

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/8/91

8:04 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 stated that the first order of business this evening was the presentation of award to Eagle Scout James J. Bushong, IV of Troop 79, Boy Scouts of America. At this point in the meeting James had not yet arrived and Supervisor stated the award would be made upon his arrival.

Supervisor opened the public portion of the meeting.

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

Mr. D'Antoni spoke regarding the repaving of roads in Clarkstown and asked for an explanation of the current Highway Department policy regarding same.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding the proposed Pyramid Mall and the current IRS and grand jury investigations pending against them for use of IDA bonds in Syracuse.

Appearance: Mr. Daniel Cea
Congers, New York

Mr. Cea spoke regarding contributions from contractors for whom this Town Board recently voted downzoning. He discussed the creation of the MF-4 zone. He asked questions regarding the FBI investigation of the Clarkstown Landfill, the plight of senior citizens and young people in the Town, and increases in the budget.

Appearance: Mr. John Mauro
Superintendent of Highways

Mr. Mauro explained his paving policy. In particular he discussed his treatment of Besso Street.

Appearance: Ms. Jane Erico
41 North Grant Avenue
Congers, New York

Ms. Erico spoke regarding Clarkstown taxes and State revenue. She also spoke regarding the Clarkstown Mini-Trans.

Appearance: Mr. John Cuff
5 Pheasant Drive
West Nyack, New York

Mr. Cuff spoke regarding the Clarkstown Mini-Trans, the 1992 Budget and the hiring of an outside appraiser.

Appearance: Ms. Carmella Smith
Congers, New York

Ms. Smith spoke regarding taxes.

Appearance: Mr. Vincent Reda
7 Scarlet Court
New City, New York

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Mr. Reda questioned Item No. 4 on the Agenda (hiring of outside personnel to do appraisals) and Item No. 16 (also for appraisal services). At the request of the Supervisor, Town Attorney explained.

RESOLUTION NO. (768-1991)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 24, 1991

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of September 24, 1991, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (769-1991)

EXEMPTING AMBULANCE DISTRICTS AND AMBULANCE COMPANIES FROM BUILDING PERMIT FEES

Co. Smith offered the following resolution:

RESOLVED, that pursuant to §29-7 of the Town Code of the Town of Clarkstown, the Town Board hereby exempts the Ambulance Districts and Ambulance Companies from Building Permit fees.

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. (770-1991)

EXEMPTING FIRE DISTRICTS AND FIRE COMPANIES FROM BUILDING PERMIT FEES

Co. Smith offered the following resolution:

RESOLVED, that pursuant to §29-7 of the Town Code of the Town of Clarkstown, the Town Board hereby exempts the Fire Districts and Fire Companies from Building Permit fees.

Seconded by Co. Kunis

On roll call the vote was as follows:

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RESOLUTION NO. (770-1991) Continued

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

RESOLUTION NO. (771-1991)

EXEMPTING LIBRARIES FROM
BUILDING PERMIT FEES

Co. Smith offered the following resolution:

RESOLVED, that pursuant to §29-7 of the Town Code of the Town of Clarkstown, the Town Board hereby exempts Public Libraries from Building Permit fees.

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. (772-1991)

AUTHORIZING PRELIMINARY
APPRAISAL BY KARL A.
KIRCHNER ON STOP & SHOP
COMPANIES, INC. - MAP 59,
BLOCK A, LOTS 20.20, 20.21,
20.22 AND 20.44 (KARL A.
KIRCHNER)

Co. Smith offered the following resolution:

WHEREAS, The Stop & Shop Companies, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 59, Block A, Lots 20.21, 20.20, 20.22 and 20.44, for the years 1987/88 - Index No. 3762/87; 1988/89 - Index No. 3951/89; and 1989/90 - Index No. 4216/89, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter,

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$1,500.00.

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. (773-1991)

AUTHORIZING PREPARATION OF
TRIAL APPRAISAL BY KARL A.
KIRCHNER ON WARREN HILL
ASSOCIATES - MAP 134, BLOCK
A, LOTS 55 AND 55.1

Co. Smith offered the following resolution:

WHEREAS, Warren Hill Associates has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 134, Block A, Lots 55 and 55.1 for the years 1989/90 - Index No. 4209/89 and 1990/91 - Index No. 3835/90, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter,

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$5,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (774-1991)

AUTHORIZING PREPARATION OF
TRIAL APPRAISAL BY KARL A.
KIRCHNER ON JAY GROSSMAN,
RICHARD A. GROSSMAN, RONALD
S. FRIEDMAN - MAP 71, BLOCK
B, LOTS 13.1, 13.2 AND 13.3

Co. Smith offered the following resolution:

WHEREAS, Jay Grossman, Richard A. Grossman, Ronald S. Friedman have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 71, Block B, Lots 13.1, 13.2 and 13.3 for the years 1988/89 - Index No. 3955/88; 1989/90 - Index No. 4206/89 and 1990/91 - Index No. 3836/90, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiation and/or trying the aforesaid matter,

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$5,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (775-1991)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (NORTH ROCKLAND
AVENUE, CONGERS)

Co. Maloney offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community on North Rockland Avenue, on the curve at the intersection of Endicott Street, Congers

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts a proposal dated April 25, 1990 (as amended August 21, 1991) from Orange and Rockland Utilities, Inc. for street lighting at the following location:

North Rockland Avenue, Congers (Install - one
(1) fiberglass utility pole)
(Install - one (1) 5800 lumen sodium vapor
street light on newly installed fiberglass pole)

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. (776-1991)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (NORTH CONGER
AVENUE, CONGERS)

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

North Conger Avenue, Congers - (Install one (1)
70 watt 5800 lumen sodium vapor street light on
existing utility pole number 60730/41954)

Seconded by Co. Kunis

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RESOLUTION NO. (776-1991) 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. (777-1991)

AWARDING BID FOR BID
#62-1991 - COMPRESSED GASES
& WELDING SUPPLIES (COUNTY
WELDING PRODUCTS)

Co. Maloney offered the following resolution:

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

BID #62-1991
COMPRESSED GASES & WELDING SUPPLIES

is hereby awarded to

COUNTY WELDING PRODUCTS
465 KNOLLWOOD ROAD
WHITE PLAINS, NY 10603
PRINCIPAL: MYLES P. DEMPSEY, JR.

as per attached price schedule

(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. (778-1991)

AWARDING BID FOR BID
#63-1991 - PRINTING OF TOWN
ENVELOPES & STATIONERY
(MARCY PRINTING COMPANY,
SUMMIT OFFICE SUPPLY AND
LONG ISLAND ENVELOPE)

Co. Maloney offered the following resolution:

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

BID #63-1991
PRINTING OF TOWN ENVELOPES & STATIONERY

is hereby awarded to

MARCY PRINTING COMPANY
777 KENT AVENUE
BROOKLYN, NEW YORK 11205
PRINCIPAL: CH. LAUPER

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RESOLUTION NO. (778-1991) Continued

SUMMIT OFFICE SUPPLY
34 MIDLAND AVENUE
PORT CHESTER, NEW YORK 10573
PRINCIPAL: RICHARD CIOFFI

LONG ISLAND ENVELOPE
240 ANDERSON AVENUE
MOONACHIE, NEW JERSEY 07074
PRINCIPAL: CALVIN K. GOOD

as per attached price schedule.

(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. (779-1991)

INCREASE VARIOUS ACCOUNTS
(A-7210-301; A-7210-319;
A-7310-114, 01-002001 AND
01-002012) PARKS AND
RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account A-7210-301 (Food-Refreshment Stands) by \$5000.00 and to increase Appropriation Account A-7210-319 (Miscellaneous Supplies - Refreshment Stands) by \$1,610.00 and to increase Revenue Account #01-002012 (Refreshment Stands) by \$6,610.00.

FURTHER RESOLVED, to increase Appropriation Account A-7310-114 (Part-time - Youth Programs) by \$35,000.00 and to increase Revenue Account 01-002001 (Parks and Recreation Charge) by \$35,000.00

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. (780-1991)

AUTHORIZING ATTENDANCE AT
CERTIORARI AND EQUALIZATION
RATES PROGRAM (PHILIP B.
FOGEL) - CHARGE TO ACCOUNT
NO. A 1010-414

Co. Mandia offered the following resolution:

RESOLVED, that the Town Board hereby authorizes Philip B. Fogel, Esq., First Deputy Town Attorney, to attend a program

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RESOLUTION NO. (780-1991) Continued

sponsored by the Westchester County Bar Association on October 15, 1991, with respect to Certiorari and Equalization Rates, and be it

FURTHER RESOLVED, that the fee for the program shall be charged to Account No. A-1010-414.

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. (781-1991)

AUTHORIZING ATTENDANCE AT SEMINAR ON "COMMUNITY NOISE-MEASUREMENT AND CONTROL" (DENISE TORIELLO) - CHARGE TO ACCOUNT NO. A 1010-414

Co. Mandia offered the following resolution:

RESOLVED, that the Town Board hereby authorizes Denise Toriello, Deputy Town Attorney, to attend a seminar entitled "Community Noise-Measurement and Control", which is being sponsored by Oshex Associates, Inc., on October 10, 1991, at the Sheraton, Spring Valley, Nanuet, New York, and be it

FURTHER RESOLVED, that the fee of \$85.00 per person shall be charged to Account No. A-1010-414.

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. (782-1991)

AUTHORIZING THE USE OF TOWN HALL BY NEW CITY CHAMBER OF COMMERCE

Co. Maloney offered the following resolution:

RESOLVED, that the New City Chamber of Commerce is hereby authorized to use Town Hall on October 13, 1991, for their annual New City Arts Fest at no charge.

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. (783-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #65-1991
(PAPER & PLASTIC SUPPLIES)

Co. Maloney offered the following resolution:

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

BID #65-1991
PAPER & PLASTIC 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: TUESDAY,
OCTOBER 29, 1991 at which time Bids will be opened and read, and be
it

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

Seconded by 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. (784-1991)

ACCEPTING DEDICATION OF
STREET (PHILLIPS LANE) -
ROAD WIDENING (KLEIN
AVENUE) - DRAINAGE
EASEMENTS AND MAINTENANCE
EASEMENTS (INDEPENDENCE
MEWS SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, subdivision plat of Independence Mews in West
Nyack, was approved by the Clarkstown Planning Board and filed in
the Rockland County Clerk's Office in Book 84 of Maps at Page 25 as
Map Number 4298 on June 28, 1972, and

WHEREAS, such map of Independence Mews contains
irrevocable offers of dedication to the Town of Clarkstown for all
streets, easements, parks and required utilities as shown on the
said subdivision plat and construction plan, and

WHEREAS, the Town Board desires to dedicate such
streets, easements and required utilities as shown on such
subdivision plat of Independence Mews;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
hereby accepts dedication of a street known as Phillips Lane, a road
widening of Klein Avenue, drainage easements, maintenance easements
and utilities as shown on the subdivision plat of Independence Mews
in West Nyack, recorded in the Rockland County Clerk's Office in
Book 84 of Maps at Page 25 as Map Number 4298 on June 28, 1972.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (784-1991) Continued

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

RESOLUTION NO. (785-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
LIBRARY ASSISTANCE (WEST
NYACK FREE LIBRARY)

Co. Maloney 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

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.

WEST NYACK FREE LIBRARY

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. (786-1991)

INCREASING FEES FOR
MARRIAGE REGISTRATION AND
MARRIAGE CERTIFICATION/
TRANSCRIPTS

Co. Smith offered the following resolution:

WHEREAS, Governor Cuomo has signed into law Assembly Bill No. 8499-b, which will allow Municipalities to increase the fee for Certificate of Marriage Registration from \$5.00 to \$10.00, and

WHEREAS, the Town Board is required to adopt a resolution in order to implement this increase,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, that effective October 17, 1991, the fee for a Certificate of Marriage Registration, be hereby increased from \$5.00 to \$10.00 thereby bringing the total cost for a Marriage License and Certificate of Registration to \$25.00, and be it

FURTHER RESOLVED, that the New York State Health Department shall receive \$11.25 out of the \$25.00 fee, and the Town shall keep \$13.75, and be it

FURTHER RESOLVED, that the fee for Marriage Certification/Transcripts be hereby increased from \$5.00 each to \$10.00 each.

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RESOLUTION NO. (786-1991) Continued

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (787-1991)

INCREASING FEES FOR BIRTH
CERTIFICATION/TRANSCRIPTS,
NO RECORD CERTIFICATION OF
BIRTH, DEATH CERTIFICATION/
TRANSCRIPTS, NO RECORD
CERTIFICATION OF DEATH AND
GENEALOGY SEARCH

Co. Smith offered the following resolution:

WHEREAS, Governor Cuomo has signed into law Assembly
Bill No. 8499-b, which will allow local registrars to increase fees
for the following:

Birth Certification/Transcripts
No Record Certification of Birth
Death Certification/Transcripts
No Record Certification of Death
Genealogy Search

and

WHEREAS, the Town Board is required to adopt a
resolution in order to implement said increase in fees,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown,
that effective October 17, 1991, the following schedule of fees be
hereby adopted:

	<u>CURRENT FEE</u>	<u>NEW FEE</u>
BIRTH CERTIFICATION/ TRANSCRIPTS	\$5.00 Each	\$10.00 Each
NO RECORD CERTIFICATION OF BIRTH	\$5.00 Each	\$10.00 Each
DEATH CERTIFICATION/ TRANSCRIPTS	\$5.00 Each	\$10.00 Each
NO RECORD CERTIFICATION OF DEATH	\$5.00 Each	\$10.00 Each
GENEALOGY SEARCH	\$6.00 Per Record	\$11.00 Per Record

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. (788-1991)

REQUESTING PYRAMID COMPANY
OF ROCKLAND TO ELIMINATE
CLAIM AGAINST TOWN OF
CLARKSTOWN

Co. Smith offered the following resolution:

WHEREAS, a Notice of Claim was received by the Town of Clarkstown on September 26, 1991, concerning Pyramid Company of Rockland against the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown believes that the Town of Clarkstown and the Fire District are not proper parties to such claim;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown requests that the Pyramid Company of Rockland eliminate its claim against the Town of Clarkstown, including the Clarkstown Fire District and the Clarkstown Fire District Board of Fire Commissioners, as parties, with respect to damage allegedly caused by the drainage of water onto the property of Pyramid Company of Rockland.

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. (789-1991)

REQUESTING SUPERINTENDENT
OF HIGHWAYS TO APPROVE
DEDICATION OF TURNER COURT,
SPRING VALLEY, NEW YORK

Co. Smith offered the following resolution:

WHEREAS, Joseph Julian has constructed entry pillars within the right-of-way of Turner Court, abutting his property at 4 Turner Court, Spring Valley, New York, and

WHEREAS, the Town desires to dedicate said Turner Court, although entry pillars are existing in the right-of-way of Turner Court;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the Town Board request that the Superintendent of Highways approve dedication of Turner Court, Spring Valley, New York, with said entry pillars existing within the right-of-way.

2. This dedication shall be subject to Joseph Julian providing the Town of Clarkstown with a Hold Harmless Agreement, in recordable form, satisfactory to the Town Attorney, concerning said entry pillars in the right-of-way of Turner Court.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (789-1991) Continued

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

RESOLUTION NO. (790-1991)

AUTHORIZING EMPLOYMENT OF
MARGARET NOTO RE APPRAISAL
SERVICES AT TWO PROPERTIES
- CHARGE TO ACCOUNT NO. A
1420-409

Co. Smith 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, a hearing on such matter has been scheduled for October 10, 1991, and

WHEREAS, it is necessary to have expert testimony concerning the effect on values in the neighborhood resulting from the establishment of such group home;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the employment of Margaret Noto, with an office at 375 South Little Tor Road, New City, New York, to provide appraisal services on two properties and expert testimony at the hearing on October 10, 1991, concerning the neighborhood values resulting from the establishment of such group home, and be it

FURTHER RESOLVED, that the fee for said services shall be \$1,000.00 and shall be charged against Account No. A-1420-409.

Seconded by Co. Mandia

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. (791-1991)

DIRECTING BOARD OF APPEALS,
TOWN BOARD AND PLANNING
BOARD TO PROVIDE COPIES OF
DECISIONS TO WITNESSES

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby directs the Board of Appeals, the Town Board and the Planning Board to provide copies of their decisions to those persons who appear as witnesses before each of these Boards on a specific matter.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (791-1991) Continued

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

RESOLUTION NO. (792-1991)

ACCEPTING RESIGNATION OF
YOUTH COUNSELOR I -
CLARKSTOWN COUNSELING
CENTER (SUSAN R. BEERMAN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Susan R. Beerman, 288
Piermont Avenue, South Nyack, New York - Youth Counselor I -
Clarkstown Counseling Center - is hereby accepted - effective
November 2, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (793-1991)

APPOINTING TO POSITION OF
PART-TIME COUNSELOR -
COUNSELING CENTER (ARLENE
TEICHBERG)

Co. Maloney offered the following resolution:

RESOLVED, that Arlene Teichberg, 74 Ohio Avenue,
Congers, New York, is hereby appointed to the position of Part-time
Counselor - Clarkstown Counseling Center - at the current 1991 hourly
rate of \$18.00 - effective and retroactive to September 30, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (794-1991)

ACCEPTING RESIGNATION (BY
RETIREMENT) OF STOREKEEPER
- PARKS BOARD AND
RECREATION COMMISSION
(FRANK VOCE)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of Frank
Voce, 33 Parkside Drive, Congers, New York - Storekeeper - Parks

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RESOLUTION NO. (794-1991) Continued

Board and Recreation Commission - is hereby accepted - effective and retroactive to October 3, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (795-1991)

RECLASSIFYING POSITION OF
SENIOR TRANSIT CLERK AND
BUS DRIVER TO BUS DRIVER
AND CLERK - MINI TRANS
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 26, 1991 that the position of Senior Transit Clerk and Bus Driver - can be reclassified to the position of Bus Driver and Clerk,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Transit Clerk and Bus Driver - Mini Trans Department - is hereby reclassified to the position of Bus Driver and Clerk - effective October 9, 1991, and be it

FURTHER RESOLVED, that the grade for the position of Bus Driver and Clerk is hereby established at a Grade 19.

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. (796-1991)

APPOINTING TO POSITION OF
BUS DRIVER AND CLERK - MINI
TRANS DEPARTMENT (FRANK
FUCHS)

Co. Maloney offered the followin resolution:

RESOLVED, that Frank Fuchs, 344 West Clarkstown Road, New City, New York, is hereby appointed to the position of Bus Driver and Clerk - Mini Trans Department - at the current 1991 annual salary of \$30,479.00, effective October 9, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (796-1991) Continued

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

RESOLUTION NO. (797-1991)

CREATING POSITION OF MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 8, 1991 that the position of Motor Equipment Operator II - Highway Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Motor Equipment Operator II - Highway Department - is hereby created - effective October 9, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (798-1991)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
TO POSITION OF MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT (ROBERT
A. MOTTER)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Robert A. Motter, 105 W. Kaisertown Road, Montgomery, New York, to the position of Motor Equipment Operator II - Town Highway Department - at the current 1991 annual salary of \$36,000.00, effective October 14, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (799-1991)

APPOINTING TO POSITION OF
SECRETARY (PART-TIME) -
COUNCIL OFFICE (PATRICIA
MCDONALD)

Continued on Next Page

RESOLUTION NO. (799-1991) Continued

Co. Maloney offered the following resolution:

RESOLVED, that Patricia McDonald, 49 Lindberg Lane, New City, New York, is hereby appointed to the position of Secretary (Part-time) Council Office - at the current hourly rate of \$10.00 - effective October 15, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (800-1991)

ESTABLISHING ANNUAL
COMPENSATION FOR MEMBER -
ARCHITECTURE AND LANDSCAPE
COMMISSION

Co. Maloney 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 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. (801-1991)

APPOINTING SECRETARY OF
ARCHITECTURAL AND LANDSCAPE
COMMISSION (RITA MAKLIN)

Co. Maloney offered the following resolution:

RESOLVED, that Rita Maklin is appointed Secretary of the Architectural and Landscape Commission at the annual salary of \$2,000.00.

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. (802-1991)

APPOINTING TO POSITION OF
MEMBER - ARCHITECTURE AND
LANDSCAPE COMMISSION

Continued on Next Page

RESOLUTION NO. (802-1991) Continued

(BHARATI, BAISLEY,
MICHAELS, MITTIGA, MANGAN,
JURIS AND COHEN)

Co. Maloney offered the following resolution:

RESOLVED, that the following are appointed to the
position of Member - Architecture and Landscape Commission - terms
to commence on October 14, 1991:

Trimbak R. Bharati
93 Demarest Mill Road
West Nyack, New York 10994
Term to expire on 10/13/98

Mary Baisley
90 South Conger Avenue
Congers, New York 10920
Term to expire on 10/13/97

Larry Michaels
1 White Birch Court
New City, New York 10956
Term to expire on 10/13/96

Dorinda Mittiga
150 Congers Road
Congers, New York 10920
Term to expire on 10/13/95

John Mangan
25 North Conger Avenue
Congers, New York 10920
Term to expire on 10/13/94

Celia Juris
17 Glen Drive
Bardonia, New York 10954
Term to expire on 10/13/93

Bruce Cohen
277 Treetop Circle
Nanuet, New York 10954
Term to expire on 10/13/92

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 (for Bharati,
Juris, Mangan and Cohen) and Abstain for
Baisley, Michaels and Mittiga)

RESOLUTION NO. (803-1991)

AUTHORIZING INSTALLATION OF
SIGNS BY SUPERINTENDENT OF
HIGHWAYS (EASTBOUND WEST
NYACK ROAD, WEST NYACK)

Co. Smith offered the following resolution:

Based on the recommendation of the Traffic and Highway
Engineering Consultant, Howard Lampert, the following signs are to
be erected by the Superintendent of Highways:

EASTBOUND WEST NYACK ROAD, WEST NYACK

Sign Work Recommended

<u>Location</u>	<u>Legend</u>	<u>Work Required or NYS Sign #'s to be Installed</u>
Vicinity of Salvation Army/ Champion Paper Driveways	Town Speed Limit 30	Clear Shrubbery in Front of Sign
50' N/O "School Child" Sign at 551 W. Nyack Road	Hill 7%	W1-15C W1-17X

Continued on Next Page

RESOLUTION NO. (803-1991) Continued

<u>Location</u>	<u>Legend</u>	<u>Work Required or NYS Sign #'s to be Installed</u>
At West End of Right Turn Lane for Crosfield Avenue	Right Lane Must Turn Right	P3-32C
50' West of Existing "To Route 59" Sign Assembly	To 59	Relocation of Existing Sign Assembly
At Location of Existing "To Route 59" Sign Assembly	Driveways	W2-2C W5-16X

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District #1 to include Parker Nanuet Associates, was opened, time: 8:56 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District #1 to include Parker Nanuet Associates, was closed, ORDER SIGNED, time: 9:00 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit to Allow for Top Soil Screening Operation was opened, time: 9:00 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit to Allow for Top Soil Screening Operation (Bertolino), was closed, RESOLUTION ADOPTED, time: 9:16 P.M.

Councilman Mandia said he would make a motion to adopt so long as basically the resolution includes the terms and conditions of the Planning Boards. He said he agrees that the M zone in the Town was created to keep business here. He said he spent half a day last Thursday at the compost station and visited a man with a concrete processing plant and his car got pretty dirty. He said that is the kind of thing you see in the manufacturing zone. Every precaution should be taken - the watering truck, the tarpolins, if they are not being done, please do so. He said he would make a motion to approve and adopt this resolution granting the special permit.

Supervisor said Councilman Mandia you are making a move to grant based on the conditions set forth by the Planning Board. Their condition includes the 100 foot. Councilman Mandia said yes.

RESOLUTION NO. (804-1991)

GRANTING SPECIAL PERMIT FOR
TOP SOIL SCREENING
OPERATION (BERTOLINO)

Continued on Next Page

RESOLUTION NO. (804-1991) Continued

Co. Mandia offered the following resolution:

WHEREAS, MICHAEL BERTOLINO and EDWARD BERTOLINO have petitioned the Town Board of the Town of Clarkstown for a Special Permit to allow for a Top Soil Screening Operation pursuant to the provisions of Section 106-10A, Table of General Use Regulations for an M District, Column 3, Section B, Paragraph 7 of the Zoning Ordinance of the Town of Clarkstown, for property situated off Snake Hill Road, West Nyack, New York, designated on the Clarkstown Tax Map as Map 90-A-11.04, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on October 8, 1991, at 8:35 P.M., to consider such application;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Department of Environmental Control, dated April 3, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested special permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

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

1. Shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Shall not cause undue traffic congestion or create a traffic hazard;
3. Shall not create at any point of determination set forth in §106-12F, G and H any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Shall not adversely affect the character of/or property values in the area;
5. Shall not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Shall comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to allow for a Top Soil Screening operation on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 106-16N of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall not remove any natural or virgin topsoil from the site;
3. Petitioner shall not perform any excavation on the site;

Continued on Next Page

RESOLUTION NO. (804-1991) Continued

4. Petitioner shall screen the operation from the New York State Thruway by either vegetative plantings or opaque fencing.

5. Petitioner shall not work between the hours of 7:00 P.M. through 7:00 A.M., nor work on Sundays or legal holidays;

6. Petitioner must provide all access roads with a dustless surface;

7. Petitioner shall not operate mechanical equipment closer than 100 ft. to any lot line;

8. Petitioner must comply with the requirements of the New York State Thruway Authority, and be it

9. Petitioner must comply with the requirements of the County of Rockland Soil and Water Conservation District, and be it

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

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: October 8, 1991

By: Charles E. Holbrook
Supervisor

Seconded by Co. Maloney

Councilman Kunis said he would vote yes based on the fact that the applicant has indicated to us that he will take precautions using the water truck, tarpolins and also realizing that it is an M zone and this is why M zones are created. It is not a residential neighborhood. Not that dust flying around, of course, is accepted but it can't be helped. It is business. That is why we set these zones up. He can't see restricting one's livelihood if he does take these precautions, so he would vote yes.

Supervisor Holbrook said he would vote no on this. He said one of the considerations in his vote is the fact that this was in operation prior to even coming in for a permit so it is sort of after the fact and that is the reason for his vote.

On roll call the vote was as follows:

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

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 31 Proceeding - Map 163, Block A, Lot 11 (Hutton 59), was opened, time: 9:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 31 Proceeding - Map 163, Block A, Lot 11 (Hutton 59), was closed, RESOLUTION ADOPTED, time: 9:29 P.M.

RESOLUTION NO. (805-1991)

CHAPTER 31 PROCEEDING -
AUTHORIZING BUILDING

RESOLUTION NO. (805-1991)

INSPECTOR TO TAKE ALL
NECESSARY STEPS TO CORRECT
COMPLAINED OF CONDITIONS AT
MAP 163, BLOCK A, LOT 11
(HUTTON 59)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 764/1991, dated September 24, 1991, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 163, BLOCK A, LOT 11, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 8th day of October, 1991, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 31 of the Code of the Town of Clarkstown dated September 24, 1991, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 28th day of October, 1991, and be it

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

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

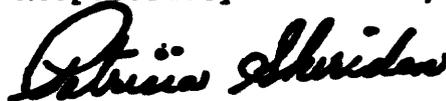
Seconded by Co. Mandia

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 further 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 closed, time: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/8/91

8:56 P.M.

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

Re: Extension of Clarkstown Consolidated Water Supply District
No. 1 to Include Parker Nanuet Associates

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testifying as to proper posting and publication. Town Clerk stated there was on file in the Town Clerk's office an affidavit from the Deputy Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak for or against this proposed extension. No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/8/91

9:00 P.M.

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

RE: Special Permit to Allow for Top Soil Screening Operation
Map 90, Block A, Lot 11.04 (Bertolino)

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

Town Clerk, Patricia Sheridan read a letter from a M.G. McLaren, P.C., Consulting Engineers, 100 Snake Hill Road, West Nyack, New York as follows:

"I have been advised that Michael and Edward Bertolino have petitioned for a permit to perform a top soil screening operation on their property along Snake Hill Road. I have recently moved my offices to 100 Snake Hill Road and have already suffered inconveniences due to their operation which had commenced prior to permit.

Most objectional are the airborne clays which foul our cars, office windows and building when the wind blows our direction. The sifting of organic topsoil creates quite a pervasive odor which we must suffer.

More compelling is the danger created by trucks entering and leaving their site along a blind curve on the road. My employees travel along Snake Hill Road, and several have reported real concerns about the irresponsible actions of truck drivers along that stretch of the road.

As both a resident and employer in the Town of Clarkstown, I urge you consider the foregoing in your deliberations."

Town Clerk, Patricia Sheridan, read a letter from Robert J. Fisher, of Fisher Skylights, Inc. as follows:

"My name is Robert J. Fisher. I live at 849 Piermont Avenue, Piermont, N.Y. 10968. I am the president of Fisher Skylights, Inc., which has its plant and offices at 50 Snake Hill Road, West Nyack, N.Y. 10994. These premises, which we own, adjoin the subject premises on the North.

We object to the granting of this special permit to Michael Bertolino and Edward Bertolino.

These petitioners have already begun a top soil screening operation, even before the issuance of the special permit they now apply for. It became clearly evident during their operations that a top soil screening operation causes excessive noise from the sifting out of rocks and debris, a considerable airborne mess from that sifting and a stink that totally pervades the atmosphere and is highly objectionable. The dirt and dust that rises in the air was totally unrestrained. The strong odor stems from the rotting organic material in the soil.

I would, therefore, respectfully point out to the members of this Board that Special Use Number 7 permits a servicing "plant," not merely an "operation."

Regulation number 7 requires that "All uses...shall be within completely enclosed building..." This is further confirmation of the meaning of the word "plant," commanding that it

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be fully and completely enclosed. I do not believe that petitioners plan to enclose their operation in a building. Such an enclosure would certainly help to reduce the dust, noise and stink. Not having that enclosure would be an important and vital omission and violation.

I would also respectfully point out to the members of this Board that Snake Hill Road, at the entrance to petitioners' property, makes a very dangerous and blind turn that is not properly visible to oncoming traffic from either direction. The traffic flow that would be generated by this new operation would have a very serious, negative impact on Snake Hill Road traffic that should be avoided.

I would like to leave a copy of these remarks for the Board to review.

I thank the members for their indulgence."

Town Attorney, Murrery Jacobson stated that there are reports by the County Planning Board. They approved, subject to the following conditions:

1. The special permit operation should be reviewed and approved by the New York State Thruway Authority for any drainage that flows towards the Thruway. The Thruway should also review the impact of dust, lighting and soil erosion, on the Thruway.
2. The operation should be screened from the Thruway by either vegetative plantings or opaque fencing. If this is not feasible, then the hours of operation should not extend beyond sunset nor before sunrise. Either of these conditions will prevent lights from bulldozers and other grading equipment from distracting the safe and efficient flow of traffic along the Thruway.

The Town Planning Board approves subject to six conditions:

- a. No natural or virgin topsoil shall be removed from the site;
- b. No excavation shall take place on the site;
- c. No work shall take place between 7 p.m. and 7 a. m. nor on Sundays or legal holidays;
- d. All access roads shall be provided with a dustless surface;
- e. No mechanical equipment shall be operated closer than 100 ft. to any lot line;
- f. As requested by NYS Thruway, applicant shall install filter fabric barrier and maintain same.

Our Planning Consultant finds no environmental impact.

Supervisor asked if petitioner or his representative was present?

Appearance

Donald Tracy
Tracy, Bertolino & Edwards
New City, New York

Mr. Tracy stated that Michael Bertolino is my partner's uncle and Edward Bertolino is his cousin just in case anyone is

Continued on Next Page

curious about the similarity of names. As the Town Board knows, this property is a 3.57 acre parcel of land, zoned M under the Zoning Ordinance of the Town of Clarkstown. That particular Ordinance, under Section 106-10A, Table 15, Column 3 B 7, permits the use of said property for top soil screening and that is done by special permit. In order to obtain a special permit, the applicant needs to show that he can comply with special permit findings: the general findings which are found in Section 106-14 and the other special findings which are set forth following that section for the particular use which is contemplated. Therefore, I will ask Mr. Michael Bertolino to testify.

Appearance: Michael Bertolino
277 Old Haverstraw Road
Congers, New York

Mr. Tracy asked Mr. Bertolino, if he were the person who operates this top soil screening operation and had done so until informed by the Building Department that he needed a special permit? Mr. Bertolino answered that was correct.

Mr. Tracy asked Mr. Bertolino with regard to the property that the use will be on, will it be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities? Mr. Bertolino said yes.

Mr. Tracy asked Mr. Bertolino will it not cause undue traffic congestion or create a traffic hazard?" Mr. Bertolino said no it would not.

Mr. Tracy asked Mr. Bertolino how many trucks a day come in and out of the site? Mr. Bertolino answered between seven to twelve.

Mr. Tracy asked Mr. Bertolino, will it not create any point to determination, any more dangerous and objectionable elements referred to in the Zoning Ordinance characteristic of uses expressly permitted of right in the same district? Mr. Bertolino responded no.

Mr. Tracy asked Mr. Bertolino if it will adversely affect the character of property values in the area? Mr. Bertolino said no.

Mr. Tracy asked Mr. Bertolino will it impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town? Mr. Bertolino said it will not.

Mr. Tracy asked Mr. Bertolino if he would comply with all other regulations applicable to said special permit use? Mr. Bertolino answered that he promised he would.

Mr. Tracy asked Mr. Bertolino will all machinery and equipment be electrically operated except for bulldozers, backhoes and other equipment used for loading or hauling? The answer was yes.

Mr. Tracy said there be no operations between 7:00 P.M. and 7:00 P.M. or on Sundays or legal holidays. Mr. Bertolino said that was correct.

Mr. Tracy said will there be an absence of any excavation on the site? Mr. Bertolino said "No, sir."

Mr. Tracy said is that yes, there will be no excavation on the site? Mr. Bertolino said, "Yes, no excavation, that is right".

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Mr. Tracy asked if there will be material stored that will exceed 45 degrees in slope? Mr. Bertolino said no.

Mr. Tracy asked if all access roads will be provided with a dustless surface? Mr. Bertolino said yes.

Mr. Tracy said that no mechanical equipment shall be operated closer than fifty (50) feet to any lot line. Mr. Bertolino said, "I understand". Mr. Tracy asked is that yes? Mr. Bertolino said yes.

Mr. Tracy asked if upon completion of the screening operation the contours of the property shall be the same as prior to the commencement of the screening? Mr. Bertolino said yes.

Mr. Tracy said Mr. Bertolino, you explained to me how the top soil screening operation works and that is that top soil is brought in from another area, is put into a hopper, it then goes through a machine that takes out the stones and screens the top soil. The top soil comes out the other end and then it is placed in covers. Is that correct? Mr. Bertolino said that was correct.

Mr. Tracy asked if there was any objectionable odor? Mr. Bertolino said no.

Mr. Tracy said that you keep it covered by tarps at all times to prevent dust or other debris flying around. Is that correct? Mr. Bertolino said that was correct.

Mr. Tracy stated that he had no other questions of Mr. Bertolino. He said if any of the Board members have any questions they are free to ask. He stated that is the extent of our presentation this evening, Mr. Supervisor. He reminded the Board that by making a special permit in the zone, the Board has already made a declaration when they make a special permit use. That use, if it meets the requirements as we have just testified to, is consistent for the public health, safety and welfare.

Councilman Mandia asked if each of the Planning Board's recommendations were addressed. Mr. Tracy said the Planning Board parroted the special conditions set forth for certain uses in the ordinance. In addition to the general findings for special permits they also have special findings for certain uses.

Councilman Mandia asked if he had any problems with going along with every one of them? Mr. Tracy said no he did not.

Supervisor asked if any of the Town Board members had any questions? No one did.

Supervisor asked if any member of the public had a question or wished to make a comment.

Appearance: Mr. Robert Fisher, President
Fisher Skylights
50 Snake Hill Road (business)
849 Piermont Avenue (home)

Mr. Fisher stated that they had filed a letter setting forth their basic position. Since hearing the rehearsed testimony he said one of the Planning Board's recommendations was no operations within 100 feet of the property line, and he believed this gentleman just said 50 feet. He was told that was correct. He said the gentleman said he keeps all the top soil and he would guess that means in and out covered with tarps. He said if 10% of the soil is covered with tarps he would eat his hat. He said there is very little tarp covering. He said occasionally when he makes a pile of screened top soil he will put a cover over that so he can

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load up the trucks the next day but 99% of the property is just left exposed where he brings top soil in, piles it up, shifts it around and it is a very smelly operation. It varies in time. When it is dry you don't get much smell. When it gets wet it is quite smelly. It does affect the neighborhood. He stated that Mr. McLaren's letter pointed out about the dust and dirt. He said the cars in his parking lot, which are about 50 to 75 feet away from the property line, at the end of a dry day, are covered with dust. You see it blowing off your car as you drive out. If you get an afternoon rain shower your car is covered with mud and spots. It is horrendous. Also, he said in this day and age we are supposed to be energy conservationists and reduce energy. He said they used to leave their windows open. They can't do it any more. We have to turn the air conditioning on. He said the other day he left his windows open and his office is probably closest of any one to the property. He said he was out of his office for maybe an hour and there was a whole film of dust across the top of his desk. Now, this is getting into the offices, is getting into our word processors and computers so we can't open the building up. He said this is affecting all the surrounding terrain irrespective of what the Planning Board said except the Thruway is probably least affected and that seems to be the only direction they looked into. He said they strongly object and they further object after hearing the testimony from the Planning Boards and also from the applicant.

Mr. Fisher said Mr. McLaren planned to be here but his firm is structural engineer for his (Fisher's) company and he had to be on a project in London this week.

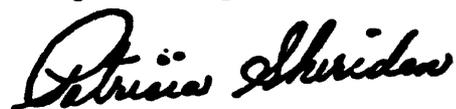
Mr. Tracy said his client has informed him that they have recently installed a watering truck to constantly water, particularly in dry weather, to prevent any dust from migrating or any soil from flowing. In addition, he said they have testified today in connection with a special permit of all the conditions which they would implement which are consistent with the special permit requirements of the Town. Mr. Tracy said he would like to call the Board's attention to the fact that the Town's Planning Consultant, Mr. Robert Geneslaw, has indicated that there is no environmental impact and also indicate that both the Town Planning Board and the County Planning Board have made a favorable recommendation concerning this, not zone change, but special permit. He said there is a need in the Town for screened top soil. If a person is going to make an operation such as this in an M zone adjacent to the dust and pollution that comes from the New York State Thruway it is probably a suitable location for which to have such an operation next to the type of manufacturing facilities who seem to object.

Town Attorney said to Mr. Tracy he may have inadvertently misled him. He said Mr. Kalarickal, who is on the staff of the Department of Environmental Control actually did this, not Mr. Geneslaw. Mr. Tracy said he would consider that a stronger recommendation.

Councilman Mandia said the Planning Board said something about 100 feet and you (Mr. Tracy) indicated earlier the distance from the edge of the neighboring property and that you had no problem complying with the Planning Board. Mr. Tracy said we had no problem complying with the 50 feet. He asked Mr. Bertolino if he had any problem staying 100 feet away from the property line? Mr. Bertolino said there was no problem.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/8/91

9:20 P.M.

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

Re: Chapter 31 Proceeding - Map 163, Block A, Lot 11 (Hutton 59)

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

Supervisor said we had a hearing on this earlier in the year where we took immediate action to alleviate a dangerous condition that existed on the property. He said he would guess the condition had been further exacerbated.

Fire Inspector Mark Papenmeyer handed up photographs of the property which he requested the Town Board members to examine while he gave his report.

Mr. Papenmeyer stated that on or about June 11, 1991, the Town Board passed resolution No. 452-91 for his department to take certain corrective action on the property owned by the above. This work included the demolition of two structures, removal of water in pools and securing same, and the boarding up and securing of the remaining open buildings on the site. This work was completed and the bills submitted at a total cost of \$18,240.10.

Since the completion of the above authorized work, additional fires have occurred on the site by vandals who have removed the boards that were installed to secure the premises and also by removal of the siding on the buildings. Vandals have also broken down the fences which were securing the pools. This action has now resulted in making this site unsafe again. The owners were sent a new Order (#91-27) to repair, remove and secure which they received on August 12, 1991. No attempts have been made by the owners to comply with said order as witnessed by another fire on the site on September 9, 1991.

Fire Inspector Papenmeyer strongly recommended that the Town Board expedite whatever action they can so that we can go in and remove the remaining buildings on the site and to fill in the pools. Mr. Papenmeyer showed the Board a videotape of the property as it exists now.

Councilman Mandia asked if anyone, civilian or fireman, had ever been hurt on this property? Mr. Papenmeyer said at this point no, which is why they are anxious for the cleanup. Supervisor said we did this before under emergency circumstances essentially.

Supervisor asked who the owner of record is? Mr. Papenmeyer said Hutton 59 Townhouses Limited. He did not know the principals.

Supervisor asked if there was anyone present who wished to make a comment or ask a question regarding this property? No one appeared.

Mr. Donald Tracy asked who was notified and at what address because he recognized the name of the corporation as a client of his office? He said he also knows the responsible individual and if he knew about it he would be quick to take action. Town Attorney Murray Jacobson said the notice was sent to the corporation at 108 New Hempstead Road, New City, New York. Mr. Tracy said that was the address of Donald Tirshwell, the owner's former attorney. Town Attorney said that is the name that appears on our tax records.

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10/8/91

Mr. Tracy said the Town is now experiencing the same difficulty as another one of his clients up at the airport. Everytime he fixes something the vandals go in and rip it up or burn it up or something. He said he would suggest that the Town Board forebear for a very short period of time, maybe just until the next meeting, to allow him to have the owner come in and contact the Fire Inspector.

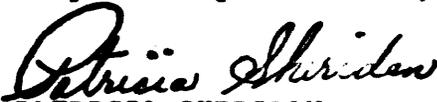
Supervisor said we could adjourn the hearing for two weeks but time is really of the essence here because this is a dangerous condition. Mr. Papenmeyer said he did not want to see anyone getting hurt whether it be a fireman or a child. Mr. Tracy said he would agree but there is a lot of taxpaying money there and you better be sure the owner was properly notified.

Councilman Mandia said if we go ahead and approve, whatever steps you have to take - this is not something that is going to happen in 24 or 48 hours and that is enough time for this man to get in touch with the Town, if you can reach him Mr. Tracy or give the name to the Town Attorney privately. Councilman Mandia said he was in favor of getting the procedure going and if the man comes forward upon your recommendation we can hold back.

Town Attorney said we will give him until the 28th day of October to correct this. Supervisor said then let's close the public hearing and adopt and send the notice.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:29 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTON NO. (805-1991) ADOPTED)