

337

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/9/91

8:05 P.M.

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

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

Supervisor noted that he had an award to make to Eagle Scout Mark Hernandez of Troop 79. He recognized Mark and his family on this outstanding achievement and extended the congratulations of the entire Town Board.

Supervisor then declared the public portion of the meeting open.

Appearance: Ms. Kathleen Austin
22 Corners Road
Congers, New York
representing homeowners of
Cedar Grove Corners

She spoke regarding the noise pollution problem generated by the businesses behind them requesting the Town Board's assistance in this problem.. She presented a petition to the Board regarding the same.

Appearance: Ms. Patricia McCoy Coleman
298 Old Haverstraw Road
Congers, New York

She spoke regarding a proposal to change L10 to R-15 and requested that it come before workshop to have it set up. Supervisor said it has been referred to the Planning Board and they are looking at the R-22, which is what the Board is essentially interested in. Supervisor said it would be placed on the August 5th Workshop.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding Agenda Item #18 (Appraisal of Schueler Property) requesting that in-house people do the job.

Mr. Cuff spoke regarding DeForest Estates on Strawtown Road and the lack of lawn maintenance requesting attention to this situation.

Appearance: Mr. John Perella
Valley Cottage, New York

He spoke regarding the proposed new police and court facility and the purchase of additional property for parking purposes. He was opposed.

Appearance: Mr. Daniel Cea
Congers, New York

Mr. Cea spoke regarding the proposed new police and court facility and other bonding. He was opposed.

Appearance: Mr. Martin Bernstein
New City, New York

Continued on Next Page

Mr. Bernstein spoke regarding Agenda Item #18 and said it is proper if you want to buy this property that you go outside for an appraisal.

Appearance: Mr. Stu Fleecer
Yale Drive
New City, New York

He spoke regarding Agenda Item #5 (Aronoff zone change). He urged the Town Board to hold off making any decision on this matter.

Appearance: Ms. Jane Errico
Congers, New York

Ms. Errico spoke regarding the upgrade of a position in the Assessor's Office. She objected to the increase.

RESOLUTION NO. (535-1991) ACCEPTING MINUTES OF TOWN BOARD MEETING OF JUNE 25, 1991

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of June 25, 1991, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (536-1991) ESTABLISHING ADJUSTED BASE PROPORTIONS FOR CERTIFICATION TO STATE BOARD OF EQUALIZATION AND ASSESSMENT

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 1991 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

Seconded by Co. Smith

(Figures on file in Town Clerk's Office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (537-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 24,
BLOCK A, LOT 13.17 (FISHMAN)

Co. Smith offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, "MITCHELL FISHMAN AND JANE FISHMAN v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT & REVIEW OF THE TOWN OF CLARKSTOWN," Index Nos. 5180/86, 4615/87, 4474/88, 5027/89 and 5443/90 for the years 1986/87, 1987/88, 1988/89, 1989/90 and 1990/91, and

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

1. That the premises owned by the petitioners described on the assessment roll as Map 24, Block A, Lot 13.17 be reduced for the years 1986, 1987, 1988, 1989, and 1990 from \$360,000 to \$355,000;

2. That reimbursement for the years 1986, 1987, 1988, 1989 and 1990 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and

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

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

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (538-1991)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN FROM
R-15 TO PO DISTRICT - MAP
59, BLOCK A, LOT 15.1
(ARONOFF)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of May, 1991, provided for a public hearing on the 25th day of June, 1991, at 8:15 P.M., to consider the application of ALVIN ARONOFF, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 59, Block A, Lot 15.1, from an R-15 District to a PO District, and

RESOLUTION NO. (538-1991) Continued

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated November 1, 1990, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-15 District to a PO District, the property designated on the Clarkstown Tax Map as Map 59, Block A, Lot 15.1, situated in the Hamlet of New City, New York, in said Town, subject to the following conditions:

1. Petitioner to provide road widening strip of 14.40 ft. along North Main Street, New City, New York, to the County of Rockland;
2. Easement agreement for access over Map 59, Block A, Lot 15.02 must be available for commercial and business use;
3. Petitioner shall comply with the requirements of the Rockland County Highway Department for the proposed improvement of North Main Street, New City,

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.

(DESCRIPTION ON FILE IN TOWN CLERK'S OFFICE)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (539-1991)

SETTING PUBLIC HEARING
REGARDING ZONE CHANGE FROM
PO TO LS DISTRICT - MAP 32,
BLOCK B, LOT 97
(KETOVER/RAND)

Co. Maloney offered the following resolution:

WHEREAS, CAROL KETOVER and MARSHA RAND have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance

Continued on Next Page

RESOLUTION NO. (539-1991) Continued

of the Town be amended by redistricting property of the petitioners described from a PO District to an LS District, and

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

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, 1991, at 8:10 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

At this point Agenda Item #7 regarding Amending Town Code - Section 106-19(A)(3) - Crows-Foot Lots was offered by Supervisor Holbrook but received no second.

RESOLUTION NO. (540-1991)

REQUESTING PALISADES
INTERSTATE PARK COMMISSION
TO AMEND THEIR PARKING FEES
AT THE ROCKLAND LAKE
FISHING STATION

Co. Maloney offered the following resolution:

WHEREAS, the Palisades Interstate Park Commission has recently implemented a new policy to charge a flat daily fee of \$3.00 to park at the Rockland Lake Fishing Station, and

WHEREAS, many Clarkstown residents park at the Fishing Station for short periods of time while they use the trail around the lake to walk, run, or bicycle for exercise, and the Town Board feels such residents should be encouraged in their endeavors toward physical fitness, and

WHEREAS, many residents would be discouraged from exercising because of the parking fee and many would, in fact, actually stop exercising because they could not afford the fee,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests the Palisades Interstate Park Commission to amend their policy regarding parking fees at the Rockland Lake Fishing Station so that persons parking for periods of less than two hours can be allowed to park without charge.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (540-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (541-1991)

ACCEPTING DEED AND
DECLARATION OF RESTRICTIVE
COVENANTS (JURITSCH)

Co. Maloney offered the following resolution:

WHEREAS, the Board of Appeals of the Town of Clarkstown requested a deed for road widening purposes along South Harrison Avenue and South Conger Avenue, Congers, New York, and a Declaration of Restrictive Covenants agreeing to covenant that there will be no further infringement on front or rear yard setbacks;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control deed dated June 26, 1991, from Paul Juritsch gratuitously conveying road widening strips along South Harrison Avenue and South Conger Avenue, Congers, New York, together with a Declaration of Covenant made June 24, 1991, by Paul Juritsch are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (542-1991)

AUTHORIZING RELEASE OF
MAINTENANCE BOND WITH
REGARD TO DEDICATED
SUBDIVISION (HARRISON PARK)

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a Letter of Credit in the sum of \$8,925.00 furnished to the Town in connection with dedication of the road and public improvements in a subdivision known as Harrison Park is terminated and the sum of \$8,925.00 may be released to the guarantor.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (543-1991)

CANCELLING LIS PENDENS -
MAP 134, BLOCK A, LOT 13
(MELLOZZO)

Co. Smith offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79 dated October 11, 1988 for premises designated on the Clarkstown Tax Map as MAP 134, BLOCK A, LOT 13 has 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 November 3, 1988 provided the sum of \$556.00 shall be paid to reimburse the Town for the cost of clean-up of the property, and be it

FURTHER RESOLVED, that the Town Attorney is authorized and directed to notify the Assessor and the Receiver of Taxes of the Town of Clarkstown of such payment in full.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (544-1991)

RATIFYING AMENDMENT TO
1989-91 AGREEMENT BETWEEN
THE TOWN AND THE PBA

Co. Maloney offered the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies a certain Stipulation of Agreement dated July 2, 1991 between the Town and the Rockland County Patrolmen's Benevolent Association authorizing a change in the dental insurance plan.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (545-1991)

APPROPRIATING FUNDS TO
VETERAN ORGANIZATIONS -
CHARGE TO ACCOUNT NO.
A-6510-401

Co. Maloney offered the following resolution:

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (545-1991) Continued

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

- American Legion Naurashank Post #794
- West Nyack VFW Memorial Post #126

and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (546-1991)

AUTHORIZING TOWN TO FILE APPLICATION FOR COUNTY RECYCLING FUNDS AND SUPERVISOR TO SIGN SAME

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland has established a program of providing grants to local municipalities to aid in the maintenance of local recycling programs;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown agrees to be a participant in the program; and be it

FURTHER RESOLVED, authorization is hereby granted to file the Application for the County Recycling Funds and Supervisor Charles E. Holbrook is hereby authorized to sign same.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (547-1991)

AUTHORIZING SUPERVISOR TO FILE RECREATION PROJECT RENEWAL "COMMUNITY CENTER PROGRAMS/5 TOWNS"

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (547-1991) Continued

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs/5 Towns" with the New York State Division for Youth, in the amount of \$11,374.50 for the period commencing January 1, 1992 through December 31, 1992.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (548-1991)

AUTHORIZING SUPERVISOR TO
FILE RECREATION PROJECT
RENEWAL "COMMUNITY CENTER
PROGRAMS"

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$39,063.00 for the period commencing January 1, 1992 through December 31, 1992.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (549-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
ATZL, SCATASSA & ZIGLER RE:
AMBULANCE CORPS DISTRICTS

Co. Smith offered the following resolution:

WHEREAS, Atzl, Scatassa & Zigler, land surveyors, have submitted a proposal dated July 2, 1991, to provide a preliminary general map and general description for the purpose of establishing Ambulance Corps District boundaries within the Town of Clarkstown, including the unincorporated area and the portion of Clarkstown within the Villages of Nyack, Upper Nyack and Spring Valley;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Atzl, Scatassa and Zigler, land surveyors, to provide a preliminary general map and general description for the purpose of establishing Ambulance Corps District boundaries within the Town of Clarkstown, including the unincorporated area and the portion of Clarkstown within the Villages of Nyack, Upper Nyack and Spring Valley, and be it

Continued on Next Page

RESOLUTION NO. (549-1991) Continued

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Atzl, Scatassa & Zigler, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed \$9,500.00, and the cost shall be allocated among the various Ambulance Districts upon their creation, and be it

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (550-1991)

AUTHORIZING MARTIN & MARTIN
TO PREPARE APPRAISAL
(SCHUELER PROPERTY) -
CHARGE TO ACCOUNT NO. A
1420-409

Co. Maloney offered the following resolution:

WHEREAS, the firm of Martin & Martin provided an appraisal for the Town of Clarkstown concerning the Schueler property which is designated on the Clarkstown Tax Map as Map 125, Block B, Lots 8 and 8.//2, and

WHEREAS, such appraisal was based on two life estates, that of Edward Schueler and his mother, Veronica M. Schueler, and

WHEREAS, said Edward Schueler deceased on July 2, 1991;

NOW, THEREFORE, be it

RESOLVED, that the firm of Martin & Martin, Real Estate Appraisers, is hereby authorized to recompute said appraisal based on one life estate only, at a cost not to exceed \$250.00, and be it

FURTHER RESOLVED, that said fee shall be charged to Account No. A-1420-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (551-1991)

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

RESOLUTION NO. (551-1991) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$1,707.84 from BOCES for the purchase of salt,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. DA 042-4-2300 (Highway-Revenue from Other Governments) and Appropriation Account No. DA 5142-386 (Salt, Calcium Chloride) by \$1,078.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (552-1991)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 15-002705 (CAPITAL FUND-GIFTS & DONATIONS) AND APPROPRIATION ACCOUNT NO. H 7140-25P90-08-409 (CAPITAL - SUNSET VIEW DRIVE AND NORTH GREENBUSH ROAD)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$13,500.00 as a contribution from Kenneth Bergstol for drainage improvements on Sunset View Drive and North Greenbush Road,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 15-002705 (Capital Fund-Gifts & Donations) and Appropriation Account No. H 7140-25P90-08-409 (Capital-Sunset View Drive and North Greenbush Rd. by \$13,500.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (553-1991)

DECREASING APPROPRIATION ACCOUNT NO. A 1680-110 (DATA PROCESSING-SALARIES) AND INCREASING APPROPRIATION ACCOUNT NO. A 1680-409 (DATA PROCESSING - FEES FOR SERVICES)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (553-1991) Continued

RESOLVED, to decrease Appropriation Account No. A 1680-110 (Data Processing-Salaries) and increase Appropriation Account No. A 1680-409 (Data Processing - Fees for Services) by \$10,000.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (554-1991)

PROCLAIMING JULY 25, 1991
"PROJECT RAINBOW DAY"

Co. Maloney offered the following resolution:

RESOLVED, that in honor of the effort being made by the Mental Health Association concerning Project Rainbow, which project helps children of parents who have substance abuse problems, the Town Board of the Town of Clarkstown hereby declares July 25, 1991 as "Project Rainbow Day."

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (555-1991)

DECLARING ESCROW FUNDS IN
DEFAULT IN CHESTNUT PARK
SUBDIVISION

Co. Smith offered the following resolution:

WHEREAS, certain public improvements in a subdivision known as CHESTNUT PARK SUBDIVISION have not been completed, and

WHEREAS, the Town of Clarkstown has in its possession an Irrevocable Letter of Credit in the sum of \$5,000 to secure the construction of the public improvements in said subdivision;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney and the Department of Environmental Control of the Town of Clarkstown, the sum of \$5,000 is hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the aforesaid funds to complete the public improvements in said subdivision.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (555-1991) Continued

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

RESOLUTION NO. (556-1991)

DECLARING PORTION OF ESCROW FUNDS IN DEFAULT (STONEGATE HOMES, INC. - KINGSGATE CONDOMINIUMS)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 253/1989, \$45,000 in escrow funds held by the Town of Clarkstown for the completion of the public improvements at the Kingsgate Condominium site, in particular Kingsgate Parkway, was defaulted to the Town of Clarkstown, and

WHEREAS, an additional \$3,000 is required to complete the public improvements at the aforesaid site;

NOW, THEREFORE, be it

RESOLVED, that an additional \$3,000 from escrow funds held by the Town be defaulted to the Town of Clarkstown.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (557-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ENTER INTO PURCHASE ORDER NO. S61403 FOR PURCHASE OF TWO (2) JOHN DEERE 310C BACKHOES

Co. Maloney offered the following resolution:

WHEREAS, K.C. Canary-Clifton Park, Inc., the lessor of two John Deere 310C backhoes to the Town of Clarkstown Highway Department, has offered to transfer title to said equipment to the Town at the conclusion of the lease for the payment of \$1.00 for each item, and

WHEREAS, the Superintendent of Highways has advised that said equipment is in usable condition and advises acceptance of the offer;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to enter into Purchase Order No. S61403 for the purchase of two John Deere 310C backhoes, ID# T0310CA751168 and ID# T0310CA755267 for the total purchase price of \$2.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (558-1991)

APPOINTING TO POSITION OF
(PROVISIONAL) DATA ENTRY
OPERATOR I - DATA
PROCESSING (LINDA GERSHON)

Co. Maloney offered the following resolution:

RESOLVED, that Linda Gershon, 24 Seymour Drive, New City, New York, is hereby appointed to the position of (provisional) Data Entry Operator I - Data Processing - at the current 1991 annual salary of \$17,655.00, effective July 22, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (559-1991)

GRANTING SIX (6) MONTH
LEAVE OF ABSENCE, WITHOUT
PAY TO CLERK TYPIST -
BUILDING DEPARTMENT (GAIL
HOLLAND)

Co. Maloney offered the following resolution:

WHEREAS, Gail Holland has requested a six (6) month leave of absence, without pay,

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1990 provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Gail Holland, 27 Maple Avenue, West Nyack, New York - Clerk Typist - Building Department - is hereby granted a six (6) month leave of absence, without pay, effective August 12, 1991 to February 12, 1992.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (560-1991)

GRANTING SICK LEAVE OF
ABSENCE AT HALF PAY TO
MOTOR EQUIPMENT OPERATOR I
- HIGHWAY DEPARTMENT
(ROBERT KLEIN)

Co. Maloney 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 C.S.E.A., Robert Klein, 15 Theresa Drive, West Nyack, New York - Motor Equipment Operator I - Highway

Continued on Next Page

RESOLUTION NO. (560-1991) Continued

Department - is hereby granted a Sick Leave of Absence - at one half pay - effective and retroactive to July 8, 1991 to August 8, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (561-1991)

TERMINATING EMPLOYMENT OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (JEAN EDDY
CHATELAIN)

Co. Maloney offered the following resolution:

RESOLVED, that the employment of Jean Eddy Chatelain, 4 Viola Road, Apartment 3, Spring Valley, New York - part-time Bus Driver - Mini Trans Department - is hereby terminated effective and retroactive to May 22, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (562-1991)

RECLASSIFYING POSITION OF
REAL PROPERTY DATA
COLLECTOR TO REAL PROPERTY
DATA COLLECTOR II - GRADE 21

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 14, 1991 that the position of Real Property Data Collector - can be reclassified to the position of Real Property Data Collector II,

NOW, THEREFORE, be it

RESOLVED, that the position of Real Property Data Collector - Assessor's Office - is hereby reclassified to the position of Real Property Data Collector II - effective July 15, 1991, and be it

FURTHER RESOLVED, that the grade for this position is hereby established at a Grade 21.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (563-1991)

APPOINTING TO POSITION OF
(PROVISIONAL) REAL PROPERTY
DATA COLLECTOR II -
ASSESSOR'S OFFICE (THOMAS
J. ISENBK)

Co. Maloney offered the following resolution:

RESOLVED, that Thomas J. Isenbek, 23 Sunrise Drive, Stony Point, New York, is hereby appointed to the position of (provisional) Real Property Data Collector II - Assessor's Office - at the current 1991 annual salary of \$24,339.00, effective July 15, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (564-1991)

APPOINTING TO POSITION OF
PRINCIPAL CLERK TYPIST -
PLANNING DEPARTMENT
(ROSALIE A. CAUTILLO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #90202 Principal Clerk Typist - which contains the name of Rosalie A. Cautillo

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Rosalie A. Cautillo, 14 Trevor Lake Drive, Congers, New York, to the position of Principal Clerk Typist - Planning Department - at the current 1991 annual salary of \$21,888.00, effective July 15, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (565-1991)

APPOINTING TO POSITION OF
(TEMPORARY) LABORER -
SANITATION DEPARTMENT
(PETER J. MAYER)

Co. Maloney offered the following resolution:

RESOLVED, that Peter J. Mayer, 27 Old Hempstead Road, New City, New York, is hereby appointed to the position of (temporary) Laborer - Sanitation Department - effective July 15, 1991 - for a period not to exceed 30 days - pending completion of a satisfactory pre-employment physical examination - at the current 1991 annual salary of \$19,232.00.

Seconded by Co. Smith

RESOLUTION NO. (565-1991) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (566-1991)

GRANTING EXTENSION OF SICK
LEAVE OF ABSENCE AT HALF
PAY TO STOREKEEPER - PARKS
BOARD AND RECREATION
COMMISSION (FRANK VOCE)

Co. Maloney 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 an extension of his Sick Leave of
Absence - at one-half pay, effective July 24, 1991, for a period of
not to exceed one month.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (567-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO RENEWAL
AGREEMENT WITH PUBLIC
EMPLOYER RISK MANAGEMENT
ASSOCIATION

Co. Maloney offered the following resolution:

WHEREAS, the Town Board wishes to renew its contract
with Public Employer Risk Management Association, 119 Washington
Avenue, Albany, New York 11210, to administer the Workers'
Compensation claims of its employees;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown
is hereby authorized to enter into a renewal agreement, in a form
satisfactory to the Town Attorney, with the Public Employer Risk
Management Association, for the purpose of administering the
Workers' Compensation claims of the employees of the Town of
Clarkstown arising on or after June 1, 1991 through May 31, 1991,
and be it

FURTHER RESOLVED, that this resolution shall be
retroactive to June 1, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (567-1991) Continued

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

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Adoption of Local Law Creating the Architecture and Landscape Commission, was opened, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Adoption of Local Law Creating the Architecture and Landscape Commission, was closed, DECISION RESERVED, time: 9:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Repeal of Local Law concerning Trees, Shrubbery, Topsoil and Seeding was opened, time: 9:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Repeal of Local Law concerning Trees, Shrubbery, Topsoil and Seeding was ADJOURNED to the August 13, 1991 Town Board Meeting, time: 9:26 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Repeal of Local Law concerning the Board of Architectural Review was opened, time: 9:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Repeal of Local Law concerning the Board of Architectural Review was ADJOURNED to the August 13, 1991 Town Board Meeting,, time: 9:26 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Town Code Amendment requiring Building Identification Signs, was opened, time: 9:27 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Town Code Amendment requiring Building Identification Signs, was closed, RESOLUTION ADOPTED, TIME: 9:31 P.M.

RESOLUTION NO. (568-1991)

AMENDING TOWN CODE OF TOWN
OF CLARKSTOWN - SECTION
89-11 - ITEM B(10) -
BUILDING IDENTIFICATION
SIGNS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 28, 1991, provided for a public hearing on July 9, 1991, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Town Code of the Town of Clarkstown, and

Continued on Next Page

RESOLUTION NO. (568-1991) Continued

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 28, 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 Town Code of the Town of Clarkstown be and it hereby is amended as follows:

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

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

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Town Code 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. Smith

On roll call the vote was as follows:

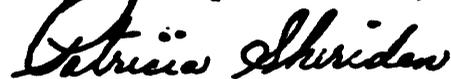
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law (Limited Two-Family Dwelling) Permitting Accessory Apartments, was opened, time: 9:31 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law (Limited Two-Family Dwelling) Permitting Accessory Apartments, was closed, DECISION RESERVED, time: 10:45 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 Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:46 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

353

Town Hall

7/9/91

9:10 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia and Smith
Councilman Kunis absent
Denise Toriello, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor Holbrook said it has been the intention of the Town Board for quite awhile to look at the Shade Tree Commission and the Architectural Review Board and to merge them. Essentially the Town Board feels that many of their duties are compatible in terms of looking at the whole picture when one takes a look at what a building should look like and the landscaping that should go along with that site. It is our intention to streamline Town government but at the same time afford the protection to residents of Clarkstown that the Architectural Review Board and the Shade Tree Commission individually had done for many years albeit, in this instance creating their powers in one board. Supervisor called on Deputy Town Attorney Denise Toriello to highlight some of the essential differences that would now be created if this law were to be adopted.

Ms. Toriello said presently we have two separate boards, one Shade Tree Commission which takes care of the landscaping and the other is the Architectural Review Board which discusses signs as well as the buildings themselves. By putting these two together it will help an applicant to get everything done in front of one board instead of having to appear before each board individually at different times. The people on the board will have the basic knowledge of everything involved; not one part or the other. If the board is combined it will be able to help you at one time. She said they are trying to combine the duties that both boards have into one group of seven board members.

Supervisor said aside from streamlining it is important that we improve the quality of what construction looks like in the Town and also landscaping and see that it is enforced. Some of the problems that have happened over the years is that the Shade Tree recommends certain things and they don't get implemented or they get changed or whatever. The Architectural Review Board is the same thing. We feel that at least in part here by moving in this direction we can aid in the effectiveness of these boards and make a better end product for all of us to look at in the future.

Ms. Toriello said we have several agencies that take part. It is not only the Architectural Review Board and the Shade Tree Commission. We have the Highway Department, Environmental Control, the Building Department, Planning and everybody has to see all these plans when the applicant comes in. This is a very good way of streamlining the procedure.

Supervisor asked if the Board members had questions?

Councilman Mandia asked what the combined total of the two existing boards is and was told 12. Ms. Toriello said they are working shorthanded at the moment. We do not have full boards right now. Councilman Maloney said sometimes you cannot get a quorum.

Supervisor asked if any member of the public would like to ask a question or make a comment?

Continued on Next Page

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

Mr. Salaun asked if signs were the most important thing in architecture in Clarkstown? He said he has seen some awful looking buildings and he has been in the business since he was 14 years old. He said to him to mention signs is ridiculous.

Supervisor said signs are just one of the activities. Mr. Salaun said it sounded to him as though she were saying that signs are one of the most important things. Councilman Mandia said he is liaison to the Architectural Review Board and he said from experience he could say that 80%, if not 90%, of what is on the agendas is signs. That is really what it is all about. Mr. Salaun said he has seen some buildings put up here in the Town which do not belong here. Supervisor said the appearance of a building is part of it also. Mr. Salaun said signs are part of it but there are many other things. Before you put a sign on the building, you put up the building. Supervisor said we have buildings that are continuously changing signs too so that buildings are permanent and are going to look a certain way for a long time but the signs can change.

Appearance: Mr. Armand Miele
Nanuet, New York

Mr. Miele said he was in favor of anything that took away a board. If we can combine two boards into one that is fantastic. He felt it was a very good idea to put both these boards together as it eliminates a lot of time. It will serve a better purpose now working together.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said over twenty-five years ago he was one of many who proposed the development of an Architectural Review. At that time the concept was that this board would be involved in the reviewing of the design of all kinds of buildings in this Town. Unfortunately, it has degenerated into a sign Board. Now we are combining it with the Shade Tree Commission. He said personally he thinks having them combined will also create problems. He said the sign thing is one thing. When we get into the creation of design of a building and the design of shade trees he thinks that should be advisory to the Planning Board. When the Planning Board does site review these issues are related to that.

If we are going to have a situation where the Planning Board is going to set up a site review and then it is going to be turned over to this board it is very possible that this board will really be locked into a design which will be very difficult to change. He said he would like to see, if you want to have a sign board, do that but the rest of those functions should be advisory to the Planning Board before they finalize the site review of commercial buildings. He said if we had done this twenty-five years ago we would have a much nicer community today. As long as we are going to make changes now we should make a better change rather than just say we are going to combine two boards. It is not going to solve anything. Look around at the buildings that have gone up since this board was created. We are not very proud of what they did all these years.

Councilman Maloney said some of the things that Mr. Bernstein mentioned are covered in here. There are some limitations. They are advisory. The Commission is not empowered and has no jurisdiction to review, vary, alter, modify or otherwise change any action of the Planning Board or any action of the Zoning Board. Mr. Bernstein said but that is after the fact. Councilman Maloney said that other parts mention that they are advisory.

Appearance: Mr. Rudolph Yacyshun, Chairman
Planning Board

He commended the Town Board and certainly the Deputy Town Attorney who drafted this legislation. It is long overdue. It is important and imperative for the overall planning and zoning process in the Town of Clarkstown. He said he agreed with Mr. Bernstein on this. The aspects that the Planning Board is concerned about happens to be with procedure. He said if it is the will of the Town Board to enact this legislation and create this new commission, which he and the Planning Board supports in principle, that we will have an opportunity together to draft their regulations and how they will operate.

He said he was not concerned with things that come as routine or the ability to change signs as the case may be but also we are very much concerned about the overall aspect of the site review process which entails clearly the design and development of a site which include, of course, the exterior amenities. He said they always interface with the Shade Tree Commission.

He said their final approval of plans in the Planning Board, is subject to their getting approval from the Shade Tree Commission. Whether or not it requires a formal approval on the part of this new commission or not is something that should be ironed out in their regulations. He said he hoped that is not precluded by this local law. He said they want their input before they make a final conclusion on both the landscaping and the architectural aspects which they did not get too much involved with once it left the Planning Board. This was an oversight and it should have been taken care of a long time ago. We have an opportunity for the future. He asked that those aspects be considered as well as who is going to be doing the enforcement aspect of it in the future. That is an important area that should be explored by the Town Board.

He said on behalf of the Planning Board that they do support the thrust of this legislation and this local law and it is probably long overdue.

Appearance: Ms. Celia Juris
Shade Tree Commission

Ms. Juris said the intention was definitely well meant. However, she said she was concerned about the comment Supervisor Holbrook made which was that we were looking for an ordinance that would give the combined boards more teeth. She said in reading this over she has questions about several of the sections. She read a portion of Section 4-3A and said what has happened is that very often they are on the scene after the fact. The input should be before Planning Board approval. She said when they are presented with a finished plan and are told this small area is the area that is not going to be parking lot or is not going to be building and go ahead and provide buffers, landscaping, etc., that is inadequate. She said they really have to be in earlier than this and should make recommendations to the Planning Board on most of the items that the Planning Board will review. This very paragraph seems to deny all of that.

She said that seems to be in direct conflict with Section E which ends by saying the Commission's regulatory powers shall be limited to those areas set aside by the Planning Board for landscaping. She said she was not sure what that means.

Another section which she said she has a problem with is Section D. She said they now have a problem with enforcing those areas that they are involved with. The Town has taken a position over the years that they did not want Shade Tree, and she would assume Architectural Review, to become involved on private property. This section states that the Architecture and Landscape Commission shall regulate and control the planting and removal of trees, the stripping of, removal and replacement of topsoil and the

Continued on Next Page

seeding of lawns on private property. She asked if that was really something you would expect the Shade Tree Commission to do? She said it is ambiguous the way it is spelled out but it sounds like they would be involved in looking at a homeowner's property where they decided to remove a tree because they planted the wrong variety and they want to remove it for whatever the reason. In one section you have taken away the teeth of what the Shade Tree Commission was doing. In another section you are putting something in that is something that we have really moved away from and that is interfering with private property. Supervisor asked if she would recommend the deletion of Section D? Ms. Juris said D is not really appropriate.

Ms. Juris said E would have to be reworded because the way it is worded now it sounds as if you can't question or make recommendations or do any of these things for all of these various boards which the Shade Tree Commission currently makes recommendations to.

Ms. Juris said she questioned 4-4C where it states that the species and condition of trees to be removed shall be certified by the Architecture and Landscape Commission to the Building Inspector of the Town of Clarkstown. She questioned that and said that was for all sites. You are going to have this board where they are now having combined power and are involved with signs, buildings, landscaping, etc. They are now going to go out and certify all these trees that are going to be removed. That seems inappropriate.

Ms. Juris said under E - Performance Guaranty Required - where it discusses escrow funds "The escrow amount is to include the retail cost of such trees as well as the cost of labor to plant the same, as specified by the Department of Environmental Control." She said within that they also would be looking for not only the tree and the labor to plant it but also a one year guaranty, a minimum, and that would have to be included in the price which very often is at least 50% of the cost of the planting. That should be added as well.

Councilman Maloney said the part that Ms. Juris read about the species and condition of trees he thought that referred back to the opening sentence of that paragraph regarding building permits where it says "No building permits shall be issued by the Building Inspector unless such person, firm or corporation files with the Building Inspector a plan, approved by the Architecture and Landscape Commission..." He said he would guess that those trees refer to what they agreed to do on the map. Ms. Juris said no, they are saying that the trees that are going to be removed are now going to be certified by this combined commission. Councilman Maloney said the ones that are agreed to on the map. In other words if it is approved by the Architecture and Landscape Commission and signed by the commission. Now, the thing is you would have to indicate which ones are coming down and make sure that the ones you indicated are coming down. Ms. Juris said that is normally cited by a landscape architect. She felt this was a little cumbersome. Councilman Maloney said it is referring back to something that they had agreed on and he thought maybe you would want to follow up and make sure that what they said was coming down and what was going up, would. Ms. Juris said this is being certified by a landscape architect. They submit a plan and it has their license on it.

Ms. Juris said if the effort here is for streamlining don't make it more cumbersome and don't take away the teeth that are now there. She said she sees that happening in the specific paragraph that she mentioned. She said she is very concerned about that.

She said as far as which members will eventually be on this combined board that is entirely up to the Town Board. She said

Continued on Next Page

she would like to see someone who has been involved with this commission for a great deal of time. She said she would really like to end her tenure with this commission knowing that there is really an effective law in place. She said that is extremely important. She said she hoped they would take what she had to say into consideration.

Supervisor Holbrook said their intention is to let some other people have comment on this. They felt that it was important to finally get this to a public hearing so that we can actually take a positive step toward ultimately implementing it. The things that Ms. Juris have indicated are things that we will take up in the next couple of weeks before we vote on it which probably won't be until the August meeting.

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: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

359

Town Hall

7/9/91

9:27 P.M.

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

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 said the Clarkstown Planning Board approves. Our Planning Consultant notes that SEQRA states there is no environmental impact. The Rockland County Planning Board approves.

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

Mr. Robert Geneslaw, Planning Consultant, said the language which is being added reads "and building identification signs." It is intended to allow the Fire Department to find buildings when people call in fires and for ambulance corps to find buildings when other emergencies are called in. At the present time some commercial buildings and some multi-family buildings have no number or name identification. The only purpose is to have that kind of identification on buildings for emergency purposes.

Mr. Geneslaw said this does not specifically apply to single family homes. It applies to commercial and industrial buildings and complexes where there is more than one building.

Councilwoman Smith said it is often difficult to find numbers on single family homes. Mr. Geneslaw agreed but he said he did not think there was a requirement in the Town Law that individual homes have numbers. You could do that but not as part of site plan regulations. It would have to be a separate local law.

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

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein asked if this would apply to existing buildings or is it all new buildings? Mr. Geneslaw said as part of the site plan regulations it would apply only to new buildings and those that get additions that are big enough to get approval by the Planning Board. It would not apply to the probably several thousand commercial buildings already in Town.

Appearance: Ms. Irene Saccende,
Code Inspector

Ms. Saccende said don't all these properties in the Town now have a postal number on them? Supervisor asked, the individual properties? She said yes and buildings. They have a postal number that is required for postal delivery. She said she would think that within a year or a year and a half that we should require all buildings to be properly marked. It is horrendous out there when you are looking for a piece of property. Supervisor said to do it on individual homes we would have to go the local law route.

Mr. Geneslaw said what is before you is an amendment to the site plan regulations and that came from the Planning Board and

Continued on Next Page

341

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/9/91

9:31 PM

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

RE: Proposed Local Law (Limited Two-Family Dwelling) Permitting
Accessory Apartments

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

Murray J. Jacobson, Town Attorney said that the County Planning Board approved, as to SEQRA our consultants said that there was no environmental impact.

Supervisor asked Robert Geneslaw, Town Planning Consultant, to comment on this.

Mr. Geneslaw stated that the Planning Board has been working on this issue probably for fourteen years. Councilman Maloney said that it was about that or maybe longer. Mr. Geneslaw stated that Councilman Maloney was a member of a Committee that he thought was operating about that time as were a few members in the audience who were on the committee. When that committee made its recommendations to the Town Board, the Planning Board began to consider the subject more seriously and there has been a number of versions leading up to what is before the Town Board tonight. The Planning Board did recommend in favor of what is before you or something very substantially similar to what is before the Town Board.

Mr. Geneslaw stated that he would work from the text because there is a lot in it. There are a whole series of standards that would apply and in order to get approval, it will require an application to the Building Department. There are a lot of requirements. The application would either be approved or denied. It would not go to other agencies of the Town. The lot on which it is proposed to put the second unit has to conform to zoning. It would have to have a single family house on it as a principal building and the second unit could either be in the single family house or in an accessory building. The accessory building could not be located in any required yards. The principal building or the accessory building would have to be at least fifteen years old prior to the making of an application to the Building Inspector. There would only be able to be one single front entrance to the principal building. One of the two units must be owner occupied. The second unit must be clearly subordinate in size to the principal single family unit and could not occupy more than six hundred square feet of floor space. Neither unit could have home occupation, boarders or roomers. There would be a requirement of no less than four off street parking spaces provided on the lot and they could not occupy more than twenty-five percent of the required front yard. Someone could not pave over their front yard in order to provide the four parking spaces. The application would have to be approved by the Building Inspector as indicated. There would have to be a covenant filed with the County Clerk stating that in the event the owner or his or her spouse or survivors don't occupy either of the two units the use of the lot automatically reverts to a single family detached residential unit. So, that means in the case of a sale, the approval for the second unit would expire and the new owner would have to reapply for it. There is no guarantee that they would automatically get it, but if they met the requirements they would probably would. The Building Inspector could only issue a permit when all the

Continued on Next Page

PH - Proposed Local Law (Limited Two-Family Dwelling) permitting
Assessory Apartments
July 9, 1991

2.

requirements are met. There would be a provision for an annual inspection by the Building Department. The Town Board could establish a permanent review fee. The Building Inspector could revoke the permit if any of the conditions are not met and the Building Inspector's determination could not be reviewed by other agencies of the Town. For example, if someone was turned down, they could not go to the Board of Appeals for a variance. That was recommended in order to make sure that the requirements were adhered to. This local law will be adopted independently of the Zoning Code and because it is independent of the Zoning Code there is no requirement in the law that they be reviewed by the Board of Appeals.

Councilman Mandia asked about the fifteen year age of the residence. Is it designed to stop people from building these things brand new to intentionally use them for this purpose? The thing that bothers him most is the house is fifteen years old, but someone could walk into the town and buy a house solely for that purpose. Frankly, that bothers me a little bit. You are not really helping young people in the town or elderly people in the town. You are just inviting someone to come into town and make an investment.

Mr Geneslaw said that one of the earlier versions was a residency requirement. The Planning Board preferred it. Some of the members of the committee that Councilman Maloney headed preferred it, but in the years since it was originally proposed, there was a case, he believes, in the town of Brookhaven, where it was challenged and the court said that you can't do that because that is a restraint on interstate travel, but I will defer to Mr. Jacobson

Murray Jacobson stated that it was the case of "Casper vs. the Town of Brookhaven". It was decided by the Appellate Division, Second Department on December 5, 1988 and basically what they said was that it was unconstitutional because it was a denial of due process and equal protection of law that you were making a residency requirement. This was based on a prior case which had a similar result.

Councilman Mandia asked if the owner could live either in the main house or in the assessory apartment. Mr. Geneslaw said that the way it was proposed for the public hearing, the owner could live in either one of them.

Councilwoman Smith asked Mr. Geneslaw, from your knowledge of the other places where it is in existence, what has been the percentage where it really has been utilized? Mr. Geneslaw said a very small percentage. Several things have happened. Some of them contrary to what everybody expected. One of the things that happened is that very few people have applied for the new units from a percentage basis. Another is that very few of the illegal ones come in for approval. Nobody knows for sure why, but my guess is that somebody who already has one and it has not been found, they are not going to look for trouble by volunteering for an inspection. That is just my guess. It has been largely a fear that has not materialized. We checked in Orangetown because that is the closest and most similar town to Clarkstown and we found their experience since they have had it, there has been very few new units that have come in for approval. Obviously, there is no way of knowing for sure how many illegal units there were before or since.

Supervisor asked if any Town Board Members had any questions? No one did.

Supervisor asked if any member of the public had any comments or wished to ask a question?

Continued on Next Page

Appearance: Mr. William Schaeffer
New City, New York

Mr. Schaeffer asked what effect would new units have on the taxes of the dweller? Would there be an increase or has there been a set formula? Councilman Mandia said it would seem to him, as always, taxes would be based on the value of the residence. That is a good question would the residence go up in value or down?

Mr. Schaeffer said the taxes are based on the market value of the house. If this is not a permanent arrangement, the value would not go up because people could not purchase it for that purpose. He said he would suggest that if you are going to do this then possibly some of the services of the Town should be addressed in the form of a permit fee large enough to support these additional dwellings.

He said as a secondary issue is there any teeth in the regulation requiring reporting and would failure to report initiate a fining process? Supervisor said if there was a permit that was applied for and approved, the Town would then have a record and would be theoretically able to follow up on that. The question comes in, if this were to be adopted, would those that exist out there that could conform to it, would they come in and apply for it? That is problematical. In actuality, once they have applied for a permit, we would be able to enforce it through an inspection because we would have the record of it and that would have to be something that the Building Inspector would have to, on a yearly basis, keep up with. Your point about fees and everything like that would have to tailor itself to that type of situation.

Mr. Schaffer asked if the Supervisor would declare a period of time for amnesty for people to register these illegal dwellings. In such cases, they will realize that they are not going to lose the rent that they are already receiving if they were given a year or six months period of time to conform. The Supervisor stated that he himself would be opposed to rewarding those who would be illegal. He said that if the Town Board were to adopt a local law such as this, we would hope that those people would find out what the regulations are and come forward, but the illegal ones that would not conform under any proposed local law would have to remain at least in the Supervisor's view, illegal and subject to prosecution by the Town. The point being that you can have an illegal one that should not be approved.

Appearance: Mr. Anthony Travaglini
Central Nyack

First and foremost he would like to say that he is not only disappointed with this proposal, but he thinks it is a little bit insulting. After he heard that this has been planned and in the makings for fourteen years, I am even more disappointed with the outcome. The fact of the matter is that they are using senior citizens and young adults for the reason that this proposal is being brought forward. I think it could be challenged very seriously. He thinks the real fact of the matter is one bit of information on here that reads right under section 2, Legislative Findings and Intent. The cost of traditional single family detached, multi family attached units is beyond the ability of town residents to pay. He thinks that is the issue. The issue is the reasons why people can't pay. He further stated that by letting people convert their garages, is not addressing the issue. We are making creative finance here by saying you can't afford your taxes, rent your garage out. That is not the issue. You people should be addressing the senior citizens the right way and trying to come up with a solution, sharpen your pencils and collectively come

Continued on Next Page

PH - Proposed Local Law (Limited Two-Family Dwelling) permitting
Assessory Apartments
July 9, 1991

4.

up with the way to reach to reduce their taxes for these people on fixed incomes, not generate income. If you want to do that, think about giving hot dog licenses to people to generate income. Lets be reasonable about this. Secondly, he would like to know after hearing all of these rules and regulations that you have, how will they be enforced?

Councilman Maloney said he was curious to know how Mr. Travaglini knew that Mr. Holbrook was not in favor of this because he proposed it two years ago. Anyway, things may have changed but I will answer your question. He said we did say there would be a fee and that anyone applying for an application, just like anyone else, there would be a fee that would be paid which might be \$100.00 or so. We don't know how many people will apply. He said he thought in Orangetown it was like 70 in the last three years since they had conversion to accessory apartment. Like anything else we will have to use the Building Inspector we have so that when someone applies for application the Building Inspector would see that the \$100.00 fee was paid and that he conformed to what the regulations called for. As was mentioned before, there would be a follow up. If five people apply for this in 1992 then at the end of 1992 and before 1993 the Building Inspector will go out and make sure that the same people are still living there and that they do not have any violations.

Mr. Travaglini said he was glad that Councilman Maloney said that because he said he would be glad to share with the council members at any time proof of the matter that the Town Code Inspectors cannot enforce things like this. Six years ago he stood in front of the Zoning Board of Appeals with 100 signatures on a document stating that we did not want a new house that was built, a high ranch, converted into a two family house which the builder applied for. We denied it. The Zoning Board turned it down - a 100 member petition. Still today he said he could not get this two family house situation rectified. The Building Code Inspectors have failed. He has documentation six years old leading up to today and he said how do you expect them to enforce this many laws when they can't enforce the laws we have today properly. There are more creative ways to come up with help for our senior citizens and our young adults than to say to them rent your garage and you will be able to pay your taxes. That is not the answer and he asked the Board to collectively try to come up with something else.

Appearance: Mr. Walter Luther

Mr. Luther said he did not want to see any more apartments in this Town. He said we do not need any more people. We have enough. We are planning now for a new police department. We know the County has to grow and we know the Town has to grow. We don't need any more apartments.

Appearance: Ms. Elaine Gillenhammer
Congers, New York

She said her one question to the Planning Board is why don't they call this a Master Downzoning because that is what it is.

Appearance: Mr. Jeff Sasson, President
Congers Civic Association

He said last year when they became aware of this pending law they sent out a survey to their membership. An overwhelming majority of the membership voiced opposition. He stated that another small part of their membership was undecided. The membership that was for it did not want it next door. The people were against it for a variety of reasons. As far as the current services that we have in our community - fire, police,

Continued on Next Page

waste disposal, snow clearing during the winter months, too many cars being on the street because they will be jockeying for position in the driveways as everyone doesn't pull in and out at the same time of day. Obviously, it is the issue of schools with the current budget restraints - New York State and the County and the laying off of teachers and administrators. If people were moving into houses with children who is going to be paying for the additional services needed by the schools. This is certainly a concern.

He said he concurred that the problem with affordable housing is the taxes. They keep going up and up. It is your responsibility to manage with the resources that you have at hand. By allowing this zoning change you are going to have to provide more services without a serious improvement in tax revenues to the Town. He said it was mentioned that this had started 14 years ago. Probably then the median price of a house was \$40,000.00. Now it is about \$200,000.00+. When a person bought a house 14 years ago they worried about paying the mortgage. Now they worry about paying the taxes. You worry about the people who live in this Town. There are going to be less and less people coming into this Town. He said he has been to the Building Department on numerous occasions and they are already overburdened with the responsibilities they have now. The Inspectors cannot get out and enforce the responsibilities they have now. How are they going to do it with this kind of housing out there? He said he lives in a single family residential community and within a couple of houses of his is an illegal apartment. The Town doesn't know about it and the Town doesn't do anything about it. How are you going to take care of those things? He said you have the application process and the qualification process, the approval process and then the enforcement. He said he did not think the Town was equipped, at this point in time, to take care of it. He said it is your responsibility to manage within the means of what this Town has to spend and this is going to cost the Town.

Appearance: Mr. Philip Bosco
2 Short Street
q West Nyack, New York

Mr. Bosco said it is bad to hold this kind of public hearing on such a sensitive issue in the summertime when everyone is away. He said he would hope that if you are going to make a decision that you hold it until the summer is over and give people more time for input.

Mr. Bosco said there are four school districts in this Town. Each one of them should be consulted and they should have some input as to how this will impact on them before you make a decision. The people in the Nyack School District in Valley Cottage what is happening to them with taxes in comparison to other parts of Clarkstown is really bad because of the new high school.

He said if this is passed to cushion the potential damage it could do to a school district, if there is a way of writing the law so that the accessory portion (the 600 square foot) is the part that is rented out. He said if you take someone who has a 2,000 square foot house and they rent out 1,400 square feet and they move down to 600 square feet we may have 3 to 5 more children in our school district very rapidly. It could set us back very critically. We are being inundated with tax problems on all levels of government and education, etc. If this thing should go it might prove to be unfair competition to the rental units you have in the Town. You have already been talking about putting rent control on them so they can't raise their rates. They are in the commercial part of our tax program because we have a homestead law. The commercials therefore pick up a bigger burden. You might find more of them will become condominiums and get out of the rental income

Continued on Next Page

business because of the competition and the net result will be that you will cut down your rental rather than increase it and you will also cut down the commercials which are picking up a bigger percentage of the burden and throw more burden onto the remaining commercials in the Town.

He said in the last few years his commercial property taxes average up to about a 35% increase in two years. The Town property tax has come up on his commercial property 90% in two years. He said that was obscene. He lives in this Town. So you are damaging me and making it harder for me to make a living and stay here. He said he would like to see reports from other towns that have this. He said how do we know this 15 year rule will stand up? How do we know that won't get thrown out? It is unconstitutional to pick a house that is 15 years old. I can show you houses in this town that were built new that way and are being rented out that way and you can show me too because you all know they exist. If a mother/daughter house has two enterances and someone now says mom is not with us anymore and I am going to rent that out. Are you going to force them to do away with the second enterance or will they be grandfathered in.

Supervisor Holbrook stated that mother/daughter is not premitted in this Town Zoning Ordinance and there was no such thing. That is a real estate term.

Mr. Bosco said call it what you want, but they already have two doors in these houses. People have converted garage doors to single doors and now you are going to tell me that this law is going to make those doors go away. He said that he thinks the Homestead Law will be in trouble as it exists now if this thing goes through.

Appearance: Maureen McCarey
New City

She said that she is the captain of New City Ambulances and what she would like to address tonight is affordable housing for the volunteers. She said she wanted to stress to all of you that affordable housing for the volunteers is very important. She has lived here for 25 years and her taxes are very high. She stated that if we do not find a way for the young people to live in this Town, we will not have any more volunteers for the Ambulance Corps and for the Fire Department. Right now 25% of our membership is made up of young people who have gotten married and have moved out of this Town, but because they grew up here they still come down and give us 60 hours a month of riding time. I think as people get older and have children, I am sure they are not going to keep wanting to come down and give me 6 hours of time. Some of these people travel up to a hour to come here. When I lose those young people - you talk about your taxes being high - when we go to a paid ambulance service in this Town and paid Fire Department, you will be paying very heavy taxes.

Appearance: Patrick O'Sullivan
New City

Mr. O'Sullivan said he has lived here for thirty years and has seen his taxes go from \$570.00 a year to \$6,000.00+ a year. He said he didn't want anyone living in his house if he could avoid it but if something happens to him and his wife is put in a position for this type of housing then he would like her to be able to turn to something. He said he felt people should not have to share their homes but something has to be done as taxes are beyond control.

Continued on Next Page

Appearance: Trudy Knight, President
West Nyack Civic Association

Ms. Knight said she was under the impression that Councilman Maloney had introduced this bill. Councilman Maloney said that was sometime ago and had been introduced by Supervisor Holbrook. This bill is a different one. Ms. Knight asked Councilman Maloney if he was concerned for the senior citizens? Councilman Maloney said the concern he has is what people tell him for the years he has been on the board, yes there is a concern for senior citizens because there are some living on a fixed income, who have a house, where four or five children have moved out and it would be very helpful to them to be able to rent that house to another senior citizen couple or to a young couple and realize some income from it, maybe \$400.00 a month. He said he has also heard from young people who have grown up here and would like to live here but they can't pay \$1,000.00 month rent at Normandy Village or other places and so they would like the opportunity, if there was such a thing as accessory apartments, as happens in other towns and villages, to stay here and live in with someone who has lived here for 15 years or so who wants to rent. It helps both people. It keeps that senior citizen in their own home that they don't have to move out and allows someone else to share it with them, if they want to do that.

Ms. Knight said she is a senior citizen and has been in this county since 1930. She said they live on a fixed income. If they couldn't afford to live here anymore and the taxes drive them out the thing to do is move out of the county. She said if a person can't pay their taxes and are taxed out how in the world are they going to get \$10,000.00, \$15,000.00 or \$20,000.00 to add the accessory apartment to begin with. You have to invest money. Councilman Maloney said you have to invest money in anything.

Ms. Knight said a lot of our senior citizens because they are under a certain income get a reduction in taxes. Once they have an accessory apartment they have an income. Up goes their income and there goes their reduction. Councilman Maloney said each individual would have to decide this on their own. They would have to decide whether they want to convert their house to accessory apartment or not. That would be up to the individual. If they are willing to pay more taxes that would be up to them. They have to figure that out themselves. He can't determine that for them. He said all we are doing is offering the opportunity for those people who want to do this. Right now, there is no opportunity. If they want to take advantage of it, fine. There may be people who don't want to share their home with anyone else.

Ms. Knight said once you make an addition on to your house, it gets reassessed and the assessment goes up and not down and that is a fact. Councilman Maloney said this law says there can be no addition to the present structure. It would have to look exactly like it is. The addition - the reconversion - would be inside so it would look exactly like it would look. That is the purpose of the law. We don't want it to be changed to look like something that it is not intended to be.

Ms. Knight asked how about helping the young people? Are you familiar with Nyack and all the homes that have been converted to two families? Councilman Maloney said not as much as he is with other places. Ms. Knight said you don't get an apartment for \$400.00 down there. She said she knows a young woman with three children paying \$925.00 for the second floor. It is 140 degrees in the summertime because the bedroom is in the attic and and 14 degrees in the winter and you are trying to help the young people? She said almost two years ago she was invited to attend the West Nyack Civic Association meeting. This subject was brought up. There was an elderly gentleman who is an environmentalist and he

Continued on Next Page

really laid it on the line what a devastation this would cause in Clarkstown. There was a young man there and it was his first time at a meeting, like myself, and he said he thought it was great. He said he owned property on Old Mill Road and he can make it a two family house and make money and that is what it is about. That is what you are going to be bringing in. They are going to be scooping up the property and making money out of it.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff asked are we enforcing the current regulations regarding multiple family housing in Clarkstown? The answer to that is no. He said it is a well established fact that we have hundreds and hundreds of illegal two family houses now in Clarkstown. What is the incentive to be a legal one when you can get away with being an illegal one without paying any fees, without any enforcement, and without any inspections? So much for all the bureaucracy involved. He said he supposes it would provide a few more jobs in Town Hall if we were to enact this type of legislation. He said you talk about the cost of traditional single family detached and multi-family attached housing as beyond the ability of many town residents to pay. Tonight is not the night to think about that. It is time to think about that in August when you start preparing your preliminary budget every year. That is the time to think about dollars and cents. He said last year at budget time you spent exactly four hours in public session preparing a \$60,000,000.00 budget. So much for caring about the senior citizens, the young people and for that matter everyone else in Town.

Mr. Cuff said it is the intent and purpose of this local law to provide for more efficient use of the Town's existing stock of dwelling to provide economic support for young people, unmarried individuals and senior citizens especially those of limited income and to preserve and protect property values. There shall be no less than four offstreet parking spaces provided on the lot and parking spaces shall not occupy more than twenty-five per cent of the required front yard. The principal dwelling and the limited two-family dwelling unit shall be subject to an annual inspection under the provisions of the housing code and conditions noted therein. The Town Board by resolution may establish a permit review fee intended to cover the cost of administering this local law. Mr. Cuff said that is what the Town Board has to say.

Mr. Cuff said in the paper today they mentioned homeowners of 20 years or more being eligible for this. That has been successfully challenged in the court and it has been established that is nothing more than whistling in the wind. Then you mention that you maintain the appearance of a single family house. He said he did not know how you were going to do that if you have four or five parking spots out in front of your house. He said he does not have four or five spots in front of his house and he doesn't want them. This means we are going to have to have extra driveways which means more blacktop, less lawn or green area, more traffic, more parked cars, more garbage cans, constant cars going in and out of the property and for sure no one in a multi-family dwelling maintains their home as well as a single family dwelling as far as appearance goes. He said he has an illegal multi-family dwelling in his neighborhood that has been there for about ten years. It is a dump. It looks like a dump. There are people falling in and out of that house at all hours of the day and night. There seems to be lights on all hours of the night. He said he doesn't know what is going on in there but then it is not his responsibility to know what is going on in there.

Mr. Cuff said suppose you do take in a tenant and later find this tenant to be a nuisance or a drug user or someone involved in late night activities or involved in a marital or civil dispute.

Continued on Next Page

so you decide to evict them. That is the only way to get rid of them. He said he wonders what that would cost in legal fees to get rid of an undesirable tenant? That is something that should be figured into your cost mechanism and your big savings for the senior citizens too. He said people move to our Town to escape multi-family crowded conditions. He said sitting on the Zoning Board of Appeals, practically everyone who comes before us to testify the first you hear is that they moved up here and they wanted the little bit of green space. They wanted the little bit of elbow room. He said they wanted to get away from the multi-family situation. He said as a person born and raised here and survived the invasion of Rockland County back in the 50's, 60's, 70's and 80's he thinks accessory housing would create more problems.

Mr. Cuff said another aspect that has not been mentionwd is homeowner insurance and liability. He said that would be dramatically increased if you had people living in your house. It would also mean that we would have more police calls, fire calls, ambulance calls, more traffic, more sewage, more garbage, and of course, more blacktop.

Mr. Cuff said to sum up to allow our senior homeowners and young people to remain in Clarkstown requires controlling spending by County government, Town government and our school boards and please don't get them too involved in this. It is time for Town government to stop frivolous spending. It is time for our elected officials to run Town government as you would a private business - efficiently and economically. We seem to be too concerned about politics at election time. Town Hall is considered a power base for votes and political favors. If you sincerely and honestly want to allow senior homeowners and young people to live in Clarkstown, trim the size of government. Stop taking care of the politicians with jobs and inflated salary increases which was mentioned earlier tonight by one of your speakers. Cut down on the spending and don't allow yourselves to become political prostitutes. Stand tall for the people of Clarkstown and show some courage, some common sense, and that will solve a lot of our problems and allow you to have some personal pride as well. Don't sell your soul to gain votes and let's not look at Town Hall as a power base for votes but as a place to serve the interests of everyone in the community and not just those in the select circle. To answer the person that talks about the volunteers from the ambulance corps that is very noble. There are a lot of volunteers in the community. They don't all ride around in ambulances or fire trucks. They are involved in little league or they are involved in government organizations or they are involved in youth activities or something like that. He said right now Clarkstown spends something like \$1.2 million per year in emergency medical services. Supervisor said \$889,000.00 for para medic services. Mr. Cuff said and then we give out another -?- Supervisor said then we have separate ambulance districts which submit budgets to us which we allocate. \$1.2 would be right if you added them both together. Mr. Cuff said that was what he said. So we are spending a lot for emergency services and we do appreciate the emergency services. There is no doubt about it, just as we appreciate the people who work for little league and go out and clean up cemeteries and do all kinds of things here in Clarkstown. The bottom line is August. That is when the Supervisor prepares his preliminary budget. That is when it is the responsibility of the Town Board to sit down with the Supervisor and go over that budget and tell us how much money we should be spending and how many raises we should be giving out and these are some of the things that should be looked at a lot more seriously. We should have a public hearing on how to run good government and how to be a little more efficient.

Appearance:

Mr. Brian Brophy
Valley Cottage, New York

Continued on Next Page

Mr. Brophy said he thought the present proposal was a great idea. He said it is a personal decision. He seriously doubts that if this law were passed there would be a massive run of people down here to convert their houses into two family houses. He said we have had two people stand up here and say they know of two family houses in their neighborhood. Mr. Brophy said if there is a dump in your neighborhood it is your responsibility to alert the Building Department. He said mention has been made that they can't enforce the two family houses that we have now. He said he thought it was interesting why that should be. Everybody says you can walk down any block and you pick out the house that is a two family house. If that is the case and it is such a bad thing why aren't all the people who live on these blocks turning in their neighbors?

Mr. Brophy said he is an officer in the Valley Cottage Fire Department and has been there six years and has seen a lot of people leave in his years there. Young guys come in, they get married, they go off the line. You can't afford to buy a house here and you can't afford an apartment. The question about putting it on senior citizens; again, it is a personal decision. If people have lived in a house for 30 years it is their decision whether or not they want someone else to live there. They should have an option to be able to stay there. If they become a widow or a widower and they want to stay because the rest of their family is in this County, it is a viable option. He thinks if the law was past it makes it the Building Inspector's determination. Right now if you want a variance you have to come to the ZBA. The ZBA can be a popularity contest. If you bring 100 people that say yeah he is a great guy he should have it and he merits it, then he gets it. But if he merits it and 10 people come against it, then you don't know, it could go either way. In conclusion, he said he thought it was a great idea.

Appearance: Mr. Martus Granirer, President
West Branch Conservation Association
New City, New York

Mr. Granirer said he was on the committee fifteen years ago and nothing got adopted then because nobody could agree on what was to be adopted. There was certainly not enough support to adopt what came out of that committee. He said he was opposed to adopting an accessory apartment plan then and he remains opposed to it. He called attention to Section 3H which says there shall be no less than four off street parking spaces. He said he thinks that should be no fewer than four. It's a nicety but why not get it right?

Mr. Granirer said the whole question comes down to the issue of whether residential development has ever carried its own weight in this Town? We all know, it doesn't. We all know that as the number of residences in this Town increases the taxes have gone up. The Town costs a lot more to live in now than it did years ago on any basis you want to figure because it has a lot more residences in it. It really doesn't matter how you slice it. Whether the residences come in apartments or houses or condominiums - as you add the units you create a subsidy. Everybody who is already here is paying for the new stuff that comes in. That doesn't mean we shouldn't subsidize some housing in this Town. The question is do you accomplish what you want to accomplish in the subsidy? The original aim of this scheme was to provide for old people who could no longer afford to keep their houses or who needed some additional income and to provide for young people who needed somewhere to live who could not afford to buy houses in this Town. We know that you can't make the law apply to old residents of this Town because that has been thrown out. In fact, you can't discriminate on the basis of age at all. You can't restrict the occupants who would rent this sort of an apartment to young people and you can't restrict it to residents either. Who are you going to benefit? You don't know.

Continued on Next Page

Probably you will benefit the landlord and the landlord will charge what he can get. He said he thinks what you are doing is inventing a scheme where you are going to try to solve a very special problem that calls for very careful drawing with a very broad brush and you are going to miss. He said he did not think this was the way to do it. He said Mr. Geneslaw in his environmental analysis says the only way you can figure out what the impact of this thing would be is to compare Clakstown with Orangetown and he did not know whether that was a good analogy or not because if you really look at it closely there are a lot of differences in the way Orangetown was developed and the way Clarkstown was developed and differences in terms of what new development is occurring in both of these towns. Even if you assumed that there was some kind of a fit - Clarkstown/Orangetown - and you went along with the projection that the rate of development in this Town would be the same as the development you got in Orangetown with its accessory apartments you would get something between 140 and 160 new units according to Mr. Geneslaw's figures, roughly 1% of the number of units that we already have. A 1% zone change is what you are talking about here. If this were a hearing on something that would add 1% to the development capacity of the Town, pretty certain if you are talking about 150 or 160 units, you have a 150 unit zone change in front of you tonight. You don't know who is going to move in and you don't know who is going to do the renting. You don't know who is going to benefit except the landlords. He said you are making a mistake if you adopt this. The motives were good but the law is badly designed.

Mr. Granirer said the question keeps coming up - if these apartments would be put in houses that already had this sort of occupancy - wouldn't we just be replacing people who are already there at one time. He said if you look at it the same way you would look at a problem where you have too many employees in a business and times start to get bad and it gets too costly to carry that many people if you have attrition as people leave their jobs for one reason or another it is a good technique simply not to hire new people. Leave the job vacant and save the salaries. When you get these vacancies in houses that were probably built too big in the first place and that really boost the tax rate up as well, you get these vacancies, all of us will save money if you leave the vacancies.

Appearance: Mr. Scott Ugell
New City, New York

Mr. Ugell said when he was a Deputy Town Attorney in the Town of Hempstead and one of his responsibilities was this exact issue. There was a time when the Town of Hempstead tried to liberalize the two family house issue in order to satisfy some of the various concerns that are mentioned in this legislation. He said the idea is noble. Trying to address this type of problem certainly is a good idea and you should be commended for it. He said he thinks the methodology is flawed for several reasons. He said in his experience policing was absolutely impossible. With all the people they had in that office they could never satisfy all the angry neighbors who were complaining about what was going on: the increased noise, the increased traffic, the increased stress on the infrastructure of the town. It was a terrible problem and no matter what was asked was never solved by personnel in the town because it simply couldn't be solved.

Mr. Ugell said he lived on Long Island most of his life until four years ago when he moved up here. He moved here because he wanted to get away from traffic and noise and congestion. This is a really beautiful town and he is really glad to be here. He hopes it will stay that way. By these types of local laws you are only increasing the probability that you are going to have another Nassau County right here in our area and that would be a tragedy.

Continued on Next Page

He thinks most people here would agree that they do not want to have additional stress on the infrastructure. By adding these additional apartments you are not getting any additional revenues to offset the cost of enforcing the law and having to fix roads more often, garbage problems, etc.

Mr. Ugell said he thinks it was assumed during the discussion this evening that more apartments will mean less expensive apartments. That is not true. His experience was that all the apartments that became available by establishing two family housing came on the market at the cost of other apartments. They were not cheaper and people just took the opportunity to charge as much as they could and those apartments were not any less expensive. There may have been more units but they were not less expensive units. It doesn't really address the problem of expensive apartments.

Mr. Ugell said he again commended the Board for trying to solve this problem but he did not think this was the best way. More discussion should ensue and more thought needs to be had.

Appearance: Ms. Cynthia Streeter

Ms. Streeter invited the Town Board to visit 10 converted single family homes in central Ramapo. This will be our future. If this goes through there will be nothing for us. Long after you are out of office this will be our future if you start this.

Appearance: Mr. Martin Bernstein
New City, New York

He said this is a very serious question with a lot of pros and cons all through the years. There is a need for affordable housing. He said unless we provide affordable housing we are going to possibly end up with paid fire departments and paid ambulance corps. He said he did not think this law is the thing that is going to solve that problem. Every time there has been proposals made for providing affordable housing in various parts of the County, the same people who are screaming scream against that. In some way, they want the services but they don't want to provide affordable housing. The only way you can provide affordable housing basically is through some kind of subsidy. It is not going to happen this way. This kind of thing is going to create other problems which might be worse. The intent is fine. There is a shortage of housing for young adults, unmarried individuals and senior citizens. You solve some of the problems for senior citizens by providing tax abatement - 50% discount if they earn under \$18,000.00 - and are over 65 years of age. You talk about a limited two-family unit and he did not know exactly what that means and you say it has to be owner occupied. Do the members of this Board really believe that a person is going to convert a house to two family and then for whatever reason - he is going to sell it or if he passes away or just move out and go somewhere else - and this Town is going to force them to convert that back? It is never going to happen. What could happen, and this happens right now, people have illegal apartments in this Town and they sell the house. Building Department does a survey and they want to provide an updated CO and they point out that they have a separate second kitchen and it looks like it is a two family house. They say you have to pull the kitchen out. Here is what really happens. They pull the units out. They store it. They cover up the plumbing. People move in and they put it right back in. Let's face it. It is very difficult for the Town to enforce this kind of thing. They can't walk into everybody's house and check them out. If we really were serious about enforcing illegal apartments there is a very simple way to do this. All you have to do is get the newspapers and look at the rental ads. Call them. Most of the real estate people today are not accepting illegal apartments.

Continued on Next Page

A lot of these people who have illegal apartments are advertising on their own. Call them up and you will find out that they have an illegal apartments. We ask them before we decide if we are going to handle the rental. Is this a legal two family? They say no and so we won't accept them. If the Building Department wants to enforce this its a very simple way to do this.

Mr. Bernstein said that you say you are going to enforce a 600 square foot unit. He said he did not know exactly how you are going to enforce that. It can look like it is just 600 square feet but they can spread out into the rest of the place. Then of course this whole question of additional cars all over Town. He said he could see one possibility in this kind of law if we are really serious. He would like to see us create some special districts for this and it should be to begin with in the centers of the hamlets where we are always considering having higher density. If you are going to spread this throughout the Town where some people have paid \$300,000.00 to \$500,000.00 for a house assuming that they are in a one family area that there is not going to be rentals nearby and then you allow this to happen next door to them, it is not fair and you are going to decrease their property values. No question about that.

Mr. Bernstein said there was a question raised about assessments. You can increase the assessment because there is going to be income involved here and therefore it increases the value of the house.

Mr. Bernstein said you say the Building Department is going to enforce this. He said why should anybody apply for this? What will happen is some people are going to apply for this. The rest are still going to be illegal. Someone suggested an amnesty. Maybe that would be a good idea if you adopt this but he doesn't think you should.

Mr. Bernstein said in the long run if you do this you are going to create more trouble. It will be the worst thing in the Town. You say in Orangetown they started this and only a few people applied. If that is the case then why did we start it to begin with? If there is a question of financial need and that is the real reason why we want to do this, then it may be better for the Town to figure out some additional subsidies rather than create a whole monster which we then can't go back on. He said he is for affordable housing. That is the great weakness in suburbia that we don't provide affordable housing. Everybody wants it they say for the young people. They want to keep people working in the hospitals and in the fire department and everywhere else but everytime they come up with an idea of creating affordable housing and this is not the way it should be done, then the same people are against it because they say it brings back memories of the Bronx. The Town Board should seriously consider going back for another 14 years and see what happens at that time.

Appearance: Ms. Jan Connor
New City, New York

She said about the only two restrictions that limit what a dwelling can be turned into one of these two families is that (a) it must conform with the zoning regulations and (b) that it must be over 15 years old. She said that would probably include about 90% of the housing stock in the Town. Although it is true that in some of the other areas where this has been tried only a few have applied, what you are doing is putting no limits on how many can apply. How many of that 90% of housing stock could ultimately apply for this? At some point you may need to limit that further and it will be too late at that time.

Continued on Next Page

She said apartments rent for their market value. The fond hope that these may rent for less than the going market value is naive.

Councilman Mandia said there is an assessment adjustment available for senior citizens in certain income brackets so that was brought up. Senior citizens probably have their homes paid for or close to paid for. He said he is not quite a senior citizen but he knows the payment on his house, both his cars and his boat together do not amount to the payment he makes on his taxes. The point is if the senior citizens have a problem affording their houses it probably is related to taxes.

He said it was most important to him that affordable housing is not created by simply devaluing the value of everybody else's property so it is cheaper for someone else to buy. He said the vision or the form of this idea sounds great. In his own household he and his wife disagree on this issue. He said he is not in favor of this and his wife is. In reality, the examples that were brought up tonight are true. He said we are not ready for this and the limitations put upon us by the constitution, as Mr. Jacobson pointed out, because we have those limitations he thinks it would be a bad idea at this juncture to go forward with this.

Councilman Mandia said he and Mr. Cuff agree on most things but he does disagree with comparing a little league coach to an ambulance corps volunteer. Certainly the protection of life and property is a bit more important but the fact of the matter is that this is not the approach to solve that problem. We need to be looking at things like tax rebates or adjustments for volunteers - finding a way to insure their automobiles, insure their lives, to handle some of the expenses that they need to live to continue to attract people like that. That is a whole other issue. As regards to those people, I don't think it fits into this particular concept. He absolutely agrees with what was brought up by Mr. Bosco as to the time of the year. The importance of this issue deserves to have it brought up or continued again sometime after Labor Day to give people a chance to come back from vacation and get more opinions on this particular issue because he feels it is a critical one.

Councilwoman Smith said that early this evening Mr. Sasoon related that he had a survey in his Civic Association and that is the whole purpose of any Public Hearing. In his answers there were some for, some against and some I don't know and that is probably what is sitting in this auditorium here. It was very interesting because I know many of the people that might have voted for, in your Association and their reason was that they were fortunate enough years ago to be able to purchase a home that was on a smaller lot of maybe even 7800 square feet, 8000 or maybe less than 10,000 square feet. Just the size of the lot itself made it affordable for them to purchase a home. Now they see that their own children can't do that because the zoning is at least 15,000 and above and prices have escalated. So, their intent is just to try to give young people the same break that they thought that they had and no longer exists. Most of the people who come and speak about it or urge you to consider it are those seniors who really have supported themselves all their lives. They have a pride in taking care of themselves. Mr. Sullivan said earlier on, nobody really wants to share their home, but if they were forced to, and maybe all of our taxes are high, but she thinks especially on seniors, the school taxes are very high. Maybe in a day and age it will be taken off of property taxes and put on a more equitable status, but at the current point it is not. What he (Mr. Sullivan) is saying is I don't want to go for an exemption or go on welfare, but if my wife were able to have a young person which would help her stay in the house, that is what he is trying to provide for her just as he has

Continued on Next Page

PH Proposed Local Law (Limited Two-Family Dwelling) permitted
Assessory Apartments

provided for her all through life. Many of the volunteers who speak all they want to do is get started and they don't always want to stay in their own home that they grew up in. They are also are looking for independence. What she appreciates from all of you tonight, even those of you who were adamantly against even considering this, is the fact that you at least expressed that the intent was noble and that exactly is why we are here tonight. Questions have come to us. We have been asked about it and we are trying to put it out for all the input. There was never a decision in our minds to even pass any resolution tonight and she said that it was misleading saying that it is scheduled for a night in July is really miscommunication because this has been on the agenda since September. For various other priorities that came up it just didn't come up earlier, but there was never any intention to do anything either tonight or especially in mid summer. This is it. We try to be open to all your questions. We certainly are tonight too. One more thing, most of the people who asked about this are those people who don't want to have an illegal apartment. They want to pay their taxes. They will even pay an annual fee. They are not trying to cheat their Town. They are trying to help us.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted the public hearing was declared closed, RESOLUTION RESERVED, time: 10:45 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk