

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/27/02

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.

Supervisor stated that the first order of business this evening would be the awarding of certificates to the West Nyack Senior League All Stars. Supervisor noted that they were the 1992 New York State championship winners. He noted that the Town Board was very supportive of these programs and would continue to support them as it is for the betterment of our community. He called upon Councilman Mandia who asked Mr. Peter Finkel, President of the West Nyack Little League and Mr. Richard Ceska to assist with the awarding of the certificates. Councilman Mandia congratulated the adults in the program for guiding the youngsters in this positive direction. The presentation then took place.

Supervisor then introduced some of the students present tonight who would be taking part in a full day program of Student Government Day in the Town of Clarkstown tomorrow.

Supervisor declared the public portion of the meeting open. No one appeared.

RESOLUTION NO. (732-1992)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
OCTOBER 13, 1992

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the minutes of the Town Board Meeting of October 13, 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. (733-1992)

DENYING PROPOSED
AMENDMENT TO ZONING
ORDINANCE FROM R-22 TO
MF-1 - MAP 123, BLOCK
A, LOT 15.8 (TOWN'S
OWN MOTION - LOSER)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on August 18, 1992, provided for a public hearing on September 22, 1992, at 8:40 P.M., to

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RESOLUTION NO. (733-1992) Continued

consider, on its own motion, an amendment to the Zoning Ordinance of the Town of Clarkstown by redistricting the property described on the Clarkstown Tax Map as Map 123, Block A, Lot 15.8, from an R-22 District to an MF-1 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 SEORA, 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 the Town board finds that the proposed amendment would have no significant adverse effect upon the environment and no further processing under SEORA is necessary, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Town Board hereby DENIES the proposed Amendment to the Zoning Ordinance.

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. (734-1992)

REFERRING AMENDMENT TO
OFFICIAL MAP AND
SETTING PUBLIC HEARING
RE SAME (PORTION OF
SPRING BROOK ROAD,
FOREST BROOK ESTATES
AND SPRING BROOK ROAD,
SPRING BROOK ESTATES)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a recommendation has been made by the Department of Environmental Control, that the Town Board of the Town of Clarkstown take action pursuant to Section 273 of the Town Law to amend the Official Map of the Town of Clarkstown by placing a portion of Spring Brook Road, connecting the northerly terminus of Spring Brook Road as shown on subdivision plat of Forest Brook Estates, filed in the Rockland County Clerk's Office in Book 81 of Maps at Page 15 as Map No. 4082, with the southerly terminus of Spring Brook Road as shown on subdivision plat of Spring Brook Estates, filed in the Rockland County Clerk's Office in Book 81 at Page 14, as Map No. 4081, Spring Valley, New York, and more particularly described on Schedule "A" attached, on the Official Map;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New

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RESOLUTION NO. (734-1992) Continued

City, New York, on November 24, 1992, at 8:45 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider amending the Official Map of the Town of Clarkstown, and be it

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

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

FURTHER RESOLVED, 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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review, and be it

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

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. (735-1992)

AMENDING RESOLUTION
NO. (700-1992)
RESCHEDULING PUBLIC
HEARING ON ZONE CHANGE
FROM R-15 TO R-10 OR
MF-1 DISTRICT (GOODMAN)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby amends Resolution No. 700, adopted by the Town Board on October 13, 1992, as follows:

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on December 8, 1992, at 8:40 P.M., relative to the proposed amendment to the zoning ordinance on property owned by Goodman, from an R-15 to an R-10 or MF-1 District, and designated on the Clarkstown Tax Map as Map 141, Block B, Lots 24, 24.1 and 24.2;

NOW, THEREFORE, be it

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

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RESOLUTION NO. (735-1992) Continued

aforesaid and file proof thereof in the Office of 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. (736-1992)

REFERRING TO TOWN AND
COUNTY PLANNING BOARDS
AND SETTING PUBLIC
HEARING RE:
ABANDONMENT OF
ROSECRANS AVENUE,
CONGERS (BOURGHOL
BROS., INC.)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a request has been made by BOURGHOL BROS., INC. that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way as shown on a survey entitled, "Proposed Abandonment of Rosecrans Avenue, Town of Clarkstown, Rockland County, New York, dated October 3, 1991, prepared by Victorio Scatassa, P.L.S., and as described in the metes and bounds description attached as Schedule "A," for the unimproved portion of Rosecrans Avenue, Congers, New York, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 8, 1992, at 8:35 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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RESOLUTION NO. (736-02) Continued

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

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (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.

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. (737-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO REMOVE
SNOW ON UNDEDICATED
CLARKSTOWN STREETS

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown and unplowed or impassable roads may pose an increased danger to life and property as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary to prevent imminent hazard to life and property.

Before roll call Councilman Dusanenko requested of Mr. Yacyshyn, Chairman of the Planning Board, that the subdivision regulations be changed to reflect that in the event

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RESOLUTION NO. (737-1992) Continued

anyone is building on an undedicated street, after the first CO is granted, that there be extra money posted by the builder to do the plowing. So long as we have a situation where one family is in residence, whether it be commercial or residential, it is a responsibility of the builder to place funds for plowing in escrow so that we do not put an unfair burden on the Superintendent of Highways .

On roll call the vote was as follows:

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

RESOLUTION NO. (738-1992)

CANCELLING LIS PENDENS
- MAP 113, BLOCK A,
LOT 23.2 (DE HART)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the conditions complained of in the Order and Notice Pursuant to Town Code, Chapter 111 (formerly Chapter 31) dated November 26, 1991, for premises designated on the Clarkstown Tax Map as MAP 113, BLOCK A, LOT 23.2 which resulted in the expenditure of \$9,350.00 by the Town to correct said condition after Order of the Town Board was duly made, and payment of said sum having been tendered by the contract purchaser for the premises;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to cancel a Lis Pendens filed in the Rockland County Clerk's Office on December 9, 1991, upon payment of \$9,350.00 to reimburse the Town for the expenses incurred in connection with the above referred to Chapter 111 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. (739-1992)

AUTHORIZING MONIES TO
SPRING HILL AMBULANCE
CORPS, INC. - TRANSFER
FUNDS FROM CONTINGENCY
ACCOUNT NO. A 1990-505
TO ACCOUNT NO. A
4540-584

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Spring Hill Community Ambulance Corps, Inc. is one of five volunteer ambulance corps that service the Town of Clarkstown, and

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RESOLUTION NO. (739-1992) Continued

WHEREAS, the Spring Hill Community Ambulance Corps, Inc. find they are in need of \$10,000.00 to finance first aid supplies, gas and repairs to their ambulances;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes \$10,000.00 to Spring Hill Ambulance Corps, Inc. to cover the costs of first aid supplies, gas and repairs to their ambulances, and be it

FURTHER RESOLVED, that \$10,000.00 shall be moved from Contingency Account No. A 1990-505 to Account No. A 4540-584, to cover such costs as set forth above.

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. (740-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"TWO HOUR PARKING
SIGNS" NORTH SIDE WEST
NYACK ROAD AND "NO
PARKING FROM HERE TO
CORNER" SIGNS BENSON
AVENUE, WEST NYACK

Co. Maloney offered and Co. Smith seconded

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

"Two Hour Parking" signs on the north side of West Nyack Road, 20 feet west of corner from Benson Avenue and on the north side of West Nyack Road, 20 feet east of Benson Avenue.

"No Parking Here to Corner" signs on the east side of Benson Avenue 40 feet north of West Nyack Road and on the west side of Benson Avenue 70 feet north of West Nyack Road, 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

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RESOLUTION NO. (741-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"NO PARKING ANYTIME"
SIGNS WEST SIDE
CRESTWOOD DRIVE, NEW
CITY

Co. Maloney offered and Co. Smith seconded

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

"No Parking Anytime" signs on the west side of Crestwood Drive from New City/Congers Road, north to School Lane, New City, New York

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. (742-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"NO PARKING" SIGNS
NORTH SIDE SCHRIEVER
LANE, NEW CITY

Co. Maloney offered and Co. Smith seconded

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

"No Parking" signs with directional arrows on the north side of Schriever Lane, New City, New York from the eastern to the western property line of the New City Fitness Center.

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

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RESOLUTION NO. (743-1992)

AUTHORIZING
ATTENDANCE AT NEW
YORK STATE ASSESSORS'
ASSOCIATION, INC.
SEMINAR ON TAX
CERTIORARI PROCEEDINGS
(EDWARD J. DUER) -
CHARGE TO ACCOUNT NO.
A 1010-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Edward J. Duer, Town Comptroller, to attend a seminar sponsored by the New York State Assessors' Association, Inc. on November 10, 1992, with respect to Tax Certiorari proceedings, and be it

FURTHER RESOLVED, that the fee of \$75.00 per person for the seminar shall be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (744-1992)

DECREASING
APPROPRIATION ACCOUNT
NO. A 1640-311 (TOWN
GARAGE-GASOLINE) AND
INCREASING VARIOUS
ACCOUNTS (TOWN GARAGE)

Co. Smith offered and Co. Maloney seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1640-311 (Town Garage-Gasoline) by \$12, 314.00 and increase the following Appropriation Account Numbers:

A 1640-209 (Misc. Equip.).....\$2,000.00
A 1640-406 (Repairs to Vehicles....\$9,650.00
A 1640-407 (Equipment Repairs).....\$ 100.00
A 1640-430 (Alarm Systems).....\$ 564.00

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. (745-1992)

TRANSFER OF FUNDS FROM
ACCOUNT NO. CS 11 8
2680 0 (LIABILITY
INS.-INS. RECOVERIES)
TO ACCOUNT NO. A

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RESOLUTION NO. (745-1992) Continued

1640-406 (TOWN
GARAGE-REPAIRS TO
VEHICLES)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$4,031.00 from insurance companies for the repair of police cars and

WHEREAS, all expenses for these repairs are charged to Appropriation Account No. A 1640-406 (Town Garage-Repairs to Vehicles),

NOW, THEREFORE, be it

RESOLVED, to transfer \$4,031.00 from Revenue Account No. CS 11 8 2680 0 (Liability Ins.-Ins. Recoveries) to Appropriation Account No. A 1640-406.

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. (746-1992)

INCREASING ESTIMATED
REVENUE ACCOUNT DB 041
14 2999 0 (HIGHWAY-
UNEXPENDED BALANCE)
AND APPROPRIATION
ACCOUNT DB 5110-225
(COMPUTER EQUIPMENT)
(HIGHWAY DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

WHEREAS, NYS Audit & Control states it is necessary for the Highway Department and Comptroller's Office to improve their Account Receivables reporting between departments, and

WHEREAS, it is possible for the town to implement a remote access to New World Financial System and the Highway Department will then have direct limited access to the Town Hall Local Area Network, and

WHEREAS, specific equipment is required for this implementation amounting to approximately \$33,000.00,

NOW, THEREFORE, be it

RESOLVED, to have the Computer Consultant, August Stritmater, order the necessary equipment and direct the installation, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. DB 041 14 2999 0 (Highway-Unexpended Balance) and Appropriation Account No. DB 5110-225 (Computer Equipment) by \$33,000.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (747-1992)

DECREASING APPROPRIATION ACCOUNT NO. B 3620-209 (BUILDING DEPT.-OTHER EQUIPMENT) AND INCREASING APPROPRIATION ACCOUNT NO. B 3620-313 (OFFICE SUPPLIES & PRINTING) AND B 3620-328 (BOOKS & PUBLICATIONS) (BUILDING DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

WHEREAS, additional accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B 3620-209 (Building Department - Other Equipment) by \$4,210.00 and increase the following Appropriation Account Numbers:

B 3620-313 (Office Supplies & Prtg)...\$3,810.00
B 3620-328 (Books & Publications).....\$ 400.00

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. (748-1992)

INCREASING ESTIMATED REVENUE ACCOUNT CS 11 8 2680 0 (LIABILITY INSURANCE-INSURANCE RECOVERIES) AND APPROPRIATION ACCOUNT DA 5130-447 (HIGHWAY-EQUIPMENT REPAIRS) (HIGHWAY DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a check from Prudential Insurance in the amount of \$1,424.96 for the repair of the Superintendent of Highway's vehicle,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. CS 11 8 2680 0 (Liability Insurance -Insurance Recoveries) and Appropriation Account No. DA 5130-447 (Highway-Equipment Repairs) by \$1,425.00 and transfer said funds to the proper account.

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. (749-1992)

DECREASING APPROPRIATION ACCOUNT A 7620-329 (RECREATION SUPPLIES) AND INCREASING APPROPRIATION ACCOUNT A 7620-409 (FEES FOR SERVICES) (RECREATION DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A 7620-329 (Recreation Supplies) by \$1,500.00 and to increase Appropriation Account A 7620-409 (Fees for Services) by \$1,500.00.

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. (750-1992)

DECREASING APPROPRIATION ACCOUNT NO. DB 5110-443 (PRIVATE EQUIPMENT RENTAL) AND INCREASING APPROPRIATION ACCOUNT NO. DB 5110-381 (HIGHWAY-BITUMINOUS) (HIGHWAY DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Appropriation Account No. DB 5110-381 (Highway-Bituminous) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. DB 5110-443 (Private Equipment Rental) and increase Appropriation Account No. DB 5110-381 by \$25,000.00.

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. (751-1992)

CORRECTION OF RESOLUTION NO. (644-1992) RE: BID #54-1992 (CONTRACT FURNITURE - FIRE INSPECTOR'S OFFICE)

Co. Dusanenko offered and Co. Mandia seconded

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RESOLUTION NO. (751-1992) Continued

RESOLVED, that Town Board Resolution #644-1992 is hereby corrected to read:

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

BID #54-1992
CONTRACT FURNITURE
FIRE INSPECTOR'S OFFICE

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: November 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. (752-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #55-1992 (ONE FOUR
WHEEL DRIVE UTILITY
VEHICLE FOR SEWER
DEPARTMENT)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #55-1992
ONE (1) FOUR WHEEL DRIVE UTILITY VEHICLE
FOR CLARKSTOWN SEWER DEPARTMENT

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: November 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. (753-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #56-1992 (ONE USED
TANDEM AXLE DUMP TRUCK)
(ENVIRONMENTAL CONTROL)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #56-1992
ONE (1) USED TANDEM AXLE DUMP TRUCK FOR
CLARKSTOWN ENVIRONMENTAL CONTROL DEPARTMENT

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: December 2, 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. (754-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #57-1992 (ONE
ELECTRO-MECHANICAL
MOBILE LIFT SYSTEM
(HIGHWAY DEPARTMENT)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #57-1992
ONE (1) ELECTRO-MECHANICAL MOBILE LIFT SYSTEM
FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

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: December 3, 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. (755-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #58-1992 -
INSTALLATION OF
TRAFFIC SIGNAL (ROUTE
303, WEST NYACK)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #58-1992
INSTALLATION OF TRAFFIC SIGNAL
ROUTE 303 AND CLARKSTOWN SOLID WASTE FACILITY
DRIVEWAY, WEST NYACK

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: December 15, 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. (756-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #4-1993 - BUS
TRANSPORTATION

Co. Dusanenko offered and Co. Mandia seconded

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

BID #4-1993
BUS TRANSPORTATION

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 on
December 1, 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. (757-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #5-1993 - PAPER
AND PLASTIC SUPPLIES

Co. Dusanenko offered and Co. Mandia seconded

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

BID #5-1993
PAPER AND PLASTIC SUPPLIES

bids to be returnable to the office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on November 23, 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. (758-1992)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS
FOR BID #59-1992 -
KINGS PARK IMPROVEMENT
PROJECT

Co. Dusanenko offered and Co. Mandia seconded

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

BID #59-1992
KINGS 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 December 7, 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. (759-1002)

AWARDING OF BID
#3-1993 (PRINTING OF
TOWN STATIONERY/
ENVELOPES) VARIOUS
BIDDERS

Co. Mandia offered and Co. Maloney seconded

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

BID #3-1993
PRINTING OF TOWN STATIONERY/ENVELOPES

is hereby awarded to:

VICTORIA ENVELOPE COMPANY
12 C Dexter Plaza
Pearl River, NY 10965
PRINCIPAL: RON STEINBERG

PREFERRED BUSINESS FORMS
635 White Plains Road
Elmsford, NY 10523
PRINCIPALS: JAMES KIERNAN
DENNIS KIERNAN

LONG ISLAND ENVELOPE
240 Anderson Avenue
Moonachie, NJ 07074
PRINCIPAL: CALVIN K. GOOD

SUNRISE PRESS, INC.
202 Smith Road
Spring Valley, NY 10977
PRINCIPAL: RALPH T. CERBONE

as per attached item/price schedule

On roll call the vote was as follows:

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

RESOLUTION NO. (760-1992)

AWARDING BID FOR BID
#45-1992 - MAINTENANCE
AND REPAIR OF TOWN
TRAFFIC SIGNALS AND
PEDESTRIAN CONTROL
DEVICES (BYRON
ELECTRIC COMPANY)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the
Superintendent of Highways, the Town Utility Services
Coordinator, the Town Traffic and Highway Engineering
Consultant, and the Director of Purchasing that

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

is hereby awarded to:

BYRON ELECTRIC COMPANY
1020 MAMARONECK AVENUE
MAMARONECK, NEW YORK 10543
PRINCIPALS: PAUL J. BROWNE,
HAROLD A. STANLEY

as per their proposed project cost of \$71,632.00, and be it

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RFSOLUTION NO. (760-1992) Continued

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of a 100% Performance Bond.

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. (761-1992)

AUTHORIZING TOWN TO
ACCEPT GRATUITOUS
CONVEYANCE OF TAX
PARCELS FROM COUNTY OF
ROCKLAND (MAP 166,
BLOCK A, LOT 11, MAP
39, BLOCK A, LOT 28.1,
MAP 111, BLOCK A, LOT
5.1)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, the County of Rockland has offered to gratuitously convey to the Town of Clarkstown three tax parcels known as:

Map 166, Block A, Lot 11
Map 39, Block A, Lot 28.1
Map 111, Block A, Lot 5.1

and

WHEREAS, such parcels would be beneficial to the Town of Clarkstown for access to Town property and drainage easement purposes;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the acceptance, from the County of Rockland, of the gratuitous conveyance of tax parcels known as:

Map 166, Block A, Lot 11
Map 39, Block A, Lot 28.1
Map 111, Block A, Lot 5.1

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. (762-1992)

ACCEPTING DEED
(CROSEY ESTATES)

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (762-1992) Continued

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Cropsey Estates, Congers, New York, the Planning Board of the Town of Clarkstown requested a deed for land for municipal purposes;

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 January 9, 1992, from Regina Cropsey to the Town of Clarkstown gratuitously conveying land for municipal purposes 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. (763-1992)

ACCEPTING RESIGNATION
OF LABORER - SOLID
WASTE FACILITY
(STEPHEN CUCUZZA)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with the Collective Bargaining Agreement between the Town of Clarkstown and the C.S.E.A., the Town Board hereby accepts the resignation of Stephen Cucuzza, 3 Appleton Road, New City, New York - Laborer - Solid Waste Facility - effective and retroactive to October 5, 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. (764-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT WITH NYACK
HOSPITAL - CHARGE TO
ACCOUNT NO. A 8840-424

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for the Employee Asssitance Program for the period commencing October 1, 1992, and terminating on September 30, 1992, and be it

FURTHER RESOLVED, that the appropriation of \$8,770.00 to pay for the services to be provided shall be charged to Account No. A 8840-424, and be it

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RESOLUTION NO. (764-1992) Continued

FURTHER RESOLVED, that this resolution is retroactive to October 1, 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. (765-1992)

AUTHORIZING REPAIR OF GALION GRADER (RUSCON TRUCK SERVICE) - INCREASE ESTIMATED REVENUE ACCOUNT NO. DA 042 14 2999 0 (UNEXPENDED BALANCE) AND APPROPRIATION ACCOUNT NO. DA 5130-447 (EQUIPMENT REPAIRS)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, a 1966 Galion Grader owned by the Town of Clarkstown is not operational, and

WHEREAS, said Grader is necessary for certain paving projects which are immediately on-going, and

WHEREAS, the loss of the use of such Grader creates an emergency situation in that it is necessary to complete such paving projects prior to the onset of winter weather, and

WHEREAS, there is a proposal from Ruscon Truck Service & Equipment Co., Inc. for the installation of a new engine and other repairs to the Galion Grader at a cost of \$17,444.00, and

WHEREAS, it would be in the best interest of the Town of Clarkstown to repair such Galion Grader and complete such paving work prior to the onset of winter weather;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is authorized to have such Galion Grader repaired by the installation of a new engine, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. DA 042 14 2999 0 (Unexpended Balance) and Appropriation Account No. DA 5130-447 (Equipment Repairs) by \$17,440.00.

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. (766-1992)

**AUTHORIZING
INSTALLATION OF
HANDICAP RAMP**

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board rents space at St. John's Episcopal Church for use as a polling place, more particularly described on the tax map of the Town of Clarkstown as Map 93, Block A, Lot 1.3 which is designated as the facility used for Election Districts Nos. 36, 67, and 77, and

WHEREAS, the premises are not accessible to handicapped voters because of the step involved, and

WHEREAS, there being no alternative polling place sites existing in this area, and

WHEREAS, the cost to provide said ramp shall not exceed \$700.00,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes D & D Construction Company at a price not to exceed \$700.00 to install said ramp, and that all work shall be charged to Appropriation Account No. A 1450-408.

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. (767-1992)

**AUTHORIZING SUPERVISOR
TO RENEW LEASE
AGREEMENT WITH KOENIG
MANAGEMENT, INC.
(CHARGE TO CAPITAL
ACCOUNT 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, itf 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, from October 1, 1992 till November 6, 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, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 1, 1992.

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RESOLUTION NO. (767-1992) 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. (768-1992)

AUTHORIZING
INSTALLATION OF STREET
LIGHTS AT SIERRA VISTA
LANE, VALLEY COTTAGE

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the installation of street lights at Sierra Vista Lane, Valley Cottage, New York, and be it

FURTHER RESOLVED, that the fee to cover said street lights shall not exceed \$27,818.00.

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 Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to Town Code to permit additional use in PED Zoning Districts, was opened, time: 8:30 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to Town Code to permit additional use in PED Zoning Districts, was closed, RESOLUTION ADOPTED, time: 8:35 P.M.

RESOLUTION NO. (769-1992)

AMENDING ZONING
ORDINANCE OF TOWN OF
CLARKSTOWN - PED
DISTRICTS

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 22, 1992, provided for a public hearing on October 27, 1992, at 8:30 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

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RESOLUTION NO. (769-1992) Continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 22, 1992, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

Amend Section 106-10A of the General Use Regulations, PED District Table 15-A, Column 2, Section 2, by adding Item "L" as follows:

"2.(L) Building and home supply establishments and nursery establishments."

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 Councilman Mandia and unanimously adopted, the public hearing Re: Special Permits was opened, time: 8:36 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing Re: Special Permits was Ajournd, sine die, Resolution Adopted, time: 8:55 P.M.

RESOLUTION NO. (770-1992)

GRANTING CLARKSTOWN
PLANNING BOARD NINETY
DAY EXTENSION TO MAKE
RECOMMENDATIONS
CONCERNING AMENDMENTS
TO ZONING ORDINANCE

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Clarkstown Planning Board has requested an extension of time to make its recommendation with

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RESOLUTION NO. (770-1992) Continued

respect to the proposed Amendments to the Zoning Ordinance concerning Special Permit requirements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants the Clarkstown Planning Board an extension of ninety days to make its recommendation with respect to the proposed Amendments to the Zoning Ordinance concerning Special Permit requirements.

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 Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10 to RG-2 or MF-2 (Bernard) and Continuation of Public Hearing from 10/13/92 Abandonment of portions of Second Avenue, Ben Wild Road and Fred Hecht Road, Spring Valley, was opened, time: 8:56 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10 to RG-2 or MF-2 (Bernard) and Continuation of Public Hearing from 10/13/92 Abandonment of portions of Second Avenue, Ben Wild Road and Fred Hecht Road, Spring Valley, was declared closed, RESOLUTIONS ADOPTED, time: 10:25 P.M.

RESOLUTION NO. (771-1992)

DENYING PROPOSED AMENDMENT TO ZONING ORDINANCE FROM R-10 TO RG-2 OR MF-2 (TOWN'S OWN MOTION FORMERLY BERNARD)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on August 18, 1992, provided for a public hearing on October 27, 1992, at 8:50 P.M., to consider, on its own motion, an amendment to the Zoning Ordinance of the Town of Clarkstown by redistricting the property described on the Clarkstown Tax Map as Map 8, Block A, Lots 7, 8, 9, 10, 11, 16 and 17, from an R-10 District to an RG-2 or MF-2 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 Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

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RESOLUTION NO. (771-1992) Continued

RESOLVED, that the Town Board finds that the proposed amendment would have no significant adverse effect upon the environment and no further processing under SEORA is necessary, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Town Board hereby DENIES the proposed Amendment to the Zoning Ordinance.

On roll call Councilman Dusanenko stated that he had started out in the Bronx himself, 167th Street and College. He said his father is 75 and worked two full time jobs and gave 40 hours a week to the Volunteer Ambulance Corps. People, no matter where we are from, are all brothers and sisters but we all want a piece of the rock. We don't want nonsense. We want a sense of community and he said he is happy that we can be bipartisan and protect your neighborhood. He said we had experts on both sides, very articulate people on both sides, nobody ever mentioned the fact that in the area covered with garbage now, all that water drains down. He said the Supervisor has been called there for six years. He noted that Mr. Comer used to bring him (Mr. Dusanenko) out there. Part of Spring Brook Road and some other streets are like a glacier in the wintertime. You are lucky to find any semblance of road. These people pay high taxes. He said he is sure that everyone else feels that no matter where you live in the Town you should have the services and you should have the integrity of your neighborhood. He said he was happy to vote yes on defeating this motion at this time.

Councilman Maloney said he could understand how the people feel. He said you have been very articulate tonight. This is why we have public hearings because we are sensitive to the people's concerns. You are living there. He said he moved up here from Harlem about 32 years ago and he knows what you are going through and what you want to preserve. He said he would vote yes on this motion to deny.

Councilman Mandia said the presentations on both sides were complete, very articulate and handled very well. He said everyone understands this land must be developed and should be developed as it will enhance the value of the community around it. He said he believes that the land was purchased as an R-10 and should be developed as an R-10. There are efficiencies in construction that might make sense to cluster the R-10 (that is really a Planning Board issue) but not to the extent that this zone change is referring to. It is probably about 18 or 20 units and if you want to cluster them a little bit to building efficiency and to preserve the greenery around it that is okay. This proposal is much too dense and that is why he is happy to vote to deny the zone change.

Councilwoman Smith said she is voting yes to deny this application. She said she would like to express the Board's appreciation for all the people coming out sharing your concerns about your community and your family and your status as Clarkstown residents. She said we also share those concerns. This year through the efforts of Jim Comer and Jerry we have worked very diligently to get your area into post offices serviced within Clarkstown. We have met with very disappointing results from our federal representatives but we are not giving up. Our hope is that in 1993 you will be in the Nanuet post office where you were promised to be many years ago. She said as she listened to the people speaking tonight

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RESOLUTION NO. (771-1992) Continued

they are paying exceptionally high taxes for your acreage of land but we also have initiated legal procedures this year to hope that you will pay school taxes the same amount you would pay if you were in a school district in the Town of Clarkstown. Right now you are in a school district in the Town of Ramapo. We are working on the inequality because we realize that it is an injustice for Clarkstown residents to be paying two different taxes. These things don't happen overnight but she wants them to know that the Board will not give up on working on this and we really hope to help all of you and ease the burden of your school taxes and to get you into the Nanuet Post Office.

Supervisor Holbrook said he will support the resolution by voting in the affirmative to deny. However, he said the Town Board wrestles with this question in terms of the lands that we have in the Town of Clarkstown that are adjacent to the Village of Spring Valley. We have made strides in the last five or six years, as you have, to improve these areas. The Bernards have been on Second Avenue for a long time. He said he did not fault them for making this plan. He thinks their intentions were good. We know it is difficult because the Town of Clarkstown actually extends all the way to Lakeside Village, almost to Memorial Park in the Village of Spring Valley. He said we would all be better served if the Town of Clarkstown also controlled the zoning from Second Avenue to that portion. It would probably make it a lot easier to develop and he thinks it would provide even more protection for you as homeowners.

Supervisor stated that he doesn't think anybody is here to vilify the plan of the Bernards. We might disagree with it but he did not think we can disagree with the fact that over the years when this area of Clarkstown was a forgotten area and it has not been forgotten in recent years and he thinks that we will be successful ultimately with the federal authorities in having a post office change and things of that sort. In days when it was forgotten people like the Bernards homesteaded this area. He stated that he knew that because he was there. He saw the absentee landlords that came in primarily from the Town of Ramapo who didn't care who they rented to. He said he remembers one of them saying to him who are you and I said I was the Supervisor and I said who are you. He said I'm a landlord from the Town of Ramapo and to a large degree they were the ones that helped to try to tear it down. He said but you are very proud of your community and we are proud that you are proud of it. It might sound like a redundancy but it is the truth because together with the members of the Town Board and the Planning Boards maybe we can in the future come up with a plan for this property which will make it better for all of us and the members of the Town Board. He said our goal is not to detract from people's property values but to enhance them. He said maybe a plan with some reworking can be brought back that would in fact satisfy the residents here and the objectives of the Bernards. He said he would be remiss in saying we're the good guys and they're the bad guys. That's not the case here. He said the Town Board is wrestling with a very delicate issue in this area. At one time in history this was a location with a beautiful vista. It still is. It is a premier site. It is high ground. It's got a beautiful location. You can overlook all Clarkstown to the east. People like the Bernards and yourselves are making this community and taking it back to those days when it was an area that was a gem. It is getting

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RESOLUTION NO. (771-1992) Continued

there and we have to work together to keep it that way. While I am voting yes to deny this I hope at some time the Town Board and you will be in a position to help again to come up with a plan that will improve this area.

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. (772-1992)

GRANTING CLARKSTOWN
PLANNING BOARD NINETY
DAY EXTENSION TO MAKE
RECOMMENDATIONS
CONCERNING ABANDONMENT
OF ROADS (UNIMPROVED
PORTIONS SECOND
AVENUE, BEN WILD ROAD
AND FRED HECHT ROAD,
SPRING VALLEY)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Clarkstown Planning Board has requested an extension of time to make its recommendation with respect to the proposed abandonment of unimproved portions of Second Avenue, Ben Wild Road and Fred Hecht Road, located in the Spring Valley section of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants this Clarkstown Planning Board an extension of ninety days to make its recommendation with respect to the proposed abandonment of unimproved portions of Second Avenue, Ben Wild Road and Fred Hecht Road, located in the Spring Valley section 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. (773-1992)

SETTING PUBLIC HEARING
RE: AMENDMENT TO
ZONING ORDINANCE
SECTION 106-14,
SPECIAL FINDINGS B(6)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

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RESOLUTION NO. (773-1992) Continued

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on December 22, 1992, at 8:35 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-14, Special Findings, B(6) to read as follows:

"B(6) Comply with all other regulations applicable to such use unless any such regulation is first varied by the Zoning Board of Appeals."

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, 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. (774-1992)

AUTHORIZING RECREATION
AND PARKS COMMISSION
TO ERECT APPROPRIATE
SIGN AT DEXTER FIELD
IN GERMONDS PARK FOR
WEST NYACK SENIOR
LEAGUE ALL STARS

Co. Smith offered and Co. Dusanenko

WHEREAS, the West Nyack Senior League All Stars are the 1992 New York State Champions,

NOW, THEREFORE, be it

RESOLVED, that the Recreation and Parks Commission of the Town of Clarkstown is hereby authorized to ensure the erection of an appropriate sign at Dexter Field in Germonds Park.

On roll call the vote was as follows:

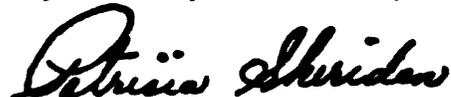
Councilman Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

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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: 10:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/27/92

8:30 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 to Permit Additional Use in PED
Zoning District

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.

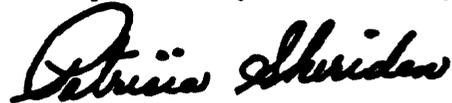
Town Attorney noted that the Clarkstown Planning Board had on 10/14/92 approved but would like additional changes. The SEQRA dated 10/22/92 noted there was no environmental impact. The Rockland County Planning Board on 10/5/92 approves.

Town Attorney stated that this was adding Item 2(L) which is building and home supply establishments and nursery establishments. Town Attorney then read the Planning Board's letter in support of this amendment suggesting that it cover uses that are essentially retail in nature. Town Attorney said those changes would have to be the subject of a subsequent public hearing. Right now we are just adding Item 2(L).

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

There being no one wishing to speak on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (769-1992) Adopted

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/27/92

8:36 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 Regarding Special Permits

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 stated that the Rockland County Planning Board approves. The Clarkstown Planning Board has requested that the Board give them a ninety day extension to make recommendations concerning amendments to the Zoning Ordinance. Supervisor said then can we adjourn this sine die and Town Attorney said yes. Town Attorney said he did not have SEQRA recommendations as yet.

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

Mr. Robert Geneslaw, Planning Consultant, stated that late in 1990 there was an application before the Town Board on an informal basis for redevelopment of a gas station on Route 304 near Bardonia Road. The difficulty was that the facility would have needed both a special permit and a series of variances. In particular, one of the variances that was needed was to the buffer requirements for special permit use. There was a 75 foot requirement but the Code allowed it to be reduced by 50 feet to 25 feet but it still created a problem because the building was too close to the lot line.

Mr. Geneslaw said that the Town Board, after discussing it at workshop, asked us to look into preparing an amendment. When we began discussing the amendment with the Building Department, Environmental Control and the Planning Board on an informal basis, suggestions were made that some other amendments to the special permit requirements also be examined at the same time. What we tried to do is to avoid getting into major policy areas with respect to special permits but to try to clean up that section of the code as much as we could. We gave the Town Board a memo back in February of 1991 that described the general changes in what we thought were reasonably understandable terms. The Town Board reviewed it briefly. The Town Attorney asked us to convert it to workman's language and the ordinance language is what was referred to earlier by the Town Clerk. There are a number of changes - two categories of changes really. One are specific changes to the special permit requirements and the other is a general change that would allow either the Town Board or the Board of Appeals whichever issues the permit to reduce the buffer below 50 feet where necessary and where some other form of protection could be provided. It could be a berm, fencing, wall, or screening but something to help separate the special permit activity from the adjoining neighbor. It gives a little bit more flexibility in the general provision and we recommend the changes for some of the specific items. He said he could go through them one by one if the Board so desired. The proposed amendment is about 20 pages in length. He said he could probably cut it down to 10 or 15 minutes but it would take some time.

Supervisor said in terms of the Planning Board do they want more time to study this? Mr. Geneslaw said the Planning Board looked at it on an informal basis but they

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haven't seen the version that is before the Town Board tonight so they are asking for more time to look at it in detail which is the reason for the extension request.

Supervisor asked if there was anyone else wishing to make a comment or ask a question?

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino & Edwards

Mr. Tracy said he just wanted to clarify a point. The special permit requirements now say "and conform with all other requirements applicable to said use." As the zoning ordinance has changed over the years that has sort of shut out a lot of people who would otherwise qualify for a special permit. For instance, the conversion of two dwelling units in a house where there was two feet lacking on a side yard - he remembered one case with a widow who came in and needed that. The Zoning Board of Appeals said we can't do that because we're not authorized to issue a special permit unless you conform to all other requirements applicable to said use. Perhaps something more important to the Town - a ratable on a commercial piece of property on Route 59 which could not now conform to the buffer requirements that had subsequently come into effect was prevented from coming in. My question is does this particular lengthy amendment which has been pending for about two years have a provision in it that would permit the Zoning Board of Appeals in a proper case to waive a bulk requirement such as side yard or rear yard by way of variance?

Mr. Geneslaw said it does not in its present form. The first example Mr. Tracy gave us - a two family house - is addressed in part. The code provides that in a single family residential district a two family conversion requires a lot area 50% larger. In addition, there is a buffer requirement and the recommendation for the amendment is to drop the buffer requirement and make it easier to conform. It doesn't specifically respond to the question which Mr. Tracy raised about in effect granting variances in cases where special permits are needed.

Mr. Tracy said in other words he thinks the change does little unless it would permit in an appropriate case where one person is sort of disenfranchised by being short two feet on a side yard and they can't have what anybody who wasn't short two feet for the side yard can have. He said in the particular case he remembers the side yard was up against a commercial use but the Board couldn't entertain it. He said he thinks that about June of 1991 he sent a memorandum and discussed it with the Planning Board and they at that time had outlined about six or seven - in fact he thinks the Town Board held a public hearing on it and then held it off at the Planning Board's request to permit the Zoning Board of Appeals in appropriate cases where they can justify a variance in the interest of public health, safety and welfare to entertain a variance with a special permit. Without that, a lot of the people who have been disenfranchised from obtaining special permits by various changes of the zoning ordinance over the years will still be disenfranchised.

Mr. Geneslaw said we can take a look at that while the Planning Board is scheduling the proposal that is before the Town Board. Town Attorney said that is such a drastic change that you will have to have another public hearing. Councilwoman Smith said but you have ninety days. Town Attorney said the ninety days is for them to look at what you have here which was published. Councilwoman Smith said suppose we republish and do it all at once instead of dragging on.

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Councilman Mandia said it can all be done in ninety days, can't it? Town Attorney said you would have to do SEORA again.

Appearance: Martin Hurwitz, Attorney

Mr. Hurwitz said a client of his came in here a year and a half ago with an application for a gasoline station on Route 304 that couldn't possibly comply with even the 25 foot because the existing building that had long existed and had a CO just couldn't possibly comply. The Planning people in the Town said that it is not clear that the Town has the authority, under any circumstances, to reduce that 25 feet and they felt that it was fair for this and other kinds of applications where you are just taking a use away completely to give the Town Board the authority in an appropriate case and with appropriate buffers and appropriate screening to act in a case such as this. He said he and his client have been waiting patiently for a year and a half. He said he was going to keep his peace tonight but now he finds that they have to wait another ninety days. He said now I find that maybe this is going to be expanded into a much larger change which is going to take another public hearing and another advertisement. He said he would suggest that you act on what you have and if you wish to make other changes you handle them separately but don't tinker with this and make it the vehicle whereby five years from now there will be some comprehensive zone change while his client is sitting waiting.

Supervisor said maybe this would constitute the public hearing on what was proposed maybe waiting for the Planning Board's input. He asked if the Planning Board could reply in a thirty day period? Then we could republish if we want to have a public hearing on the other one. Town Attorney said we could prepare an amendment as outlined by Mr. Tracy and we can put it on for referral. It could even be on the same day. Supervisor said we'll give them thirty days to look at it and then act on this one. Councilman Dusanenko said nothing is going to happen before ninety days anyway.

Mr. Hurwitz said if you could limit this to thirty days it would be some help. Councilwoman Smith asked how long do you need to publish? She said she was talking about this additional. If you publish couldn't it all be considered in thirty days? Town Attorney said no, you would have to do SEQRA. He said what Donald Tracy is talking about would take about 45 days to 60 days to come up for a public hearing.

Mr. Hurwitz said a year and a half ago he was told it would take 45 to 60 days to come up for a public hearing and here he is more than a year later still waiting.

Councilman Mandia said in the previous public hearing he believed we took action on that particular matter knowing you wanted some changes. That will probably come up again and he thinks the Board will probably agree with the recommendations you have made and we will reopen the public hearing and amend it. He said do you have a problem with that? He said he believes that is what Mr. Hurwitz is suggesting we do with this. Mr. Hurwitz said he wants them to do this now and whatever else you want to do separately.

Councilwoman Smith said to the Town Attorney are you saying that no amendments can be made and that the Planning Board has to decide on what is before them in the next thirty days? Town Attorney said let's put aside what Mr. Tracy is asking. They are asking for ninety days to go over these

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amendments and give their recommendation before you either adopt them or not adopt them. He said what Mr. Hurwitz is saying is that is a long time and he'd like it cut to thirty days.

Mr. Rudolph Yacyshyn, Chairman of the Planning Board, said we normally have 45 days to send back our recommendations on any referrals that you send to us. At times it became difficult for us to do a comprehensive study so we asked for ninety days. The ninety days is all inclusive to cover every contingency we may be facing in order to be able to properly report back to you. In this instance we are asking for the typical ninety days. However, clearly, even without current agendas which are full already every Wednesday night for the next four weeks he would ask to have the ninety days but certainly we will agenda this as soon as possible. It may well be thirty days and it may be forty-five days but certainly within that period of time he felt they would be able to come back to the Town Board.

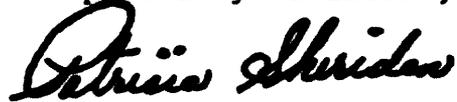
Supervisor said then we wouldn't have to have another public hearing on this. When the Planning Board gives their report we would be able to act on this one whenever they get it to us and then hold a public hearing on the subsequent one.. Town Attorney asked Mr. Geneslaw if SEQRA had been done on this and he said it should have gone to the Town Clerk today. Town Attorney said whenever we get recommendation from the Planning Board, we could reopen the hearing, read the recommendation, read the SEQRA and then make a decision at that point. Supervisor said then we could vote on it then if we wish to.

Mr. Yacyshyn said just bear in mind if we ask for ninety days which you granted us previously which is why we are asking for it obviously we will report back as soon as possible, certainly within the ninety days, if not sooner. Councilwoman Smith said on the other one you had sent us a positive approval and that had to be a year ago. Mr. Yacyshyn said you are probably right Mrs. Smith, I don't remember exactly when as to the time.

Councilman Dusanenko said he would like to implement the suggestion the Supervisor made about ten minutes ago that we basically recess this, sine die, so that we can go on to the next public hearing.

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 adjourned, sine die, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/27/92

8:56 P.M.

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

RE: Zone Change Petition (R-10-to RG-2 or MF-2) (Bernard) and Continuation of Public Hearing from 10/13/92 Abandonment of Portions of Second Avenue, Ben Wild Road, and Fred Hecht Road, Spring Valley

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

Town Attorney stated that the Clarkstown Planning Board has requested an additional ninety days for both hearings to make their recommendation. The Rockland County Planning Board approves subject to the condition that the Village of Spring Valley approves and it was his understanding that the Village of Spring Valley has approved. He stated that Mr. Geneslaw has submitted a SEORA that does not have any adverse environmental impact and no other processing is necessary.

Supervisor stated that the applicants would be asked to make a presentation to the Town Board and to the public. At the conclusion the Board members will ask any questions they may have and then it will be opened up to members of the public who may wish to make a statement or ask a question at that time.

Supervisor stated that the Town Board would probably not make a decision this evening but the testimony will be taken into the record and perhaps some Town Board members would wish to make a decision but that remains to be seen. He also stated that after the presentation the audience would be able to speak regarding the abandonment of the road as well as the zone change.

Appearance: Lorna Bernard, Esq.
representing herself and her husband,
Kelly Bernard

Mrs. Lorna Bernard made the presentation using maps, charts, pictures, etc. She stated they have lived in Rockland County since 1958. She stated that Mr. Bernard left Nazi Germany when he was 12 and since the age of about 14 has been engaged in cabinet making, carpentry and building. He is fully familiar with all phases of construction. She said since 1972 he has been engaged exclusively with housing in that part of Clarkstown in Spring Valley known as Prospect Hill.

Mrs. Bernard said that in 1979 Mr. Bernard purchased an apartment building on Prospect Hill with approximately 20 apartments. She stated that a building situated immediately to the north of this apartment building and to the west of our proposed development has approximately 76 apartments on less than three acres for a density of over 26 units per acre. She stated that their land for which they are seeking a zone change is between this densely populated area and Forest Brook to the east which is in the old R-7.5 zone which no longer exists and the homes are on lots containing approximately 4,000 to 5,000 square feet. The area she is talking about consists of five and one half acres and lies

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Page 2

between these two developments. She said they feel it should be developed with the density of the surrounding area in mind. She said they believe some ten years ago that this area called for development with a density somewhere between the neighbors to the west and to the east and we believe this area calls for entry level town houses. She said when they made that decision they had already owned property in this specific area for more than ten years. The apartment building which they bought in 1979 which contained the twenty units has since been demolished and the lot on which it stood is in the process of being returned to the unincorporated part of Clarkstown and is included in our proposal.

Mrs. Bernard stated that this area was zoned RG-10 many years ago although it contained hotels and multi-family dwellings. When in 1991 we heard that the master plan was being reviewed we proposed that this area be reevaluated and given a designation more in keeping with its surroundings. She stated that it was their intention to improve this area of Second Avenue as they have been instrumental in improving that part of Second Avenue where they own rental houses.

Mrs. Bernard said they have before and after pictures posted on the blackboard with respect to the rental housing on Second Avenue. She said their efforts at rehabilitation and removing blight are well known and have encouraged others to do the same. This has uplifted the whole area, not only by making it look better but also by attracting a more stable population. By developing on five and one half acres we shall continue to remove the blight which exists in the area.

Mrs. Bernard said the homeowners in Forest Brook Estates are naturally apprehensive, not only about who will live next to them, but also how it will affect their property values. She said we can assure them that if at any time in the future they want to sell their homes the fact that they have on the border a well kept development rather than a dumping ground will only make their homes more attractive. By abandoning a portion of Second Avenue, Ben Wild Road and Fred Hecht Road they will be assured that their streets can never be used as a short cut between Bethune Boulevard in the Village and Pascack Road. This will ensure that their community shall remain local and undisturbed. She said the townhouses they propose to build on these five and one half acres will be sold to individual homeowners who will have to invest their own money and be responsible for paying a mortgage. She said they do not intend to rent.

Mrs. Bernard here referred to a map displayed in the auditorium noting just where they intended to develop. She said Prospect Hill was mapped over one hundred years ago. It was subdivided then because as it says on the map this property is the most eligible in the vicinity commanding an uninterrupted view of the County of Rockland and the Palisades and part of New Jersey with a ten minute walk from the railroad depot. She said unfortunately a portion of this property was left mainly undeveloped and neglected. She said they believe it can be developed to be beautiful. She said they have shown on the map where Forest Brook Road is which is a continuation of Fred Hecht Road. Also Lynn Court which is a continuation of Ben Wild Road and we have also pointed out Albacon Road which is a continuation of Clinton Street.

Mrs. Bernard here referred to Map No. 2 showing the roads which they propose to abandon. They are all paper streets

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which is to say they appear on the maps but they have never been paved or used as streets. When Forest Brook Estates was planned Forest Brook Road and Lynn Court were laid out to connect to Fred Hecht Road and Ben Wild Road. By abandoning these portions of Ben Wild and Fred Hecht Roads the connection between Bethune Boulevard and Forest Brook Estates will forever be eliminated thereby protecting the local nature of these communities.

Mrs. Bernard then referred to Map 3 which is the proposed site plan. She said they not only intend to have the green area thereon landscaped keeping as many of the old trees as possible they also intend to plant additional trees and bushes. She said they propose to build the fifty two-bedroom town houses as shown. She stated that in 1985 they were made aware that there had been a drainage problem in Forest Brook Estates when they were asked by the Department of Environmental Control to permit access to their (the Bernards) property to install catch basins for the protection of Forest Brook Estates from run off. She said they gave that permission and the catch basins were installed. She noted that by agreement with Spring Valley Homes which paid for the installation of these catch basins at that time they were reimbursed for the costs. In other words, as part of their development they will be paying for the protection of their neighbors in Forest Brook Estates from being flooded by water coming from our neighbors to the west, that is the apartment house which has seventy-six units.

Mrs. Bernard said last Wednesday they learned that there was a severe problem where the Pascack Brook goes under Forest Brook Road. The Rockland County Drainage Agency is responsible for remedying this problem. She said they promised officers of Forest Brook Estates Homeowners' Association that they would do whatever they could to alleviate the condition. She said on checking with the County Drainage Engineer working on this problem to whom they were directed by the officers of the Homeowners' Association, they were assured that work is scheduled for April 1, 1993 and the County had appropriated the money. She said they had a letter to that effect which they had delivered to the Supervisor, the Planning Board, the Town Attorney and the Department of Environmental Conservation. She said copies were mailed to the officers of the Homeowners' Association. She said they stand ready to do whatever they can to expedite the solution to the problem.

Mrs. Bernard noted that the Town Board has indicated from time to time that it wanted to provide expanded housing opportunities. She said they believe that housing expansion is needed for entry level housing which would be bought by working people. In their application to the Town Board they are asking for a zone change to RG-2 as well as road abandonments. She said we understand that the Planning Board prefers MF-2. However, in order for this development to be economically feasible we need an RG-2 zone. She pointed out to the Board the experience of Robespierre and Marie Smith who built about ten two-family houses on First and Second Avenue. Although they did not have the expense of installing roads, sewers and other utilities which were existing they were unable to sell all these homes. The Smiths had to rent some of their houses and even then they lost three or four two-family homes to foreclosure. These houses were taken over by investor owners and are now rented. The question is does the Town Board want vacant property to become or remain a dumping ground or does it want to permit development that will provide housing for people who need entry level housing? In order to make this development feasible we need an RG-2 zone because this will

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allow these costs to be divided making each unit less expensive. We believe that an MF-2 zone would not be suitable for this out of the way area and consequently would bring each unit into a non-competitive price range. People who can afford high prices don't want to buy in this area. People who want to live in this area cannot afford high prices.

Mrs. Bernard noted that hundreds of RG-2 townhouses have been built all over the Town. We do not intend to build in such a manner as to disgrace ourselves or the Town. She showed pictures of townhouses illustrating various ways in which they can be constructed. She said they proposed to have a difference in each house in the row.

Mrs. Bernard said the Chairman of the Planning Board is concerned that other places in the Town will also want RG-2 zoning. She submits the changes should be made only where it is appropriate. She said in her development they believe it is appropriate to change the zone to RG-2 because this property is unique in that it is not in a prime location of Clarkstown. One of the MF-2 requirements is a community center. She referred to a mapped area which she noted was wedged between densely populated areas. It is an almost forgotten corner of Clarkstown with Ramapo to the north and the Village of Spring Valley to the west. Most people, even those living in the Second Avenue area, do not realize it is not in Ramapo but in Clarkstown. The approach to and the exit from this area is only through Second Avenue. We know of no other properties in Clarkstown similarly situated.

Mrs. Bernard noted that they have kept acquisition costs to a minimum. She said her husband may claim that one of the reasons we have done it is that we have had no out of pocket expenses for attorney's fees. By these and other methods we have kept the costs down to about \$150,000.00 of our own money. She said they must have the 50 units they request and for this they need the Board's help.

Mrs. Bernard said increasing the tax base is one way to keep taxes low. There is no point in changing the zone to MF-2 and directing us to go to the Zoning Board of Appeals to secure variances to allow us to develop this property as if it were an RG-2 zone. For twenty years we have owned property in Spring Valley and probably Supervisor Holbrook knows us best. It is he who has taken numerous phone calls enlisting the Town's help in cleaning up the run down sections of the Spring Valley area of the Town. In fact, in the April 3, 1988 edition of the Journal News Supervisor Holbrook is quoted as saying one landlord who has made a change for the better is Kelly Bernard.

Mrs. Bernard said in June of 1982 this Board considered a zone change for Smith Road in Nanuet where the builders wanted one hundred units on six acres. She said they believe they were permitted between eighty four and eighty eight. According to the report of the Journal News of June 10, 1982 the attorneys for the developers of that project refused to disclose the identity of the developers. She said she is the attorney for the developers of the present project. She identified the developers of the project naming herself and her husband. Not only do they not hide this information we say to you we own our property in our personal names. We do not hide behind corporations. She said it is their reputations and the reputation of their children that are on the line, not some corporation.

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Mrs. Bernard concluded stating that they hoped the Town Board would grant the RG-2 zone so that they can build townhouses which are greatly needed and are appropriate to this area.

Councilman Mandia asked Mrs. Bernard how large the piece of property is? Mrs. Bernard said five and one half acres. Councilman Mandia asked how long they have owned it? She said they started assembling it in the early 1980's. Councilman Mandia asked was it zoned R-10 when you started to assemble it? She replied in the affirmative.

Councilman Dusanenko asked by a show of hands how many people in the audience lived in Forest Brook Estates or Spring Brook Estates? It was shown that most of the audience wishing to speak lived in those two developments. Councilman Dusanenko asked by a show of hands how many people lived in the Second Avenue or Bethune Boulevard section of Spring Valley. Five people raised their hands.

Supervisor asked if anyone present wished to make a comment or ask a question noting that they could speak to the zone change or road abandonment or both?

Appearance: Mr. James Comer, President
Forest Brook Homeowners Association

Mr. Comer stated they are opposed to this development. They are opposed to the road abandonment on parts of Second Avenue in Spring Valley which include portions of Ben Wild Road and Fred Hecht Road. They are also opposed to the zone change from R-10 to RG-2 requested by Mr. Kelly Bernard. The reason being the cost of these units is \$100,000.00 as we have been told. This would have an adverse effect on property values which means the value of our homes will go through the floor. The environmental impact on the area will be enormous if you figure two cars to a unit. That is one hundred or more cars on the road in an area congested already - Smith Road, Pascack Road, Pascack Tunnel, Second Avenue, Lawrence Street. He stated that there will be more people in the area hence, more children playing in the streets. In all the plans for this development he hadn't seen one thing for the children. As of today there is still no answer regarding drainage. The letter the Bernards had received from the County Drainage Department stated that they might be able to get to it in April. They are over a year late with this program. You can't count on the drainage agency.

Mr. Comer said the development of Mr. Bernard's property would not blend into the area at all. This is low, affordable housing. Mr. Comer said they are asking the Town Board of Clarkstown not to grant the abandonment of these roads or the zone change as Mr. Kelly Bernard requests.

Councilman Dusanenko said you are asking the Town Board not to grant the zone change and not to abandon roads. He said Lynn Court where we had meetings years ago is a dead end right now. You do not want that open to Second Avenue, is that correct? Mr. Comer said one of the roads terminates at Second Avenue and goes over to Lynn Court. This will still be open off Second Avenue, so there is no closing of the road. It will still be open. That part between Lynn and Second Avenue will still be open. Councilman Dusanenko asked isn't there a fence at the end of there right now so you can't drive through? Mr. Comer said there is a fence but what he is saying is that we do not want this open but it is now closed off.

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Councilman Dusanenko said it is not closed off but it is not open. Mr. Comer said we understand that but what happens if these people get together and say this is a one way in and a one way out for these people living in the condos? What happens if they petition the Town Board and say there is too much traffic over here going out Second Avenue, why can't we go through Lynn Court?

Supervisor said there are two issues here. One is the issue of the road abandonment and the other is the issue of the zone change itself. Now, what Councilman Dusanenko is trying to get at here is he is concerned at this point that the roads themselves not be connected ever. Whether the Town Board grants the zone change or not this property will someday be developed and the question at that time before our Planning Board and everything else the issue of these roads will come up. He said he believes it is the feeling of our Planning Board and certainly of the Town Board that these roads never be opened up for traffic to flow freely through regardless of what is developed there. He said that what Councilman Dusanenko and other Board members are raising is a valid question that you might want to look at the road abandonment. If the Town were to abandon the road it would be taking it off the official map and preventing it from being developed ever.

Supervisor asked them to think about the issue of the road abandonment because taking this property and forgetting the zone change just for a minute whether it be single family houses or whatever however would develop it that way would still be coming before this Town Board to abandon those roads and take them off the official map. That could be a stip to forever preclude the connection so he was just asking them to consider that point as opposed to lumping these two things together. You can separate them.

Appearance: Marie Smith

Mrs. Smith noted that she and her husband had come before the Town Board requesting permission to build and were allowed to only build eleven houses and remodeled two others. She wanted to know why the Town Board would grant the Bernards so many units on the same amount of property she had been allowed only eleven houses on? She said they are the biggest investors on the Hill.

Supervisor said you constructed new two family homes as well as remodeling others. He said Second Avenue has been greatly improved by the Bernards and by the Smiths. He said the new homes there were welcome additions to Second Avenue and still are. Mrs. Smith said the people in those homes pay \$8,000.00 a year in taxes. She said no one in that part of Clarkstown pays that kind of taxes. She said if something could be done with Mr. and Mrs. Bernard's property that would be good because that is where the most trouble comes from - undeveloped property.

Appearance: Mr. Thomas Rembert

Mr. Rembert stated that he was a homeowner in Forest Ridge which is about 500 feet from this proposed development. He said he is also a local real estate broker. He said he is a Certified Public Housing Manager in New York City and feels he has some expertise on real estate. He said he feels that this whole proposal should be scrapped. It is going to impact on his family and his housing value. He said he bought a house at Forest Ridge five years ago for

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\$147,000.00. He sold the house immediately down the street from him less than a year ago for \$129,000.00. Recession has caused the exact same house to go from \$147,000.00 to \$129,000.00. He said if you are going to propose building townhouses that is within 500 feet of his house for \$90,000.00 that is only going to be lived in by low income families you are going to open up the streets and there will be a lot more traffic, more congestion, more pollution, possible drainage problems, etc. It has to impact negatively on his house, his investment. He said he left the city hoping for a better life. He said his hard earned investment is going to be going down the drain. The extension of Forest Brook Road now is where the kids have some semblance of a play area. If you are going to build a road there and expand it and this area is going to be open to the public then their play area is going to be eliminated. These proposed townhouses look beautiful. However, if you realize that this area is part of the Hill area - and he has nothing against the Hill per se but he likes to feel that he is separated from the Hill. The Hill is probably the most unpleasant area in the County. If that area is going to be connected to his property he can't see how that is going to help him. There is no way that his property is going to appreciate. If it has already gone down because of inflation these townhouses with low income families and many cars - if they can't sell them what are they going to do? They are going to rent them. When they rent them they are going to have 100 families living in one apartment. He thinks the whole idea should be scrapped and put on the junk pile.

Appearance: Mr. Steve Huggins

Mr. Huggins stated that he had lived in the Bronx in Parkchester and he moved to Rockland County expecting a better life. They are building South Bronx houses - and he works in the South Bronx everyday - and these are South Bronx houses for \$100,000.00. He said his house is going to go down the tubes. He is paying high taxes already and the tax revenue that you are going to get from that is not going to be that much that will help us. You want to bring more cars into the area. My kids have to play in the street because there are no parks there now. We were supposed to have a park one day. Every community has a park. We don't have a park. There are four houses off Smith Road that you see about ten cars in there. The people can't afford the rent. They rent the houses out. On his block, on his corner one of the people who rents a house out has six cars. He said he was quite sure that Mrs. Bernard's daughter is not going to move up on the Hill because he said he knows he wouldn't. He said if you want to buy his house now, you can have it, because he will not live here if those houses go up.

Appearance: Ms. Chantel Antoine
Spring Brook Road
Spring Valley, New York

Ms. Antoine thanked Mr. Holbrook for having Spring Brook Road cleaned up at the dead end. Supervisor said the Town Board authorized it and without them it couldn't have been done. Ms. Antoine said right now on Spring Brook Road it is hard for one car to go through. She said if you have to pass through there even when the kids are playing in the street there is about 50 cars there as though there was a constant party there. This is because people already are trying to make extra money by renting out maybe upstairs or downstairs. How are people going to live with this extra traffic? She said she was a Social Worker in Florida. She said this is not a

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condominium in Florida no matter what they are talking about. This is a project apartment. Everybody works very hard. It is hard enough for people to pay their mortgages.

Appearance: Mr. Reynolds
Lynn Street

Mr. Reynolds said his property is about 500 feet from the proposed development. This is a project. It makes no sense for somebody who has no respect for my neighborhood or my community to come in and tell me that a \$90,000.00 or \$100,000.00 house is not going to depreciate the value of mine. Anybody with any sense or with any knowledge or real estate knows that. He said his area has about ten or fifteen houses. Now, you are proposing to put up fifty behind him and tell him that at \$100,000.00 his property value will be enhanced. Mr. Reynolds said if these people feel and have any respect for his neighborhood or any respect for him or for the Town they will come in with something of some decency, something that will enhance his community and will make his house appreciate. He said he is tired of living in neighborhoods as soon as it becomes predominantly minority in nature you have unscrupulous individuals like these who come in and tear it apart by building low income and claim it is of not prime location. Listen, the fact that I live there, makes it prime.

Appearance: Mr. Howard Kaufman
Pascack Road

Mr. Kaufman said the first thing he noticed with these proposed houses is that there are no driveways. They allow two parking spots per apartment. He said he presumes that some of these families will have two or three kids. He said he did not know the square footage on the apartments. What you are going to have is hundreds of cars that don't have parking spots that are illegally parked through the winter months. It is going to be chaotic. There is something wrong with the overall conceptual map. He said he has been in the real estate business with ITT for over twenty years. He said this is one of the worst flat maps he has ever seen in his life.

Appearance: Mr. Ernie Richie
27 Albacon Road
Spring Valley, New York

Mr. Richie said he has been working in the South Bronx for fifteen years and these houses look identical to the ones they just built on 143rd Street between Willis and Brook Avenues. He said he and his wife saved for years to move up here and own their own home. We bought a house. We strive and strive to do better and then they knock you down again. The cards are always stacked against us. They are talking about not prime location but this is where I'm raising my family. It's prime for me. This is all I've got. He said the only trouble he has ever had since he has been in that house was he had his patio doors shot with a pellet gun that came from the houses on Second Avenue. He said that they are working class people here. Both husband and wife work. Not only are we tax payers; we are also voters. He stated that he pays \$4,400.00 in taxes on a tenth of an acre. He said it's going to be like the Bronx. That's why they have so much trouble in the City. People are not made to live on top of one another. You've got to have a little room. And where are all the children going to go? To Spring Valley High School, Spring Valley Junior High School, Ramapo? He noted that his daughter is in a class now

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with twenty-five or thirty kids. He said to the Town Board when you vote you must take all of these people into consideration.

Appearance: Mr. Winston Whitehurst, Real Estate Broker
Prudential-Empire of New York, Realtors

Mr. Whitehurst said he lived at 69 Spring Brook Road. He said he has a question for Mrs. Bernard. He said you are proposing fifty-two townhouses. Do you have any idea what the proposed taxes will be per unit? Mrs. Bernard said they have no idea what the proposed taxes will be. Mr. Whitehurst said you have just heard a couple of people mention what their taxes are on a tenth of an acre. You are going to put fifty homes there. We are in the East Ramapo School District and we are also in the Town of Clarkstown. If the taxes came in somewhere in comparison to the community - you are talking about \$95,000.00 to \$100,000.00 per unit - sure it would add to the tax base but those people who you are saying could pay \$95,000.00 to \$100,000.00 per unit but the taxes are going to cost them \$3,500.00 to \$4,000.00 per unit and that will have something to do with the affordability. Therefore, the issue of vacancy or the number of units that will be leased comes back into play again because if they cannot be sold then they will be leased.

Appearance: Mr. Walter Giles

Mr. Giles said some people in the area had asked him to speak on their behalf. Mr. Giles read a letter noting that there is an area comprised of trees and underbrush that serve to buffer the noise and contain the drainage runoff in the rear yards of Forest Brook Estates which borders this property on the east and on the Wilkins property on the south. The northwest corner of this property running southwest for 400 feet on the Clarkstown-Spring Valley line was developed as a high density area years ago and over 250 families live there. Between the two areas lie the buffer zone and this is the site of the proposed development before you. Here Mr. Giles made reference to one of the maps.

Mr. Giles noted where all the congestion in a high density area would be. He said that is where 146 units are from Fred Hecht Drive, 30 units from Spring Valley Homes plus the other part of Spring Valley which is also high density (and he pointed this out on the map.) He pointed out affordable houses and noted that they could not sell them for \$80,000.00 and wound up selling them for \$62,000.00. He said in this particular area there are over 450 families and this is only approximately 400 feet from Forest Brook Estates. He said you are talking about low rent apartments - about 400 families. He said that is the other side of the high density zone is where Spring Valley has a lot of problems. They are very ashamed of that particular area. He said right now this is a cut through getting over to Second Avenue and will be a danger area once the buffer zone is gone causing noise, congestion, drainage problems and whatever for these people who have bought \$200,000.00 homes - and the Smith homes which cost \$230,000.00+. She said she was only allowed to build eleven houses. Now, when you put this in it will still come out to Second Avenue. It is not a private road. It is not a private development. It is a straight through road. You are eliminating the paper road now on Second Avenue, one on Ben Wild and one on Lynn Court to encompass more houses that would have a fifty foot frontage requirement or 50 foot side

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requirement and if you take those roads away, yes you give them more houses.

Mr. Giles said he feels that the roads should not be abandoned. He said Mrs. Bernard noted some houses that were in Florida and some that were in Haverstraw. He said none of those houses has she indicated would be these. From the looks of this we either have terraces on the back, drive in slots. What is going to happen here in the winter time. When you come through with a snow plow and come out on Second Avenue. The Hill traffic is going to come over to Rose Avenue, come through this development and come out Second Avenue. Nothing is being eliminated. It is just being changed and redirected and the flow is still the same way. Second Avenue into the roads, the roads into Second Avenue. This will just be giving more room for the builder and making it higher density and changing the property values of the people. He said Mrs. Smith did not know how to put her point across. Those people got hurt up there because they weren't allowed to build more than eleven units. So if one person can't build more than eleven units on five and one half acres how can another person put fifty units on five and one half acres.

Appearance: Ms. Marie Garvin(?)
27 Forest Ridge Road
Spring Valley, New York

Ms. Garvin said like Mr. Bernard who moved from Nazi Germany they moved from Harlem, New York to find a better way. She said they scraped, they borrowed, they finagled to scrape up enough money for a down payment to buy a house. She said they work for the State. Money is not given to them. They have to work hard for it. She said we teach our children if you want the American way as your President states, this is what you have to do to achieve the things you want. We get up in the morning. We can go out and greet our neighbors. From time to time we have to chase people back up the Hill who want to come down and invade our community. Our community is an ethnic community. We appreciate that. Our children can grow and learn from different cultures they grow up with. However, if we moved them from a low income community where we once lived to a middle income area for it to go down to a low income area we are not teaching them the value of working hard. In order to achieve anything better in life you must work hard. There is nothing but children out there. They are our future. We don't have any assets. Maybe Mr. Bernard does. The only thing we own is the houses we have when we finish paying the mortgage or maybe the car in a year or two or three, whenever we finish our car note. These are our only assets. We would like to protect our community, protect our children, give them decent schools. The Rockland community schools are highly recommended throughout the country. The Rockland School Boards care about the quality of education that they are giving our children. We feel somewhat in that part of Clarkstown that we are left out. She said we have difficulty accessing public transportation and most of us have to call cabs which we cannot afford. We have to either walk through the Hill which is an undesirable area but which gives us access to Spring Valley bus stop without having cab fare. She said the Town of Clarkstown does not maintain our community as in other areas of the Town. The street cleaners do not come and clean the streets as in other communities in Clarkstown. She said right now we are even fighting to have a different post office because we do not want to be part of Spring Valley. She said we pay our taxes to Clarkstown. We want to be accepted as a community in Clarkstown and we refuse to let any low income housing take

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away our dreams. She said we don't want the roads opened. We don't want the low income. We are teaching our children that you must work hard to achieve better in life. Don't accept what is thrown at you. This is being pushed down our throats and we are not accepting it.

Appearance: Mr. James McCullum(?)
14 Drayton Place
Spring Valley, New York

Mr. McCullum said the entrance to his area is off Lawrence Street. Second Avenue is right behind him. He said the problem in the area is a lot of noise from Route 59 and a lot of noise coming from the Thruway. He said a lot of people use Lawrence Street for a bypass and Pascack Road for a bypass. He said now you are talking about having 150 to 200 cars maybe going up Lawrence Street to Second Avenue. We don't even have sidewalks on Lawrence Street for people who are walking there. Someone is going to get hit, there is too much traffic. He said they build houses behind him on White Street and Second Avenue. They don't build what they are supposed to build. He said they show a structure to be built one way but later on the houses that were supposed to be two family houses are three family houses. Things are not what you see on paper. He said you have to take into consideration all the traffic we get down on Pascack Road through the tunnel.

Appearance: Mr. Hector Tavares
89 Old Pascack Road
Spring Valley, New York

Mr. Tavares said if the Bernards want these houses built why don't they build them in Chestnut Ridge or New City. See if they will allow them to be built over there. We don't want to be treated like second class citizens. We pay our taxes just like everybody else.

Appearance: Mr. Anthony Carlone
Albacon Road
Spring Valley, New York

Mr. Carlone said anytime of the day or night he looks out of his back bedroom window onto Second Avenue there is fighting going on, yelling and screaming whether it's two o'clock in the afternoon or two o'clock in the morning. What is to stop people from buying those houses and then turning around and renting them out? Half of Second Avenue is already rented out. He said numerous times he has chased kids out of his backyard for breaking his windows. He did not think this proposal was a good idea. He said if they are not in it to make money and there in business by themselves there is something wrong.

Supervisor called upon the Bernards to make their closing remarks.

Mrs. Bernard said in response to the statement that there would be an adverse effect on property values that these are townhouses. They don't have front and back yards where they can plant trees or flowers. These are two bedroom units not three bedroom units. These have outdoor parking. She referred to the maps noting the parking spaces. She said there are no garages. She said those involved in real estate know that the more you have the higher the price. She said there are people all over the County who want to sell their houses and cannot because their mortgages are higher than the value of their houses at this time.

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Mrs. Bernard said they intend to have a playground. It is not drawn in because they are not yet at that stage. Neither is the turnaround for the snowplows the Town has requested. She showed on the maps places intended for playgrounds. She said they did not ask for the area of Fred Hecht Road to be eliminated for several reasons. She said they only border on half of it. However, the other half is owned by the Town of Clarkstown and they (the Bernards) could have asked for that but they understand that you want to keep the people from the Hill from getting into your area. She said they want to keep them from getting into this housing development. She said not only is it a problem that they only own half of the road and half of it is in the Village of Spring Valley but there is another problem. She said they have to provide secondary egress. There has to be two ways in and out of a development. This is if we have one house here or fifty.

Mrs. Bernard said Ben Wild Road is another problem. She said they asked for the abandonment of Ben Wild Road and they bought the part of the road that is owned by (name unclear) because again they don't want the people from the Hill coming into our development. She noted that the Town wanted this open for emergency traffic. She said as far as continuing it, they don't own the property but in addition the Wiltons who own this property, this is their access into their home. Mrs. Bernard noted that Mr. Bollman, Director of Clarkstown Environmental Control told her about the cleanup that was done on Lynn Court. He also advised her that he is planning to put large boulders there to keep people from going from Second Avenue across Ben Wild into Lynn Court.

Mrs. Bernard said as far as the County Drainage Agency taking over a year she can only report what she has been told. They have told her in a few weeks the plans and specifications will be ready. They also told her that between December and January they will advertise for bids and they plan to do the work starting April 1st. You think if permission were granted tonight that we would be building in less than a year, you should talk to some builders. This is not the last step. We then have to work with the Planning Department and with many other agencies of the Town and the County before one shovelful of earth is allowed to be turned.

Mrs. Bernard said as far as an eyesore. You have an eyesore. You have a dumping ground in this area as in every vacant piece of land in the County.

Mrs. Bernard said she did not believe that the people living in the area would have a hardship. She said by developing this area it will not decrease but increase the value. She said you have talked about low affordable housing and she knows what the concerns have been. Low income housing is a phrase that has gone out. Now, it is affordable housing. People were against low income housing. There is a difference between low income housing and low cost housing. There was an article in Sunday's paper about Cross Creek housing where the husband and wife earn \$39,000.00 together and they have bought their first home and they are in their 50's. The home that they bought was made available to them because the price was around \$100,000.00. She noted that as Supervisor Holbrook and Councilman Dusanenko noted if these roads are abandoned they will be taken off the official map and won't be developed.

Mrs. Bernard said as Mrs. Smith pointed out the reason there was a problem with her houses was because of the situation where they had to charge more than the area could

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bear. Had they been permitted more units as we are asking they would have all been sold. They wouldn't have been foreclosed nor would some of them had to be rented.

Mrs. Bernard said that Mr. Rembert said this would eliminate play areas on Forest Brook Road. She said she did not see how it can since this is where Forest Brook Road starts and this is where their property starts (here referring to map). There will be a fence around the property. There will be trees at the borders. Even if they didn't want to, the Town will require them to. She said they intend to leave whatever old trees they can.

Mrs. Bernard said another guarantee is this development will have its own homeowners' association. She said she trusts they will be as assiduous as Mr. Comer and Mr. DeWitt and the other members of the Forest Brook Association in seeing that the rules and regulations for the proposed development are complied with and that the Town does whatever it is supposed to do and frankly, that we do whatever we're supposed to do.

Mrs. Bernard said that Mr. Kaufman noticed that there are no driveways. Not everything is put in on these drawings but it is true there are no driveways. That is another reason why your houses will be higher priced and more valuable because the parking at townhouses is in areas such as this. That is the very nature of townhouses.

Mrs. Bernard said some objected to her use of the phrase not a prime area and at the same time you said you don't want the people from the Hill coming into your community. Why do you think it is not a prime area? That is one of the reasons because of the situation in the Village of Spring Valley. Why do you want a different postal name and not be connected to Spring Valley anymore? Because people when they see your address think you live on the Hill. We don't blame you for wanting to opt out of that and we hope when this is developed that we won't get a Spring Valley address.

Mrs. Bernard said that Mr. Giles seems to be under the impression that there are no private roads. Second Avenue will be built according to town specifications up to the place where we have property on both sides of the road. That is why the Town Highway Department wants a turnaround for their snowplows. In the development itself these will be private roads. They will be built to private road, not Town road, specifications and part of the duties of the homeowners' association will be to take care of snowplowing. As far as anybody's lawn being cut she does not know any place in the County where the municipality cuts individual homeowners' lawns.

She said she understood what they meant by teaching their children to work hard. We all have done that. She said as far as not building as you should if you think that we're not building as we should then your responsibility is to come out like you're doing tonight and complain to the Town.

Mrs. Bernard said as far as the noise is concerned, one of the things that absorbs noise and was pointed out is trees but do you want the trees and the undergrowth and the snakes in this area rather than homes. The buffer zone is the 50 feet all around that is required by the Town on which trees can be planted that will look decent.

Mrs. Bernard said someone said that the pictures of the Condominium in Florida is in Jupiter Beach, Florida. She

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said when they were there in March they were looking at condominiums and that is one of the ones they were looking at. She said it is not a project but a condominium development. She said as far as children breaking windows, children break windows all over. These are things that happen in every area.

Mrs. Bernard said the upgrade of Second Avenue has upgraded the people living there. They are not all wonderful people but a great many of them are and she submits that the upgrading of this area will also help the neighborhood.

Appearance: Mr. Kelly Bernard
Spring Valley, New York

Mr. Bernard said he wanted to clarify one thing about the exit (here referring to the map). He said this is an emergency exit which is required. It will be fenced. The fence will be locked and the key will be with the Fire Department and the Emergency Services. There is no possibility of people coursing through here. He said he knows the people don't want a development but you say buy something in Chestnut Ridge - let somebody else buy this. If somebody else buys this they will not let it lie fallow. This is property for which taxes have to be paid which somebody has to own and somebody will have to do something with. He said we are proposing this because they think it will be good for Clarkstown and it will not harm the people on this side in Forest Brook. To get from Lynnbrook Road to here (referring to map) you have to travel a mile and a half around Pascack Road and Lawrence Street and up Second Avenue by car. There is no other connection at the moment. By abandoning the roads we are going to make sure that there will never be a connection ever between here and there. He said somebody pointed out that between Second Avenue and Lynn Court there may be a danger in the future that somebody developing this area will build a road there. He said they can't do anything about it because we don't own either side of Ben Wild Road. Otherwise, they would like to see this abandoned too. He said if you want to abandon it, maybe you could make an application to the Town Board to abandon this part of Ben Wild Road. They would like to see it abandoned.

Mr. Bernard said there is at the moment no connection between Forest Brook Estates and Spring Valley as far as community is concerned. He said he knows they are in proximity and you think of this as a buffer zone and at the moment it is. However, it cannot stay there forever. He said this is an emotional issue as far as you're concerned and also as far as he is concerned. He said he has been up on the Hill working there and improving properties for the last 20 years. Everytime he got into a property the neighbors got upset because they were happy with the mess that was next to them and they didn't know what I was going to do. He said I can tell you and the people who know me and know my work will tell you that in every case I have improved the area. I maintained what there was and improved it.

Mr. Bernard said you had to work hard to get a \$140,000.00 or \$150,000.00 to buy your homes in Forest Brook Estates. He said maybe if you had a chance to buy something for \$100,000.00 you would have moved up here earlier, saved some more and then maybe upgraded later on. He said you are terrified who your neighbors would be. He said we are going to fence this area and make sure that the neighbors do not come in here. By improving this area, the other areas will be improved. The people in the low income apartments will also see that there is something better for them and then maybe they

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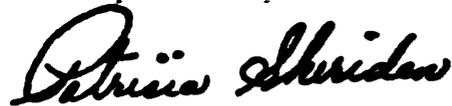
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want to improve their life but they certainly will not go across where there are people living who bought their own houses and go into Forest Brooks Estate and make your life worse.

Mr. Bernard said on the other side of Pascack Road there is the Hamlets. They have developments exactly of this type in an RG-2 zone and they haven't got 50 there; they haven't got 150 there; they've got 250 or even more but are they putting your property values down? He said he would appeal to the Town Board to grant us this variance.

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: 10:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. 771-1992 DENYING ZONE CHANGE ADOPTED
(Resolution No. 772-1992 Granting Planning Board 90 day
Extension to Make Recommendations Concerning Abandonment
of Roads)