mind.

Councilman Mandia asked Mr. Freeman if he was before the Town Planning Board now or about to be before it? Mr. Freeman stated that they were about to be before them. There was some misunderstanding about the zone that the DePaulis were seeking. As you are aware LS is a lighter zone and DePaulis does not want the heavier type use that could be sought in a zone which would permit heavier use and the other thing was establishing DePaulis' right to Meola Road which he owns both sides of and would have the right to improve that according to how the Planning Board would want. He added that frankly somehow there was deficiency with respect to submitting this fact in addressing the tax report.

Appearance: Mr. Meola
12 Meola Road
Congers, New York

Mr. Meola stated that with regard to Mr. DePaulis owning the road, he does not own the road. It is a use road. Mr. Meola stated that he was there twenty years before DePaulis was there. Mr. Meola stated that there are children on that road and there are children across the street. To come in with a shopping center on a private road with children going to school, coming in and out from morning till night, personally he thought it was out. He also stated that it increases traffic with 303 coming over 9-W with the traffic light. Now if they are looking for restaurants, there are plenty in Town. Mr. Meola presented the Board with petitions in opposition.

Appearance: John Jerkel
Valley Cottage, New York

Mr. Jerkel asked if there would be a need for a traffic light?

Mr. Freeman stated that this is something that the experts would have to determine and certainly that he was not qualified to say whether or not that precisely at Meola Road you would need traffic control.

Mr. Jerkel suggested that this be tabled for further discussion until we find that out because personally as a resident of Rockland, he felt that the last thing we need is one more traffic light in this County.

Appearance: Casey Smith
Route 303
Congers, New York

She stated that if we are going to have the same problem that we have at Carvel, it would create more accidents and

Continued on Next Page

that road is treacherous. You would not believe the traffic that comes through there. She does not approve.

Appearance: George Raft
Meola Road
Congers, New York

He expressed his opposition to this zone change. He agreed with everything Mr. Meola said with regard to traffic. Route 303 is a major truck traffic route between Nyack and Haverstraw and he thinks that the increase in the amount of traffic turning into a small road like Meola Road would be a danger to the area. His two small children use that area for a bus stop.

Appearance: Zippy Fleisher
Buena Vista Road
New City, New York

She expressed her concern for the people who are there now. They expected the area to be a certain way. She said they were told that the Hamlets would be the densest part of town and here we see them spreading down 304, down 303, now up 303. We don't need to have local shopping in that area. If indeed, it was there, it would only be taking from the other local shopping area because she does not see where the people are coming from. Would they come from Haverstraw? Would they come from New City? It is just no advantage to the Town. She wondered why these things couldn't be turned down before we have to waste our time with a hearing. It is contrary to the whole zoning concept which we thought we were developing in the New City area and the densest area being in the Hamlet. I would say that you should vote tonight against this and wipe it off the map.

Appearance: Angelo Annuziatio
7 Meola Road
Congers, New York

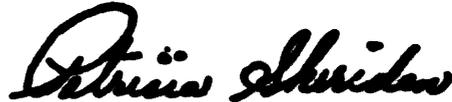
He stated that he has two small children who walk up that road every morning at exactly 7:40. If it is turned into an access for a shopping center he was sure that somebody is going to be coming down that road. The road is only twelve feet long.

Appearance: James Freeman

Mr. Freeman stated that with due respect to Mr. Meola, we have furnished Mr. Jacobson with a letter from the McCall Abstract Agency with respect to the ownership of Meola Road in that area. There is no question that the Meolas and people who have a few homes on that private road have a question as to its use and it certainly is Mr. DePaulis's intention to improve it to the specifications required by the Town in the event that this zone change should be granted.

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: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/28/91

9:01 P.M.

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

RE: Abandonment of a portion of Second Street, Congers

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

Supervisor Holbrook asked Mr. Jacobson if he had any correspondence regarding this? Mr. Jacobson stated that the County Planning Board has approved subject to conditions that there be a dedication of the area of Second Street between the existing right-of-way line and the designated road line (approximately 9.375 feet x 40.10 feet should be given to the County of Rockland before Second Street is abandoned. The SEQRA states no environmental impact. The Town Planning Board will discuss this matter on June 5, 1991. It has not been discussed yet. Supervisor Holbrook asked if we have the SEQRA and everything? The Town Attorney stated that the SEQRA is okay.

Supervisor Holbrook asked the Town Attorney if the Town Board could take an affirmative action on this? Councilman Mandia stated that he would like to hear from the Planning Board. Supervisor Holbrook asked if there was any member of the public who would like to comment on this matter. No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously reserved, the public hearing was declared closed, DECISION RESERVED, time 9:03 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/28/91

9:03 P.M.

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

Re: Chapter 31 Violation - Map 163, Block A, Lot 11 (Hutton
Fifty-Nine Town House, Ltd.

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

Supervisor Holbrook asked Fire Inspector Mr. Mark Pappenmeyer to present the Town's position with regard to this structure.

Mr. Pappenmeyer said that the property is located at 6 Hunt Avenue in Nanuet, New York and known as the old Eagle Day Camp. On September 14, 1990, there was a small fire in one of the pool locker rooms. Shortly thereafter, we issued a violation to secure all of the buildings. The building had no longer been used in the abandoned day camp.

He said in February of this year, we had another major fire on the premises destroying one building. Again, we issued violations to have the debris from the fires cleaned up and the remaining building secured. The owners have failed to respond to any of our orders. On April 5th we addressed a letter to the Town Board requesting they institute Chapter 31 proceedings and at that time our report read that it is on an unoccupied structure which was heavily damaged by fire and the remaining portion of this building is opened and not secured. In addition, other unoccupied structures on the grounds are also open and unsecured.

The owner was duly notified by Order #91-6 to remove all the debris and clean up the fire damaged building. The owner was also duly notified by Order #91-7 to secure all the buildings immediately. Prior to these orders, violation #90-729 had been issued on September 16, 1990 to secure the buildings due to a fire which occurred on September 14, 1990. Reinspection showed that the owners failed to comply with any of the orders and violation notices and the buildings remain unsecured. Debris from the latest fire remains on the site. The premises are an attractive nuisance for young children as well as to vagrants and other trespassers who may be injured within. It is or may become a place of rodent infestation and presents a fire and safety hazard as well as other dangers to the health, safety and welfare of the public.

Mr. Pappenmeyer stated that it is the recommendation of this office because of the conditions of the buildings and failure of the owner to secure the buildings and failure of the owner to clean up fire damage from the buildings and remove the debris after receiving proper notice that the fire damaged buildings be cleaned up and all debris removed and all the buildings be secured immediately against entry by properly securing all doors and windows. Since this report, we have had another fire on the premises on May 17, 1991 destroying another bungalow and in addition to that, because of the heavy rains in Spring, we have two pools that are on site that are filled with water and the fence around them is not adequate. Mr. Pappenmeyer submitted to the Board some pictures of the premises.

Mr. Pappenmeyer stated that they now have had three fires on the same site.

Councilman Mandia asked if anybody was hurt in any of those fires? Mr. Pappenmeyer stated fortunately no.

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PH -Chapter 31 Violation - Map 163, Block A, Lot 11 (Hutton
Fifty-Nine Town House, Ltd. 5/28/91
Page 2

Supervisor Holbrook asked if any of the Board Members had any questions of Mr. Pappenmeyer? No one did. Supervisor Holbrook asked if any of the public present familiar with the circumstances of these properties have any comments to add? No one did.

Supervisor Holbrook proceeded with the Order to implement Chapter 31 and to remove the said structure.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (448-1991) (ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town

5/28/91

9:07 P.M.

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

RE: Chapter 31 Violation - Pitts 120-G-37

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

Supervisor Holbrook asked Fire Inspector Mr. Mark Pappenmeyer to proceed. Mr. Pappenmeyer stated that the premises are located at 18 Chestnut Street, Central Nyack, New York. The original fire occurred on April 16, 1990 over a year ago. The owner was issued Order #90-16 on April 17, 1990 to secure the structure. On June 25, 1990, the court information was issued to the owner for failure of the owner to secure the structure. On July 20, 1990, they pled guilty to the charge and were given a conditional discharge under the condition that they immediately secure the structure and apply for a permit to demolish the structure. The owner did secure the structure and apply for the permit to demolish the structure, however the permit was not issued until September 14, 1990 because evidence was not supplied and utilities properly terminated.

On September 14, 1990 when a demolition permit was issued, until the present, the building remains. There has been no work. The building is and has been for some time no longer secure against injury and further deterioration has weakened the remaining portions of the structure. It is my opinion that the filing of the demolition permit was done only to satisfy the Court requirement and the owners have no intention to remove the building. It is my recommendation that the building be removed and removed immediately.

Supervisor said you are recommending that it be removed by the 24th of June, correct? Is there any member of the public who wishes to be heard relative to this particular public hearing and the removal of this unsafe structure? No one appeared.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, time: 9:10

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (449-1991) (ADOPTED)