

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/25/91

8:00 P.M.

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

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

Supervisor noted that the first order of business would be the presentation of a proclamation for Recreation and Parks Month.

"RECREATION AND PARKS MONTH
JULY - 1991

- WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and
- WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and
- WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and
- WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and
- WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 25th day of June, 1991, do hereby proclaim the month of July, 1991, "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for JULY.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 25TH
DAY OF JUNE, 1991.

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

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

(S.E.A.L.)

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

/s/ Ralph P. Mandia
RALPH P. MANDIA, Councilman

/s/ Ann Marie Smith
ANN MARIE SMITH, Councilwoman

Supervisor called upon Mr. Ed Ghiazza to accept this proclamation on behalf of the Town Board.

Supervisor then made presentation of a Certificate of Award to Eagle Scout Darren M. Tillman of Troop 46 Boy Scouts of America. Supervisor noted that Troop 46 was his old troop and he offered his congratulations to Darren and his family members. The Town Board members also offered their congratulations to Darren.

Supervisor then made presentation of a Certificate of Award to Eagle Scout Jamieson Provan of Troop 313. He offered his congratulations to Jamieson and his family members. The Town Board members also offered their congratulations to Jamieson.

Supervisor then declared the public portion of the meeting open.

Appearance: Ms. Erma Ohmeis
121 Kings Highway
Congers, New York 10920

Ms. Ohmeis spoke on Agenda Item No. 2 (Modification of road widening plans for Congers Road and realignment of Old Haverstraw Road and Kings Highway in Congers.) She said many members of the Congers Civic Association were in the audience. They urged the board to vote for this resolution.

Appearance: Mr. Ronald Sovik
14 Pascack Road
Spring Valley, New York 10977

Mr. Sovik spoke regarding the demolition of property at Pascack Road. He said he had seen no action. Supervisor said they had to go out to bid because the cost was over the \$7,000.00 threshold but it should be taken down any day now.

Mr. Sovik also spoke about having his part of Spring Valley moved into the New City post office. Supervisor said it would have been either Nanuet or New City and it is a much better possibility for Nanuet. Postal authorities are looking into that matter.

Appearance: Mr. Cory Fishkin
51 North Grant Avenue
Congers, New York

Mr. Fishkin spoke regarding Agenda Item No. 2. He said he liked Congers Road just the way it is.

Appearance: Mr. Alan Gusso
Congers, New York

Mr. Gusso was in favor of Agenda Item No. 2.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding Agenda Item No. 32g (Grade change for position of Supervising Real Property Appraiser - Assessor's Office.) He was opposed to this.

Appearance: Mr. Anthony Cea
Congers, New York

Mr. Cea spoke regarding Agenda Item No. 32g also. He was opposed to this upgrading.

Mr. Cea also spoke regarding the building of the new police and court facility and also with the expansion of the Street School property in New City. He was opposed to both. He called for the tabling of these items at this time.

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

Mr. Lodico spoke regarding Agenda Item No. 2. The road does not meet the County specifications. The builder was to take care of the problems and the Town Board should request that this be done as soon as possible.

Appearance: Mr. Scott Turner
Congers, New York

Mr. Turner spoke regarding Agenda Item No. 2. He thought a bikeway alongside the road would be a good idea.

Mr. Turner also spoke regarding Agenda Item No. 5 (Change of Zone from LIO to R-22 - USA Construction Corp.) He was concerned about this proposal.

Appearance: Mr. Adolphe Salaun
237 South Conger Avenue
Congers, New York

Mr. Salaun spoke regarding Agenda Item No. 2. He was opposed to the proposal.

RESOLUTION NO. (488-1991) ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF MAY 28 AND JUNE 11, 1991

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of May 28 and June 11, 1991 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (489-1991)(FAILED) REQUESTING ROCKLAND COUNTY SUPERINTENDENT OF HIGHWAYS TO CHANGE PLANS CONCERNING CONGERS ROAD, OLD HAVERSTRAW ROAD AND KINGS HIGHWAY

Supv. Holbrook offered the following resolution:

WHEREAS, the Rockland County Superintendent of Highways has proposed realigning Kings Highway and Old Haverstraw Road at the intersection of Lake Road, and widening Congers Road from the "Causeway" to Kings Highway, and

WHEREAS, the proposed realignment would affect the busy shopping center at the northeast corner of that intersection by sharply reducing the number of parking spaces for shoppers, and the alternative plan for realignment would adversely affect the historic house at the southwest corner of that intersection, and

RESOLUTION NO. (489-1990) Continued

WHEREAS, the proposed widening of Congers Road would adapt the road for increased traffic speed at a point directly east of Congers Elementary School and adjacent to a nursery school and daycare center, and the widening would require the removal of many trees - some in excess of 100 years old - which presently line the entranceway to the hamlet of Congers,

NOW, THEREFORE, be it

RESOLVED, that the Rockland County Superintendent of Highways is hereby requested to abandon plans for realigning Kings Highway and Old Haverstraw Road, and for widening Congers Road in Congers beyond 24 feet in width, and be it

FURTHER RESOLVED, that the Rockland County Superintendent of Highways is hereby requested to rectify the sight-distance problem from Pine, Chauncy and Garrett Avenues onto Congers Road in such a way that will preserve trees and not require significant widening of Congers Road.

Seconded by Co. Mandia

Councilman Maloney requested that this item be tabled because we discussed this upstairs before coming down at the request of the Chairman of our Planning Board and also at the request of the Superintendent of the Rockland County Highway Department. We had a meeting about a month ago for about two hours listening to plans and we all agreed at that time that this could be altered, could be modified and that there was a way to save the trees. There was a way to correct this road and make it safe and not to cause damage that the people are concerned about. He said in all fairness this should be tabled until we are able to look at those plans that are going to be proposed by the Rockland County Superintendent and also give our own Planning Board the opportunity to look at this because they are also involved. He said we were requested tonight by the Chairman of our Planning Board that we at least table this until all the people can get together and look at the alternate plans that were being proposed that night and therefore, he would make a motion that this be tabled until we get all the facts and find out what best can be done for the highway to save the trees and yet still make it safe.

RESOLUTION NO. (490-1991)

TABLING RESOLUTION NO.
(489-1991) RE:
MODIFICATION OF PLANS FOR
WIDENING CONGERS ROAD AND
ABANDONING PLANS TO REALIGN
OLD HAVERSTRAW ROAD AND
KINGS HIGHWAY, CONGERS)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. (489-1991) regarding realignment of Kings Highway and Old Haverstraw Road and the widening of Congers Road is hereby TABLED.

Seconded by Co. Smith

Councilman Kunis thanked the people from Congers for being concerned and coming here this evening. About a month ago each member of this Town Board attended a session at the Rockland County Legislature with the County Superintendent of Highways. At that time the County Superintendent of Highways, based on the recommendations and suggestions of this Board, indicated to us that he would go back to his engineering team and bring a viable plan back to the Town Board for our review and the residents of Congers to review this. As of this date we have not received any type of a

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RESOLUTION NO. (490-1991) Continued

plan back from the engineers or the County Commissioner of Highways. He also wanted it understood that this was being paid for with \$1.6 million in grant money from the State of New York. There was approximately \$150,000.00 to \$200,000.00 that has been invested in this project already that will be paid for through this grant. The County Highway Department, again in order for them to receive funds or receive any of the funding for this, will have to come back with a plan that will be approved by the Town Board. If the Town Board were not to approve of this, this \$200,000.00 expense right now would be paid for by the taxpayers.

At the meeting at the Legislature the Town Board members indicated to the Mr. DaCunha, Rockland County Superintendent of Highways, and the residents who were in attendance also indicated to him what they would like to see - trees left, slopes cut, road not widened as much, sidewalks taken out of the plan which he originally proposed. They are working with us. In addition, the developer who is building a new development on the east side of Congers Road - he believed through the Planning Board and through site plan approval - is committed to spending X amount of dollars to make improvements too. In essence, what we would be doing is, if we can get improvements that all of us can agree on, they will be paid for through the funding and through the developer. At this point it is too premature to just say kiss that money goodbye. We should have a little patience and wait and see what we are going to get. If we can get a plan that is viable and meets specifications and recommendations we will work with you and that is what we want to do. Councilman Kunis said to just say goodbye to that money now and to vote tonight it wouldn't be responsible for him as a Town Board member to do this to the taxpayers of this Town.

On roll call the vote was as follows:

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

Councilman Mandia said he understood what Councilman Kunis was saying but aside from the dollars in whatever amount, funding also runs out in 1993 sometime. If we are going to do something let's do it. This is not the only road in Town that doesn't meet standards. He mentioned Townline Road in Nanuet; Red Hill Road in New City where the people are out looking to get something done to help them. If we have the money let's channel it where it is going to do the most good; where we obviously have police records to support it; and where people want it.

Councilman Kunis said that \$1.6 million is earmarked for this project only. It was approved last year and it cannot be taken and changed and used for another project. He wanted his colleagues to understand that and those in the audience to understand that. He reiterated that we are not saying that we are or we are not going to do it but we are saying tonight, let's hold up.

Councilwoman Smith said she comes from Congers, so she fully understands what the people feel about the hamlet. It is no easier to make a decision where you live or in hamlet where you don't live. We try to make decisions up here which are the best decisions based on the information we have. If nothing is to happen on that road then your recommendations and suggestions will be correct and it will be followed. Whose money it is, when you come down to it, it is always our money. What pocket you get it from really doesn't matter in this case. The point is should the improvements be made for safety reasons or should they not? If improvements are to be made it must be at the minimum of interfering

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Resolution No. (490-1991) Continued

with the esthetics and the residences along the highway. Nobody is trying to come in and destroy our neighborhood, where you and I live, anymore than we would do it in New City or Nanuet or anyplace else. We have a resolution in front of us that recommends we deny the project because Mr. Coyle's shopping center will lose parking spaces. You can't vote for a resolution when you don't have the right information in it. According to Mr. Coyle and his engineers he could lose 13 to 15 parking spaces. According to the other engineers he will not lose any. Now you can understand a slight difference but she said she could not understand one engineer saying none and another saying 15. Let's get the information straight. Does he have the correct number of parking spots to begin with and if he doesn't then he should for his tenants. In this day and age, in any day and age, nobody wants to hurt a merchant. We know that it is your livelihood. We also all shop there. We want the safest parking conditions for that shopping center or anything else. She said when she votes on a resolution she wants all the facts in it and we gave our word that we would do nothing until all the studies came back and the people of Congers could look at it. She said we should honor that word. She said she is sure that many of the people who know the Frano family as well as she does never want to see another accident if you have the opportunity to prevent it.

RESOLUTION NO. (491-1991)

AUTHORIZING SEQRA REVIEW
WITH RESPECT TO
RECODIFICATION OF LOCAL
LAWS, ORDINANCES AND
CERTAIN RESOLUTIONS INTO
MUNICIPAL CODE

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown wishes to recodify the Town Code of the Town of Clarkstown, and

WHEREAS, a local law has been proposed in order to implement such recodification;

NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the proposed Local Law for the recodification of the Local Laws, Ordinances and certain Resolutions of the Town of Clarkstown into a municipal code to be designated the "Code of the Town of Clarkstown."

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (492-1991)

SETTING PUBLIC HEARING RE
ZONE CHANGE FROM R-15 TO
MF-3 - MAP 57, BLOCK M,
LOTS 2, 3 AND 4 (CHAMPEAU)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (492-1991) Continued

WHEREAS, ROBERT ROY CHAMPEAU has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner from an R-15 District to an MF-3 District, as described on the attached Schedule "A," and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 57, Block M, Lots 2, 3 and 4;

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 the 13th day of August, at 8:05 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 Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (493-1991)

REFERRING RESOLUTION
(TOWN'S OWN MOTION) ON
PROPOSED CHANGE OF ZONE
FROM LIO TO R-22 DISTRICT
TO CLARKSTOWN PLANNING
BOARD AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING -
MAP 129, BLOCK A, LOT 38
(USA CONSTRUCTION CORP.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, on its Own Motion, wishes to consider Amending the Zoning Ordinance of the Town of Clarkstown by redistricting property currently owned by USA Construction Corp., from an LIO District to an R-22 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 38;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board

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RESOLUTION NO. (493-1991) Continued

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

RESOLUTION NO. (494-1991)

AUTHORIZING TURKEY SHOOT AT
NYACK LIONS CLUB

Co. Maloney offered the following resolution:

WHEREAS, the Nyack Lions Club, has requested the consideration of the Town Board of the Town of Clarkstown to hold a Turkey Shoot as a fund raiser for their organization, and

WHEREAS, the proposed Turkey Shoot is to be held on September 8th, 15th, 22nd and 29th, with a rain date of October 6 and 13th, 1991, on property of Carl H. Landgren, located near Route 9W and Christian Herald Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Nyack Lions Club to hold a Turkey Shoot on the dates specified, and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (495-1991)

GRANTING PERMISSION FOR
FIREWORKS DISPLAY
(CLARKSTOWN PARKS BOARD AND
RECREATION COMMISSION)

Co. Maloney offered the following resolution:

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Clarkstown South High School at approximately 8:30 P.M., on Wednesday, July 3, 1991, pursuant to Section 405 of the Penal Law.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (495-1991) Continued

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

RESOLUTION NO. (496-1991)

CANCELLING LIS PENDENS -
MAP 141, BLOCK B, LOT 7
(REIMER)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code Chapter 31, dated march 26, 1991, for premises designated on the Clarkstown Tax Map as Map 141, Block B, Lot 7 hs been corrected,

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on May 24, 1991, upon the payment of the sum of \$273.21 to reimburse the Town for the cost of the proceedings, including the Index Number, filing of Lis Pendens, Last Owner Search, Mailings and all other expenses.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (497-1991)

AMENDING RESOLUTION NO.
1097-1990 RE: TIPPING FEE
SCHEDULE FOR TRANSFER
STATION AND COMPOST SITES
FOR YEAR 1991

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby amends Resolution No. 1097-1990 dated December 11, 1990 (Tipping Fee Schedule for the Transfer Station and Compost Sites for the year 1991) to modify the "Grass Permit Fee" for Passenger Cars for Orangetown from \$100.00 per year to \$60.00 per year; and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is authorized to return the difference (\$40.00) for those residents of Orangetown who have paid the current \$100.00 permit fee.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (498-1991)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (MEADOWLARK DRIVE,
WEST NYACK)

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

Meadowlark Drive West Nyack
(Install one (1) - 5800 lumen sodium vapor street
light on 8' UPS on pole #59842/48646

Upgrade: One (1) 175 watt 7900 lumen mercury vapor to
70 watt 5800 lumen sodium vapor pole #59835/40679.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (499-1991)

AUTHORIZING DIRECTOR OF
ENVIRONMENTAL CONTROL TO
HAVE PERFORMED NECESSARY
CORRECTIVE DRAINAGE WORK IN
VICINITY OF MAP 123, BLOCK
G, LOT 13 (LOWERRE PLACE,
VALLEY COTTAGE) - CHARGE
TO CAPITAL ACCOUNT NO. H
1989-25P91-04-409

Co. Maloney offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of Lot 123-G-13, Lowerre Place, Valley Cottage, New York; and

WHEREAS, a plan has been prepared by the Department of Environmental Control to ameliorate said condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Bruce H. Smith Contracting, Inc. to perform the necessary corrective work; and be it

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RESOLUTION NO. (499-1991) Continued

FURTHER RESOLVED, that the cost of said corrective work shall not exceed \$6,765.00 and shall be a proper charge of Capital Account No. H-1989-25P91-04-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (500-1991)

RESCINDING RESOLUTION NO.
248-1990 RE: NO PARKING
MONDAY - FRIDAY (FRINGE
COURT, NEW CITY)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 248-1990, which authorized the Superintendent of Highways to install signs to read, "No Parking Monday - Friday 8:00 A.M. to 4:00 P.M." to be erected on both sides of Fringe Court, New City, New York, is hereby rescinded.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (501-1991)

AUTHORIZING ATTENDANCE AT
NATIONAL RECREATION AND
PARKS ASSOCIATION CONGRESS
(GHIAZZA) - CHARGE TO
APPROPRIATION ACCOUNTS
#7020-414 AND #7310-414

Co. Maloney offered the following resolution:

RESOLVED, that Edward J. Ghiazza, Superintendent of Recreation and Parks; Charles F. Connington, Asst. Superintendent of Recreation and Parks, are hereby authorized to attend the National Recreation and Parks Association Congress from October 16, 1991 to October 21, 1991 to be held in Baltimore, Maryland, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account #7020-414 and #7310-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (502-1991)

AWARDING BID FOR BID
#40-1991 - FLASHING WARNING
DEVICES KINGS
HIGHWAY/GILCHREST ROAD,
CONGERS (BYRON ELECTRIC
CO., INC.)

Co. Kunis offered the following resolution:

RESOLVED, that based upon the recommendation of the
town Traffic Engineering Consultant that

BID #40-1991
FLASHING WARNING DEVICES
KINGS HIGHWAY/GILCHREST ROAD, CONGERS

is hereby awarded to:

BYRON ELECTRIC CO., INC.
1020 MAMARONECK AVENUE
MAMARONECK, N.Y. 10543
PRINCIPALS: PAUL J. BROWNE, HOWARD A. STANLEY

as per their low bid proposal of \$12,300.00, and be it

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

Performance Bond, and
Certificate of Liability and Workers Compensation
Insurance coverage as detailed in bid specifications.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (503-1991)

AWARDING BIDS FOR BID
#46-1991 - HELICALLY
CORRUGATED ALUMINUM CULVERT
PIPE (CHEMUNG SUPPLY CORP.,
EXPANDED SUPPLY PRODUCTS,
INC., AND CAPITOL HIGHWAY
MATERIALS, INC.)

Co. Kunis offered the following resolution:

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

BID #46-1991
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP. EXPANDED SUPPLY PRODUCTS, INC.
PO BOX 427 RD 1 BOX 93
ELMIRA NY 14902 RTE 9
PRINCIPALS: MYRA STEMERMAN COLD SPRING NY 10516
SUZANN SUNA PRINCIPALS: BRUCE KEHR
HERMAN WARSHAW DONNA KEHR

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RESOLUTION NO. (503-1991) Continued

CAPITOL HIGHWAY MATERIALS INC.
ROUTE 6
BALDWIN PLACE NY 10515
PRINCIPALS: MARK ABRAMS
CHRIS GRATZ
SIDDARTH BADDICHAJI
VICTOR DAIS
NAZKANO GLANIAN

as per the attached item/price list.

(Item/price list on file in Town Clerk's Office.)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (504-1991)

AWARDING BID FOR BID
#47-1991 - HELICALLY
CORRUGATED STEEL CULVERT
PIPE (VELLANO BROS INC.)

Co. Kunis offered the following resolution:

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

BID #47-1991
HELICALLY CORRUGATED STEEL CULVERT PIPE

is hereby awarded to

VELLANO BROS INC.
PO BOX 837
BEACON NY 12508
PRINCIPALS: JOSEPH VELLANO
JAMES VELLANO
ANTHONY VELLANO JR.

as per the attached price/item schedule.

(Item/price schedule on file in Town Clerk's Office.)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (505-1991)

AWARDING BID FOR BID
#48-1991 - RIVETED STEEL
PIPE (CHEMUNG SUPPLY CORP.
AND CAPITOL HIGHWAY
MATERIALS, INC.)

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RESOLUTION NO. (505-1991) Continued

Co. Kunis offered the following resolution:

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

BID #48-1991
RIVETED STEEL PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
PO BOX 527
ELMIRA NY 14902
PRINCIPALS: MYRA STEMERMAN
SUZANN SUNA
HERMAN WARSHAW

CAPITOL HIGHWAY MATERIALS, INC.
ROUTE 6
BALDWIN PLACE NY 10515
PRINCIPALS: MARK ABRAMS
CHRIS GRATZ
SIDDARTH BADDICHAJI
VICTOR DAIS
NAZKANO GLANIAN

as per the attached item/price list.

(Item/price list on file in Town Clerk's Office.)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (506-1991)

AWARDING BID FOR BID
#49-1991 - ALUMINIZED STEEL
TYPE 2 CULVERT PIPE
(KENNEDY CULVERT & SUPPLY,
VELLANO BROS., EXPANDED
SUPPLY PRODUCTS, CHEMUNG
SUPPLY CORP. AND CAPITOL
HIGHWAY MATERIALS)

Co. Kunis offered the following resolution:

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

BID #49-1991
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

is hereby awarded to

KENNEDY CULVERT & SUPPLY
112 W ATLANTIC AVE
CLEMENTON NJ 08021
PRINCIPALS: ROBERT A. KENNEDY, SR.
ROBERT A. KENNEDY, JR.

VELLANO BROS
ROUTE 9D
BOX 837
BEACON NY 12508
PRINCIPALS: JOSEPH VELLANO
JAMES A. VELLANO
ANTHONY VELLANO JR

EXPANDED SUPPLY PRODUCTS
RD #1 BOX 93
ROUTE 9
COLD SPRINGS NY 10516
PRINCIPALS: BRUCE KEHR
DONNA KEHR

CHEMUNG SUPPLY CORP
PO BOX 527
ELMIRA NY 14902
PRINCIPALS: HERMAN WARSHAW
SUZANN SUNA
MYRA STEMERMAN

RESOLUTION NO. (506-1991) Continued

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE NY 10505
PRINCIPALS: MARK ABRAMS
CHRIS GRATZ
SIDDARTH BADDICHAJI
VICTOR DAIS
NAZKAMO GLANIAN

(Award Summary on file in Town Clerk's Office.)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (507-1991)

AWARDING BIDS FOR BID
#50-1991 -POLYETHYLENE
CULVERT PIPE (VELLANO
BROS., EXPANDED SUPPLY
PRODUCTS, INC., PROGRESSIVE
BRICK CO., AND CHEMUNG
SUPPLY CORP.)

Co. Kunis offered the following resolution:

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

BID #50-1991
POLYETHYLENE CULVERT PIPE

is hereby awarded to:

VELLANO BROS
ROUTE 9D BOX 837
BEACON NY 12508
PRINCIPALS: JOSEPH VELLANO
JAMES A. VELLANO
ANTHONY VELLANO JR

EXPANDED SUPPLY PRODUCTS INC
RD 1 BOX 93
ROUTE 9
COLD SPRINGS NY 10516
PRINCIPALS: BRUCE KEHR
DONNA KEHR

PROGRESSIVE BRICK CO
PO BOX 306
HASBROUCK HGTS NJ 07604
PRINCIPAL: RICHARD SCHULTZ
ARTHUR SCHULTZ

CHEMUNG SUPPLY CORP
PO BOX 527
ELMIRA NY 14902
PRINCIPALS: HERMAN WARSHAW
MYRA A. STEMERMAN
SUZANN SUNA

Seconded by Co. Smith

On roll call the vote was as follows:

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

Continued on Next Page

RESOLUTION NO. (508-1991)

AWARDING BID FOR BID
#42-1991 - TRAFFIC SIGNAL
UPGRADES (WARDE ELECTRIC
CONTRACTING, INC.)

Co. Kunis offered the following resolution:

RESOLVED, that on the recommendation of the Town Board
of the Town of Clarkstown

BID #42-1991
TRAFFIC SIGNAL UPGRADES

is hereby awarded to

WARDE ELECTRIC CONTRACTING INC.
100 WELLS AVENUE
CONGERS NY 10920
PRINCIPALS: THOMAS DAMIANI
ERIC APPLEBAUM

being the lowest responsible bidder, as per their bid price of
\$167,915.00, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of a) Performance Bond and b) Certificate of Liability and
Workers Compensation Insurance coverage as detailed in bid
specifications.

Seconded by Co. Smith

In response to a question from the audience the
Supervisor explained that this would be a flashing light and not a
traffic signal. This would only activate when school is in session
to alert drivers to slow down as there is a school in the vicinity.

On roll call the vote was as follows:

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

RESOLUTION NO. (509-1991)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE ACTION - MAP
120, BLOCK A, LOT 17 - 1
CENTRAL AVENUE, CENTRAL
NYACK (MANGIAMELI AND
DELISI)

Co. Smith offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized
to take all necessary steps, including commencing litigation on
behalf of the Town of Clarkstown against Salvatore and Joyce
Mangiameli, and Richard Delisi, to rectify violations on premises
located at 1 Central Avenue, Central Nyack, more particularly
described on the Tax Map of the Town of Clarkstown as Map 120, Block
A, Lot 17, which violations on the subject premises present an
immediate danger to the life and property of the residential
occupants.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (509-1991) Continued

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

RESOLUTION NO. (510-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PLACE GRAVEL
ON HALL STREET, CENTRAL
NYACK

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to place gravel on Hall Street in Central Nyack, New York.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (511-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
MICHAEL J. DOLAN,
TELEVISION CABLE CONSULTANT

Co. Kunis offered the following resolution:

WHEREAS, MICHAEL J. DOLAN, has submitted a proposal dated May 20, 1991, to provide television cable consultant services to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes MICHAEL J. DOLAN to provide television cable consultant services to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with MICHAEL J. DOLAN, in a form satisfactory to the Town Attorney, to provide for said services.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (512-1991)

COMMENDING LEDERLE
LABORATORIES FOR COMMUNITY
SPIRIT DURING CLARKSTOWN
BICENTENNIAL YEAR

Continued on Next Page

RESOLUTION NO. (512-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown wishes to commend Lederle Laboratories for its community spirit in having constructed the Clarkstown Bicentennial Time Capsule and all its participation and endeavors in making the Clarkstown Bicentennial Year a success.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (513-1991)

SETTING PUBLIC HEARING RE:
ABANDONMENT OF PORTION OF
RANDY LANE, NEW CITY

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown and the Superintendent of Highways wish to consider taking action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way known as Randy Lane, New City, New York, as described on Schedule "A" attached, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and the Town has requested that such allegedly abandoned road be deleted from said map, and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of July, 1991, at 8:25 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

FURTHER RESOLVED, that the Town shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice

Continued on Next Page

RESOLUTION NO. (513-1991) Continued

of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property, and be it

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

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (514-1991)

AMENDING RESOLUTION NO.
226-1991 REGARDING
IMPROVEMENTS AND
MAINTENANCE OF TOWN
CUL-DE-SACS (PICTURELAWNS,
INC.) FOR ADDITIONAL
PLANTINGS COUNTRY RIDGE
ROAD, CONGERS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board adopted Resolution No. 226-1991 at the Town Board meeting of March 26, 1991, which awarded Improvements and Maintenance of Town cul-de-sacs to Picturawlans, Inc.; and

WHEREAS, residents have complained that the existing planting does not adequately screen them from Route 303; and

WHEREAS, the Director of the Department of Environmental Control has recommended that additional planting be done along the island parallel to Country Ridge Road, Congers, New York; and

WHEREAS, this cul-de-sac and parking area will be added to future maintenance contracts;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, the proposal of Picturawlans, Inc. for the planting of this island be increased by 57 Hetzi Junipers and be authorized at a cost not to exceed \$1,700.00; and be it

FURTHER RESOLVED, that this be an amendment to Resolution No. 226-1991 bringing the total cost authorized to \$39,558.38.

Continued on Next Page

RESOLUTION NO. (514-1991) Continued

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (515-1991)

AMENDING RESOLUTION NO.
855-1990 AND AUTHORIZING
TRANSFER OF FUNDS FROM
MONEY-IN-LIEU-OF-LAND TO
PARKLANDS AND IMPROVEMENT
(LAKE NANUET PARK)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 855-1990 adopted by the
Town Board on September 25, 1990 is hereby amended to read as
follows:

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

WHEREAS, a proposal submitted by Henry Horowitz, Inc.
PE dated September 11, 1990, outlines the necessary work, including
but not limited to, Perimeter Survey, Topographic Survey and Wetland
Delineation,

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (516-1991)

ASSESSING COSTS FOR CHAPTER
31 PROCEEDING - MAP 163,
BLOCK A, LOT 11 (HUTTON
FIFTY-NINE)

Co. Smith offered the following resolution:

WHEREAS, a proceeding pursuant to Chapter 31 of the
Code of the Town of Clarkstown was duly instituted against premises
known and described on the Tax Map of the Town of Clarkstown as Map
163, BLOCK A, LOT 11, and

WHEREAS, by Order of the Town Board, the Building
Inspector was authorized and directed to take certain corrective
measures regarding said premises, and

WHEREAS, the total cost for the proceeding and
corrective measures is the sum of \$18,505.10;

Continued on Next Page

RESOLUTION NO. (516-1991) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's office on May 24, 1991, upon the payment of \$18,505.10 to reimburse the Town for the Cost of the proceeding pursuant to the attached statement.

(Statement on File in Town Clerk's Office.)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (517-1991)

GRANTING CERTIFICATES OF REGISTRATION TO JAMISON ASSOCIATES, INC. (NO. 91-22) AND JAMES BROWNE EXCAVATING (91-25)

Co. Maloney offered the following resolution:

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

JAMISON ASSOCIATES, INC.
R & C Excavating, Inc.
7 Kindermack Road
Montvale, New Jersey 07645

JAMES BROWNE EXCAVATING
15-59 Crescent Drive
Thiells, New York 10983

RESOLVED, that the following Certificates of Registration be issued:

- No. 91-22 to Jamison Associates, Inc.
- No. 91-25 to James Browne Excavating

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (518-1991)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO HAVE PERFORMED NECESSARY CORRECTIVE DRAINAGE WORK - LOT 24, BLOCK A, LOT 6.28, NEW CITY - CHARGE TO ACCOUNT NO. H 1989-25P91-01-409

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (518-1991) Continued

WHEREAS, an adverse drainage condition exists in the vicinity of Lot 24-A-6.28, New City, New York; and

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

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is authorized to hire Bruce H. Smith Contracting, Inc. to perform the necessary corrective drainage work; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$6,400.00 and shall be a proper charge to Account No. H 1989-25P91-01-409.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (519-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #58-1991 -
ROUTE 59A DRAINAGE
IMPROVEMENT PROJECT -
CHARGE TO DRAINAGE CAPITAL
ACCOUNT 2

Co. Mandia offered the following resolution:

WHEREAS, the bid specifications and proposal documents for the Route 59A Drainage Improvements, West Nyack, New York will be completed shortly; and

WHEREAS, test pits were dug which required amendments to the design documents;

NOW, THEREFORE, be it

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

BID #58-1991
ROUTE 59A DRAINAGE IMPROVEMENT PROJECT

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, August 6, 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 Environmental Control; and be it

FURTHER RESOLVED, that \$9,800.00 is authorized to pay Raymond Keyes Associates, Inc. for the performance of test pits and the additional engineering required to amend the design documents; and be it

FURTHER RESOLVED, that this be a proper charge to Drainage Capital Account No. 2.

RESOLUTION NO. (519-1991) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (520-1991)

AUTHORIZING SUPERVISOR TO
EXECUTE AMENDMENT TO STATE
ASSISTANCE CONTRACT
REGARDING CLOSURE OF
SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown entered into a State Assistance Contract on November 28, 1989, for the closure of the Sanitary Landfill, and

WHEREAS, certain monies have been placed in escrow by the Town of Clarkstown, for use in the closure of the Sanitary Landfill, which monies are designated as a remedial account, and

WHEREAS, the Department of Environmental Conservation of the State of New York has requested that the State Assistance Contract be amended to make provision for the documentation necessary for the withdrawal by the Town of Clarkstown of funds from said remedial account;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an amendment to the State Assistance Contract providing for the documentation and transmittal requirements for all withdrawals by the Town of Clarkstown from said remedial account, which amendment shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (521-1991)

AMENDING RESOLUTION NO.
(427-1991) RE:
APPROPRIATION OF FUNDS TO
VETERAN ORGANIZATIONS
(DELETE CONGERS V.M.A.)

Co. Kunis offered the following resolution:

RESOLVED, that Resolution No. 427-1991, adopted by the Town Board on May 28, 1991, is hereby amended to delete the Congers V.M.A. from the list of Veteran Organizations.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (521-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (522-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
ECONOMIC ASSISTANCE FOR
YEAR 1991 (VETERANS
MEMORIAL ASSOCIATION OF
CONGERS, INC.)

Co. Kunis offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance to:

VETERANS MEMORIAL ASSOCIATION OF CONGERS, INC. \$650.00

and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1991 and are to be charged against Account No. A 8840-424.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (523-199)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
LIBRARY ASSISTANCE PURSUANT
TO SECTION 256 OF THE
EDUCATION LAW OF NEW YORK
STATE (VALLEY COTTAGE FREE
LIBRARY)

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed tfo enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to Section 256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1991:

RESOLUTION NO. (523-1991) Continued

Valley Cottage Free Library

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (524-1991)

REAPPOINTMENT TO POSITION
OF MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE (NICK
F. BADAMI)

Co. Smith offered the following resolution:

RESOLVED, that Nick F. Badami, 2 Ethel Drive, New City, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective and retroactive to June 14, 1991 and to expire on June 13, 1994.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (525-1991)

REAPPOINTMENT TO POSITION
OF MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE
(WILLIAM GRIFFIN)

Co. Smith offered the following resolution:

RESOLVED, that William Griffin, 2 Berry Court, Congers, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective and retroactive to June 14, 1991 and to expire on June 13, 1994.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (526-1991)

REAPPOINTMENT TO POSITION
OF MEMBER - INDUSTRIAL
DEVELOPMENT COMMITTEE
(MARTIN BERNSTEIN)

Continued on Next Page

RESOLUTION NO. (526-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that Martin Bernstein, 20 Woodglen Drive, New City, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term effective and retroactive to June 14, 1991 and to expire on June 13, 1994.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (527-1991)

REAPPOINTMENT TO POSITION
OF MEMBER - ZONING BOARD OF
APPEALS (ARNOLD AMSTER)

Co. Smith offered the following resolution:

RESOLVED, that Arnold Amster, 4 Cygnet Lane, Valley Cottage, New York, is hereby reappointed to the position of Member - Zoning Board of Appeals - at the current 1991 annual salary of \$1,750.00, term effective July 9, 1991 and to expire on July 8, 1996.

Seconded by Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (528-1991)

RECINDING OF APPOINTMENT OF
LABORER STUDENT (TODD KATZ)

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 484-1991 - adopted at the June 11, 1991 Town Board meeting - appointing Todd Katz a Laborer Student - is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (529-1991)

APPOINTING TO POSITION OF
LABOR STUDENT - MAINTENANCE
DEPARTMENT (TYRONE HELMER)

RESOLUTION NO. (529-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that Tyrone Helmer, 598 Svahn Drive, Valley Cottage, New York, is hereby appointed to the position of Laborer Student - Maintenance Department - at the current hourly rate of \$7.00 - effective and retroactive to June 17, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (530-1991)

UPGRADING TO A GRADE 35 -
ASSESSOR'S OFFICE
(SUPERVISING REAL PROPERTY
APPRAISER)

Co. Smith offered the following resolution:

RESOLVED, that the position of Supervising Real Property Appraiser - Assessor's Office - is hereby upgraded to a Grade 35 - effective July 1, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (531-1991)

GRANTING OF SICK LEAVE -
PARKS BOARD AND RECREATION
COMMISSION (FRANK VOCE)

Co. Smith offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the CSEA, Frank Voce, 33 Parkside Drive, Congers, New York - Storekeeper - Parks Board and Recreation Commission - is hereby granted a sick leave of absence - at one-half pay, effective June 24, 1991, for a period not to exceed one month.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (532-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO A RENEWAL
AGREEMENT WITH ARTHUR J.

RESOLUTION NO. (532-1991) Continued

GALLAGHER & CO. OF NEW YORK, INC.

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with ARTHUR J. GALLAGHER & CO. OF NEW YORK, INC., to provide liability insurance coverage to the Town of Clarkstown, to commence July 1, 1991 and to expire June 30, 1992.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Abandonment of Portion of Terrace Avenue, Congers, was opened, time: 9:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandonment of Portion of Terrace Avenue, Congers, was closed, RESOLUTION ADOPTED, time: 9:05 P.M.

RESOLUTION NO. (533-1991)

ABANDONING A PORTION OF TERRACE AVENUE, CONGERS, AND AMENDING THE OFFICIAL MAP OF THE TOWN OF CLARKSTOWN

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of May, 1991, provided for a public hearing on the 25th day of June, 1991 at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Terrace Avenue, Congers, New York, as described on Schedule "A" attached, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, 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 June 24, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of Terrace Avenue, Congers,

Continued on Next Page

RESOLUTION NO. (533-1991) Continued

New York, as described on the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Terrace Avenue, Congers, as described on Schedule "A" attached, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Special Permit Modification for Exxon Company, U.S.A. - Map 14, Block B, Lot 19 - was opened, time: 9:07 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit Modification for Exxon Company, U.S.A. - Map 14, Block B, Lot 19 - was closed, DECISION RESERVED, time: 9:35 P.M.

On motion of Councilwoman Smith, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Zone Change Petition from R-15 to PO - Map 59, Block A, Lot 15.1 (Aronoff), was opened, time: 9:36 P.M.

On motion of Supervisor Holbrook, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Zone Change Petition from R-15 to PO - Map 59, Block A, Lot 15.1 (Aronoff), was closed, DECISION RESERVED, 9:55 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance to add Family Recreation Uses to LIO Districts, was opened, time: 9:56 P.M.

On motion of Supervisor Holbrook, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Amendment to Zoning Ordinance to add Family Recreation Uses to LIO Districts, was closed, RESOLUTION ADOPTED, time: 10:10 P.M.

RESOLUTION NO. (534-1991)

AMENDING ZONING ORDINANCE -
GENERAL USE REGULATIONS LIO
DISTRICT AND DEFINITIONS
(RECREATION AREAS)

Supv. Holbrook offered the following resolution:

Continued on Next Page

RESOLUTION NO. (534-1991) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 28, 1991, provided for a public hearing 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, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated April 5, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed amendment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

Amend 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>
21. Bowling Alleys	1/2 space per alley

Continued on Next Page

RESOLUTION NO. (534-1991) Continued

	<u>Use</u>	<u>At Least 1 Parking Space for Each</u>
22.	Exercise centers; Health Clubs; Gymnastics	1 space for each player position
23.	Self-defense activities; aerobic exercises; dance studios or halls	1 space per 200 square feet of floor area
24.	Miniature golf; driving ranges; golf facilities	2 spaces per tee
25.	Baseball batting cages; firing ranges	1 space for each player position
26.	Bumper cars, water bumper boats and similar	1 space per vehicle unit
27.	Video, pinball and other arcade type amusements	1 space per two player positions
28.	Petting zoos	1 space per 200 square feet
29.	Billiard parlors and pool rooms	2 spaces per table
30.	Skating rinks	1 space per 75 square feet of floor area
31.	Swimming pools	
32.	Horseback riding facilities corrals, etc.	1 space per animal
33.	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.
34.	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 34."

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 specifications for the type and intensity of lighting proposed, the location and height of all lighting fixtures,

Continued on Next Page

RESOLUTION NO. (534-1991) Continued

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

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

Seconded by Co. Kunis

Before roll call Councilman Kunis said that he thought there was a certain saturation point in the Town and he does not think that the Town can support more than two or three of these. Number one, if someone comes in and wants to play pinball and use pool tables that is a use that may vary with other people who are coming to use basketball facilities or baseball facilities. I do think you can have additional people. As far as the restaurant is concerned, you have a point, however, if it is a restaurant maybe it will be a sport's restaurant like one of these Champion Sport's Restaurants in the Marriott Hotel. If you get something like that in there, it is also going to attract a crowd that are not going to use the athletic facilities. I have to disagree with you there regarding parking. He said you can't assume who is going to attend these functions and use the facilities.

On roll call the vote was as follows:

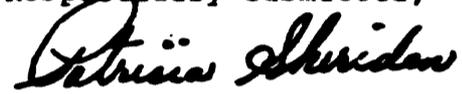
Councilman Kunis.....Yes
 Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and adopted with a NO vote of Councilman Kunis, the public hearing re: Zone Change Petition R-15 to RG-2 - Map 165, Block A, Lot 3.55 (Iser/Graf), was closed, DECISION RESERVED, time: 10:35 P.M.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 10:36 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/25/91

9:00 P.M.

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

RE: Abandonment of Terrace Avenue, Congers

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

Supervisor asked Town Attorney if he had any correspondence. Town Attorney stated that the Town Planner, Robert Geneslaw, notes that SEQRA states there is no environmental impact and recommends a negative declaration. Clarkstown Planning Board recommends there be a comprehensive review of the entire Terrace Avenue area. Rockland County Planning Board approves.

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

Appearance: Arthur Moskoff, Esq.
representing the Petitioner

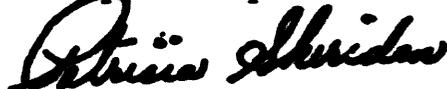
Mr. Moskoff said this is a piece of road that was planned back sometime late in the 19th century. He said this is a road that was planned that was about 40 feet wide and about 400 feet long which terminates at Rockland Lake Manor on the north and terminates at the undeveloped properties of the Palisades Interstate Park Commission on the south. He said the reason for his clients' interest is that one of them is a retired carpenter with a grandchild who lives on the property and sees that this road has trees that are falling and he wants to do something about maintaining it and getting it safe for his grandchild. The road goes absolutely no place. It is useless and of no benefit to the Town. It has a remote potential for liability to the Town and that is why we are asking that it be abandoned.

Appearance: Mr. John Dainis
West Orange, New Jersey

Mr. Dainis asked what will become of Terrace Avenue? Will the property owners have a chance to acquire a portion or all of Terrace Avenue? Town Attorney said the Town has no ownership interest in Terrace Avenue. This is a street on an old filed map. We would have a right to dedicate it but this has never happened. Once the Town removes it from the Official Map and abandons it the rights to dedicate it cease and the adjoining landowners would probably have ownership. Usually, you own to the center of the road on these mapped streets. There really is nothing that has to be done. If the people who adjoin it are interested they should have a title search done and he thought they will find that they own to the center of the mapped street.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (533-1991) ADOPTED)

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/25/91

9:07 P.M.

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

RE: Special Permit Modification for Exxon Company, U.S.A.
Map 14, Block B, Lot 19 - Construction of Convenience Store

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

Town Attorney stated that the Rockland County Planning Board approves with conditions:

1. The latest available New York State Department of Transportation Improvement Plans for Route 59 be consulted as to whether it would be reasonable to allow development along Route 59 given the proposed changes to the roadway.

2. Review and recommendation of Rockland County Sewer and Water Conservation District.

3. Recommendation of the Rockland County Highway Department.

4. Obtaining any necessary permits from the Rockland County Drainage Agency.

5. All signs should be in conformance with the Town sign standards.

Town Attorney said the Town Planning Board also approves with conditions:

1. All prior Special Permit conditions shall continue to be in effect;

2. Gratuitous road widenings shall be provided in accordance with requirements of NYSDOT as per letter of 6/14/91;

3. Since the Route 59 Improvement proposed by NYSDOT includes removal of the Higgins Funeral Home, this will make the Exxon station much more visible to the Nanuet Hebrew Center. Therefore, it is requested that greater attention be given to the appearance of the station from the Nanuet Hebrew Center.

4. As agreed to by applicant, shields to be placed behind the lights so that no glare will extend to the Nanuet Hebrew Center driveway.

5. Applicant shall return to the Planning Board for preliminary and final site plan approval.

6. Applicant to work with the Nanuet Hebrew Center to determine what Exxon can do to assist the Nanuet Hebrew Center in their quest for parking in the rear.

Town Attorney said as far as SEQRA is concerned there is a negative declaration letter by our Town Consultant.

Supervisor asked if the applicant or his representative were present?

Appearance: Gerard Amalfitano, Esq.
Birbrower, Montalbano, Condon & Frank
67 North Main Street
New City, New York 10956

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Mr. Amalfitano said the petitioner in this proceeding seeks to have a modification of a Special Permit. Exxon had previously been granted a Special Permit in 1977 for a gasoline filling station by resolution 709-1977 filed in the Town Clerk's Office on December 7, 1977. The premises have continuously been used as a gasoline filling station since the date of the granting of the Special Permit in 1977. The property is located in a regional shopping district and abuts a community shopping zoning district. The intention of the petitioner is to have added to the site a convenience store consisting of 600 square feet. The convenience store will provide for persons using the facilities for gasoline purchases to also purchase small items such as cigarettes, potato chips and soda, etc.

The petitioner will in all respects continue the operation as it currently exists with a minor change in the size of the current building on the premises. The premises will contain a canopy somewhat larger than the one currently existing on the premises.

Approvals for drainage from the Rockland County Highway Department have been received through the process we have been dealing with the Planning Board. With respect to the Hebrew Center he said they intend to contact them and to try to meet with them to make any accommodations we can with respect to the use of parking and the problem with the lighting previously raised by the Center. He said that as part of the Planning Board procedure shields have been placed on any lighting on the premises which may affect the Hebrew Center.

He said concerning the expansion of Route 59 the latest information we have received, a copy of which has been sent to this Board, is that the Department of Transportation will seek at this time only 40 feet or so of the immediate southeast corner of Route 59 and South Middletown Road for the purposes of placing a traffic signal pole.

Appearance: Mr. Rober DeNiseia
Burton Engineering & Associates

Mr. DeNiseia said he is a site planner.

Mr. Amalfitano asked him if he had actively been participating in the preparation of the site plan and architectural design with respect to the petition before this Board? Mr. DeNiseia said he has and has also appeared on several occasions before the Planning Board in presenting the site plan and before the Zoning Board of Appeals in initially presenting support for the zoning variances that are required in addition to the approval of the Special Permit.

Mr. Amalfitano asked him if he was familiar with the proposed taking by the New York State Department of Transportation? Mr. DeNiseia said he was and had discussed the proposed taking with the project engineer of New York State's Department of Transportation, Peter Traub, and we discussed completely the proposal to install a traffic signal pole at the corner of the site and the amount of land that would be required for that purpose.

Mr. Amalfitano asked if he could describe what the Department of Transportation is expecting to be dedicated for the road widening purposes? Mr. DeNiseia said the Department requires a sufficient amount of space at the intersection to install a signal pole, with cantilevers, that sticks way out over the roadway. It is a pretty large base. He said he also believes there will be a control box and some support wires behind the pole. That will take in an area from the corner of the property back 40 feet. It is almost a rectangle - 40 x 40 - taken out of the corner of the property.

Continued on Next Page

Mr. Amalfitano asked if there would be any other dedication of property in furtherance of this petition and the application before the Planning Board? Mr. DeNeseia said there was one other dedication that the applicant has already agreed on before the Planning Board and that is the dedication for the Rockland County Highway Department for approximately 14 feet along South Middletown Road to provide for a road widening of that road.

Mr. Amalfitano asked if in his opinion will these dedications for the road widening purposes affect the site as it is proposed in this petition. Mr. DeNeseia said no because of the unusual configuration of the site. At present the driveway on Middletown Road is very deep. By eliminating 14 feet it would provide a site still with deep driveways but not as deep as they are now. It will have absolutely no affect on the proposed structures that are to be on the site.

Mr. Amalfitano asked is any part of the design of this project capable of making repairs on motor vehicles? Mr. DeNeseia said no there are no repairs intended there for the proposed use of the site. Building as it is proposed would not accommodate any repairs. There is no garage or any other facility for auto repairs.

Mr. Amalfitano asked if the proposed gasoline pumps are set back more than 20 feet from the property line? Mr. DeNeseia said yes the proposed pumps along Route 59 are set back 24 feet and, of course, from South Middletown Road in excess of 100 feet.

Mr. Amalfitano asked if Mr. DeNeseia was familiar with the vicinity map that was made a part of this petition? Mr. DeNeseia said he had prepared that map.

Mr. Amalfitano asked if there were any other gasoline filling stations within 1000 feet of this site? Mr. DeNeseia said there is one gasoline station north of the intersection of Route 59 and Middletown Road, on Middletown Road just beyond the shopping center and one other commercial building. Mr. Amalfitano asked if that was located across the state highway? Mr. DeNeseia said yes.

Mr. Amalfitano asked if Mr. DeNeseia was familiar with the 75 foot set back buffer required for the special permit? Mr. DeNeseia said he was. Mr. Amalfitano asked does any part of this project fall within the 75 foot buffer? Mr. DeNeseia then presented a chart and exhibits which shows the site plan they have been using to present this to the Planning Board. He went into detail using this material. He said a small part of the canopy would intrude into the 75 foot setback and it will also intrude into the sideyard requirement and requires a variance from the Zoning Board of Appeals. Because of the odd shape of the site (it is almost a Z shape) which is only 136 feet deep at the center where it constricts, if you apply the 50 and 75 foot buffers you actually get no place to build on the site. Of course the site already has buffer areas and landscaped areas which are far in excess of any other property on Route 59. It is impossible to comply with the 50 or 75 foot buffer for the entire site. He said as you can see most of the site has buffers of 100, 120, 125 feet but because of the unusual shape it is impossible to comply with respect to the sideyard which is next to the Higgins Funeral Home.

Mr. Amalfitano asked if the proposed project would require any additional public services more so than are currently required? Mr. DeNeseia said no, it will operate from that point of view exactly like it is now and will require no additional services.

Mr. Amalfitano asked would any of the landscaping currently located on the site be affected by the project as proposed? Mr. DeNeseia said yes, there will be additional landscaping provided as requested by the Planning Board at the site

PH - Special Permit Modification for Exxon Company, U.S.A.
 Map 14, Block B, Lot 19 - Construction of Convenience Store
 6/25/91

Page 4.

plan review. The landscaped area will actually increase on the site as the result of this proposal.

Mr. Amalfitano asked Mr. DeNeseia from a planning prospective will this project in any way be detrimental to the public health, safety or welfare of the community? Mr. DeNeseia said it will not. Actually, it will represent a positive impact because we will be upgrading and modernizing the site. We will be making the site more convenient for motorists and customers by having a more efficient way out and providing additional facilities.

Supervisor asked if any Board Members had any questions? Councilman Mandia asked if the service station was operated by Exxon with their employees or is it owned by a contractor or private party? Mr. Amalfitano said the site is leased by Exxon and it is currently being operated by Mr. George Stephanis, who is present here this evening. Mr. Stephanis acts as the operator of this particular site and is also the operator of the Exxon site located in Bardonia on Route 304 as well as one in Pearl River across from Lederle Labs. At this point in time it is being operated by a contractor. Councilman Mandia reiterated, not Exxon itself? Mr. Amalfitano said no. Mr. Amalfitano said the operator conducts an on hands operation and every day is at the site more often than has been in the past.

Councilman Maloney asked how often will the convenience store be open - what will the hours of operation be? Mr. Amalfitano said it will be operated within the guidelines and specifications set forth in the zoning code.

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

Appearance: Ms. Ellen Ferretti
 7 North Middletown Road
 Nanuet, New York

Ms. Ferretti said she lives across the street from this gas station. She said she would not like to see this convenience store put there at all because it will become a hangout. She said they had enough problems before with the children hanging out there in the evenings. That has subsided. Now to have this? These children will just congregate there and there will be nothing more than noise. These people have been there for years. They don't believe in shoveling the snow off the sidewalk. She said it is about time they cleaned up their act. They also took the liberty of cutting down a tree on the north side on Route 59 which was an ornamental tree planted by the State. They cut it down so you could have a better view of the gas station. She said she also would like to see the east entrance off South Middletown Road closed. There are far too many accidents there with people travelling south on South Middletown Road trying to make a left hand turn into the station. That should be closed off.

Appearance: Ms. Kathleen Tuseo
 Treetop Circle
 Nanuet, New York

Ms. Tuseo said driving down Middletown Road and approaching Route 59 at that intersection - anyone pulling into that gas station at that point is okay. Anyone trying to get out of the gas station has a problem. The congestion you have at the corner right now is extremely heavy. With a convenience store she wondered whether or not that would increase the number of people trying to get in and out of that particular intersection and what that would do to traffic there.

Continued on Next Page

Appearance: Mr. Richard Stevens

Mr. Stevens said he did not know of anyone hanging out there at night. He stated that he has no complaints at all from anybody. He said as far as accidents you would have to check with the police department on that. He said he did not know of any. The only accident he does know of was at Middletown Road and Route 59 when someone ran a red light and someone was killed. He said that had nothing to do with the gas station.

Mr. Amalfitano said with respect to the issue raised concerning the problem with turns out of the Middletown Road driveway the Planning Board has addressed that. He said he believed there would be a "No Left Turn" sign placed at that driveway so that anyone exiting that driveway will only be able to make a right turn on to South Middletown Road. There will no longer be any left turns permitted. He said with respect to the noise and the fact that the snow may not be shovelled Exxon will make an attempt to correct those problems, if they ever existed, by having a manager at the site with local control at this site and others in the Town.

Councilman Maloney said the question about the turn is not so much coming out and making the left turn going south. It is going south and making a left turn into the gas station. That is where the danger is. That is a hazard and he said he has seen many near accidents because he has been behind cars that make a left and think they have cleared it but they don't realize that the right lane is a right turn only and those cars are coming with the green arrow. They don't expect a car to come making a left turn across their path. That is a terrible hazard and it's waiting for a bad accident to happen. He said he has seen at least three close ones and one accident at that spot. That will have to be addressed - making a left turn into the gas station going south.

Councilwoman Smith said you are saying that the entrance should only be on the east as you are coming north not that you can go south and make a left? Councilman Maloney said that's right. Councilwoman Smith said those people would have to come in on Route 59. Mr. Amalfitano said that question has never been addressed. This is the first time that has been brought up and perhaps Mr. DeNeseia should address that further.

Mr. DeNeseia said the only comment he can make is that it is very difficult to post "No Left Turn" signs at a site for people coming in but the new design for the intersection at Route 59 and Middletown Road would make it a lot easier to make a left turn coming south across the intersection or coming from the west to the east so that will make it easier to enter the site from Route 59. That would be the easiest way and most drivers would take that way. It is very difficult to control a driver off the site with a sign on the site.

Appearance: Mr. Robert Geneslaw,
Clarkstown Planning Consultant

Mr. Geneslaw stated that at the Planning Board meeting the Planning Board Members did bring up the question of left turns from Middletown Road onto the site and recommended that they not be permitted - that no left turn signs be placed on Middletown Road.

Councilman Mandia said it also says in the resolution proposed at Item No. 4 that petitioner shall return to the Planning Board for preliminary and final site plan approval. He said he would guess that means that even if this is passed they would still have to return to the Planning Board for final approval. Mr. Geneslaw said yes and Mr. Amalfitano mentioned contacting the Hebrew Center with the hope of providing some parking that could be used by them at peak periods. That could be done during the course of having the site plan reviewed at the Planning Board.

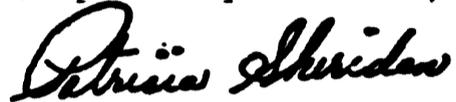
Continued on Next Page

PH - Special Permit Modification for Exxon Company, U.S.A.
Map 14, Block B, Lot 19 - Construction of Convenience Store
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Councilman Mandia said he was sure the Town and County Planning Boards considered the changes that the State is going to be making on that whole intersection and indeed Route 59 in the future when approving this. Maybe some of the traffic concerns that were brought up earlier would be addressed by those road widenings and turn lanes, etc. that we heard about at a previous meeting. Is that true? Mr. Geneslaw said they would be and the State had originally requested a much larger dedication of land from Exxon and after negotiation reduced the amount of land they wanted. There has been a lot of contact back and forth between the Department of Transportation and the Town.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/25/91

9:36 P.M.

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

RE: Zone Change R-15 to PO - Map 59, Block A, Lot 15.1 (Aronoff)

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

Town Attorney noted that as to the SEQRA, the Town Planning Consultant, Robert Geneslaw, notes that there is no environmental impact. The Rockland County Planning Board approves with conditions:

1. The Town Board should consider the zone change in context with the Town's comprehensive plan and determine the rezoning to either be in conformity with the plan or that the amended plan policies inherent in the rezoning are an improvement to the plan. The comprehensive plan rezoning study should include at least the area of Main Street and New Hempstead Road north to the intersection of Zukor Road and Old Route 304. The study should focus on whether the intensity of use and the number of increased driveways will have a negative effect on the safe and efficient flow of traffic along the county road. There is currently a traffic plan by the Rockland County Highway Department for turning lanes on Main Street. The impact for the potential rezoning should be studied and how it will relate to the proposed traffic plan and improvements.

2. The Board should determine if the zone change request is of a unique site or if it is like other sites and therefore would set a precedent for similar zone change requests. If it is not a unique site the Board should determine if further zone change would be in keeping with the comprehensive plan of the Town.

3. A favorable report by the Town Planning Board should be received by the Town Board discussing the relationship of the zone change to the comprehensive plan.

Town Attorney noted that the Town Planning Board deadlocked 3 to 3 on whether or not to approve this matter.

Supervisor called upon the petitioner or his representative.

Appearance: Paul Nowicki, Esq.
Attorney for Petitioner
254 South Main Street
New City, New York 10956

Mr. Nowicki explained that this was an application for a zone change from R-15 to PO for an approximate half acre lot almost directly across from Squadron Boulevard on North Main Street. The applicant wishes to change the zone so he can operate a dental surgery office. His use of the property would anticipate his seeing only one patient at a time approximately ten to fifteen a day and he would have probably two employees. Any traffic impact would be minimal. His hours would be approximately 9 to 5 every day.

Mr. Nowicki stated that this property meets all the bulk requirements except one which is the size of the lot. The PO zone requires 30,000 square feet and this only has about 23,000 square feet. In addition, if the applicant receives the zone change, he would have to go back to the Planning Board for site plan approval and he would like to make two additions to the building which is now a small one story dwelling.

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Mr. Nowicki then handed plats up to the Board members so they could see what the applicant would like to do. He went into detail using the maps to describe the proposal. He noted that the expansions referred to in his use of this map would not create any non-conforming bulk. The only non-conformity would be the size of the lot. If the Town Board sees fit to grant the zone change he would ask that the Town Board please make it clear in the resolution that they are approving this lot in its present size and it would not be necessary for the applicant to then have to go to the Zoning Board of Appeals for a variance.

Mr. Nowicki stated that he had spoken to the Building Inspector last week and he indicated informally, of course, that there did not seem to be a problem. In other words the applicant should not have to go to the Zoning Board if the Town Board makes this lot a PO. It would then become a non-conforming bulk or lot but it would otherwise be legal for the use that he would contemplate without having to get a variance.

Mr. Nowicki reiterated that they would have to go back to the Planning Board for site plan approval. The Planning Board did review it last week and we have a 3-3 split, that being neither a recommendation for or against. However, the three members who voted against it did not say any reason for not recommending in favor of it. If they had perhaps he could have addressed it but without a reason for their negative votes he did see there was anything for him to address. He said he did not see there was anything for the Town Board to consider why this should not be granted.

Mr. Nowicki said the only other concern was traffic and as he had pointed out this would really be a minimal impact on traffic on those main streets. As we all know, North Main Street has mostly office and commercial. Putting a dental surgery office in there with minimal traffic would really not have any adverse impact on North Main Street or on the neighboring properties.

Supervisor asked if the Town Board members had any questions?

Councilman Kunis asked if the office would be open on Saturdays and Sundays. Mr. Nowicki said definitely not Sunday but it might be open on Saturdays and then maybe half a day on Wednesdays or not at all on Wednesdays. Councilman Kunis said then there would be very little weekend traffic. Mr. Nowicki said that was correct.

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

Appearance: Mr. Steven Alper
 34 Yale Drive
 New City, New York

Mr. Alper voiced his opposition and that of some of his neighbors. He said the reason was of course the problems associated with the traffic on North Main Street but more importantly the incompleteness, updated master plan for the Town. He referred to the fact that he had attended several Planning Board meetings discussing the updated Master Plan. The update is incomplete. Any single zone change to the plan may not be in the best interest of this work. The Department of Transportation has presented a plan to widen North Main Street. They have obviously recognized this problem. Any zone change without regard to traffic and possible interference with the updated Master Plan would not be in the best interest of the Town. This is not an isolated zone change request being contemplated. For example, Yale Rapkin has been discussing various possible changes with the Planning Board and others. This would only open the door

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to more changes. In summary, he asked the Town Board to deny this request and deny all zone changes on North Main Street until the Master Plan update is complete.

Appearance: Ms. Eleanor Molosik (?)
213 North Main Street
New City, New York

She said she was an adjacent property owner. She said she would love New City to be the way it was thirty years ago but things change and you have to change with it. Her feeling is that Dr. Aronoff's proposal sounds great and sounds like a good move for the neighborhood. Better a doctor's or a dentist's office than pot parties on Saturday night.

Appearance: Mr. Stuart/Stewart (?)
Yale Drive
New City, New York

He said he had attended many Planning Board meetings where they have postponed listening to this petition and he is curious on why the Planning Board without having update from the Master Plan all of a sudden was asked to vote on this?

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

Mr. Avaras said the property to the south of this petition is residential. The property to the west of this property is residential. The property to the north just recently received within the last year residential CO's. He wanted that entered into the record.

Appearance: Mr. Bill Nest
Member, Clarkstown Planning Board

He said he was a little concerned about this zone change. He said they did not have too many objections at the Planning Board meeting last week because the plan was presented to us that particular night. The plan that he had seen before that had 2 parking spaces and he was curious where the parking spaces would be. That plan came before us with 23 parking spaces. He said to the north, west and south of this property are beautiful buildings. In fact, a few homes down to the south was the old Carnegie Estate which he thought was one of the most beautiful estates in Clarkstown for a long period of time. He said when he looks at less than a half acre being changed to PO and while it may be a dentist's office originally we don't know what it can become.

Mr. Nest went on to say they are just about ready to present to the Town Board and to the people the recommendations for the zone changes or what we consider should be done to North Main Street. He said Mr. Geneslaw has promised within the next few months that will be there. He said he could understand the applicant's concern that he wants to get moving but he did not think this was the right time because what it tells him is, if this Town Board votes for this change to PO, what you are really saying to the Planning Board is that you probably are then considering a PO from Phillips Hill Road all the way down to New City. He said he did not know if the Town Board really wanted that so he was saying use good judgment on this and if it has to be voted on deny it. If we can, wait until the update of the Master Plan is made to you.

Appearance: Mr. Theodore Dusanenko, Sr.
5 Hickory Drive
New City, New York

Mr. Dusanenko said he is tired of having people come before the Board and asking for a zone change. When they brought

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the property they knew what it was zoned for. Constantly, people are coming here in front of you and in front of the Zoning Board to have the Board make changes. You know what the zone is and that's it.

Appearance: Mr. Stuart Raskin
45 Yale Drive
New City, New York

Mr. Raskin asked if the dentist sees one patient at a time why is there 23 parking spaces?

Mr. Nowicki then spoke in summation. He said the reason there is 23 spaces on the plan is because the Town Zoning Ordinance requires 1 parking space per 150 square feet of building space. When you have a certain amount of building space you need a certain amount of parking. He would never anticipate using near that many spaces but it is required they be shown on the plan.

Mr. Nowicki said he could not see how this one zone change for this small piece of property would open the door to other changes. It is not a domino effect where this is going to create changes all the way down North Main Street. This Board and the Planning Board, of course, are well aware that each application is taken on its own facts, circumstances and merits and decided by itself without worrying about what the next person will build. Certainly this property is not at all similar to Mr. Rapkin's property. It is totally different. This property as I described it as a dentist's office really wouldn't generate much more traffic than a family with two or three cars coming and going during the day and at night. This would not have traffic at night and would have less traffic on the weekend than a family with a couple of children with cars and the parents with cars. Why did the Planning Board vote on it last week? Because the applicant put this in last October. He is under a contract and he just wanted the decision one way or another. We could not keep putting off the property under the contract. What is allowed in PO zone? What this could become in the future? A place of worship. I don't see how a half acre of property could become a place of worship. A public park and playground. I doubt it. Fire, police or similar public building. Not likely. Profession, governmental or business use. We are offering it as a professional. A bank. Possibly, but it is probably too small. A private tennis club. I doubt it after the one across the street didn't last too long or a health club with or without indoor swimming pool. Wouldn't fit here. The only thing this property would be, would be what presently Dr. Aronoff is asking for. It would not change into something more onerous or more intensive in the future. It just is not allowed in the zone. We would have another zone change which hopefully I would not have to be involved in. Thank you for your time.

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: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/25/91

9:56 P.M.

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

Re: Amendment to Zoning Ordinance to Add Family Recreation Uses
to LIO Districts

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

Supervisor Holbrook asked the Town Attorney, Murray Jacobson to state how the various boards have responded.

Murray Jacobson stated that the County Planning Board approves subject to condition. The condition is that the indoor family recreation facilities as well as the outdoor family recreation facilities should be either subject to special permit or allowed as of right only after a study has been done to determine the impact of these types of uses on the road system. By adding these recreation facilities to the LIO zone, a different type of traffic pattern and volume may result which should be assessed either individually by special permit or by a study overall. The traffic flow and volumes may not have a substantial impact on the road networks, but the most heavily used hours of operation of these types of facilities occur during the evening and/or weekend hours. This is in sharp contrast to the normal light industrial/office uses which are allowed in the LIO zone and merits analysis of traffic circulation, volume and flow. SEQRA, the Town consultants found no environmental impact. The Town Planning Board approved.

Appearance: Mr. Robert Geneslaw
Clarkstown Planning Consultant

At the present time, the LIO district allows health clubs and tennis clubs and does not specifically allow other forms of commercial recreation. There have been several petitions and problems that come before the Town Board both at work shop meetings and regular meeting in which various entrepreneurs have attempted to establish recreation facilities of one kind or another in buildings within existing LIO districts. The purpose of the amendment is to more fully permit commercial recreation activities only within the LIO zoning district and it is fed up in two ways. Commercial recreation activities that take place within building would be allowed by right; those that are outdoors would require a special permit from the Town Board. There are a series of special permit conditions that have to do primarily with light, noise, hours of operation and solid waste and there have been extensive series of parking requirements for a wide variety of recreation activities which those on the Planning Board felt were the most likely to be popular in the Town and to be reasonable in the Town without causing significant problems.

Supervisor Holbrook stated that this has undergone considerable review for a long period of time so that the Planning Board, it would appear, seems to have gone to great lengths here to spell these things out. Mr. Geneslaw stated that the Board has reviewed it at a number of meetings and he did a lot of background and research first. There are a number of communities that allow some of these activities, but we were not able to find any that had a category such as this in a zoning code that would allow any variety so that a businessman could open up only a bowling alley or he could open up only a place with batting cages or he could open a place and have a whole variety of things that are listed here as long as he met the special permit requirements and the parking requirements.

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Mr. Geneslaw stated that there has been one request before the Board for the old Swivelier building on Route 304. That request started a little bit after the Building Department and our office began to look into this because we anticipated the problem coming up after the Clarkstown Executive Branch Plan was established in Clarkstown Executive Park. I agree with the comments of the County Planning Department that the peak traffic hours would be different than for most of the other businesses in an LIO District. So, there does not seem to be a problem there and Clarkstown Executive Park is preparing a traffic study at the request of the Planning Board which will probably confirm that. What it does do is to take away from the LIO District some opportunities for full time employment of skilled people because most of the kinds of activities here use, as employees, minimum wage, or close to minimum wage, unskilled people with a few managers. That can impact on the employment base in the Town.

Councilman Mandia asked Mr. Geneslaw if he had said that indoor activities would not need a special permit and outdoor activities would? Mr. Geneslaw said it was established that way with the thought that indoor activities would not be likely to cause problems to neighbors; outdoor activities might. Councilman Mandia said Clarkstown Executive Park is huge. If you get a small development that is LIO of maybe 10,000 or 20,000 square feet and somebody puts in indoor golf, etc. and 80% of it turns out to be rented to a person who is running a sports thing or a recreation thing, the initial purpose of having LIO there in the first place has been destroyed. He said what he is getting at is he thinks the idea is sound. He just thinks we might want to consider a special permit for any of these things when we do an LIO. Mr. Geneslaw said you could do that and it would give you an opportunity to look at the number of them that are being established and try to decide whether its becoming too many. He said one of the things that happens with commercial recreation is that there are fads. Twenty years ago it was bowling alleys. Ten or fifteen years ago it was tennis. Then is was racquet ball. A lot of communities lately are putting in batting cages and indoor golf driving ranges, etc. It is very possible that the market will get saturated before people realize it and there will be some vacant space. Requiring a special permit for all of them would give the Town Board an opportunity to look at each one, see if they are distributed reasonably well around the Town and see if too much space is being allocated to them. In effect, by adopting it, what the Town would be doing is to make organized recreation activities more accessible, more convenient, more available for residents of the Town.

Supervisor Holbrook said that it is really providing for something in the Zoning Ordinance that did not exist before. Mr. Geneslaw said that it doesn't exist now. In effect, you are favoring the residential population rather than the employment population of the family.

Supervisor Holbrook asked if there was anybody from the public who has a comment relative to this proposed amendment.

Appearance: Mr. Uri Sasson

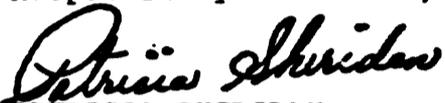
He said that he thought that the Planning Board had done a magnificent job reviewing this particular use of an LIO and the parking requirements, but he has one little problem with this and the problem is that if you take an exercise center and within the four walls of this exercise center you have video, pinball machines and maybe a couple of pool tables, your parking requirements here per se are going to just be duplications and just an add on. The same people are going to be using the exercise center, the pinball machines or the pool tables and the same thing goes for restaurants as an accessory use or correctional use. Who is coming from outside to go into a restaurant with a health club.

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Mr. Sasson said the same people are going to go in there and use those facilities. He thought it was a bit too much that each of those categories can specify parking for them. Mr. Sasson said that you have to take a look at the total picture and maybe work some sort of percentage. If you take a miniature golf that has maybe a nine golf tee or something, you are talking about eighteen holes. You are never going to have eighteen people there at the same time. This is the problem he sees with this. He can see a situation here where the parking becomes so huge that it is not going to be worth it for any developer to put this type of use and therefore, if you want to encourage this type of use, this is not the way to do it. Mr. Sasson said that he thought additional extensive research has to be done here and maybe the Town Board should table this and move further into it.

On motion of Supervisor Holbrook, seconded by Councilman Kunis and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:10 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

327

Town Hall

6/25/91

10:10 P.M.

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

RE: Zone Change Petition (R-15 to RG-2) 165-A-3.55 (Iser/Graf)

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

Murray J. Jacobson, Town Attorney said that the County Planning Board approved subject to the following comments and additions:

We don't see that this zone change and development will have an adverse effect on the adjacent Town of Ramapo. However, there is a concern over maintaining the safe and efficient flow of traffic on the by pass road and thus there is a need to keep the number of driveways to a minimum. We are also concerned over the livability of an increased number of condominium owners living in proximity to a busy road. If the parcel could be developed in conjunction with the abutting multi-family parcel and thereby gain access, and share amenities with said parcel then this concern could be ameliorated.

The Town Planning Board carried six to nothing, approving with certain conditions with recommendation to the Honorable Town Board. At the time the MF zoning designations were adopted, the Planning Board decided not to grant further changes to RG-2, and to utilize the new MF zoning districts. To grant the RG-2 would be something of a departure from that policy, but this portion of parcel 165A3.55 is surrounded by RG-2 uses both at the rear and across the street, with a parcel to the south owned by Bradco, zoned L10. The Board recommends to allow for orderly development of the area, that only this portion of the property be changed to RG-2. We believe this request is a reasonable one, and will be compatible with the existing land use pattern and allow for some greater amenities due to the location of New Clarkstown Road. The Board believes that the proposed zoning reclassification request is a continuation of the zoning classification of the adjoining properties. At this time, multi-family zoning will not overtax the schools. It is recommended that the following conditions be made part of the zone change:

- 1) provision shall be made for a portion of land to complete a road into the Bradco property;
- 2) land yield shall be established based on a site plan that conforms to all zoning requirements, and shall include compliance with all of the restrictive covenants in place for Kingsgate;
- 3) Since this request for zone change is for only a portion of parcel 3.55, the remaining portion of parcel 3.55 shall remain R-15.

Town Attorney then read the RECOMMENDATIONS TO THE HONORABLE TOWN BOARD:

1. The balance of the NYSDOT right of way to the north of the subject, on either side of New Clarkstown Road. These are narrow strips that will be at least as difficult to develop as Iser/Graf. The Board sees no benefit to the Town in changing the R-15 designation at this time.
2. The balance of the former NYSDOT right of way (owned by Iser/Graf) to the south of the subject, on the west side of New Clarkstown Road.

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Based on the development to the west (the Sidney, Olin, Sylvia Terrace residential area), the present R-15 designation is most appropriate. The Board recommends R-15 remain.

3. The Bradco property, now zoned LIO.
The development proposal for this property demonstrated that access to Pascack Road was a serious problem, and that E-2 and the residential neighborhood to the south would be seriously impacted by the size and location of the building. The Board recommends this property be rezoned to R-15, as recommended in the last Master Plan update.
4. The frontage along Pascack Road roughly from Sidney Drive to the Ramapo Town line.
This area is zoned R-15 except for the two connections of Bradco & E-2. The development along Pascack Road is one and two family, with a few buildings that may be multi-family in nature. The Board suggests that the R-15 zoning be retained.

Town Attorney noted that SEQRA stated there was no environmental impact.

Supervisor asked if the applicant or his representative was present.

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

Mr. Horowitz said the subject before the board was a matter of a public hearing held on April 23, 1991. All the members of the Board were present with the exception of the Supervisor. At that time the entire presentation was made and he noted that the Supervisor is very familiar with the history of this entire matter. He said he would not make the entire presentation again unless a need for doing so was demonstrated. He did pick up on two points. The reason given as to why no decision was made at the last meeting was because the Planning Board had requested, since they had already directed Mr. Geneslaw, the Planning Consultant, to do a comprehensive study of the area and this was done. The Planning Board held a subsequent meeting and did make a recommendation. The recommendation of the Planning Consultant was for the rezoning to RG-2 as was the final recommendation to this Board of the Planning Board.

Mr. Horowitz noted that when Mr. Jacobson read the Planning Board's recommendations the phrase "remain as R-15." What that referred to was other pieces of property which are not before the Board this evening.

Mr. Horowitz said the area proposed to be rezoned consists of 3.4 acres. This is not the Airport Industrial Park being proposed for rezoning. It is not the Parker property being proposed for rezoning. It is a total of 3.4 acres which would permit in accordance with the present zoning and all the conditions and covenants that you created for Kingsgate the addition of 37 units. Of those 37 units, in accordance with the conditions which we have agreed to be subject to, 40% are to be two bedroom and the balance have to be one bedroom.

Mr. Horowitz noted that the County Planning Board did recommend approval. Their primary real problem was relative to access. The condominiums, as we are proposing them, would have only one access. If it went the way it is presently zoned there would be eight individual accesses.

Mr. Horowitz said if the subject parcel could be developed and share the amenities with the surrounding properties we go to item 13 in the petition which indicates that petitioners

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PH - Zone Change R-15 to RG-2 - 165-A-3.55 (Iser/Graf)
6/25/91

3.

desire to have that portion of their acquired property - 3.4 acres - rezoned from R-15 to RG-2 so that development of this portion may be incorporated into lot E-2 so that while lot E-2 already has final approval - they could build it tomorrow - they will, if the zone change goes through, not do that but they will have to revise their

site plan so that these additional units will be incorporated and made part and parcel of lot E-2.

Mr. Horowitz said the only discrepancy we are going to have is that everyone refers to this as the 1,200 Condominium Association. Whether they have to change the name to 1,237 Concominium Association is insignificant. The fact is the impact of what we are proposing.

Supervisor asked if there was any member of the Town Board wishing to ask a question or make a comment? No one did.

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

Appearance: Ms. Mimi Holtzman, President
Section 3, Treetops Condominiums

Ms. Holtzman said she was also a member of the 1,200 Association of all the Hamlets of Rockland County. She said she has appeared before with several petitions. She said she was angry, hurt and confused by prior decisions of this Town Board. She said they are a community of 1,200 families with a single dream. She said they came to this area to escape the plight of the city, the crime, pollution, traffic, etc. She said what they have found is increasing traffic, pollution and congestion in their area. She said they went from a beautiful 240 units at Treetops to 1,200 units at the Hamlets of Rockland. In addition to which this Town Board approved an additional 300+ condominiums to be built on the Smith Road area which would now make it 1,500 condominium units in a very small saturated area that cannot accommodate that many families.

Ms. Holtzman said this Town Board has allowed the zone change to take place which upset them very much and indeed they are still upset about it. She said when they petitioned this Board about Bradco who wanted to expand in our area a roofing and tiling place that carried chemicals she said they begged you many times to please not allow them to continue. There was no decision made on that either.

Ms. Holtzman presented the Town Board with photos of their area right now and the area that is in question. She referred to a beautiful, wooded area right across the road from them where these proposed 37 additional units will be put. She mentioned the density and the construction of the 1,200 units which are still progressing today - the 1,200 units have not been completed. She noted that they are planning to chop down many trees to add more multi-family units across the way from them.

Ms. Holtzman then submitted letters from the presidents of all four sections of Treetops Condominiums who are opposed to any additional multi-family units being put in their area. She presented petitions signed by over 300 residents of Treetops, Timberline, Vista, Knolls East who are members of the 1200 Association and directly affected by this zone change.

Ms. Holtzman said what they have in their area right now is R-15 single, one family residential zoning on that By-Pass road. She said across from them are 1,200 multi-family units. Behind them are commercial properties being built. She said at this time that creates somewhat of a balance. To add more multi-family units and change the zoning would again saturate the area with more condominiums. She said right now they cannot sell their

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properties. There are 1,200 now with 1,500 soon to come and 1,537 soon to be. They can't sell their units and are very upset about this. It is going to get worse with the addition of more units. She said they feel abandoned by the Town Board. They have petitioned the Board before asking please do not allow any more multi-family units in our area. You disregarded that and allowed 300 more right across the road from us. She said please listen to us now.

Appearance: Ms. Kathleen Duseo
33 Treetop Circle
Nanuet, New York

She said she keeps hearing the term saturation point, etc. She said she wondered what is the saturation point for condominiums for an area? When do we reach that saturation point? Has it been reached in their area? She said we have thousands of people living there and we keep developing. No thought is ever given when things are put in to sidewalks. The number of people walking from the development to the shopping center and back is increasing. Anyone riding or walking up and down there will see it. She asked if it was a safety hazard and maybe should it be considered.

Appearance: Mr. Joel Schwartz
Timberline
Nanuet, New York

Mr. Schwartz said he is a second owner (resale) in Timberline. He said when he bought into Timberline he was told (a year ago) nothing would be built across the way from where he lives now. As it turns out he found out recently that there is something going to be built. Many people were under the impression that nothing was going to be built across the way. There is a lot of crime going on in the area. He said many people from West Clarkstown Road do come up walking into their area. There is a problem with the sidewalks, whether or not they are going to be built. He said he has asked on many occasions for more trees in the area so we can have the road blocked or a fence to be erected. We were told that it couldn't be done. People have told him that the owner is very reluctant to do things in that area. He said he was letting the Board know that he is dissatisfied. He had a choice of many areas to move to before he moved into this particular unit. He said if it does go through he wanted the Board to be aware that there are problems with crime, trees being chopped down at Christmas time because there are pine trees there and that there are incidents of people who live nearby who are in wheelchairs using that road to go to and from shopping from a complex which is not far from where the Hamlets are.

Appearance: Ms. Judith Parsons
Timberline
Nanuet, New York

Ms. Parsons said she lives across the road from the proposed building. She said the road is dangerous and just about a month ago she was practically in a head on collision with a car who was unsatisfied with the speed conditions and proceeded to cross over the double line and approach her car. She said she was stunned. She did the wrong thing and hit the brakes. Fortunately, it turned out to be the right thing because he then had time to pass her and get on the other side of the road. This happens many times as she can see when she is sitting out on her porch. She is concerned that there are no sidewalks. She said she is concerned that the lawyer for these petitioners stood up and said he was building one and two bedroom condominiums. She said she hoped that was true because that was what was built for her and her neighbors. There have been many conversions. There are now two bedrooms, three bedrooms, the garages have been converted. She said there are more

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people there than necessary and not enough parking spaces. She said she was sure the petitioners will do the same here.

Supervisor said a conversion would need a permit from the Building Department. If the Board of Managers from Timberline would contact his office he would like to check that out. That certainly was not the intent when Timberline was being built for one and two bedroom apartments to have illegal conversions. He said if you have instances of that please let us know. Mrs. Parsons said there are many.

Appearance: Mr. Bill Matthews

Mr. Matthews said the word rezoning comes up every once in awhile. These builders bought the property with an idea that they could build on it - one family homes, whatever. Now they want to change it or get the Town Board to okay the change into multi-family units. He said there are unfinished condos all over the place with concrete basements just sitting there. They have been there all winter and are nothing but eyesores. Now they are thinking of building more. He said he thinks the Board should downplay this rezoning bit and let them finish what they started to do in the first place or nothing at all.

Mr. Horowitz summed up saying Treetops is part and parcel of the 1200 Association at that particular time. He said with regard to the green - most times you would like to keep it but you can't do anything about it because it is owned by private parties and we can't condemn someone else's property. This is one instance where the people in the area could have, in fact, reserved that green. The State put the property up for public auction. The only bidders happened to be Iser and Graf. They had to bid \$750,000.00. Not that it was worth it but they had to do that because after spending several hundred thousand dollars, along with several of the other builders, to put the by-pass road in they could not get access - the State would not give them access to their condominium units which are on the opposite side of the road. They gave a temporary license but would not give access. The only way they could access was to buy the property and they did that.

He said Baylor Drive gave birth to this entire plan. There were horrendous traffic problems prior to the development of this particular road. He said when you talk about safety we talk about having one access when there could be eight accesses under the present zoning. This is not a change of zone in the usual type of a change of zone. Yes, we are going from one zoning designation to another but this is for a very very specific reason and underlying all this is the last eight years to get this road in place.

Mr. Horowitz said the best summary he can use are the Planning Board's reasons why they have recommended the RG-2. Uses permitted by the proposed change would be appropriate in the area concerned as areas to the east and the west are presently zoned multi-family. Public school facilities and other public services exist to serve the needs of additional residences likely to be constructed as the result of such change. Proposed change is in accord with any existing or proposed plans for providing public water and sanitary sewers. There is considerable amount of vacant land zoned for multi-family in this vicinity, i.e. Parker Nanuet and other sections of Kingsgate. There is considerable multi-family development occurring in the area presently directly abutting this land and in other sections of Kingsgate. It is not anticipated that this proposed amendment will have adverse effect upon the growth of the existing community, as at a maximum no more than 37 units can be generated. The proposed amendment will result in an increase in the total zoned residential capacity of the Town, but the cost of providing public services for a maximum of 37 additional units would be minimal. Other areas may make similar requests, but each one would have to be reviewed on its own merits.

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6.

Mr. Horowitz said we are all aware of the history that led to this particular zone change starting way back with the by-pass and so on. He said we have the recommendation of the Planning Consultant and the recommendation of the Planning Board. This Board is aware that over 250 notices - that is 250 families - were sent for this public hearing. He asked the Board to compare the adverse comments heard this evening compared to any other hearing where 250 notices were sent out.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk