

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/23/92

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.

At the request of Councilman Dusanenko a moment of silence, was observed in memory of Murray and Jonah Jacobson's mother who recently passed away.

Supervisor then presented a proclamation to Edward Ghiazza, Superintendent of Recreation & Parks, declaring July 1992 Recreation & Parks Month as follows:

"RECREATION AND PARKS MONTH
JULY - 1992

WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 23rd day of June, 1992, do hereby proclaim the month of July, 1992 "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

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

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

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

(S E A L)

/s/ Ann Marie Smith
ANN MARIE SMITH, Councilwoman

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

/s/ Theodore R. Dusanenko
THEODORE R. DUSANENKO

Supervisor Holbrook then declared the public portion of the meeting open.

Appearance: Mr. George Zuckerman, President
of Normandy Village Tenants' Assn.

Mr. Zuckerman spoke regarding Agenda Item No. 6 (Memorializing State Legislature to require owners of rental units to collect no more than one month's rent as security.)

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding micro-paving of Town streets and in particular Pheasant Drive, West Nyack.

Appearance: Mr. Milton Levy
Normandy Village
Nanuet, New York 10954

Mr. Levy spoke regarding Agenda Item No. 6 (Memorializing State Legislature to require owners of rental units to collect no more than one month's rent as security.)

RESOLUTION NO. (437-1992) ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
JUNE 9, 1992

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the minutes of the Town Board Meeting of June 9, 1992, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (438-1992) COMMENDING CLARKSTOWN
SUNRISE ROTARY CLUB
FOR COMMUNITY SPIRIT

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Clarkstown Sunrise Rotary Club has donated to the Town a computer software package called "Are You Okay?" to help senior citizens and home bound persons to obtain emergency help;

NOW, THEREFORE, be it

RESOLVED, that the Town Board commends the Clarkstown Sunrise Rotary Club for their community spirit in donating the computer software package "Are You Okay?" for the benefit of senior citizens and home bound persons in the Town of Clarkstown.

On roll call the vote was as follows:

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RESOLUTION NO. (438-1992) Continued

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

RESOLUTION NO. (439-1992)

AUTHORIZING KARL
KIRCHNER TO PREPARE
PRELIMINARY APPRAISAL
(MAP 123, BLOCK C,
LOTS 16.17 AND 15.10)
- NATHAN MILLER

Co. Smith offered and Co. Maloney seconded

WHEREAS, Nathan Miller has commenced a tax certiorari proceeding against the Town of Clarkstown affecting parcels designated as Map 123, Block C, Lots 16.17 and 15.10 for the year 1991/92, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$1,500.

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. (440-1992)

ACCEPTING DEED FOR
ROAD WIDENING ALONG
SOUTH MAIN STREET, NEW
CITY (VIPPOLIS)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final Site Plan for Vippolis, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along South Main Street, New City, New York, and a Declaration of Covenants declaring that there shall be no access from the premises to Capral Lane, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated June 18, 1991, from AMBROGIO VIPPOLIS and LUCIE VIPPOLIS to the Town of Clarkstown, gratuitously conveying a strip of land along South Main Street, New City, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office, together with the

RESOLUTION NO. (440-1992) Continued

aforementioned Declaration of Covenants dated May 21, 1992,
made by Bruno Vippolis and Lucie Vippolis.

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. (441-1992)

AUTHORIZING SUPERVISOR
TO RFNEW LEASE
AGREEMENT WITH KOENIG
MANAGEMENT, LTD. -
CHARGE TO CAPITAL
ACCOUNT NO. H
1620-04-409

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is in need of
temporary office space for the Clarkstown Counseling Center, and

WHEREAS, it is proposed to continue renting Suite
302, located on the third floor of 120 North Main Street, New
City, New York, for the sum of \$1,600.00 per month up to a
three month period commencing on July 1, 1992 and terminating
on September 30, 1992.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of
Clarkstown is hereby authorized to renew a lease agreement with
Koenig Management, Ltd., encompassing the aforesaid terms, in a
form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the rent shall be charged
to Capital Account No H-1620-04-409.

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. (442-1992)

MEMORIALIZING STATE
LEGISLATURE TO REQUIRE
OWNERS OF RENTAL UNITS
TO COLLECT NO MORE
THAN ONE MONTH'S RENT
AS SECURITY

Co. Smith offered and Co. Maloney seconded

WHEREAS, it has come to the attention of the Town
Board of the Town of Clarkstown that some landlords are
requiring security deposits by tenants of sums in excess of one
month's rent, and

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RESOLUTION NO. (442-1992) Continued

WHEREAS, such deposits cause financial hardship to the elderly who have modest incomes because they are deprived of the use of these security deposits for several years or longer;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests the State Legislature to consider requiring owners of rental units to collect no more an one month's rent as security from apartment renters.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilman Mand'ia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (443-1992)

AUTHORIZING KARL
KIRCHNER TO PREPARE
TRIAL APPRAISAL ON
DUTCH LANE ASSOCIATES
- MAP 7, BLOCK B, LOT
10.4

Co. Smith offered and Co. Maloney seconded

WHEREAS, Dutch Lane Associates has commenced a tax certiorari proceeding against the Town of Clarkstown affecting parcel designated as Map 7, Block B, Lot 10.4 for the year 1991/92, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$5,000.

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. (444-1992)

GRANTING CERTIFICATE
OF REGISTRATION TO
MARK P. OLSON (NO.
92-29)

Co. Smith offered and Co. Maloney seconded

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

RESOLUTION NO. (444-1992) Continued

MARK P. OLSON D/B/A
M. P. OLSON EXCAVATION
57 NORTH AIRMONT ROAD
SUFFERN, NEW YORK 10901

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 92-29 MARK P. OLSON D/B/A M.P. OLSON EXCAVATION

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. (445-1992)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING (ROCKLAND
COUNTY PATROLMEN'S
BENEVOLENT ASSOCIA-
TION, INC. - ARBITRA-
TION AWARD)

Co. Smith offered and Co. Maloney seconded

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

Application of the
ROCKLAND COUNTY PATROLMEN'S BENEVOLENT
ASSOCIATION, INC.,

Petitioner,

For an Order Pursuant to Article 75 of the
CPLR Confirming an Arbitration Award

-against-

TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (446-1992)

GRANTING PERMISSION TO
TAPPAN ZEE SPORTS
BOOSTER CLUB TO POST
TWO TEMPORARY SIGNS

Co. Maloney offered and Co. Smith seconded

WHEREAS, the TAPPAN ZEE BOOSTER CLUB is hosting their 7th Annual Rockland Half Marathon on September 20, 1992, to raise money for scholarship funds, and

WHEREAS, the Club is seeking permission to post two signs at Route 59 and Middletown Road, and on Route 59 near the NYS Thruway, to advertise their marathon;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the TAPPAN ZEE BOOSTER CLUB to post two signs on certain streets in Clarkstown from July 1st through September 20, 1992, to advertise their marathon for September 20, 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. (447-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
ENROLLMENT AGREEMENT
WITH AT&T RE:
DISCOUNTS ON LONG
DISTANCE CALLS THROUGH
AGENCY SERVICES GROUP

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, AT&T is offering a new service called "Bill Manager Service" which offers discounts to commercial customers who make long distance telephone calls, and

WHEREAS, Agency Services Group, 22 North Main Street, New City, New York, an independent marketing channel, has been authorized by AT&T to enroll commercial customers in this service, and

WHEREAS, the Town Board wishes to take advantage of the discount rates being provided by AT&T;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an enrollment agreement with AT&T to provide discounts on long distance telephone calls to the Town of Clarkstown, through the Agency Services Group, at no cost to 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

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RESOLUTION NO. (448-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"NO PARKING, MONDAY -
SATURDAY" SIGNS WITH
DIRECTIONAL ARROWS
BOTH SIDES DAHM ROAD
BETWEEN STRAWTOWN ROAD
AND ROBIN HOOD LANE,
NEW CITY/WEST NYACK

Co. Smith offered and Co. Maloney seconded

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

"No Parking, Monday - Saturday" signs with
directional arrows on both sides of Dahm Road
between Strawtown Road and Robin Hood Lane, New
City/West Nyack

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. (449-1992)

AWARDING BID FOR BID
#42-1992 - CORRUGATED
POLYETHYLENE CULVERT
PIPE (CHEMUNG SUPPLY
CORPORATION, EXPANDED
SUPPLY PRODUCTS, INC.,
PRECAST CONCRETE SALES
COMPANY, AND VELLANO
BROS., INC.)

Co. Smith offered and Co. Dusanenko seconded

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

BID #42-1992
CORRUGATED POLYETHYLENE CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORPORATION
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA STEMERMAN
HERMAN WARSHAW

EXPANDED SUPPLY PRODUCTS, INC.
RD 1 BOX 93 RT 9
COLD SPRING, NY 10616
PRINCIPALS: BRUCE KEHT
DONNA KEHT

PRECAST CONCRETE SALES COMPANY
27E NORTH ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPALS: GREGORY P. FISHER
RAYMOND M. FISHER

VELLANO BROS., INC.
P.O. BOX 837
BEACON, NY 12508
PRINCIPALS: JOSEPH VELLANO
JAMES A. VELLANO
ANTHONY VELLANO, JR.

RESOLUTION NO. (449-1992) Continued

as per the 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. (450-1992)

AWARDING BID FOR BID
#43-1992 - ROUND
ALUMINIZED STEEL TYPE
2 CULVERT PIPE
(CAPITOL HIGHWAY
MATERIAL INC., CHEMUNG
SUPPLY CORPORATION,
AND EXPANDED SUPPLY
PRODUCTS, INC.)

Co. Smith offered and Co. Dusanenko seconded

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

BID #43-1992
ROUND ALUMINIZED STEEL TYPE 2 CULVERT PIPE

is hereby awarded to

CAPITOL HIGHWAY MATERIAL INC.
ROUTE 6
BALDWIN PLACE, NY 10505
PRINCIPALS: MARK ABRAMS
CHRIS GRATZ
SIDDARTH BADDICHAJI
VICTOR PAIS
NAZ KAROGLANIAN

CHEMUNG SUPPLY CORPORATION
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA STEMERMAN
SUZANN SUNA
HERMAN WARSHAW

EXPANDED SUPPLY PRODUCTS, INC.
RD 1, BOX 93 ROUTE 9
COLD SPRING, NY 10516
PRINCIPALS: BRUCE KEHT
DONNA KEHT

as per the 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. (451-1992)

AWARDING BID FOR BID
#44-1992 - ROUND
CORRUGATED RIVETED
METAL CULVERT PIPE
(CHEMUNG SUPPLY
CORPORTATION AND
EXPANDED SUPPLY
PRODUCTS, INC.)

Co. Smith offered and Co. Dusanenko seconded

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

BID #44-1992
ROUND CORRUGATED RIVETED METAL CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORPORATION
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA STEMERMAN
SUZANN SUNA
HERMAN WARSHAW

EXPANDED SUPPLY PRODUCTS, INC.
RD 1, BOX 93, RT. 9
COLD SPRINGS, NY 10516
PRINCIPALS: BRUCE KEPT
DONNA KEPT

as per the 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. (452-1992)

RESCINDING RESOLUTION
NO. 425-1992 RE BID
#40-1992 - PRINTING OF
1992 FALL/WINTER
BROCHURE (ECLIPSE
PRESS, INC.)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Town Board resolution #425-1992 is
hereby rescinded, and be it

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

BID #40-1992
PRINTING OF 1992 FALL/WINTER
RECREATION AND PARKS BROCHURE

is hereby awarded to:

ECLIPSE PRESS, INC.
201 MONTROSE ROAD
WESTBURY, NY 11590
PRINCIPALS: MICK RICKERT
FRED THEOBOLD

as per their low bid proposal of \$5,910.00 to 16 page brochure,
30,000 copies, and be it

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RESOLUTION NO. (452-1992) Continued

FURTHER RESOLVED, that said award is subject to the receipt of a performance bond or deposit as prescribed in the bid specifications.

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. (453-1992)

INCREASING REVENUE
ACCOUNT A 01-3-2025
(BEACH AND POOL
CHARGES) AND
INCREASING APPROPRIA-
TION ACCOUNT A
7020-204 (OFFICE
MACHINES)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Revenue Account A 01-3-2025 (Beach and Pool Charges) by \$16,000.00 and to increase Appropriation Account A 7020-204 (Office Machines) by \$16,000.00.

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. (454-1992)

TRANSFER OF FUNDS -
HIGHWAY DEPARTMENT
(VARIOUS ACCOUNTS)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following Appropriation Accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account DB 5110-204 (Office Machines) by \$2,524.00 and increase:

DB 5110-328 (Books & Publications).....	\$ 21.00
DB 5110-380 (Paint & Paint Supplies).....	2,150.00
DB 5110-385 (Cutting Edges, Chains).....	80.00
DB 5110-319 (Misc. Supplies).....	200.00
DB 5110-414 (Schools & Conf.).....	73.00

and be it

FURTHER RESOLVED, to decrease Appropriation Account DB 5110-230 (Communication Equipment) and increase DB 5110-402 (Rental of Equipment) by \$300.00.

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RESOLUTION NO. (454-1992) Continuation

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. (455-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT FOR ECONOMIC
ASSISTANCE FOR 1992
(WEST STREET DAY CARE
CENTER, INC.) - CHARGE
TO ACCOUNT # A 8840-424

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization, to provide services and early childhood educational programs that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum that reflects 70% of the amount of economic assistance received last year to:

WEST STREET DAY CARE CENTER, INC. - \$1,820.00

and be it

FURTHER RESOLVED, that the total amount of \$1,820.00 be transferred from Account # A 1990-505 to A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1992 and are to be charged against Account # 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

RESOLUTION NO. (456-1992)

SETTING PUBLIC HEARING
RE PROPOSED LOCAL LAW
AMENDING CHAPTER 18 -
CODE OF ETHICS

Co. Maloney offered and Co. Smith 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 18 (CODE OF ETHICS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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RESOLUTION NO. (456-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on July 14, 1992, at 8:40 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.

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. (457-1992)

APPOINTING TO POSITION
OF CLERK STENOGRAPHER
- TOWN CLERK'S OFFICE
(ANNE HOULIHAN)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91200B Clerk Stenographer which contains the name of Anne Houlihan,

NOW, THEREFORE, be it

RESOLVED, that Anne Houlihan, 14 Ardsley Drive, New City, New York, is hereby appointed to the position of Clerk Stenographer - Town Clerk's Office - at the current 1992 annual salary of \$20,595.00, effective June 24, 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. (458-1992)

REAPPOINTING TO
POSITION OF MEMBER -
ZONING BOARD OF
APPEALS (EDWARD
MISTRETTA)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (458-1992) Continued

RESOLVED, that Edward Mistretta, 318 North Middletown Road, Nanuet, New York is hereby reappointed to the position of Member - Zoning Board of Appeals - at the current 1992 annual salary of \$1,750.00, term effective and retroactive to June 19, 1992 and to expire on June 18, 1997.

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. (459-1992)

APPOINTING TO POSITION
OF MEMBER - BOARD OF
ETHICS (SISTER CAROL
WEST)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Sister Carol West, Our Lady of Knock Convent, Route 303, Valley Cottage, New York, is hereby appointed to the position of Member - Board of Ethics - to serve without compensation - term effective June 24, 1992 and to expire on June 23, 1997.

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. (460-1992)

AUTHORIZING KARL
KIRCHNER BE RETAINED A
CONSULTANT ON
PERGAMENT HOME CENTERS
AND PERGAMENT SPRING
VALLEY CORPORATION

Co. Smith offered and Co. Maloney seconded

WHEREAS, Pergament Home Centers Corporation, Lessee and Pergament Home Centers has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 6, Block A, Lots 16 and 16.5//3 for the years 1988/89, 1989/90, 1990/91 and 1991/92, and

WHEREAS, it is desirable to retain Karl A. Kirchner as a Consultant for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained as a Consultant at a fee not to exceed \$3,000.

On roll call the vote was as follows:

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RESOLUTION NO. (460-1992) Continued

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

RESOLUTION NO. (461-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT WITH COUNTY
OF ROCKLAND FOR MASS
TRANSPORTATION

Co. Smith offered and Co. Maloney seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, for the period April 1, 1992 through March 31, 1993, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

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. (462-1992)

REQUESTING CERTIFICATE
OF NECESSITY BY
COMMISSIONER OF
TRANSPORTATION RE:
MEDWAY AVENUE

Co. Maloney offered and Co. Mandia seconded

WHEREAS, this Town Board has accepted for dedication to the Town the land along which it is proposed to lay out a certain highway less than three rods in width, known as a portion of Medway Avenue, Congers, New York, said highway being generally described on Schedule "A" annexed hereto, and

WHEREAS, the consent of this Town Board having been given that the Town Superintendent of Highways make an order laying out the said highway less than three rods in width, such order having been filed and recorded in the office of the Town Clerk, and

Continue on Next Page

RESOLUTION NO. (462-1992) Continued

WHEREAS, the Town may not lay out a highway less than three rods in width unless certificate in writing of the necessity therefor is made by the Commissioner of Transportation of the State of New York, pursuant to Section 171 of the Highway Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the Commissioner of Transportation of the State of New York to issue a certificate in writing, pursuant to Section 171 of the Highway Law, of the necessity for laying out such highway less than three rods in width, to extend as delineated upon the map hereto annexed and made a part hereof.

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. (463-1992)

AUTHORIZING FIRE LANE
DESIGNATIONS AT COSTCO
WHOLESALE (MAP 164,
BLOCK A, LOT 1.03)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at

COSTCO WHOLESALE (Map 164, Block A, Lot 1.03

by the installation of fire lane designations, and

WHEREAS, Chris McAllister, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

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. (464-1992)

AUTHORIZING FIRE LANE
DESIGNATIONS AT SUSSEX
AT BREMMER - 135 WEST
NYACK ROAD, NANUET,
NEW YORK (MAP 32,
BLOCK C, LOT 11-136)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Building Inspector and the Fire
Inspector of the Town of Clarkstown recommend implementing
certain provisions of Local Law No. 9-1971, as amended, known
as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly
designated as Chapter 102, Sec. 14, of the Code of the Town of
Clarkstown, at

SUSSEX AT BREMMER - 135 WEST NYACK ROAD, NANUET, NEW YORK
MAP 32, BLOCK C, LOT 11-136

by the installation of fire lane designations, and

WHEREAS, Roslyn Schulson the owner and/or person
in general charge of the operation and control of the parking
area located in the Town of Clarkstown, has authorized that the
Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No.
9-1971, as amended, the Town Board hereby directs that the
aforementioned recommendations of the Building Inspector and
the Fire Inspector with regard to the installation of certain
fire lane designations shall be installed by the Superintendent
of Highways upon the review and approval of the Traffic and
Traffic Fire Safety Advisory Board of the Town of Clarkstown.

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. (465-1992)

SETTING COST OF NEW
TOWN OF CLARKSTOWN
CODE BOOK

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Code Book of the Town of Clarkstown
has been revised and a new Code Book is now available for sale,

NOW, THEREFORE, be it

RESOLVED, that the cost of the Code Book of the
Town of Clarkstown is \$325.00 and the yearly supplements will
be \$75.00 per year.

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. (466-1992)

AUTHORIZING CLARKSTOWN
TRANSFER STATION TO
ADMIT SOLID WASTE FROM
OTHER MUNICIPALITIES
IN ROCKLAND COUNTY AND
THE IMMEDIATE VICINITY

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, it has been proposed that solid waste generated in municipalities other than the Towns of Clarkstown and Orangetown and the Villages therein, should now be admitted to the Clarkstown Transfer Station, and

WHEREAS, the New York State DEC permit for the Clarkstown Transfer Station allows the processing of solid waste from the Towns of Clarkstown and Orangetown, Rockland County and the immediate vicinity, and

WHEREAS, the processing of such additional solid waste would result in greater costs to the operator of the Clarkstown Transfer Station;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign an agreement with Clarkston Recycling Center, Inc. providing for the following:

1. That the Clarkstown Transfer Station shall accept solid waste generated in municipalities other than the Towns of Clarkstown and Orangetown and the Villages therein, which municipalities are situate in Rockland County and the immediate vicinity, at a cost of not less than \$85.00 per ton.
2. That the amounts received from such municipalities over the base price of \$81.00 per ton shall be collected by the Town of Clarkstown and paid 60% to the Town of Clarkstown and 40% to Clarkstown Recycling Center, Inc.
3. That such additional tonnage received from these municipalities shall be counted towards the minimum guarantee of 120,000 tons of solid waste to be delivered to the Clarkstown Transfer Station.

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. (467-1992)

AUTHORIZING SALE OF
SURPLUS COMPUTER
EQUIPMENT TO TOWN OF
RAMAPO

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Director of Purchasing and the Computer Consultant have recommended the sale of computer equipment, previously advertised as surplus equipment,

NOW, THEREFORE, be it

RESOLUTION NO. (469-1992) Continued

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Referring to Planning Board a request to modify covenants - Kingsgate, Lot E-2, was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Referring to Planning Board a request to modify covenants - Kingsgate, Lot E-2, was closed, DECISION RESERVED, time: 8:55 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Designation of two historical sites (Map 138, Block A, Lots 13 and 25) was opened, time: 8:55 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Designation of two historical sites (Map 138, Block A, Lots 13 and 25) was closed, RESOLUTION ADOPTED, time: 9:12 P.M.

RESOLUTION NO. (470-1992)

DESIGNATING HISTORICAL SITE (MAP 38, BLOCK B, LOT 5) - HOUSE AND BARN ON WEST SIDE OF LITTLE TOR ROAD, NEW CITY

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, it has been proposed that the existing 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 B, Lot 5, be designated as Historical Sites pursuant to Chapter 12-3(C) of the Town Code of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned existing house and barn located on the premises known as Map 38, Block B, Lot 5, be designated as Historical Sites pursuant to Chapter 12-3(C) of the Town Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said historical sites be so indicated on the Official Map of the Town of Clarkstown.

Continued on Next Page

RESOLUTION NO. (470-1992) Continued

On roll call the vote was as follows:

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

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to Chapter 248 (Solid Waste Transportation and Disposal) of the Town Code of the Town of Clarkstown), was opened, time: 9:15 P.M.

On motion of Councilman Mandia and seconded by Councilman Maloney and unanimously adopted, the public hearing re: amendment to Chapter 248 (Solid Waste Transportation and Disposal) of the Town Code of the Town of Clarkstown), was closed, RESOLUTIONS ADOPTED, time: 9:17 P.M.

RESOLUTION NO. (471-1992)

DETERMINING ACTION IS
TYPE II ACTION AND NO
FURTHER PROCESSING
PURSUANT TO SEORA IS
REQUIRED (RE: LOCAL
LAW NO. 4 - SOLID
WASTE TRANSPORTATION
AND DISPOSAL)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has considered the SEQRA aspects pertaining to Local Law No. 4 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 the Town Board hereby determines that the action herein is a Type II action and shall not have any significant impact on the environment, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

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. (472-1992)

ADOPTING LOCAL LAW NO.
4-1992 RE: AMENDMENT
TO CHAPTER 248 (SOLID
WASTE TRANSPORTATION
AND DISPOSAL) OF THE
TOWN CODE OF THE TOWN
OF CLARKSTOWN

Co. Mandia offered and Co. Maloney seconded

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RESOLUTION NO. (472-1992) Continued

WHEREAS, a proposed local law entitled:

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

was introduced by Councilman Maloney at a Town Board meeting held on May 26, 1992, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 26, 1992, directed that a public hearing be held on June 23, 1992, at 8:50 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on June 12, 1992, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 7, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 23, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1992, entitled:

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

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

Charles E. Holbrook, Supervisor.....	Yes
John R. Maloney, Councilman.....	Yes
Ann Marie Smith, Councilwoman.....	Yes
Ralph F. Mandia, Councilman.....	Yes
Theodore R. Dusanenko, Councilman.....	Yes

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

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to Town Code Chapter 149 (Garbage, Rubbish and Refuse re: Containers for trash removal), was opened, time: 9:17 P.M.

On motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Amendment to Town Code Chapter 149 (Garbage, Rubbish and Refuse re: Containers for trash removal) was closed, RESOLUTIONS ADOPTED, time: 9:20 P.M.

RESOLUTION NO. (473-1992)

DETERMINING THAT THIS IS TYPE II ACTION AND NO FURTHER PROCESSING PURSUANT TO SEORA IS REQUIRED (LOCAL LAW

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RESOLUTION NO. (473-1992) Continued

NO. 5-1992 - AMENDMENT
TO CHAPTER 149)
(GARBAGE, RUBBISH AND
REFUSE)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown has considered the SEORA aspects pertaining to Local Law No. 5 entitled "AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that the action herein is a Type II action and shall not have any significant impact on the environment, and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required.

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. (474-1992)

ADOPTING LOCAL LAW NO.
5-1992 - AMENDMENT TO
CHAPTER 149 (GARBAGE,
RUBBISH AND REFUSE) OF
THE TOWN CODE OF THE
TOWN OF CLARKSTOWN

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

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

was introduced by Councilman Maloney at a Town Board meeting held on May 26, 1992, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 26, 1992, directed that a public hearing be held on June 23, 1992, at 8:55 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on June 12, 1992, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 7, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 23, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 - 1992, entitled:

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RESOLUTION NO. (474-1992) Continued

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

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

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Theodore R. Dusanenko, Councilman.....Yes

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

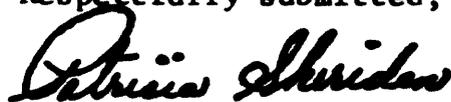
Appearance: Mr. Jerome Miller
New City, New York

Mr. Miller spoke regarding a meeting he had just attended with the Ramapo Cable TV Advisory Committee. There was discussion with Mr. Miller and Town Board Members regarding Cable TV and a bill currently going before the House.

Councilman Maloney extended congratulations to Councilwoman Smith who had recently become a grandmother for the first time.

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/23/92

8:35 P.M.

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

RE: Referring to Planning Board a request to modify covenants - Kingsgate, Lot E-2

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 Town Planning Board has requested that no action be taken until the Town Board makes decisions on zone changes in the area. Rockland County Planning Board has filed no report as Mr. Yacysh'n stated that this was for local determination.

Supervisor asked if the applicant wished to make a presentation?

Appearance: Henry Horowitz, Esq.

He said the discussion this evening is the buffer requirement in connection with Lot E-2 of the project known as Kingsgate which was commenced by the Town Board on December 20, 1972. At that time there was a declaration of covenants which was filed which contained a lot of information relative to the project known as Kingsgate. One of the items that it had was a 100 foot buffer to be placed along the northerly property line. At this point he referred to maps. He noted that Kingsgate is right on the boundary line of Clarkstown and Ramapo and that is where the 100 foot buffer was to go. The rationale at that time for that requirement was because of a possible major roadway to go through this particular area - a by-pass. The Board was concerned about any building taking place. The covenant went through calling for this buffer.

Mr. Horowitz said if you take a look at the development which then existed in the Town of Ramapo that land was already developed. It was developed in accordance with the filed map for residential use of lots having a minimum area of 15,000 square feet so that the width of the lots were 100 feet and their depth were 150 until it ran to the common property line. As a result each of these dwellings had, even at that time, rear yards which were at least 50 feet which is required. Most of them had 80 feet.

Mr. Horowitz then showed an aerial photograph and spoke regarding boundaries shown thereon. The photograph was discussed in great detail. He said in 1973 the Town Board issued a modification of declaration which contained other things about Kingsgate and also mentioned this particular buffer.

Mr. Horowitz said in 1986 we had an amended declaration of covenants which changed other things. It did recognize the buffer. He said final approval was received and building permits could be issued. There is nothing preventing development of this site. He said there was some difficulty with the access to the site. There was a 200 foot wide strip owned by the state of which the Town acquired some 60 feet and through which the new Town road now passes. That left a 140 foot strip between that new road and this PH development.

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PH - re: Referring to Planning Board a request to modify
covenants - Kingsgate, Lot E-2
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The State indicated that the excess 140 foot strip of property would only be the subject of an auction. It went to auction once and there were no bidders. It went to auction a second time and there was only one bidder in an amount in excess of \$700,000.00. The bidder had to insure that he would have permanent access to this particular parcel. They now hold that strip. The Board may recall at that time once they owned it they had to develop it. We did not want them to develop it with a series of R-15 lots. As a result the Board granted a zone change so that it could be developed in the same fashion as what was already built. The owner of Kingsgate was to incorporate this piece rather than acting as a tail into the site plan and redo the entire site plan and that particular piece. Both the applicant and the Planning Board have an opportunity to do something even better.

Mr. Horowitz said as we indicated before on the north side there is a 100 foot buffer and alongside the LIO there is no buffer. In a site which is fairly narrow to begin with we have 110 feet which is out of use. What we are proposing is that 100 foot buffer be reduced to 50 feet so that on the south side where before we had 10 feet that can now be made 30 feet. Alongside the new road where we have acquired footage we put a buffer in there of 50 feet and that we also put a buffer on the west side of the property of some 30 feet. We just don't want to put in a buffer since there is concern relative to the noise factor, etc. We want to put in a developed buffer that is something with a berm in order to cut out the visual impact as well as the sound. Mr. Horowitz handed around plans to show how the buffer would go. There was also a sketch indicating how they propose to develop a buffer around the entire perimeter.

Mr. Horowitz said he wanted to again point out that the applicant has the right to build Kingsgate E-2 the way it stands today. He would have to come back to the Planning Board only for the piece he acquired from the State. He wanted to point out again that the buffer being proposed would in no way allow any more units than has previously been approved. The unit count will remain as it is. The sole impact of what we are discussing is the buffer which is required now on one side to be 100 feet, will change so that we have 50 feet on that side and a 30 foot buffer on the south side; a 50 foot buffer along the new Town road and a 30 foot buffer in the rear. He said further both the buffers on the east side and the south side will be developed in accordance with the approval of the Planning Board so that we can prevent the noise and the visual impact from the adjacent property.

Supervisor said then in other words what you are doing is redesigning the buffer. You are not really taking anything out of a buffer zone. To a degree you are just redistributing it on the side and adding more.

Supervisor asked if Board members had any questions? Councilwoman Smith asked what the unit number was for E-2? Mr. Horowitz said E-2 has been approved for 118. He said as you know each lot was 240 units. This is 118. The balance is on the other piece across the street so the total is 240.

Supervisor asked if there was anyone in the audience wishing to ask a question or make a comment?

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PH - re: Referring to Planning Board a request to modify
covenants - Kingsgate, Lot E-2
6/23/92

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Appearance: Mr. Seymour
30 Danville Road
Spring Valley, New York

He said he lives in the back of New Clarkstown Road and the buffer would lead back from that road to what would be Danville Road in the back. Supervisor asked Mr. Seymour if he lived in the Town of Clarkstown and Mr. Seymour said he lives in the Town of Ramapo. He said when he first saw them surveying the property he asked what they were doing because they were in his yard. He was told that they were surveying so they could put in a road but then said they were just kidding. I asked how far back are you building? He said we are going to leave 150 feet going back. I said where is 150 feet and he showed me a red ribbon around a tree. He said when he went back there they had cut further into the buffer zone, further than where the red tape was on the tree. Anyone wishing to can go back and measure for themselves can see where the tape is and see where the trees have been cut down.

Supervisor said the buffer on that side is 100 feet not 150. What they are proposing is to reduce it on the side you are talking about to 50 feet. Mr. Seymour said so they want to come in 50 feet more. He said he lives there and he is opposed to that.

Appearance: Mr. Hy Shuster
23 Baylor Road
Nanuet, New York

Mr. Shuster had laryngitis and wanted it noted that he is opposed.

Appearance: Mr. Joel Schwartz
Timberline
Nanuet, New York

Mr. Schwartz asked where is the buffer zone? Mr. Horowitz pointed it out to Mr. Schwartz on the map.

Mr. Rudolph Yacyshin, Chairman of the Planning Board, said that in their referral memorandum of June 18th to the Board we gave you rather extensive minutes with respect to our request. He said they set forth some of the concerns that they have. He said it is sort of ironic since we are favorably disposed to this if indeed we can solve the other issues. The other issues have to be solved before we can really get into an amount of the buffer. He said at this time they don't wish to impede the action. On the other hand he said he would ask that this be done as an overall concept of the area rather than on a piecemeal basis.

Councilman Dusanenko said within the last two or three months there was a joint meeting of Planning Board, Town Board and some of the principals involved. He said the subject first came to the Town Board's attention about moving this 100 foot buffer. He said he found it ironic in the terminology and in the way things change. He said you have a 10 foot buffer on the south side of the property right now. You have a 100 foot buffer on the north side of the property right now. When someone tells me they are going to move something that implies maybe a split. He was under the impression that there was going to be 110 feet of buffer. Then when Mr. Horowitz explained it on the north side and south side we are not

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PH - re: Referring to Planning Board a request to modify
covenants - Kingsgate, Lot E-2

6/23/92

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looking at a 110 feet of total buffer. We are looking now at 50 feet of buffer on the north and 30 feet. That makes 80. Supervisor said and 50 feet in the front. Councilman Dusanenko said we are talking left/right shifts. We're talking splits. We're talking just that. That was all that was ever mentioned at that point in time. So from 110 foot of buffer now we are down to 80 - 30 feet more of space. Good trick. He said he wishes he could do it everywhere and he is sure every builder wishes he could do it everywhere. He said he is raising a red flag.

Councilman Mandia said he would like to ask the Board to consider the comments of Mr. Yacyshin. He said he is growing a little weary of the Bradco piece and the strip that we approved for these gentlemen and the access way and now we are talking about a buffer. He recommended that we reserve decision on this and schedule a meeting as soon as possible where we can resolve that whole issue. He said the residents, this applicant, Mr. Bradco - we have heard enough to be ready to make a decision on all of that.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/23/92

8:55 P.M.

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

RE: Designation of Historical Site - Map 38, Block B, Lot 5

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

Supervisor said this public hearing is the result of discussions and a referral from the Town Board through the Historical Review Board of the Town. He called upon Mrs. Ellen Ferretti to comment on this proposal.

Appearance: Mrs. Ellen Ferretti
Historical Review Board

Mrs. Ferretti read the following information regarding the proposal for the Blenker-Vanderbuilt-Duffy House and Barn:

"Location: The Blenker-Vanderbuilt-Duffy house and barn is a part of the New City Estates Subdivision, located on the west side of Little Tor Road, New City, New York. The house is situate on Lot 13, and the barn is on Lot 25.

Owner: Kenneth Bergstol. (Mrs. Ferretti noted that Mr. Bergstol is agreeable to having this house and barn cited.)

History: Louis Blenker was born in Bavaria on May 20, 1812. He was a cavalry officer in the Bavarian Legion. In 1849 Blenker was brought to the United States by Rudolph Lexow of Upper Nyack to instruct West Point officers in cavalry tactics. He became one of The Four Rockland County Civil War Generals. Mr. Blenker died of war injuries at his home. Blenker's will is dated August 7, 1858. The record shows that a number of substantial liens had been filed against Blenker's real property during his lifetime.

At a public sale held in 1872, the property was bought by New City businessman John J. Vanderbuilt (of Vanderbuilt Coal & Lumber Company). Subsequently, the property was owned by Mrs. Duffy.

The house is in good condition and is typical of early Rockland County homes. It faces south, and the chimneys are contained within the house.

The barn has recently been examined by a New York State historian whose special interest is in barns. He declared that the barn is an excellent example of English barns. One of the best he has ever seen. It was judged to be in fine condition.

Conclusion: The house and barn merit designation as historical landmarks in the Town of Clarkstown."

Councilman Dusanenko asked if this was located between Little Tor Road and Collyer Avenue. He was told it was.

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Supervisor asked if any other Board Members had questions? No one did.

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

Appearance: Jerome Johnson, Esq.
Representing current owners

Mr. Johnson said it is true that Mr. Bergstol has no objection to the historical designation of the house. With respect to the barn his feeling was that if it could be so designated and kept as an accessory on the lot that he would have no objection. He said, however, they made a presentation to the Planning Board. The Planning Board is of the opinion that this barn cannot be considered as an accessory to any house to be built on the lot and accordingly it would require a considerable amount of rearranging of lot lines, etc. and to give this barn a separate lot would be an undue imposition on his client. Accordingly, they are asking the Town Board to designate the house but not the barn. He said Mr. Eric Osbourne, an architect who has examined the properties, would take issue with the statement that the barn is in fine condition.

Appearance: Mr. Eric Osbourne
North Main Street
New City, New York

Mr. Osbourne said that he had walked through the barn last week with Mr. Bergstol. He said the foundation needs a lot of work. Over the years the original condition of the barn has changed. Up on the third floor of the barn at this point there are two apartments which he felt are probably illegal.

Appearance: Mr. Rudolph Yacyshyn, Chairman
Planning Board

Mr. Yacyshyn said New City Estates Subdivision is before the Planning Board. He said in his experience on the Planning Board they have had probably more concern with this subdivision in this part of New City than any other in a long time. He said Board members and other consultants have made no less than five trips at various times under various conditions with respect to the subdivision. He said as recently as yesterday Mr. Nest, Vice Chairman of the Planning Board and himself, with other members of Town agencies in attendance, went to see what the effect was on the stream and the patterns of the layout as the result of the rains of last weekend. This is background to the very point that the Planning Board would like to bring to the Town Board's attention. It affects the growth pattern that we have. It affects the number of lots and the lot count. It affects a number of things, so much so that we can say unequivocally we will certainly support the house designation and we do not take an official position at this point with respect to the historical significance of the barn. However, it is, as he demonstrated on the map, as to its impact with respect to where it is located. This indeed is where the problem lies. He believes that there is an offer of having the current use which someone described as being illegal as far as the zone is concerned which is correct if indeed it is apartments because obviously it is a one family zone. We are interested in having the barn preserved. An offer has been made to have it relocated elsewhere and that may become a point to consider. The Planning Board is concerned about the overall subdivision and the impact it would have with respect to the construction in that location.

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Supervisor asked what about the use of Town Law 281 and the fact that the developer was prepared to discontinue all auxiliary residential uses in the barn? He said he thought we could keep the barn on the same lot using 281 and clear up the whole zoning matter. Mr. Yacyshin said it would help immensely and of course the Planning Board is considering that as a possibility and probably petitioning the Town Board to grant us that authority. He said unfortunately the barn is so close to the road that it impacts the road pattern and would make some differences in the subdivision as far as that layout.

Town Attorney asked Mr. Yacyshin if he was aware that on June 10th he had sent a memo to Mr. Robert Geneslaw, Town Planning Consultant. He said that this was his (Mr. Jacobson's) opinion based on an opinion rendered to his office by the Comptroller. He read: "The Town Board, as part of a 281 resolution, can grant the Planning Board the power to vary front and side yard requirements. As to this power, I would refer you to Opinion No. 81-194, which is annexed, which is a response to a letter by Philip B. Fogel, First Deputy Town Attorney for the Town of Clarkstown. I would suggest that the requisite request for 281 be sent to the Town Board and will be acted upon at the same time as the hearing on historic designation of the house and barn are heard." Mr. Jacobson said in his office he didn't receive anything but he was wondering if Mr. Yacyshin was aware of this memo? Mr. Yacyshin said not specifically but he was aware of the fact that Mr. Fogel, as First Deputy, attends our meetings as our counsel and has also agreed that would be a way for us to proceed and undoubtedly the Planning Board would be doing so. He said he was sorry that he did not recall the memorandum. He was given a copy of it.

Supervisor said the Town Attorney has researched this and we can cite it and the Planning Board can using 281 vary lot lines to the extent that it could be worked in without delaying the developer. He said he thinks the intention here was that if the developer was willing to do this that if we could find the mechanism to cite both that he wouldn't be delayed in terms of getting site plan approval so that he could proceed with the development. He said he thinks that is a fair concern. Mr. Yacyshin said that is true and they certainly agree with that and it is obviously no attempt to delay on our part. There are physical aspects of the overall subdivision as he pointed out in his opening remarks with regard to this particular historical designation for the preservation.

Supervisor said he would recommend that we cite them and if it becomes a problem for some reason with the barn we could bring it back here. He said he thinks we could proceed to cite it as an historical designation.

Councilman Mandia said looking at the subdivision map is the barn and the house both going to stay? Mr. Yacyshin said certainly the dwelling is. It is separated by a road. Supervisor said if you take a look at the Gerlach house and the Major Smith Barn they are separated by Germonds Road. Councilman Mandia said the Planning Board is not permitting the barn to stay as an accessory meaning it can't be lived in. Mr. Yacyshin said that is correct. Supervisor said the developer has no problem with that. They will just continue all the residential uses. It will always be an accessory building but non-residential.

Supervisor said with the 281 they can vary some lot lines. Mr. Johnson said we would have to have 281 in order to make this legal. Supervisor said if they ask us we will grant it to them. Mr. Johnson said then may we request that the Town Board designate this under 281? Town Attorney said you must

PH - Re: Designation of Historical Site - Map 38, Block B, Lot 5
June 23, 1992 Page 4

send a letter requesting. Councilman Dusanenko said you must also have a map. Town Board said it would be done.

There being no one further 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: 9:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (470-1992) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/23/92

9:15 P.M.

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

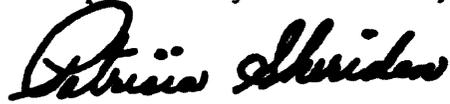
Re: Amendment to Chapter 248 (Solid Waste Transportaion and Disposal) of the Town Code of the Town of Clarkstown

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

Town Attorney said what you have is definitions added of container, recyclables and unacceptable waste.

There being no one wishing to speak on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTIONS ADOPTED, time: 9:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTIONS NOS. 471 AND 472 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/23/92

9:17 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 14⁹ (Garbage, Rubbish and Refuse) Re: Containers for trash removal

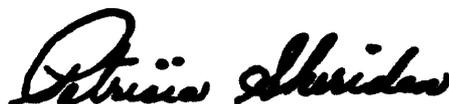
On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney said you basically have definitions but you also have a provision which states that you can't dump in a container or a roll-off, etc., without the permission of the owner of said container. What has been happening is that people have been dumping their household garbage in commercial or other containers which are owned by other people. The other provisions is that all this must be done by licensed carters. The main thrust is definitional and the fact that we don't want any acceptable waste put into containers without the permission of the owner and it is unlawful to place any unacceptable waste.

Supervisor asked if there was anyone wishing to speak. No one did.

There being no one wishing to speak on motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, RESOLUTIONS ADOPTED, time: 9:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTIONS NOS. 473 and 474 ADOPTED