

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/24/91

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 presented a proclamation to the Clarkstown Babe Ruth All-Stars. He mentioned the quality of the coaching and congratulated the families of the youngsters who participate in the program. Town Board members also should be complimented in terms of their commitment to supplying our youngsters and our families in the Town with the facilities that provide them the opportunities to participate on the high level that they have been. He said we have some youngsters in this Town who have excellent potential. That is a testimony to the types of programs that are run by our residents and make life in this Town a little bit better for all of us.

"CLARKSTON BABE RUTH ALL STARS"
September 24, 1991

WHEREAS, the CLARKSTOWN BABE RUTH PREP ALL-STARS, in defeating teams from Beacon, East Fishkill, Orangetown and Middletown, won the DISTRICT 7 CHAMPIONSHIP, and in defeating teams from Latham, Niscayuna and New Hartford were EASTERN NEW YORK STATE finalists, and

WHEREAS, the CLARKSTOWN BABE RUTH (14-15 year old) ALL-STARS, in defeating teams from Orangetown, Phillipstown, Lewisboro and Middletown twice, won the DISTRICT 7 CHAMPIONSHIP, and in defeating teams from Colonie, Latham, Ilion, Kingston and Clifton Park twice, won the EASTERN NEW YORK STATE CHAMPIONSHIP, AND IN DEFEATING TEAMS FROM Sugerties, N.Y.; New Castle, Delaware; Larchmont, N.Y.; and Upper Darby, Pennsylvania, finished third in the MIDDLE ATLANTIC REGIONAL TOURNAMENT, winning the NEW YORK STATE CHAMPIONSHIP in the process, and

WHEREAS, the CLARKSTOWN BABE RUTH (16 year old) ALL-STARS, in defeating teams from Saratoga Springs, Mid-Hudson and Middletown twice won the NEW YORK STATE CHAMPIONSHIP, in the process setting tournament records for runs, hits, doubleplays in a single game and assists by a player in a single game,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all our residents, proudly commend these fine young athletes, their managers and their coaches for their outstanding achievements and hereby declare this day, September 24, 1991 as "CLARKSTOWN BABE RUTH ALL-STARS DAY" in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 24TH
DAY OF SEPTEMBER, 1991.

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

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

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

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

/s/ Ann Marie Smith
ANN MARIE SMITH, Councilwoman

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Supervisor then asked the coaches and the youngsters to come up to the dais and presented each with a certificate from the Town. Supervisor called up Joe Ryan to receive the proclamation on behalf of the Town Board and for the Clarkstown Babe Ruth League. Mr. Ryan expressed his thanks and the appreciation of all involved with the Babe Ruth League, to the Town Board, to all the coaches and to all the parents of the youngsters involved in the program.

Councilman Kunis congratulated all the children who participated in the program and the coaches and parents. He said he was looking forward to the day next year when all of these kids can play on our new fields at the Street School Complex which is going to be absolutely beautiful. He said as a Town Board member over the past four years that was one of the most important votes he made. He is very proud of it.

Councilwoman Smith said tonight you see that the investments we make in our recreational and our Town facilities certainly pay off one hundred fold. She said we are very proud of your accomplishments but much more we are very proud of you as our youths. She wished good luck to all.

Councilman Maloney congratulated everyone. He said they have done a tremendous job and we are proud of you. He said it looks like they beat everyone but the Mets and the Yankees and they probably could have done that this year too.

Councilman Mandia said he could only echo the remarks of his colleagues. He congratulated the boys. He said it is real special and we ought to appreciate the fact. He said unfortunately young people with the problems today get into unfortunate circumstances but not these youngsters because of the coaches, the organizations, the parents and all the work they're doing in making sure that all that youthful energy is put to a very positive effort. He said thank you, congratulations and God bless you.

Supervisor declared a five minute recess while all the baseball participants headed upstairs for a brief reception.

Upon resumption of the meeting Supervisor announced that one of the public hearings having to do with a proposed zone change from LIO to R-22 - Map 129, Block A, Lot 38 (USA Construction) Congers was being taken off the agenda. He noted that they wished to have the LIO changed to R-22 or R-15. Since that was not an option here we would have to readvertise for that and probably the last meeting in October have the public hearing regarding that in the alternative. He said they will inform the public of the new date for the public hearing.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Anthony D'Antoni
Congers, New York

Mr. D'Antoni spoke regarding expenditure of funds for roads in Clarkstown.

Appearance: Ms. Zipporah Fleisher
New City, New York

Ms. Fleisher spoke praising the Highway Department and complaining about Orange and Rockland's work on the roads.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding the Planning Board corridor studies and road widenings which leads to down zonings and high density.

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Appearance: Mr. Richard Caunitz
Nanuet, New York

Mr. Caunitz said there should be legislation preventing people from running for more than one elective position.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff requested the holding of several workshops in preparation for the budget.

RESOLUTION NO. (714-1991)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF SEPTEMBER 11,
1991

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of September 11, 1991, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (715-1991)

AUTHORIZING TOWN ATTORNEY TO
BRING ACTION AGAINST
SAFETY-KLEEN CORP. AND LEIF
BERGSTOL

Co. Kunis offered the following resolution:

WHEREAS, Safety-Kleen Corp., as tenant, and Leif Bergstol, as landowner have various zoning and building violations on premises occupied by said corporation, located at 68 North Harrison Avenue, Congers, New York, which violations include the operation and/or proposed operation of underground tanks for the storage of both waste cleaning fluid and unused cleaning fluid, and the storage and distribution of drums containing waste cleaning fluid, and

WHEREAS, the Town Board desires that said parties cease and desist from such violations;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized and directed to bring an action against Safety-Kleen Corp. and Leif Bergstol, to seek injunctive relief against said zoning and building violations at the premises known as 68 North Harrison Avenue, Congers, New York and be it

FURTHER RESOLVED that notification of these violations be sent to the New York State Department of Environmental Conservation.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (717-1991) Continued

RESOLVED, that the Town Board hereby objects to the establishment of a facility of the kind described by Crystal Run Village, Inc. because to establish such facility would result in such a concentration of community residential facilities for the mentally disabled in the municipality, in combination with other community residences and other facilities licensed by agencies of state government, that the nature and character of the area would be substantially altered, and be it

FURTHER RESOLVED, that the Town Board hereby requests the Commissioner of the Office of Mental Retardation and Developmental Disabilities, to personally conduct a hearing within fifteen days from the date hereof to consider the need for such facility in view of the determination made herein, and be it

FURTHER RESOLVED, that the Town Clerk shall forthwith serve a copy of this resolution to Commissioner Elin M. Howe, by mailing same to the Office of Mental Retardation and Developmental Disabilities, 44 Holland Avenue, Albany, New York 12229, and be it

FURTHER RESOLVED, that the Town Clerk is further requested to serve a certified copy of this resolution to Crystal Run Village, Inc.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (718-1991)

CANCELLING LIS PENDENS - MAP
127, BLOCK L, LOT 27 (ROCLAN
DEVELOPERS, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code, Chapter 31, dated January 2, 1991, for premises designated on the Clarkstown Tax Map as MAP 127, BLOCK L, LOT 27 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 January 4, 1991, against ROCLAN DEVELOPERS, INC., provided the sum of \$265.00 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. 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. (719-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STOP" SIGN DORIS DRIVE AT JAMES DRIVE AND DORIS DRIVE AT LUDVIGH ROAD, NANUET

Co. Mandia offered the following resolution:

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

- A "Stop" sign on Doris Drive at James Drive and
- a "Stop" sign on Doris Drive at Ludvigh Road.

and be it

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

Seconded by Co. 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. (720-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "WINDING ROAD" SIGN WESTBOUND WEST OF SICKLETOWN ROAD AND EASTBOUND EAST OF CHERRY HILL LANE AND A "REVERSE TURN" SIGN WESTBOUND 200 FT. WEST OF SPLIT ROCK ROAD AND EASTBOUND WEST OF SAXON LANE, WEST NYACK

Co. Mandia offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install the following signs in West Nyack, NY.

"Winding Road" (a W1-10C) sign with panel beneath to read, "20 MPH". The first, westbound west of Sickletown Rd. The second, eastbound east of Cherry Hill Lane (a W1-9C) sign with panel beneath to read, "20 MPH".

"Reverse Turn" (a W1-6c) sign with a panel beneath to read "20 MPH", westbound 200 ft. west of Split Rock Rd. Also erect this same sign eastbound 400 ft. west of Saxon Lane

and be it

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

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RESOLUTION NO. (720-1991) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (721-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL TWO "T" INTERSECTION SIGNS WESTBOUND 200 FT. EAST OF BUTTERNUT LANE AND WESTBOUND 200 FT. EAST OF CARA DRIVE AND "SIGNAL AHEAD" SIGN WESTBOUND 200+FT., EAST OF BLAUVELT RD., NANUET

Co. Mandia offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install the following signs in Nanuet, NY.:

Two (2) "T" intersection signs. The first (a W2-3C sign) to be erected westbound 200 ft. east of Butternut Lane. The second, (a W2-3C sign) to be erected westbound 200 ft. east of Cara Drive.

A sign to read, "Signal Ahead" (a W2-17C sign) to be erected westbound 200+ ft., east of Blauvelt Rd.

and be it

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

Seconded by Co. 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. (722-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGNS (INTERSECTION OF ETHEL DRIVE AND LADY GODIVA WAY)

Co. Mandia offered the following resolution:

WHEREAS, a resident of the Town has brought to the attention of this Board the need for "Stop" signs at the intersection of Ethel Drive and Lady Godiva Way to ensure the safety

RESOLUTION NO. (722-1991) Continued

of the drivers and passengers of all vehicles, especially school buses,

NOW, THEREFORE, be it

RESOLVED, that "Stop" signs be installed on both sides of Ethel Drive where it intersects with Lady Godiva Way, and be it

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

Seconded by Co. 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. (723-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "WEIGHT LIMIT 4 TONS EXCEPT FOR LOCAL DELIVERY" EAST SIDE NORTH HARRISON AVENUE, NORTH END OF PROPERTY 68 NORTH HARRISON AVENUE, CONGERS

Co. Mandia offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to install the following sign:

"Weight Limit 4 Tons Except for Local Delivery"

to be erected on the east side of North Harrison Avenue in Congers, at the north end of property located at 68 North Harrison Avenue (which is identified on the tax rolls at 127-M-1.3).

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. (724-1991)

ACCEPTING PROPOSAL FROM ORANGE AND ROCKLAND, INC. FOR INSTALLATION OF STREET LIGHT (CHRISTIAN HERALD ROAD, VALLEY COTTAGE)

Co. Kunis offered the following resolution:

WHEREAS, Michael Lynch, Director of School Facilities, Nyack Public Schools, has requested the Town Board of the Town of Clarkstown to install a street light on Christian Herald Road at the intersection of School Drive, the access road to the newly constructed Nyack High School, and

RESOLUTION NO. (724-1991) Continued

WHEREAS, Orange and Rockland Utilities, Inc. upon investigation of this request, has recommended the installation of a street light on an existing utility pole located on the south side of Christian Herald Road, just east of the intersection of School Drive, Valley Cottage,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts the proposal dated September 11, 1991 from Orange and Rockland Utilities, Inc. for the installation of a street light at the following location:

Christian Herald Road Valley Cottage
(Install - One (1) 5800 lumen sodium vapor
street light on existing utility pole number
61055/40477)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (725-1991)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (OLD BRICK ROAD,
NEW CITY)

Co. Kunis 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:

Old Brick Road, New City - (Install one (1)
70 watt 5800 lumen sodium vapor street light
on existing utility pole number 58886/41437)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (726-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #2-1992
(CUSTODIAL/JANITORIAL
SUPPLIES)

Co. Smith offered the following resolution:

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

BID #2-1991
CUSTODIAL/JANITORIAL SUPPLIES

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 FRIDAY,
OCTOBER 18, 1991 at which time bids will be opened and read, and be
it

FURTHER RESOLVED, that bid specifications and proposal
documents can be obtained at the Office of the Charkstown 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

RESOLUTION NO. (727-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #3-1991
(PHOTOCOPIER/FAX SUPPLIES)

Co. Smith offered the following resolution:

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

BID #3-1992
PHOTOCOPIER/FAX SUPPLIES

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,
OCTOBER 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

RESOLUTION NO. (728-1991)

REJECTING ALL PROPOSALS
RECEIVED FOR BID #44-1991
AND AUTHORIZING DIRECTOR OF
PURCHASING TO READVERTISE
FOR NEW BIDS FOR BID
#44A-1991 - FENCING

Co. Smith offered the following resolution:

RESOLVED, that all proposals received for

BID #44-1991
FENCING

are hereby rejected, and be it

FURTHER RESOLVED, that the Director of Purchasing is
hereby authorized to readvertise for new bids for:

BID #44A-1991
FENCING

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,
October 16, 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

RESOLUTION NO. (729-1991)

AWARDING BID FOR BID
#59-1991 - TIRES, TUBES &
WHEEL SERVICES (STATEWIDE
TIRES AND HARVEY BROTHERS)

Co. Maloney offered the following resolution:

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

BID #59-1991
TIRES, TUBES & WHEEL SERVICES

is hereby awarded to

STATEWIDE TIRES
D/B/A TIRES 303
15 N. ROUTE 303
WEST NYACK, NY 10994
PRINCIPALS: BRUCE REMY
BRUCE REMY, JR.

HARVEY BROTHERS
219 BROADWAY
NEWBURGH, NY 12550

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RESOLUTION NO. (729-1991) Continued

as per the attached item/price schedule.

(Item/Price Schedule on file in Town Clerk's Office.)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (730-1991)

DECREASING CONTINGENCY
ACCOUNT A 1990-505 AND
INCREASE APPROPRIATION
ACCOUNT A 1345-225
(COMPUTER EQUIPMENT) AND
APPROPRIATION ACCOUNT A
1640 209 (OTHER EQUIPMENT)

Co. Maloney offered the following resolution:

WHEREAS, the following accounts require additional
funding.

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account A 1990-505 by
\$3,932.00 and increase Appropriation Account A 1345-225 (Computer
Equipment) by \$1,737.00 and Appropriation Account A 1640-209 (Other
Equipment) by \$2,195.00.

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 (731-1991)

DECREASING APPROPRIATION
ACCOUNT NO. B 8030-114
(PART-TIME) AND INCREASING
APPROPRIATION ACCOUNT NO. B
8030-313

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. B 8030-313 (Bd. of
Architectural Review-Office Supplies & Printing) requires additional
funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B
8030-114 (Part-time) and increase Appropriation Account No. B
8030-313 by \$55.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (731-1991) Continued

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

RESOLUTION NO. (732-1991)

DECREASING REVENUE ACCOUNT
NO. CS 11 8 2680 0
(LIABILITY INSURANCE-
INSURANCE RECOVERIES) AND
INCREASE APPROPRIATION
ACCOUNT NO. DA 5130-312
(HIGHWAY-AUTO MAINTENANCE)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$1,825.00 from Jodi-Lynn and \$600.00 from Cal-Mart for damages to Highway Department Truck No. 238

NOW, THEREFORE, be it

RESOLVED, to decrease Revenue Account No. CS 11 8 2680 0 (Liability Insurance-Recoveries) and increase Appropriation Account No. DA 5130-312 (Highway-Auto Maintenance) by \$2,425.00.

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. (733-1991)

DECREASING REVENUE ACCOUNT
NO. CS 11 8 2680 0
(LIABILITY INSURANCE-
INSURANCE RECOVERIES) AND
INCREASE APPROPRIATION
ACCOUNT NO. A 8730-407

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has received \$480.15 from the Insurance Co. of the State of Pennsylvania for repairs to a Delta 88 Oldsmobile in Environmental Control, and

WHEREAS, the repairs were charged to Appropriation Account Number A 8730-406 (Environmental Control-Repairs to Vehicles),

NOW, THEREFORE, be it

RESOLVED, to decrease Revenue Account No. CS 11 8 2680 0 (Liability Insurance-Insurance Recoveries) and increase Appropriation Account No. A 8730-407 and make the necessary transfers.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (733-1991) Continued

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

RESOLUTION NO. (734-1991)

TRANSFERS OF FUNDS -
VARIOUS ACCOUNTS -
SANITATION DISTRICTS

Co. Maloney offered the following resolution:

WHEREAS, additional funding is required in various
accounts,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. SR
8160-203 (Sanitation Dists.-Motor Vehicles) and increase
Appropriation Account No. SR 8360-313 (Office Supplies & Prtg.) by
\$20,000.00; decrease Appropriation Account No. SR 8160-209 (Other
Equipment) and increase Appropriation Account No. SR 8160-382
(Stone, Sand & Gravel) by \$35,715.00.

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. (735-1991)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NOS. A 3320-409, A
8090-409 AND A 8840-424

Co. Maloney offered the following resolution:

WHEREAS, the following appropriation accounts require
additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A
1990-505 by \$28,815.00 and increase the following appropriation
account numbers:

A 3320-409	\$ 7,075.00
A 8090-409	11,055.00
A 8840-424	10,685.00

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. (736-1991)

DECREASING APPROPRIATION
ACCOUNT S1 5182-424
(CONTRACTUAL EXPENSES) AND
INCREASING APPROPRIATION
ACCOUNTS S1 5182-111
(OVERTIME) AND ACCOUNT S1
5182-114 (PART-TIME)

Co. Maloney offered the following resolution:

WHEREAS, the following accounts require additional
funding,

NOW, THEREFORE be it

RESOLVED, that Appropriation Account S1 5182-424
(Contractual Expenses) be decreased by \$350.00, and Appropriation
Account S1 5182-111 (Overtime) be increased by \$110.00 and
Appropriation Account S1 5182-114 (Part-time) be increased by
\$240.00.

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. (737-1991)

AUTHORIZING PAYMENT TO
SHERATON INN AND CHARGING
TO APPROPRIATION ACCOUNT A
3230-404 (D.A.R.E. PROGRAM)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown sponsored a breakfast
on June 23, 1991 at the Sheraton Inn, to promote the D.A.R.E.
Program,

NOW, THEREFORE, be it

RESOLVED, that payment in the amount of \$208.52 is
hereby authorized to the Sheraton Inn, and that such charges be
charged against Appropriation Account A 3230-404.

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. (738-1991)

AUTHORIZING ATTENDANCE AT
SIXTH ANNUAL CONFERENCE
"TOWARD RECONCEPTUALIZING
TRANSFERENCE: THEORETICAL
AND CLINICAL CONSIDERATIONS"
(EMILY FEINER)

Co. Mandia offered the following resolution:

Continued on Next Page

RESOLUTION NO. (738-1991) Continued

RESOLVED, Emily Feiner, CSW, Director, Clarkstown Counseling Center attend conference on Sunday, October 27th, 1991 from 9:00 A.M. - 1:00 P.M. at the Sheraton Motor Inn, Nanuet, New York for the Sixth Annual Conference on - Toward Reconceptualizing Transference: Theoretical and Clinical Considerations. Registration fee: \$50.00.

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. (739-1991)

AUTHORIZING ATTENDANCE AT
CONFERENCE ON "VULNERABLE
YOUTH, VULNERABLE FAMILIES"

Co. Mandia offered the following resolution:

RESOLVED, Emily Feiner, CSW, Director, Clarkstown Counseling Center, and Arlene Teichberg, CSW, attend conference on Wednesday, October 23, 1991, sponsored by the New York State Division of Substance Abuse Services on Vulnerable Youth, Vulnerable Families.

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. (740-1991)

AUTHORIZING ATTENDANCE AT
NYS GPOA DOWNSTATE COUNCIL
SEMINAR (SMITH, SCHOFIELD,
SQUILLACE, LODICO AND
FOGEL) - CHARGE TO
APPROPRIATION ACCOUNT A
1010-414

Co. Mandia offered the following resolution:

RESOLVED, that the following Town personnel:

Ann Marie Smith, Councilwoman
Paul K. Schofield, Comptroller
Elizabeth J. Squillace, Director of Finance
Dolores Lodico, Deputy Comptroller
Doris Fogel, Administrative Asst. I

be authorized to attend the NYS GPOA Downstate Council Seminar on Friday, October 4, 1991, at West Point, New York, and be it

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account A 1010-414.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (740-1991) 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. (741-1991)

STUDENT GOVERNMENT DAY TO
BE HELD OCTOBER 30, 1991

Co. Maloney offered the following resolution:

RESOLVED, that Student Government Day will be held on
Wednesday, October 30, 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

RESOLUTION NO. (742-1991)

WAIVING TOWN APPLICATION
FEES CONCERNING WEST NYACK
FREE LIBRARY

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby waives the Town
application fees associated with the proposed addition and
alteration of the West Nyack Library.

Seconded by Co. Smith

Councilman Mandia inquired if this would hold true for
the Fire Departments and the Ambulance Corps? He was answered
affirmatively.

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. (743-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
LIBRARY ASSISTANCE - NEW
CITY FREE LIBRARY

Co. Mandia offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (743-1991) Continued

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

New City Free Library

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. (744-1991)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(HANLEY, ET AL. V. ZBA)

Co. Smith offered the following resolution:

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

MARY E. HANLEY, RICHARD GREHL,
DEBRA GREHL, JANICE COMPITIELLO,
GERARD COMPITIELLO, ROBERT DUVERNOY
and JOAN DUVERNOY,

Petitioners,

-against-

JOHN CUFF, JOHN SULLIVAN, GILBERT
HEIM, PAUL BAMBARA, JOHN FELLA,
ELIZABETH J. SQUILLACE and ARNOLD
AMSTER, constituting the Zoning Board
of Appeals of the Town of Clarkstown,

Respondent.

For a judgment, pursuant to Article 78
of the Civil Practice Law and Rules,
Annuling and Reversing a Certain
Decision of Respondent.

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:

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

RESOLUTION NO. (745-1991)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CRACK-SEAL AND MICROPAVE TAVO LANE, PUNTA ROAD AND LANSING COURT, NEW CITY - CHARGE TO DB 5110-381 (HIGHWAY - BITUMINOUS)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Highway Superintendent is authorized to crack-seal and micropave Tavo Lane, Punta Road and Lansing Court, New City, for a total cost of \$28,121.00 (including equipment rental), and be it

FURTHER RESOLVED, that all proper charges be allocated against DB 5110-381 (Highway-Bituminous).

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (746-1991)

ABANDONING PORTION OF SECOND STREET, CONGERS AND AMENDING OFFICIAL MAP OF TOWN RE: SAME

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 23rd day of April, 1991, provided for a public hearing on the 28th day of May, 1991, at 8:15 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Second Street, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board has determined to abandon a portion of Second Street, Congers, New York, by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning to convey a portion of Second Street to the County of Rockland because the Town of Clarkstown cannot convey land to the County which it does not own, and be it

FURTHER RESOLVED, that a portion of Second Street, Congers, New York, as described in the attached Schedule "A" is

RESOLUTION NO. (746-1991) Continued

hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

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

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

Seconded by Co. 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. (747-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO CONTINUE
REPAVING WOODHAVEN DRIVE
(FROM CIRCLE TO END) AND
YORK COURT, NEW CITY -
CHARGE TO ACCOUNT H 1989
25P91 08 409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Highway Superintendent is authorized to continue repaving Woodhaven Drive (from the Circle to the end) and York Court, New City, for a total cost of \$66,500.00, including crack-sealing, equipment rental and material, and be it

FURTHER RESOLVED, that all proper charges be allocated against H 1989 25P91 08 409.

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

RESOLUTION NO. (748-1991)

RESCINDING RESOLUTION NO.
(694-1991) REGARDING
KINGSGATE PARKWAY

Co. Mandia offered the following resolution:

RESOLVED, that the Town Board hereby RESCINDS Resolution No. 694-1991, adopted by the Town Board on September 11, 1991, with respect to Kingsgate Parkway.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (748-1991) Continued

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

RESOLUTION NO. (749-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
1200 MASTER ASSOCIATION,
INC. TO COMPLETE PAVEMENT
OF KINGSGATE PARKWAY

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 253, adopted on March 14, 1989, the Town Board defaulted the sum of \$45,000 for the purpose of completing the installation of the road pavement for Kingsgate Parkway in the Kingsgate Condominium site, and

WHEREAS, it is proposed by the 1200 Master Association, Inc. that said Association install said pavement in order to complete Kingsgate Parkway and receive said sum upon completion of the road pavement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with 1200 Master Association, Inc. to complete the said pavement of Kingsgate Parkway in return for the defaulted funds.

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. (750-1991)

APPOINTING FIRM OF SIVE,
PAGET & RIESEL AS SPECIAL
COUNSEL RE: GROUP HOME 111
TENNYSON DRIVE, NANUET
(CRYSTAL RUN VILLAGE)

Co. Kunis offered the following resolution:

WHEREAS, on September 11, 1991 the Town Board passed a resolution denying the application for the establishment of a group home at 29 Seymour Drive, New City, New York, and

WHEREAS, on this date the Town Board has passed a resolution denying the application for a group home at 111 Tennyson Drive, Nanuet, New York, and

WHEREAS, a hearing has been scheduled before the Commissioner of the Office of Mental Retardation and Developmental Disabilities concerning the first application, and a hearing will be scheduled by such Commissioner on the second application, and

WHEREAS, it is important that the Town of Clarkstown have representation at such hearings by counsel with special expertise in such matters;

Continued on Next Page

RESOLUTION NO. (750-1991) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby appoints the firm of Sive, Paget & Riesel, with offices at 460 Park Avenue, 10th Floor, New York, New York 10022, as Special Counsel to the Town of Clarkstown, to represent the Town at said hearings at a fee not to exceed \$165.00 per hour.

Seconded by Supv. Holbrook

Councilman Mandia said he thinks the majority of the Board certainly concurs with this but he thinks they should advise the Town Attorney as a board that this problem of group homes needs to be addressed universally and globally within the Town. He did not think the taxpayers can afford to seek outside legal counsel on every single case that comes before us. He thinks we should approach this from an issue of saturation. Is there saturation or isn't there? And hopefully resolve that one time to avoid what could be escalating legal costs. He thinks the Town Attorney should act accordingly, as far as he is concerned.

On roll call the vote was as follows:

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

RESOLUTION NO. (751-1991)

ACCEPTING RESIGNATION OF
GROUNDWORKER - PARKS BOARD
AND RECREATION COMMISSION
(MICHAEL DOVE)

Supv. Holbrook offered the following resolution:

RESOLVED, that the resignation of Michael Dove, 2 Jodi Lane, New City, New York - Groundworker - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to September 9, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (752-1991)

ACCEPTING RESIGNATION OF
GROUNDWORKER - PARKS BOARD
AND RECREATION COMMISSION
(JAMES WOODLEY)

Supv. Holbrook offered the following resolution:

RESOLVED, that the resignation of James Woodley, 24 Terrace Avenue, Nanuet, New York - Groundworker - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to October 7, 1991.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (752-1991) 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. (753-1991)

ACCEPTING RESIGNATION OF
SENIOR GROUNDWORKER -
PARKS BOARD AND RECREATION
COMMISSION (ANTONIO LETO)

Supv. Holbrook offered the following resolution:

RESOLVED, that the resignation of Antonio Leto, 96 South Conger Avenue, Congers, New York - Senior Groundworker - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to September 9, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (754-1991)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO POSITION OF
GROUNDWORKER (MICHAEL
PETERSON)

Supv. Holbrook offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Michael Peterson, 570 West Nyack Road, West Nyack, New York, to the position of Groundworker - Parks Board and Recreation Commission - at the current 1991 annual salary of \$19,232.00, effective and retroactive to September 9, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (755-1991)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO POSITION OF
SENIOR GROUNDWORKER
(MICHAEL DOVE)

Continued on Next Page

RESOLUTION NO. (755-1991) Continued

Supv. Holbrook offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Michael Dove, 2 Jodi Lane, New City, New York, to the position of Senior Groundswoker - Parks Board and Recreation Commission - at the current 1991 annual salary of \$24,339.00, effective and retroactive to September 9, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (756-1991)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO POSITION OF
GROUNDSKEEPER (ANTONIO LETO)

Supervisor Holbrook offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Antonio Leto, 96 South Conger Avenue, Congers, New York to the position of Groundskeeper - Parks Board and Recreation Commission - at the current 1991 annual salary of \$27, 778.00, effective and retroactive to September 9, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (757-1991)

RECOGNIZING THE APPOINTMENT
BY PARKS BOARD AND
RECREATION COMMISSION TO
POSITION OF CUSTODIAN I
(JAMES R. WOODLEY)

Supervisor Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91026 Custodian I - which contains the name of James R. Woodley,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of James R. Woodley, 24 Terrace Avenue, Nanuet, New York, to the position of Custodian I - Parks Board and Recreation Commission - at the current 1991 annual salary of \$21,381.00, effective October 7, 1991.

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RESOLUTION NO. (757-1991) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (758-1991)

ACCEPTING RESIGNATION FROM
POSITION OF POLICE RADIO
DISPATCHER - POLICE
DEPARTMENT (ALFRED CARLINI)

Supervisor Holbrook offered the following resolution:

RESOLVED, that the resignation of Alfred Carlini, 27
Lake Nanuet Drive, Nanuet, New York - Police Radio Dispatcher -
Police Department - is hereby accepted - effective and retroactive
to September 14, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (759-1991)

RESCINDING RESOLUTION NO.
(697-1991) - SUBSTITUTE
CROSSING GUARD - POLICE
DEPARTMENT (FRANCES
FRANCELLA)

Supervisor Holbrook offered the following resolution:

RESOLVED, that Resolution No. (697-1991) adopted at the
September 11, 1991 Town Board meeting, accepting the resignation of
Frances Francella - Substitute Crossing Guard - 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. (760-1991)

RECOGNIZING APPOINTMENT OF
COUNSELOR (PART-TIME)
MUNICIPAL COUNSELING
SERVICES (BRIAN J. CONNOLLY)

Supervisor Holbrook offered the following resolution:

Continued on Next Page

RESOLUTION NO. (760-1991) Continued

RESOLVED, that Brian J. Connolly, 220 Parkside Drive, Suffern, New York, is hereby appointed to the position of part-time Counselor (Municipal Counseling Services) - Clarkstown Counseling Center - at the current 1991 hourly rate of \$18.00 - effective September 26, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (761-1991)

ESTABLISHING COMPENSATION
FOR THE POSITION OF MEMBER
- ARCHITECTURE AND
LANDSCAPE COMMISSION

Supervisor Holbrook offered the following resolution:

RESOLVED, that the annual compensation for the position of Member - Architecture and Landscape Commission is hereby established at \$1,000.00.

Seconded by 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. (762-1991) FAILED

APPOINTING TO POSITIONS
OF MEMBER - ARCHITECTURE
AND LANDSCAPE COMMISSION

Supervisor Holbrook offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Member - Architecture and Landscape Commission - terms to commence on September 30, 1991:

Celia Juris
17 Glen Drive
Bardonia, New York
Term to expire 9/29/98

Bruce Cohen
277 Treetop Circle
Nanuet, New York
Term to expire 9/29/94

John Mangan
25 No. Conger Avenue
Congers, New York
Term to expire 9/29/97

Jack Tukdarian
386 North Little Tor Road
New City, New York
Term to expire 9/29/93

Jame Murphy
92 Waters Edge
Congers, New York
Term to expire 9/29/96

Ken Torsoe
21 Madison Hill Road
Suffern, New York
Term to expire 9/29/92

Continued on Next Page

RESOLUTION NO. (762-1991) Continued

Joan Howard
83 No. Grant Avenue
Congers, New York
Term to expire 9/29/95

Seconded by Co. Maloney

Before the roll call a tabling resolution was offered.

RESOLUTION NO. (763-1991)

TABLING RESOLUTION NO.
762-1991 RE: APPOINTMENTS
TO ARCHITECTURE AND
LANDSCAPE COMMISSION

Co. Mandia offered the following resolution:

RESOLVED, that Resolution No. (762-1991) re appointments to positions of Member - Architecture and Landscape Commission is hereby tabled.

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.....No

RESOLUTION NO. (764-1991)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING - MAP 163, BLOCK
A, LOT 11 (HUTTON
FIFTY-NINE TOWN HOUSE, LTD.)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and the Fire Inspector of the Town of Clarkstown on premises reputedly owned by HUTTON FIFTY-NINE TOWN HOUSE, LTD., in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 163, BLOCK A, LOT 11, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of October, 1991, at 8:40 P.M., providing service of Notice pursuant to Town Code, Chapter 31, is made on or before the 1st day of October, 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

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Abandonment of Portion of East Charles Street, Nanuet, was open, time: 9:05 P.M.

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Proposed Abandonment of Portion of East Charles Street, Nanuet, was closed, RESOLUTION ADOPTED, time: 9:15 P.M.

RESOLUTION NO. (765-1991)

ABANDONING PORTION OF CHARLES STREET, NANUET, NEW YORK AND AMENDING OFFICIAL MAP OF TOWN OF CLARKSTOWN RE: SAME

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 13, 1991, provided for a public hearing on September 24, 1991 at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Charles Street, Nanuet, New York, as described in Schedule "A" attached, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated September 20, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of Charles Street, Nanuet, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Charles Street, as described in Schedule "A" attached, and be it

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

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

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

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Abandonment of a Portion of Beacon Street, Congers, was opened, time: 9:15 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Abandonment of a Portion of Beacon Street, Congers, was closed, DECISION RESERVED, time: 9:45 P.M.

Councilman Kunis stated that he thought a lot of people were confused over this. He said he would like to get some more answers from the Planning Board and see what their intentions are. He said he would like to visit the site again. Supervisor said the Board members would take a look at it to make sure it is clarified in their minds but there will be a decision made on this on October 8th.

There was dialogue among the Council Members regarding what happens if the property is abandoned or not abandoned. Councilwoman Smith said she thought Mr. Geneslaw would be willing to tell the people what the alternatives are if you do abandon it and if you don't abandon it. She stated that the people could meet with him within the next two weeks.

Mr. Davies wanted to point out that he was instrumental in circulating the petitions. He said of all the people owning property on Beacon Street, all but one signed the petition to abandon Beacon Street. Some of them are here tonight.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re Proposed Amendments to Town Code - Definition of Floor Area Ratio of a Building and to Increase the F.A.R. Regulations, was opened, time: 9:50 P.M.

On motion of Councilman Kunis, seconded by Councilman Mandia and unanimously adopted, the public hearing re Proposed Amendments to Town Code - Definition of Floor Area Ratio of a Building and to Increase the F.A.R. Regulations, was closed, RESOLUTION ADOPTED, time: 10:05 P.M.

RESOLUTION NO. (766-1991)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
FLOOR AREA RATIO

Co. Kunis offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 11, 1991, provided for a public hearing on September 24, 1991, at 8:20 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend §106-3. Definitions from:

"Floor Area Ratio of a Building - The floor area in square feet of all buildings on a lot, divided by the areas of such lot in square feet."

Continued on Next Page

RESOLUTION NO. (766-1991) Continued

to read as follows:

"Floor Area Ratio of a Building -

(1) For single family detached residences, the floor area (whether finished or unfinished) in square feet of all buildings on a lot, divided by the area of such lot in square feet. For purposes of this definition: attics are not included; covered porches are included; and 50% of area below ground level (not including crawl spaces with less than 5 foot headroom) is included.

(2) For all other buildings, the floor area (whether finished or unfinished) in square feet of all buildings on a lot, excluding areas used for underground internal parking, divided by the area of such lot in square feet."

Amend §106-10B, Table 16 of the General Bulk Regulations, regarding Floor Area Ratio in the Single-Family Residential Zoning as follows:

<u>ZONE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
R-160	0.05	0.10
R-80	0.10	0.15
R-40	0.15	0.25
R-22	0.20	0.30
R-15	0.20	0.35
R-10	0.25	0.35

and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

There being no futher business to come before the Town Board Meeting 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: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/24/91

9:05 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 East Charles Street, Nanuet

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 the Rockland County Planning Board states that it is for local determination. The Clarkstown Planning Board is against the change with created substandard lots. SEQRA states there is no environmental impact.

Supervisor asked if anyone present wished to make a comment or ask a question?

Appearance: David Wagner, Esq.
representing Mr. and Mrs. Munkeldt

Mr. Wagner stated that this procedure has been before the Zoning Board of Appeals which has granted a permit to build upon this lot which, despite the recommendation of the planner, would not be a basically substandard lot considering most of the lots in this area were originally R-75. He said, while he understands the theory behind the planners' recommendation, that the ideal solution would be for the adjacent property owners to buy the property, he did not think they would be willing to spend the amount of money the property is worth and his clients are, under Town Law 279, entitled to a reasonable income from this lot and that reasonable income would be to use it as a building lot. In addition, it would also eliminate the situation you have there now which is a vacant lot with abandoned automobiles, tires, and garbage generally.

Mr. Wagner said he would therefore urge the Town Board to grant this application so that his clients can build on it and put on the tax map a productive piece of property.

Appearance: Mr. George Ferrera
27 Grace Street
Nanuet, New York

Mr. Ferrera said he owns property adjacent to this property. He stated that when he purchased his property this property in question was a street and to his knowledge has always been a street. He said that is why he bought his property because his property ends at Charles Street - backs up against Charles Street. He said now they want to build a house on it. The lot is only fifty feet wide. You have to have a twenty foot side yard on either side and that leaves you ten feet to build. Apparently they have some sort of a variance so they can build a twenty six foot house. He said it states that there is 300 feet from beginning to end, front and back. He noted that he had measured it himself and from the fence which is six feet before the property line to the street is only two hundred and forty feet. Beyond that it goes into the last two houses' driveway. There is a turn around at the end of Charles Street and if you measure three hundred feet, it goes into their driveway.

Mr. Ferrera said he did not know how Mr. and Mrs. Munkeldt became owners of the property. If it has always been a Town street he did not know how someone can lay claim to it and now want to make money from it. Supervisor said on the Official Map of the Town sometimes you have streets that are put on it. The Town

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doesn't necessarily own it. Sometimes we do and sometimes we don't. In fact, in many cases we don't. That is to signify to people when they look at a mapped street on the map that you can't build in the bed of a mapped street. What this public hearing is doing is, if the Town Board votes in the affirmative, we would simply be taking that map designation off the map. Town Attorney, in answer to a question from the Supervisor, stated that we do not have any fee interest in this property. Supervisor said then all we would be doing is taking it off the Official Map. He said we do not know exactly who has the fee interest. It very likely could be that the adjacent property owners could lay claim to the bed of the street. If we were to act on the affirmative tonight we would just be taking that designation off the map and saying that if people wanted to acquire it they could acquire it.

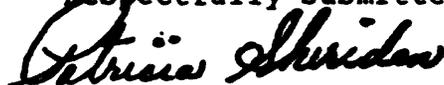
Mr. Ferrara said the fact that no one is interested in buying it is not correct because he would be interested in buying it because his property ends there. Supervisor said there might be no one to buy it from. He said truthfully we have had this situation in many other older parts of the Town where streets were laid out long before there was zoning so that you went and filed a map and it went on the Official Map and it has been there since 1920 or 1930 and in some cases back to the 1870's in Nanuet. You might not have to buy it from anybody.

Mr. Ferrara said there has been a sign there placed by a real estate agent. He said when he called in the beginning they were asking \$69,000.00 for this property. He went on vacation and when he came back the property had been sold. He said he does not know who the owner of this is. He cannot find any tax number on it so no one has been paying tax on it for quite a few years now. He said he did not know who was allowed to sell this property and make a profit on it. He said it is a big inconvenience for him because he bought his property with the intent of that always being a street and that always being clear there. He stated that when he built his house a year and a half ago he was initially going to make his front entrance through Charles Street. He had the plans and permits laid out that way. He said he changed his plans in order to have a basement because the sewers were too high on Charles Street and they were lower on Grace Street. He said his house is set back one hundred feet from Grace Street and only thirty-five feet from Charles Street. He only has a thirty-five foot backyard and then Charles Street begins. He said this would obviously deter from the value of his house.

Supervisor said he wanted it understood that the Town had no fee interest in the land. If we owned it we couldn't give it away. We would have to sell it but we don't own it. All we have on our Official Map is that is a street bed.

There being no one else wishing to be heard on motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing was closed, RESOLUTION ADOPTED, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (765-1991) ADOPTED)

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/24/91

9:15 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 Beacon Street, Congers

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

Town Attorney stated that the Rockland County Planning Board stated that this was for local determination. Clarkstown Planning Board voted against approval. However, if there should be an approval they suggest the following conditions:

1. Provide a permanent turnaround within the proposed portion of Beacon Street;
2. There is an existing sanitary sewer system from Chester Avenue along the unimproved portion of Beacon Street to the Glenwood Subdivision. If Beacon Street is abandoned, an easement should be provided to the Town;
3. The portions of Beacon Street not be abandoned at the intersections of Norfolk Avenue, Chester Avenue and Central Avenue so that access can be provided to lots 114 A 29.33, 29.32 and 29.30.

Town Attorney said the foregoing are parcels that have houses and are in the back of the property there.

Supervisor said similar to East Charles Street, Beacon Street is again a mapped street, an old Boston Improvement Company street. He asked Town Attorney if the Town had a fee interest in the street? He was told that was correct. So again, this is a mapped street with a similar explanation as we had with East Charles Street.

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

Appearance: Mr. Martin Vassallo
Congers, New York

Mr. Vassallo said he lives off Central Avenue. He said he is not really against the closing of Beacon Street but he just wants to make sure that he has access to utilities. He said he would eventually like to try to build a house himself off Central Avenue. He said if Beacon Street is closed, whoever wants to close Beacon Street would also want to use Central Avenue for a driveway and that means blacktop. He said he lived off Central Avenue his whole life without any blacktop and always accepted the dust and the plowing and the maintenance of the road ourselves. He said if he is the last person to build on the street he does not want to have to put blacktop down the whole driveway for somebody else's convenience.

Town Attorney asked Mr. Vassallo which lot he had. Mr. Vassallo said he is right at the Central Avenue and Beacon Street corner. Mr. Vassallo made reference to the map offered by the Town Attorney and stated that he had 30.08.

Councilwoman Smith asked Mr. Geneslaw, the Town Planning Consultant, what the reason was that the Planning Board voted against it? Mr. Geneslaw said they recommended against it because it will eliminate the possibility of connecting Norfolk,

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Chester, Central and Holbrook in the future with Beacon and make it more difficult for lots near to be developed and probably make it more difficult to develop the property to the west, which doesn't show on the map but this is part of Heaton's Pond. There is quite a lot of acreage there which the Planning Board anticipates will be coming in for development at some point.

Appearance: Mr. Brian Chiodo
Chester Avenue
Congers, New York

Mr. Chiodo said he was not sure who it was that requested Beacon Street be abandoned or what the motivation was behind it but regardless he did not see any purposeful reason for it. He said he lives on Chester Avenue and he does not see any purposeful reason for it. He said there is basically a threefold reason why he did not think it should be abandoned. One is, if you can imagine, there are three streets lined up - Central, Chester and Norfolk, which run perpendicular to Beacon. There have been a couple of homes built on Chester in the past couple of years which has increased somewhat the traffic on Chester. Both Chester and Central are private roads. It doesn't leave any option for the future for any traffic to go beyond any of those roads. He said as the gentleman before me stated he is looking to develop a piece of property on Central that will be an additional home that will go on. He said he believes there is an additional lot on Chester that may at some point in the future be developed.

He said secondly, the children who live on Central and Chester need to get the school bus at the end of Norfolk in the morning. The only way right now to get there is to walk on Old Haverstraw Road which is a very busy road with no sidewalk. It would eliminate for the future any possibility of those children to go through Beacon which might open up as a road in the future and then an option would be available so that those children could walk Beacon and take a much slower street up Norfolk to catch the school bus.

He said along with the additional houses that may be developed on Central and Chester in the future there might be a need for emergency medical services, emergency vehicles, to travel along those roads. Additionally, with the construction of new homes that may go up it leaves no other alternative for the heavy equipment trucks that would be needed to construct those homes except for private gravel roads like Chester and Central to gain access to it. He said he believes it would be a poor planning decision to abandon it.

Appearance: Ms. Ashley Silverman
16 Norfolk Avenue
Congers, New York

Mr. Silverman asked if the Board abandoned the property, what would happen to it? He said he lives adjacent to this. Supervisor said the street would come off the Official Map and the property would be available for people to file deeds on it if they wished. Town Attorney said the people would then have to have a title search. At this point reference was made to the map and discussion ensued. Mr. Silverman asked if any tax liability would accrue to any of the property owners on any of those parcels if the property were not assumed? Supervisor said not unless you had title to the property. Mr. Silverman said then in other words we are not required to take title to that property? Town Attorney said no.

Mr. Silverman said he is not sure what the final implications are but in terms of a taxpayer in the community he is not particularly in favor of having houses spring up all over the

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area and have that developed. He said having lived there for about six years now he does not see any compelling reason to have that road extended from Beacon all the way through. He said he thinks it would increase the traffic and increase the density if it were developed later. He thinks the Board should abandon the property and close it off.

Appearance: Mr. Kanterman(?)
Beacon Street
Congers, New York

Mr. Kanterman said right now they have a deadend street. We do have small children on that street. He said as one of the residents, he is speaking for all the residents on that street and we would like to keep it as a dead end street.

Appearance: Kiri Young
17 Chester Avenue
Congers, New York

Ms. Young said she lives in the last house on the street. She said she does not understand the implications of the abandonment of the street. She said two hundred feet of Beacon runs in essence in her front yard. She said it is her understanding that her neighbor would like to subdivide his land in order to build a house and would like to acquire more property for this reason. She said she has been told that half of it would be hers immediately with no problem. She said she has been told that she would need to negotiate with her neighbor for a portion of it. She said she has also been told that nothing might happen, of course.

Supervisor said it is on the Official Map right now but the Town does not own the bed of the street. The heirs and assigns of the Boston Improvement Company, whoever they might be or wherever they might be, might have some title to it but it is difficult to get title to that property. If the Town were to abandon the right of way adjacent to your property he would make the assumption that you could acquire up to half of the right of way and the person living on the other side could acquire the other half of the right of way.

Town Attorney said it is a paper street and does not exist. It exists on the map but it doesn't exist in reality as there is no street there. He said half of the street she could probably acquire in exchange for a quitclaim deed maybe with the neighbors. He said the question is whether or not you can get insurable title to that portion? That is a question that a title company would have to answer. Ms. Young asked does this mean that she would have to spend lawyer's fees? Supervisor said you might have to but you do not have to do this. There is really nobody to buy it from. Ms. Young said if we do nothing then it is just there in the condition it is in now. Supervisor said that is right. The land is just there but it is not on the Official Map of the Town. Ms. Young said her property is surrounded in essence by three of these paper streets. She said they bought the property in order to have privacy. It served as a natural barrier in addition to the farm being behind them. She said they really don't see any of their neighbors. She said they had requested the builder to leave it as treed as possible and that portion of Beacon which is in her yard is mostly treed and she certainly would not like to see that come down. Ms. Young said the builders had to get a particular right of way in order for her to access this property. Would that then still be the way it is to cross Beacon?

Town Attorney asked Ms. Young which lot was hers? She said she was 29.30. He said if the Board decides to abandon, his recommendation is, just as the Planning Board, that they keep the intersection so that you could get through there to Central Avenue. There are a lot of people on Chester and on Norfolk also. Also, he recommends that we get an easement for the sewer line. If the Town

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Board decides to abandon this, it should be conditioned on those recommendations of the Planning Board. Therefore, you have access through Central to Old Haverstraw Road. The same thing with the one lot on Chester and the one lot on Norfolk which are to the west of Beacon Street.

Ms. Young said she does not see it on her survey but there are also fire hydrants in the vicinity of that sewer cap. Town Attorney said it doesn't show on our map. Ms. Young said she would like to echo the point made by her neighbor Mr. Chiodo as far as the children walking on Old Haverstraw to get to the bus stop on Norfolk. She said she has a six year old daughter who has been asking when she can walk to the bus stop by herself. She said when they first examined this property before it was purchased that area of Beacon Street over to Norfolk was basically empty. When they started to build her house some of the vehicles used that as access way in order to prevent backup of traffic on Chester as much as possible. It has since weeded over. Nature is trying to take it back. She said she always thought of that as an access way over to the bus stop and she would very much like to see that.

She said at one point she had made an emergency routing for her daughter in case she should not be able to be there to pick her up from the bus in the afternoon not wanting her to walk on Old Haverstraw because there is also a large pine tree that juts out into the street meaning that we have to walk essentially in the middle of the lane when we return home. She said she had asked the neighbors all down Norfolk if she might possibly cross. She said she had one man that she thought had said yes to her proposal in case of emergency and when that emergency arose she was yelled at and she felt very bad that she no longer had any access whatsoever except for her to walk on Old Haverstraw.

She said for any vehicles Chester is a deadend one way. When a vehicle either intentionally or unintentionally comes down the street they can't back up. The driveways are basically on right angles. They have a terrible time turning around and this could possibly provide them with access in the future for the buildable lots that exist on Chester currently.

Supervisor said then you are speaking against the abandonment? Ms. Young said she would not like to see it abandoned between Chester and Norfolk and if she understands correctly about Beacon Street, she is really at this point not sure what she wants because she has been told so many different things so she would think more no than yes.

Appearance: Mr. Niles Davies
Box 146
Doctor Davies Farm
Congers, New York

Mr. Davies spoke in favor of the abandonment of Beacon Street. He said he owns several hundred feet contiguous to Beacon Street. It really is a street that serves no purpose since on the south end it deadends.. The Planning Board's recommendations to the Town Board are very acceptable to the Davies. He said he thinks to address Mr. Chiodo and Ms. Young, one of the conditions that the Planning Board expressed was that the sewer easement, and there is only one easement to his knowledge on Beacon Street and it runs between Chester and Norfolk, could continue to be a way to get to Norfolk Avenue to get out to the bus for these children to walk. He said one of the things that Mr. Yachysin's letter expressed to the Town Board was that in the future Davies would not be able to get access on to Route 304. The Department of Transportation has evidently told the Planning Board that we would not be able to have access onto Route 304. They said the same thing to the former owners of the Riverdale Realty Property. There is an access from Route 304 into what was formerly the Dr. Saunders property. We also

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have access from Norfolk Avenue. We have access from Park Avenue and Esther Avenue. These are all fifty foot streets. Beacon Street which is the easterly edge of our property - it would be foolish to put a street along the edge of that property line. If you were going to develop a piece of property you would put the road pretty much down the center. He said he could say almost unequivocally that as long as he is alive the property that is contiguous to Beacon Street will remain a farm. He encouraged the Town Board to vote in favor of abandoning Beacon Street.

Appearance: Mr. Al Guadenti
12 Chester Avenue
Congers, New York

Mr. Guadenti said he was for the abandonment of the road. He said he has two small children and he can sympathize with his neighbors when they speak about having to walk their children to the corner. There is a lot of traffic on Route 303 and it is pretty dangerous. The situation does have pros and cons to it. If the road would be put in there it would definitely add to the traffic on Chester Avenue which he is against because he has two small children. It is a private road and a deadend road. He said there are many beautiful trees along Beacon. It would be a shame to see that scenery disturbed. As far as the school bus situation what might be a good idea is for the neighbors to get together and chip in and cut a walking path. It would be very easy to do so on Beacon over to Norfolk Avenue. He said he would be willing to aid in constructing a walking path to go over to Norfolk. He said basically he just feels it would be a shame to disturb that natural scenery and to add to the traffic on Chester Avenue by having a road on Beacon Street.

Appearance: Mr. Dave Herman
12 Norfolk Avenue
Congers, New York

Mr. Herman said he would like to understand because he is a little confused. He said the Planning Board has now woken up to this particular street where he has lived for nine years. He said the extension of Beacon Street is going to come through his backyard and is going to obviously affect his life and his children's lives. At the end of Beacon Street there are children playing all the time and there are children playing on Norfolk Avenue. He said if this street is continued and plowed through it will come right through my backyard and it will no longer be the house that he bought nine years ago. His question is if this street is not abandoned is it the Planning Board's intention to extend this street?

Supervisor said trying to look at the mindset of the Planning Board is to say well this has been on the map for so long let's not abandon it and leave it on the Official Map. If the Davies farm forever it will never get developed. Then they can address the streets at a later time. He said from his own personal opinion he does not see a problem in abandoning the street. He said some of the Board members are trying to figure out exactly what is going on also because it is a little bit confusing.

Mr. Herman said the people in the area are happy. Supervisor said he thinks the Planning Board's attitude is why take it off? Someday we might need it and if we don't need it we will take it off at that time. Mr. Geneslaw said he felt that was a fair assumption. Supervisor said if the Board members feel that it really is not ever going to be connected, even if it were developed at a future time, then it would make sense at this time to take it off. Mr. Herman said if it leaves open the possibility of ultimately connecting that street then he would be in favor of abandoning it.

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Town Attorney asked Mr. Geneslaw, Planning Consultant, where the sewer easement runs from? Does it run from Chester to the dedicated portion of Beacon Street or only to Norfolk? Mr. Geneslaw said Mr. Kalarickal's letter indicates that it runs from Chester. He describes it from Chester Avenue along the unimproved portion of Beacon Street to the border of where the Glenwood Subdivision comes in.

There was discussion from the floor. Councilwoman Smith said if you abandon it, it doesn't mean that it won't be developed. She said the Planning Board should speak to you people a lot more about that. Supervisor said there is a large tract of property there that someday could be developed. If it were taken off and that property were developed, then another road pattern could be developed within the context of that big piece of property. Town Attorney said the purpose of having it on the Official Map is that people shouldn't build in the bed in case some day you want to open it you don't want to have a house there that you have to demolish. That is why you put roads on the Official Map. Not that you are saying you are going to develop it. You may never develop it but in case in the future it should be developed they don't want you building within the bed there. If you do, in the future when it is removed, they don't pay you for it.

There being no one further wishing to be heard on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was closed, DECISION RESERVED with a vote to be taken at the next Town Board Meeting, time: 9:45 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/27/91

9:50 P.M.

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

Re: Amendments to Town Code - Definition of Floor Area Ratio
of a Building and to Increase the F.A.R. Regulations

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

Town Attorney said the County Planning Board approves stating that this is for local determination. The Clarkstown Planning Board proposed a lesser density. There are two alternatives A and B. The Planning Board recommended the A. He read the proposals. SEQRA states it is an unlisted action with no significant impact. Supervisor said we are having the hearing on the B. Town Attorney said the advertised is the B and you cannot vote on the A as it was not advertised.

Supervisor asked Mr. Geneslaw, Town Planning Consultant to shed some light on this. Mr. Geneslaw said we have been working with the Building Department, Supervisor's Office, Planning Board and the Rockland County Builders Association for close to two years. He said at one point there were meetings every two weeks for a month and a half trying to resolve it. The result of all that is what is before you as alternative bids. All of this started because there were some problems at the Board of Appeals with large numbers of high ranches coming in that had their lowest level fixed up over the years and couldn't meet the requirements of the floor area ratio for their zoning district in order to get a C.O. and in some cases where some of the newer homes which were much larger than the Town has seen in the past and much larger than was contemplated when the original floor area ratio requirements were established. B represents the work of the group of people, a group which ranged up to probably a dozen people involved in it fairly closely including several representatives from the Building Department. He said the Planning Board has reviewed it several times during the course of considering various drafts. Their most recent recommendation to you was alternative A which still increases the floor area ratio but to a lesser extent in four of the zoning districts. He said if there are any questions about floor area ratio generally or about the proposals he would try to answer them.

Supervisor said the general purpose was to try to simplify it and relate to basically what is today. Mr. Geneslaw said these apply only to the residential districts. In non-residential districts they were not changed at all. Their definition does affect non-residential districts a little bit in that any underground parking in a non-residential building would not count towards floor area ratio. The point is not to penalize the developer by putting in underground parking. We feel underground parking is preferable. The cost of putting it in is enough so that if they also lose the office potential upstairs they are less likely to do it. Underground parking in non-residential doesn't count toward floor area ratio. It is a free ride.

The overall purpose of floor area ratio is to regulate the bulk of the building in relation to the lot. It is different than coverage which includes only the portion of the lot covered by the building. The floor area ratio includes the floor area of all the floors of all the buildings on the lot. If you think about some large buildings their floor area ratio would be much higher than buildings that are smaller in bulk. It is a separate and supplementary regulation to height and coverage and it does

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something a little bit different than both of them. These standards that we are using are a little more generous than what is in the Town now and a little more generous than what is in most of the county at the present time. He reiterated that B is more generous than A. Both are more generous than what we have now. They will allow the people with high ranches to fix up their lower levels next to the garage and to get a C.O. and sell the house if they choose to. It will allow people to put on additions more easily without going to the Board of Appeals and it will allow some of the larger Victorian houses with the large porches than are allowed at the present time.

Supervisor said people are asking about above ground and below ground. What is the difference between a basement and a cellar? Mr. Geneslaw said we spent a lot of time on that - on how to count the space below ground. Supervisor said it makes sense to count everything and raise the percentage so it makes sense. Mr. Geneslaw, in answer to a question from Councilman Kunis, said in four of the zoning districts B is more liberal than A. Supervisor said it takes away the differences between cellars and basements, above ground and below ground.

Mr. Geneslaw said the distinction before was whether the lower space - let's take a high ranch - not the garage but all the other space on that floor - if it was not fixed up it is considered not to be habitable space and wasn't counted. Typically, the family would move in when the kids were young and that space wouldn't be fixed up. As kids grew up they would fix it up. They would put in panelling, a ceiling, carpeting. When they tried to sell the house they couldn't get a C.O. inspection that would pass because now they exceeded the floor area ratio for the lot. The Board of Appeals was getting a lot of business because of that. One of the things this amendment will do is to solve that problem. So that people who fix up the house and made that space habitable will not have to go to the Board of Appeals. If you think about it in most cases that space is not visible from the street. The purpose of the floor area ratio is to regulate the relationship of the building to the buildings next to it and to the street. If someone has a back entrance to the high ranch at the lower level and they fix up the inside it has nothing to do with floor area ratio. They are simply making more living space for the family. As a practical matter it shouldn't be counted for floor area ratio. Under the proposal half of the below ground space would be counted toward floor area ratio. It avoids making a distinction between habitable and non-habitable and between a ranch type house that might be on a slab and a colonial which might have a full basement. It is half and some are penalized a little bit one way and some are penalized a little bit the other way but on average it seems to work out pretty well.

Supervisor said it makes it a little clearer so that a person knows what they are getting and there is no surprise down the road.

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

Appearance: Mr. Steve Rhoder

Mr. Rhoder said he was here representing the Builders' Association and himself personally. He said we have worked for a long time with Mr. Geneslaw and many people from the Town, including the Building Department and as an association we tried to do all kinds of comparisons with them to show what was fair. We are pretty happy with what we came up with. We went up a percentage but we also gave back fifty percent of the basement which didn't count. What Mr. Geneslaw had proposed and what was publicized was something we felt was pretty much as happy a medium as we could get. By

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lowering it even further and in counting the basement he felt it didn't straighten out much. If anything you are going to have the same ZBA problems as you had before because you are counting 50% of the basement which you never counted before and you raised it only 5% in different areas - an average of 10% taking back 50% of the basement. You are giving somebody the room of 5% depending which areas. Again, he said we worked for a long time with Mr. Geneslaw and we felt we had come to a good compromise.

Supervisor Holbrook said we used a lot of examples and tried to think of all the contingencies. It is not just taking what is now and adding more. You took away and then you had to add the percentage. He said he thinks we came up with a pretty happy medium and everybody is fairly satisfied. He said you build bigger houses on smaller lots is what it comes down to.

Appearance: Mr. Robert Personette
representing Dell Park Homes

Mr. Personette said he was glad to see there was a consensus here that there should be an increase because they have a specific problem and that is that inadvertently he has a home built on 43 Art Court that is 400 feet shy of the floor space area that is required and apparently as a result of this it will satisfy and he will be able to get a C.O. This is just one of those unfortunate circumstances and he hoped they would pass B because he believes B would satisfy that requirement. He said we can't sell the house unless you do pass this. He asked when it would become effective if this were passed tonight? Town Attorney said immediately.

There being no one further wishing to be heard on motion of Councilman Kunis, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:05 P.M.


PATRICIA SHEEHAN
Town Clerk

(RESOLUTION NO. (766-1991) ADOPTED)