

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/26/92

8:00 P.M.

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.

Presentation of awards for winners of the
Clarkstown Drug Abuse Prevention Board's Poster Contest were
presented by Judge Kelly and members of the board.

Clarkstown Youth Court's Eighteenth Graduation
ceremony for 21 members.

Supervisor Holbrook congratulated the Youth Court
members and noted that Councilman Dusanenko initiated this
program.

Town Board Members spoke in support and praise of
the Youth Court.

Supervisor opened public portion of the meeting.

Appearance: Martin Bernstein
New City, NY

Mr. Bernstein spoke regarding Item 19.

Appearance: John Cuff
West Nyack, NY

Mr. Cuff spoke regarding Item 2B and Item 15.

Appearance: Zeporah Fleischer
New City, NY

Ms. Fleischer spoke regarding Item 20

Appearance: Bruce Broadley
West Nyack, NY

Mr. Broadley spoke regarding Item 19.

Appearance: Joseph Mielo
Congers, NY

Mr. Mielo spoke regarding Item 18.

Appearance: Rosemary Seerey
West Nyack, NY

Ms. Seerey spoke regarding Item 5B.

Appearance: Daniel Cea
Congers, NY

Mr. Cea spoke regarding Item 10 and Item 18.

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Appearance: Rita Eileen Glynn
Nyack, NY

Ms. Glenn spoke regarding Item 2d.

Appearance: Paul Adler
West Nyack, NY

Mr. Adler requested that the Nanuet Mall (CPI) be held to the same standards as the Pyramid Company.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to Town Code Chapter 106-32(D) Fees, was opened, time: 9:20 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Admendment to Town Code Chapter 106-32(D) Fees, was closed RESOLUTION ADOPTED, time 9:25 P.M.

RESOLUTION NO. (355-1992)

AMENDING ZONING
ORDINANCE OF THE TOWN
OF CLARKSTOWN (SEC.
106-32(D) FEE

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 14, 1992, provided for a public hearing on May 26, 1992, at 8:35 P.M., to consider the adoption of the following proposed amendment 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, acting as staff to the Town Board as lead agency, dated April 22, 1992, 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

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

Amend §106-32(D) to read as follows:

"D. (1) Fee. Every petition for a text amendment to this chapter shall be accompanied by a fee of Two Hundred Fifty Dollars (\$250.00), to help defray the cost of processing."

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RESOLUTION NO. (355-1992) Continued

"D. (?) Fee. Every petition for an Amendment to the Zoning Ordinance shall be accompanied by a fee of Five Hundred Dollars (\$500.00), to help defray the cost of processing."

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 Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change R-15 to LIO - Map 164, Block A, Lot 14 (Hopf) was opened, time: 9:26 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change R-15 to LIO - Map 164, Block A, Lot 14 (Hopf) was closed, DECISION RESERVED, time: 9:45 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Abandoning Unnamed Street in Congers was opened, time: 9:46 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandoning Unnamed Street in Congers was closed, RESOLUTION ADOPTED, time : 10:00 P.M.

RESOLUTION NO. (356-1992)

ABANDONING UNNAMED
MAPPED STREET (BETWEEN
BEACON STREET AND OLD
HAVERSTRAW ROAD,
CONGERS) AND AMENDING
THE OFFICIAL MAP

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 28, 1992, provided for a public hearing on May 26, 1992, at 8:45 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of an unnamed mapped street, lying between Beacon Street and Old Haverstraw Road, Congers, New York, as described in Schedule "A" attached, and

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RESOLUTION NO. (356-1992) Continued

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

WHEREAS, the Superintendent of Highways has requested that Elaine Smolyak Rusinak and George Smolyak, petitioners for the road abandonment, gratuitously provide the Town with two deeds for road widening purposes along lands of Rusinak and Smolyak and along a portion of the unnamed street to be abandoned;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated May 19, 1992, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of the unnamed mapped street, lying between Beacon Street and Old Haverstraw Road, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, subject to Elaine Smolyak Rusinak and George Smolyak gratuitously conveying two strips of land for road widening purposes, one strip of land located along the designated street line on the property owned by Rusinak and Smolyak, and the other located on the unnamed mapped street.

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the unnamed mapped street, lying between Beacon Street and Old Haverstraw Road, Congers, New York, as described in the attached Schedule "A", and be it

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

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 Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change LIO to MF-2 - Map 165, Block A, Lot 3.02 (Bradco) was opened, time: 10:05 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change LIO to MF-2 - Map 165, Block A, Lot 3.02 (Bradco) was closed, DECISION RESERVED, time: 10:30 P.M.

RESOLUTION NO. (358-1992) Continued

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, for the purposes of the New York State Environmental Quality Review Act (SEORA), 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 SEORA review, and be it

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. (359-1992)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
(AMENDMENT TO CHAPTER
149 - GARBAGE, RUBBISH
AND REFUSE)

Co. Maloney offered and Co. Mandia seconded

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

"AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 23, 1992 at 8:55 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), the Town Board determines that it shall act as lead agency and Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review.

On roll call the vote was as follows:

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RESOLUTION NO. (359-1992) Continued

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

RESOLUTION NO. (360-1992)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
(AMENDMENT TO CHAPTER
248 - SOLID WASTE
TRANSPORTATION AND
DISPOSAL)

Co. Maloney offered and Co. Mandia seconded

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

"AMENDMENT TO CHAPTER 248 (SOLID WASTE TRANSPORTATION AND DISPOSAL) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 23, 1992 at 8:50 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

RESOLUTION NO. (361-1992)

SETTING PUBLIC HEARING
(DESIGNATION OF TWO
HISTORICAL SITES) MAP
38, BLOCK A, LOTS 13
AND 25

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, it has been proposed that the house and barn located on the West side of Little Tor Road, New City, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 38, Block A, Lots 13 and 25, be designated as Historical Sites pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 23, 1992, at 8:45 P.M., to consider the designation of the aforesaid property as Historical Sites, 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 said Clerk.

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. (362-1992)

ASSESSING ADDITIONAL
COSTS FOR CHAPTER 111
PROCEEDING (HUTTON 59
TOWN HOUSE)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, pursuant to Resolution No. 310 adopted at the Town Board meeting of May 12, 1992, the sum of \$25,883.75 was assessed against premises designated on the Clarkstown Tax Map as MAP 163, BLOCK A, LOT 11, for expenses incurred for the corrective measures taken by the Town in connection with the above mentioned premises, and

WHEREAS, the sum of \$1,030.00 for an Asbestos Survey conducted at the above premises was inadvertently omitted from the statement of expenses attached to Resolution No. 310;

NOW, THEREFORE, be it

RESOLVED, that the additional expense of \$1,030.00 for an Asbestos Survey conducted at the above premises, making a total of \$26,913.75 for the proceeding and corrective measures taken, is hereby assessed against MAP 163, BLOCK A, LOT 11.

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RESOLUTION NO. (364-1992) 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. (365-1992)

ACCEPTING DEED FOR
SANITARY SEWER
EASEMENT (JOY ACRES
NORTH SUBDIVISION)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as JOY ACRES NORTH, Valley Cottage, New York, the Planning Board of the Town of Clarkstown requested a deed for a sanitary sewer easement through Lot C-1 in said subdivision;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated August 10, 1990, from Israel Herskowitz, Joseph Herskowitz and Saul Strulovic to the Town of Clarkstown gratuitously conveying a sanitary sewer easement through Lot C-1 in the aforesaid subdivision 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. (366-1992)

ACCEPTING DEED
(HEGARTY HOMES)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as HEGARTY RETAIL FACILITY (Map 120-A-28 and 31.01), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ingalls Street, Central 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 24, 1992, from HEGARTY HOMES, INC. to the Town of Clarkstown gratuitously conveying a strip of land along Ingalls Street, Central Nyack, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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RESOLUTION NO. (366-1992) 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. (367-1992)

REQUESTING CERTIFICATE
OF NECESSITY FROM THE
N.Y.S. DEPARTMENT OF
TRANSPORTATION (MEDWAY
AVENUE)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, wishes to improve a portion of Medway Avenue, Congers, New York, and

WHEREAS, that portion of Medway Avenue to be improved is less than three (3) rods in width, having been laid out many years ago, and

WHEREAS, the Superintendent of Highways of the Town of Clarkstown has consented that said portion of Medway Avenue in Congers be laid out as a highway less than three (3) rods in width, and

WHEREAS, pursuant to Section 200 of the Town Law, it is necessary for the Town Board to obtain a Certificate of Necessity from the New York State Department of Transportation authorizing a highway of less than three (3) rods in width;

NOW, THEREFORE, be it

RESOLVED, that the Town Board waives the requirement that said road shall be three (3) rods in width, and be it

FURTHER RESOLVED, that upon the consent of the Superintendent of Highways of the Town of Clarkstown, the Town Board hereby requests that the Department of Transportation of the State of New York provide a Certificate of Necessity for that portion of Medway Avenue, Congers, New York, described in Schedule "A" attached, be laid out as a highway less than three (3) rods, and be it

FURTHER RESOLVED, that the Town Board hereby requests that the the New York State Department of Transportation grant permission to the Town for any work to be performed in the right-of-way of Route 303, with respect to the road improvement of Medway Avenue, Congers, New York.

(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. (368-1992)

AUTHORIZING DIRECTOR
OF ENVIRONMENTAL
CONTROL TO PERFORM
DRAINAGE WORK-VICINITY
893 STOCKTON ROAD,
VALLEY COTTAGE-CHARGE
TO CAPITAL ACCOUNT #2

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition has existed since 1987 at 893 Stockton Road, Valley Cottage, New York; and

WHEREAS, the installation of an interceptor drain would ameliorate the current condition and halt further deterioration of Stockton Road; and

WHEREAS, the Director of Environmental Control has obtained a proposal from Bruce Smith Contracting to perform the corrective drainage work in accordance with the requirements of the Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is authorized to hire Bruce H. Smith Contracting, Inc., Stony Point, New York to install the proposed interceptor drain in accordance with the requirements of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost for such improvements shall not exceed \$8,450.00 and shall be a proper charge of Capital Account #2.

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. (369-1992)

AUTHORIZING AGREEMENT
WITH NEW YORK STATE
THRUWAY AUTHORITY (USE
OF TRANSFER STATION)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the New York State Thruway Authority wishes to enter into an agreement with the Town of Clarkstown for use of the Transfer Station for the period beginning January 1, 1992 and terminating on December 31, 1992, and

WHEREAS, the Town Board is willing to enter into an agreement with the provision that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the New York State Thruway Authority to

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RESOLUTION NO. (369-1992) Continued

provide for the use of the Transfer Station for the period commencing January 1, 1992 and terminating on December 31, 1992, for disposal of garbage and refuse at the per ton cost then in effect (currently \$85.00 per ton), and be it

FURTHER RESOLVED, that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town.

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. (370-1992)

AUTHORIZING TOWN
COMPTROLLER TO
TRANSFER FUNDS FROM
MONEY IN LIEU OF LAND
ACCOUNT TO PARKLANDS &
IMPROVEMENTS ACCOUNT
(KINGS PARK)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Superintendent of Recreation and Parks is recommending that the Town of Clarkstown do the necessary improvements at Kings Park at an estimated amount of \$50,000.00,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$50,000.00 from the Money in Lieu of Land Account to the Parklands and Improvements Account, to pay for the necessary improvements at Kings Park

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. (371-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO MOVE "ONE
HOUR PARKING" SIGN
(MAPLE AVENUE & SECOND
STREET, NEW CITY)

Co. Maloney offered and Co. Mandia seconded

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

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RESOLUTION NO. (371-1992) Continued

Move the "One Hour Parking" sign located on the southwest corner of Maple Avenue and Second Street, New City, further south to a distance of 20 feet.

and be it

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

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. (372-1992)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #41-1992 (MISC. PARK EQUIPMENT, ZUKOR PARK)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #41-1992
MISC. PARK EQUIPMENT
ZUKOR PARK IMPROVEMENT PROJECT

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: June 19, 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. (373-1992)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #42-1992 (CORRUGATED HIGH DENSITY POLYETHYLENE CULVERT PIPE)

Co. Dusanenko offered and Co. Mandia seconded

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RESOLUTION NO. (373-1992) Continued

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

BID #42-1992
CORRUGATED HIGH DENSITY POLYETHYLENE
CULVERTY PIPE

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: June 16, 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. (374-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #43-1992
(ALUMINIZED STEEL TYPE
2 CULVERT PIPE)

Co Dusanenko offered and Co. Mandia seconded

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

BID #43-1992
ALUMINIZED STEEL TYPE 2
CULVERT PIPE

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 June 17, 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. (375-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #44-1992 (RIVETED
CORRUGATED STEEL
CULVERT PIPE)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #44-1992
RIVETED CORRUGATED STEEL
CULVERT PIPE

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 June 18, 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. (376-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #45-1992
(MAINTENANCE & REPAIR
OF TOWN TRAFFIC
SIGNALS & PEDESTRIAN
CONTROL DEVICES

Co. Dusanenko offered and Co. Mandia seconded

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

BID #45-1992
MAINTENANCE AND REPAIR OF TOWN TRAFFIC
SIGNALS AND PEDESTRIAN CONTROL DEVICES

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 June 30, 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

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RESOLUTION NO. (377-1992)

AWARDING BID #36-1992
(MOSQUITO CONTROL
PROGRAM) TO ROCKLAND
TREE EXPERT CO., INC.

Co. Maloney offered and Co. Smith seconded

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

BID #36-1992
MOSQUITO CONTROL PROGRAM

is hereby awarded to

ROCKLAND TREE EXPERT CO., INC.
11 McNamara Road
Spring Valley, New York 10977
PRINCIPALS: JOHN W. WICKES
 JAMES B. WICKES
 JENNIFER WICKES OLLMAN

as per their low bid proposal as follows:

LARVICIDE (4) @ \$500.00 PER APPLICATION

ADULTICIDE APPLICATIONS (7) @ \$ 25.00 PER PROPERTY
 @ \$2,200.00 MIN CHARGE
 PER APPLICATION

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. (378-1992)

AWARDING BID #34-1992
(CAST IRON CURB
INLETS, CATCH BASINS,
FRAMES AND GRATES) TO
CAMPBELL FOUNDRY AND
EDGERTON SALES CORP.

Co. Maloney offered and Co. Smith seconded

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

BID #34-1992
CAST IRON CURB INLETS, CATCH BASINS
FRAMES AND GRATES

is hereby awarded to

CAMPBELL FOUNDRY
800 BERGEN STREET
HARRISON, N.J. 07029
PRINCIPALS: J. ROBERT CAMPBELL, JR.
 JOHN CAMPBELL
 LEIGH V. MAYNARD

EDGERTON SALES CORPORATION
P.O. BOX 833
CHESHIRE, CT. 06410
PRINCIPALS: WOTHERSPOON FOUNDRY LTD.

RESOLUTION NO. (378-1992) Continued

as per attached item price schedule

(Item/price schedule 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. (379-1992)

REQUESTING DEPT. OF
ENVIRONMENTAL CONTROL
TO USE FLEXIBILITY IN
DETERMINING BACKWASH
REQUIREMENTS FOR
SWIMMING POOLS

Co. Mandia offered and Co. Maloney seconded

WHEREAS, it has come to the Town Board's attention that standard backwash requirements for swimming pools are not practicable in all circumstances due to the fact that pools on some properties can be backwashed without any impact on neighboring properties,

NOW THEREFORE, be it

RESOLVED, that the Clarkstown Department of Environmental Control should use flexibility for determining backwash requirements for swimming pools which require building permits.

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. (380-1992)

AUTHORIZING TOWN
COMPTROLLER TO RELEASE
\$1,000.00 TO GEORGE
REILLY (DE FOREST
ESTATES SUBDIVISION)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Comptroller to release \$1,000.00 to George Reilly, 6 Hemlock Road, West Nyack, New York, which amount was defaulted by the Town for the installation of the wearing course in the DeForest Estates Subdivision in regard to property designated on the Clarkstown Tax Map as Map 73, Block A, Lot 9.21.

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. (381-1992)

**AUTHORIZING PAY RATE
INCREASES - STUDENT
WORKERS**

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective June 1, 1992:

- Year-Round High School Students (Office Worker students)
Hired Prior to 1/1/92.....25¢ Per Hour
- Year-Round College Students (Office Worker Students)
Hired Prior to 1/1/92.....50¢ Per Hour
- Year-Round College Students & High School Students (Office Worker Students & Laborer Students) - Hired after 1/1/92 and Presently on Payroll.....25¢ Per Hour
- Returning Seasonal College Students:
- Office Worker Students.....25¢ Per Hour
- Laborer Students.....25¢ Per Hour

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. (382-1992)

**APPOINTMENT TO
POSITION OF SENIOR
RECREATION LEADER
(KATHLEEN M. KLINE)**

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92017 Senior Recreation Leader - which contains the name of Kathleen M. Kline,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Kathleen M. Kline, 11 West Street, Central Nyack, New York, to the position of Senior Recreation Leader - Parks Board and Recreation Commission - at the current 1992 annual salary of \$37,191.00, effective and retroactive to May 14, 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. (383-1992)

APPOINTMENT BY POLICE
COMMISSION TO POSITION
OF POLICE LIEUTENANT
(CHARLES T. DELO)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Lieutenant #89187A, which contains the name of Charles T. Delo,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Charles T. Delo, 59 Sherwood Drive, Nanuet, New York 10954, to the position of Police Lieutenant - Police Department - at the current 1992 annual salary of \$74,866.00, effective and retroactive to May 11, 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. (384-1992)

APPOINTMENT BY POLICE
COMMISSION TO POSITION
OF RADIO DISPATCHER
(WILLIAM E. BERRIGAN)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91038 Police Radio Dispatcher, which contains the name of William E. Berrigan,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of William E. Berrigan, 28 Foxcroft Drive, Nanuet, New York 10954, to the position of Police Radio Dispatcher - Police Department - at the current 1992 annual salary of \$23, 999.00, effective and retroactive to May 18, 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. (385-1992)

ACCEPTING RESIGNATION
OF MARTIN BERNSTEIN
(INDUSTRIAL
DEVELOPMENT COMMISSION)

Co. Dusanenko offered and Co. Maloney seconded

Continued on Next Page

RESOLUTION NO. (385-1992) Continued

RESOLVED, that the resignation of Martin Bernstein, 20 Woodglen Drive, New City, New York - Member - Industrial Development Commission - is hereby accepted - with regret - effective and retroactive to May 22, 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. (386-1992)

AUTHORIZING DEPT. OF ENVIRONMENTAL CONTROL TO DEMOLISH BUTSON HOUSE, 57 BURDA AVENUE NEW CITY (MAP 18, BLOCK A, LOT 28.2)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, the Fire Department and the Police Department have used the house owned by Donna and George Butson, located at 57 Burda Avenue, New City, New York, and designated on the Clarkstown Tax Map as Map 18, Block A, Lot 28.2, for training purposes, and

WHEREAS, the Town has agreed to demolish the structure, bury the foundation and transport the nonhazardous material to the Clarkstown Transfer Station, subject to conditions mentioned below;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Department of Environmental Control to demolish the house, bury the foundation, and transport the nonhazardous material to the Clarkstown Transfer Station from property owned by Donna and George Butson, which is located at 57 Burda Avenue, New City, New York, and designated on the Clarkstown Tax Map as Map 18, Block A, Lot 28.2, subject to the following conditions:

1. That the Town is not responsible for removing any hazardous materials from the property;
2. That the Butsons are responsible for removing any hazardous materials from the property;
3. That the tipping fee for disposal of the nonhazardous material at the Clarkstown Transfer Station shall be paid by the Butsons, at a cost not to exceed \$2,200.00.

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. (387-1992)

AMENDING ZONING
ORDINANCE (GIUSEPPE
DE PAULIS AND LUCY DE
PAULIS) MAP 129, BLOCK
A, LOT 14

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 26, 1991, provided for a public hearing on May 28, 1991, at 8:05 P.M., to consider the application of GIUSEPPE DePAULIS and LUCY DePAULIS, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioners described on the Clarkstown Tax Map as Map 129, Block A, Lot 14, from LIO District to an LS District, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant Leslie F. Bollman, Director of Environmental Control, 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 May 30, 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 for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LIO District to a LS District, the following described property in the Hamlet of Congers, New York, in said Town, and

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that a comprehensive statement regarding the area is unnecessary and that the impact of this change shall not be significant, and be it

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

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. (388-1992)

REQUESTING STATE
SENATOR TO INTRODUCE
LEGISLATION PERMITTING
SEPARATE ASSESSMENT
ROLLS FOR SCHOOL
DISTRICTS WHICH CROSS
BOUNDARY LINES

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the residents of the Town of Clarkstown owning property situate in the East Ramapo School District appear to be paying higher school taxes than comparable properties in other municipalities situate in the East Ramapo School District, and

WHEREAS, such unequal taxation results in a severe detriment to the residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, as follows:

The Town Board of the Town of Clarkstown hereby requests that our State Senator and representative introduce enabling legislation which would permit the Town of Clarkstown to have separate assessment rolls for school districts which cross the boundary lines of other assessing jurisdictions.

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. (389-1992)

REQUESTING TOWN OF
RAMAPO TO REVIEW
ASSESSMENT RATES

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the residents of the Town of Clarkstown owning property situate in the East Ramapo School District appear to be paying higher school taxes than comparable properties in other municipalities situate in the East Ramapo School District, and

WHEREAS, such unequal taxation results in a severe detriment to the residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, as follows:

The Town Board of the Town of Clarkstown hereby requests the Town of Ramapo to review the accuracy of their assessment rates within that portion of the Town of Ramapo which lies within the East Ramapo School District with a view towards equalizing their assessments with comparable properties in the Town of Clarkstown.

Continued on Next Page

RESOLUTION NO. (389-1992) 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. (390-1992)

REQUESTING EAST RAMAPO
SCHOOL DISTRICT TO
REQUEST SPECIAL
EQUALIZATION RATE

Co. Dusanenko offered and Co. Smith seconded:

WHEREAS, the residents of the Town of Clarkstown owning property situate in the East Ramapo School District appear to be paying higher school taxes than comparable properties in other municipalities situate in the East Ramapo School District, and

WHEREAS, such unequal taxation results in a severe detriment to the residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, as follows:

The Town Board of the Town of Clarkstown hereby requests the East Ramapo School District to submit a formal request to the State of New York for a special equalization rate, for school district purposes only, with a view towards equalizing all assessments within the said East Ramapo School District.

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. (391-1992)

AMENDING RESOLUTION
NO. 337-1992 -
SCHEDULING SCOPING
SESSION (NEW HAVEN
RECYCLING CORP.)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the date of the Scoping Session provided for in Resolution NO. 337-1992 as June 3, 1992 shall be amended to June 29, 1992, at 8:30 P.M., in Room 311 of the Clarkstown Town Hall, provided that a positive declaration pursuant to SEQRA is made by the Town Board on June 23, 1992, to discuss the remediation of the petroleum hydro-carbon contaminated soil at the Clarkstown Solid Waste Facility by New Haven Recycling Corp.

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RESOLUTION NO. (391-1992) 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. (392-1992)

AUTHORIZING SUPERVISOR
TO INCREASE THE AMOUNT
OF ECONOMIC ASSISTANCE
TO C.A.N.D.L.E. CHARGE
TO ACCOUNT #A 8840-424

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to increase the amount of economic assistance in the amount of \$4,800.00 from \$11,200.00, reflected in a resolution dated May 12, 1992, to \$16,000.00, and be it

FURTHER RESOLVED, that the amount of assistance has been increased in order to enable C.A.N.D.L.E. to receive matching funds from the Clarkstown School District which will ultimately fulfill a matching requirement for the New York State Substance Abuse Grant, and be it

FURTHER RESOLVED, that these funds are to assist C.A.N.D.L.E. in providing services for the calendar year 1992 and are to be charged against Account # A 8840-424.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 12:52 A.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/26/02

9:26 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 Chapter 106-32(D) 1&2 Fees

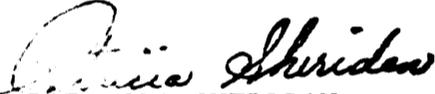
On Motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication..

Town Attorney stated that the County Planning Board and SEORA approves. This is a Type 2 action, no environmental impact and the Town Planning Board has recommended approval.

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

There being no one wishing to be heard on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:26 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 355-1992 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING
5/26/92

Town Hall

9:26 P.M.

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

Re: Proposed Zone Change (R-15 to LIO) - Hopf (164-A-14)

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

The Town Attorney said the County Planning Board approves with the condition that no access be allowed onto Pascack Road for any non-residential use. The Town Planning Board has not finished review and SFORA appears to be okay.

Supervisor Holbrook asked the applicant to identify himself for the record.

Martin Cornell, attorney representing the applicant stated that Hopf Enterprises has owned this property since 1962. The property borders on New Clarkstown Road. Mr. Hopf and his family gave three tenths of an acre to provide for that road a few years ago. This provides the access which runs north and south across the railroad tracks. The entire parcel is about two and a half acres. The entire parcel is bounded on the south by the railroad tracks and on the east side by the tunnel by-pass road and on the west by Pascack Road. On the east side there is an existing warehouse and office building. On the north side, there are residential units. Although the parcel is small, the zone line cuts right through the middle of the property. The largest portion of the property which is the easterly side is in the LIO zone. The westerly portion of the property consisting of about 42,000 square feet is in the R-15 zone. The owner contemplates putting a building on the property. It will be for office warehousing or possibly a building for automobile or tire sales. This has not been determined yet. In order to locate the building on the parcel and provide for adequate parking, the site could be better developed if the full piece of R-15 was located on the westerly end of the parcel, the existing residential units were eliminated and the property is zoned LIO. The concept is that there will be no access on to Pascack Road which is consistent with the County Planning Board's recommendation. The County Planning Board indicated that they would approve this zone change if there was no access on to Pascack Road. The applicant is willing to adhere to that providing the limitation is for non-residential purposes. There are two residences existing on the property and the applicant will be willing to provide for any appropriate landscaping, screening or any buffer areas on the north side to insulate the subject property from the residential property which will be done according to the Planning Board's requirements or such other requirements that other Town agencies would require. There is one other aspect of this matter which was discussed at some length before the Town Planning Board and that may be one of the reasons why they have not come to a resolution about it. There are concerns about access on to the New Clarkstown Road. Mr. Cornell stated the Town Board asked him to inquire as to whether or not access could be obtained across the Haber Realty property which lies directly north at the intersection to the driveway of the Haber Realty property. Haber Realty indicated that they are not interested in having Hopf Enterprises use their property as an ingress. At the present time, our only method of access would be on New Clarkstown Road.

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They would need a road opening along New Clarkstown Road. Mr. Cornell stated that they are willing to make good faith efforts and provide for an access at the Haber Realty intersection if possible. Mr. Cornell stated that getting access across someone else's property is not an easy thing to do. Mr. Cornell displayed a map of the site. The zone change application relates only to the piece which fronts on Pascack Road. They will dedicate a road widening on Pascack Road which would indicate that there is approximately forty thousand square feet of R-1 zone that they are essentially asking to be changed. The proposed building will be a small one story building of approximately seven thousand square feet.

Mr. Henry Horowitz
Engineer for Hopf

Mr. Horowitz explained by using the map where there would be an access.

Mr. Cornell stated that there is going to be a building on the property regardless of what may occur, but he is before the Board to try to provide for a better layout and a better site utilization by utilizing a little bit of the R-15 zone. The only way to do that is to ask for the zone change to permit that.

Councilman Dusanenko while looking at the map, asked Mr. Cornell and Mr. Horowitz if they had, on behalf of the applicant, asked members of the Planning Board or those property owners to have the present driveway come out at the light. Councilman Dusanenko asked for better planning for the Town and for all parties concerned is there any way (while pointing to the dark green strip on the map) that could be a portion of the roadway for an improved entrance way with a contribution on the part of your client so that they could make the entrance way in and out?

Mr. Horowitz stated that one of the approaches that they will be making to Haber is to have a common road. They will put the road in at their expense.

Councilman Dusanenko asked Mr. Horowitz what would be the time of construction on any kind of building there?

Mr. Horowitz answered, "When they get approval".

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

Appearance: Mr. Rudolph Yacyshyn, Chairman
Clarkstown Planning Board

Mr. Cornell and Mr. Horowitz have characterized the situation before this Board as it was before the Planning Board last Wednesday absolutely correctly. The items that were indicated have all been taken into account. We have asked that a recommendation from the Planning Board to this Board be deferred until we are able to get some indication as to whether or not the proposal to the Haber interests be aligned with Hopf interests to provide the best possible access from the site itself. Mr. Yacyshyn stated that he understood that that was not in the immediate offering. He said, however, he was instructed by the Planning Board to advise the Town Board that by consensus, not by formal recommendation yet, that the Planning Board is in favor of the petition as it stands and they hope to be able to offer a recommendation in full detail very shortly. The key issue here is the elimination of any access to Pascack Road, but to acquire a

Continued on Next Page

suitable combination of access to New Clarkstown Road. The Planning Board can join in that effort directly.

Appearance: Mr. John Lodico
New City, NY

Finally, we come from a R-15 to a LIO instead of the other way around or a MF-3. Mr. Lodico thinks that it is a reasonable request. It is in the interest of our business community. Mr. Lodico stated that he thought that it would be in the interest of the Board to consider in view of the fact that if the R-15 is left that way, one of our famous attorneys would probably represent a client to build a house on the R-15 section and you would have to grant an access to Pascack Road. You can't land lock the property. Who wants a house built on that road at that particular point?

Appearance: Mr. Ronald Selby

Mr. Selby is one of the property owners on the north side of the project. He is against the idea of this happening for various reasons. When the Airport Executive Park first came in, he was told then that the LIO was going to go straight across the back of the property which would be on the east side at the railroad tracks. Mr. Selby was always under the impression that the majority of the Hopf property was R-15 and probably would remain R-15. He stated that a tire and auto maintenance shop next to his house would reduce the quality of his life and would reduce the value of his property on which he has spent an enormous amount of money over the last ten years. He has lived there the majority of his life. He has watched the whole area change. Most of the ways are bad, but there is not much he can do about it. He feels that this will further degrade the area. Mr. Selby would not mind if they built an office building such as those already in existence along New Clarkstown Road. At least on the westerly portion if it could be achieved by Hopf Enterprise. He is sure that the property owner is not coming before the Planning Board or this Board with a proposal for a tire changing business unless he has a firm client in hand. Who would come for a zoning change with the expectations of a client? Mr. Selby stated that it was not fair for him to live next door to a place like that. Mr. Selby brought before the Planning Board his concerns about drainage. On more than five occasions, he has watched the house across the street be under water completely to the first floor. The drainage from this property goes into Pascack Road on the wrong side of the tracks. All of these things seem to go unheeded. Mr. Selby thanked the Board and Supervisor Holbrook for helping him and his neighbors about the burnt out house that was on the other adjacent property.

Appearance: Mr. Hector Santiago
No. Pascack Road

Mr. Santiago is an adjoining neighbor to the Hopf property. He was unaware of the LIO next to his house. Mr. Santiago stated that promises are made and never realized. These people say they are going to do a lot of things. It looks good on paper, but when it is done, in reality, we are going to have a big mess. You are going to have an oil change facility. No matter how many safety precautions you take, you are going to have oil spillage on the property. We have wells there and people drink from those wells. It is going to degrade the quality of life and his property is going to suffer.

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Appearance: Mr. M. Cornell
Attorney for Hopf

Mr. Cornell stated that there is no commitment to any particular user that is definitely going into that property. It is true that in the LIO zone it is permitted to have a car type of care facility there. So, if the zone is changed, that is a possibility. Mr. Cornell stated that if the zone change is granted, there will be adequate screening against the residential property on the north in whatever form the Planning Board or the Town Board deems appropriate to adequately protect those properties. There is going to be a building on the property anyway. Mr. Cornell suggested to the Board that this is an opportunity if you permit the property to be adequately utilized with the parking in the green area in the R-15, it would really give the applicant the ability to do more toward the ultimate end of providing adequate screening. He stated that it is true that to maintain a single family residence on that corner on that R-15 property really is not in the best form of planning and he thinks that both the County and the Town Planning Boards recognize that.

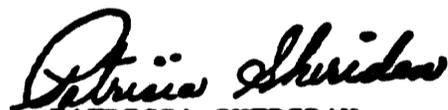
Councilman Mandia asked Mr. Cornell that if the change of the R-15 piece is not granted, would it then change the ultimate size of the building that could be built on that LIO piece.

Mr. Cornell responded saying that it probably would have to be smaller because there would be less area for parking.

Mr. Horowitz stated that it would require an action before the Board of Appeals which would have to be granted because the resulting LIO is less than the minimum which your ordinance requires.

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, DECISION RESERVED, time: 9:45 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/26/92

9:46 P.M.

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

Re: Petition to Abandon an Unnamed Street in Congers

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

Supervisor asked Mr. Jacobson if he had any reports.

Mr. Jacobson stated that the County Planning Board said that it is not within their jurisdiction. SEQRA, there is no environmental impact. There is no report from the Town Planning Board. The Highway Superintendent has requested that if the Board grants the abandonment, that they receive two deeds for road widenings along the Smollack property and along the frontage of the abandoned road.

Appearance: Mr. Martin Cornell, Esq.
Representing the Applicants

Mr. Cornell stated applicants Elaine Smolyak Rusinak and George Smolyakis are owners of the parcel which lies on the north side of this unnamed road. This property is located on the west side of Old Haverstraw Road and is very narrow or pie shaped. There was a two family residence which burned down a number of years ago and the property remained in the family. Applicants put the property on the market and it is now under contract sale to a corporation owned, as Mr. Cornell understands, by Dick Hiller who is going to put a house on that parcel. When contact was made with the Building Department to ascertain whether or not a building permit could be obtained on this parcel the Building Department determined that it was too small to accommodate a building without a variance. This decision was made rather than go for a variance which would have to be granted because it is an undersized lot. The thought was that the street on the south, if it were abandoned, would eliminate the street side as a front yard and eliminate the requirement of a thirty foot front yard and permit that to be a side yard which would then meet the interlope to permit the construction of a house on the lot. The full purpose of the road abandonment is to provide for a side yard rather than a front yard to increase the interlope that's preventing a residence to be on that property and avoid the necessity of going to the Zoning Board of Appeals. The title to the unnamed street is not something that is going to be acquired by the property owner and assuming ultimately that the property owners who abut that street would, by user and adverse claims, acquire some interest in the street. Mr. Cornell talked with the Superintendent of Highways and it has been requested that if the Board grants the application, the owner of this lot dedicate a road widening strip along the front portion. The street itself serves no purpose. When the development on the south side occurred, there was a dedication of a five foot strip of land. That piece of property is currently owned by the Town.

Supervisor Holbrook asked, "Was the purpose of the petition to have a side yard instead of a front yard - their interest is not in acquiring the land?" Mr. Cornell answered, "No". In order to be able to do that, the road would need to be abandoned and taken off the official map.

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Supervisor Holbrook asked if the Board Members had questions? There were none and Supervisor asked if any members of the public had any questions?

Appearance: Mr. John Sousa

Mr. Sousa lives south of the supposedly abandoned road. He said he had inquired about that property a couple of years ago looking to develop it and found there was a five foot strip of land adjacent to his property that was owned by the Town. At the time, he did not think it would be to his advantage to pursue the matter, but he is interested in acquiring part of that land if it is accessible to him. Mr. Sousa asked why the applicant was not interested in acquiring the land?

Mr. Cornell stated the title to that strip has not been searched and Mr. Cornell thinks that nobody really knows who owns that strip of land. Mr. Cornell stated that if the road is abandoned, the property owners would join to have use and may be able to acquire it by adverse interest in that street. The owner of this lot is not interested in acquiring the strip.

Supervisor Holbrook stated that with that street on the map, he really has a front yard there. If you take it off the official map, he has a side yard and not a front yard.

Mr. Jacobson stated if the street is abandoned, the Town Board could look at it with a view towards saying that it is surplus and dispose of it.

Mr. Sousa asked, "What would happen in that case if he wanted to acquire it?"

Supervisor Holbrook stated that we would have to have it appraised if we own it.

Mr. Jacobson stated that we do own it.

Supervisor Holbrook stated then it would be available for sale.

Councilman Dusanenko stated that a public hearing was held for the abandonment of Beacon Street on which the Town Board still has yet to render a decision. As discussed in a workshop when Mr. Cornell represented his client and brought this forth approximately two months ago, I brought to other people's attention that the Town had interest in property on this unnamed street as well as five feet on portions of Beacon Street. Councilman Dusanenko further stated that he suggested to our staff to please pursue the fact in case the abutting property owners were interested in purchasing it. Councilman Dusanenko stated that he was not against this, but he thought it might be precipitous because we would like to get offers from the abutting property owners so that the Town can recoup whatever funds which the adjacent property owners think is reasonable.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:00 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 356-1092) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/26/92

10:02 P.M.

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

Re: Proposed Zone Change (LIO to MF-2) - Bradco (165-A-3.02)

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

Town Attorney stated that the County Planning Board approves, the Town Planning Board recommends either R-15 or any alternative multifamily, and SEQRA states there is no environmental impact.

Mr. Rudolph Yacyshyn, Clarkstown Planning Board Chairman, stated that this recommendation to the Board would be basically in conjunction with the Master Plan update recommendation that had been made previously. It is clear that the parcel in question at its current status of LIO would be in view of the Planning Board inappropriate for development in the uses that are permitted in the LIO or in its current state. The Planning Board recognizes that it could remain in its current activity even if a zone change were to be effectuated. However, the Planning Board feels that to make it compatible with the surrounding area that a residential or multifamily residence would be more appropriate than the current designation of LIO. The Planning Board has recommended to the Town Board that we are in fact against the designation of RG-2 which is still a vestige of the old multifamily residence zoning that we have been attempting to eliminate. However, we recognize that if R-15 is not in accordance with wishes of the Town Board, we would recommend a multifamily.

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

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

Mr. Tracy said when you proposed to make this R-15, there was a great deal of opposition from Bradco. My client would prefer an RG-2 zone because there is greater flexibility. For instance, the RG-2 zone permits rental apartments and two family housing. The area concerned is loaded with condominiums and they feel that a more appropriate and perhaps more needed use of the property could be made in RG-2 zones and outside of that, we don't think that a MF-1 zone is appropriate because everything in the area is at least MF-2. We feel that there is a need for rental apartments. There may be a type of development for which the property could lend itself to two family housing in that area and the property itself is pretty well segregated from surrounding properties. Therefore, the request of Mr. Tracy's client is for consideration to primarily RG-2, secondarily MF-3 and thirdly MF-2.

Councilman Dusanenko asked Mr. Tracy if there is a difference in the densities of MF-2 and RG-2 other than the flexibility that Mr. Tracy mentioned?

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Mr. Tracy stated - Not between the MF-3, but in between the MF-2 and RG-2 there is a difference of density. Councilman Dusanenko asked which is greater? Mr. Tracy responded RG-2. Councilman Dusanenko asked what is the maximum of the MF-2? Mr. Tracy responded the maximum is twelve to fourteen. Councilman Dusenko asked what is the maximum of the RG-2? Mr. Tracy responded eighteen to twenty.

Appearance: Ms. Elaine Brooks
Timberline Employee

Ms. Brooks stated that we support the zone change from the LIO to any use that is consistent with the nature of the area. She also asked that the Board consider the LIO zone change within a time frame. In other words, once it stops being LIO, that the property be cleaned up and made to look better.

Appearance: Mr. Robert Steinman
Spring Valley, NY

Mr. Steinman said he is a neighbor adjacent to this Bradco property. He does not want to see in his backyard what happened over at Timberline. At the present time on the properties to the north of the Bradco property all the trees have been demolished for semi-attached condominiums. The water problem that was to be resolved by putting in the New Clarkstown Road is not resolved and we still get water in our basements. There was a fire in the back where they cut down the trees and the Fire Department had to break into the Bradco properties which were fenced and locked. There is no sewage, no drainage and no water. The facilities at the present time are used as LIO. The only access they have is to Pascack Road. The people who built Timberline will not allow access to New Clarkstown Road and that is what Mr. Bradco wanted. Mr. Bradco wanted to build an LIO complex there, a two story building with access to New Clarkstown Road. The owners of the strip of land on the east side of West Clarkstown Road will not give access. The piece of property behind Bradco on the north side has an access cut into New Clarkstown Road. Mr. Steinman is against this RG-2. There is R-15 property - one-third of an acre - which properties are all beautifully maintained and he does not want to see this complex put in behind it."

Appearance: Steven Iser and Axel Graf
Owners of Timberline

Mr. Iser displayed pictures of the current view of Bradco. Mr. Iser stated that Timberline is not against a zone change for Bradco as long as it will be for residential use of any type. What they are very much interested in is a compatible use adjacent to Timberline. Mr. Iser stated that right now Bradco is basically a junk yard. He also stated that this type use is not allowed in LIO and it has gone on for many years with heavy equipment stored right along Timberline's line. Mr. Iser would like to see that if the Planing Board change the zone, that there would be some stipulation the site be cleaned up. They would also be willing to talk with Bradco about granting access to New Clarkstown Road. Mr. Iser stated that the overall density of Kingsgate is twelve hundred units that were built on approximately one hundred and twenty acres. The density in the hamlets is only ten units to the acre. That is the same density that is in Timberline E-2.

Mr. Graf stated that residential use is preferred by all residents. Mr. Graf urged the Board to carefully look at the use of the property and if it is being zoned multifamily, some consideration be given as to the best and fastest way of getting this cleaned up.

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Councilman Dusanenko stated that he was under the impression that the Town Board did grant a right-of-way to Bradco in a previous zone change to Iser/Graf.

Town Attorney stated that the RG-2 change that was granted by the Town Board stipulated that they should provide access through their property for Bradco. That was the covenant.

Councilman Dusanenko stated that the zone change for the strip of land on the north side of Bradco along New County Road from R-15 to RG-2 had a provision that the subsequent owners of Bradco would have access to a Town road.

Mr. Graf stated that the night of the zone change they had a caucus in front of the Town Board with Mr. Yacyshyn, Mr. Holbrook, Mr. Jacobson and Mr. Iser. It is his recollection and understanding that they agreed to respect the official map. The roadway as it is there for Timberline, not to build on it. It was clearly understood that we would not be giving up this land. If Bradco at one point in time wanted to build there, they would have to come and negotiate with Timberline and that was agreed to. When the actual zone change was published, that was not the language. The Town Board was notified of their position and they stand by that position that they will not provide access to Bradco under the circumstances of the zone change.

Town Attorney told Mr. Graf that if he had a caucus that it was not with him.

Supervisor stated that whatever was passed by the Town Board still stands.

Councilman Dusanenko asked if Bradco would have access if the Board changes it to residential?

Supervisor stated that the zone change the Town Board has passed is legally binding.

Appearance:

Mr. Warren Kossin
Represents Vista I and Vista II
Knolls I and Treetops II

Mr. Kossin stated that they join in with the Town's resolution to change the zone from LIO to MF-2. He would object to RG-2 which is a higher density. The area is over saturated. At this time, units cannot be sold and the idea of putting in a denser area would not be to the benefit of the local area or to Clarkstown as a whole. He does agree with the change from LIO to MF-2 even though it will create more residential property keeping in mind our argument that all the property to the north of Smith Road is to be developed as residential and south of Smith Road to be developed as commercial. It was for that reason that Mr. Kossin kept his mouth closed earlier this evening during the Hopf period even though he is not in favor of any additional traffic which will let out on Smith Road if they get the permission to go across the Cosco property. This Town Board and especially Co. Dusanenko should be reminded that the Resolution that Co. Dusanenko referred to says that the zone change that Mr. Iser and Mr. Graf requested states that the additional units have to be built in conjunction with the properties in the Hamlet. Mr. Kossin stated that Bradco still has the possibility of putting the LIO for a warehouse. The Town can pass any resolution they want to and it doesn't give Mr. Iser or Mr. Graf the right to put in condominiums on that front piece of property unless they get a vote from the other sections in the condominiums. The zone change says that it has to be done in conjunction with the rest of the development. For them to get permission to build extra units, they have to get a zone change and an amendment to the corporation which allows only twelve hundred units. That kind of

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PH - Proposed Zone Change (LIO to MF-2) - Bradco (165-A-3.02)
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a change might enable Bradco to obtain an access way to New Clarkstown Road. Once they do that, they can go through their warehouse if they want to. If your concern is the adjoining properties and the potential disaster on Pascack Road, lets also look at the potential disaster to the twelve hundred homes that are going to be located on the west side of New Clarkstown Road, and to the east and the north. Before this Board mandates access onto New Clarkstown Road, they had better make sure that Bradco with LIO use is not going to have access onto New Clarkstown Road.

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,
DECISION RESERVED, TIME. 10.30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/26/92

10:30 P.M.

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

Re: Proposed Zone Change (R-22 to MF-3) - Horn (135-D-23+)

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

Town Attorney stated that the Town Planning Board recommends disapproval. The County Planning Board's recommendation is dependent upon the Town Planning Board's recommendation. Mr. Geneslaw, the Town's Planning Consultant, says that he does not have enough information on certain aspects of the environmental assessment and therefore can make no recommendation as to SEORA.

Supervisor stated that the Town Board cannot take any affirmative action tonight, is that correct? Town Attorney stated that is correct.

Mr. Anthony Mantalbano, Esq.
Attorney for Mr. Horn

Mr. Mantalbano stated that this application is for a MF-3 zone change classification for property presently in a R-22 zone classification. The property is on the east side of Mountainview Avenue and is approximately fifteen acres. It is their position that if they develop this property as a matter of right under MF-3, the property would be in excess of two hundred units. Mr. Mantalbano stated that in his discussions with the Planning Board, they have proposed the construction of one hundred and sixty units. They discussed average density and affordable housing and it is their opinion, as a result of those hearings before the Planning Board, three issues were left undecided with the Planning Board. One was the question of density and the number of units. The second was the question of drainage and the third was a question of traffic. They also had some difficulty in reviewing with the Planning Board what their concept of developing this property was, given its topography. They had an architect come with them to several meetings and they could now adequately explain how we intended to develop this property. Mr. Mantalbano then asked the Board's indulgence to watch a six minute video of a property located in Ramsey, New Jersey called Cambridge Heights. This property has a density of fifteen units per acre. It has a drainage basin in the front of the property.

At this point, the video was shown.

Appearance: Victor Manning
Manning & Manning

Mr. Manning stated that one of the key points is that in spite of the proposed rezoning, it is located in a rather self contained area. In his opinion, the development of this for multifamily housing will not make any major changes in the development pattern throughout the area. Based on his investigation, he states that the area is suitable for this type of development and any environmental impact such as drainage, soil erosion, sewage, and traffic can be adequately litigated.

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Mr. Montalbano stated an issue that was raised on several occasions by the Planning Board and by the County Planning Board, was the question of traffic at Mountainview Avenue. At one time when they went before the Planning Board, they had proposed to construct, at the applicants expense, an additional exit lane off the New York State Thruway which would then have an impact on the timing of the light sequences at the three way light at Rt. 59, Mountainview Avenue and the Thruway exit. We were unaware that the Thruway was planning the additional lane at the time we proposed it to the Planning Board. In fact, the Thruway has constructed an additional exit lane at Rt. 59 and Mountainview Avenue which has helped the sequencing of the light at that intersection. Mr. Montalbano stated that Horn Construction is prepared to make a fair share contribution with respect to the alleviation of traffic conditions that exit on Mountainview Avenue.

Appearance: Richard Neuhauser
Traffic Consultant

Mr. Neuhauser stated that they conducted a traffic impact study to update their previous study in order to reflect the improvements that were made. Traffic counts were conducted at the intersection of Mountainview Avenue and Route 59 during the busiest time which would be peak rush hour when people are returning from work. Our surveys were done on April 7th which was a Tuesday and also the 20th which was a Wednesday. Traffic counts were also conducted during the morning and the evening rush hour periods on Mountainview Avenue at the intersection with the entrance ramp onto southbound New York State Thruway. We then took these traffic counts and using data published by the Institute of Traffic Engineers, which estimates the amount of traffic to be generated by newly built projects, we took the proposed traffic on the existing project in order to determine what the impact would be. Mr. Neuhauser stated that they did one additional analysis which was requested by the Planning Board which was to look at the impact of the proposed zone change on surrounding areas and what would happen to traffic in those areas who also received similar zone changes. The existing traffic conditions as far as new traffic generated by our proposed project during the morning peak period would result in 71 vehicles exiting the site and 24 vehicles entering the site. During the peak PM hours, it would be pretty much the reverse. They also have taken a look at what the existing levels of service would be. Generally traffic conditions at an intersection are measured in terms of levels of services which are ranked from A to F with A being the best conditions and F being a failing condition. The existing traffic conditions at the intersection of Route 59 and Mountainview Avenue, without construction of the project, operate at a level of service D. The levels of service are generally measured in terms of the average delay that a motorist would experience in traveling through the intersection. From the existing traffic conditions on Mountainview Avenue and Route 59, the average motorist would experience a delay of 34.8 seconds. With construction of our project and the addition of 71 exiting vehicles which is a little over one vehicle per unit and 24 entering vehicles, it should delay the average motorist from 34.8 seconds to 41.9 seconds which is an increase of between 7 and 8 seconds. The level of service would go from level D to E. As far as looking at the intersection with Mountainview Avenue in our site driveway, the levels of service at that location would operate at level of service B during the morning rush hour as well as level of service B during the evening rush hour. There is more than sufficient capacity to accommodate the 70 exiting vehicles and the 24 entering vehicles to and from our site in conjunction with the existing traffic. In order to conduct their survey, they took a very conservative approach at looking at the

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intersection of Mountainview Avenue and Route 59 and assumed that all the vehicles exiting our site would proceed south towards Route 59 in order to determine what the maximum impact would be. Clearly, some of the vehicles would proceed up the hill and go on Route 303 or 9W. Secondly, in order to be conservative, when they looked at the traffic lines at the intersection of Mountainview Avenue with the entrance ramp on to the southbound Thruway, we made the assumption that all the vehicles that we counted coming southbound on Mountainview Avenue would also be seen passing in front of us. Once again, clearly there are several developments going up Mountainview Avenue before you reach our project where vehicles can enter and exit, but in order to be conservative, we assumed that all the vehicles that we observed at the Thruway southbound entranceway ramp would also be counted. Mr. Neuhauser said their analysis was conducted in a very conservative manner and the conclusion of their study indicates that Mountainview Avenue can accommodate the proposed development without a significant impact on all the traffic conditions operating in the area.

Mr. Montalbano stated he wanted Bill Youngblood, their engineer, to share with the Board the design of the site - in particular the retention basin. They are aware that there are difficulties with respect to drainage and particularly conditions that exist at the Warren Hills apartments which although they are in the Village of Nyack they abut our property. Bill has a schematic site plan which shows a public road along the northerly property line going easterly to join the property to our east and to provide access to it. The schematic shows approximately 144 condominium units.

Appearance: Bill Youngblood Engineer
Stewart Horn, Contractor

Mr Youngblood stated that the public road would service not only this project, but additional properties that are behind this petition today. This would be the public road coming along the northern boundary line and coming down to the additional properties. All the interior roads, as with all the condominiums, would be private. They would be privately maintained and privately landscaped as the video had shown. The original development had a public road also. That public road was as long or longer than what we are proposing today. Therefore, our hope would be that it would have less impact on the Town by being smaller.

At this point reference was made to a map and there was discussion concerning drainage, water storage during critical periods, soil conservation and landscaping.

Appearance: Mr. Stewart Horn
Contractor

Mr. Horn asked if anyone had any questions.

Councilman Dusanenko said in looking over the map and the map which the Town Board looked at in workshop, there is an abutting property owner who has the property between this site and the top of the ridge. If this road is approved it would become a public road and would go through the adjacent property and would also provide an emergency exit from Mountainview Condominiums if there was ever a major fire or disaster at the lower end so that they could traverse in and out. Is that correct? Mr. Horn stated that that was correct. Mr. Horn then referred to the map explaining the lay out of the road. Mr. Horn felt that the emergency road was a very positive factor for the Mountainview condominiums.

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Appearance: Mr. Jerry Keon
President of a Concrete Firm

Mr. Keon stated that his firm was 100% union. Mr. Keon stated that he knew Mr. Horn for ten years and has found him to be very honorable and a very good builder. He would like to see some affordable housing that is not sponsored by the government and can be done by private industry.

Appearance: Mr. Tom Perry
120 Mountainview Avenue

Mr. Perry lives directly across from the proposed development and is certainly not in favor of this zone change. He recognized the right of the property owner to develop the land but would not like to have one hundred and sixty apartments. Mr. Perry feel that the development would not enhance the neighborhood. He feels that it would detract from the neighborhood. He objects to being referred to as a natural buffer. He presented a petition signed by twenty-five residents between Route 59 and the Mountainview condominiums which is essentially all of the residents between those two points. He read the petition as follows:

" To the Clarkstown Town Board: From the undersigned residents. Re: Zoning change request on Mountainview Avenue. We the undersigned Clarkstown residents strongly oppose the zoning change requested by the Horn Construction Company on Mountainview Avenue. As we live between Route 59 and the Mountainview Condominums, we would be most directly affected by the construction of the 150 apartment units in our neighborhood. We ask the Board to deny this request for a change in zoning because the proposed apartments would, 1) Lower the value of our properties. 2) In fact, be highly visual from the road particularly in winter. 3) Overload the local sewer facilities. 4) Make traffic even worse and 5) Cause significant damage to our natural environment.

Appearance: Arthur Moloski
Unit owner in Mountainview East Condos
Member of the Board
Former president of the Board

Mr. Moloski stated that he was not here to speak in opposition per se to the proposed project. He asked what is the process or the procedure for notifying unit owners or the condominium Board of Managers of this process? Mr. Moloski said that neither he nor, to his knowledge, had any other unit owners been notified nor had the Board been notified. Mr. Moloski stated that they only heard about this the other day when a reporter called one of the Condominium Board members.

Supervisor and Town Attorney discussed the requirements for public notice. Supervisor stated that there were three things necessary: a posting, publishing in the newspaper and a notification to residents within five hundred feet.

Mr. Moloski asked by not notifying the unit owners of Mountainview East or Mountainview East II or III or Mountainview Condominums, that this property is not within five hundred feet of ours? Or has this not been properly noticed as it should be before coming before the Board? Supervisor stated that we would have to have the Town Attorney take a look at the notice to see whether or not it was properly noticed.

Mr. Montalbano stated that they mailed the notices. He stated that they did two things. In the assessor's

office, they have an instrument which tells you which parcels come within five hundred feet of a piece of property. They not only did that, they also conferred with Mr. Youngblood's office to assure themselves that they notified every property owner within five hundred feet. It was his understanding that they did notify every property owner within five hundred feet. If there is a unit owner whose unit is not within five hundred feet, he is not entitled to notice. The corporation that owns the common areas is entitled to notice and he believes they did properly notice everyone.

Mr. Moloski stated that he believes that he specifically is within five hundred feet and neither he nor his Board was notified.

Appearance: Mr. Warren Kossin
Attorney representing Mountainview
Condominums, Mountainview East
Condominums and Mountainview East II
Condominums

Mr. Kossin stated that there is no corporation that owns any property in the Condominums except for recreation facilities. In fact, the property in the condominiums is a common element which is owned by all of the homeowners. So, if any portion of the condominiums is within five hundred feet of this property, then every single owner in the condominiums owns a portion of that property. It is a portion of the percentage of common element that is attributable to their condominium unit and, therefore, if it is within five hundred feet, every single owner in the condominiums must receive notice.

Appearance: Dave Nelson
Park Ridge, NJ

Mr. Nelson is a framing contractor who supports this project 100% being we are all having a tough time making a living and he stated that he thought that anyone who is willing to take this project on is really a hero in the working man eyes.

Appearance: Ms. Mona Gallo
440 Sierra Vista Lane

Ms. Gallo is the past Treasurer of Mountainview II. She lives on the dead-end part which is the closest to where this property is going to be built. Ms. Gallo stated that she should have been notified because she is closest to this. Ms. Gallo made comments as to why she was opposed and did not want the zone change and more condominiums.

Appearance: Ms. Zippy Fleisher
New City, NY

Ms. Fleisher said that we just had a decision from the Public Service Commission. They are very anxious to keep us from having Ambrey Pond built. They are hoping to keep down the water rates. They are making the Water Company do all kinds of things to make us more careful with water. 1) There is going to be water dams for your toilet tank. We will be asked and I am sure the builder will be asked to use the 1.5 gallon toilets. Anyone with a toilet that isn't now 1.5 gallons could throw it out and put in the 1.5 gallon toilet and save money in one year. We are going to have to build Ambrey Pond if you people pass on any of these more dense proposals. Everytime there is a dense solution she said she comes before the Board and says, take the least dense solution and see if we can avoid building Ambrey Pond. She said anything that is built today that would dig its own well, let it, but anything that requires that we use

Spring Valley Water, we would have to consider. The Public Service Commission says that Ambrey will cost \$60,000,000.00. Ms. Fleisher stated that she has been coming before the Board and saying \$40,000,000.00. The water rate will increase at least 22%. Ms. Fleisher made comments in opposition to the building of condominiums and she is opposed.

Mr. Yasnovsky
210 Mountain View Avenue

Mr. Yasnovsky stated if you change the zoning at Mountain View now, you will be sending the wrong signal to Day Top. He urges the Board to reject it on this ground alone. He questioned the number of cars as the average American family has two cars. He stated that we should talk about 260 units that could eventually be built which means five hundred cars up and down the road. He also was concerned about the number of additional school children. This will produce more in town provided services than in taxes benefits. The area will be paved causing severe drainage problems. The road is already congested in rush hour and he couldn't wait for another 500 cars to pass in order for him to get out on the road. He objected to bailing the builder out of his troubles by giving him more units and therefore he urged the Board to reject this zone change.

Appearance: Mr. Hank Beekley
Retired Construction Worker

Mr. Beekley testified to the character and honor of the Horn Construction Industry. He is familiar with Mountain View Complex and in all sincerity he also respects Zippy for coming up with her environmental conditions. He is familiar with this property and he assures the Board that the plan that was stressed by the Horn Construction Company and his associates is both thorough, open and honest. He has not seen a builder in all his years that was willing to lay out that plan, with all its critical conditions, for the public and he thinks that the public should realize that they are forthright and the reputations of everyone of these men are honorable.

Appearance: Mr. Robert Baniff
16 South Kay Drive
New Hempstead

Mr. Baniff stated that he will be retiring as a senior citizen in one to three years. He is 62 and he will be required to supplement his Social Security from the sale of his home, purchase another dwelling and invest the balance for additional income. He prefers to stay in Rockland County because his children and grandchildren live here. As an interior designer, he is familiar with some of the most desirable town houses in Rockland, Westchester and New Jersey. He found many Rockland town houses to be deficient in home owner and visitor parking as well as interior and exterior design.

Appearance: Roe Doyle
West Nyack, NY

Mr. Doyle has been a Clarkstown resident for thirteen years. As a businessman who travels the territory extensively about a 90 mile radius of Rockland, he is really appealing to everyone basically from a businessman's perspective. In many quarters, Rockland is considered a second class County. One of the things he thinks we are lacking is perspective in having a progressive nature. Mr. Doyle said that he thinks that this project will bring in a tremendous amount of young vital executives, people that can bring a lot to the County. In comparison to Westchester, Bergen County, Fairfield

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County, they have a lot of projects similar to this which allow the young professional to come in and start a family. They can be vital to our community and to this end, Mr. Doyle appeals to all to give this due consideration.

Appearance: Mr. Burt Wexler
372 Sierra Vista Lane
Valley Cottage, NY

Mr. Wexler disagreed with Mr. Doyle. He stated that Rockland County is a first class County, much better than these other places. As far as affordable housing, in Mountain View there are lots of units. There is no need for housing. One of the things that Mr. Wexler is concerned about is technicalities. Nobody in Mountain View has been notified of this. He thinks it is important to be aware that we have been voting in this County for a long, long time. From the point of view of traffic congestion, this would be the beginning of an environmental disaster. He is not in favor of the project.

Appearance: Amy Cartona

Ms. Cartona has been a resident in the County for 26 years. She has nowhere to live but does not want to move out of Rockland County. She wants to get married and live in Rockland.

Appearance: Denis Michaels
Sparkhill, NY

Mr. Michaels is an attorney and his wife is a registered nurse, expecting a child. They are looking for a home but cannot afford a single family residence in Rockland. This project is a beautiful project. If they are as honorable and creditable as the gentleman testified before, he would be happy to see this project built as long as it maintains the quality of the surrounding community and the integrity of the character of the community which he believes it will. He stated they would be very happy to live in this community and he looks forward to it. He supports the project.

Appearance: Miriam Maher
Valley Cottage, NY

Ms. Maher commended the gentlemen on a very slick presentation. She said they first learned of this through a newspaper reporter. She said that had they had more time they would have been able to generate more of crowd. However, it was a holiday weekend and they were unaware that this was on the agenda. Therefore, they are unable to present all of the testimony that they would like to. Ms. Maher asked whether Mr. Horn is going to build exactly as he said. According to the Planning Board information, this entire piece that they are talking about is eighteen and a half acres. MF-3 entitles them to put up to eighteen units per acre which comes out to about 350 units. Assuming that they drive, we are talking 700 cars here. Those cars will be coming in and coming out. Ms. Maher stated that you people haven't lived until you have been on Mountain View Avenue in the snow. The buses don't run, the snow plows don't run and they don't run. Nobody goes any place. Ms. Maher stated that the last thing that Rockland County needs, the last thing that Clarkstown needs and the last thing that Mountain View needs is another condominium; they can't sell the ones that they have now. They are a glut on the market. Ms. Maher pointed out that several years ago affordable housing was discussed when we talked about the condominium complex that was developed on the corner of Virginia Street and 304. At the time when the builder came here to present it, he discussed two story

two bedroom units, which would sell for approximately \$85,000.00. That was the presentation figure. At the time of offering, in the newspaper, the first offering was \$119,000.00. They did go up to \$139,000.00 and now it is a lot more. Ms. Maher said that there is many a slip between what you want to present and what you think you are going to present and what you actually do present. She pointed out that the Appalachian Trail runs southwards through here. She did not know if they had taken that into consideration in any of their planing. It is a protective piece of property and that must be taken into consideration with any type of zoning which comes in here. Ms. Maher said that we do need an environmental impact study. We do need a traffic study by our own people which is objective. We do need to know what the impact of the sewers are going to be when you put in 160 units. She noted that with this property they are going to set a precedent because the newspaper had one thing, the Planning Board information tells her something else and this morning there were different numbers in the paper. You have a Planning Board which is competent, able, experienced and should represent your views. The County Planning Board said that they were not interested in this. You have to take into consideration what is going to happen here if you approve this type of zoning. She lives in the Nyack School District and pays the highest taxes of any school district. She just got her taxes down because her units are not selling.

Appearance: Al Gurevich
208 Mountain View Avenue
Nyack, NY

Mr. Gurevich lives right across the street from the proposed project. He noted that they conducted the traffic survey in May and April when the driving conditions were ideal. At winter time, the traffic is considerable if at all passable. Sometimes you have to consider alternate routes. He has seen many cars parked at the bottom of the hill because they cannot make it up. The snow plows do not come by. As far at the light at the corner of Route 59 and Mountain View, it is not just a regular three way light. There are two protective left turns. As far as the traffic increase that will come because of this, he does not think it will be fifteen or twenty seconds that they propose. He personally has sat at that light for many minutes. When they proposed that the project would be hidden behind the woods kind of like Daytop is hidden behind the woods, that is not real. He does not believe that is going to happen. In winter time those woods are not there. As far as the 70 cars that they said would come out, he has walked his dog by the condominiums and walking my dog from his house to the condominiums which is less than a quarter of a mile, he has seen more than fifty cars pull up into the condominiums and that is only in about a fifteen minute span. The property taxes have gone up in the last couple of years. They pay the highest property taxes and highest school taxes. He does not see this project having any positive effects. There is plenty of housing around. There are many options. He stated that he doesn't think that we need another Bronx or lower Westchester.

Appearance: Kevin Gallagher
New City, NY

Mr. Gallagher stated that he is twenty-five years, old and would like to stay in Rockland County but right now he cannot afford a house here. He said many of his friends have moved to Orange County. There really is no feasible reason to deny this proposal. He feels people his age should be able to enjoy the life in Rockland County and not have to move away.

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Appearance: Mr. Jeff Meara
Valley Cottage

He stated that he has lived in Clarkstown his whole life. He said he was married two years ago and had rented an apartment for one year. They bought a condo in Mountain View last year. He said you can do it if you want to. There are a lot of places for sale all over the Town. He asked if these places were being sold for \$125,000.00? He was told these units were being offered, new, with modern amenities in 1993 for \$125,000.00 and the market value appreciation will upgrade the values of Mountain View Condos which are thirty years old. Some of them have electric heat and utilities. If there is future appreciation, the homeowner will benefit from that.

Mr. Meara said first of all they are twenty years old, not thirty years old. Second of all today Mr. Horn said in the paper that taxes are going to come down and there will be no congestion in the Nyack Schools. In two family homes, you have kids and with these kids in school there will be congestion in schools. If they are \$125,000.00 that will be great but he was urging the Board to vote no on this.

Appearance: Mr. Charles Scott
Mountain View Avenue
Valley Cottage, New York

Mr. Scott stated that he has lived on Mountain View Avenue for twenty-six years. He said some here want to make money and some just want to survive. He said he is self-employed and is hustling. He said he remembered when Mountain View Avenue was shut off in the winter because you couldn't get up the hill. He used to plow that road. He said when the traffic light is not functioning at the base of the hill it can take a half hour to get down there. He said it can take fifteen minutes to get out of your own driveway now. He said there is more traffic coming from New Jersey and other sections to go on the Thruway to get to the bridge. He asked the board to come over there some mornings. He said he is angered by this but just wants to survive as everyone else does. He said there is a zone already up there and he urged the Board to stick by that zone.

Appearance: Mr. Michael Soloman
Ramapo, New York

He said he is a Rockland County business owner. He said people are saying that they were not notified but they are all here so somebody must have been notified. He said there were people who got up and said they had enough time to check with the Planning Board on the zoning, etc. Now, over a three day weekend he was sure that they did not just do that today. He was concerned with the economic situation. He said the creation of 300 to 400 jobs for at least three years will help boost the economy of Rockland County and is something that is needed. Developing the site will increase revenue to help the schools in Nyack. Historically, if you look at all the condo developments in Rockland County less than 12% of the residents in those developments have school age children. They have been paying the school taxes and yet at the same time have not been increasing classroom size and not putting a burden on the schools. He said twenty years ago when Mountain View was selling for \$30,000.00 and \$35,000.00 and even less and the homes around them were selling for \$45,000.00 and \$50,000.00 - where would those people be living today if people got up and opposed Mountain View at that point? He said you are looking at over 1,000 units in the County and there really is no tremendous increase in traffic problems, even with the Spring Valley Market

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Place that went up around the Hamlets of Rockland. He said he did not see a big problem. His biggest concern is the economic situation going on in Rockland County. He said the Board now has the opportunity to help that situation. We can't only look at the economic situation as far as the building of the development. We also have to look at the aftermarket because the aftermarket deals with the retail stores and the businessmen in this County - people dealing with real estate brokers, banks, retail establishments, landscapers - all these people who make their living in Rockland County will certainly benefit from this and yet it will not overburden and overtax the schools as far as there physically being more children in the classroom. Most condominiums are stepping stones for people moving on. Affordable housing is what we have been hearing about from all the Planning Boards and everybody in Rockland County for years. The problem is when you keep holding up developments and you keep tabling it costs the developers more money in interest, taxes, etc. and that affordable housing does not become affordable anymore. You have to make a decision and if you want to keep it affordable you have to do it soon.

Appearance: Ms. Jennifer Huser(?)
Spring Valley, New York

She said she would be leaving Rockland County in the fall to go to college but in three years she will be graduating and she would like to come home and be close to her family and at the same time be at a commutable distance from Manhattan where she plans to work and attend graduate school. Housing will be something that she will have a hard time affording. This project seems to her to be reasonable and will cater to people in her age group and she hoped the Board would vote in favor of this project.

Appearance: Mr. Robert Turico
Valley Cottage, New York

He said he lives in Mountain View and was not notified of this hearing. He said as far as Mr. Horn is concerned, he respects the work that he does but he is not in favor of this project. He said he felt the notice of this hearing went into the paper on a holiday weekend on purpose and not on a regular weekend because there would be more people at home. He said Rockland County as far as the economy is concerned needs a jump start. He said he graduated from college in 1982 and it took him a few years before he was able to buy his first home. He asked are we talking about hiring people that live in Rockland County and supporting the Rockland County people or are we talking about reaching out to northern New Jersey or Westchester or the tri-state area? He said if you go up and down the road in the middle of winter anything that stands up on the side of the mountain is visible. He gave a history of Mountain View noting that prices have dropped considerably since he bought. He said the condos are maintained very well. He said in the winter it is difficult to get up the hill and you have to get a running start to get up there as the roads are treacherous. They are talking about 160 units with the possibility of going up to 260. Mountain View was called just that - Mountain View. Now there is something called Old Mountain View, Phase I, Phase II and Phase III. The bottom line is that we are talking 260 units which will drive the price down. If he is able to put up 160 units or 100 units or 80 units, his price is going to be higher. It is supply and demand. If he is getting the proper advice, I am sure he is looking at 260 units. He thinks it is a question of getting a foot in the door and once the foot is in the door, we are going to talk about 260 units. Are the prices going to be \$125,000.00? What is going to happen in 1994 and 1995?

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Furthermore, you are talking about these jobs that are going to be created here. What happens four years down the road when all these units are completed? The bottom line is this, you are talking about everyone wanting affordable housing. There is plenty of it in Mountain View and in other condominiums in the County. It is just the question of whether or not we are going to get the proper financing in the County. It is up to the Board. Mr. Turico said he is opposed to it. He thinks that they should think in terms of less units and doing something different. At this point in time, he cannot support the zone change. He had seen what happened with Daytop. They got in - they weren't in - they were out - they were back. Then they had a year and a half to get out. They are still in there. Mr. Turico does not want to see the same thing here. Most people do not start off with a house. It is not 1960. It is 1992. You can't talk about \$20,000.00 any more. There is nobody going to get a house, a condo or a coop unless they have a job or they have money. If that is the case, they are not going to be buying a condominium for \$125,000.00.

Appearance: Rob Rosen
West Nyack, NY

Mr. Rosen owns a business in West Nyack. He said over the past couple of years he has been unable to find people to work for him. The reasons that he has heard for this is that they cannot find a place to live. The market is not good now, but that does not mean it is going to be different two years from now. He feels sorry for the people of Mountain View who can't sell their condominiums but that is possibly because they are not what people are looking for now. People are looking for new things and maybe the people who I could employ who live in Westchester or the Bronx would consider coming up if they had something different to live in.

Appearance: Mr. John Benasol
Garnerville, NY

Mr. Benasol stated he works in Nyack and goes right by the intersection to Mountain View and Route 59. He stated that he never had a problem. He has been there in the winter and in the summer when there are more cars. He stated he has a good job right now and is looking for a place. He is not going to spend \$119,000.00 on a place that is twenty years old. He noted that he had looked in Mountain View but felt they were horrible. They all look the same. Why would you want to go out and spend \$120,000.00 in a neighborhood where you can get more. This is a new project. They have covered a lot of the drainage problems and the traffic problems.

Appearance: Mr. James Vanderhoper
White Plains, NY

Mr. Vanderhoper is a former Rockland County resident who stated that people who were opposed to this project were put into two camps. Half of them say you will be bringing a lot of people in here and destroying the quality of life. The other half of them say that there is no way that you can sell the condominiums. They should get together and decide which it is going to be. He stated that Mr. Horn does deserve the right and the privilege to sell his condominiums. We have the same situation in Westchester. We are a little bit ahead of you in some areas because we have had this situation longer. It is your responsibility and duty to sit down with Mr. Horn and map out a truce between the Town and him setting down guide lines. Affordable new construction is needed. There are a lot of people who do not want to buy twenty year old units. It would be nice if somebody young could move in at an affordable price.

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Appearance: Mr. Elliot Yasnovsky
210 Mountain View Avenue

Mr. Yasnovsky pointed out the discrepancy between what Mr. Horn would like to sell and what the people would like to buy as condominiums. Mr. Horn would like to sell units that are aimed at young professionals, maybe single or just married and who would increase the tax base for Nyack. He does not see that helping the people who want to buy condominiums and are planning on having children. Mr. Yasnovsky stated that Mountain View Avenue is not a place to have children. With this development, they are going to have young children running around near a road where there are cars coming by all the time at speeds of 40 and 45 miles an hour when the posted speed limit is 30. Mr. Yasnovsky thinks that there is a real discrepancy here and it is something that has to be resolved. Furthermore, this area was zoned for residential units and we do not need more multifamily housing. Mr. Yasnovsky stated that he does not want to live where there is going to be three or four years of construction right outside his window.

Appearance: Mr. Sal Valenza

Mr. Valenza stated he is a 26 year old, Rockland County native. He would like to be able to purchase when Mr. Horn finally builds the condominiums. He does not want to live in a brick square box where you can mistake your neighbor's house for yours. He wants to live somewhere where there is trees. He likes the pond and nature path idea. Everyone he knows that he went to school with who lived in Rockland County now live in either Monroe or Port Jervis.

Appearance: Mr. Jack Horn
Stewart Horn's uncle

Mr. Horn stated that he has seen Stewart Horn's homes and he is proud of what he has done. He said he is 65 years old, retired and has a great number of friends who are leaving this community because they cannot maintain their homes. They are either too large or taxed at too high a level and they would like to have something that is reasonable.

Appearance: Mr. John Wormsley
Garnerville, NY

Mr. Wormsley is contractor and stated that if we do a job like this, he can put ten or twelve men on the job and take them off unemployment. The last three years have been very difficult. He sat home for two and a half months without income. He cannot collect unemployment because he is a self-employed construction worker. In North Rockland, there was a builder who built 200 condominiums. He sold them for \$120,000.00 and everyone of them were sold. All young people had bought them because they were affordable and nice. A young person wants a brand new building and if they are going to spend that much money, they deserve something that is brand new.

Appearance: Mr. Warren Kossin
Attorney for Mountain View

Mr. Kossin stated that what he was hearing was lets keep on building new for the people who are moving in and to hell with what already exists. The fact of the matter is that in Rockland County right now, there is a glut of homes ranging from low price, middle price to higher price. You have homes that can be found for any price that anybody is looking for. He has documents from the sale of a particular condominium. A unit owner who bought a condominium back in 1987, the same time that

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Stewart Horn bought his land, for \$119,000.00. That same unit owner is now selling that unit for \$79,000.00. They are losing \$40,000.00 because the economy and the glut of condominiums units in Rockland cannot bear the weight. Anybody who knows anything about economy will tell you that Mr. Horn will sell the units for the most money that he can get. If all he can get is \$125,000.00, that is what he will sell them for but in 1993 if he can sell it for \$180,000.00, that is what he will sell them for. There is no such thing as affordable housing in Clarkstown. There is affordable housing in Haverstraw and Stony Point because the taxes there are much lower. If you want affordable housing in the Town of Clarkstown, you have to do something about the taxes. A couple of years ago we increased the taxes on condominiums 25%. Mr. Horn has a right to build houses on that lot with a R-22 zoning. That is his only right, right now. He wants more rights. He wants to make more money because after he bought the place, the economy collapsed. Now he is looking for a different way of recouping his money. Mr. Kossin asked the Town Board to deny the application for a zone change from R-22 to MF-3.

(A letter from the Perry family in opposition to the zone change is on file in the Town Clerk's Office.)

Appearance: Mr. Anthony Montalbano, Esq.

Mr. Montalbano thanked the Town Board for their patience, consideration and attention. He stated that it was Horn Construction's position from the very inception, that the more appropriate use for this piece of property was not as R-22, but as a MF use namely a MF-3. This Town Board can grant a zone change with conditions. There can be a host of conditions including conditions limiting the number of units to be constructed. We did not go to the Planning Board and ask for a maximum number of units. We voluntarily said in our petition that we wanted no more than 160 units. We have since looked at our property and have come up with another schematic drawing which shows 144 units. There is a place for affordable, new quality housing in the Town of Clarkstown. He sympathizes with the residents of Mountain View that some of them are unable to sell units for the price that they purchased them. Most young people today in search of quality housing do not buy in the Town of Clarkstown or in the adjoining towns. It is not unusual for them to move to Orange County. This vacant property will not be developed as R-22. There is no market for R-22. In 1987 when the subdivision was approved, there was not a market for R-22 zoning at this specific location. It is an inappropriate zone given the abutting parcels of property. They believe that the introduction of new construction on Mountain View with a sales price of approximately \$125,000.00 constructed in a manner as shown on the video, will help improve both the area of Mountain View and also provide quality housing for Clarkstown. It will also provide tax benefits. This property, built as condominiums, will generate a half million dollars in tax revenue that the Town of Clarkstown is not receiving today and will not receive as long as this piece remains R-22. It will provide 400 jobs in the County of Rockland. They promised to up-grade the drainage on Mountain View Avenue. They will make a contribution for traffic improvements if requested by the Town Board. They will create a source of revenue for the Nyack Fire District and a source of revenue for the Nyack School District. Their studies show that an appropriate use of this property is for condominium construction of new quality units.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and

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PH - Proposed Zone Change (R-22 to MF-3) - Horn (135-D-23+)
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unanimously adopted, the public hearing was closed, RESERVED
DECISION, time: 12:30 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk