

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 4/28/92

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

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

Supervisor presented the following proclamation:

OLDER AMERICAN'S MONTH
May, 1992

WHEREAS, the Town of Clarkstown is privileged to number among its residents over seven thousand older Americans, a group which has proven to be vital to the growth and prosperity of our community, and

WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and

WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and

WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 23rd day of April, 1992, do hereby proclaim the month of MAY as "OLDER AMERICANS' MONTH in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 23RD DAY OF APRIL,
1992.

Supervisor presented this proclamation to Chuck Connington on behalf of all senior citizens in Clarkstown.

Supervisor opened the Public Portion of the meeting.

Appearance: Mr. John Cuff
West Nyack, New York

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Mr. Cuff spoke regarding Agenda Item No. 13B and was in opposition to it.

Appearance: Ms. Arlene Owens
Congers, New York

Ms. Owens spoke regarding Agenda Item No. 13B and was in opposition to it.

Appearance: Mr. Oren Getz
New City, New York

Mr. Getz spoke regarding the Nanuet Railroad Station parking lot and the problem with break-ins of the cars parked there. He requested police surveillance of the area.

Appearance: Mr. Jerome Miller
New City, New York

Mr. Miller spoke regarding TKR and an article pertaining thereto in the Journal News which seemed to be attacking the franchise fee; he spoke regarding areas serviced; premium service; and he mentioned the cable service in Palm Beach County Florida.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico spoke regarding a billboard on the former north entrance to the landfill requesting it be used to advertise Clarkstown.

RESOLUTION NO. (275-1992)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
APRIL 14, 1992

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the minutes of the Town Board Meeting of April 14, 1992, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (276-1992)

REFERRING ROAD
ABANDONMENT TO TOWN
AND COUNTY PLANNING
(BEACON STREET AND OLD
HAVERSTRAW ROAD
-SMOLYAK)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a request has been made by ELAINE SMOLYAK RUSINAK and GEORGE SMOLYAK, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way as shown on a survey entitled, "Survey for Proposed Abandonment of Unnamed Map Street, Town of Clarkstown, Rockland County, New York, dated March 18, 1992,"

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RESOLUTION NO. (276-1992) Continued

prepared by Vittorio Scatassa, P.L.S., as described in the metes and bounds description for the unimproved portion of the unnamed mapped street located between Beacon Street and Old Haverstraw Road, Congers, New York, on Schedule "A" attached, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 26, 1992, at 8:45 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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

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

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (277-1992)

AUTHORIZING
SUPERINTENDENT OF

RESOLUTION NO. (277-1992) Continued

HIGHWAYS TO INSTALL
DRAINAGE PIPE - LOTS
109-E-20.04 AND
109-E-20.03

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, a drainage ditch exists between tax lots
109-E-20.04 and 109-E-20.03; and

WHEREAS, this drainage ditch is caused by the
outfall from the drainage of Brookway Avenue, Valley Cottage;

NOW THEREFORE, be it,

RESOLVED, that the Superintendent of Highways is
authorized to pipe this ditch to the rear property line; and be
it

FURTHER RESOLVED, that the Director of the
Department of Environmental Control obtain the necessary
Right-of-Entry Agreements and forward them to the
Superintendent of Highways.

On roll call the vote was as follows:

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

RESOLUTION NO. (278-1992)

AUTHORIZING GRAVEL FOR
STONEWALL LANE

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Superintendent of Highways is
hereby authorized to spread gravel on the unimproved portion
of Stonewall Lane.

On roll call the vote was as follows:

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

RESOLUTION NO. (279-1992)

ACCEPTING OFFER TO
PURCHASE SURPLUS
MUNICIPAL PROPERTY
(MAP 163, BLOCK A, LOT
18 KEMMER LANE, NANUET)

Co. Maloney offered and Co. Smith seconded

WHEREAS, by Resolution No. 932-1991, adopted by
the Town Board on December 10, 1991, the Town Board declared
the property designated on the Clarkstown Tax Map as Map 163,
Block A, Lot 18, to be surplus municipal property, and

WHEREAS, the premises so acquired was the site of
the Kemmer Lane Commuter Parking Lot, which for a time served
commuters, and

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RESOLUTION NO. (279-1992) Continued

WHEREAS, the Town Attorney advertised for bids for the sale of said property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the offer from ALFRED T. ROSSI to purchase surplus municipal property designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, formerly known as the Kemmer Lane Commuter Parking Lot, for the sum of \$300,004.00, being the minimum acceptable bid for said property and which equals or exceeds the fair market value of said surplus property, the balance of which is payable after forty five (45) days from the date of publication of notice of this sale, and which sale is subject to the following:

1. Easements, covenants and restrictions of record, if any;
2. Zoning Ordinance of the Town of Clarkstown;
3. Such state of facts as an accurate survey or personal inspection may reveal;
4. Permissive Referendum.

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed, in a form satisfactory to the Town Attorney, for delivery to the purchasers in accordance with the terms of this Resolution, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (280-1992)

SIGNING OF PETITION
 CONSENTING TO
 DIMINISHMENT OF
 BOUNDARIES OF THE
 VILLAGE OF SPRING
 VALLEY (MAP 8, BLOCK
 A, LOT 15)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Kelly Bernard has requested that the Village of Spring Valley, pursuant to Village Law §18-1804, diminish the boundaries of the Village by excluding from its corporate limits the parcel designated on the Clarkstown Tax Map as Map 8, Block A, Lot 15, and

WHEREAS, it is necessary for the Town Board of the Town of Clarkstown to consent to such a change;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (280-1992) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby consents to the diminishment of the boundaries of the Village of Spring Valley, and shall sign the petition of Kelly Bernard consenting to same for the parcel designated on the Clarkstown Tax Map as Map 8, Block A, Lot 15.

On roll call the vote was as follows:

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

RESOLUTION NO. (281-1992)

AUTHORIZING TOWN LAW
280-a(4) (OPEN
DEVELOPMENT AREA - MAP
141, BLOCK A, LOT
6.07) CIEL HABER A/K/A
HABERKORN SUBDIVISION,
NEW CITY

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, the Town Board hereby established "an Open Development Area" for the property situate on the east side of West Clarkstown Road, Spring Valley, more specifically designated on the Clarkstown Tax Map as Map 141, Block A, Lot 6.07, which property may be subdivided as a result of the application of Ciel Haber, a/k/a CIEL HABERKORN, presently pending before the Clarkstown Planning Board, provided, however, prior to the issuance of any Building Permit the following conditions shall be met by the owner:

1. The "Open Development Area" shall consist of the area as shown on a subdivision map entitled, "Final Plat, Subdivision for Ciel Haber, New City," dated July 28, 1989, drawn by Robert E. Sorace, PLS, New City, New York, for which building permits or certificates of occupancy may be issued.

2. A Declaration of Restrictive Covenants which shall run with the land, in a form acceptable to the Town Attorney, shall be recorded in the Rockland County Clerk's Office prior to the issuance of any Building Permit, which declaration shall contain the following declaration and covenants:

(A) That the property owner, Ciel Haber, acknowledges that access to the nearest public road has been obtained by private easement or right-of-way over parcel designated on the Clarkstown Tax Map as Map 167, Block A, Lots 14 and 14.01, and that the property owner(s) shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services provided to residents of the Town of Clarkstown whose properties front on a public road;

(B) The proposed right of way shall be built to Town specifications, increased to 17 ft. width, and be subject to the requirements of the Department of Environmental Control as to drainage and other improvements, and upon completion of the 17 ft. right-of-way to Town specifications, the tax lots known as Map 167, Block A, Lots 14 and 14.01 shall not be subject to future assessment for road improvement which includes the 17 ft. right-of-way aforesaid.

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RESOLUTION NO. (281-1992) Continued

(C) The roadway serving lots 1, 2, 3, 4 and 5 is to be a private roadway except for utility easements and public vehicles and the deed to each lot shall contain a covenant running with the land, for the benefit of each lot individually and the Town of Clarkstown, that no offer of dedication of the roadway or any portion thereof, may be made until a full right of way of 50 feet is obtained and improved with a 30 foot pavement which fully conforms to the Town of Clarkstown Street Specifications;

(D) The future owners of the premises shall gratuitously and irrevocably offer for dedication to the Town any interest of the property owner in the right-of-way, and any property adjacent thereto, to accomplish the widening of the right-of-way to the required 50 ft. width for public roads, at such time as required by the Town Board;

(E) That the declaration shall contain provision for reciprocal easement and maintenance agreement to provide for regular maintenance, repair, snow plowing and other necessary services on the right of way by the owners and sharing of the cost of same on an equitable basis;

(F) That the certificate of occupancy issued for any premises shall be conditioned upon observance and subject to the declaration of covenants required herein, and the subdivision map approved by the Planning Board shall contain a map note referring to the resolution establishing the open development area by date and number, which map note shall also state that the issuance of building permits and certificates of occupancy are subject to the Declaration of Covenants herein required;

(G) That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein.

On roll call the vote was as follows:

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

RESOLUTION NO. (282-1992)

ACCEPTING DEED FOR
ROAD WIDENING
(CHAMPEAU)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as OLD SCHOOLHOUSE ROAD APARTMENTS, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Schoolhouse Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated April 3, 1992, from Old Schoolhouse Road Apartments, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Old Schoolhouse Road, New City, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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RESOLUTION NO. (282-1992) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (283-1992)

ACCEPTING DEED FOR
ROAD WIDENING -
GREENBUSH ROAD -
(BAKER)- MAP 120-A-37)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "Subdivision of Property for WILHELMINA BAKER" (Map 120-A-37), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along North Greenbush Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated March 25, 1992, from Wilhelmina A. Baker to the Town of Clarkstown gratuitously conveying a strip of land along North Greenbush Road, West Nyack, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (284-1992)

AUTHORIZING SUPERVISOR
TO EXECUTE EXTENSION
AGREEMENT WITH GRACE
CONSERVATIVE BAPTIST
CHURCH (PRESCHOOL
PROGRAM) - CHARGE TO
APPROPRIATION ACCOUNT
NO. A 7141-401

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission wishes to extend the lease agreement with the Grace Conservative Baptist Church to conduct a preschool program in Nanuet, New York,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an extension agreement with the Grace Conservative Baptist Church to conduct a preschool program, and that said agreement shall be in a form satisfactory to the Town Attorney, and be it

Continued on Next Page

RESOLUTION NO. (284-1992) Continued

FURTHER RESOLVED, that said agreement shall cover the period from July 1, 1992 to June 30, 1993, and the fee shall remain the same as the original agreement and be charged against Appropriation Account No. A 7141-401.

On roll call the vote was as follows:

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

RESOLUTION NO. (285-1992)

AUTHORIZING TOWN
ATTORNEY TO DEFEND A
PROCEEDING - SMITH V.
ZBA AND TOWN OF
CLARKSTOWN

Co. Smith offered and Co. Maloney seconded

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

THOMAS SMITH and DEANNA J. SMITH,

Petitioners,

For a Judgment, pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

THE ZONING BOARD OF APPEALS OF THE
TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (286-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #36-1992 (MOSQUITO
CONTROL PROGRAM)

Co. Dusanenko offered and Co. Maloney seconded

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

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RESOLUTION NO. (286-1992) Continued

BID # 36-1992
MOSQUITO CONTROL PROGRAM

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, MAY 20, 1992 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (287-1992)

AWARDING BIDS FOR BID
#26-1992 (VARIOUS
VENDORS)

Co. Smith offered and Co. Maloney seconded

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

BID #26-1992
FOOD PROVISIONS

is hereby awarded to:

F. WILSON SMITH INC.
22 HUDSON DRIVE
STONY POINT, NY 10980
PRINCIPAL: F. WILSON SMITH

MULLER DAIRIES
17 KLEIN AVENUE
WEST NYACK, NY 10994
PRINCIPAL: WILLIAM MULLER

SCHAFFER FOOD SERVICE CO.
PO BOX 60
NEW ROCHELLE, NY 10802
PRINCIPALS: MONROE SCHAFFER
HARVEY FINKELSTEIN
IRVING SCHWARTZ

CHARLES FREIHOFFER BAKING CO. INC.
99 WEST NYACK ROAD
NANUET, NY 10954
PRINCIPAL: PUBLIC CORPORATION

COUNTRY COFFEE CO.
12B DEXTER PLACE
PEARL RIVER, NY 10965
PRINCIPALS: JULIET L. CARECCIA
WILLIAM V. CARECCIA

MAX BRAUN
94 WOODWORTH AVE.
YONKERS, NY 10591
PRINCIPAL: NORMAN BRAUN

COOKIES UNITED COMM.
50 MERCEDES WAY
BRENTWOOD, NY 11717
PRINCIPAL: NEIL LUHOW

NEW YORK PRETZEL CORP.
64-70 MAURICE AVE.
MASPETH, NY 11378
PRINCIPALS: RONALD ORFINGER
HERBERT NOVICK

On roll call the vote was as follows:

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

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RESOLUTION NO. (288-1992)

AWARDING OF BID
#27-1992 (ICE CREAM
PRODUCTS FOR TOWN
OPERATED SUMMER
REFRESHMENT STANDS
(VMQ ICE CREAM
DISTRIBUTORS)

Co. Smith offered and Co. Maloney seconded

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

BID #27-1992
ICE CREAM PRODUCTS FOR THE TOWN
OPERATED SUMMER REFRESHMENT STANDS

is hereby awarded to:

VMQ ICE CREAM DISTRIB.
56 CRICKETTOWN ROAD
STONY POINT, NY 10980

as per their low bid proposal as follows:

<u>ITEM</u>	<u>VEN. PROD. NAME</u>	<u>STD. PK. SIZE</u>	<u>WGT. PER IND. UNIT</u>	<u>PRICE PER STD. PK</u>
ICE CREAM SANDWICH	PERRY'S	24	30Z.	\$ 5.60
STRAWBERRY CRUNCH BAR	"	24	30Z.	\$ 5.60
CHOCOLATE CRUNCH BAR	"	24	30Z.	\$ 5.60
CHOC. COVERED VANILLA ICE CREAM POP	"	24	30Z.	\$ 5.00
ITALIAN ICE CUP (ASST. FLAVORS)	MORINO'S	12	60Z.	\$ 3.50
ICE CREAM DIXIE CUP (VAN/CHOC)	PERRY'S	24	30Z.	\$ 4.80
	"	12	60Z.	\$ 5.00
FROOZE FRUITS (ONLY) VAR. FLAV.	FROZ FRUIT	24	40Z.	\$12.00

On roll call the vote was as follows:

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

RESOLUTION NO. (289-1992)

AWARDING OF BID
#28-1992 (SOFT DRINKS
FOR TOWN OPERATED
SUMMER REFRESHMENT
STANDS) COCA COLA BEV.
SERV.

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of
the Superintendent of Recreation & Parks and the Director of
Purchasing that

BID #28-1992
SOFT DRINKS FOR TOWN OPERATED
SUMMER REFRESHMENT STANDS

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RESOLUTION NO. (289-1992) Continued

is hereby awarded to:

COCA COLA BEV. SERV.
35 WINTHROP AVENUE
NEW ROCHELLE, NY 10801

as per their low bid proposal as follows:

<u>ITEM</u>	<u>BID QUOTE PER 5 GAL. CONTAINER</u>
COCA COLA CLASSIC.....	\$29.05
DIET COKE.....	\$29.05
SPRITE.....	\$29.05
MINUTE MAID.....	\$29.05
IF APPLICABLE: COST OF CO2 GAS PER CYLINDER	\$10/\$17
STATE SIZE OF CO2 CYLINDER	20/50
COST OF CO2 HOOK-UP (IF ANY)	-----

On roll call the vote was as follows:

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

RESOLUTION NO. (290-1992)

AWARDING BIDS FOR BID
#21-1992 - SALE OF
SURPLUS DATA
PROCESSING/OFFICE/AND
MISC. ELECTRICAL
EQUIPMENT (HERBISON,
GULICK AND COUGHLIN)

Co. Smith offered and Co. Maloney seconded

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

BID #21-1992
SALE OF SURPLUS DATA PROCESSING/OFFICE/AND
MISC. ELECTRICAL EQUIPMENT

is hereby awarded to the following bidders who offered the
highest amounts for items indicated

ITEM #66 - IBM TYPEWRITER S/N 263437395 - \$25.00
ITEM #70 - IBM TYPEWRITER S/N 266249536 - \$25.00
AWARDED TO: Maryann Herbison
2A Laurel Road
New City, NY 10956

ITEM #79 - ELEVEN - FOUR FT. FLUORESCENT FIXTURES - \$57.00 LOT
AWARDED TO: Arthur L. Gulick
193 Sickletown Road
West Nyack, NY 10994

ITEM #68 - IBM TYPEWRITER S/N 266452309 - \$25.00
AWARDED TO: Mary Coughlin
54 New Hempstead Rd.
New City, NY 10956

and be it

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RESOLUTION NO. (290-1992) Continued

FURTHER RESOLVED, that remaining items shall not be awarded pending a decision by the Town Attorney concerning a questionable bid response.

On roll call the vote was as follows:

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

RESOLUTION NO. (291-1992)

AWARDING BIDS FOR BID #30-1992 - SWIMMING POOL AND MISC. CHEMICALS (VARIOUS BIDDERS)

Co. Smith offered and Co. Maloney seconded

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

BID #30-1992
SWIMMING POOL AND MISC. CHEMICALS

is hereby awarded to

UNIVERSAL CHEMICALS
100 HACEKENSACK AVE
SO. KEARNY NJ 07032

PRINCIPALS: ANDREW EPSTEIN
DONALD EPSTEIN
LAWRENCE EPSTEIN
MARK EPSTEIN
STEVEN EPSTEIN
ABBY JARETT
ELAIN KAPLAN

PRESTIGE LABS
100 OAK STREET
E. RUTHERFORD NJ 07073
PRINCIPALS: GERALD BIEBER
LEONARD HONIG

CERTIFIED LABS
PO BOX 5006
KENDALL PARK NJ 08824
PRINCIPALS: IRVIN LEVY
LESTER LEVY
MILTON LEVY

JONES CHEMICALS
PO BOX 280
WARWICK NY 10990
PRINCIPAL: ESTATE OF JOHN WILEY JONES

ZEP MFG COMPANY
PO BOX 299
SPRINGFIELD NJ 07082
PRINCIPAL: PUBLIC CORP.

DUSO CHEMICAL
173 SMITH STREET
POUGHKEEPSIE NY 12602
PRINCIPAL: ARTHUR LANDESMAN

JERSEY CHEMICAL
PO BOX 542
RIVERSIDE STATION
PATERSON NJ 07524
PRINCIPAL: ALAN TAUB

as per the attached item/price schedule

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

as per the attached item/price schedule.

On roll call the vote was as follows:

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

RESOLUTION NO. (292-1992)

RESCINDING RESOLUTION
NO. (274-1992) -
APPOINTMENT TO
POSITION OF DATA ENTRY
OPERATOR I -
COMPTROLLER'S OFFICE
(PENNI SCACCIO)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. (274-1992) adopted at
the April 14, 1992 Town Board Meeting - appointing Penni
Scaccio to the position of Data Entry Operator I -
Comptroller's Office - is hereby rescinded.

On roll call the vote was as follows:

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

RESOLUTION NO. (293-1992)

CREATION OF DATA ENTRY
OPERATOR I -
COMPTROLLER'S OFFICE

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has
certified on February 7, 1992 that the position of Data Entry
Operator I - Comptroller's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Data Entry Operator
I - Comptroller's Office - is hereby created - effective and
retroactive to April 27, 1992.

On roll call the vote was as follows:

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

RESOLUTION NO. (294-1992)

APPOINTING TO POSITION
OF (PROVISIONAL) -
DATA ENTRY OPERATOR I
- COMPTROLLER'S OFFICE
(PENNI J. SCACCIO)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Penni J. Scaccio, 191 South Little
Tor Road, New City, New York, is hereby appointed to the
position of (Provisional) Data Entry Operator I - Comptroller's
Office - at the current 1992 annual salary of \$18,538.00,
effective and retroactive to April 27, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (295-1992)

APPOINTMENT OF ANIMAL
CONTROL OFFICER
(PATRICIA
MCCOY-COLEMAN)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles (RC-NCP) #92067 Animal Control Officer II - which contains the name of Patricia McCoy-Coleman,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Patricia McCoy Coleman, 102 Washburn Lane, Stony Point, New York, to the position of Animal Control Officer II - Police Department - at the current 1992 annual salary of \$35,608.00, effective and retroactive to April 15, 1992.

On roll call the vote was as follows:

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

RESOLUTION NO. (296-1992)

APPOINTMENT OF POLICE
SARGEANT (STEVEN T.
MORGAN)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89129A Police Sergeant - which contains the name of Steven T. Morgan,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Steven T. Morgan, 986 Woodbury Road, Highland Mills, New York, to the position of Police Sergeant - Police Department - at the current 1992 annual salary of \$63,542.00, effective and retroactive to April 27, 1992.

On roll call the vote was as follows:

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

RESOLUTON NO. (297-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
EMPLOYMENT AGREEMENT
WITH CHIEF AND
CAPTAINS OF POLICE

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an

Continued on Next Page

RESOLUTION NO. (297-1992) Continued

Employment Agreement with the Chief of Police and the Captains of Police, for the period January 1, 1992 through December 31, 1994, and hereby directs that a copy of such Agreement be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (298-1992)

AMENDING RESOLUTION
NO. 610-1991 - ROUTE
59A DRAINAGE IMPROVE-
MENTS WEST NYACK -
CHARGE TO ACCOUNT
H7140-25P89-05-409

Supv. Holbrook offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 610-1991 awarded bid #58-1991 to Sanitary Construction Company for their low bid of \$179,825.00; and

WHEREAS, a budgeted sum of \$40,000.00 to cover miscellaneous additional work that may be required during this project was not included in Resolution No. 610-1991;

NOW, THEREFORE, be it

RESOLVED, that bid #58-1991 be awarded to Sanitary Construction Company for their low bid of \$179,825.00; and be it

FURTHER RESOLVED, that the total cost of the Route 59A Drainage Improvements Project be increased by \$40,000.00 for a total not to exceed \$219,825.00; and be it

FURTHER RESOLVED, that this be a proper charge of Account #H7140-25P89-05-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (299-1992)

CORRECTING RESOLUTION
NO. (247-1992) RE
INSTALLATION OF FIRE
HYDRANTS - "PARKER
BOULEVARD" SHOULD BE
"OVERLOOK BOULEVARD"

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Resolution No. (247-1992) which was adopted at a Town Board Meeting held on April 14, 1992 referred to "Parker Boulevard" and such street should have been referred to as "Overlook Boulevard"

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (299-1992) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install five hydrants at the following location(s):

- X-9153 1. West side of Overlook Boulevard approximately 60 feet south of the center line of Smith Road.
- X-9154 2. North side of Overlook Boulevard approximately 590 feet south of the center line of Smith Road.
- X-9155 3. North side of Overlook Boulevard approximately 1,180 feet south of the center line of Smith Road.
- X-9156 4. North side of Overlook Boulevard approximately 1,790 feet south of the center line of Smith Road.
- X-9157 5. North side of Overlook Boulevard approximately 2,390 feet south of the center line of Smith Road.

Investigation No.: 10795

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation Clerk.

On roll call the vote was as follows:

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

Councilman Dusanenko inquired about the contracts for the new police/court facility. Town Attorney stated they have been sent out but have not yet been returned. Councilman Dusanenko said before the Town signs its contracts there was much talk that the electrical work could be done if the specs were different, for several hundred thousand dollars less. There was also discussion that certain types of stone or granite could be used perhaps with other materials as an alternate reducing the cost several hundred thousand dollars more. He said we should draw up a resolution and have a meeting with the Supervisor and the Clerk of the Works to work out these change orders prior to the signing of the contracts so that later on we don't pay more for the same in case we decide to downscale some of the materials in the building. If there is agreement with this Board now on a straw poll to do such Town Attorney could draft a resolution to be considered. He said it should be established who is going to be in charge of this project. Change orders for anything more than \$1,000.00 should come back to this board unless it is a field emergency situation where you don't want to wait two weeks. He said even though he is personally against the new police station we should get the most value for our dollar.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing

Continued on Next Page

re: Zone Change for properties in vicinity of Pascack Road and Alice Drive, was opened, time: 8:47 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change for properties in vicinity of Pascack Road and Alice Drive was closed, DECISION RESERVED, time: 9:40 P.M.

RESOLUTION NO. (300-1992)

REFERRING PROPOSED
ZONE CHANGE FROM LIO
TO MF-2 OR RG-2 - MAP
165, BLOCK A, LOT 3.02
- (BRADCO REALTY
CORP.) TO CLARKSTOWN
PLANNING BOARD AND
ROCKLAND COUNTY
COMMISSIONER OF
PLANNING AND SETTING A
PUBLIC HEARING RE:
SAME

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board, on its own Motion, recommends that the Zoning Ordinance of the Town be amended by redistricting property owned by Bradco Realty Corp., from an LIO District to an MF-2 or RG-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 165, Block A, Lot 3.02;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on May 26, 1992, at 8:50 P.M., relative to the proposed amendment, and be it

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

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

On roll call the vote was as follows:

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

Supervisor stated that to clarify what they did - they reserved decision on the zone change from the LIO do R-15 and we are just scheduling a date for another public hearing with two other options either RG-2 or MF-2. In answer to a question from the public Supervisor said he did not think there were enough votes on the Town Board at this stage to vote to change to R-15 but, maybe there are to consider some other residential zones. We are not going to vote on anything until after the next public hearing on this. Councilman Maloney said we must wait until we get the SEQRA also. Supervisor said that public hearing will be on the 26th of May. Councilman Maloney said if we are going to change from LIO we will have three options - MF-2, RG-2 or R-15 - three residential zones we could change it to instead of just the one. Alice Drive will not be decided until the SEQRA is done.

On motion of Councilman Dusanenko, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing re: Amendment to Town Code Section 106-32(A) Extending Time Period for Planning Board to Make Recommendations on Matters Referred by Town Board, was opened, time: 9:40 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to Town Code Section 106-32(A) Extending Time Period for Planning Board to Make Recommendations on Matters Referred by Town Board, was closed, RESOLUTION ADOPTED, time 9:45 P.M.

RESOLUTION NO. (301-1992)

AMENDING ZONING
ORDINANCE RE: PROPOSED
AMENDMENT TO PLANNING
BOARD SECTION
106-32(A) - EXTENDING
TIME PERIOD FOR
PLANNING BOARD TO MAKE
RECOMMENDATIONS ON
MATTERS REFERRED BY
TOWN BOARD

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 10, 1992, provided for a public hearing on April 28, 1992, at 8:35 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated March 12, 1992, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance 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

Continued on Next Page

RESOLUTION NO. (301-1992) Continued

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

Amend Section 106-32(A). Amendments, to read as follows

"A. Proposed amendments referred to Planning Board. The Town Board may, from time to time, on its own motion or on petition or on recommendation of the Planning Board, after public notice (as specified in Subsection B) and hearing, amend, supplement, modify or repeal this chapter pursuant to provisions of the Town Law. Any proposed amendment may be referred to the Planning Board, which shall submit a written report to the Town Board, prior to public hearing thereon by the Town Board. The Planning Board shall make such report within ninety (90) days after receiving notice from the Town Clerk.

In the event the Planning Board requires additional information, or additional time to review the SEQR documents, or to receive the results of coordinated environmental review process with other procedures relating to review and recommendation, the Town Board, in its discretion, may grant a further extension of ninety (90) days. The Planning Board's failure to make such report within the original ninety (90) day period, and any extension granted, shall be deemed to be a favorable report."

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.

On roll call the vote was as follows:

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

On motion of Councilman Dusanenko, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Zone Change from LIO to R-22 or R-15 - Map 129, Block A, Lot 38 (USA Construction), was opened, time: 9:46 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from LIO to R-22 or R-15 - Map 129, Block A, Lot 38 (USA Construction), was closed, RESOLUTION ADOPTED, time: 10:05 P.M.

Before the resolution was proposed Councilman Dusanenko asked what the difference was between the two resolutions prepared on this question? Town Attorney said right now you would need a super majority no matter what you do. You would need four votes. The problem here is that part of this was R-15. He said he sees the newspaper advertisement talks about LIO to either R-15 or R-22 but in that sense it is a little misleading and he said it would be okay if you want to pass it to R-15. The R-22, however, he did not think was

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properly advertised because it should really have said R-15 and LIO to R-22. Councilman Mandia said since there has been a motion to make it R-22 which has not had a second that point is moot. Town Attorney said you could make it R-15. Councilman Dusanenko asked which was the better resolution for the Town? Town Attorney said it has become moot now because what has happened here is one needed a majority plus one but since you have a protest petition either one is a majority plus one.

Councilman Mandia said this motion was precipitated by the Town Board, and among other things, by a request to the community that went on quite awhile ago. He said Mr. Lodico brings up a good point. He said he thinks we need to stop and take a good look at some of the commercial properties that are beginning to disappear. On the other hand, he said he has been to the property three times. It is a difficult piece and he said the drainage is the most convincing argument to him. Putting a big commercial building up there, with the associated driveways and so on could create a very difficult drainage situation. On the other hand, one needs to be fair to the owners if you take away a piece of commercial property, and also you have to think about the welfare of the Town. He said he sees no danger at all in granting the R-15 requesting the Planning Board that there be no more than 4 homes developed on that piece. They might be able to get five or six but he would like to limit it to four. Councilwoman Smith said with no access to Route 9W.

RESOLUTION NO. (302-1992)

AMENDING ZONING
ORDINANCE OF TOWN OF
CLARKSTOWN FROM LIO TO
R-15 - TOWN'S OWN
MOTION (MAP 129, BLOCK
A, LOT 38)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 24, 1992, on its own motion, provided for a public hearing on April 28, 1992, at 8:40 P.M., to consider amendment to the Zoning Ordinance of the Town of Clarkstown by redistricting that portion of the property which is located in an LIO District to an R-15 District, which property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 38, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated November 1, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning to change the zone

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RESOLUTION NO. (302-1992) Continued

from LIO to R-22, because it believes that changing the zone from LIO to R-15 will benefit the residents in the area, and be it

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the following conditions:

1. Development of the property is limited to four (4) homes.
2. No access shall be given from the subject premises to Route 9W.

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting that portion of the property which is located in an LIO District to an R-15 District, which property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 38, 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.

On the roll call Councilman Dusanenko said he also concurs as does Councilman Mandia with the comments basically of our planners and Mr. Lodico regarding the need for industrial or commercial lands within the Town. At the same time we have residents who turned out and they are entitled to choose what kind of neighbor they are going to have. He said to go with residential he thinks is very, very important and also as amended by the Councilmen here to take the proper precautions and limit, because it is a sensitive area, not to the six or seven or whatever number lots a person could but to be reasonable and fair to both new neighbor and established neighbor this seems to make sense and he would support it.

Supervisor Holbrook said he would support the resolution. He favored R-22 but he would support this because it doesn't make any sense to develop it into LIO.

On roll call the vote was as follows:

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

On motion of Councilman Dusanenko, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Local Law Amendment to Town Code Chapter 47 Relating to the Department of Purchasing, was opened, time: 10:13 P.M.

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Local law Amendment to Town Code Chapter 47 Relating to the Department of Purchasing, was closed, RESOLUTION ADOPTED, time: 10:17 P.M.

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RESOLUTION NO. (303-1992)

ADOPTING LOCAL LAW NO
1-1992 - AMENDMENT TO
CHAPTER 47 (PURCHASING
DEPARTMENT) OF THE
TOWN CODE OF CLARKSTOWN

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 47 (PURCHASING, DEPARTMENT
OF) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on April 14, 1992, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 14, 1992, directed that a public hearing be held on April 28, 1992, at 8:45 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 21, 1992, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 31, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 28, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1992, entitled:

"AMENDMENT TO CHAPTER 47 (PURCHASING, DEPARTMENT
OF) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Theodore R. Dusanenko, Councilman....No

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Councilman Dusanenko said he had make a suggestion prior to all the public hearings earlier and in consultation with some of the councilmen and the Town Attorney that we have a workshop planned for this coming Monday, is that correct? He was told that was so. He said the only question is are you going to sign the contracts or do anything to move the project ahead between now and then? Supervisor said no. Councilman Dusanenko said he wanted that understanding for the record so they could put that off for the workshop on Monday. He asked what about Councilman Mandia requesting another workshop? Supervisor Holbrook said we will do it after that. There will be five or six people who are going to come and speak. We only have two or three other items on there. Councilman Dusanenko said in other words we will be able to accommodate those who

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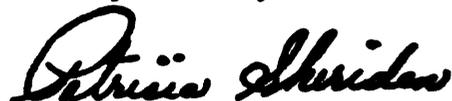
have roles of Councilmen for a change. Supervisor said absolutely. You will be able to sit there all night.

Councilwoman Smith said she is on a mission for Jawonio and they are wondering if the Town of Clarkstown would be a sponsor in their fund raiser for the golf tournament. It is \$250.00 to be a sponsor. This was approved.

Town Clerk noted that the Congers Elementary School would like five copies of our Bicentennial Journal. This was approved.

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 Councilwoman Smith the Town Board Meeting was declared closed, time: 10:18 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/92

8:47 P.M.

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

RE: Zone Change for Properties in Vicinity of Pascack Road
and Alice Drive, Spring Valley, New York

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

Supervisor said these proposed changes are a product of the master plan update which the Planning Board has been working on for a long time. He said this is the third phase to be worked on. The purpose of these hearings is to evaluate the recommendations of the Town planners and to implement, if necessary, the wishes of the planners who have spent considerable time evaluating these properties. He asked Mr. Robert Geneslaw, Town Planning Consultant, to briefly describe the rationale for this project and why the Planning Board came to the conclusions that it did.

Mr. Geneslaw said based on a request from Town Board members and Planning Board members we examined an area that was defined generally by Spring Valley on the west, Palisades Parkway on the east and the Thruway on the south. He said they examined all of the vacant parcels in that area and all of the parcels which they felt were under utilized. The result of all of that included a series of recommendations that some parcels not have their zoning changed at this time and that zoning be changed on four separate parcels.

One is commonly known as the Bradco property which is on the left side of New Clarkstown Road and extends through Pascack Road. It is a seven acre parcel that is now zoned L10 and is surrounded almost completely by residential properties. The recommendation is to change that. The area immediately to the south of it around Sydney and Olin is zoned R-15. The areas to the north and to the east are zoned RG-2 and are part of the overall Kingsgate Development. The other three parcels for which changes were recommended are on the westerly end of Alice Drive. Alice Drive is a long road extending westward from Middletown Road just north of the Thruway. He said there are five or six privately owned parcels at the westerly end. We are recommending that three of them be changed to an MF-2 zoning designation from the present R-15. They are surrounded on the northwest by an area rezoned to MF-2 about a year and half ago by the Town Board as part of the overall rezoning of the former airport property. The total acreage of all three is less than twenty acres so the change would not be significant in terms of acreage changes. The land use pattern has been established through development and to make these changes is most appropriate.

Town Attorney said he has recommendations by the Town Planning Board which recommends approval. The Rockland County Planning Board recommends approval and SEQRA does not anticipate any environmental impact. Supervisor said then each of these particular zone changes could be adopted by a simple majority of the Town Board, is that correct? Town Attorney said yes except you need a super majority on one of these. Supervisor asked if there had been a 265 petition filed on Bradco? Town Attorney said he would check that. Supervisor said pending the checking out whether a 265 is valid for Bradco there is a question that the Town Board might need three or

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four members to approve that. Town Attorney said on the others it would only require a simple majority. Supervisor asked anyone who wishes to speak on any of the zone changes here when they make their comments identify the parcels about which they are speaking.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico said the Bradco parcel bothers him because those parcels have a history of removing our commercial property from our map. He referred to a "Christmas present" of 1975 when Kingsgate was granted a zone change to make condominiums. Seventy-five percent of that area was in our commercial zone - manufacturing, L10 and L0 properties. Supervisor said he thought that was 1972. Mr. Lodico said the point is we continue to remove commercial properties from our tax roll and place them in an area of residential use. He said residential properties do not pay their way in proportion to commercials. Commercial does not supply any children to our school system which presently costs us in excess of \$12,000.00 per year to educate a child. It is a matter of principle to remove more property from the commercial map.

Town Attorney said that Mr. Geneslaw has just informed him that he needs a little more time on SEQRA. We would have to reserve decision on all of these parcels tonight as well as Bradco. Supervisor said a majority would only be needed for the other ones. Supervisor asked will the SEQRA be completed by the next Town Board meeting. Town Attorney said it would be twenty days from the 22nd which makes it May 12th.

Appearance: Ms. Pat Sans
Nanuet

She said we are taxpayers and we do our part. She said their President, Lorraine Brooks sent a letter which speaks to their point. She said she came to the last workshop and sat for the many hours that you did. She said she listened very carefully as you showed concern for a skating rink and what was going to happen to the traffic flow because you are concerned about the people. She said we are also people and would like the same concern shown. She noted that the "Help Us" facility is also very close by and they use that road. It would no longer be a safe road for them. She said when she bought her condominium she thought this had been resolved. She said she hoped this would be resolved now and take them into consideration as residents and taxpayers of the community. Councilman Maloney asked her if she was in favor of the zone change? He was told yes.

Appearance: Mr. Tom Dobbie
Nanuet, New York

He said he was in favor of the zone change also. He noted that the properties north, south, east and west are residential. He said Bradco wanted to build a warehouse where they would keep potential fire hazards and change the whole area. They would put truck traffic onto New Clarkstown Road. Property values would go down. It is completely different from what the area requires. When this whole development is built there will be 1,200 families in there with about 2,500 to 3,000 registered voters. Look at what damage Bradco can do to our property values. He said he was for changing this to a residential area.

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PH - Zone Change for Properties in Vicinity of Pascack Road
and Alice Drive, Spring Valley, New York

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Appearance: Ms. Barbara Dorfman
Treetops
Nanuet, New York

Ms. Dorfman read a letter to the Town Board (letter on file in the Town Clerk's office.) She was opposed to letting Bradco have access to New Clarkstown Road from Bradco. She noted that petitions had been sent to the Supervisor last week. Upon questioning from Town Board Members she stated that she wanted it from LIO to R-15.

Appearance: Ms. Marsha Greenburg
Rustin Estates
Nanuet, New York

Ms. Greenburg noted the problems with trucking in the area now and could not imagine what would happen if a warehouse was allowed to be built. She said there was very poor water in that area pointing out potential danger from fire. She said the area has been neglected and abused. She gave a history of requested changes for the property. She said that they have been disturbed as early as 7:00 A.M. on a Saturday morning. She said they pay higher taxes in the area because they are in the East Ramapo School District. She urged the Town Board to take this opportunity to listen to all the requests that have been made from the residents regarding this area.

Appearance: Mr. Malcolm Marquith
Treetops
Nanuet, New York

He stated he was a new resident opposed to construction of commercial on this property. He said he was in opposition to a warehouse here.

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

He said Bradco did not initiate this zone change. He gave a history of the property noting that it had been zoned LIO long before Kingsgate was Mr. Goldstein's dream and long before any of the condominiums in the area were built. The property originally belonged to Raymond Pile Company and was subsequently donated by them to the Archbishop of New York. Mr. Tracy said he bought it from the Archbishop of New York and sold it to a Charles Pepe who did manufacturing on the property and who subsequently sold it to Bradco Supply Company. The property has always been zoned LIO. The property at the present time is entitled, if you change the zone to R-15, to maintain its present status as a non-conforming LIO use for the uses that presently exist on the property. He noted that at one time before Mr. Pepe had it, it was a large commercial laundry.

Mr. Tracy said as far as the rationale of the zone change is concerned he knows that the developers of the adjacent property have been in favor of this zone change. They had requested that the property be rezoned at the time back in late 1987/88 when Bradco submitted a site plan to build a warehouse as a use by right on the property. He said Bradco has no intention of building that warehouse at the present time. Therefore, the property would remain a saleable, viable LIO parcel of land in the Town of Clarkstown. He said a hue and cry was raised by some of the same associations who appeared here tonight when the Parker Corporation sought a zone change to multiple family for the property across the way. They wanted it left LIO. He said he heard tonight that there

is another zone change proposed on Alice Drive for a Nancy Thomas and a Howard Mehrtens. He said he was in favor of those zone changes. Parker next door was zoned MF and that property is back in the rear and basically abuts the MF parcel. The rationale given by the Town Planner for recommending that zone change was that the property abutting it had been changed to MF. What then is the rationale for proposing R-15 for Bradco when the greater part of Bradco is surrounded by RG-2 and MF zones not R-15 zones? He said there have been some continuing negotiations over the past year between the Iser/Graf people and Bradco people for the purchase of the property. The rezoning of it as R-15 on 6.6 acres will drastically reduce the value of the Bradco parcel. Iser/Graf just obtained a zone change on the parcel adjacent to Bradco for multiple family use. Perhaps there would be an expected fire sale at Bradco at the present time.

Mr. Tracy said for those neighbors who support this zone change he wished to caution them or perhaps enlighten them to the fact that if the zone is changed to R-15 the non-conforming use is going to be continued and there is no way the Town is going to be able to extinguish it. If the Town Board in its wisdom used the same kind of rationale on Bradco that they utilized on the Thomas and Mehrtens parcels perhaps there would be acquiescence by the owners for use consistent with the uses around it. He said he emphasizes at the present time that Bradco no longer intends to build that warehouse that excited everybody, particularly the developers of the adjacent parcel. Therefore, he thinks that the zone change is ill advised. He said he was not sure it should remain LIO but he did not understand the rationale that he has heard here tonight for placing it in an R-15 zone unless that rationale is to be a bargaining advantage to an adjacent owner.

Appearance: Mr. Steven Iser, owner
Timberline (adjacent parcel)

Mr. Iser said he and his partner (Mr. Graf) have expressed a number of times to Town Board members that they have no interest at all in purchasing Bradco even if it did come on the market at a fire sale price. He said what they are concerned about is what Mr. Tracy just said - that if that property is rezoned to R-15, the LIO use cannot be extinguished. He said when the Town Board, in its wisdom, granted the zone change for that strip along New Clarkstown Road they inserted the provision that we are to provide an access to Bradco. We have gone on the record stating that we are opposed to this and we cannot do it in good conscience. There are too many people out there that we have told on many occasions that we are opposed to the existing operation at Bradco, to the warehouse that was proposed, and to providing direct access out to New Clarkstown Road for Bradco. The LIO zone is one of the widest zones in the Town and in an LIO zone you can do almost anything and have almost any type of operation. He said the current use of Bradco is basically a junk yard. He presented photographs of the property taken about two weeks ago which show abandoned vehicles which is not allowed in Clarkstown. Supervisor noted that our code inspectors have been out there. Mr. Iser said they are in support of the zone change for R-15 and opposed to providing access to New Clarkstown Road for Bradco under their current operation. If that use ceases they would be happy to talk about access.

Appearance: Mr. Warren Kossin, Esq.
representing various condominiums

Mr. Kossin said all four boards (Vista at Kingsgate, Section 1; Vista at Kingsgate, Section 2; Treetops,

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and Alice Drive, Spring Valley, New York

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Section 2; and Knolls East Condominium 1) which he represents are in favor the zone change and have taken an adverse position against the use of the property for a warehouse or any other use that is permitted at the present time under the LIO designation. The use of that property as LIO is inconsistent and incompatible with the entire make-up of surrounding areas which consist solely of multiple residences with the condominiums located in the hamlets and also the single family dwellings which border to the north and to the west of the Bradco property. He noted that Mr. Lodico had stated that whatever zone changes occurred in 1975 were a gift. He said he was sure it was a gift to a lot of people but he thinks that any investigation or review of the use of the property as condominiums would show that the amount of money collected as taxes - both the Town taxes and especially school taxes - far outweighs the contribution that the condominiums make as a burden to the properties. As a matter of fact, he said if you look at the number of children that come from almost any condominium in the Town of Clarkstown which are all one and two bedroom condominiums you will see that the percentage is very low and in most cases the money is a give away.

Mr. Iser went on to say that most certainly the condominiums in that zone change in 1975 was a major gift to a lot of people but so far it has not been a gift to the people living in the condominiums. He said several years ago the Town of Clarkstown in two situations implemented the Homestead Act which increased the taxes provided by the condominiums from anywhere from 15% to 25%. So not only do we have a gift in 1975 but we also have a gift in the 1980's. Now we are looking for a gift back. Not only for those condominium homeowners but also for the single family homeowners that are living in the area. Mr. Tracy may be 100% correct in what he said and frankly after listening very carefully to what Mr. Tracy said he did not think that he (Mr. Tracy) opposed the motion except that possibly he was looking for MF or RG-2 but it certainly did not sound as if he was opposing the motion changing it from LIO to residential in some form or other. That being the case he did not see how the owner of the Bradco property would suffer because they would always have the right in the future to come back to the Town and petition the Town Board for a change from R-15 to MF or to RG-2 or anything they might want. Therefore, if he heard Mr. Tracy correctly it appeared he was joining in with the Town's motion to change the zoning from LIO to R-15.

Mr. Iser said he thinks what we really have to look at is the potential damage to the Town of Clarkstown should that property ever be used as LIO property. In most cases if LIO property is bordered by single family dwellings eventually those single family dwellings will come back to the Town and they would ask for zone changes so that property could be used for either offices or some other property use compatible with LIO but because you have all these condominium units there they can't because that would be inconsistent with the by-laws and the declarations. All those people who would be bordering on the LIO property will be stuck as residential property and he said he didn't think it takes very much imagination to come to the realization that for all those properties that are bordering on to warehouse or any other LIO use, eventually those property values are going to drop and keep dropping and every single year those homeowners will be going before the grievance board asking for a decrease in their assessments and the decrease in the assessments will eventually end up with a decrease in the taxes collected by the Town of Clarkstown for those properties. Those decreases will far outweigh any tax benefits that you will get from the use of that property as an LIO property. He said if we look towards

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and Alice Drive, Spring Valley, New York

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what will be the betterment of the Town of Clarkstown the answer is that mixing LIO with residential is not for the benefit of the Town of Clarkstown and the potential decrease in the taxes collected from that property will far outweigh any benefits. Again, those people who own now or will own property in the future are interested in having a zone change to a higher density residential use may always have that right to come before the Town of Clarkstown. The Town of Clarkstown, as witnessed by the other zone changes tonight has not been against zone changes which are compatible with the use of the property.

Appearance: Mr. Axel Graf, Pres.
1200 Master Association
co-owner Timberline

Mr. Graf said as to the 1200 Master Association he wished to state that the petition that was drawn and distributed to all the residents of the Hamlets of Rockland was carefully considered after many board meetings and input from all the residents. He said in all sincerity there was not one resident that he knew of personally or any of his delegates on that board, and there are ten delegates, that would not want to see this zone change take place. They all do not agree with the present use or any future expansion of that use as it is totally incompatible with that area.

He said the matter of access is of even greater importance to the residents because if that access is granted, development of various types and sizes can severely impact upon the residential nature of this property. He said as far as he can say for Timberline any discussions that we have had with Bradco were basically exploratory only because it was so detrimental to us that this use takes place (here he showed pictures stating this was a junk yard). He said when they put the property up for sale we had some discussion. But, we didn't then and we don't now have any intention of purchasing this. Frankly, we have our hands full to develop the property as is especially with the financial situation as it is in the residential market. We are not here to depress the value of the Bradco property. This is just clearly a property in the wrong place.

Appearance: Mr. Frank Conklin
Alice Drive
Nanuet, New York

He said you are asking for a zone change on Alice Drive mainly because there are two group homes. That is the main reason. Supervisor said no, the rationale behind the Planning Board coming to this is essentially the proximity of the Parker piece which is adjacent to it which in the Planning Board's view (he was not saying in the Town Board's) was the rationale for recommending that these properties be considered for MF-2. Mr. Conklin asked how would they get into this property if you change it to MF-2? Supervisor said if we were to change it and it would be developed that would be something the Planning Board would have to deal with at the time of development but he said he did not think they would recommend it necessarily if there wasn't a way to get access.

Mr. Conklin said in the last study cited it is stated that it is a residential area at the southern end of the study area. It is zoned R-22 and is part of the Nanuet Union Free School District and has a Spring Valley mailing address. He said the Spring Valley mailing address is false; it has a Nanuet mailing address. It goes on to say that a few dwellings

Continued on Next Page

and two group homes are in this most important area and it is surrounded almost exclusively by open space and vacant land. Supervisor said the vacant land of Parker Nanuet is zoned MF-2. Supervisor said the group homes were not the controlling factor in the Planning Board making the recommendation. He said he thinks it was the proximity to Parker Nanuet. That the group homes are there is a fact and they would continue to be there. Mr. Conklin said but another thing here says the ownership of this land is shared by several private parties. Access is from Alice Drive off Middletown Road and several of the buildings in this area are visible to and from the Thruway. The buildings visible are his two buildings. He said the final study says the site is partially occupied by a few single family houses and has an R-22 designation. This area could include multiple family houses or some light industrial uses but neither does topography of the land or its location next to the railroad necessarily lends itself to substantial development. While the isolation of the single family properties has its attractions the group homes and the potential for large scale multi residential development to the north has affected the single family residential character of this area. He said the recommendation notes that the zoning of three privately owned single family parcels should be changed to MF-2 and he asked if this was good planning? Supervisor said it was what the Planning Board is recommending.

Supervisor said since Mr. Conklin happens to own property there he should tell us what you think. He said it sounds as if Mr. Conklin is not in favor of the zone change. Mr. Conklin said he is definitely not in favor. He said first of all we have a ten foot road. We have to come across County property which gave us a ten foot right of way. That was there when we bought our homes many years ago. He referred to a map of Mehrtens property which is already laid out with some beautiful homes. Why would you want to change it? Supervisor said this is part of the master plan update and is for the Town Board to consider the same as the Bradco piece. He said the Town Board is not necessarily going ahead with the zone change here. This is a recommendation and that is why we take public input. We appreciate your coming out and informing us that as a property owner there you are not in favor of that.

Mr. Conklin said as a matter of fact even the people that own the property are against it - Mehrtens, Thomas he has it all with him. It's all in the files. He said he is the only one in the corner abutting the Thruway and the railroad. They came in for a zone change because of the Thruway and the railroad. Why did they come up to him and stop? Do you understand what I am saying? He said they have to come by his home, up the same private road that he uses. This is not good planning. I said go for the single family homes and leave it the way it is. He said with the group homes they take children that don't have a place to go. Don't say, get them out of here. Nancy Thomas is in real estate, This woman is so against this. Supervisor said the rezoning has nothing to do with the group homes. Whether you change or don't change, the group homes are going to stay there. Mr. Conklin read that one of the reasons for changing it is the group homes. Supervisor said that might be one of the reasons but it is not the major reason. The major reason for the Planning Board considering it was the substantial piece adjacent to it - the Parker Nanuet piece. Mr. Conklin said we should have more hearings. Supervisor said we are listening to you and we are going to reserve decision.

Councilwoman Smith asked if the owners of the property were advised of this hearing? She was told the property was posted.

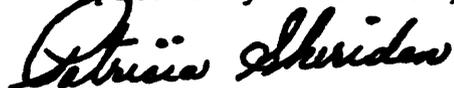
Appearance: Mr. Howard Mehrtens
Alice Drive
Nanuet, New York

Mr. Mehrtens said he was one of the owners of property involved. He said he is a major landowner and there is about six acres involved and he has no objection to the zone change and he said he thinks that is the sentiment of Nancy Thomas. He was not sure about McClelland. He said he was sure that if the Town Board were to approve this zone change to MF they would want that property to be used for that purpose particularly since it abuts the Parker property. The problem with that property is that Dykes Park Road which came off Route 59 was severed by the Thruway and that was a 30 foot right of way which now is cut by the Thruway and access to this parcel is over County owned property now. He said he has been endeavoring for three years now to petition the County through the Surplus Property Office (he said he didn't know the name of it) to widen that right of way so that the land can be used for the purpose for which it is zoned. There has been one obstacle after another which prevents that land from being used and from being developed and put on the tax roll. He would request that the Town Board request the County to expedite the widening of that right of way so that the land can be used for the purpose for which it is zoned. Supervisor asked if he was speaking in favor of the change? Mr. Mehrtens replied he was.

Councilwoman Smith asked if the road were widened do you want R-15 or do you want MF-2? Mr. Mehrtens said MF-2 as it is RG-2 now. Supervisor said you want the opposite of what Mr. Conklin said? Mr. Mehrtens said yes. Mr. Mehrtens said he would also request the Planning Board to make it possible that a subroad abut the property from Parker Nanuet so that we could have two means of egress from that property.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 9:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/92

9:41 P.M.

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

RE: Amendment to Town Code Section 106-32(A) Extending
Time Period for Planning Board to Make Recommendations
on Matters Referred by Town Board

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

At the request of Supervisor, Mr. Rudolph Yacyshyn, Planning Consultant explained this amendment. He stated as was evidenced by the discussion at an earlier public hearing it has come to our attention that from time to time the SEQRA process necessitates a review by the Town Planning Board of greater duration than that which is currently allowed us which is 45 days. The Planning Board strongly urges in order to provide to the Town Board the widest possible frames of reference in terms of researching all aspects of any zone change recommendation we may make to you, that we be allowed the extra time to complete this process. Supervisor asked how much more time are you asking for here? Mr. Yacyshyn said they had sort of left it somewhat open in their recommendation but he sees by the resolution that it is ninety days which doubles what is the current time.

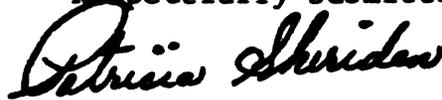
Mr. Yacyshyn went on to note that obviously it has always been the policy to respond to your board as soon as practical and we do that but the maximum would be ninety days.

Supervisor asked if any Board members had any questions? Town Attorney said that is not correct. There is the discretion to grant you a further extension of an additional ninety days. Supervisor asked what was the extension now? Town Attorney said they have ninety days and you can give them an extra ninety days. Mr. Yacyshyn said if it is necessary. Town Attorney said that would be one hundred and eighty days total.

Supervisor asked if there was anyone wishing to make comments relative to this? No one appeared.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (301-1992) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/28/92

9:46 P.M.

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

Re: Zone Change from LIO to R-22 or R-15 - Map 129,
Block A, Lot 38 - U.S.A. Construction

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

Supervisor asked Mr. Robert Geneslaw, Planning Consultant to explain the requested zone change. Mr. Geneslaw said this was a zone change that was initiated by the Town Board. The property is about 90,000 square feet, about two acres and is a very difficult, steep site at the north end of Old Haverstraw Road where it meets Route 9W. It is now zoned LIO and R-15. The proposal initiated by the Town Board was to change it to all R-15 or all R-22. He said he believed that the County Planning Board and the Town Planning Board both recommended in favor of the R-22. He said Town Attorney could confirm that. Mr. Geneslaw said along Old Haverstraw Road there are some houses near by and if the property is developed as LIO there would be commercial or industrial developments above them probably with significant retaining walls along or near the back property line to the homes. So you would be looking up at retaining walls and there would be commercial activity up above.

Supervisor said this is a very steep property going up from Old Haverstraw to Route 9W there. He asked Mr. Geneslaw if he was speaking in favor of changing this to residential? Mr. Geneslaw agreed.

Supervisor asked if there was any member of the public who would wish to speak relative to this?

Appearance: Bruce Rogers, Esq.
Attorney for Tilcon

Mr. Rogers said Tilcon's property is within 500 feet of the property which is why they received the notice. We are not contiguous and are on the other side of Route 304. He said he was speaking in opposition to the zone change. This parcel, as he has seen it from the zoning map, apparently fronts all along Route 9W. It is a steep parcel but it is on Route 9W and he did not believe it had any frontage at all on Old Haverstraw Road. We would be taking a piece of Route 9W which is basically commercial along there and changing it to residential. He said their objection would be that they have a quarry. He noted that they have been there a long time and Supervisor said he believed since 1927. He said by bringing more homes into the area he did not believe that would be beneficial since it is quite close to the quarry. He said we also would be bringing traffic onto Route 9W - residential - somewhere between 4 and 6 homes possibly entering onto Route 9W in the middle of a commercial area which he felt would be quite inappropriate. Without access to Old Haverstraw Road, which he did not believe this property has, it would be an inappropriate change. We would be removing commercial property from the tax rolls, replacing it with residential and then dumping onto a very heavily commercial area of Route 9W. There is nothing residential along that whole strip. We would be bringing it closer to the quarry where we are and have been blasting for the last sixty or seventy years.

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

He said the gentleman before him has given you the same answers and raised the same objections to removing commercial property from our map. In deference to our planner, who indicated that there is a steep bank, etc. - if the planners were representing a potential builder or someone else, he would tell you that anything can be engineered and therefore he would tell you that you could build on a mountain, build in a stream, etc. with proper engineering. The LIO property and its designation should retain its commercial nature and not be removed from our bank.

Appearance: Mr. Scott Turner
300 Old Haverstraw Road
Congers, New York

Mr. Turner said he was very interested in Mr. Yacyshyn's comments on the property because he believed he had visited it. He said he had spoken with Arlene Miller of the County Planning Board yesterday. In a letter dated October 5th they did not feel that the LIO portion should be changed to R-15, if anything it should be R-22. They have reviewed the property four times. He said his main problem is he can't see having a retaining wall as he would not want every single tree on the property being cut down. They are 150 feet deep and Route 9W is directly behind them. This is visual esthetics and lessens the noise on Route 9W. If you look up there now there are a lot of cars and trucks which would be directly visible to all who front Old Haverstraw Road. He said an engineer can do anything but he did not know what they could do on the northern end along Old Haverstraw Road.

Supervisor said are you speaking in favor of the zone change to R-15? Mr. Turner said he would like to see the LIO property sterilized. He said if he had to he would prefer R-22. He said he did not want LIO as he did not want to see a warehouse in there.

Appearance: Mr. Ed Glisson
Congers, New York

He said he could not see why anyone would want to build on this property because it is so steep and so close to Route 9W. The uses in LIO suggest to him that they need some planning for wintertime as the large paved areas leaves nothing but drainage to come down into people's basements on the east side. It certainly won't help to maintain the integrity of Old Haverstraw Road itself which suffers water damage as it is. He said if anything he would go for R-22 hoping that some lawn area would help to gather some of the moisture. He also asked that they retain some of the trees.

Appearance: Mr. Bob Banholzer
1 Old Clave Road
Congers, New York

Mr. Banholzer said he was in favor of R-22 zoning on this. It should definitely not be an LIO zone. Drainage is a very big problem off that hill. There is mostly stone up there underneath Route 9W also.

Appearance: Mr. Tom Byrne
Old Clave Road
Congers, New York

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 Map 129, Block A, Lot 38 - U.S.A. Construction
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Mr. Byrne said he was in favor of the rezoning to R-22. He said he wishes that the gentleman from Tilcon would come over to his house at noon when his entire foundation shakes. He said if he could do anything at all he would like to stop the trucks up on Route 9W.

Appearance: Mr. Frank Luciano
 Congers, New York

Mr. Luciano said everytime Tilcon blasts the house shakes. He has made numerous complaints but even his new concrete is cracked. He said he would like to go to R-22 for the simple reason that he is the last house on Old Haverstraw Road where Route 304 meets. He said there is plenty of water running off on to the property. He said he has never been able to have grass yet and he has over a half acre of property there.

Appearance: Mr. Uri Sassoon
 USA Construction Corp.

He said they purchased this property as an LIO and intended to build it as LIO. However, since the Town wishes to change the zone by its own motion he has no objection and they are willing. He said he is against R-22 as it is too punitive and R-15 would be a more compatible zone. Half of the property is R-15. He said there is an area of about 9,000 or 10,000 square feet where there is an MF-2 and LIO. He presented a 265 petition against the R-22.

Councilman Maloney said then you are in favor of changing it to residential? Mr. Sassoon said yes. Councilman Dusanenko asked Mr. Sassoon if this is changed to residential would they have any driveways going out to Route 9W? He said no they would go out to Old Haverstraw Road. There was reference to maps and discussion among the Town Board and Mr. Sassoon at this point.

Appearance: Mr. Tom Leonard
 2 Old Clave Court
 Congers, New York

Mr. Leonard said he would like to have the zone changed to residential.

Appearance: Mr. Hal McCoy
 Congers, New York

Mr. McCoy said there is too much commercial property there now. How much more commercial property are you going to have? He said he would be surrounded by nothing but dump trucks. He said all he hears are trucks going by in the morning. He was in favor of residential zoning.

Appearance: Mr. Rudolphy Yacyshyn, Chairman
 Clarkstown Planning Board

Mr. Yacyshyn said it is clear that the Planning Board agrees with Mr. Lodico's position with respect to the shrinking inventory of LIO in the Town of Clarkstown. However, given that, there are specific circumstances and locations which obviously militate to a different position. The Planning Board very strongly recommends to the Town Board that the change in zoning from LIO/R-15 to R-22 be enacted. He said we are joined in this by the County Planning Department. It is somewhat premature at this time to indicate how this parcel will be developed in R-15 or in the R-22 which is, of course, what we are strongly recommending because of the topography and things of that nature. So it would have to go through that

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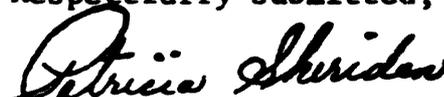
PH - Zone Change from L10 to R-22 or R-15 -
Map 129, Block A, Lot 38 - U.S.A. Construction
4/28/92

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process which you are all aware of as far as subdivision is concerned. He said given the topography, given the other considerations and aspects which were embodied in our recommendation to you and joined by the County Planning Department he said he thinks the most practical and efficient use of this parcel would be in the R-22 zone and they strongly recommend it.

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (302-1992) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Towan Hall

4/28/92

10:13 P.M.

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

Re: Local Law No. 1-1992 re: Amendment to Town Code Chapter 47 Relating to the Department of Purchasing

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

Town Attorney said when we passed the code they inadvertently changed the status of the Purchasing Department so what we are really doing is changing it back to what we had before.

Councilman Dusanenko said he had no problem with the incumbent. The incumbent did a great job for him also in six years as Supervisor. The point is down the road he did not feel this has merit because nobody has any vendettas against Mr. Kohler. He said he is doing a good job for you and he did a good job for me but suppose we want to consolidate two positions down the road - two functioning department heads - you are precluded from making that administrative decision. If somebody wants to do it seven, eight, ten years down the road right away you have to go through the whole rigmarole again and you are taking away another sacred cow.

Supervisor asked if there was anyone wishing to ask a question or make a comment. No one appeared.

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 303-1992) ADOPTED)