

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

8/13/91

8:03 P.M.

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

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

Supervisor opened the public portion of the meeting.

Appearance: Ms. Ellen Gruffi  
40 Ralphs Avenue  
New City, New York 10956

She spoke regarding Agenda Items 4 and 5 - change of zone from R-15 to PO (Fasman and Plotkin). She was opposed.

Appearance: Mr. John Nawoschik  
20 Arlene Court  
New City, New York 10956

He spoke regarding Agenda Items 4 and 5 - change of zone from R-15 to PO (Fasman and Plotkin). He was opposed.

Appearance: Mr. Bill Gruffi  
40 Ralphs Avenue  
New City, New York 10956

He spoke regarding Agenda Items 4 and 5 - change of zone from R-15 to PO (Fasman and Plotkin). He was opposed. He also spoke about the covenants and requested clarification of same.

Appearance: Ms. Helen Kilgallen  
Arlene Court  
New City, New York 10956

She spoke regarding Agenda Items 4 and 5 - change of zone from R-15 to PO (Fasman and Plotkin). She was opposed.

Appearance: Mr. Jack Cuff  
West Nyack, New York

He requested an upgrading of the public address system.

Appearance: Mr. Kelly Bernard  
Spring Valley, New York

He asked the Town Board to change their scheduling as to when public hearings would be heard.

Appearance: Mr. Teddy B. Dusanenko  
New City, New York 10956

He asked what the bonding indebtedness of the Town is right now? Supervisor said about \$33,000,000.00 which is TBM - \$7,000,000.00 less than it was in 1985. Mr. Dusanenko asked how much it was five and half years ago? Supervisor said about \$40,000,000.00. As we pay it off, like a mortgage, it is reduced.

Appearance: Mr. Bruce Broadley  
West Nyack, New York

He noted that the people in the East Ramapo School District are in trouble taxwise. He presented a petition noting that it said that the equalization rate between the Towns in regard to the school district is causing these residents to pay an extra \$500.00 to \$1,000.00 a year. This petition is asking Clarkstown to

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do the research to prove this and take it to the State Board of Equalization and Assessment. Failing that it would take a law suit to sue the State Board of Equalization and Assessment.

Supervisor said he does not disagree with what Mr. Broadley is saying and in fact is attempting to schedule a meeting with representatives of the Nyack School System which is also in a similar situation as well as representatives of East Ramapo from the standpoint of the equalization rate.

Mr. Broadley supported a County Assessor and the elimination of the all the individual Assessors' offices in the towns and villages which currently have them.

Appearance: Mr. Daniel Cea  
Congers, New York

He spoke regarding the bonded indebtedness and noted that on the drawing board are projects that will increase that indebtedness to \$48,000,000.00. He urged that the new police building be put on hold and requested a mandatory referendum on this.

RESOLUTION NO. (574-1991)

ACCEPTING MINUTES OF TOWN  
BOARD MEETING OF JULY 9,  
1991

Co. Smith offered the following resolution:

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (575-1991)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN RE:  
ZONE CHANGE FROM R-22 TO  
MF-3 DISTRICT (CPF  
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 12th day of March, 1991, provided for a public hearing on the 23rd day of April, 1991, at 8:15 P.M., to consider the application of CPF DEVELOPMENT CORP. to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner from an R-22 District to an MF-3 District, as designated on the Clarkstown Tax Map as Map 35, Block A, Lots 23, 23.05 and 23.06, and

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

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

NOW, THEREFORE, be it

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RESOLUTION NO. (575-1991) Continued

RESOLVED, that based upon the report of Robert Geneslaw, 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 the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the proposed zone change would not set a precedent for spot zoning, and the area does not need to be comprehensively analyzed as recommended, 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-22 District to an MF-3 District, the property designated on the Clarkstown Tax Map as Map 35, Block A, Lots 23, 23.05 and 23.06, located in the Hamlet of Bardonia, New York, in said Town, 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. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (576-1991)

GRANTING SPECIAL PERMIT TO  
EXXON COMPANY, U.S.A. FOR  
CONVENIENCE STORE AT  
GASOLINE FILLING STATION

Co. Kunis offered the following resolution:

WHEREAS, EXXON COMPANY, U.S.A., lessee, has petitioned the Town Board of the Town of Clarkstown for modification of a Special Permit with respect to construction of a convenience store at the gasoline filling station property, pursuant to the provisions of Section 106-11 and §106-10A, Table of General Use Regulations, RS District, Column 3, Section B(3), subject to §106-16(G) of the Zoning Ordinance of the Town of Clarkstown, for property located on the southeast corner of Route 59 and Middletown Road, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 14, Block B, Lot 19, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on the 25th day of June, 1991, at 8:10 P.M., to consider such application, and

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

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RESOLUTION NO. (576-1991) Continued

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 106-14B of the Zoning Ordinance of the Town of Clarkstown:

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of K. Luke Kalarickal, P.E., dated June 13, 1991 and August 15, 1989, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a Special Permit to construct a convenience store on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. That all prior Special Permit conditions shall continue to be in effect, pursuant to Resolution 709 adopted by the Town Board on June 7, 1977, and Declaration of Covenant recorded in the Rockland County Clerk's Office on December 16, 1977, in Liber 1001, at Page 240;
2. Petitioner shall provide gratuitous road widenings in accordance with requirements of the New York State Department of Transportation;
3. Petitioner shall provide shield for lights in order to avoid glare upon the abutting property of Nanuet Hebrew Center;
4. Petitioner shall return to the Planning Board for preliminary and final site plan approval;
5. Petitioner shall comply with requirements of the Rockland County Soil & Water Conservation District, Rockland County Highway Department and New York State Department of Transportation;
6. Petitioner shall obtain any necessary permits from the Rockland County Drainage Agency;
7. Petitioner shall comply with sign standards of the Town of Clarkstown,

and be it

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RESOLUTION NO. (576-1991) Continued

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

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: August 13, 1991

By: /s/ Charles E. Holbrook  
Charles E. Holbrook, Supervisor

Seconded by Co. Smith

Before roll call Councilman Maloney asked if there are any violations of these conditions can the special permit be withdrawn? Town Attorney answered in the affirmative. Councilman Maloney said he would vote yes so long as the special permit would be subject to withdrawal if there are any violations.

On roll call the vote was as follows:

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

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RESOLUTION NO. (577-1991)(FAILED)

AMENDING ZONING ORDINANCE  
FROM R-15 TO PO DISTRICT -  
MAP 36, BLOCK D, LOT 2  
(DENNIS N. FASMAN)

Co. Mandia offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of February, 1990, provided for a public hearing on the 13th day of March, 1990, at 8:10 P.M., to consider the application of DENNIS N. FASMAN, 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 36, Block D, Lot 2, from an R-15 District to a PO District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated September 14, 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 following described property in the Hamlet of New City, New York, in said Town, subject to the following conditions:

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RESOLUTION NO. (577-1991) Continued

1. The use be limited to professional offices of the kind that traditionally serve residential areas, such as Doctor, Dentist, Chiropractor, Lawyer, or Realtor;
2. The present entry driveways are not to be relocated'
3. No new building or parking structures, not already existing, shall be allowed within any required front yard, side yard or rear yard;
4. Building height to be limited to two stories;
5. Parking to be intensively screened;
6. Site lighting should be reviewed by the Planning Board as part of site plan review;
7. The uses shall be limited to professional offices and not include other uses permitted in the PO District,

and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the area does not need to be comprehensively restudied as recommended and that the impact of this change shall not be significant, 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. Maloney

Supervisor called upon Mr. Donald Tracy, attorney for petitioners to answer question raised during the public portion. The question was why the special permit procedure by the Planning Board, which was adopted by the Town Board previously, would not be sufficient in these instances? Mr. Tracy said he spoke at length regarding this at the Planning Board when the special permit type application was discussed. It would not be sufficient, for instance, should the building be accidentally destroyed and the property become vacant it could not be rebuilt under special permit requirement. He said basically, he considers the special permit requirement that you have adopted, and he so stated at the Planning Board, to be discriminatory, unconstitutional and subject to attack.

Councilman Mandia said some people have asked what a covenant is and what it means? Mr. Tracy said a covenant in this case, which would be a covenant executed in recordable form, would basically be recorded in the Rockland County Clerk's Office as a condition of the zone change and would, in effect, prevent the applicant, under violation of law, from violating that covenant. It is in fact better termed in the proceedings before this Board a restriction. It is a restriction on the property.

Councilman Mandia asked specifically what would it mean in this case on this particular building? Mr. Tracy said he heard some restrictions read off which he submits are illegal. What the restrictive covenant says that his clients have agreed to is that they would not demolish the building which presently exists for a period of five years. In other words, it seems that there is a

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RESOLUTION NO. (577-1991) Continued

concern that immediately Dr. Plotkin and subsequent zone changes are going to take out demolish permits, demolish the existing buildings they are in and then suddenly, something like the white building that is on Leonia would arise, which was spoken of in a detrimental fashion. It is not the intent of either Dr. Plotkin nor Fassman/Zuker to demolish their buildings and subsequently erect larger buildings. They have indicated that they would so covenant to that. He said their desire is to be placed in a PO zone to recognize the use that they have without having to return to the Zoning Board of Appeals for any type of a change whether it be a two foot addition or a change in the structure by adding a small room which probably is planned. If, on the other hand, if they go through the special permit requirement, which he has yet to understand and which he is very leery of, but when he complained about the special permit requirement he was informed that the special permit requirement is something extra. It does not prevent you from petitioning and getting a zone change. It is something that is extra for certain substandard or existing residential dwellings presently existing on Route 303 (obviously should have be 304) to give the people who live in them an option for further use and not intended to replace the zone change option. In addition, he said it was his recollection that one of the other things that he thought discriminatory was that if you had a vacant parcel of land between two outmoded residential structures, the residential structures could convert to offices under the special permit but the residential land could not. Therein lies his claim of unconstitutionality and discrimination. He said he really does think he has answered the question and we should not rehash the public hearing.

Town Attorney asked if they wanted to add the covenant that certain buildings may not be demolished or removed from the premises for a period of five years?

Supervisor asked if there was an amendment by any of the Board members to the motion that was read?

Supervisor called for a mover and seconder and then said they could amend the motion.

Councilman Mandia said he would move it with a covenant of seven years.

Councilman Maloney said he would second it just for the sake of having discussion on it.

Councilman Kunis said in reviewing this item and item No. 5 which is compatible with this, we had a public hearing. There are seven restrictions that have been placed in this zone change resolution that are restrictions which the neighbors requested or were opinions voiced at this public hearing. He said he wanted it clearly understood that in this resolution, as part of the resolution, it is all included and incorporated to protect the neighborhood and this is what was discussed at the public hearing. He said he feels that we are trying to satisfy the demands of the neighbors who were certainly entitled to voice their opinion at the public hearing and we are also trying to service two businesses located on Route 304 in New City. He said based on the restrictions that have been placed here as part of the basic resolution he thinks it is going to be fair and compatible for all concerned.

Councilman Mandia said he was certain that the Planning Board's objections to this really stems from the fact they would like to use the Master Plan they have been working on to plan for the Route 304 Corridor correctly. He said he believes that the area could be in danger of more retail establishments. There are a couple of strip centers there. He believed that the professional office zoning as a buffer between highly travelled streets and

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RESOLUTION NO. (577-1991) Continued

residential areas are designed within the Town Code to keep that retail or commercial kind of space away from residential areas using the professional office which is a much higher zoning. He said in reviewing the public hearing he believes that, at least it is stated, that the doctor and his neighbor have no intention of tearing down their building and building a bigger one. If that is true a restrictive covenant for a reasonable part of this period of time certainly until the Planning Board has a chance to make a Master Plan would protect the neighborhood and ensure that their word is correct.

Councilman Mandia went on to say that what we have there is a professional office from the taxpayers' standpoint. We have a professional office in both cases that, if it were changed to some kind of commercial zoning you would now collect on a commercial ratable and they would be paying the taxes that they should be paying as commercial space. He said the residents were not intending to hurt either of those two neighbors but rather they wanted to protect themselves from for example "the white building" that Mr. Gruffi spoke about. He said the period of time contained within that restrictive covenant is sufficient for the Planning Board to act on the Master Plan for that particular corridor, sufficient enough to protect the neighborhood and sufficient enough for both applicants, referring to both zone changes here, to do with the building what they need to do. He said everyone is best served by that. He said if the Town Attorney has any more explanation on the restrictive covenant it is best that our attorney, not the applicant's attorney, explain it.

Town Attorney said basically it is a restriction that you put on premises and record it in the Courthouse and anyone doing a title search will find that. If they violate the covenant then the Building Inspector can come in and cite them for a violation. These are the things that can be done under a restrictive covenant.

In response to a question from the audience as to what would happen after seven years, the Town Attorney said they could demolish or remove the present building. It runs with the land and someone doing a title search, when they purchase it, will find it. Even if they don't find it they are still subject to it.

He was asked precisely what can they not do? Town Attorney said they can't demolish or remove the existing building. He was asked what can they do? He said if they have the required floor area ratio they could put an addition on the building, etc. but could not demolish or remove the existing building. They could go up or they could build out as long as they comply with the covenants.

He was asked what if the building is destroyed by fire? Town Attorney said he could rebuild the building so long as it complies with the current code for a PO zone.

A question was asked if a special permit would be given in addition to the zone change, is that true? Town Attorney said you always have a right to change of zone in any zone. Almost all our zones have special permit uses. You have a right by law to petition to have property rezoned and you may get it or you may not get it but you always have that right. With a special permit that was promulgated for Route 304, they have that additional right.

He was asked if they violate any of the covenants how would the neighbors go about prosecuting them? Town Attorney said the Building Inspector could prosecute it as a violation or the Town could have the Town Attorney seek an injunction in the Supreme Court. There are various ways.

At this point Councilman Maloney said he would like to table this resolution as these seven restrictions were agreed to or

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RESOLUTION NO. (577-1991) Continued

at least came out as part of the public hearing we had and then when he came to the meeting tonight he heard that evidently there were some conversations with some members of the Town Board with some members of the community that they would agree to a five to seven year covenant which now he is beginning to realize that may or may not be true. He said there is a lot of clarification on his part on the question of the special permit which doesn't seem to satisfy anybody and the permit that the Planning Board is requesting to safeguard the integrity of Route 304. Until the next meeting and certainly by the next meeting he was prepared to vote (the September meeting) he would make a motion to table this.

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RESOLUTION NO. (578-1991)

TABLING RESOLUTION NO.  
(577-1991) - CHANGE OF ZONE  
FROM R-15 TO PO - MAP 36,  
BLOCK D, LOT 2 (DENNIS  
FASMAN)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. (577-1991) regarding zone change from R-15 to PO District - Map 36, Block D, Lot 2 (Dennis N. Fasman) is hereby tabled until September 11, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (579-1991)

TABLING AGENDA ITEM NO. 5 -  
ZONE CHANGE FROM R-15 TO PO  
- MAP 36, BLOCK D, LOTS 1,  
8 AND 9 (ELLEN V. PLOTKIN)

Co. Maloney offered the following resolution:

RESOLVED, that Agenda Item No. 5 regarding zone change from R-15 to PO - Map 36, Block D, Lots 1, 8 and 9 (Ellen V. Plotkin) is hereby tabled until September 11, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (580-1991)

REFERRING AMENDMENT TO  
ZONING ORDINANCE TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
PLANNING BOARD (SECTION  
106-14, SPECIAL FINDINGS)

RESOLUTION NO. (580-1991) Continued

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

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

Amend Section 106-14, Special findings, B(6) to read as follows:

"B(6) Comply with all other regulations applicable to such use unless any such regulation is first varied by the Zoning Board of Appeals."

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (581-1991)

REFERRING ABANDONMENT OF  
CHARLES STREET, NANUET TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING  
AND SETTING PUBLIC HEARING  
RE: SAME

Co. Maloney offered the following resolution:

WHEREAS, a request has been made by JO ANN MUNKELT and ERIC MUNKELT, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the

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RESOLUTION NO. (581-1991) Continued

Highway Law to declare that a certain portion of right-of-way as shown on a survey entitled, "Survey of Property for Eric and Jo Ann Munkelt," Town of Clarkstown, Rockland County, New York, dated December 14, 1987, prepared by Peter E. Roffino, P.L.S., as shown on Schedule "B" attached, and described in the metes and bounds description for the unimproved portion of Charles Street, Nanuet, New York, on Schedule "A" attached, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 24th day of September, 1991, at 8:05 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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

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

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

(Schedules A and B on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (582-1991)

DECLARING NEGATIVE  
DECLARATION REGARDING LOCAL  
LAW RECODIFYING TOWN CODE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the report of Robert Geneslaw, dated July 10, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines, pursuant to 6 NYCRR Section 617.13(d)(21), that the proposed Local Law Recodifying the Town Code shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (583-1991)

AMENDING RESOLUTION NO.  
1135-1991 REGARDING MEETING  
OF TOWN BOARD

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby amends Resolution No. 1135-1990 thereby cancelling the Town Board Workshop meeting scheduled for September 30, 1991, and be it

FURTHER RESOLVED, that the Town Board Meeting scheduled for September 10, 1991 shall be changed to September 11, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (584-1991)

SETTING PUBLIC HEARING RE  
PROPOSED LOCAL LAW WITH  
REGARD TO TOWN CODE OF TOWN  
OF CLARKSTOWN (RECODIFICA-  
TION OF LOCAL LAWS,  
ORDINANCES AND RESOLUTIONS  
OF TOWN

Co. Smith offered the following resolution:

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

A LOCAL LAW TO PROVIDE FOR THE RECODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF CLARKSTOWN INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF CLARKSTOWN"

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RESOLUTION NO. (584-1991) Continued

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 11, 1991 at 8:10 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (585-1991)

AUTHORIZING TOWN  
ATTORNEY TO DEFEND  
PROCEEDING (MARANGI V.  
PLANNING BOARD, ET AL)

Co. Smith offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

DOMINICK MARANGI,

Petitioner,

For a Judgment Pursuant to Article 78  
of the Civil practice Laws and Rules,

-against-

PLANNING BOARD OF THE TOWN OF CLARKSTOWN,  
RUDOLPH J. YACYSHYN, Chairman, WILLIAM  
NEST, HAROLD J. SCHWEITZER, JOSEPH MARAIA,  
JOHN CAIN, ROBERT GENESLAW, LUKE KALARICKAL,  
DAVID McLEOD, TILLIE SCHWARTZ,

Respondents.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (585-1991) Continued

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

\*\*\*\*\*

RESOLUTION NO. (586-1991)

AUTHORIZING PAYMENT FOR  
PURCHASE OF CHURCH  
STREET/COLLEGE  
AVENUE/BLAUVELT ROAD  
(NANUET) PROPERTIES

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the  
Comptroller to pay, with interest from June 15, 1991, the  
following property owners or their successors for property that  
they are conveying to the Town of Clarkstown:

<u>OWNER</u>	<u>PART OF TAX LOT</u>	<u>SQUARE FOOTAGE</u>	<u>PRICE</u>
Thomas Martin	31-C-24	168	\$1,700
M/M Joseph Waldron	13-B-1	139	1,800
Dennis & Karen O'Gorman	32-B-33	40	750
Felix Zalloni	13-A-12	114	1,500

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (587-1991)

AUTHORIZING SUPERVISOR TO  
ENTER INTO LICENSE  
AGREEMENT WITH SPRING  
VALLEY WATER (TALL TIMBERS  
II SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, Spring Valley Water Company, Inc. is desirous  
of granting an easement to the Town of Clarkstown over its property  
for drainage purposes;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to  
accept an easement and enter into an agreement respecting same with  
Spring Valley Water Company, Inc. for property described on the Tax  
Map of the Town of Clarkstown as Map 79, Block A, Lot 16 as shown on  
map of Subdivision of Property for TALL TIMBERS OF NEW CITY-II,  
without cost to the Town of Clarkstown.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (588-1991) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (588-1991)

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

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated May 28, 1991, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 163, BLOCK A, LOT 11, owned by HUTTON FIFTY-NINE TOWNHOUSE, LTD., which was the subject of a Chapter 31 proceeding has been corrected by the Town, and

WHEREAS, by resolution of the Town Board adopted June 25, 1991, the record property owner was required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owner has been notified of the amount due and has failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are hereby authorized and directed to levey the sum of \$18,505.10 against MAP 163, BLOCK A, LOT 11.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (589-1991)

RELEASING INTEREST ON  
ASSIGNED PASSBOOK (JARON  
DEV. CORP. SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, an Owners Performance Agreement, together with a Certificate of Deposit/Passbook was furnished to the Town of Clarkstown by Jaron Development Corp. to secure the completion of the public improvements in the Jaron Development Corp. Subdivision, and

WHEREAS, the developer has requested permission to withdraw the accumulated interest on the Certificate of Deposit, and

WHEREAS, the Department of Environmental Control has stated that they have no objection to the withdrawal because sufficient funds are available to complete the public improvements;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (589-1991) Continued

RESOLVED, that the developer is hereby authorized to withdraw interest only from the Certificate of Deposit/Passbook assigned to the Town to secure the completion of the public improvements in the above subdivision.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (590-1991)

AUTHORIZING ADVERTISING  
CONTRACT WITH SUBURBAN  
MARKETING ASSOCIATES

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Suburban Marketing Associates to participate in the publication sponsored by the Rockland Economic Development Council.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (591-1991)

AUTHORIZING PAYMENT OF  
CONSULTATION FEES TO JOAN  
BURMAN (CEMETERY BOOK  
-BICENTENNIAL COMMISSION)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes payment of \$500.00 to Joan Burman, for consultation fees concerning historical information contained in the Cemetery Book written by Peter Krell and published by the Clarkstown Bicentennial Commission.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (592-1991)

RELEASING PERFORMANCE  
DEPOSIT (THE GABLES  
SUBDIVISION)

Continued on Next Page

RESOLUTION NO. (592-1991) Continued

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Owners' Performance Agreement secured by Certificates of Deposit totalling the sum of \$90,800 furnished to the Town of Clarkstown in connection with final approval of a subdivision known as The Gables is terminated and the Certificates of Deposit released to the guarantor as adequate escrows are being held by the Town for the completion of the remaining improvements.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (593-1991)

AUTHORIZING RELEASE OF  
MAINTENANCE BOND (LONG  
MEADOW WEST, SECTION II)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a passbook containing the sum of \$14,800 furnished to the Town of Clarkstown in connection with dedication of the roads and improvements on January 6, 1987, in a subdivision known as Long Meadow West, Sec. II, is terminated and the sum of \$14,800 may be release to the guarantor.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (594-1991)

AUTHORIZING RELEASE OF  
ESCROW (LONG MEADOW WEST,  
SECTION I)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a check in the sum of \$600.00 furnished to the Town in connection with dedication of the road and improvements in a subdivision known as Long Meadow West, Sec. I, is terminated and the aforementioned escrows may be released to the guarantor.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (594-1991) Continued

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

\*\*\*\*\*

RESOLUTION NO. (595-1991)

GRANTING CERTIFICATES OF  
REGISTRATION PURSUANT TO  
SECTION 83-65 OF TOWN CODE  
(NO. 91-26 - ELWOOD PETIT;  
NO. 91-27 - MARK P. OLSON)

Co. Maloney offered the following resolution:

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

ELWOOD PETIT  
30 Route 306  
Suffern, New York 10901

MARK P. OLSON  
M.P. OLSON EXCAVATION  
57 N. Airmont Road  
Suffern, New York 10901

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of  
Registration be issued:

No. 91-26 to Elwood Petit  
No. 91-27 to Mark P. Olson d/b/a M.P. Olson Excavation

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (596-1991)

AUTHORIZING DIRECTOR OF  
ENVIRONMENTAL CONTROL TO  
AMELIORATE ADVERSE DRAINAGE  
CONDITION VICINITY OF  
MERIDAN LANE, NANUET -  
CHARGE TO ACCOUNT H  
1989-25P91-05-409

Co. Maloney offered the following resolution:

WHEREAS, an adverse drainage condition exists in the  
vicinity of Meridan Lane, Nanuet, New York; and

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

WHEREAS, said solution requires specialized equipment  
to complete the required work;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is  
hereby authorized to rent one (1) Caterpillar 215 Excavator with

Continued on Next Page

RESOLUTION NO. (596-1991) Continued

operator at a cost of \$950.00 per day; one (1) Caterpillar 950 Side Dump Loader with operator at a cost of \$600.00 per day; one (1) Tandem Dump Truck with operator at a cost of \$400.00 per day; and one (1) tool truck at a cost of \$200.00 per day from Environmental Construction, Inc., Stony Point, New York, the total cost of the rental fee for approximately five (5) days shall not exceed the total sum of \$10,750.00; and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized to purchase the necessary materials to install a new drainage system in the vicinity of Meridan Lane, Nanuet, New York for a cost not to exceed \$12,000.00; and be it

FURTHER RESOLVED, that the cost of the rental and materials shall not exceed \$22,750.00 and shall be a proper charge to Account H 1989-25P91-05-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (597-1991)

ACCEPTING DEED AND  
CONSERVATION EASEMENT  
(NAURASHAUN BROOK  
SUBDIVISION)

Co. Smith offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as NAURASHAUN BROOK, the Planning Board of the Town of Clarkstown requested a deed for parklands for recreational purposes and a Conservation Easement affecting Lots 1, 4, 5 and 6 in the above subdivision;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown deed dated June 26, 1991, from GHAT ASSOCIATES, INC. to the Town of Clarkstown gratuitously conveying parklands for recreational purposes, together with a Conservation Easement dated April 18, 1991, made by GHAT ASSOCIATES, INC., affecting Lots 1, 4, 5 and 6 are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (598-1991)

ACCEPTING DEED FOR ROAD  
WIDENING (NANUET CHRYSLER  
PLYMOUTH)

Continued on Next Page

RESOLUTION NO. (598-1991) Continued

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a site known as Nanuet Chrysler Plymouth the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Demarest Mill Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated July 30, 1991, from Ernest J. Salerno and Herbert S. Grant, d/b/a G.S.I., to the Town of Clarkstown gratuitously conveying a strip of land along Demarest Mill Road, Nanuet, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (599-1991)

RESCINDING RESOLUTION NO.  
467-1991 RE: FIRE HYDRANTS  
- FREEMAN BROWNELL SITE

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 467, adopted by the Town Board on June 11, 1991, with respect to an agreement with Spring Valley Water Company for fire hydrants for the site known as Freeman Brownell, is hereby RESCINDED.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (600-1991)

AUTHORIZING SUBSTITUTION OF  
SPECIAL COUNSEL RE: TOWN OF  
CLARKSTOWN V. NORTH RIVER  
INSURANCE COMPANY (VILLAGE  
GREEN CONDOMINIUMS)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the substitution of the law firm of Jacobowitz and Gubits, as Special Counsel, in the place of Richard C. Fields, Esq., in connection with an action commenced by the Town of Clarkstown entitled, The Town of Clarkstown V. The North River Insurance Company, to recover the sum of \$125,000.00 on Bond No. 17537, at no cost or expense to the Town.

Seconded by Co. Smith

RESOLUTION NO. (600-1991) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (601-1991)

AUTHORIZING SUPERVISOR TO  
SIGN LEASE WITH SPRING  
VALLEY HOMES ASSOCIATES BY  
ARCO MANAGEMENT CORP., RE:  
LAKEVIEW SENIOR CITIZEN  
HOUSING COMPLEX - CHARGE  
TO ACCOUNT NO. A 8840-424

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown is presently using the Community Building in the Lakeview Senior Citizen Housing Complex for the use of the senior citizen clubs sponsored by the Clarkstown Parks Board and Recreation Commission;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to renew the lease with Spring Valley Homes Associates, through their managing agents Arco Management Corp., for the continued use of the Community Building, at an annual rental fee of \$2,600.00 for the period September 1, 1991 through August 31, 1992, which renewal shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$2,600.00 be taken from Account No. A-8840-424.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (602-1991)

AUTHORIZING SUPERVISOR TO  
EXECUTE ADDENDUM TO CONO  
RECYCLING CORP. AGREEMENT

Co. Maloney offered the following resolution:

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, that the Town pay Cono Recycling Corp. 25 cents per month per unit for the collection of magazines and junk mail commencing April 1, 1991, and 25 cents per month per unit for the collection of plastics and colored glass commencing June 1, 1991. These items are an addition to the residential recyclables being collected by Cono, as per Bid #59-1988 and and Contract, dated January 26, 1989.

FURTHER RESOLVED, that said increase is subject to a formal agreement being executed between the Town and Cono as prepared by the Town Attorney, and be it

Continued on Next Page

RESOLUTION NO. (602-1991) Continued

FURTHER RESOLVED, that this Resolution shall be retroactive to April 1, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (603-1991)

AUTHORIZING SUPERVISOR TO ENTER INTO LEASE AGREEMENT WITH RE/MAX SPOON RIVER REAL ESTATE - CHARGE TO ACCOUNT NO. A 3120-401

Co. Smith offered the following resolution:

WHEREAS, the Police Department of the Town of Clarkstown needs office space, on a temporary basis, until the completion of the proposed Police and Courts building, and

WHEREAS, it is proposed to rent in excess of 900 sq. ft., on the second floor, of the building located at 37 Congers Road, New City, New York, for the sum of \$1,500 per month for a one year period commencing August 1, 1991 and terminating on July 31, 1992;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease with Re/Max Spoon River Real Estate, providing the aforesaid terms, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the rent shall be charged to Account No. A-3120-401, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to August 1, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (604-1991)

RESCINDING RESOLUTION NO. (297-1991) RE: "NO PARKING" SIGNS HIGHVIEW AVENUE, NANUET

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. (297-1991), which authorized the Superintendent of Highways to install signs to read:

Continued on Next Page

RESOLUTION NO. (604-1991) Continued

"No Parking Anytime" and "No Parking from 10:00 A.M. to 6:00 P.M." on Highview Avenue, Nanuet, is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (605-1991)

ACCEPTING PROPOSALS FOR  
STREET LIGHTING FROM ORANGE  
& ROCKLAND UTILITIES, INC.  
(LORRAINE DRIVE, NEW CITY;  
MARCUS ROAD, NEW CITY;  
NORTH HARRISON AVENUE,  
CONGERS; STRAWTOWN ROAD,  
NEW CITY - TWO LOCATIONS)

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

Lorraine Drive                      New City  
(Install one (1) 70 watt 5800 lumen sodium vapor  
street light on 8' UPS on pole #59172/42149.

Marcus Road                          West Nyack  
(Install one (1) 70 watt 5800 lumen sodium vapor  
street light on 8" UPS on pole #59784/39514.

North Harrison Avenue              Congers  
(Install one (1) 70 watt 5800 lumen sodium vapor  
street light on 8' UPS on pole #60755/41961.

Strawtown Road                      New City  
(Install one (1) 70 watt 5800 lumen sodium vapor  
street light on 8' UPS on pole #60090/41522.

Strawtown Road                      New City  
(Install one (1) 70 watt 5800 lumen sodium vapor  
street light on 8' UPS on pole 60089/41500.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (605-1991) Continued

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

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RESOLUTION NO. (606-1991)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #60-1991 -  
VENDING MACHINE SERVICE

Co. Maloney offered the following resolution:

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

BID #60-1991  
VENDING MACHINE SERVICE

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,  
August 29, 1991 at which time bids will be opened and read, and be it

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

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (607-1991)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #59-1991 -  
TIRES/TUBES, WHEEL SERVICES

Co. Maloney offered the following resolution:

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

BID #59-1991  
TIRES/TUBES/WHEEL SERVICES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,  
August 28, 1991 at which time bids will be opened and read, and be it

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

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (607-1991) Continued

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

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RESOLUTION NO. (608-1991)

AWARDING BID FOR BID  
#55-1991 - COMPUTER/  
WORD PROCESSING SUPPLIES  
(PREFERRED BUSINESS FORMS;  
BOUTONS BUSINESS MACHINES;  
ADVANTAGE BUSINESS  
PRODUCTS; ALL DISCOUNT COPY  
SUPPLIES INC; AND  
MANCHESTER EQUIPMENT CO.,  
INC.)

Co. Maloney offered the following resolution:

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

BID #55-1991  
COMPUTER/WORD PROCESSING SUPPLIES

is hereby awarded to

PREFERRED BUSINESS FORMS  
122 E MAIN STREET  
ELMSFORD NY 10523  
PRINCIPAL: JAMES KIERNAN

BOUTONS BUSINESS MACHINES  
95 ROUTE 304  
NANUET NY 10954  
PRINCIPAL: JOHN MAIORANO

ADVANTAGE BUSINESS PRODUCTS  
3 CROSS STREET  
SUFFERN NY 10901  
PRINCIPALS: TAMARA BRISK  
SAM SCHWED  
JACK SCHWED

ALL DISCOUNT COPY SUPPLIES,  
INC.  
121 WEST NYACK ROAD #7  
NANUET NY 10954  
PRINCIPAL: SHELDON BUCHMAN

MANCHESTER EQUIPMENT CO INC  
160 OSER AVENUE  
HAUPPAUGE NY 11788  
PRINCIPAL: BARRY STEINBERG

as per the attached item/price schedule.

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (609-1991)

AWARDING BID FOR BID  
#54-1991 - REINFORCED  
CONCRETE CULVERT PIPE  
(LEONARD CONCRETE PIPE  
COMPANY; VIANINI PIPE

Continued on Next Page

RESOLUTION NO. (609-1991) Continued

COMPANY, INC., FEDERAL  
BLOCK CORPORATION; AND J.  
DE PAULIS COMPANY)

Co. Maloney offered the following resolution:

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

BID #54-1991  
REINFORCED CONCRETE CULVERT PIPE

is hereby awarded to

LEONARD CONCRETE PIPE COMPANY  
P.O. BOX 4318  
375 MATHER STREET  
HAMDEN, CT 06514  
PRINCIPAL: LEONARD VELARDI

VIANINI PIPE COMPANY, INC.  
P.O. BOX D  
SOMERVILLE, N.J. 08876  
PRINCIPAL: VIANINI INDUSTRIA

FEDERAL BLOCK CORPORATION  
P.O. BOX 4090  
129 WALSH AVENUE  
NEW WINDSOR, NY 12550  
PRINCIPAL: JOHN MONTFORT  
STEPHEN E. MIRON

J. DE PAULIS COMPANY  
300 ROUTE 303 NORTH  
CONGERS, NY 10920  
PRINCIPAL: JOSEPH DE PAULIS  
JOHN DE PAULIS

as per attached price schedule.

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (610-1991)

AWARDING BID FOR BID  
#58-1991 - ROUTE 59A  
DRAINAGE IMPROVEMENTS  
(SANITARY CONSTRUCTION  
COMPANY) - CHARGE TO  
ACCOUNT NO. H 7140-25P89-  
05-409

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Director of Environmental Control Bid #58-1991, Route 59A Drainage  
Improvements West Nyack, New York be awarded to Sanitary  
Construction Company for their low bid of \$179,825.00; and be it

FURTHER RESOLVED, that this be a proper charge of  
Account #H 7140-25P89-05-409.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (611-1991)

AUTHORIZING ATTENDANCE AT  
ANNUAL CONFERENCE OF STATE  
MAGISTRATES ASSOCIATION  
(ALFIERI, EDELSTEIN AND  
RONES) - CHARGE TO ACCOUNT  
NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Justices Alfieri, Edelstein and Rones be authorized to attend the mandated Annual Conference of the State Magistrates Association to be held at the Neville, Ellenville, New York October 7-9, 1991, and be it

FURTHER RESOLVED, that expenses for the above, plus travel and other necessary expenses, be charged to Account #A 1010-414.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (612-1991)

AUTHORIZING ATTENDANCE AT  
ANNUAL CONFERENCE OF NEW  
YORK STATE ASSOCIATION OF  
MAGISTRATES COURT CLERKS,  
INC. (JOANN GEARY) - CHARGE  
TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Joann Geary, Justice Court Clerk, be authorized to attend the Annual Conference of the New York State Association of the Magistrates Court Clerks Inc. to be held at the Fallsview, Ellenville, New York October 6-9, 1991, and be it

FURTHER RESOLVED, that expenses for the above plus travel and other necessary expenses be charged to Account No. A 1010-414.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (613-1991)

AUTHORIZING ATTENDANCE AT  
62ND ANNUAL CONFERENCE OF  
NEW YORK STATE ASSOCIATION  
OF TOWN SUPERINTENDENTS OF  
HIGHWAYS, INC. (JOHN F.  
MAURO AND CHARLES BURGIO) -  
CHARGE TO ACCOUNT NO. A  
1010-414

Continued on Next Page

RESOLUTION NO. (613-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that John F. Mauro, Superintendent of Highways and Charles Burgio, HMS, III, are hereby authorized to attend the 62nd Annual Conference of the New York State Association of Town Superintendents of Highways, Inc., to be held at Kutsher's Country Club, Monticello, New York from September 24, 1991 to Septembere 27, 1991, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (614-1991)

TRANSERS OF FUNDS (VARIOUS ACCOUNTS)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board authorize the following tranfers:

<u>Decrease</u>	<u>Increase</u>	<u>Amount</u>
A 1680-110 (Data Processing-Salaries	A 1680-409 (Fees for Services)	\$31,000.00
" " " " "	A 1680-313 (Office Supplies & Printing)	\$ 760.00
A 1990-505 (Contingency Acct.)	A 8511-409 (Community Beautification) Eagle Day Camp, Hutton Ave., Nanuet TB RES 452-91	\$16,250.00
" " " " "	A 8511-319 (Misc. Services)	\$ 85.00
" " " " "	A 1420-439 (TA-Special Counsel)	\$20,000.00
B 8020-110 (Planning Bd.-Salaries	B 8020-409-10 (Master Plan Fees)	\$ 5,000.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (615-1991)

DECREASING INSTALLATION OF TRAFFIC SIGNALS ACCOUNT A 3320-219 (MISCELLANEOUS EQUIPMENT) AND INCREASING INSTALLATION OF TRAFFIC SIGNALS ACCOUNT A 3320-409 (FEES FOR SERVICES)

RESOLUTION NO. (615-1991) Continued

Co. Smith offered the following resolution:

WHEREAS, the following General Fund Account requires additional funding,

NOW, THEREFORE, be it

RESOLVED, that Installation of Traffic Signals Account A 3320-219 (Miscellaneous Equipment) be decreased by \$19,000.00 and Installation of Traffic Signals Account A 3320-409 (Fees for Services) be increased by \$19,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (616-1991)

REJECTING ALL BIDS RECEIVED WITH RESPECT TO BID NO. 57-1991 (IMPROVEMENT OF PORTION OF DUSTMAN ROAD, BARDONIA)

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby rejects all bids with respect to Bid No. 57-1991, concerning a proposed road improvement of a portion of Dustman Lane, Bardonia, New York.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (617-1991)

RESCINDING RESOLUTION NO. 451-1991 RE: ROAD IMPROVEMENT FOR PORTION OF DUSTMAN LANE, BARDONIA

Co. Kunis offered the following resolution:

WHEREAS, by Resolution No. 451, adopted by the Town Board on June 11, 1991, the Board authorized the creation and construction of a road improvement for a portion of Dustman Lane, Bardonia, New York, in the amount not to exceed \$60,000.00, and

WHEREAS, bids on such project were received in substantial excess of that amount;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 451-1991 is hereby RESCINDED.

Continued on Next Page

RESOLUTION NO. (617-1991) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (618-199)

AMENDING RESOLUTION NO.  
463-1991 RE: BIDS FOR BID  
#56-1991

Co. Mandia offered the following resolution:

RESOLVED, that Resolution No. 463, adopted by the Town Board on June 11, 1991, is hereby amended to read as follows:

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

BID #56 - 1991

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York, by 11:00 A.M. on Tuesday, September 17, 1991, at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (619-1991)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO HAVE CORRECTIVE DRAINAGE WORK DONE (BY PINEBROOK LANDSCAPING AND PAVING) VICINITY OF LOT 71-B-4.07 - ALICIA COURT, WEST NYACK, NEW YORK - CHARGE TO ACCOUNT OF H 7140-25P90-06-409

Co. Smith offered the following resolution:

WHEREAS, an adverse drainage condition existed within drainage easements on Lot 71-B-4.07, Alicia Court, West Nyack, New York; and

WHEREAS, by Town Board Resolution #929-1990, dated October 23, 1990, corrective drainage work was completed to ameliorate the adverse drainage condition; and

Continued on Next Page

RESOLUTION NO. (619-1991) Continued

WHEREAS, additional drainage work is required to have the total system function properly through the existing drainage system; and

WHEREAS, the existing railroad tie retaining wall requires extension and the heavy growth within the easement must be removed;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control be authorized to hire Pinebrook Landscaping and Paving, 49 Rolling Ridge Road, New City, New York to perform the necessary corrective work; and be it

FURTHER RESOLVED, that the sum of said improvements shall not exceed \$3,500.00 and shall be a proper charge of H 7140-25P90-06-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (620-1991)

AMENDING RESOLUTION NO.  
499-1991 AUTHORIZING  
DIRECTOR OF ENVIRONMENTAL  
CONTROL TO HAVE PERFORMED  
NECESSARY CORRECTIVE  
DRAINAGE WORK (BY BRUCE H.  
SMITH CONTRACTING, INC.)  
VICINITY OF LOT 123-G-13  
(LOWERRE PLACE, VALLEY  
COTTAGE) - CHARGE TO  
ACCOUNT NO. H-  
1989-25P91-04-409.

Co. Smith offered the following resolution:

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

WHEREAS, the Director of Environmental Control was authorized to hire Bruce H. Smith Contracting, Inc., to perform the necessary corrective work; and

WHEREAS, during the course of construction buried debris was discovered and required removal for the new system to function properly;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 499-1991 be increased by \$300.00 for a total charge not to exceed \$7,065.00 which shall be a proper charge of Capital Account H-1989-25P91-04-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (620-1991) Continued

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

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RESOLUTION NO. (621-1991) GRANTING PERMISSION TO  
DISPENSE ALCOHOLIC  
BEVERAGES - CLARKSTOWN  
AUXILIARY POLICE PICNIC

Co. Smith offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Auxiliary Police to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at their picnic which shall be held at Lake Nanuet Park on Saturday, September 7, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (622-1991) REQUESTING EAST RAMAPO  
CENTRAL SCHOOL DISTRICT TO  
PROVIDE TOWN WITH EASEMENT  
TO PROVIDE WATER SERVICE TO  
HILLCREST HOMES SUBDIVISION

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown Planning Board has recommended approval of a preliminary request on an application of Hillcrest Homes for a five (5) lot subdivision located on the West side of Addison Boyce Drive, approximately 800 ft. North of West Clarkstown Road, subject to the installation of fire hydrants and the inclusion of the subject property in the Clarkstown Water District, and

WHEREAS, it is not feasible to extend water service into the area of the proposed subdivision unless an easement or a water main is obtained from the East Ramapo Central School District, and

WHEREAS, the Planning Board has recommended to the Town Board that an application be made to the East Ramapo Central School District to obtain said easement for the benefit of the public;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (622-1991) Continued

RESOLVED, that the Town Board hereby requests the East Ramapo Central School District to provide the Town of Clarkstown with an easement to provide water service to the subdivision known as Hillcrest Homes for property identified on the Clarkstown Tax Map as Map 168, Block A, Lot 16.02, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to make application on behalf of the Town for said easement with expenses, if any, to be paid by the subdivider.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (623-1991)

SETTING PUBLIC HEARING RE:  
TOWN'S OWN MOTION TO AMEND  
ZONING ORDINANCE FROM LIO  
TO R-22 - MAP 129, BLOCK A,  
LOT 38 (USA CONSTRUCTION  
CORP.)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the Town of Clarkstown the Board hereby schedules a public hearing regarding a change of zone from an LIO District to an R-22 District on property designated on the Clarkstown Tax Map as Map 129, Block A, Lot 38, and be it

FURTHER 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 24th day of September, 1991 at 8:15 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (624-1991)

ACCEPTING DEED FOR ROAD  
WIDENING PURPOSES ALONG  
SHERIDAN AVENUE AND WELLS  
AVENUE, CONGERS (ROSALIE  
HART)

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, deed dated July 1, 1991, between Rosalie Hart and the Town of Clarkstown required by the Board of Appeals in connection with Appeal No. 2336 for road widening purposes along Sheridan Avenue and Wells Avenue, Congers, New York, is hereby accepted and ordered recorded in the Rockland Conty Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (625-1991)

CANCELLING LIS PENDENS MAP  
6, BLOCK B, LOT 4 (SCHEFA  
DEV. CORP.)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice pursuant to Town Code, Chapter 79, dated May 10, 1988, for premises designated on the Clarkstown Tax Map as Map 6, Block B, Lot 4, 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 or about May 26, 1988, against B.G. SCHEFA DEVELOPMENT CORP., provided the sum of \$200.00 shall be paid to reimburse the Town for the cost of an Index Number, filing of Lis Pendens and Last Owner Search, pursuant to the attached statement.

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (626-1991)

REFERRING ABANDONMENT OF  
PORTION OF BEACON STREET,  
CONGERS TO PLANNING BOARDS  
AND SETTING PUBLIC HEARING  
RE: SAME

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (626-1991) Continued

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, shall consider taking action pursuant to Section 205 of the Highway Law to declare abandoned a portion of a street or highway known as Beacon Street, Congers, New York, which portion to be abandoned is the entire length of Beacon Street, as shown on a map entitled, "Plan of the Boston Improvement Co., Sections S.T.U.", prepared by Jas. W. Lee, dated July 17, 1890, and filed in the Rockland County Clerk's Office on July 21, 1890, in Book 12 of Maps, at Page 77, as Map No. 85, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said street or highway appears on the Official Map of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 24th day of September, 1991, at 8:10 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (627-1991)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW "A LOCAL  
LAW CREATING ARCHITECTURAL  
AND LANDSCAPE COMMISSION"

Co. Kunis offered the following resolution:

WHEREAS, Councilman Kunis, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 11, 1991, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (628-1991)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF PRINCIPAL  
CLERK STENOGRAPHER - PARKS  
BOARD AND RECREATION  
COMMISSION (GERTRUDE BASLOW)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91040 Principal Clerk Stenographer which contains the name of Gertrude Baslow,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Gertrude Baslow, 6 Woodland Road, New City, New York - to the position of Principal Clerk Stenographer - Parks Board and Recreation Commission - at the current 1991 annual salary of \$24,339.00, effective and retroactive to July 11, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (628-1991) Continued

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

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RESOLUTION NO. (629-199)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF (PERMANENT)  
RECREATION LEADER - PARKS  
BOARD AND RECREATION  
COMMISSION (CHARLES C.  
DAMIANI)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #91020 Recreation Leader which  
contains the name of Charles C. Damiani,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Parks Board and Recreation Commission of Charles  
C. Damiani, 29 Lake Drive, New City, New York, to the position of  
(permanent) Recreation Leader - Parks Board and Recreation  
Commission - at the current 1991 annual salary of \$21,888.00,  
effective and retroactive to July 11, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (630-1991)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF (PERMANENT)  
RECREATION LEADER - PARKS  
BOARD AND RECREATION  
COMMISSION (EDWARD S.  
VICTOR)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #91020 Recreation Leader which  
contains the name of Edward S. Victor,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Parks Board and Recreation Commission of Edward  
S. Victor, 155 Schuyler Road, Central Nyack, New York, to the  
position of (permanent) Recreation Leader - Parks Board and  
Recreation Commission - at the current 1991 annual salary of  
\$21,888.00, effective and retroactive to July 11, 1991.

Seconded by Co. Mandia

RESOLUTION NO. (630-1991) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (631-1991)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF (CONTINGENT-  
PERMANENT) RECREATION  
LEADER - PARKS BOARD AND  
RECREATION COMMISSION  
(FRANK R. COHEN)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #91020 Recreation Leader which  
contains the name of Frank R. Cohen,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Parks Board and Recreation Commission of Frank R.  
Cohen, 31 Morris Drive, New City, New York, to the position of  
(contingent-permanent) Recreation Leader - Parks Board and  
Recreation Commission - at the current 1991 annual salary of  
\$21,888.00, effective and retroactive to July 11, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (632-1991)

ACCEPTING RESIGNATION OF  
GROUNDSKEEPER - PARKS BOARD  
AND RECREATION COMMISSION  
(ALFRED CARLINI)

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Alfred Carlini, 27  
Lake Nanuet Drive, Nanuet, New York - Groundskeeper - Parks Board  
and Recreation Commission - is hereby accepted - effective and  
retroactive to July 28, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (633-1991)

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

Co. Kunis offered the following resolution:

RESOLVED, that in accordance with Article XVIII,  
Section 3(k) of the Labor Agreement between the Town of Clarkstwn  
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 August 24, 1991 for a period  
not to exceed one month.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (634-1991)

REAPPOINTING TO POSITION OF  
MEMBER - PARKS BOARD AND  
RECREATION COMMISSION (DR.  
DAVID KELLY)

Co. Kunis offered the following resolution:

RESOLVED, that Dr. David Kelly, 735 Jacqueline Drive,  
Valley Cottage, New York, is hereby reappointed to the position of  
Member - Parks Board and Recreation Commission - to serve without  
compensation - term effective August 16, 1991 and to expire on  
August 15, 1996.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (635-1991)

APPOINTING TO POSITION OF  
REAL PROPERTY DATA  
COLLECTOR - ASSESSOR'S  
OFFICE (MARGARET M. WHELAN)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
funished Certification of Eligibles #91056 Real Property Data  
Collector which contains the name of Margaret M. Whelan

NOW, THEREFORE, be it

RESOLVED, that Margaret M. Whelan, 6 Acorn Terrace, New  
City, New York, is hereby appointed to the position of Real Property  
Data Collector - Assessor's Office - at the current 1991 annual  
salary of \$20,478.00 effective August 14, 1991.

Continued on Next Page

RESOLUTION NO. (635-1991) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (636-1991)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT (NANCY R. FUCHS)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91038 Police Radio Dispatcher which contains the name of Nancy R. Fuchs,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Nancy R. Fuchs, 40 Barry Lane, Bardonia, New York - to the position of Police Radio Dispatcher - Police Department - at the current 1991 annual salary of \$22,856.00, effective and retroactive to July 15, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (637-1991)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT (LAURIE SHARKEY)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91038 Police Radio Dispatcher which contains the name of Laurie Sharkey,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Laurie Sharkey, 39 Deerfield Drive, New City, New York - to the position of Police Radio Dispatcher - Police Department - at the current 1991 annual salary of \$25,445.00, effective and retroactive to July 15, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (637-1991) Continued

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

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RESOLUTION NO. (638-1991)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT (ALFRED CARLINI)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #91038 Police Radio Dispatcher  
which contains the name of Alfred Carlini,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Alfred Carlini, 27 Lake  
Nanuet Drive, Nanuet, New York - to the position of Police Radio  
Dispatcher - Police Department - at the current 1991 annual salary  
of \$33,950.00, effective and retroactive to July 29, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (639-1991)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT (FREDERICK J.  
PARENT)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #91038 Police Radio Dispatcher  
which contains the name of Frederick J. Parent,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Frederick J. Parent, 11  
Grace Street, Nanuet, New York - to the position of Police Radio  
Dispatcher - Police Department - at the current 1991 annual salary  
of \$22,856.00, effective and retroactive to July 29, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (640-1991)

ACCEPTING RESIGNATION OF  
SECRETARY (PART-TIME) -  
COUNCIL OFFICE (LINDA  
GERSHON)

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Linda Gershon, 24 Seymour Drive, New City, New York - Secretary (part-time) Council Office - is hereby accepted - effective and retroactive to July 22, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (641-1991)

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

Co. Kunis offered the following resolution:

RESOLVED, that Peter J. Mayer, 27 Old Hempstead Road, New City, New York, is hereby appointed to the position of Laborer - Sanitation District - at the current 1991 annual salary of \$19,232.00, effective August 14, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (642-1991)

APPOINTING TO POSITION OF  
BUILDING PLANS EXAMINER -  
BUILDING DEPARTMENT (DAVID  
B. MCLEOD)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91111 Building Plans Examiner which contains the name of David B. McLeod,

NOW, THEREFORE, be it

RESOLVED, that David B. McLeod, 42 Second Avenue, Nyack, New York, is hereby appointed to the position of Building Plans Examiner - Building Department - at the current 1991 annual salary of \$42,231.00 effective August 14, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (642-1991) Continued

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

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RESOLUTION NO. (643-1991)

APPOINTING TO POSITION OF  
OFFICE WORKER STUDENT -  
BUILDING DEPARTMENT  
(STEPANIE JORDAN)

Co. Kunis offered the following resolution:

RESOLVED, that Stefanie Jordan, 51 Crambrook Road, New City, New York, is hereby appointed to the position of Office Worker Student - Building Department - at the current 1991 hourly rate of \$4.50 - effective and retroactive to August 2, 1991 for a period not to exceed 30 days.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (644-1991)

APPOINTING TO POSITION OF  
DIRECTOR OF MUNICIPAL  
COUNSELING SERVICES -  
(EMILY J. FEINER)

Co. Kunis offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91089 Director of Municipal Counseling Services - which contains the name of Emily J. Feiner,

NOW, THEREFORE, be it

RESOLVED, that Emily J. Feiner, 38 Fourth Avenue, Apartment 2G, Nyack, New York, is hereby appointed to the position of Director of Municipal Counseling Services - Town of Clarkstown - at the current 1991 annual salary of \$37,885.00, effective August 14, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (645-1991)

ACCEPTING RESIGNATION OF  
MEMBER - PLANNING BOARD  
(JOSEPH MARAIA)

Continued on Next Page

RESOLUTION NO. (645-1991) Continued

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Joseph Maraia, 4 Bonnie Lane, New City, New York - Member - Planning Board - is hereby accepted - effective August 16, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (646-1991)

ACCEPTING RESIGNATION OF  
MEMBER - ZONING BOARD OF  
APPEALS (GILBERT J. HEIM)

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Gilbert J. Heim, 472 South Main Street, New City, New York - Member - Zoning Board of Appeals - is hereby accepted - effective August 16, 1991.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (647-1991)

APPOINTING TO POSITION OF  
MEMBER - PLANNING BOARD TO  
FILL UNEXPIRED TERM OF  
JOSEPH MARAIA (GILBERT HEIM)

Co. Kunis offered the following resolution:

RESOLVED, that Gilbert Heim, 472 South Main Street, New City, New York, is hereby appointed to the position of Member - Planning Board - to fill the unexpired term of Joseph Maraia - term effective August 19, 1991 and to expire on December 31, 1995 - at the current 1991 annual salary of \$4,000.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTION NO. (648-1991)

APPOINTING TO POSITION OF  
MEMBER - ZONING BOARD OF

Continued on Next Page

RESOLUTION NO. (648-1991) Continued

APPEALS TO FILL UNEXPIRED  
TERM OF GILBERT HEIM  
(EDWARD MISTRETТА)

Co. Kunis offered the following resolution:

RESOLVED, that Edward Mistretta, 318 N. Middletown Road, Nanuet, New York, is hereby appointed to the position of Member - Zoning Board of Appeals - to fill the unexpired term of Gilbert Heim - term effective August 19, 1991 and to expire on June 18, 1992 - at the current 1991 annual salary of \$1,750.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

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RESOLUTFION NO. (649-1991)

AUTHORIZING DIRECTOR OF  
ENVIRONMENTAL CONTROL TO  
HAVE DRAINAGE WORK  
PERFORMED (BY SANITARY  
CONSTRUCTION COMPANY)  
VICINITY MAP 98, BLOCK B,  
LOT 4.13 (CENTENARY/OLD  
ROUTE 304 DRAINAGE PROJECT)

Co. Smith offered the following:

WHEREAS, an adverse drainage condition exists in the Centenary/Old Route 304 area, New City, New York; and

WHEREAS, the Town Board approved cetain drainage improvements, known as Bid #76-1900, Centenary/Old Route 304 Drainage Project, to ameliorate the adverse conditions; and

WHEREAS, during construction of a drainage channel on Lot 98-B-4.13 the actual vertical depth of the channels was five (5) feet greater than originally anticipated; and

WHEREAS, if the channel is left in its present state it poses a dangerous condition to the surrounding property owners; and

WHEREAS, piping this potion of the channel with 152 linear feet of 36" R.C.P. is the best possible solution to ameliorate the adverse condition due to its eight (8) foot vertical depth and its close proximity to the Orange and Rockland power lines;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to have Sanitary Construction Company perform the necessary additional drainage work in connection with the Centenary/Old Route 304 Drainage Project; and be it

FURTHER RESOLVED, that the additional cost shall not exceed \$15,000.00 for a total project cost not to exceed \$162,829.00 and shall be a proper charge of Account #H 1989-05-409.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (649-1991) Continued

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

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On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-15 to MF-3 - Map 57, Block M, Lots 2, 3 and 4 (Champeau) was opened, time: 9:30 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-15 to MF-3 - Map 57, Block M, Lots 2, 3 and 4 (Champeau) was adjourned until September 11, 1991, time: 10:05 P.M.

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On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Zone Change from PO to LS - Map 32, Block B, Lot 97 (Ketover/Rand) was opened, time: 10:06 P.M.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from PO to LS - Map 32, Block B, Lot 97 (Ketover/Rand) was closed, RESOLUTION ADOPTED, time: 10:09 P.M.

RESOLUTION NO. (650-1991)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN FROM  
PO TO LS DISTRICT - MAP 32,  
BLOCK B, LOT 97 (KETOVER/  
RAND)

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 9th day of July 9, 1991, provided for a public hearing on the 13th day of August, 1991, at 8:10 P.M., to consider the application of CAROL KETOVER and MARSHA RAND, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners described on the Clarkstown Tax Map as Map 32, Block B, Lot 97, from a PO District to an LS District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated July 25, 1991, 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 the zone change provided for herein shall be subject to the following conditions:

Continued on Next Page

RESOLUTION NO. (650-1991) Continud

1. Petitioner shall provide a road widening strip of land along College Avenue in accordance with the Official Map width of 30 ft. from the center line of the road.

2. Petitioner shall upgrade, screen and landscape the site.

3. Petitioner shall provide to the Town of Clarkstown a Covenant, in recordable form, satisfactory to the Town Attorney, which Covenant shall state that any award in condemnation for road takings by the State of New York shall be based upon a Professional Office (PO) Zoning Classification and not a Local Shopping (LS) Zoning Classification.

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 a PO District to an LS District, the following described property in the Hamlet of Nanuet, New York, in said Town, and

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the Covenant aforesaid concerning awards in condemnation will obviate any additional costs to the taxpayers in the event of condemnation for road purposes, 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 Kunis.....Yes  
Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Local Law - Retirement Incentive Program - was opened, time: 10:10 P.M.

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

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Abandonment of Portion of Randy Lane, was opened, time: 10:31 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Abandonment

Continued on Next Page

of Portion of Randy Lane, was closed, RESOLUTION ADOPTED, time:  
10:35 P.M.

RESOLUTION NO. (651-1991)

ABANDONING PORTION OF RANDY  
LANE, NEW CITY AND AMENDING  
OFFICIAL MAP OF THE TOWN OF  
CLARKSTOWN

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of August, 1991, at 8:20 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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

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

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

(SCHEDULE "A" ATTACHED)

Seconded by Co. Kunis

Continued on Next Page

RESOLUTION NO. (651-1991) Continued

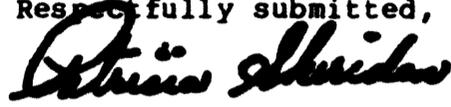
On roll call the vote was as follows:

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

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

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

8/13/91

9:30 P.M.

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

RE: Zone Change from R-15 to MF-3 - Map 57, Block M, Lots  
2, 3 and 4 (Champeau)

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

Supervisor asked Town Attorney if there was any correspondence relating to this matter.

Town Attorney noted that the Clarkstown Planning Board in letter dated April 26, 1991 approved recommending the following:

"The Planning Board has reviewed the request for zone change request for parcels 57M2, 3 & 4, from R-15 to MF-3, in relation to the existing land uses, the surrounding area, the Comprehensive Plan and the statutory requirements, and based on applicant's statement that no variances are required to develop the property, the Planning Board recommends that the petition be granted with the same conditions as recommended in our letter of 10/18/89 as follows:

1. As offered by the applicant, all units shall be one-bedroom units.
2. As also offered by the applicant, the Planning Board recommends that the Town Board accept an offer to covenant that the units will be retained as rental units for a period of 25 years, said covenant to run with the land, and be approved by the Town Attorney's office.
3. Land yeild to be determined at the time of site plan review.
4. Since the development under the proposed zoning will increase the runoff some 40%, all drainage and traffic improvements shall be installed as required by the Department of Environmental Control and the Planning Board.
5. Since Old Schoolhouse Road and Demarest Avenue are local roads, if required, applicant shall dedicate land for road widening so that road widths shall comply with Official Map.

Town Attorney stated that Rockland County Commissioner of Planning in letter dated April 1, 1991 approved subject to condition:

"The proposed zone change is in keeping with the land use plan concept of having greater residential density near the hamlet center. We think that the proposed application is an improvement over the previous application in that it has added lot 2 to the zone change application. However, we still feel that lot A-9 across the road should be included in the application as well, thereby preventing 'spot zoning' since these parcels all have similar relationships to the hamlet center. The Town should consider whether a change of zone to a lesser MF density is more appropriate due to the proximity of the sites to a lower residential density (R-15 zone)."

Continued on Next Page

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

Supervisor asked if the petitioner or representative was present.

Appearance: Donald S. Tracy, Esq.  
Attorney for Petitioner

Mr. Tracy said, as the petition shows, the property is basically in an area that is highly residential from the point of view of containing MF-3 zoning. The property is presently zoned R-15. As was brought out by the Planning Board's report it has adequate community facilities to provide for the needs of the future residents and the subject parcel has a zoning designation along the site's entirely southerly boundary of MF-3. This matter was before the Board some time ago and it was the recommendation of the County Planning Board that the property which is presently included in the zone change, be included in the zone change. It was at that point that Mr. Champeau was negotiating with the owners of that property and withdrew that petition and once we acquired the property we resubmitted it. He respectfully submitted to the Board that the type of rental housing that has been provided in the area, and he added esthetic rental housing, owned and maintained, is much desired in the community and has been an asset to the community. He asked Mr. Champeau if he would agree to covenant that the property remain one bedroom rental apartments for a period of twenty-five years?

Mr. Champeau replied that he would indeed so covenant and Mr. Tracy said they would rest upon the reports of the Rockland County Planning Board, the Clarkstown Planning Board, the Clarkstown Consultants and their petition reserving the right to rebuttal.

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

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

Appearance: Ms. Sandy Peck  
New City, New York

Ms. Peck stated that she has been against this zone change and has so stated since 1985. She asked why this issue keeps coming up again and again when everytime in the past it has been denied? She said the factors have not changed except Mr. Champeau has added another residentially zoned lot which will worsen the conditions already there. She asked why at the last hearing neither the builder nor his owner were present to present their intentions, only calling for postponement? She stated this has built a great deal of community resentment as this has been going on since 1985. She said their lawyer could not be present tonight - do we have the right to postpone it?

Supervisor said we can continue this on September 10, 1991, if that is the pleasure of the Town Board, once we hear what everybody here has to say.

Ms. Peck noted that in the Rockland Journal News in 1984 it was stated that Mr. Champeau bought this property for \$50,000.00 after a court ruling against New City Jewish Center and stated that if he could not get the zoning changed he would abide by its present status which he has not done. She said they honestly feel that Mr. Champeau would not suffer unduly if he built according to the way the parcel is zoned. She went on to state that in 1987 the Planning Board said that it had been examined along with the topography, the comprehensive plan and the statutory requirements for MF-3 and it was denied. She noted that the Planning Board has

Continued on Next Page

obviously changed their decision on this but in 1987 that is what they had told the residents. She said they had presented a 265 petition in the past and again have a new petition from the families who are against this project. She asked how badly do we need rental housing? She said in Sunday's paper there were fifty available rental units in New City, Congers and Bardonia. She said isn't this enough?

Supervisor asked Ms. Peck if the presented petition was a 265? She replied affirmatively. Supervisor stated that he would have the Town Attorney review it. She asked if the available rentals (specifically mentioning New City Gardens) are really a haven for Clarkstown's young and old? She asked what is the guarantee that this is really Mr. Champeau's intention? She said they feel they have the right as residents to be knowledgeable and to participate in any construction that will be on this site since it is a residential neighborhood. She referred to Montebello's housing for the young and the elderly and asked has our Town examined this option? She said the builder won't get rich but young people will have equity. She asked if the Town had examined any of these other options for this site?

Supervisor said the answer to that question for this site is no. Ms. Peck said if you address a general need and you don't offend other parts of a neighborhood's character it is okay. But, this is a residential neighborhood and it has been and the fact that he bought another residential lot and wants to change it doesn't change the issues, which they have been fighting for since 1985. She said their impression is that it is the Town Board's responsibility to represent the people who elected them as their Town Board and that the people already living and working in Clarkstown hope that you oppose, as you did in the past, and deny this zone change because the same problems and the same opposition still exist.

Appearance: Mr. Joseph Saladino  
44 Schoolhouse Road  
New City, New York

He said he moved here five years and has a young family living directly across the street from the New City Jewish Center. He noted that approximately 30 to 40 cars come every day to the Jewish Center. He said he deals with that, with weddings, with Bar Mitzvahs, etc. He said on their holidays, the traffic is horrendous. He said where he lives is a blind spot in the road. The speed limit is posted at 15 miles per hour. He said if he was an officer of the law he could sit there and write out a whole book of tickets because no one does 15 miles an hour. He said putting this complex up will only increase the traffic. Every unit will have two cars and the block just cannot take that. He noted that townhouses would be better. He felt rentals could present a future drug problem. He said most of the homes on the block are starter homes. He stated that he would like to move up but with this complex at the end of the block that will decrease the value of the houses on the block.

Mr. Saladino mentioned the accidents that occur frequently at the location of the M & M Farms on the corner. They are severe accidents because there is too much congestion.

Appearance: Mr. Kelly Bernard  
Spring Valley, New York

Mr. Bernard said it would be helpful if there was a map of the area put up somewhere in this room so that the people who are interested can familiarize themselves with the area we are talking about. He said after listening to the previous speakers he still did not know whether this zone change would be good or bad for the

town. He said one Board recommended that all units be one bedroom and that they be rental units. He said he has not heard the reason why they should be all one bedrooms and why they should be rental units. He said he realized that more rental units are needed in the Town and that more one bedroom units are needed in the Town but other types of housing is needed and he would like to get more information on all of these points and why or why not this area should be changed.

Appearance: Mr. John Moccia  
 21 Scarlet Court  
 New City, New York

He said he lives right behind the Jewish Center and has lived there for eleven years. When they first moved up here his wife, who doesn't drive, had no problem getting to the store. She said about five years ago she was walking near M & M Market on Congers Road and she and the baby were hit by a car. He said now you are talking about putting more cars and widening the street. He noted that his wife has trouble crossing Route 304 now being that it has been made four lanes across. He noted that by making Congers Road wider there would be even more problems and his wife would probably be a prisoner in the house. He opposed this change.

Appearance: Mr. Daryl Breda  
 Old Schoolhouse Road  
 New City, New York

He felt Mr. Champeau should inform the residents just how many units he is planning to put up on that site. Supervisor asked Mr. Champeau that question directly. Mr. Champeau said he planned 18 units. Mr. Breda asked if Mr. Champeau would guarantee that to the residents? Will the sewers take on 18 units?

Appearance: Mr. Frank Levin  
 17 Old Schoolhouse Road  
 New City, New York

He said he is opposed to this change. He has lived in the area for some time. It is a narrow street. It is a single family residence area and always has been. He said the area adjacent to him used to be the old New City Elementary School which had burned down. It was a private residence and a school area. It is not meant for apartment houses. Already there are trailer trucks delivering material to another company on that street which in his estimation is against the law - storing material in a private home on that street - but it is being done. Adding more traffic to that street is a danger to the children and anyone living on that street.

Supervisor asked if the Town Board wished to continue this on September 10th and allow the applicant the right to rebut then? The Town Board wished to have the rebuttal now.

Mr. Tracy said this matter has been pending before this Board since September 23rd of last year. He said this business of put it over, put it off, change it - let's make a decision on it.

Mr. Tracy said the first lady who spoke and it seemed like the tenor of the objections were that this is a residential site. This is not an apartment site. Yet, you all have the maps and you see the MF-3 on both sides. You have read the reports and have seen the County Master Plan and the Clarkstown Master Plan. It is an apartment site. The second falsity that he would like to dispel is that traffic would be generated. If the property was built as zoned it could produce sixteen bedrooms. If the property is built to its maximum when rezoned and if rezoned it would produce 20 bedrooms - 20 one-bedroom apartments - the maximum you could get on that site. Whereas, single four bedroom houses could produce 16

Continued on Next Page

bedrooms. Single family, 4 bedroom houses could produce 16 bedrooms. Many of you know of single family dwellings with three or four vehicles. Some of us experience that. With regard to this narrow road that wasn't built for apartments - a school sat on this road. Can you imagine the traffic that this road handled? Can you imagine the traffic that the New City Jewish Center handles? He said he would invite Mr. Saladino to inspect Mr. Champeau's apartments at 57 Congers Avenue. He invites him to inquire who lives there. He invites him to interview the elderly lady who lives there so she can walk to the New City Jewish Center. He invites him to talk to the young professionals who live there and work and contribute to this town. Why do we have to have apartment houses? He said Mr. Saldino was fortunate. He could afford a starter house. There are a lot of young folks who grew up in this town who can't afford starter houses and who need rental apartments and who are serviced by this need.

Mr. Tracy said many years ago this Town formed a commission to study the need for rental apartments and the desirability of rental apartments in the community. He said in accordance with our master planning and our town planning we determined certain areas which were suitable near the hamlet center with the proper density. He respectfully submitted that this site fits that perfectly. He said we have not been turned down on this zone change request before. We withdrew the request in order to obtain the Jones parcel when it became available. He said with that he would rest and he said he respects and appreciates the concerns of the people who came here and who he hears behind him. He said he could do nothing to allay their fears. He said he feels that those fears are unfounded and he feels that if Mr. Champeau builds this project and he builds it in a similar vein to the one that presently exists and maintains it and reaffirms his covenant that it will remain residential housing. That alone will allay the fears of the people who came here tonight.

Supervisor asked the Town Board if they wished to close or to continue on September 11th? Councilman Mandia inquired about the 265 petition that was turned in. Supervisor said that Town Attorney would have to evaluate the petition so we could not make a decision tonight anyway. Mr. Tracy said he has finished his presentation and he does not intend to present anything else on September 10th. Town Attorney said aside from the petition, since the condition by the County Planning Director is that you get another piece and add it to it, you need four votes anyway, whether or not the petition is valid.

Mr. Tracy said that is not true. If you look at the cover sheet the "x" says he approves. Town Attorney said yes, but he approves with condition and he said he does not think the Town Board wants to meet that condition. Therefore, if they are going to pass this they need four votes. Mr. Tracy said he would take that risk. Mr. Champeau said he owns that other piece also. Town Attorney said he knows that but that has nothing to do with what we are discussing.

Supervisor said the residents have a request that their attorney return to make a statement. He said we will continue it to the 11th of September and we will close it at that point once the attorney makes his statement. Also Town Attorney will have a chance to take a look at the 265 petition.

Councilman Kunis asked if the attorney's statement would be written or would it be an oral presentation? Ms. Peck said he will be present. Councilman Kunis said would it be beneficial to close it and wait for a written statement from the attorney. Ms. Peck said no they would like him to make his presentation.

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6

PH - Zone Change from R-15 to MF-3 - Map 57, Block M, Lots 2, 3 and  
4 (Champeau) 8/13/91  
Page 6.

On motion of Councilman Mandia, seconded by Councilman  
Maloney and unanimously adopted, the public hearing was adjourned  
until September 11, 1991, time: 10:05 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

7

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

8/13/91

10:06 P.M.

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

Re: Zone Change from PO to LS - Map 32, Block B, Lot 97  
(Ketover/Rand)

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

Supervisor asked Town Attorney if he had any pertinent correspondence.

Town Attorney noted that the Rockland County Commissioner of Planning recommends disapproval in a letter dated June 15, 1991 stating "Disapproval is based on the possible need for part of this property for the proposed changes to College Avenue/Nyack Turnpike/Route 59 by the New York State Department of Transportation. A decision on this matter should be postponed until such time as the final design plans are available from the DOT."

Town Attorney noted that the Clarkstown Planning Board approves subject to conditions:

- "1. Provide road widening along College Avenue in accordance with Official Map width, 30 ft. from center line of the road. Deed, title report and map with metes and bounds description shall be provided for T.A. review and approval.
2. Site shall be upgraded, screened and landscaped."

Town Attorney noted that SEARA states no environmental impact. Based on this you will need a majority plus one to approve.

Supervisor asked if applicant or representative was present?

Appearance: Donald S. Tracy, Esq.  
Attorney for petitioners

Mr. Tracy presented a map obtained from the New York State Department of Transportation which shows the proposed widening in the area. He said the property in question is basically situated in an RS area. It borders the Roy Rogers restaurant. It is across the street from a retail area. It sits by itself. When the road widening will be completed it will stand at the end of a very wide intersection basically separated by that road and by retail areas. He said at the Town Planning Board the applicant covenanted and agreed to covenant before this Board that any condemnation or any award in condemnation or in negotiation for the road widening which would be required would be based on a PO zoning designation and not on an LS zoning designation. He said Mr. Chase's (Rockland Commissioner of Planning) principal objection which he would wonder if it satisfied the requirements of 239 l and m, was that there was going to be a taking in this area and therefore nothing should be done until the taking is completed. The covenant which we have just proposed to this Board should obviate the necessity of his concern or the efficacy of his concern.

Mr. Tracy said as to the reason they wanted an LS zone, the property is presently in an PO zone and does not conform to the bulk. The PO zone will be further encroached upon by the taking contemplated by the State of New York. When we say "taking" it could

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be a negotiation also. The PO zone has greater parking requirements than the LS zone, the distinction being the square footage required. Therefore, the property would better conform to bulk regulations if it was LS. In addition, the uses in the area are retail, not professional office. He said to the best of his knowledge there have been no objections to this zone change request. There was none at the Planning Board and he called the attention of the Town Board to the fact that the Planning Board unanimously recommended approval of the LS zone. He said he would add that for some time the discussion with the Planning Board involved them suggesting that we request a change to RS. We requested LS so that we would be conforming to bulk and no variances. He said at this point he would like to ask a few questions of Mrs. Rand.

Appearance: Mrs. Marsha Rand  
22A Sickletown Road  
Orangeburg, New York

Mrs. Rand said the premises in question is presently a real estate office. Mr. Tracy asked Mrs. Rand if she was familiar with the uses in the area and could she describe them? Mrs. Rand said yes, there is shopping, Toys R Us, Luggage Innovations, Roy Rogers and Union State Bank has just opened a mortgage center within the last year across from them. Mr. Tracy stated that Mrs. Rand was present at the Planning Board when he proposed the covenant that any award that might be made should this property be rezoned would be made on the basis of a PO zoning, is that correct? Mrs. Rand said it was. Mr. Tracy asked Mrs. Rand if she confirmed that, as an owner of the property, (he noted that Mrs. Ketover was also present). Mrs. Rand said they did. Mr. Tracy wanted it noted that Mrs. Ketover also confirmed that.

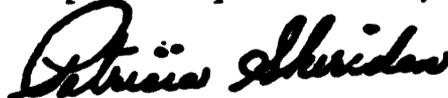
Mr. Tracy said he knows that Mrs. Rand is a prominent real estate broker in the area and she could probably give us a professional opinion as to whether or not, in her professional opinion, the change of zone of this property from PO to LS would in any way be harmful to property values in the area or otherwise impair the public health, safety or welfare? Mrs. Rand said she feels that they probably use the maximum use that this building could have ever been used for as a real estate company and she did not see where it would affect any of the neighborhood. She said there are only four neighbors on that block that are on College Avenue now.

Mr. Tracy said with that he will rest on the petition and the reports of the various Boards. He said he realizes that it is apparent that the matter needs a super majority to pass although he does not believe that the reasons advanced by the County Planning Commissioner would hold up under judicial scrutiny.

Supervisor asked if there was anyone present who had a comment to make relative to this proposed zone change. No one appeared.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:09 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. 650-1991) ADOPTED)

59

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

8/13/91

10:10 P.M.

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

Re: Proposed Local Law re: Retirement Incentive Program

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

Supervisor said he understands that the Town Board would have to act on this by the 16th of August. Town Attorney confirmed this.

Supervisor asked if there was anyone present wishing to make a comment relative to this local law.

Appearance: Mrs. Irene Saccende, President  
Clarkstown Unit of C.S.E.A.

Mrs. Saccende stated that on Friday she had forwarded some information to the Town Board concerning the early retirement incentive program. She said on the top sheet is a listing of those employees who have opted to go for early retirement (approximately twenty-five). She noted that since then she has been advised that there was one other name added to that listing. She noted that this listed the people who have opted for this program, their present grade, their longevity status, and their 1991 salary. She noted that the next column was a beginning salary for a replacement in those positions and the savings. The 1992 salary would be a total of \$917,611.00. The beginning salary for those same positions would be \$596,546.00 and the savings would be \$321,065.00.

Mrs. Saccende stated not only would you be saving on the actual salaries by bringing in first step employees for the people that are retiring, you would be losing Tier 1 and Tier 2 retirement of which the Town pays all of the retirement for the employees. You would be bringing in first step employees that would be going into Tier 4 and you would only be paying a portion of their retirement. The employee would be paying a portion of the retirement.

Mrs. Saccende went on to state that you would be losing employees that are maxed out on vacation time. They have 30 or more days a year vacation time. You would be bringing in employees that would only have a maximum of ten days for the first two years.

Mrs. Saccende said on October 1st we received an additional research item from the CSEA State Research Department stating that it was their opinion that the lump sum buy out for sick time currently in our contract would have to be wavered and the employee would have to sign the waver opting to take a lump sum payment for sick time over a two year period - three equal payments over a two year period. She said they have been trying to reach the state to give them the exact wording in our contract to see if that would be any conflict. We have not been able to do that. That number has been busy constantly. However, those employees who she has talked with were not anxious to receive a lump sum payment in one year. They would be willing and the CSEA Unit would be willing to have the employee sign a waiver with the Town and we would open up the contract for that if that be their wish, where they could receive their lump sum payment over a period of time. That would realize a savings for the Town there.

Supervisor said with regard to the savings indicated on the sheet does that figure in the sick time that would be involved? Mrs. Saccende said no, what is given is straight salary.

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Councilman Kunis said you would be willing to open up the contract - Mrs. Saccende said for those employees who opt for early retirement if the lump sum payment is not going to fall into the category that the Research Department seems to think it would, because of the wording in our contract.

Councilman Kunis asked if she would be willing to open up the contract to limit sick day buy back on the employees that replace these employees? Mrs. Saccende said she did not understand what Councilman Kunis was saying. The employees that replace these employees wouldn't be getting any sick time immediately. Councilman Kunis said but they get x amount a month. Would you be willing to open that up for example for the new hires to work it out like the Clarkstown School District where if the new employees don't use the sick days, when they do retire they lose the sick days. Mrs. Saccende said you would have to negotiate that as a separate item. Councilman Kunis said but you said you would be willing to open up the contract. Mrs. Saccende said for those employees who are opting for early retirement only. Councilman Kunis said would you be willing to open it up for the new employees that replace these employees? Mrs. Saccende said no.

Councilman Mandia said you are reporting a savings of \$321,065.00. He said he had another report which either the Comptroller of the Town Attorney's office gave us. It shows that the sick time buy out figure alone for all eligible people (not just the 25 but probably all the eligibles) is in excess of \$400,000.00. That is a hard dollar and the savings is a projection. Mrs. Saccende said that is for a lump sum payment at the time of retirement and what we are saying is that it would be spread over a two year period instead of a lump sum payment. Councilman Mandia said but the savings if we reach it is \$221,000.00 and if you just treat that fiscally in one year there is an offsetting number. The \$414,000.00 is probably incorrect because there are some fifty-four people on this list and he believes only twenty-five on yours. Supervisor said that is what it would be for the twenty-six.

Mrs. Saccende said as I pointed out to you there are a lot of employees who have twenty years or better that are retiring and some of them haven't used sick time. It is a large figure. We realize this. That is why we would opt for what the state is pushing - a buyout over a two year period.

Mrs. Saccende then referred to Item 3 - the retirement payment to be made over a five year period. They would not have to be made initially in the first year. You would have a five year period to make your retirement payment. Councilwoman Smith said the figure for the retirement payment is \$1,014,000.00. Supervisor said it would be done in five equal payments. Councilwoman Smith said so it would be \$202,800.00 for the next five years.

Supervisor said it would be \$414,000.00 - let's assume that you had a lump sum and then it would be another \$200,000.00+ over and above that so that is about \$615,000.00 or \$617,000.00. Realistically speaking, some positions you might not fill but others you might. If you didn't fill anybody it would be one thing. But he did not think that is realistic.

Mrs. Saccende said she knows that Haverstraw has taken it; Orangetown has taken it; and Ramapo has taken it. Now, both Ramapo and Haverstraw have specified that they are including some job cuts. Haverstraw mentioned two definitely and a possibility of three additional ones. Ramapo has been talking about the necessity of some cuts. They haven't mentioned anything specific and she said she did not know about Orangetown if they are talking about any cuts or not. Supervisor asked how many people were they talking about in Orangetown in regard to the number of people who had contemplated the early retirement? Town Clerk said she thought it was sixteen. Someone else said it was twenty plus.

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Councilwoman Smith said to Mrs. Saccende when we look at your savings of \$321,000.00 if we had to take from that the \$202,000.00 for one fifth of the retirement and then if we took that \$414,000.00 for unused sick leave and let's say we divided it by three and paid it every eight months for two years that would come to \$138,000.00 in the first eight months in 1992. But then in 1993 we would owe the double of that. If we just took \$138,000.00 and added it to your \$202,000.00 there isn't any savings. It is a wash right there and that is not counting the fact that we would have to continue paying \$4,000.00 a year medical leave for all the retirees plus the new people that were coming on. We know what you are saying that the older and longer service ones we would be able to get rid of the differential and the increments but right now from all the numbers that we have up here we don't see any savings. In fact, we see a loss to us in the first year.

Supervisor said we discussed this individually and amongst ourselves and the biggest problem is the sick leave pay out. That is the biggest problem. Not even so much the payments over five years but that is the biggest problem. Mrs. Saccende said are you talking about the lump sum payment or the spreading over two years? Councilman Mandia said you really have to package it over the five that the plan allows. It is about the \$1,500,000.00 if the numbers are right. It doesn't even wash over five years. In those five years, of course, that savings is going to decrease because those salaries are going to go up. The only way it works is if you reduce people.

Mrs. Saccende said more than half of these employees who would take advantage of the opportunity are dedicated Town workers who have been with the Town for twenty years and in some cases more than twenty years - twenty-five to close to thirty years. Your opting for the early retirement program would be a fitting way to reward loyal employees for their efforts. She said she realizes that the Board has to look at it from the monetary end. We tried looking at it from the monetary end. She said she realizes the problems the Board is having and it doesn't exactly wash out. However, she asked their consideration to consider this thoroughly.

Appearance: Mrs. Rose Romeo

She stated that she has been here quite a long time and she is retiring. She said if you pass this or not she is going. She said she has talked to a lot of people and the girls and the men say they are going to retire within the next year. Now, you are going to have to pay the sick leave anyway, one way or the other and you are going to have to pay it in two payments if you don't do this. So you are still going to lose money.

Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff said he is also a CSEA member of twenty five years. He said the only way that you can save money on an early retirement plan with the State of New York, the County of Rockland, the Town of Clarkstown or the Village of Podunk is that when these positions are vacated they are abolished. It is as simple as that. He said he has no problem with the early retirement plan whatsoever. The main reason that it was created was to save money and the only way you are going to save money is by abolishing positions. He said from experience five or six years ago he had twenty one men working for him. Three or four years ago he had seventeen men working for him. Right now he has twelve men working for him and guess what? We are getting the job done. In fact, we are probably doing it better than we were just a few years ago. Here is an opportunity to help out people that are contemplating retirement but there is also an opportunity to do something for the community and the taxpayers and that is save us some money. If you

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are willing to sit down and study this - not just the dollars and cents for today, tomorrow or two years down the road but the dollars and cents for God knows how many years, there is a strong possibility that you could save the Town some money by abolishing a lot of these positions. He said he thinks it can be done. In fact, he knows it can be done because it has been proven to him.

Appearance: Mrs. Irene Lotito  
Bardonia, New York

Mrs. Lotito said she is repeating what Mrs. Romeo said. Whether you sign this or not she is going also and you are going to have to pay out a lump sum payment within possibly eight months. She said she would appreciate it if you would consider this. A lot of the people who sent in slips are not going. They put them in because they were told that if they put a slip in the Town would consider this. If they didn't and enough interest wasn't shown, then the Town would not consider it. When push comes to shove a lot of those people are not going but some of us are. Either way, you are not going to lose that much.

Supervisor said we have considered this quite a bit and have been discussing it today with our people here and it is not as clear cut as we might have envisioned earlier on and it is one of those things. We thought we were getting more than we anticipated. Mrs. Lotito said yes, but in the past the Town has found money for other things and she thinks that with some consideration on your part you might find it for this.

Councilman Kunis said he thanked all the Town employees for coming. He said they work very hard. He said he did not think any member of the Town Board did not want to make this work. He said they want to make it work for you. The whole idea behind this incentive is to save money during a recession. We don't want to abolish anybody's job in this Town and we have not. The Town Board is committed to that. Everybody that works in this Town has continued to work and we are all pitching in together. The whole purpose of the retirement incentive program is to save money for the taxpayers and that's what we are. He said Mrs. Lotito said find money. It is a very difficult time to find money. We are trying to save money. We want to do it for you from a humanity point of view and a human point of view and you work hard and we have discussed this and it is difficult. The program is to save money. It is a retirement incentive program. Yes, x amount of people are going to retire. We will continue to put the numbers on it. It is a dollar and cents deal. If it can work we'll make it work but if the dollars aren't there to save money it cannot cost the Town money because it would be defeating the whole purpose and the whole principle of a retirement incentive program. He asked the people to please understand that. It is not anything personal. It's dollars and cents.

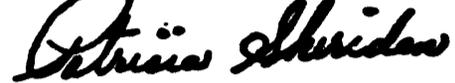
Councilwoman Smith said we are often criticized for the way our employees are treated because they think you are treated more economically than you deserve. We have never felt that way. We think you do a very good job. When this retirement incentive came along it was an opportunity for us to recognize you and when I say the little guy I don't mean that in any derogatory way. I mean that most of you are not department heads who have not known huge salaries all your life and so if we were able to give you a bonus at the point of your retirement it would make us mutually happy. However, we have a great responsibility and we cannot just give away to those we think really deserve it and risk losing money or costing the Town money. So this decision is very difficult. We are very open to whatever you want to tell us in the next couple of days. We are not going to rule on it tonight. We are leaving it go until the 16th. Believe me it is very difficult to say to you that if we turn it down it was with really great thought of you in mind.

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Supervisor said if the Town Board were to take action to adopt this, it would need a Special Town Board Meeting to adopt it which we would have to do on Friday. It has to be done by the 16th. If not, the Town Board would take no action and the time would expire. He said he would let the people know.

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

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

8/13/91

10:31 P.M.

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

Re: Proposed Abandonment of Portion of Randy Lane, New City

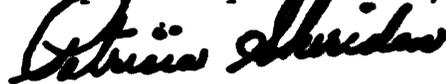
On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney noted that SEQRA stated there was no environmental impact. The County Planning Board approved and the Clarkstown Planning Board approves. The Highway Superintendent approves and stated that he will sign the Certificate of Abandonment.

Supervisor asked if anyone present wished to comment on the abandonment? No one did.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(Resolution No. 651-1991 ADOPTED)